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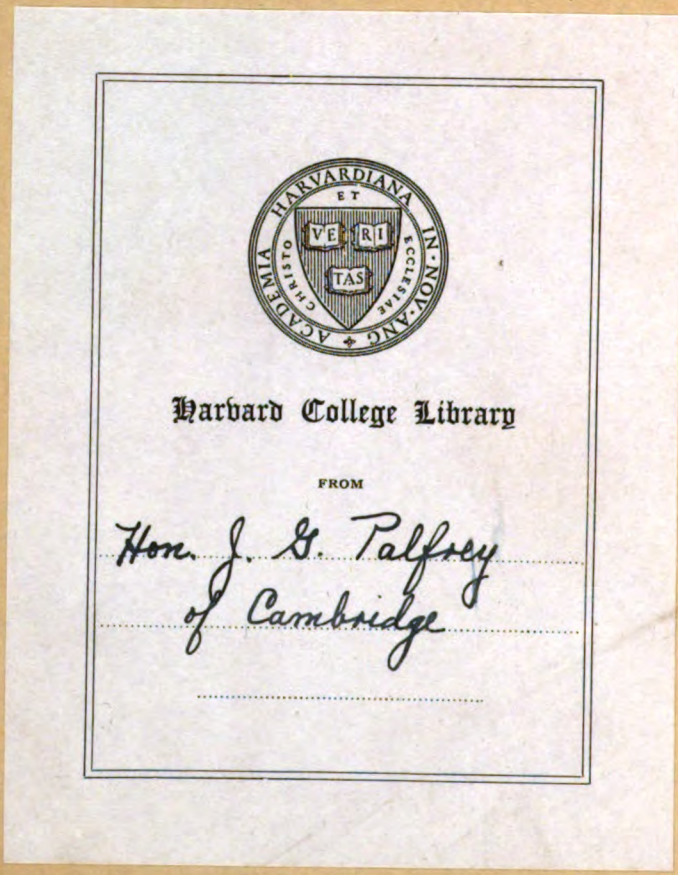

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LEGISLATURE

La. Doc. 1.10

OF THE

STATE OF LOUISIANA.

DEBATES IN THE SENATE.

SESSION OF 1853.

NEW-ORLEANS:
PRINTED BY EMILE LA SERE, STATE PRINTER.

1853.

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F. 204.

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OFFICIAL REPORTS

OF THE

SENATE

OF THE

STATE OF LOUISIANA.

TUESDAY, Jan. 25.

The Senate met pursuant to adjournment.

After the reading of the minutes, the report of the Managers of the Citizens' Bank was laid before the Senate. Mr. Kenner moved to dispense with the reading of the report as it was rather long, and contained many figures and statistics which could not well be understood except through careful perusal.—But inasmuch as the report was in relation to a subject which was of great interest to a large number of his constituents, he moved that five hundred copies be printed for the use of the Senate.

He also moved that in addition to the usual number of standing committees, another be appointed, to be called the "Committee on Banks and Banking," and that this report be referred to the said committee.

NOTICES OF BILLS.

Mr. Clifton. An act making an appropriation out of the swamp land fund for the purpose of rebuilding Grande Levee in the parish of Pointe Coupeé.

Mr. McCay. An act to repeal the homestead law.

Mr. Evans. An act for the emancipation of Judson A. Howerton, a minor, in the parish of Bienville.

Mr. Short. A bill to amend the act to organize a levee district in the parishes of Madison, Carroll and Catahoula.

A bill to appropriate a portion of the land fund to the completion of the Levee at Point Lookout in Carroll parish.

Mr. Hodge. An act relative to the proscription of judgments.

An act to annul certain entries of lands under the act of March 17th, 1852, which had been previously entered in the land offices of the United States.

BILLS INTRODUCED.

Mr. Lacey stated that in accordance with notice given by him, he would now introduce several bills. While the Secretary was engaged in reading them,

Mr. Short rose to say that he thought Senators would derive very little information to the objects of the bills from simply hearing them read, and that a more proper course would be to refer them to appropriate committees. The thirty-third rule made it incumbent on the presiding officer to appoint standing committees on the first or second day of the session. He thought that these bills ought to be referred to the special committees, and then reported on, when every gentleman might be enabled to form a correct opinion on their merits.

Mr. Wickliffe remarked that the usual course was to read the bills first and refer them afterwards.

Mr. Kenner thought the President of the Senate had scarcely had time to decide on the committees yet.

Mr. Short moved that the rules be dispensed with, and the bills be read once by their titles.

The motion prevailed and the bills were read by their titles.

Mr. Kenner moved a dispensation of the rules, to enable him to introduce a bill to place the money belonging to the school fund in the State Treasury instead of suffering it to remain, as at present, under the control of the State Superintendent of Public Education.

The bill also authorizes the Treasurer to pay warrants in favor of school teachers, issued by the State Superintendent, and audited by the proper officer.

Mr. Kenner explained his object in introducing this bill. He said that in the general appropriation bill of the last session, there was a certain section which was susceptible of misconstruction and misapplication. Under that section, a large amount of money belonging to the School fund is now in the bank in this city, without security of any kind, and subject to the order of the State Superintendent of Public Education. The law provided that of the $240,000 composing the School Fund, one-fourth should be paid each quarter to the State Superintendent; and under that law about $60,000 were now subject to the order of Col. Nicholas. The money ought to be placed in the State Treasury; and his only object in introducing this bill was to effect that, and to prevent difficulty arising from the false construction which the law of last year bears.

Mr. Wickliffe thought that the construction of the law alluded to by Mr. Kenner was in every respect false, and never intended to be placed on it by the Senate.

Mr. Kenner observed that the law, as it reads, warrants the erroneous construction to which he referred. He read the section in question, and contended that it fully warranted the construction placed on it, although the Legislature had never intended it.

Mr. Lacey asked if the State Superintendent gave no security? In that case, he thought the money ought to go into the Treasury.

Mr. King rose for information. Other Senators were more familiar than he, with the operation and effect of laws of this kind, and he would like to know in what manner this would operate. He merely wished to have light on the subject. It appeared to him that the words of the bill simply authorized the State Superintendent to draw warrants in favor of school teachers. He wished to know whether that officer drew warrants of no other kind. If so, he would like the words of the bill to be more explicit.

Mr. Kenner had no objection, if the words of the bill were not explicit enough, to alter the phraseology so as to meet the views of any other gentleman.

ORDER OF THE DAY.

The resolution granting enre compensation to J. B. Walton, Secretary, and Jules Cassard, Assistant Secretary of the Senate, was taken up, and, on motion of Mr. Griffin, laid over, subject to call.

Mr. Kittridge introduced a joint resolution instructing our Senators, and requesting our representatives

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in Congress, to endeavor to obtain an appropriation for removing certain obstructions in Bayou Lafourche, which had been placed therein by persons acting under the authority of the United States.

The rules were dispensed with, the resolution read three times, passed, and sent to the House.

MESSAGE FROM THE HOUSE.

Mr. Kennedy, Clerk of the House, informed the Senate of the concurrence of the House in the act to place certain School funds in the State Treasury.

He also requested the concurrence of the Senate in the House bill to provide for the expenses of the General Assembly.

The rules were, on motion, dispensed with, the bill read three times and passed.

Mr. Rivers gave notice of his intention to introduce a bill amending the act in force in regard to rhe State Printing.

The Senate then went into executive session, and, immediately afterwards, adjourned.

WEDNESDAY, Jan. 26, 1853.

SENATE.

The Senate met, pursuant to adjournment—26 Senators present.

After the reading of the minutes, the President laid before the Senate the list of the Standing Committees, which was read by the Secretary, as follows:

STANDING COMMITTEES OF THE SENATE.

Judiciary—Messrs. Lacy, King, Short, Nicholls, and Hodge.

Commerce and Manufactures—Messrs. Derbes, Neal and Martin.

Federal Relations—Messrs. McKay, Wickliffe and Burthe.

Penitentiary—Messrs. Lacoste, Short and Rivers.

Militia—Messrs. Lewis, Martin and Lacoste.

Finance—Messrs. Clifton, Kenner, McKay, Palfrey and Griffin.

Charitable Institutions—Messrs. Patterson, Lacoste and Kittridge.

Amendments of the Constitution—Messrs. Mouton, Lacy and Todd,

Parochial Affairs—Messrs. Griffin, Hodge, Boatner, Taylor and Millard.

Lands and Levees—Messrs. Short, Theriot, Millard, Rivers and Slack.

Banks and Banking—Messrs. Kenner, Clifton, Lewis, Palfrey and Wickliffe.

Contingent Expenses—Messrs. Kemp, Burthe and Mouton.

Elections—Messrs. Boatner, Dupre and McKay.

Claims—Messrs. Miller, Taylor and Derbes.

Unfinished Business—Messrs. Neal, Patterson and Slack.

Education—Messrs. Wickliffe, Lewis, Evans, Lauve and Smith.

Internal Improvements—Messrs. King, Griffin, Todd, Kittridge and Kemp.

Mr. Palfrey rose to present a resolution instructing our Senators. and requesting our Representatives in Congress, to endeavor to procure an appropriation for clearing out and staking off channels in Vermillion, Atchafalaya and Cote Blanche Bays, and for placing buoys therein; for building a light house on Raccoon Point; and for removing the Customhouse of the Teche district from Franklin in the Parish of St. Mary, to Pattersonville, in the same Parish

Mr. Palfrey said that before submitting the resolution to the Senate, he would like, with leave, to make a few remarks on the subject, as it was one of great importance to a large section of the State. The Atchafalaya is the channel through which the commerce and products of a rich and productive section of the State finds its way to the sea. By the laws of the United States, this section is called the Teche District. Its custom-house is located at the town of Franklin, situated on Bayou Teche. The trade of this region is already great, and exhibits a large and progressive increase.

The number of entrances at the port of Franklin, amounts to 200 annually, and the exports of sugar reach from 30,000 to 35,000 hhds. But its prosperity is checked, and its commerce interrupted, by the difficult navigation of the Bay, which is impeded by shoals and other obstructions. These difficulties are increased by the pilots, who are in the habit of shifting the stakes which mark out the course of the channel—thus perplexing navigators, and subjecting vessels entering the bays to the payment of full pilotage, which otherwise might be avoided

It is proposed to construct a railroad, which is to cross the Atchafalaya at a point where it widens into a lake; and here, no doubt, at no distant day, a town will arise, which will be the depot of that region, and the point whence will be shipped a vast amount of produce.

The construction of a lighthouse on Raccon Point is also an absolute necessity, and demands the attention of Congress. It is, to the navigator coasting the shores of Louisiana, a place of great importance, being the last point of land visible on the course generally taken from New Orleans to Galveston. It is, as it were a new point of departure for vessels engaged in that trade. It is also directly on the course of vessels bound from the bays, before mentioned, to New Orleans, and other ports. From these facts it will be seen that Raccoon Point is a place of great importance to the navigating interest, and no one can doubt that a lighthouse should be constructed upon it.

In regard to removing the Customhouse of the Teche District from Franklin to Pattersonville, he would also say a few words. As he had before said, the commerce and navigation of the port is already very extensive, Franklin is the site of the customhouse at present, and vessels frequently experience difficulty in reaching there. Masters of vessels are frequently obliged to make a journey into the interior of 18 miles, to enter and clear their vessels. It is obvious, therefore, that Franklin is too far from the sea to be the port of the District. Pattersonville is 18 miles farther down, and being very near the sea coast, is certainly the most eligible locality for the customhouse. There is no more reason that it should remain at Franklin than that the Customhouse of New Orleans should be situated at Donaldsonville.

Mr. Palfrey moved that the rules be suspended and the bill pass to its second and third readings.

The rules were suspended, the bill read three times and passed.

BILLS INTRODUCED.

Mr. Wickliffe. An act to emancipate Murdock Marion Shaw. Read twice by its title, and referred to the Judiciary Committee.

An act to emancipate Laura Ann Ruff. Judiciary Committee.

Mr. Evans. An act emancipating Judson J. Overton.

Mr. Derbes gave notice of his intention to introduce a bill authorizing Justices of the Peace to appoint Curators *ad lites* in certain cases.

Mr. Griffin moved to increase the Committee on Public Lands and Levees by the addition of two members.

The Senate then went into executive session, and immediately adjourned.

THURSDAY, January 27, 1853.

The Senate met pursuant to adjournment.

The President announced the names of Messrs Griffin and Kenner, as additional members of the committee on lands and levees.

A message was received from the House, stating that the Speaker had signed the bill authorizing the Governor to employ a special messenger; also asking the signature of the President of the Senate to the bill appropriating $50,000 to paying the expenses of the General Assembly.

The report of the Superintendent of Public Education, was read as follows:

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REPORT
Of the State Superintendent of Public Education.

To the Honorable the members of the General Assembly of the State of Louisiana:

It is my duty to present to the Legislatu,e a statement, showing the condition of the Schools and the funds provided for their support. The Act of the last session brought great confusion and embarrassment upon the whole system. Abolishing the office of Parish Superintendent, and requiring the duties hitherto performed by him to devolve on the District Directors, at once removed the most efficient agents through whom this office operated, and substituted others entirely unknown to it. The first duty under the new law was to learn who the directors in the several School Districts were. The obtaining this information involved a considerable loss of time. It was only to be obtained from the late Parish Superintendents, who had, very much to the dissatisfaction of many of them, been just legislated out of office. Letters were promptly addressed to all of them; but although the desired information was received from most of them, yet our tardy and uncertain mails brought them in very slowly, and after the lapse of considerable time. Had the law not been hurried into operation so speedily, but the superintendents been permitted to serve out the first year of their term of service, the people in the districts would have been enabled at the September elections, to select directors, with a view to the performance of the new and important duties imposed on them. Had such a prospective operatinn been given the law, it would have taken the place of the old without a jar, and all would have worked hermoniously.

It is believed that had the Superintendents been retained in office till the expiration of their first year, they could have been brought more generally to a settlement of their accounts, as required by the law, than has been done.

Under the interpretation given the two acts in relation to Parish Superintendents, those who were in office at their passage have been required to settle their accounts, or so much as had accrued since their last election, at this office—all accounts prior to that time were settled with the Recorders of the parishes. The vouchers of all such as settled here, were carefully examined, rejecting such as were not authorized by law. They are now on file in this office. Such as were obtained for building, purchasing, renting or furnishing School Houses, were rejected as not warranted by the law prior to the act of last session.—There is, however, much reason to believe that such expenditures of the school moneys have been made and recognized in the settlements with some of the Recorders.

Such a mass of duty was thrown upon this office by the late act, in receiving and paying out the School money, and keeping accounts with the several school districts—amounting to between seven and eight hundred—and also with each of the parishes, that it was, perhaps, physically impossible for any one man to perform it. The Legislature having directed the work to be done, without providing for the employment of a clerk, or appropriating one dollar for the contingent expenses that the office must necessarily incur, there was no alternative between applying so much of the school money as was necessary for these purposes, or to let the work remain undone. I deemed it my duty to apply the necessary means for carrying out the express will of the Legislature. My office was entirely without furniture—not a place to keep papers either in order or securely; new books were to be purchased to open the numerous and complicated accounts required by the law to be kept. I determined to employ a clerk at a very low salary—entirely too much so to command the services of one capable of discharging the duties. Very little conversant or practised in the art of book-keeping, and under the constant apprehension of errors, so liable to be committed by inexperienced accountants, my time has been so fully occupied with duties more properly belonging to the Auditor and Treasurer, as not to be able to give the requisite attention to the duties proper of the office. With all the care and diligence that it was in my power to bestow, errors may have crept in, although I am not aware of any. With duties as onerous as any office in the State House—with probably as heady demands for postage, printing and furniture as any other—my expenditure for clerk hire and contingencies will probably not much, if at all, exceed the hals of what is allowed to some of them for contingencies alone.

I have deeply felt the responsibility of taking and applying any portion ef the school funds to these purposes, without the express authority of law, but it was absolutely necessary, or the whole system would have been suspended. It is proper to add, that it produced no embarrassment to the schools, that the full amount due each district was apportioned to it, and warrants drawn by its authorized agents were always promptly paid to the extent of the funds for which it was entitled to draw.

Every part of the late law in relation to the fiscal operations of this office, calls for revision. The paying out of the school money should be restored to the regular accounting officers of the Treasury. In that department competent clerks are employed conversant with accounts, and they have adequate checks to guard against errors or mistakes.

But one of the most important restorations would be that of Parochial Treasurers. Whether this might be best done by reviving the office of Parish Superintendent, or assigning the duty to some officer,—is a question of no little importance. I still am of opinion that Parish Superintendents, under judicious restrictions, would give great efficiency to the system of Free Schools. I have thought that the Sheriffs might be made convenient Parish Treasurers.

Notices were given of a large number of public and private bills, which will be introduced hereafter

A communication was received from the Adjutant General, which was referred to the Committee on the Militia.

Mr. Parham, Chairman of the Committee to whom was referred the resolution of Mr. Theard, giving extra compensation to Messrs. Layet, Solomon and Marshall, made an adverse report.

Mr. Theard, of the minority, made a favorable report.

Mr. Parham. Before the vote is taken, I wish to say a few words touching the report of the majority. As the amount asked was for extra services, our first inquiry was, whether any extra services had been performed? We could not perceive that gny work had been done for which payment had not been made, and have reported upon this and other facts. This is not the time, when the Treasury is empty, to make donations of public money.

I will be told there are precedents for such a course—that whig and democratic legislatures have granted such demands or requests as this, baseless as it is. Sir, precedent is not law—precedents have no weight with me, when they run counter to the plain dictates of common sense, and that equal and exact justice which should be extended to every man. I find that by a law of 1852, the chief clerk of the House received $2,000 for sixty days services; which is $30 per day; the minute clerk $1,000 for the same service, which is $16 per day; the sergeant-at-arms $900, which is $15 per day. This, I think pretty fair pay; but we are now asked to add to this aggregate amount $1,200, for what reason, I have yet to learn Do this, and there will be an entering wedge for all subsequent donations of this kind. Officers of our House, whose salaries are fixed by law, will make similar request,

They might be made to retain the poll tax collected by them respectively, and to that extent pay warrants in favor of teachers after the warrants have been audited and approved here. Such warrants, in the hands of the Sheriffs, to be taken as so much money at the Treasury. The Parish's pro rata share of the remaining two-thirds of the Mill Tax collected throughout the State, might readily be settled through the Sheriff. There is so much well-grounded complaint on the part of the teachers, of the difficulty and expense of obtaining their pay. that it makes it desirable to give every facility compatible with the efficient working of the system.

There will accompany this a statement of the amount apportioned to each parish, the amount paid out, and the amount unpaid; also, the amount of

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School money on deposit in the Branch Bank in this place

You will also find a statement of the amount paid into the Treasury by the Superintendents who have settled their accounts in this office.

From it, large sums appear to have been in their hands, although there was a very general complaint of the want of money for the support of Fre Schools. No doubt all this would have been corrected by requiring short periodical settlements. It is, no doubt, equally certain that they would have been more efficient officers, had they been amenable to any one for the faithful performance of their duty,

The money thus paid into the Treasury has been the source of much dissatisfaction among teachers and directors. It was seen that the law directed that it should be passed to the credit of the parishes respectively, and they could not understand why it should not be at once paid to them. But it appeared that there was no adequate appropriation for the purpose. Not anticipating that the amount to be paid in would prove so large, no doubt the Legislature considered the appropriation of the 29th January, 1852, sufficient. Such was my own impression, and seeing that the appropriation was for the express purpose "of paying the parishes of the State, and the city of New Orleans, the amount unpaid and accruing to them from collections of the last year." I doubted that such payments might be made under it. Such, however, was not the opinion of the Auditor, but the Attorney General concurring in the opinion with me, there was received in account of the moneys paid in by the ex-parish superintendent, on the 15th July, $11,294 21, it being all that remained of the appropriation of the 29th of January, unexpended.—This appropriation amounted to one hundred and thirty-eight thousand dollars, and out of it the apportionment for the quarter ending the 31st December, 1851, amounting to $88,820 44, was necessarily to be paid, but many parishes never claimed and did not receive any thing, which is of course due to them. It is not only important to those parishes who did not draw, or who have amounts due them from the money paid in by the ex-superintendents, that an early appropriation be made, that they may be aid. In the act of the 18th of March, has seemed to me that an injustice is done the School Districts, which was perhaps not intended. It directs that the money paid into the Treasury by the ex-superintendents should be entered to the credit of the parishes respectively, when it obviously, by the provisions of the previous acts, was vested in the districts. If it go to the parishes, it will be equally divided among the districts, and thus put the districts who had only a part or none of the money due them, on the same footing with those who had drawn all they were entitled to. I can hardly think the Legislature intended this, and earnestly hope the act may be amended in this particular.

Before closing this report, I will offer a few suggestions that seem to me to be conducive to the advancement and efficiency of the Free Schools. One radical error is the multiplication of districts; The consequence is, that the money apportioned to a parish is so divided as to give an inadequate compensation to the teachers. One great object, perhaps the greatest, is to elevate the character of the teacher. A great means to effect this, would be the making his compensation such as to induce a continuance in his situation, and avoid the evil of perpetual changes. There should be more care in their selection. A board to be called "The Board of Instruction," should be formed in every parish, whose duty it should be to examine teachers, and give certificates when found worthy, but they should be expressly forbidden to give a certificate to the immoral, intemperate, or incapable. Such a Board might be well formed from the most capable and respectable of the teachers of the parish, and be required to meet at stated periods for the purposes indicated. None would be more interested in expelling from their profession the immoral, intemperate and ignorant who now disgrace it.

No doubt the most effectual mode of obtaining good teachers is through the instrumentality of a normal school. There is none such in the United States, and the only one on this continent is in Canada, the good effects of which are spoken of in the highest terms. One teacher so trained is said to be fully equal to two, who have not had the benefit of such instruction. The wants of the State would, perhaps not justify, nor render it necessary to incur the expenses of an institution exclusively devoted to this purpose.—But there can be no good reason why those who are educated at the public expense at Jackson, or for whose instruction the State may provide in other institutions, might not be required to be so taught as to initiate them in the art of teaching. Such a class annually introduced into the body of teachers, would soon render the schools efficient, and the office of teaching them respectable, thus saving the time of the youth, the money of the State, and elevating the entire population. Although there is no normal college in any of the States, there are many who have a certain number of their youth instructed with a view to their becoming teachers, and thus requiting the State for the benefit derived from their institution. The State of Louisiana has made, and no doubt will continue to do so, very liberal donations to her institutions of learning, and migh tvery fairly require of them similar service. The State of Virginia educates at her University, thirty-two meritorious young men, who are not themselves, and whose parents are not able to incur the expense. One is taken from each Senatorial district, and they attend for two years, at the end of which time others are appointed, and during that time are free of all expense of board, professors' fees, and University charges. By way of recompense for assistance thus offered, they are expected to teach some public or private school within the limits of the State, for two years after leaving the University.

Of all the agencies for the advancement of Free Schools, the various reports on education from other States seem to ascribe as much or more utility to the formation of teachers' Institute, than any other The teachers of each parish might for to such an Institute meet at stated periods within the parish, there to confer, compare their several modes of instruction and discipline. At such meetings lectures on education should be delivered by some one or more of their own body, or by any one else invited to do so, but especially by the State Superintendent, who ought most certainly to be again required to visit the schools. Such meetings should be public, and could not fail here as they have elsewhere to exercise the most happy influence, not only on the teachers themselves, but on the people of the parish in regard to the great cause of education. It would very much enlarge the benefits of such associations if the several parish institutes were to send a delegate from each to a central meeting to be held once a year at this place. Such a delegation would bring the most full and accurate information as to the condition of the schools and their wants all over the State. If such meeting were held during the session of the Legislature obvious advantages would result as well to the schools as to the teachers; as the most intelligent among them would probably be selected to attend the meeting Not only instructive lectures could be delivered by the members of the body, but by the distinguished gentlemen who are generally in attendance on the Legislature.

It is of great importance to the efficient discharge of the duties of this office, that provision be made for the employment in it of a competent clerk, who should be authorized to act as assistant during the occasional absence of the State Superintendent.

I am sorry to say that very few reports of the Schools have been received, and they of various dates, giving very little satisfactory information. It is very much to be doubted whether reports in the future can be counted on with more certainty. Perhaps if the average number of children who attend school were made the basis of distribution, and not the whole number resident in the district, it would give more security for their being made. Such a basis of distribution, it has been thought, would increase the attendance, and also remove the temptation to exaggerate the number of resident children of school age.

I submit herewith the opinion of the Attorney General in relation to the balances paid into the Treasury by the late Parish Superintendents.

ROBERT CARTER NICHOLAS,
State Superintendent Public Education.

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NAMES OF PARISHES.	Am't apportioned in MARCH.	Am't apportioned in JUNE.	Am't apportioned in SEPTEMBER.	Am't apportioned in DECEMBER.	Am't paid out of the apportionments.	Amt's unpaid of the apportionments.
Assumption,	351 12	941 64	686 28	2233 25	2587 33	1624 96
Ascension,	191 18	512 71	373 67	1399 56	1339 18	1137 94
Avoyelles,	217 58	583 51	725 27	1273 58	528 83	2273 11
Bossier,	1509 01	476 72	347 44	1130 45	247 36	3216 26
Bienville,	277 42	743 99	536 64	1312 89	216 72	2654 22
Claiborne,	1744 92	916 27	667 79	989 38	1883 41	2434 95
Caddo,	220 22	1448 92	850 21	948 42	1295 55	2172 22
Calcasieu,	154 00	432 47	310 89	793 35	1626 19	64 53
Caldwell,	106 48	285 56	293 74	468 47	296 30	857 95
Carroll,	110 22	295 59	649 69	1101 06	1253 35	903 21
Catahoula,	1293 67	619 79	724 94	464 00	1739 17	1363 83
Concordia,	65 34	175 23	127 71	989 22	105 00	1252 50
De Soto,	190 80	851 24	445 28	1356 17	732 32	2111 17
East Baton Rouge,	276 98	742 81	874 70	1832 73	3255 61	471 61,
East Feliciana,	218 46	585 87	428 99	1745 79	1016 33	1960 78
Franklin,	78 32	210 04	153 68	163 76	279 77	325 43
Iberville,	171 82	1460 79	635 83	1115 13	845 90	2537 67
Jackson,	208 56	559 32	407 64	1114 74	1088 54	1201 72
Jefferson,	444 62	2381 47	1384 21	1228 69	5853 99	
City of Lafayette,	717 86	1925 17	1403 09	1500 98	4046 12	1500 98
Freeport,	70 40	909 22	889 53	274 62	1148 78	906 04
Carrollton,	69 30	79 65	737 55	227 70	992 60	121 60
Lafayette,	220 00	590 00	430 00	1231 46	2525 26	
Lafourche Interior,	342 76	919 22	718 53	2043 46	1480 72	2543 25
Thibodeauxville	29 70	79 65	58 05	62 10		
Livingston,	216 48	403 56	294 12	801 87	735 82	980 21
Madison,	334 78	166 97	121 69	866 72	726 56	763 60
Morehouse,	120 78	321 91	236 07	808 34	653 12	833 08
Natchitoches,	318 12	853 14	621 68	1764 49	921 97	2835 56
Orleans, (Right Bank)	75 90	375 61	162 35	456 83	413 86	656 83
First Municipality,	1051 47	4439 20	2642 05	3547 28	8132 72	3547 28
Second "	1112 10	9689 67	7205 17	3437 39	17096 94	4437 39
Third "	1960 03	2156 07	2411 89	2466 82	6527 99	2465 82
Plaquemines,	121 88	280 84	204 68	984 22	66 20	1505 42
Pointe Coupée,	207 90	1557 55	406 35	1380 44	1773 64	1798 60
Rapides,	393 14	1054 33	3301 74	1150 55	3042 28	2857 48
Sabine,	204 60	543 39	399 90	1008 46	1152 50	1003 85
St. Bernard,	79 42	312 99	155 23	529 27	363 49	713 42
St. Charles,	114 38	156 94	58 52	613 49	359 29	584 04
St. Helena,	226 53	636 29	514 33	602 84	516 37	1483 62
St. James,	1203 94	576 43	1808 36	866 50	2177 36	1977 87
St. John the Baptist,	71 06	1208 11	302 72	868 80	1429 17	1021 52
St. Landry,	578 82	1552 29	1131 76	1210 72	653 06	3820 53
St. Martin,	262 24	758 15	1395 29	1057 43	2549 81	923 30
St. Mary,	196 99	1815 98	984 85	1800 28	1161 60	3636 41
St. Tammany,	156 42	457 84	351 74	905 19	787 00	1084 19
Tensas,	2177 52	132 16	96 32	854 67	532 54	2728 13
Terrebonne,	230 12	617 14	448 06	1506 61	1287 45	1514 48
Union,	313 50	946 36	689 72	1665 48	1507 01	2108 05
Vermillion,	168 08	413 00	328 52	351 44	828 98	432 06
Washington,	149 16	415 36	302 72	765 27	941 34	691 17
Washita,	138 60	371 70	270 90	908 64	654 87	1034 97
West Baton Rouge,	124 52	306 80	223 60	814 06	1049 55	420 03
West Feliciana,	1357 85	303 26	1221 02	637 16	2334 60	1185 69
Winn,	....	....	....	170 66	42 78	127 88

January 26. 1853. amount on deposite. in Branch Bank of Baton Rouge 80.260 33.

The amount paid to the several Parishes of money paid in by Parish Superintendents, is not included in the above statement.

Apportionment of 31st December, 1851, not drawn by Parish Superintendents.

Parish of Carroll	amount	not	drawn		$2.946 45
" **East Feliciana,**	"	"	"		2.555 93
" **Pointe Coupée,**	"	"	"		2.325 49
" **Sabine,**	"	"	"		1.966 06
" **Tensas,**	"	"	"		295 48
" **Vermillion**	"	"	"		1,162 00
" **West Feliciana,**	"	"	"		1.529 30
					$12.780 71

The report was, on motion, referred to the Committee on Public Education, and 200 copies ordered to be printed.

Mr. Wickliffe offered a resolution, providing that no committee have power to appoint a clerk till the consent of the Senate be received.

Mr. King offered a substitute excepting the Committees on the Judiciary, Finance, Internal Improvements, and Lands and Levees.

Mr. Wickliffe was opposed to the substitute. He did not think that every committee should have the power of appointing a clerk, but when any committee should come before the Senate, through its chairman, and ask for a clerk, as indispensably necessary for the performance of its duties, the Senate would always grant the request. He moved that the substitute be laid on the table indefinitely. The motion was carried, 15 to 14.

After some further debate, the resolution of Mr. Wickliffe amended by fixing the compensation of clerks of committees, at $4 per day was adopted.

On motion of Mr. King, it was resolved that the Committees on Internal Improvements, Judiciary, Finance, and Public Lands and Levees, be each authorized to employ a clerk, and that two more members be added to the Committee on Internal improvements.

On motion, Mr. Derbes was placed on the Committee on Enrollment, and Mr. Theriot on the Committee on Commerce and Agriculture.

PUBLIC PRINTING.

In accordance with previous notice, Mr. Rivers introduced a bill, entitled "an act to amend the third section of an act entitled an act in relation to the public printing."

The bill was read twice and referred to the Judiciary Committee.

Mr. Kenner offered the following resolution:

Whereas, it appears by the reports of the Auditor and State Treasurer, made to the two Houses of the General Assembly, that the ordinary current expenses of the State are greater than the ordinary current re-

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venue—thus causing an annual deficit of nearly one hundred thousand dollars unprovided for, except by loans—and whereas the sum of $300,000 of debts proper of the State, will have matured on or before the 1st June, 1857, and as it is a wise policy in all matters of finance to provide for the payment of a debt previous to its maturity, and if the payment is to be met by taxation, it is advisable that the taxes should be spread over a series of years. in order that the burden from its diffusion will not be grievous to the people:

Be it resolved, That the Standing Committee on Finance of the Senate, be instructed to report a bill or bills embracing such measures of retrenchment of the expenditures of the State as may be practicable. Also such reforms in the assessment of property and in the collection of revenue, and such increase in taxation on property and licenses as may be required to meet the current expenses and the debts proper of the State.

Mr. Kenner moved the suspension of the rules, and that the resolution be read a second and third time and passed.

Mr. Wickliffe moved that the resolution be referred to the Committee on Finance.

Mr. Kenner. Sir, in offering this resolution, I considered that I had a duty to perform. The time has come when it is absolutely necessary to do something to relieve the State from its pressing embarrassments. We must look forward to a time, and that not far distant, when the State will present to the world a spectacle of hopeless bankruptcy, or we must provide ways and means to meet the exigency. My only object in offering this resolution, is to devise some means by which the State may be enabled to adopt energetic measures to relieve itself from the impending bankruptcy which is hanging over it.

Mr. Lacey rose for information. He wished to know whether the effect of the resolution would be to compel the Senate to adopt any bill brought in by the Finance Committee, or whether the adoption of its suggestions would be optional with the Senate.

Mr. Kenner replied, that the effect would not be to compel the Senate to adopt the bill to be brought forward by the committee.

Mr. McCay thought that the whole subject belonged properly and exclusively to the Finance Committee, and he could see no use for the resolution, unless it were introduced for Buncombe. It was the duty of the Finance Committee to take such subjects into consideration, and no doubt that committee would, in due time, make a report in accordance with the views of the resolution.

Mr. Kenner. I am astonished, sir, to hear such remarks emanating from a Senator on this floor. When the gentleman has acted here for two or three months, he will discover what perhaps he does not now know, that I am as little disposed to cater to that feeling which is commonly called Buncombe, as any Senator in this body

My only object, sir, in offering this resolution is, as I before stated, to press upon the Senate, the necessity of adopting some measures to relieve the state from its embarrassments. The fact is now staring us in the face that the State is on the verge of bankruptcy. There can be no doubt of the fact. Why, sir, in the streets of this very town, the capitol of the State, we hear daily of judges of our courts, descending from the benches from which they administer justice, to sell warrants on the public treasury, at a discount, in order to realize their salaries. When we see such things as this, sir, can it be wondered that we should blush for the position which we occupy? For years, the current expenses of the State, have exceeded the revenues, and thus an annual deficit has occurred, which had to be provided for by loans. We have borrowed, and borrowed and paid interest on interest, till now no gentleman in this Senate, can tell how much interest we are paying. But, in addition to this, in order to reduce the excess of our expenditures we have been guilty of bad faith, in borrowing from different funds, donated to us by Congress, such as the school fund, the swamp land fund, &c., without allowing any interest, or making provision for repayment It is to devise some means to remedy this state of affairs and to restore the credit of the State, that I have offered the resolution, and yet I am met by insinuations of Buncombe, Buncombe, Buncombe.

If it is the duty of the Finance Committee to take the subject into consideration, is it not also the duty of the Senate?

I have adverted to the fact that we have borrowed at different times, from the funds donated to us. At this moment, as I am informed, there is a proposition before the other House, to borrow $50,000 from the swamp land fund. And to do what with it! Why, to put it into our own pockets. I insist, sir, that this is a legitimate subject for the consideration of the Senate, and I cannot see the propriety of referring it to the Committee on Finance. The object of the resolution is to instruct the committee to do a certain thing: why, then, refer it to that committee to report on itself?

Mr. Kenner moved a suspension of the rules which was granted, and the resolution was passed, only one Senator, Mr. Hodge, voting against it.

Mr Kennedy, clerk of the House, announced that the speaker had signed the bill to place certain school funds in the State Treasury.

NOTICES OF BILLS.

Mr. Wickliffe gave notice of his intention to introduce a bill making appropriations to the respective school districts of all moneys paid into the Treasury by the parish superintendents, in accordance with the 2d and 5th sections of the act of 1852, abolishing the office of parish superintendent.

Mr. Nichols. An act for the appointment of weighers of sugar and cotton, in and for the city of New Orleans.

Mr. Hodge gave notice of his intention to introduce a bill restricting the jurisdiction of the Supreme Court, in civil cases, to questions of law only.

BILLS INTRODUCED.

Agreeably to previous notice, Mr. McCay introduced a bill to repeal the homestead law.

The bill was referred to the Judiciary Committee.

Mr. Mouton. An act to emancipate Susan Littell, a minor, wife of Dr. Vincent Bouqui, of the parish of St. Landry.—Passed.

Mr. Kittredge. An act to emancipate Eliza Moran. Passed

Mr. Martin. A resolution directing the State Engineer to cause obstructions to be removed from bayous Pierre Pont and L'Ours.—Adopted.

Mr. Short. A resolution instructing the Treasurer to lay before the Senate, at as early a day as possible, a tabular statement of the amount received into the Treasury of the five per cent. proceeds of the public lands, under the fifth section of the act of Congress, approved February 16th, 1811, (revised statutes, page 19,) and what amount of said funds has been paid out for roads and levees, and what amount for other purposes; and also a statement of the amount paid for works of internal improvement since the creation of the internal improvement fund, under the act of 1833, (revised statutes, page 327,) and the objects to which it has been applied, and the amount paid for the expenses of the Board of Commissioners for internal improvements prior to the act of 1842, or prior to the time at which the internal improvement administration went into the hands of an Engineer, (revised statutes, page 327, section 388,) and the annual expenses of the management of the fund since the appointment of an Engineer.—Adopted.

A bill introduced by Mr. Palfrey, regulating the duties of Notaries, without the city of New Orleans, was referred to the Judiciary Committee.

The Senate then went into executive session, and immediately afterwards adjourned.

FRIDAY, Jan. 23, 1858.

Immediately after the reading of the minutes, Mr. Mouton, from the Committee on Contingent Expenses, made a report in regard to a quantity of stationery, for which a bill had been presented to the committee by Messrs. Corson & Armstrong, the stationery having been purchased by the Sergeant-at-Arms of the last session.

The Committee reported against paying the full amount of the bill, ($800.)

After a few discursive remarks from several Senators, the whole subject was referred back to the Committee, with authority to act as they might deem proper.

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Mr. Mouton offered a resolution prohibiting the Sergeant-at-arms from purchasing anything for the use of the Senate, without authority from the Committee.

The resolution was passed.

NEW ORLEANS AND RED RIVER TELEGRAPH COMPANY.

Mr. Lacey stated that, a few days ago, he had introduced a bill to incorporate the New Orleans, Red River and Texas Telegraph Company. The bill had been handed to him by a gentleman of New Orleans, and he had presented it without reading it over — Subsequently he had ascertained that the bill as it is drawn up is not worded in such a manner as to express the views of the author. He would therefore request leave to withdraw the bill, that the necessary corrections might be made.

Leave was granted.

MESSAGES FROM THE HOUSE.

Mr. Reinhart, Assistant Clerk of the House, informed the Senate that Mr. E Solomon had been appointed Chief Clerk of the House *pro tem.*, in place of Mr. Kennedy, who had obtained leave of absence.

Mr. Griffin, from a special committee, reported that he had examined the contingent expense account of the Treasury, and found it correct.

The resolution of Mr. Martin, prohibiting the introduction of wines or liquors into any of the anterooms of the Senate chamber, was taken up.

Mr. Martin moved its adoption.

Mr. Wickliffe said that he was glad to have an opportunity to express his concurrence in the principle of the resolution, though he thought that this year it would be superfluous. He was assured the Committee on Contingent Expenses were inflexibly opposed to the system of introducing wines and liquors, and paying for them out of the State Treasury, which had heretofore prevailed, and that it was determined not to make any allowance for the payment of such expenses.

Last year, there might have been some necessity for a resolution of this kind, as he would proceed to show, by reading from the report of the committee on contingent expenses of that session. From that document it appeared there had been paid to

E. J. Hart & Co. for sundries.....	$505,90
B. B. Hart, " "	593,75
A. W. Bell & Co, " "	200,00
Hiriart, Clerk, contingent expenses,	150,00
Hart & Co. for lamps, candles, &c.	394,63
Bonnecaze, for candles, tumblers, &c.	122,32
	$1966 60

From this statement, the Senate would see the necessity for the resolution, not that it would have any practical effect at this session, for, as he had said before, the committee on contingent expenses here, was dead against liquors, and the gentleman would find them go heart and hand with him in this matter, but it was necessary for a precedent for the future.

From the statement which he had read, the Senate would see that over $1900 had been expended last year, and in that amount, the liquor bills were included. He did not say that $1900 had been expended for liquor, but the liquor bills were covered up in it, and as the committee had not separated the items, he could not do so. Of course, therefore, he could not state the exact amount which had been expended for liquor, but Senators could imagine for themselves, from the statement, the sum which had been disbursed in this way by that Legislature of retrenchment and reform. At this session, the resolution would be practically useless, as the committee would not consent to any expenditures of that kind, but it was proper to let the people know what had been done at the last session. He hoped the resolution would pass.

Mr. Burthe said that the gentleman who had just spoken was under a mitake. That gentleman had come to him (Mr. Burthe) as Chairman of the Committee on contingent expenses, at the last session of the Senate, and asked him to point out the sums which had been expended for liquor. He replied that he was not able to do so, but referred the gentleman to the heads which included them, and by a reference to which he could satisfy himself on the point. If the gentleman had taken the trouble te go into the office and examine the vouchers, he could easily have ascertained the precise amount which was expended for liquors.

Nevertheless he would vote for the resolution of the gentleman from Assumption, as it was time to put an end to the grog-shop in the corner.

Mr. Wickliffe remarked that he did not assert that the whole amount of $1900 was expended for liquors. He had merely said that the liquor payments were covered up in that amount.

Mr Burthe said it was true they were covered up in it, but they did not reach anything like such a sum as that.

Mr. Lacoste was opposed to the resolution. He thought that the liquor bills of the Senators should not be charged to the State, but they could not deprive Senators of the individual right of having and keeping liquor for their own use. Another reason for opposing the resolution was that water drinkers were never good men.

Mr. Derbes offered a substitute instructing the Committee on contingent expenses not to allow anything for wines and liquors.

Mr. Mouton said there was no use for the substitute, inasmuch as the Committee were, to a man, opposed to allowing anything in payment for wines or liquors, and they could not be strengthened in their opposition by the resolution.

Mr. Martin moved to lay the substitute on the table and called for the yeas and nays.

Mr. Kenner could not vote to lay the substitute on the table as that would be consecrating the principle that they wished the committee to pay such bills.

Mr. Martin withdrew his call for the yeas and nays.

Mr. Derbes renewed the call.

The yeas and nays were taken and resulted in deciding that the substitute should not be laid on the table

Mr. Martin moved an amendment, prohibiting the Sergeant-at-Arms from permitting the introduction of liquors.

Mr. Griffin thought that the operation of such a resolution would be injurious to Senators of a dyspeptic temperament.

Mr. Martin would be willing to amend further, by permitting any Senator to exempt himself from the rule, on having his name recorded on the journal, when he might, if he liked, keep a bottle of liquor in his desk.

The amendment of Mr. Martin was laid on the table.

The adoption of the substitute was moved.

Mr. Kenner hoped that the Senate, in its cooler judgment, would not pass the resolution, as it would be a sort of reflection on the members of the committee, who had declared that they would not sanction any payment for liquors.

The substitute was then adopted by a motion of 20 yeas to 10 nays.

BILLS INTRODUCED.

Mr. Lacoste. An act to authorize William Bridges, and Elizabeth McBein, his wife, to adopt Minerva Jane Campbell. Passed.

Mr. Derbes. An act to amend the 3d section of an act, entitled an act, to provide for the sale of a portion of the swamp and overflowed lands granted to the State by act of Congress, approved 2d March, 1849, and 28th September, 1850, and to appropriate the proceeds thereof. Referred to the Judiciary Committee.

Mr. Short. An act entitled an act to confirm the sale of the land situated on Raccourci Cut-off. Passed.

BILLS FROM THE HOUSE.

Mr. Solomon requested the concurrence of the Senate in an act to borrow money to defray the expenses of the State. Finance Committee.

Also in a resolution requesting our Representatives, and instructing our Senators in Congress, to obtain a weekly mail from Wainsborough to the crossing of Boeuf River at Columbia Crossing. Passed.

Also, in an act making an appropriation of moneys paid into the State Treasury by the Parish Superintendents of Public Schools. Referred to the Committee on Public Education.

Mr. Solomon also reported that the House had concurred in the Senate resolution, relative to the removal of obstructions on Bayou Lafourche.

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GOVERNOR'S MESSAGE.

On motion of Mr, Wickliffe, the Governor's Message was made the order of the day for Friday, and 5000 copies of the same, and accompanying documents ordered to be printed.

BILLS APPROVED.

The Governor's special messenger informed the Senate that the Governor had signed the bill to place certain School funds in the State Treasury, and the resolution authorizing the Governor to appoint a special messenger.

The President of the Senate appointed Messrs. Dupré and Evans additional members of the Committee of Internal Improvements.

The Senate then went into Executive Session, and adjourned immediately on opening the doors.

MONDAY, Jan. 31, 1853.

The Senate met pursuant to adjournment; 23 Senators present.

NOTICES OF BILLS.

Mr. Todd. An act to provide for the trial of Recuse cases.

Mr. Burthe. An act to authorize Antoine Garantier and Adelaide Bonnere, his wife, of the parish of Jefferson, to adopt Edward Pierre Louis, son of Genevieve Bonnere.

Mr. Lacey introduced a resolution, which was passed, appropriating $300 to pay postage, as the Postmaster had given notice that otherwise he could deliver no more letters, he having had to pay the postage bills of the last session himself.

Mr. Wickliffe, from the Committee on Public Education, reported favorably on the bill appropriating to the public schools, the money paid into the Treasury by Parish Superintendents, under the act approved March 18th, 1852.

On motion, the rules were dispensed with, and the bill passed.

On motion of Mr. Lacey, his report on the contingent expenses of the office of Public Education, was referred to the appropriate committee.

The President then laid before the Senate, the following communication from the Secretary of State.

SECRETARY OF STATE'S OFFICE,
Baton Rouge, Jan. 31, 1853.

To the Hon. W. W. Farmer, President of the Senate:

Sir:—In compliance with a resolution adopted by the Senate, and transmitted to me, on the 28th inst. I submit the following statement of the number and character of the private corporations (other than religious, scientific and literary) organized under the acts of 1847 and 1848, setting forth the amount of capital of each, and when organized.

When Organized.	Amount of Capital.
Nov 23, 1848, Lafayette Theatre Company unlimited number of shares, not less than 100 shares, at $25 a share.	
May 21, 1849, Mutual Benefit Life and Fire Insurance Co.	$200,000
June 6, 1849, Merchants' Insurance Company.	200,000
July 21, 1849, Crescent Mutual Insurance Company.	115,700
Nov. 15, 1849, Merchants' and Planters' Insurance Company.	200,000
July 1st, 1850, Southern Mutual Life Insurance Co. of La.	200,000
Jan. 10, 1851, Attakapas and Mississippi Railroad Company.	200,000
April 30, 1851, Lafayette and Pontchartrain Railroad Co.	250,000
Aug. 2, 1852, Pelican Dry Dock Co. (amendment.)	75.000

Your obedient servant,
A. S. HERRON,
Secretary of State.

On motion, Mr. Nichols was placed on the Committee on Internal Improvements, in place of Mr. Dupré, who was excused from serving.

BILLS INTRODUCED.

Mr. Wickliffe—An act incorporating the New Orleans, Red River and Western Telegraph Company with its branches.

An act to organize and regulate the Treasury Department.

An act to organize and regulate the Department of Secretary of State.

An act regulating the office and duties of Attorney General.

An act to organize and regulate the office of Superintendent of Public Education. All referred to the Judiciary Committee.

An act granting an extension of time for application and payment of the Swamp and Overflowed Lands in Livingston Parish.

An act establishing a general depot for runaway slaves, and directing the manner of disposing of the same.

An act authorizing the writ of mandamus to issue against police juries and municipal corporations.

An act authorizing the Mayor and Board of Select men of the city of Baton Rouge into two election precincts.

An act regulating the office and duties of the Commissioner of Courts.

Mr. Griffin. An act to establish the Seminary of Learning in the Parish of Rapides. Referred to the Committee on Education.

The Senate then went into executive session and adjourned immediately on the doors being opened.

TUESDAY, February 1st, 1853.

The Senate met pursuant to adjournment—25 Senators present.

Immediately after the reading of the minutes, Mr. Martin moved, in accordance with previous custom, to go into an election for a President *pro. tem.* The motion was carried.

Mr. Martin nominated Mr. Wickliffe.

There being no other nomination, Mr. Wickliffe was unanimously elected.

Mr. Clifton, from the Committee on Finance, to which had been referred the bill authorizing the Governor to borrow $100,000 to defray the expenses of the State, reported favorably, and moved that the bill be taken up

The bill was taken up, read a second and third time and passed without debate.

BILLS INTRODUCED.

Mr. Millard—An Act to authorize the Recorder of St. Landry parish to appoint a Collector of State taxes for the years 1851 and 1852.

Mr. Mouton—An Act for the relief of Alexander McDonald, of the parish of Vermillion.

An Act for the relief of Pierre Onizione Broussard.

Mr. Derbès—An Act for the relief of Thomas J. Burke.

An Act to repeal the Act exempting certain property held by the Commercial Bank of New Orleans, from taxation.

An Act to incorporate the President and Fellows of Louisiana College.

An Act granting jurisdiction to the Federal government over that part of any street or road running through the site proposed to be obtained by the General Government for a Navy Yard.

BILLS AND RESOLUTIONS INTRODUCED.

Mr. Martin—A Resolution, that the Senate on Wednesday, the 9th of February, proceed to the classification of Senators—passed.

Mr. Lacey—An Act relative to the education of State students in the several colleges, universities and seminaries of learning—Committee on Education.

Mr. Burthe—An Act to authorize Antoine Garantier, and his wife Adelaide Bonnere, to adopt Edward Pierre Donis, son of Genevieve Bonnere—Judiciary Committee.

Mr. Wickliffe—A Resolution requesting the Militia Committee to report a bill for the relief of the veterans of 1814 '15.

A Report from the Register of the Land Office was submitted.

On motion of Mr. Lacey, the Report was referred to the Committee on Lands and Levees and 500 copies ordered to be printed.

MESSAGES FROM THE HOUSE.

Bills concurred in.

An Act to emancipate Susan Little—with amendments.

An Act to emancipate Judson J. Howerton.

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The Clerk of the House also requested the concurrence of the Senate in the following bills:

An Act for the relief of Harrel McNeal.

An Act for the relief of Thomas C. Bickham.

An Act for the relief of Thomas D. Nix.

An Act to appropriate a certain sum of money to the payment of Assessors of taxes for 1852.

After going into Executive session, the Senate adjourned.

WEDNESDAY, FEBRUARY 2, 1853.

The Senate met pursuant to adjournment.

Immediately after the reading of the minutes, Mr. Clifton from the Finance Committee, to which was referred the bill appropriating a certain sum of money for the payment of assessors of taxes, for the year 1852, reported favorably, with a few amendments reducing the appropriation.

The bill provides that the payments should be taken from the funds of which the assessors are collectors, respectively.

Mr. Rivers wished to know why the money should be taken from these funds, specified in the bill.

Mr. Clifton said that it was a matter entirely regulated by law. He believed the bill was drawn up according to custom. The senator from Ascension could say whether this was the case or not.

Mr. Kenner replied that the collectors of the general fund must be paid from that fund, and the collectors of special funds from those funds respectively.

The report of the committee was adopted and the bill passed.

Mr. Clifton from the same committee reported a bill for the relief of Thomas C. Bickham, Sheriff of the parish of Washington.

He explained that the object of the bill was to pay to the Sheriff, the commissions due to him by law, which, together with the amount of his collections, he had paid into the hands of the Auditor, though not within the period prescribed by law. He was not in default, having paid up every dollar collected.

Mr. Hodge said that he was opposed to such bills as this on principle. The law imperatively requires that collectors should pay up their collections by a certain date. It requires certain duties of its public officers, which ought to be fulfilled. But as long as the Legislature allows relief to them, after having failed to comply with their obligations, they will never fulfil the requirements of the law. Consequently he should, on principle, record his vote against this bill, and call for the yeas and nays on its passage.

Mr. Boatner remarked that if the gentleman understood all the features of this case, he would not oppose the bill. The principle advocated by the gentleman was a correct one. But the circumstances of this case were such as to make it an exception. It was no fault of the person for whose relief the bill was introduced, that he had not made his returns in season. The fact was owing to a change in the law Under the law which was in existence last year, the collectors had given bonds to pay up their collections, prior to the 31st of December of each year. A subsequent law passed at the last session of the Legislature changed the time from December 31st to December 1st. Many of the collectors could not change their usual course this year, and they had acted in full conformity with ther bonds and obligations, although they had not paid up until a few days after the 1st of December, the time specified by the new law. They were not defaulters to any amount at all.

Mr. Burthe corroborated the statements of the Senator from Caldwell.

Mr. Hodge said that under these circumstances, he would withdraw his opposition and vote for the bill.

The bill was then passed.

The same gentleman, from the same committee, reported favorably on the bill for the relief of T. C. Nix collector of State Taxes for the Parish of Catahoula; also favorably on the bill for the relief of the late sheriff of the Parish of Rapides.

Both bills were passed.

Mr. Kenner, from the committee on Banks and Banking, made a report, accompanied by a Bill, changing the qualifications for Directors of the Citizens' Bank, by amending the 17th section of the charter, so as to make all persons eligible who are citizens of the State, and possess 50 shares of stock at the time of the election. The bill is to go into operation when the act is accepted by a majority of the Directors in number and amount.

The bill was read once and referred.

Mr. Lacey, on behalf of the Judiciary Committee, reported unfavorably on several bills for the emancipation of minors. The committee deemed it inexpedient to encourage special legislation of this kind, and could see nothing in the present cases justifying a deviation from the rule.

On motion of Mr. Griffin, the report was laid on the table, subject to call.

Mr. Palfrey introduced a bill making an appropriation for the payment of the arrearages due by the late State Constitutional Convention.

Mr. Palfrey explained that an appropriation of $25,000 had been made to defray the expenses of the Convention, but it was exhausted some time before the adjournment of the Convention. With all the economy possible, for it economised time, which is the same as money, the Convention could not make the appropriation hold out. It therefore became necessary to effect a loan, which was made in the name of the State. The obligation given was to the amount of $7000, and the total amount of deficit left by the Convention was something over $8000. It was to meet this amount of arrearages, still due, that he presented this bill.

Mr. Burthe wished to know whether the Senator desired to have the bill passed at once, or preferred its reference to a committee.

Mr Palfrey thought that the urgency of the case, and the nature of the debt, demanded the immediate passage of the bill.

So the bill was passed.

Mr. Slack offered a resolution instructing the State engineer to make a survey of bayou Plaquemines, and to report on the propriety of erecting works at the mouth of the said bayou, for the purpose of preventing the entrance of drift wood.

Mr. Short wished to know whether this would cause any expenditure from the internal improvement fund.

Mr. Martin said it would not.

Mr. Slack stated that works of the kind alluded to in the resolution had once been erected at the entrance of Bayou Plaquemines, but many years ago they were destroyed by fire. Since that time, serious inconvenience and damage to property had been occasioned by the loss of these works. The resolution merely suggested the propriety of rebuilding them, and thus removing the causes which annually produce so much injury. The drift wood which enters the bayou, accumulates in large quantities, and obstructs the flow of the water to the Gulf. Disastrous innundations are the result.

As the resolution contemplated nothing more than a mere report from the State engineer on the propriety of reconstructing the works in question, he hoped it would pass.

Mr. Short supposed that this would require some outlay from the internal improvement fund. In his section, they had heard a great deal of the internal improvement fund, but not a cent of it had ever reached them. Senators ought therefore to excuse them for showing some natural curiosity in looking into this matter, and for wishing to pick up some of the crumbs which fall so plentifully in other sections. Senators must therefore be repeated, really excuse them for desiring to know how this interesting internal improvement fund, of which not a solitary dollar had ever been seen in his section, was disposed of. They had heard of appropriations being made for bayou Plaquemines and bayou this and bayou that, but that was all they knew about it. They wanted now to know the cost of these things.

Mr. Slack said it was exactly for that purpose that he had introduced the resolution. Its object was to find out how much the proposed works would cost.

Mr. Short remarked that if it would require nothing but the regular salary of the State Engineer he would offer no opposition, but if it involved any encroachment on the Internal Improvement fund he would not consent to it.

Mr. Martin explained that the resolution did not touch the fund at all. It only required the State Engineer to perform a work within the strict line of his duty.

The resolution finally passed.

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UNITED STATES SENATOR.

Mr. Griffin offered a joint resolution to go into an election for United States Senator, on Friday, to fill the vacancy occasioned by the expiration of the term of S. W. Downs.

Mr. Martin would ask whether the Senator had given any notice of his intention to introduce such a resolution. The rules required that notice should be given, and he would hold the Senator to the rules.

Mr. Griffin was unaware of the existence of any such rule.

Mr. Martin replied that the joint resolution was in the nature of a bill. The Senator should know the rules as well as he. They required notice to be given, and he objected to the introduction of the resolution in this way.

The President decided that the resolution was out of order.

Mr. Griffin wished the rule in question to be pointed out He did not know of its existence.

Mr. Martin said that the President had already decided the resolution out of order, and he again objected to its introduction at present.

Mr. Griffin then gave notice that he should introduce the resolution to-morrow.

Mr. Hodge introduced a resolution, requiring the State Engineer to examine and report on the propriety and practicability of making a canal, with locks, around the falls of Red River, at Alexandria, of removing or improving said falls, and of the cost of such works as may be necessary.

The resolution passed.

Mr. Palfrey asked and obtained leave to introduce a bill entitled "an Act to authorize Banking in the State of Louisiana," which he moved should be referred to the committee on Banks and Banking.

Mr. Palfrey said that the bill he now presented was similar in every respect to one now before the other house, having for its object the establishment of what are called "Free Banks," and that in making this motion his object was to give time to the Committee on Banks and Banking to examine with the care and attention which the subject required, the bill which he now offered for the consideration of the Senate. It was a subject which involved important financial and banking details, and the bill, if enacted, would have for good or evil, a very sensible effect on the currency of the country. He did not wish it to be inferred, that in offering this bill he was in favor of its passage, or that he was pledged to its support. He had not examined the subject sufficiently as yet to be able to decide what course he would take upon it—and it was for the purpose of producing deliberation on its provisions in the Committee on Banks and Banking without loss of time, that he made his motion,—which was to refer the bill at once to that committee.

On motion of Mr. Palfrey, the bill was read twice and referred to the Committee on Banks and Banking.

Mr. McCay gave notice of his intention to introduce a bill for the cancelling of bonds given by public officers, and for the erasure of mortgages resulting from the recording of said bonds.

The same gentleman introduced a resolution providing for the appointment of a joint committee to examine the books of the Treasurer,

BILLS REFERRED.

Mr. Mouton—An act for the relief of Pierre Onezenie Broussard, late Parish Superintendent of the Parish of Vermillion. Judiciary Committee.

An act for the relief of Alexander McDonald, a resident of the Parish of Vermillion. Committee on Claims.

ORDER OF THE DAY.

A resolution for an application for a post-office at the French Settlement in the Parish of Livingston.—Passed.

On motion of Mr. Short, part of the report of the Register of the Land Office was referred to the Judiciary Committee.

On motion, the Senate adjourned.

THURSDAY, February 3.

The Senate met pursuant to adjournment.

After the reading of the minutes, Mr. Kenner asked and obtained leave to introduce, without notice, the following bill:

An act to prohibit the circulation of small notes.

Sec. 1. Be it enacted by the Senate and House of Representatives, in General Assembly convened, That from and after the promulgation of this act, it shall be unlawful for any individual or association of individuals, authorized or not authorized, to carry on the business of banking, or for any body politic or corporate within the State of Louisiana, to make, emit, issue, or cause to be issued, to pay out or receive in payment, any bill of credit, bank note or promissory note, or any other instrument of writing, to be used as money or as a circulating medium, in a less amount or of a less denomination than five dollars.

Sec. 2. Be it enacted, &c., That any individual or association of individuals, or bodies politic or corporate, violating the provisions of this act, shall forfeit for each and every offence, the sum of ten dollars, to be recovered, with costs of suit, in the name and for the use of any person who shall sue for the same, and prosecute such suit to judgment, before any court of competent jurisdiction.

Sec. 3. Be it enacted, &c., That the penalty inflicted by the second section of this act, shall not be enforced against any individual or individuals other than those issuing or causing to be issued said small notes, who shall pay out or receive in payment any note or notes as prohibited by the first section of this act, for and during the period of six months, after the promulgation thereof.

The bill was referred to the Committee on Banks and Banking.

Mr. Griffin having the floor, stated that he rose for the purpose of obtaining information on a certain subject. He had been appointed by the President a member of the Committee on Internal Improvements. He had attended the meeting of the committee at the hour for which it was called, and at that meeting an election for clerk of the committee was held, when Mr. Coco was duly elected by a majority of the members. He understood that some exception had been taken to this action of the committee, and he consequently desired information from the Senate as to the right of the committee to appoint its own clerk.

Mr. King said that he had himself intended to bring this subject to the notice of the Senate at a proper time, and with a view to this he had drawn up a report of the proceedings of that meeting, which he would read for the information of Senators, in order that they might know exactly what had been done at that meeting of the committee.

He then read the following report;

The Chairman of the Committee of Internal Improvements, in behalf of himself, begs leave to submit the following report:

The subject to which I wish to call the attention of the Senate will be found stated in the following copy of the proceedings of said committee.

"Committee of Internal Improvements, meeting Feb. 2d.

All the members of the committee present.

Mr. King, Chairman, informed the committee that he had employed on the 28th of January Mr. Louis Castera Clerk of the committee. That he had found it necessary to do so.

Mr. Griffin made the following motion:

"I move that Mr. Bienvenu Coco be elected Clerk of the Committee on Internal Improvements."

The chairman decided the motion was not in order, because by the resolution which had recently passed the Senate no committee should have the right to employ more than one clerk. That Mr. Louis Castera had been appointed clerk of the committee on the 28th ult., by the chairman, and was now the acting clerk of the committee. That until he was displaced there was no vacancy, and there could be no other clerk elected.

Mr. Griffin appealed from the decision of chair, which appeal was sustained.

Before the question was put to go into the election of a clerk, Mr Griffin moved to amend his motion by nominating Mr. Coco Clerk of the Committee"

At this stage of the proceedings I read over to the committee the foregoing record of the proceedings and called the attention of the members of the committee to the same. I understood the committee to assent to the correctness of the report.

I then informed the committee that I should protes

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against any further action on the part of the committee on the question and should report the proceedings to the Senate for their advice on the subject, whereupon I withdrew from the committee. I will further state that in making the appointment of Mr. Castera I acted in conformity with what I had understood to be the invariable usage upon the subject in both branches of the Legislature. That the chairman of the committee had always heretofore selected the clerk of the committee, and that such a proceeding as an election for a clerk in committee had been heretofore unknown.

Under the circumstances I have felt it my duty to refer the matter to the Senate, in order that it might be determined whether I have transcended the powers properly pertaining to the office of chairman.

Respectfully submitted,
WM. W. KING.

Mr Griffin objected to the report which had been read being received as the report of the Committee. It might be the report of the Chairman, but it was not the report of the Committee. He then read the following report from the majority of the Committee.

"Pursuant to previous notice the Committee on Internal Improvements met on the 2d of February 1853. The following members present: Messrs. King, Griffin, Todd, Kittridge, Kemp, Evans and Nicholls. The Committee being organized for business, the chairman, Mr. King, informed the Committee that he had appointed M. Louis Castera, Clerk of the Committee.

"Mr. Griffin then moved that Mr. Bienvenu Coco be elected Clerk of the Committee on Internal Improvements.

"Mr. Kittridge seconded the motion.

"The chair decided said motion out of order.

"Whereupon Mr. Griffin appealed from the decision of the chair, and upon the question being put by the chair, shall the decision of the Chair be sustained? Messrs. King, Kemp, Evans, voted yea: Messrs. Nicholls, Todd, Kittridge and Griffin voted nay. The appeal having been sustained and so announced, the chairman, Mr. King, withdrew without putting to vote the original resolution.

"Mr Nicholls, seconded by Mr Kittridge, nominated Mr. Kemp as chairman of the committee pro tem.

"Mr. Kemp having taken the chair, the vote was taken upon the original motion of Mr. Griffin—Whereupon Messrs. Nicholls, Todd, Kittridge, Griffin, voted for Mr. Coco, and Messrs. Evans and Kemp, at their request were excused from voting.

"The chairman pro tem, then announced Mr Coco as duly elected Clerk of the committee.

"The Committee then on motion adjourned.

[Signed] P. H. KEMP,
Chairman pro tem."

Mr. Wickliffe stated that he had listened with great attention to the two reports which had been made, one by the Chairman of the Committee on Internal Improvements, and the other by the Senator from Avoyelles, as an exculpation of himself from the dilemma in which he had been placed.

Mr. Griffin — Excuse me, sir; the report which I have read is not my own; it is the report of the Committee, and as such I presented it. I do not offer it as an exculpation of myself; I am simply the medium through which the Committee reports its action to the Senate.

Mr. Wickliffe. Then, sir, the report ought to have been offered and read by the temporary chairman of the Committee, (Mr. Kemp,) but, at the request of the gentleman, I will correct myself. I will say, then, that I have listened with great attention to the two reports presented—one by the chairman of the committee, and the other by the Senator from Avoyelles, acting in behalf of the majority, and in justification of his course. From these reports I learn that the President of the Committee on Internal Improvements, in the exercise of an established privilege, had appointed a clerk; that the Senator from Avoyelles, and other members of the committee, wished another gentleman appointed; and that, after the appointment of a clerk by the chairman of the committee, the Senator from Avoyelles, in conjunction with the gentlemen on the other side, had proceeded to elect another clerk—thereby violating an established usage and express resolution of the Senate, which declared that no committee shall have more than one clerk. The action of the chairman of the committee was legitimate and regular, and ought to be sustained by the Senate.

Mr Hodge wished to say a few words on this subject. It was one which involved a serious question—the right of committees to appoint their own clerks, or the right of the chairman to make the appointment in opposition to the known and expressed wishes of the majority. The question was no longer, in his opinion, open. It had already been decided by the Senate itself. He (Mr. Hodge) had, on a previous day, introduced a resolution to permit chairmen of committees to appoint clerks whenever they considered it expedient to do so. That resolution had been rejected—and thus the Senate had expressly refused to grant the power claimed by the chairman of the committee on Internal Improvements.

Mr. Griffin assented to the remarks of the Senator from De Soto.

Mr. Wickliffe thought there was a mistake. He did not recollect any such resolution having been acted on.

Mr. King thought the gentleman had mistaken the case, and called for the reading of that part of the Journal referring to the subject.

The Secretary read the portion alluded to.

Mr. Rivers thought that this subject had already caused much unnecessary debate, and was likely to produce much more, unless soon settled. In order, therefore, to calm the troubled waters, he would offer a resolution referring the whole subject back to the committee, with instructions to select its own clerk.

Mr. Rivers subsequently withdrew this resolution.

Mr. Wickliffe offered a resolution, which he afterwards withdrew, authorizing the committee to appoint its clerk when it shall agree unanimously.

After some further remarks

Mr. King rose and stated, that in making the appointment to which a portion of the committee had taken exceptions, he had not acted unadvisedly. Being a new member, he had endeavored, before making any appointment, to satisfy his own mind on the point—and he had acted not on his own ideas, but on the experience of others. Among those with whom he had consulted, was the Senator from Ascension. That gentleman had told him that the right to appoint the clerks of committees had, by custom, been yielded to the chairman. Subsequently the Senator had called on him, and in the course of conversation on the subject, stated that he had never known a case of disagreement, on a point of this kind, between a committee and its chairman, and he could not, therefore, say what had been the custom in such an emergency.

He (Mr. King) had also consulted Mr. Moise, Mr. J. E. King, and many old members of the Legislature in both branches and of both parties, and they all concurred in saying that it was customary for chairmen of committees to appoint clerks. Every chairman in this House had appointed his clerk, at this session. He himself was a member of another committee of which the members, by common accord, had conceded to the chairman the right of appointment. The Chairman of the Finance Committee had appointed the clerk to that committee, and the Chairman of the Committee on Lands and Levees had done the same, and to show the manner in which it was effected he would read the mandate of appointment used on that occasion: "I have appointed Mr. Edwin Floyd clerk of the Committee on Lands and Levees.

H. SHORT, Chairman.

Mr. Floyd has since been acting on that appointment, and in accordance with it, expects to draw his salary as clerk.

He (Mr. King) in appointing Mr. Castera, had acted in the same manner as the other chairmen. He had only exercised a right always, hitherto, conceded to them. If the Senate desired to take away that right, it should have done so by means of some rule or resolution declaratory of its purpose, but under the circumstances, he did not wish to be charged by the Senate as having transcended his powers, a charge which would be implied in a refusal to recognize his appointment of a clerk.

Mr. Wickliffe offered the following resolution:

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Resolved: That the action of the Chairman of the Committee on Internal Improvements, in the appointment of a clerk, was in accordance with the usual established custom of the Senate.

Mr. Griffin did not exactly comprehend the drift of the gentleman's resolution, in fact he did not think the gentleman himself understood it.

Mr. Wickliffe replied that he was not in the habit of voting in the dark, or of offering resolutions which he did not understand. When he needed information on this or any other subject, from the Senator from Avoyelles, he would call on him.

Mr. Todd said, that being a member of the Committee of Internal improvements, he felt it necessary to submit his views in regard to the matter under discussion.

It had been contended that the chairman acted in accordance with usage in appointing a clerk to the committee—even admitting this to be so, usage did not make law. But he apprehended that upon investigation it would be found that the usage extended only this far, that the chairman makes the appointment with the concurrence of the members of the committee, and after consultation with them. It is perhaps the custom of the chairman to designate some one to act as clerk of the committee; if the committee ratify the choice of the chairman, either expressly or by their silence, then the person so designated acts as clerk of the committee; the appointment only vests after such subsequent ratification, but if the committee on meeting should resolve to go into an election, then they expressly repudiate the choice of the chairman, and his power in the matter ends. So far from usage sanctioning the course pursued by the chairman of this committee, he apprehended that it would be found to be the *first* instance that a chairman ever undertook to appoint a clerk in opposition to the wishes of a majority of the committee.

No right could be clearer than that of a standing committee to elect their clerk. It is conceded that a committee has a right to elect even its chairman, although such chairman has been appointed by the President of the Senate, and if such be the case, how can it be denied that the committee has a right to elect its clerk? The powers of the committee in making appointments of this kind are somewhat analogous to the powers of the Senate. The President of the Senate has the right by courtesy to appoint the different committees, but the Senate, if they choose, can deprive him of this right and exercise it themselves, and we have a recent instance of this having been done.

To deny then, the right of the committee to elect their clerk, would be to establish an odious principle; it would be to say in effect, that this was an isolated case where the republican doctrine does not prevail—that the majority should rule—and would be subjecting a committee, it might be, to the tyranny of one man. Although the matter which has given rise to this discussion is a small one, the principle involved is of some importance, and one upon which he desired to see the decision of of the Senate.

In making these remarks, and the course he had taken in this matter, he disclaimed now, as he had done before, any intention to reflect upon the chairman of the committee. The whole question was one of personal preference, and in expressing that preference in the manner he has done, he had not intended to show any want of courtesy to the honorable chairman.

On a motion of Mr. Rivers to lay this resolution on the table, the vote stood:

Yeas:—Messrs. Burthe, Griffin, Hodge, Kenner, Kittridge, Lauve, Nichols, Palfrey, Rivers, Slack, Smith, Taylor, Todd.—(13.)

Nays: Messrs. Boatner, Clifton, Derbes, Evans, Kemp, King, Lacy, McCay, Mouton, Patterson, Short, Theriot, Wickliffe —(13.)

The result being a tie, and the President voting in the negative, the motion to lay on the table was rejected.

The question then being on the resolution, Mr. Lacey offered the following as a substitute:

Resolved: That the Senate do concur in the action of the Chairman of the Internal Improvements Committee.

The substitute was accepted by Mr. Wickliffe

Mr. Kenner here rose to make an explanation. The Senator from New Orleans had, in his remarks, alluded to him, (Mr. Kenner) and as the gentleman seemed to be laboring under a misapprehension, he felt himself constrained to make such an explanation of what had occurred as would set the matter right: Some time ago, the chairman of the Committee on Internal Improvements had called on him and asked him his opinion in regard to the power of appointing clerks, vested in the Chairmen of Committees. He had replied that he believed the custom of the Senate was, through courtesy to the Chairmen, to recognize their action in the appointment of clerks. He had, however, subsequently called on the gentleman, and informed him that he had never known a case of disagreement, on such a subject, between a committee and its chairman. As for himself he had been appointed Chairman of the Committee on Banks and Banking, a majority of whose members were opposed to him in political views. Under these circumstances he had immediately expressed his determination to yield to those gentlemen all right to appoint the clerk, as he considered that although courtesy sanctioned by custom, had hitherto induced the Senator to recognize appointments made by chairmen of committees, it would be still more discourteous on his part to take advantage of a position which he held only at the option and through the courtesy of the committee, in order to appoint a clerk in opposition to what he knew to be the wishes of the majority of its members. This was the substance of his communications to the Chairman of the Committee on Internal Improvements.

Mr. King rose to make a counter explanation. He said that he had not at all misunderstood the tenor of the Senator's communications. That gentleman, in speaking as he did, had no reference to his (Mr. King's) case; he had referred to his own case, he having been appointed Chairman of a committee the majority of whose members were politically opposed to him. As for himself he had made the appointment of a clerk in accordance with what he understood to be the usage of the Senate, and he had done so before a meeting of the committee had been held, and before he had any reason to know what its opinions or wishes were. He had appointed a clerk in good faith, and because he thought he had a right to do so. If he had that right, then the committee had no right, subsequently, to go into an election, as the Senate had expressly declared that no committee should have more than one clerk.

Mr. Griffin offered the following substitute for Mr. Lacey's substitute:

Resolved, That the Committee on Internal improvements, in electing a clerk of said committee, had a right to do so.

Mr. Derbes called for the previous question on the substitute. The previous question was seconded by the following vote:

Yeas—Messrs. Boatner, Burthe. Clifton, Derbes, Evans, Griffin, Kittridge, King, Lacoste, Lacey, McCay, Mouton, Neal, Palfrey, Patterson, Short, Taylor, Theriot, Wickliffe—19;

Nays—Messrs. Hodge, Kenner, Lauve, Nichols, Rivers, Slack, Smith, Todd—8.

The question was then put on the substitute of Mr. Griffin.

The yeas and nays being taken, resulted as follows:

Yeas—Messrs. Burthe, Clifton, Griffin, Hodge, Kenner, Kittridge, Lauve, Nichols, Palfrey, Rivers, Slack, Smith, Taylor, Todd—14;

Nays—Messrs. Boatner, Derbes, Evans, King, Lacoste, Lacey, McCay, Mouton, Patterson, Short, Theriot, Wickliffe—12.

Mr. Mouton remarked that when the motion for the previous question was made, he was about to remark that he thought it would be interesting to inquire how much had been spent in this discussion. He had made the calculation, while listening to the debate, and found that it had already cost the good people of the State something over $53. He thought it was now time to be done with it.

Mr. King here tendered his resignation as Chairmain of the Committee on Internal Improvements.

Mr. Kenner hoped the gentleman would withdraw the tender of his resignation. He thought that after reflection on the subject, the Senator would not insist on resigning, as he felt confident that the com-

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mittee, in their action, intended no disrespect. Assuredly, they could find no gentleman more competent to fill the place of Chairman, and none whose eminent fitness for the station they more fully appreciated.

Mr. Lacoste said that he thought Mr. King was right in resigning after the deliberate disrespect which had been manifested towards him in the action of the Senate.

Mr. Kenner repeated that he was confident the committee intended no disrespect towards the Chairman. If he thought that a single member of that committee had intended the slightest discourtesy towards the Chairman, he would move to reconsider the vote adopting Mr. Griffin's substitute.

Mr. Todd hoped that the chairman would continue to serve. As for himself, he certainly intended no disrespect, nor did he believe that any of his colleagues had been animated by such a sentiment.

Mr. Nichols made a few remarks to the same effect.

Mr, King said that he should persist in his determination to resign. He could not consistently maintain his position as chairman of the committee, when the Senate had refused to sustain his acts as chairman—acts done in accordance with all previous custom.—Gentlemen might say that they intended no disrespect—that everything they had done and said was meant in a Pickwickian sense—but for his part he could not draw any such distinctions. He viewed the whole proceeding as a virtual charge against him of having transcended his privileges, and he was not willing to retain his position as chairman under such a charge.

Mr. Clifton asked the gentleman to withdraw his tender of resignation for a moment, in order that he might move a reconsideration

Mr. King assented—when

Mr. Clifton, having voted in the affirmative, moved a reconsideration of the vote adopting Mr. Griffin's substitute.

The yeas and nays being called on the question of reconsideration, resulted as follows:

Yeas—Messrs. Boatner, Clifton, Derbes, Evans, King, Lacoste, Lacey, McCay, Mouton, Patterson, Short, Theriot, Wickliffe—13.

Nays—Messrs. Burthe, Griffin, Hodge, Kenner, Kittridge, Lauve, Nichol, Palfrey, Rivers, Slack, Smith, Taylor, Todd—13.

The President voted in the affirmative, thus carrying the motion to reconsidor.

The question was now on Mr. Griffin's substitute.

Mr. Wickliffe moved to lay it on the table.

Mr. Short remarked that he had been so unfortunate, previous to the present moment, as not to be able to explain his views on this subject. At first he thought the question one which should not be suffered to take up the time of the Senate, but an interesting discussion had sprung up in which he had wished to take part. He was prevented from doing this by the operation of the previous question, which was a parliamentary manœuvre he never before understood. He had thus been cut off from presenting his views before. This is a case of first impressions and some gentleman had said that never in any previous book or history was any thing similar to be found. Being a case of first impressions, he hoped the people would not receive an unfavorable impression of what was going on here. His own views of the subject were that even if the Chairman had a right to appoint the Clerk, he should have been slow to exercise it in opposition to the wishes of the majority of the Committee.

In such a case there could be no harmony in the Committee. It would be like a wagon with a horse before and a horse behind pulling against each other with all their strength. Nevertheless it appeared to him that, waiving the question of right, courtesy had always yielded the privilege of appointing the Clerk to the Chairman. If it was a matter of courtesy it ought to be decided according to the laws of courtesy, the highest law which could be brought to bear on it. He should therefore vote to sustain the action of the Chairman.

The yeas and nays were then taken on Mr. Wickliffe's motion to lay Mr Griffin's substitute on the table and resulted yeas 13, nays 13. The President voted in the affirmative and consequently the motion to lay on the table prevailed.

Mr. Lacey then moved that his substitute be passed.

Mr. Todd moved to amend it by adding the words "notwithstanding said appointment was in opposition to the wish of a majority of the Committee."

Mr. Wickliffe moved to amend still further by adding the words "which opposition was not known to the Chairman till after he had made the appointment.

Mr. Hodge asked why the committee had been increased in number by the addition of two members.

Mr. Wickliffe replied that the gentleman manifested a more intimate acquaintance with the scenes behind the curtain than he was possessed of—he had nothing to do with increasing the committee.

Mr. Lacey made some remarks explanatory of the position of the question. The action of the President, in appointing a clerk was certainly in accordance with previous custom, and exercise of the right had always been conceded to him, and the Senate ought not now to repudiate his acts done in accordance with general usage. As to the question raised by the amendments, he thought it had no bearing on the point at issue. It was impossible for the Senate to decide on what may be the views of the committee, on a point of this kind, and he should therefore vote against these, and all amendments till he could reach a vote on the original resolution presented by himself.

Mr. Kenner remarked that in voting on these amendments they were voting on a question of fact, and not of theory. Every Senator ought to be guided in giving his vote, by what he understood to be the facts of the case.

Mr. Wickliffe said that the Senator from Ascension ought to recollect that in his own case, where he had yielded his privilege of appointing a clerk, he had done so from the fact that he had been appointed chairman of a committee, the majority of which was opposed to him in politics, and he ought not therefore, himself, to make an appointment, when he had the best possible grounds for knowing that the committee would prefer a different person from the one he might select. The case of the chairman of the Committee on Int. Improvements was very different. He had no reason to know that the exercise of the appointing power by himself would be distasteful to the Committee. For his part, he would not consent, by his vote, to cast censure on the chairman of that committee, who had but exercised his just rights—rights always hitherto recognised by the Senate. If this thing of having appointed a clerk in direct opposition to the known and expressed wishes of the committee, had been brought home to the chairman, he would vote differently, but under the circumstances of the case he was certainly in favor of sustaining the chairman.

Mr. Kenner again stated that the question involved in the amendments, and now before the Senate, was simply a question of fact. The question of courtesy had nothing at all to do with it, though he might ask which was the most discourteous, for the Committee to appoint a Clerk against the will of the Chairman, or for the Chairman to persist in retaining his Clerk in opposition to the wishes of the majority of the Committee. But so far his question had not been answered, and he should like to have information before voting. Senators could not vote on a question of facts without knowing what the facts are.

He would therefore ask whether the majority was opposed to the appointment made by the Chairman.

Mr. Hodge remarked that the majority was opposed to it.

Mr. Mouton said that a statement of the whole case was to be found in the report of the committee, and that of the chairman.

The yeas and nays were then taken on Mr. Wickliffe's amendment.

The vote being 24 ayes to 2 noes, Messrs. Burthe and Griffin voting in the negative, the amendment was adopted.

Mr. Lacey then moved to lay the amendment of Mr. Todd, as amended, on the table.

Mr. Griffin called for the yeas and nays, which being taken resulted as follows:

YEAS—Messrs. Boatner, Clifton, Derbes, Evans, King, Lacoste, Lacey, McCay, Mouton, Neal, Patterson, Short, Theriot, Wickliffe [14].

NAYS—Messrs. Burthe, Griffin, Hodge, Kenner, Kittridge, Lauve, Nichols, Palfrey, Rivers, Slack, Smith, Taylor, Todd [13].

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Consequently the amendment, as amended, was laid on the table.

Mr. Lacey moved the adoption of his substitute.

Mr. Kenner moved to amend by inserting the words "through courtesy."

Mr Boatner moved to further amend by adding the words, "without attaching any censure to the other members of the committee."

The amendments were adopted, and the resolution finally passed in the following form:

Resolved, That the Senate, through courtesy, do concur in the action of the chairman of the Internal Improvement committee, in his appointment of a clerk, without attaching any censure to the other members of the committee.

BILLS AND RESOLUTIONS INTRODUCED.

Mr. Hodge — An act to change the name of Jas. H. Shotwell to Andrew Lawson, Jr.

Mr. Lacey — A resolution instructing the Judiciary Committee to report a bill, or bills, for the organization of the Judiciary system of the State.—Passed.

— An act dividing the State into Supreme Judicial Districts, as provided by article 64 of the Constitution.

Mr. Theriot — An act to emancipate Angeline Victorine Blanchard, a minor, wife of A. W. Warren. Judiciary Committee.

NOTICES OF BILLS.

Mr. Burthe — An act to repeal an act to provide a homestead for the widow and children of deceased persons

On motion, the Senate adjourned.

FRIDAY, February 4, 1853.

The Senate met pursuant to adjournment.

On motion of Mr. Derbes, Mr. Horatio Davis, the Secretary of the Senate, obtained leave of absence, and on motion of Mr. King, Mr. St. Colombe Davis was appointed Secretary of the Senate pro tem., and took the oath of office.

The Secretary pro tem. informed the House that the Senate had granted leave of absence to Mr. Horatio Davis their Secretary, and had appointed Mr. St. Colombe Davis Secretary pro tem., to act in his absence. He also informed the House of the concurrence of the Senate in—

An act for the relief of Harrel McNeil, late Tax Collector for the Parish of Rapides.

An Act for the relief of Thomas C. Beckham, Sheriff of the Parish of Washington.

An act for the relief of Thomas D. Nix, Collector of the State Taxes for the Parish of Catahoula.

And of the concurrence of the Senate with amendments in an Act to appropriate a certain sum of money for the pay of Assessors of Taxes for the year 1852, and requesting the concurrence of the House of Representatives in said amendments.

He also requested the concurrence of the House of Representatives in the following bills and resolutions:

Resolution requesting our Representatives and instructing our Senators in Congress to obtain the establishment of a Post Office in the French settlement of the Parish of Livingston.

An act to make an appropriation for arrearages due for the expenses of the members of the late Constitutional convention.

Resolution instructing the State Engineer to examine the falls in Red River and for other purposes: Also

A resolution instructing the State Engineer to make examinations of the mouth of Bayou Plaquemine and report thereon.

On motion of Mr. McCay the joint resolution appointing committees to examine the books of the Treasurer, was laid on the table indefinitely, and the following joint resolution emanating from the House of Representatives, was taken up. On motion of Mr. McCay, the rules were suspended, and it passed:

"Resolved by the House of Representatives, (the Senate concurring,) That a joint committee consisting of five members of the House and three members of the Senate be appointed to examine the books of the Treasurer." The Speaker of the House had appointed Messrs. Brown, Ventress, Douglass, White, McMurdo, of said committee.

The President appointed on the part of the Senate, Messrs. McCay, Burthe and Wickliffe, of said committee.

Mr. Derbes introduced the following resolution:

Resolved, That a committee composed of three members from the Senate be appointed by the Chair to confer with a similar committee from the House to examine and report on the condition of the State Library. The rules were suspended and the resolution passed, and the Chair appointed on said committee Messrs. Derbes, King and Burthe.

NOTICES OF BILLS.

Mr. Neal. An act to improve the navigation of Sabine River.

Mr McCay. An act to amend an act entitled "an act to organize District Courts in the parish and city of New Orleans."

Mr. Theriot. An act, to remove the court house, recorder's office, books and papers belonging thereto, from the right bank to the left bank of the Mississippi River, in the parish of St. James.

Mr. McCay asked and obtained leave without previous notice to introduce a bill, entitled "an act to authorize the cancelling of bonds given by public officers." On motion the rules were suspended and it was passed.

Mr. Millard, from the Committee on Claims, reported favorably on the claim of L. H. Latille for witness fees, and introduced a bill accordingly.

Mr. Wickliffe stated that there is in existence an act which provides that each parish shall pay its own witnesses. There was no good reason, that he could see, for making a special exception in this case, and unless some were shown, he should oppose the bill.

Mr. Millard said that in 1841, the year in which these liabilities accrued, a different law was in force, under which the State paid witnesses. The bill had been presented, but the Auditor had refused to audit the account.

Mr. Wickliffe stated that if the Committee had examined the subject carefully, and were satisfied on the point, he would offer no objection to the passage of the bill.

Mr. Hodge desired that the bill should lie over till Senators could obtain more information on the subject.

Mr. Griffin remarked that the Auditor had only refused to audit the bill, because no appropriation had been made with reference to it.

Mr. Derbes said that the Committee had fully investigated the subject. They found that in 1841 the State paid witnesses, and it was then that the services for which this bill was presented, had been rendered. The reason that the Auditor had refused to audit the account was, because, as he said, the debt had been proscribed.

Mr. Hodge said he had been informed that the only reason for the refusal was, because no appropriation had been made. He was informed by the Senator from Avoyelles that an appropriation would be made. He confessed that where there were general laws in existence, covering cases of this kind, he did not see why special exceptions should be made. He should make no motion in regard to the bill, but he wished to record his vote against it. All that he desired now, was time to investigate the subject, in order to be sure that he would be right in voting for the bill. He had come here resolved not to vote for any bill without thoroughly understanding it, but if gentlemen resolve to hurry things through in this way, they must do so without the aid of his vote. The Senator from Avoyelles had said that the only reason of the refusal to audit the bill was, because no appropriation had been made to meet it. Other gentlemen said the reason was, because the debt was proscribed. If such was the case he was not sure he would not vote against the bill on that ground alone. Proscription is a presumption of payment. This was the theory of the law, and it was always held to be good ground of defence against a claim. He did not think that the Legislature ought to be annoyed in this way by the presentation of little claims like this, ten or twelve years after they became due. If gentlemen wished to place themselves in this position, all very well; but he for one had no desire to do so. He wished to have time to ascertain the merits of the case so as not to vote in the dark.

After some further remarks the bill passed

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Mr. Griffin introduced a petition of a number of citizens of Avoyelles Parish, asking an appropriation to make Levees, and dam certain Bayous in said Parish. On motion said petition was read and referred to the Committee on Landings and Levees.

Mr. Griffin, in accordance with previous notice, introduced the following resolution, which was read for the first time.

"Resolved, That the General Assembly will meet in the Hall of the House of Representatives on Friday next, 11th inst., at 12 o'clock, M., for the purpose of electing a Senator to the Congress of the United States, to fill the vacancy that will be occasioned on the 4th of March next, by the expiration of the term of the Hon. Solomon W. Downs."

Mr. Wickliffe moved that the resolution be referred to the Judiciary Committee. In his opinion all questions partaking of a legal character ought to be referred to the proper committee for its decison. He thought that the Judiciary Committee ought to be requested to give its opinion on the subject, as it was one which came peculiarly within the province of that Committee. They should be requested to investigate the subject, and report on the probable grounds which exist for contesting the seat of Mr. Benjamin. No Senator could object to the proposition. It was made in perfect good faith, and there could be no doubt either of the capacity of the Committee, or its ability to make a report before the day designated for the discussion of the resolution. He hoped that Senators would vote for the reference.

Mr. Griffin said it had been his understanding with Messrs. Kittridge, Martin and others, that the subject should not be brought forward before Thursday. He wished that it should be made the special order for that day.

Mr. Wickliffe had no objection to amend so as to make the resolution the special order for that day; but he must insist on his resolution to refer to the Judiciary Committee. He thought that such preliminary action was perfectly legitimate and proper. As for himself he wished something tangible to be presented to him. He wished that those gentlemen who had taken the ground that there should be an election for Senator, should give some reasons for their opposition to the election which had already been held. Surely gentlemen can have no objection to hearing a report from the Judiciary Committee on the subject. The question to be acted on, is one of purely a legal character, and can therefore with perfect propriety be referred to that Committee. But when the report is made, the Senate is not by any means bound by it. Every Senator remains at perfect liberty to use his own discretion as to the manner in which he shall act, but it is perfectly certain that the reference to the Committee mentioned is right and proper.

Mr. Lacey said that he did not think the Senate had any right to force the committee to bring in such a report, and he therefore thought the reference inexpedient and useless. The Senate can ask the Committee whether it is for or against a given proposition, and can, with propriety, ask it for a legal opinion on any subject of legislation. But it could not press this right to the extent of demanding a report on a subject like this. The gentleman certainly did not understand the objects of committees

Mr. Wickliffe remarked that if he did not understand it, he did not know who should— Why did the Senate have committees if not that they should report on any subject referred to them. That was one of the principal objects for which they were formed. This subject was especially one deserving the attention of the committee, and he desired that it be referred, in order that light may be shed on the darkness which now surrounds it.

Mr. Rivers thought that as there was great differences of opinion on the subject, the views of the Judiciary Committee ought to be obtained.

Mr. Mouton was in favor of referring the resolution to the Judiciary Committee, in order that it might be elucidated by the views which that Committee would present. For his own part, he was free to say that he would be glad to oust Mr. Benjamin from the place in the Senate of the United States, to which he has been elected if it could be done in accordance with right, but he would not consent to do it, if the effort involved any violation of law and justice. He would therefore like the subject referred to the committee, and he knew other gentlemen on that committee, who were also anxious to have a full expression of its views.

Mr. Short remarked that he was himself a member of the Judiciary Committee, and as a member of it he was in favor of the reference. He would have no hesitation in expressing his opinion, either as a Senator or as a member of the committee. If the subject be referred, he should go farther than merely to take a position for or against the resolution, he should report on all the circumstances of the case and on what had hitherto been done, including the action of the last legislature which elected Mr. Benjamin. If the committee should find that a point of constitutional law was involved in this question, he did not doubt that any opinions the committee might entertain in regard to it, would be faithfully reported to the Senate. In forming and presenting his own views, he desired to have the aid of the other members, which must be of use in enabling him to form a correct opinion. His desire to have the matter referred might seem like undue anxiety on his part to have it brought before that committee of which he was himself a member, but he was willing to incur all the responsibility which might thus be thrown upon him, as he considered it proper that on a question involving so grave a point the opinion of that committee, as a whole, ought to be obtained. On a question of this kind, the grounds on which a man is willing to go before the country, ought to be put on record.

Mr. Wickliffe again pressed the reference. The Senator from Avoyelles had introduced a resolution and moved to make it the special order for a particular day, and seeks the support of the Senate for his motion. In accordance with custom, and believing with others that it would be proper to do so, he had moved to refer the resolution to the Judiciary Committee. The Senator now claims precedence for his motion. This was not right. A motion to refer always has precedence, and if carried it could not interfere with the gentleman's motion. There was no reason why the committee could not examine the subject, and make its report prior to the day fixed. He certainly hoped that it would be done, so anxious was he to have light thrown on the matter. He desired to have the opinion of the Judiciary Committee before him, as he was satisfied it could yield the light which was so much needed.

Mr. Griffin said that he had the highest regard for the chairman of the committee, and that respect for his opinion, just expressed, should guide him in his vote. He could not consent to referring the resolution to the Judiciary Committee, when the chairman had declared his opposition to such a disposition of it.

Mr. Wickliffe meant no disrespect towards the chairman in insisting on the reference. On the contrary, he had the highest regard for his learning and his profound acquirements, and had no doubt that he would make an able report if the matter came before him. But this was a serious question. It involved a legal as well as an important constitutional point, and the Senate had a right to claim a report from the committee in regard to it. The opinion of the committee would be of great weight in enabling Senators to form a correct judgment, and he could see no reason why there should be an unwillingness, on the part of any of its members, to make a report.

Mr. Lacey remarked that he knew perfectly well that the Senator from Feliciana was animated by no sentiment of disrespect towards him, in pressing this matter as he did—he was aware that the gentleman was animated by totally different motives. For his own part, he would state at once that he had no desire to dodge this question, and he would therefore give his opinion at once, in order that Senators might comprehend his position.

He believed that the election of Senator, made by the Legislature, last year, was illegal, and that it was the duty of this Legislature to proceed to an election as if none had been held. The election of Mr. Benjamin he believed to be null and void, inasmuch as the law under which it was made—the law of 1846—was in conflict with the Constitution of 1845. At a proper time, when the subject might come in a more tangible shape before the Senate, he would present in a more extended form, the rea-

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sons and arguments which had brought him to this conclusion. For Mr. Benjamin he had the highest respect; indeed there was no man whom, personally, he would rather see fill a seat in the United States Senate. He was sorry that Mr. Benjamin was the gentleman placed in this position, and that he was forced to assume such an attitude towards him. But not, as long as he lived, would he sacrifice his view of right and wrong, and what he thought to be his duty under the Constitution and laws, to any considerations of a personal or private nature.

He would willingly make a report on this subject, whenever it might be placed before him, but he very much doubted whether the Senator from Feliciana would ever be convinced by any arguments that could be presented to him. He thought the motion to refer was perfectly useless, and only intended to encumber the ample resolution which had been introduced by the Senator from Avoyelles. He was not opposed to the motion because he desired to avoid the issue, for when the question came up, he would vote to go into an election for Senator.

Mr. Wickliffe said it was true that his mind had been made up on this subject, but he was one of those persons easy of conviction. If his vote could deprive Mr. Benjamin of the seat to which he had been chosen, and there were no legal and constitutional obstacles, he would most willingly give it—as the gentlemen of the opposition on this floor, who knew him, could testify. His personal feelings in favor of Mr. Benjamin were not by any means so strong as those of the Senator from East Baton Rouge; on the contrary, he did not profess to be influenced by any such sentiment. But he considered that on a question of this kind, Senators should vote in accordance with their own judgments.

Mr. Griffin said that he had not expected the least opposition to his motion. It came upon him like a cloud in a clear sky. He had agreed with General Martin and other gentlemen that the subject should be deferred till Thursday, and he consequently made the motion to make it the special order for that day. It was the general understanding that such would be the course of proceeding.

Mr. Wickliffe remarked that he and the Senator disagreed materially in regard to the existence of any such an understanding. The Senator had not acquired any vested right for his motion, and he cannot claim precedence for it over a motion to refer.

The gentleman had said that the opposition came upon him like a cloud. He (Mr. Wickliffe) hoped that a ray of light would soon penetrate the cloud which seems to rest over the Senator.

Mr. Hodge said that he did not exactly understand the position of the question. The motion to dispense with the rule had not yet been put. The Senator from Feliciana had expressly stated that unless the Senator from Avoyelles should accept his amendment referring the resolution to the Judiciary Committee, he would call for the yeas and nays on the motion to dispense with the rules. He understood that the gentleman had not accepted the amendments, and Senators certainly had a right to vote on the motion to dispense.

Mr. Griffith said that his motion was to dispense with the rules on the motion to make his resolution the special order for Thursday next. The Senator from Feliciana wished to refer the matter to the Judiciary Committee, but he could not consent to accept the motion as an amendment, unless his own motion were first acted on.

Mr. Wickliffe said that every Senator knew, and the President knew, that he was opposed to the motion to dispense with the rules, unless his motion to refer were acted on as an amendment.

Mr. Griffin. I could make a motion to fix the resolution as the special order for Friday next, without a dispensation of the rules.

Mr. Wickliffe—True, but that would not cut me off from my right to move a reference.

Mr. Griffin—I had a right to introduce the resolution without a suspension of the rules.

The President decided this point in the negative.

On motion of Mr. Griffin the rules were then suspended.

Mr. Griffin—Is my resolution now before the Senate?

The President—Yes, sir.

Mr. Wickliffe—What day is specified in the resolution?

Mr. Griffin—Thursday is the day mentioned.

Mr. Wickliffe—Mr. Secretary, please to read the resolution.

The Secretary read the resolution, which specified Friday.

Mr. Wickliffe—Now, will the Senator move to amend his resolution?

Mr Griffin—Yes sir, if it is desired.

Mr. Wickliffe—Oh no! I only wish the Senate to make the motion.

Mr. Griffin—Then let Friday stand. I have no objection.

The question was then taken on the motion to postpone till Friday, and resulted—nays 18, yeas 5, as follows:—Yeas, Messrs. Griffin, Kittridge, Lacey, Millard, Neal (5)—nays, Clifton, Derbes, Evans, Hodge, Kemp, King, Lauve, McCay, Mouton, Nichols, Palfrey, Rivers, Short, Slack, Taylor, Theriot, Todd, Wickliffe (18.)

Mr. Wickliffe moved a reference to the Judiciary Committee. If any objections were made he should call for the yeas and nays.

Mr. Griffin—I have objections. Let us have the yeas and nays.

Mr. Short—Does the motion fix any day for the committee to report?

Mr. Wickliffe—Let them report when they please.

Mr. Short—I will amend them by inserting Thursday.

Mr. King could not see any reason for a reference to the Judiciary Committee. The question was one purely political in its nature, and he did not see what the Judiciary Committee had to do with it.

Mr. Wickliffe was sorry that the gentleman was not present when the discussion was going on, as he might perhaps have formed a different opinion. The question was not a political one by any means. It was a purely legal and constitutional question.

The yeas and nays being taken on the motion to refer, resulted as follows:

YEAS—Messrs. Clifton, Derbes, Evans, Hodge, Kemp, Kittridge, Lauve, McCay, Millard, Mouton, Nichols, Palfrey, Rivers, Short, Slack, Taylor, Theriot, Todd, and Wickliffe, (19 yeas.)

NAYS—Messrs. Griffin, King, Lacey, Neal, (4 nays.)

The motion was carried and the resolution referred.

On motion, the Senate adjourned until Monday, 11 o'clock, A. M.

MONDAY, Feb. 7th, 1853.

The Senate met pursuant to adjournment.

Immediately after the reading of the journal a message was read from the Governor informing the Senate that he had approved the resolution instructing our Senators, and requesting our representatives in Congress to endeavor to procure an appropriation for the improvement of Cote Blanche, Vermillion and Atchafalaya Bays, and also the resolution in regard to the removal of obstructions in Bayou Lafourche.

The President submitted the following report from the Barataria and Lafourche Canal Co.:

Statement of the Affairs of the Barataria and Lafourche Canal Company.

Cash.		$ 128 27
Slaves valued.		" 13.000
Canals. (do.)		" 300.000
Lands of the Company valued,		" 5.000
Machinery, boats, and materials do		" 7,000
Tolls received at the Locks on the river Mississippi from January 1852 to January 1853,	$10.091.06	
Other cash assets,	1,006.32	
	$11.087.38	
Stock paid in,		$ 228.500 00
Debts,		12.367 00
Expenditures from the beginning of the operations of the Company to date,	$367.644.79	
Expenditures from January 1852 to date,	1,0969.11	
Balance to the credit of cash,	128.27	
	$11.097.38	

Errors excepted. New Orleans, 1st February, 1853.

J. LAVERGNE, Secretary.

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REPORTS OF COMMITTEES.

Mr. Lacey from the Judiciary Committee reported adversely to the bill authorizing Justices of the Peace to appoint Curators *ad litem* in certain cases.

Mr. Derbes said he should like to have heard some reasons stated for the report of the committee. He therefore moved that the report lie on the table subject to call.

Mr. Lacey reported favorably on the bill to organise and regulate the department of Secretary of State, with a substitute for the 3d Section:

Favorably on the bill to organise and regulate the department of the Treasury with a substitute for the 3d Section.

Also favorably on an act to authorise the Mayor and select men of the city of Baton Rouge to divide that city into two election precincts:

Favorably on an act authorizing Antoine Garanteer and Adelaide Bonnere, his wife, to adopt Edward Pierre Louis, son of Genevieve Bonnere.

Mr. Short, on behalf of the majority of the Judiciary Committee, to which had been referred the bill for extending the right of pre-emption to certain persons located on swamp lands, in the parish of Livingston and East Baton Rouge, submitted the following report:

The undersigned members of the committee to whom was referred the bill extending the right of preemption to settlers on the swamp lands in the parish of Livingston and East Baton Rouge, respectfully report that by the second section of the act of 1852, the right of preemption was granted to such persons as had made settlements on the swamp lands, granted to this State by acts of Congress, provided that application and payment was made within twelve months from the passage of the act.

The bill submitted, proposes to extend the right of preemption for twelve months longer than specified in the act of 1852, as to the settlers on such land in the said parishes

Though the subject of the bill is one which more properly falls within the duties of the committee on public lands and levees; yet the committee to which it has been referred have no hesitancy in reporting against the policy of legislating for one or two parishes, on a subject of this kind, as it would lead to the passage of bills probably for each parish in which such lands happen to lie, and it would only increase the confusion which now exists in relation to the location and entry of lands.

To prevent this, no bill should be passed which does not establish a uniform rule, as to all the lands granted to the State.

This will introduce that simplicity into the Land Office Department, which will make it easy to be understood and economically managed.

The right of preemption granted by 2d section of the act of 1852, gives until the 17th day of March 1853, to make application and payment.

And the undersigned members of the committee, do not, at this time, deem it expedient to report in favor of a general bill extending the right of preemption; as they understand that a bill will be introduced to suspend the sale of swamp lands, until the surveys of the different townships are completed and first offered at public sale.

In this event, the class of persons specified in the second section of the act of 1852, can be provided for, if deemed expedient, a question upon which the undersigned are not prepared to report, not deeming it properly a question for this committee.

[Signed] H. SHORT,
W. W. KING,
THOS. C. NICHOLS,
BENJ. HODGE.

Mr. *Lacey*, from the same committee, submitted the *following* report:

To the Honorable the Senate
of the State of Louisiana:

The undersigned, one of the Judiciary Committee, to which was referred the consideration of an act entitled "an act granting an extension of time for the application and payment of the swamp and overflowed lands lying in the parishes of Livingston and East Baton Rouge," begs leave to report:

That the lands covered by the act under consideration, were originally settled upon as public lands of the United States; and that since such settlement the aforesaid lands have been granted by the General Government to the State of Louisiana, by acts of Congress approved 2d March, 1849, and 28th September, 1850. By an act of the Legislature approved March 12th, 1852, the settlers upon the aforesaid land were required to make application and payment for the lands settled upon by them, within one year from the 17th day of March, 1852, otherwise to be deprived of the privilege accorded to first settlers.

It appears that those who are intended to be affected by the bill submitted to the committee, are limited in their pecuniary means; that they have to rely upon their own industry, and the products of the land settled upon by them, to meet the payment of the price of such land; that so much of their time has been consumed in clearing their lands and fitting the same for cultivation, and in endeavoring to make roads, or rather routes, to the same; that they have as yet been unable to realize a fund out of which to pay for their property; and finally, that the result of a refusal to grant the indulgence contemplated in the bill, will be to take from the hardy, honest and industrious settler his home, and to turn it over to the hands of the public speculator.

For these reasons, the undersigned earnestly and respectfully prays your honorable body to pass the bill hereabove referred to,

G. L LACEY, Chairman.

On motion of Mr. Lacey, the rules were suspended, and the resolution from the House, instructing our Senators, and requesting our Representives in Congress to endeavor to procure the establishment of a daily mail between New Orleans, Baton Rouge, and Bayou Sara was taken up and passed.

NOTICES OF BILLS.

Mr. Hodge. An act fixing the salaries of Judges of the Supreme Court.

Mr. Lacey—An act dividing the State into four Judicial Districts, conformably to the 64th article of the Constitution.

Mr. Lewis. An act amending the act incorporating the Catholic Orphan Association of New Orleans.

BILLS PASSED.

An act to change the name of James H. Shotwell to Andrew Lawson, jr.

An act to emancipate Angeline Victorine Blanchard, a minor, wife of A. W. Warren.

The following resolutions from the States of Connecticut, Indiana and Vermont, were read and referred to the Committee on Federal Relations.

STATE OF CONNECTICUT,
Executive Department,
July 30th 1852,

SIR—I have the honor to transmit to you the accompanying resolutions, adopted by the General Assembly of this State, at its session in May last.

I am, Sir, with great respect,
Your obedient servant,
(Signed) JNO. H. SEYMORE,
To his Excellency the Governor of Louisiana.

STATE OF CONNECTICUT,
General Assembly,
May Session, 1852,

Resolved by this Assembly: That the Union of the United States, and the Constitution by authority of which the Federal Goverment is administered, were results of a spirit of compromise and mutual concession among the conflicting interests and sentiments of the people of different sections of the country; and that it is the duty of every good citizen now to exercise the same spirit of compromise and concession in cases of sectional differences of interests or opinions for the purpose of preserving for themselves and their posterity the blessings resulting from that Union and Government, in the perpetuity of which are involved not only the future welfare and prosperity of the people of this country, but also in a great degree the progress of the cause of civil and religious liberty, and free government throughout the world.

Resolved: That in a government like this, in which all political power emanates from the people, by whom all rulers and legislators are appointed, and to whom

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they are responsible, it is peculiarly the duty of all citizens to yield cheerful obedience to all laws regularly enacted by their representatives, until such laws shall have been legally adjudged by the proper tribunal to be unconstitutional.

Resolved: That the series of measures denominated the compromise measures, adopted by the last Congress, disposing finally and peacefully of a variety of questions which had previously disturbed the country, embarrassed the Government and the National Legislature, and seriously threatened the existence of the Union, were wisely adapted to the fair adjustment of the vexed questions at issue, and constituted a fair and equitable compromise of the whole subject; and that said series of measures, as such compromise, met the full approbation of this assembly.

Resolved: That the act termed "The Fugitive Slave Law" is, in the judgment of this assembly, in accordance with the provisions of the Constitution, containing merely provisions in detail necessary to carry into effect the provisions of that instrument; and that it is the duty of all good citizens to sustain the execution of said Act by all lawful and proper means.

Resolved: That his Excellency the Governor be requested to transmit a copy of these resolutions to the President of the United States, to the Governor of each of the several States of the Union, and to each of our Senators and Representatives in Congress.

Senate, June 23d, 1852.—Passed.

(Signed) L. B. BRADLEY, Clerk

House of Representatives, June 28th 1852—Concurred.

(Signed) G. W. SAYLES, Assistant Clerk.

OFFICE OF SECRETARY OF STATE,
Hartford, July, 24th, 1852.

I hereby certify that the above is a true copy of the original resolution on file in this office.

(Signed) JNO. P. C. MATHER, Sec. of State.

THE STATE OF INDIANA.

In the Year of our Lord One Thousand Eight Hundred and Fifty-two.

A JOINT RESOLUTION

On the subject of the Slave Trade, and for the purpose of colonization.

Whereas, Considerations of philanthropy and patriotism alike demand an earnest effort to suppress the African Slave Trade, so long a reproach to the Christian world, and a base outrage upon an unfortunate race of our fellow-men. And, whereas, the praiseworthy efforts heretofore employed for that purpose have proved ineffectual; therefore,

Resolved by the General Assembly of the State of Indiana, That it is the judgment of said General Assembly that some other and more efficient policy should be adopted on that subject.

Resolved further, That it is the judgment of said General Assembly, that it is the duty of the Government of the United States of America, as the leading nation of the world, in announcing and maintaining the cause of civil and religious liberty and ameliorating the unfortunate condition of mankind everywhere, by all proper and lawful means to use the necessary powers to crush effectually this revolting piracy.

Resolved further, That reason dictates and experience has shown, that this crime against our race, and the just laws of God, can be more certainly put down, than by any plan heretofore tried, by the planting and rearing to maturity and power Colonial states upon the African coast, with republican forms of government, from the free black population of the United States; and that it is the duty of the Congress of the United States and of the legislatures of each of the States of this Union, to enact such laws in harmony with each other, as would promote a general system of colonization, not only for the purpose of suppressing the African slave trade but also to separate, as far as possible, the white and the black race upon this continent, by sending off, where they might consent to it, all colored persons in the United States, with outcost, and providing for their comfort there for a reasonable period afterward; thus making some compensation to an injured race for the wrongs and oppressions of ages, and relieving ourselves from a population which although amongst, can never be of use, in social or political rights; and for that cause are at all times, liable to become a source of public charge and of public annoyance in each State where they reside, and of causing irritation and bad neighborhood in the feelings of the States themselves

Resolved further, That our Senators in Congress be instructed and our Representatives requested, to use their efforts to secure the passage of laws by the Congress of the United States, and that all the sister States of this Union be likewise earnestly requested to co-operate, by similar laws, for the promotion of the foregoing objects.

Resolved further, That the Governor forward a copy of these resolutions to each of our Senators and Representatives in Congress, to the Governors of all the States in the Union, and to the heads of the leading colonization Societies of the United States: and that he be requested to open a correspondence with such Societies and other persons, within his discretion, who may be devoted to the objects aforesaid, with a view to elicit information generally upon the subject and especially to obtain plans best calculated to promote the objects above contemplated. And, that he be further requested to lay such information before the General Assembly of this State, at its next annual meeting, with such recommendations touching them and the cause of colonization, as to him shall seem advisable.

(Signed) JOHN W. DAVIS,
Speaker of the House of Representatives.

(Signed) JAMES H. LANE,
President of the Senate.

Approved March 4th, 1852.

(Signed) JOSEPH A. WRIGHT, State of Indiana, to wit:

I, Charles H. Yest, Secretary of State for the State aforesaid, certify that the foregoing is a true, full and complete copy of an enrolled act now on file in my office. In witness whereof, I have hereunto set my hand and affixed the seal of State at Indianapolis, this 8th day of March, A. D., 1852.

(Signed) CHARLES H. YEST,
Secretary of State.

STATE OF VERMONT,
Executive Department.

His Excellency the Governor of Louisiana:

SIR—I have the honor to transmit to you the accompanying resolutions relating to the subject of peace, recently adopted by the General Assembly of this State, to the end that your Excellency may cause them to be laid before the Legislature of the State over which you preside.

I have the honor to be,
With considerations of high respect,
Your obedient servt.,

(Signed) CH. N. WILLIAMS.

By the Governor,

(Signed) R. F. ANDREWS, Secretary.

RESOLUTIONS FOR THE PROMOTION OF PEACE.

1st. Resolved, by the Senate and House of Representatives, That our Senators and Representatives in Congress be requested to press upon the consideration of their respective Houses, with as little delay as may be, the propriety of a joint resolution, requesting the President of the United States to propose to all nations with whom we have regular diplomatic intercourse, the establishment of a permanent board to settle all international disputes or claims.

2d. Resolved, That the Governor be requested to forward a copy of these resolutions to the President of the United States, and to the Executive of each of the States of the Union, inviting the latter to lay the same before their respective Legislatures and request their co-operation.

STATE OF VERMONT,
Secretary of State's Office,
Montpelier, Nov. 14, 1850.

I hereby certify that the foregoing are correct copies of resolutions adopted by the General Assembly of this State, on file in this office.

(Signed) FERAND F. MERRILL,
Secretary of State.

On motion the Senate adjourned.

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TUESDAY, FEB. 8, 1853.

The Senate met at the usual hour. Mr. Mellard, from the Committee on Claims, reported against the bill for the relief of Alex. McDonald.

Mr. Mouton presumed that the committee had investigated the subject thoroughly, so that he would offer no objection.

Mr. Millard said, the Committee on Claims, on examining the subject, found that the parish of Vermillion had, within the last two years, received the whole amount of money to which it was entitled under the law, and if any then remains due to this person the committee think that the parish of Vermillion is the proper authority to which to apply. If anything is due to him, no doubt the parish of Vermillion would willingly pay the sum.

Mr. Short, from the majority of the Judiciary Committee, read the following report on the resolution to go into an election for U. S, Senator.

REPORT

To the President and members of the Senate of the State of Louisiana:

The undersigned members of the committee, to which was referred the Joint Resolution relative to the election of a United States Senator, respectfully report:

That they can find no law or constitutional provision, which would authorize the Senate to meet the other branch of the General Assembly, for the object specified in said resolution, and would briefly state the grounds upon which they base this conclusion.

They believe it to be the duty of those exercising the powers granted to any department of the government. whether legislative, executive, or judicial, to inquire—first, whether they have a right to take the action proposed; and, second, if they have the power, whether the period has arrived at which they can constitutionally and legally exercise it.

The proposition being made, that the Senate should meet the other branch of the General Assembly, to proceed to the election of United States Senator: the first inquiry, then, is, has it the power to do so?

Secondly: Has the period arrived at which it can constitutionally exercise such power?

This body, as now organized, derives its authority from the Constitution of 1852, and the laws of the State not inconsistent to the provisions of such Constitution.

Art. 34 thus provides:

"In the year in which a regular election for a Senator of the United States is to take place, the members of the General Assembly shall meet in the Hall of the House of Representatives, on the Monday following the meeting of the Legislature, and proceed to the said election."

By this provision of the Constitution, the Senate, constituting a branch of the General Assembly, has, undoubtedly, the power vested in it to meet with the other branch, for the purpose specified in the resolution, whenever the period arrives when this power can be exercised legally and constitutionally.

This leads to the second branch of the inquiry—has the period arrived when the power can be exercised?

The offering of the resolution presupposes that *this is the year* in which a regular election of a United States Senator is to take place, or that there is a vacancy in the Senate of the United States, requiring the action of the General Assembly of this State to provide for it. Does either case exist in point of fact? That there is no vacancy in point of fact, as yet, is not disputed. Hon. Pierre Soulé's term does not expire until the 4th of March, 1855, and the term of the Hon. S. W. Downs does not expire until the 4th of March, 1853. If the Senate, then, is required to meet the other branch of the General Assembly, and proceed to an election of a United States Senator, it must be assumed that this is the year in which a regular election can legally take place, to fill the term which will commence with the expiration of Mr. Soulé's term, or to fill the term which commences at the expiration of the term of the Hon. S. W. Downs.

Sec. second of the Act of 1846, thus provides:

Be it furthur enacted, &c., That on the first Monday following the meeting of the Legislature, in the session thereof, commencing in the year in which the term of office of any Senator or Senators, chosen to represent this State in the Congress of the United States of America, shall expire, or in case there is no session of the Legislature in such year, then in the year next preceding such year the two Houses shall meet in the Hall of the House of Representatives and proceed to to the choice of a Senator or Senators, to represent the State in the Congress of the United States of America, in place of the Senator or Senators going out of office. And the person or persons having the greatest number of votes, shall be declared duly elected Senator or Senators, provided such number be a majority of all the members present. Approved February 13th, 1846.

This Act stands unrepealed, so far as any ordinary legislation is concerned, and this cannot be the year in which a regular election is to take place to fill the term commencing at the expiration of Hon. Pierre Soule's term.

It must be assumed, then, that the present General Assembly, deriving its powers from the Constitution of 1852, must proceed to a regular election for Senator of the United States, to fill the term which commences on the 4th of March next, when the term of the Hon. S. W. Downs expires.

There being nothing in the above Act inconsistent with the Constitution of 1852, the Constitution not having fixed the year in which a regular election is to take place, the present General Assembly might proceed to elect, provided no election had been made for the term of a Senator, to commence on the 4th of March next. But an election was held in January, 1852, by the General Assembly then in session, and the Hon. J. P. Benjamin was elected to fill said term.

This leads us to the inquiry:

First—Was the election then had in accordance with the Constitution of 1845, and the above recited section of the Act of 1846? And if the election then had be considered valid by the *then* existing constitution and laws, has such election been set aside and made void by the adoption of the Constitution of 1852, which has called together the General Assembly in the year in which it could not meet regularly under the Constitution of 1845?

The Constitution of 1812 had no provision in it as to the time, place or manner of electing a Senator of the United States. It provided for the meeting of the Legislature every year, and at a time prior to the 4th of March, so that a regular election of a Senator could be fixed by the Legislature, to take place in the identical year in which the term expired.

Article 1st, Section 4th of the Constitution of the United States, thus provides:

1st. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

In virtue of the power thus vested in the Legislature, assembled under the Constitution of 1812, they passed the following act:

"SEC. 1st. That on the second Monday in January next preceding the expiration of the time for which any Senator or Senators to represent this State in the Congress of the United States, is or shall be chosen, if the Legislature of this State shall then be in session, and if not, then, within eight days after a quorum of both Houses shall be assembled at the place where the Legislature shall then be sitting; the two Houses shall meet in the House of Representatives, and proceed, by joint ballot, to the choice of a Senator or Senators to represent this State in the Congress of the United States, etc."

This act remained in force up to the 13th of February, 1846, and furnished the rule by which the Legislature was governed as to the time, place and manner of electing Senators to fill a regular term, so long as they met under the Constitution of 1812.

The 37th article of the Constitution of 1845 thus provides:

"In the year in which the regular election of a Senator of the United States is to take place, the members of the General Assembly shall meet in the hall of the House of Representatives, on the Monday following the meeting of the Legislature, and proceed to the said election."

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This article of the Constitution, in no respect, took from the Legislature the power of fixing the year, in which an election for United States Senator should take place. But *in the year in which it is to take place by law*, (and the Legislature had a right to fix the year by the 4th section of the 1st article of the Constitution of the United States,) then the members of the General assembly are directed to "meet in the hall of the House of Representatives on the Monday following the meeting of the Legislature and proceed to said election."

By the Constitution of 1845, article 5, the General Assembly is required to meet every second year, on the third Monday in January next, ensuing the election; but the first session of the Legislature, by the article 159, was to be held on the second Monday of February, 1846. But, after that, no regular term could be held under the Constitution of 1845, except as provided for in the 5th section.

The State of Louisiana then found itself in a new state of existence, and had to provide for the exigencies of the change which had taken place in the organic law. Finding that they could not meet *every year*, and that a regular term of a Senator of the United States must necessarily expire in a year in which they could not meet regularly under the Constitution, they repealed the 1st section of the act of 1812, by the 1st section of the act of 1846, which reads as follows:

"Be it enacted, etc., That the 1st section of an act entitled an 'Act prescribing the times, places and manner of holding elections for Senators to represent this State in the Senate of the Congress of the United States of America,' approved September 1st, 1812, be and the same is hereby repealed."

The first section of the act of 1812, being inapplicable and furnishing no longer a rule by which the Legislature could act in the election of Senator, they established the rule which is given in the 2d section of the act of 1846, above quoted, that is, in the session commencing in the year in which the term of a Senator expires, they can proceed to elect in that year. But if it expires in the next year in which they could have no session under the Constitution, then they provide for the election before the year in which the term expires. Under the rule thus established, Mr. Benjamin was elected in January, 1852, and was proclaimed duly elected Senator of the United States, for the term of six years, from the 4th of March, 1853. This act was done by the people of Louisiana, through their General Assembly, convened under the Constitution of 1845, and according to the rule established for doing such an act, contained in the 2d section of the act of 1846.

If the election of Mr. Benjamin thus had, be void, it must be on the ground:

1st. That his election is null, and was at the time it took place, by virtue of some provision of the Constitution of the United States, of this State, or some law existing at the time the election took place, or that the change that the State has undergone by the adoption of the Constitution of 1852, or, lastly, that Mr. Benjamin has not the qualifications or capacity required in 3d section of the first article of the Constitution of the United States, which reads thus:

"No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not when elected, be an inhabitant of that State for which he shall be chosen."

We have no evidence that Mr. Benjamin stands in a situation to be excluded by the above provisions; and the action of the Legislature in electing him, is taken as "prima facia" evidence of his possessing the constitutional qualifications. And the undersigned do not wish to be understood as taking the position that the present General Assembly can constitute itself a judge in this matter, for the 5th section of article 1st of the Constitution of the United States, provides that each House shall be "the judge of the elections, returns and qualifications of its own members."

We proceed then, to the other two grounds—1st. As to the Constitution of the United States, is the election void by virtue of any other of its provisions?—Article 3d, section 1st of the Constitution of the United States, provides—that "the Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years, and each Senator shall have one vote." The Senate of the United States is a co-ordinate branch of the Federal Government, the office of Senator is one involved in the composition of that body, its existence or non-existence is not involved in any particular organization of the State Government. It does not grow out of, nor is it involved in any change which may take place in the organic law of the State. As long as the State exists under any form of a Constitution, and remains in the Union, it is the duty of the Legislature of the State, and it has the right to choose its Senators, and to fix the time, place and manner of doing so. This, the State of Louisiana did, and in accordance with the provisions of the 2d section of the act of 1846, elected Mr. Benjamin.

So far, we have seen nothing in the Constitution of the United States, to vacate the election of Mr. Benjamin; and there being nothing in the act of 1846 which contravenes the Constitution of 1845, and Mr. Benjamin being elected by the rule established by that act, the undersigned have come to the conclusion, and one which they deem cannot be shaken, that the election of Mr. Benjamin took place in accordance with the provisions of the law governing the election at the time it took place. This leads us to the last branch of the enquiry. Did any power exist in the State of Louisiana, after the election took place to vacate it? No one will contend, we presume, that, under the Constitution of 1845, any General Assembly could have been convened which could claim the right of vacating the election.

It has been suggested, however, that as under the Constitution of 1845, the General Assembly might have been convened by the Governor of the State under the 54th article of the Legislature of 1852 usurped the power of electing at that time.

It is true, the Governor, by the 34th article, "may, on extraordinary occasions, convene the General Assembly at the seat of Government;" but the undersigned cannot perceive how such a discretionary power in the Governor, which he may, or may not, exercise, could take away from the Legislature the exercise of a power granted to them by the Constitution of the United States, even admitting that the choice of a Senator to the Senate of the U. S., comes within the meaning of the term "extraordinary occasions," as used in the 54th article. It does not appear to the undersigned that it could strike either the Governor or the Legislature, either before or after the session of 1852, as extraordinary, that a term of a Senator of the United States would expire on the 3d of March, 1853. A thing that takes place at fixed periods, cannot be looked upon as an "extraordinary" thing—the Legislature, foreseeing the fact which must be provided for, did provide for it, not deeming, we presume, that they were usurping a discretionary executive power of the Governor, which might, could, would or should call them together in January, 1853, to provide for an "extraordinary" event

But again. At the time that the election took place, no law had passed the Legislature submitting to the people of Louisiana the question as to the reorganization of the State under a new Constitution, and no period had been fixed or even contemplated, at which a new Constitution would be adopted or go into effect. And the credentials of Mr. Benjamin, or the evidence of the right granted to him to take his seat in the Senate of the United States, not being coupled with any contingency as to whether a constitution would be made by this State before the 4th of March, 1853, or that there might be a majority of the General Assembly in favor of setting aside the election, the undersigned are unable to see how the change which has taken place in the State, by the adoption of the New Constitution, can affect a right granted prior to such change. If the office of Senator in the United States Senate were one created by the State of Louisiana, and growing out of State organization, any change in this organization, by which this office is abolished, might destroy the right of an individual elected or appointed to fill it. But the act of the General Assembly, in electing Mr. Benjamin in 1852, not being at all involved in the re-organization of the State, they cannot see how the people of Louisiana, through the General Assembly of 1853, can abrogate or set aside an act done through the General Assembly of the same State in 1852. It ap-

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pears to the undersigned, that in no light in which they can view it, can the General Assembly claim the power of electing a Senator at this time, there being no vacancy in the Senate of the United States, and no term of a regularly elected Senator expiring in the present year, which has not been provided for in accordance with the existing laws applicable to the election. The change of a Constitution vests powers for future action—it can give no right to abrogate what has been done under the old one.

And the undersigned respectfully submit to the Senate the foregoing reasons, against the passage of the resolutions submitted to the committee.

H. Short,
B. L. Hodge,
Thos. C. Nichols.

Mr. Wickliffe moved thet 5,000 copies of the report be printed.

Mr. Martin moved that half the number be printed in French and English.

Mr. Lacey—How many copies of the Governor's message were ordered to be printed?

Mr. Wickliffe—5,000, sir.

Mr. Lacey—I cannot see the necessity of having so many copies of this report printed. Have 5,000 copies of any committee report ever been printed?

Mr. Wickliffe—Yes, there were 5,000 copies of Mr. Griffin's Internal Improvement Report printed.

Mr. Martin—Between this and the Governor's message, the report is much the more important of the two.

Mr. Lacey—Sir, I object to the printing of so many copies. In the rage for economy which prevails, I do not see why so much should be expended on this report. I am willing to vote for a reasonable number, but 5000 is entirely too many.

Mr. Wickliffe—The publication of 5000 will cost very little more than the publication of 2,500.

Mr. Lacey withdrew his objections.

The motion to print 5,000 copies, 2,500 in English and the same number in French, was carried.

Mr. Lacey then read the report of the minority of the committee. The report simply expresses a total dissent from the reasonings and conclusions of the majority of the committee.

To the Honorable, the Senate
of the State of Louisiana:

The undersigned, members of the Judiciary Committee, to which was referred the consideration of the joint resolution providing for the election of a Tnited States Senator, beg leave to report that the undersigned had not supposed that the majority report of the Judiciary Committee would be presented to the Senate this day; and they have been compelled, during the reading of the same, and without previous consultation, to make this, their report, in the premises:

The undersigned are obliged, respectfully, to express their dissent from the report of the majority of the committee—the undersigned not concurring either in the argument or conclusions of said report, and recommend the adoption of the joint resolution referred to the committee.

George S. Lacey,
Wm. W. King.

Mr. King, from the Internal Improvement Committee, read a report, stating that the committee had found a number of important documents, lying over from previous sessions of the Legislature

He moved that they be printed for the use of the Senate.

Mr. Martin was totally opposed to the printing of these documents. He presumed that among them was the report of Mr. Ricker. That report never would be read, as Senators never could be brought to listen. It would consume all the time of the Senate, for a day at least, simply to hear the reading of it.

Mr. King said that the committee had been very careful in selecting such documents as they considered of public interest and importance, and all together, those which they had selected for printing, occupied but 121 loosely written pages, which was not longer than many a lawyer's brief. If they were too long they ought to be printed in order to give every member an opportunity of reading them for himself.

Mr. Nichols hoped there would be no objection to the printing of these documents. It was absolutely necessary for the information of the members of the committee themselves. He had not the slightest knowledge of what had been done by previous committee, or what report had been made. He must confess that, though he was a member of the committee, he was in total ignorance of all the subjects which might come before him for examination. He had said in the committee room, without having any idea of what was to be done, or having any means of procuring the necessary information. The printing of these documents was a matter of necessity, and he hoped it would be ordered

ELECTION OF U. S. SENATOR.

Mr. Lacey asked whether the joint resolution to go into an election for United States Senator had not been made the order of the day for Thursday.

Several Senators replied that it had not.

Mr. Lacey said that notwithstanding his great respect for the gentlemen he still would like to have more definite information. He wished the facts to speak from the record, and again asked whether the resolution had not been made the order of the day for Thursday. He was under the impression that it had been so fixed. He had understood the Senator from Avoyelles, now absent, to say that there was an understanding between himself and several gentlemen on the other side, who were absent when this matter was last before the Senate, that the subject should not be brought up before Thursday, and he thought it had been made the special order for that day.

Mr. Martin explained that the understanding between himself and the Senator from Avoyelles, was purely of a private nature, and that the Senate had nothing at all to do with it. The Senator had only agreed with him, that he would not press the subject before Thursday, when those gentlemen who were then absent would again be in their seats.

Mr. Wickliffe thought the whole subject had better be postponed till after the report was printed, and laid before the members. He would then be perfectly willing to have a day fixed; but in the meantime he wanted the benefit of the light which the Judiciary Committee had thrown on the subject.

The Secretary read from the journal showing that the motion to fix a day had been lost.

After some further conversation,

Mr. Lacey said that he was willing to abide by the record; and he could now make a motion to fix the consideration of the resolution for Thursday next.

Mr. Wickliffe objected to the introduction of the resolution in this way. He thought that it should lie over under the rules.

Mr Lacey did not see why the resolution should be subjected to the formality of lying over under the rules.

Mr. King had no desire to enter into a discussion on this subject, but he thought that it interfered greatly with the duties of the Legislature.

It ought to be disposed of at once, and thus an end put to the profitless discussions to which it might give rise.

Mr. Wickliffe did not wish to put the subject off. It was proper to meet the subject as soon as possible. But there would be ample time for this after the printing of the report. It might suit some gentlemen to speak on the subject on Thursday, but it might not be so agreeable to others. For his own part, he desired to wait for the printing of these reports. He wished to have them both before him—to compare their reasonings and conclusions, in order to see whether there was any conflict between them. He could see no hardship in this. He, for one, had not been disturbed by the question. It had not been a source of annoyance to him; it had not interfered with his legislative duties. He hoped that the Senator from New Orleans would not allow it to interfere with him, and he hoped that gentleman would continue his duties as Chairman of the Internal Improvement Committee, just as if there were no such question before the Senate.

After some more desultory remarks from various senators, the resolution of Mr. Lacey was adopted.

BILLS REFERRED.

Mr. Thériot. An act relative to the removal of the

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seat of Justice of St. James Parish.—Committee on Parochial Affairs.

NOTICES OF BILLS.

A bill to attach a portion of the parish of Winn, to the parish of Natchitoches.

ORDER OF THE DAY.

A resolution instructing the committee on Banks and Banking to inquire into, and report on the condition of the incorporated banks of the city of New Orleans. Passed.

An act to authorize Justices of the Peace, in certain cases, to appoint curators ad litem. Recommitted.

An act to change the qualifications of Directors of the Citizens' Bank. Passed.

And on motion of Mr. Wickliffe, reconsidered.

BILLS AND RESOLUTIONS CONCURRED IN.

Mr. Kennedy, clerk of the House, informed the Senate that the House had concurred in,

An Act to confirm the sale of lands on Raccourci Cut-Off.

A resolution relative to a Post-Office in the French settlement in the parish of Livingston.

He also requested the concurrence of the Senate in several bills and resolutions.

On motion, the Senate adjourned.

WEDNESDAY, February 9th, 1853.

The Senate met pursuant to adjournment.

BILLS AND RESOLUTIONS INTRODUCED.

Mr. Short. A joint resolution for a joint meeting of the Judiciary Committees of both Houses to define the districts and jurisdiction of the district and other inferior courts, so that an election may take place at the time appointed for the election of Judges of the Supreme Court.—Passed.

Mr. Lewis. A resolution to pay the expenses of the committee which waited on Governor Hebert for the purpose of inaugurating him.—Passed.

Mr. Todd. An act for the construction of a bridge across bayou Little Bonne Idee, in the parish of Morehouse.—Committee on Internal Improvements.

Mr. Millard. A resolution relieving Jerome Tourné, of New Orleans, from any further pecuniary obligations on certain forfeited bonds.—Passed.

REPORTS OF COMMITTEES.

Mr. Lacey, from the Judiciary Committee, reported favorably on the bill regulating the duties of Notaries without the limits of the city of New Orleans.

BILLS REFERRED.

Mr. Palfrey. An act relative to the powers of clerks of District Courts—Judiciary Committee.

THE VETERANS OF 1814 '15.

Mr. Lewis, from the Committee on Militia, reported favorably on "an Act making appropriations for the payment of pensions due the veterans of the war of 1814 and 1815."

Mr. Kenner said that he was willing to vote for a bill of this kind, but before doing so he would like to ascertain with precision, how much would be sufficient to cover arrearages of this nature. He thought that for this purpose, the bill ought to lie over for a short time in order to allow investigation. He would briefly explain the nature of the case as it stands at present The last Legislature passed a bill appropriating $15,000 for the aid of persons classed as pensioners, for services rendered during the invasion of 1814-'15. The terms of the law were to this effect.—Any person who had fought in the army during that invasion, and who could prove his services, and the fact that he was in needy circumstances, to a Board composed of the Governor, Auditor and Treasurer, would be entitled to receive a pension of $8 per month. Under this act a much larger number of pensioners than was contemplated by the Legislature which passed the law, had presented their claims. It would take at least $50,000 instead of the 15,000 appropriated, to pay these claims. It is now proposed to appropriate $5,000 to pay up the arrearages. If this is to be done it would certainly be better to make provision for the whole amount at once, than to appropriate a sum sufficient to cover only a small proportion, and which, in comparison with what is needed, is a mere drop in the bucket.

Mr. Wickliffe had a very distinct remembrance of the act referred to by the Senator from Ascension. At the last session he had done all he could to prevent its passage, as he thought the law was much better as it then stood. Under the previous law, it was required of each pensioner to make proof of the circumstances of his case, in an application to the Legislature, for relief, and then his petition was acted on separately and with reference to its merits individually. But the last Legislature adopted a different system, and we ought to carry it out. In his parish there were two persons, and the Senator from New Orleans had informed him that in that district there was a much larger number, who, under the act of last year, were entitled to relief. They had imagined that the $15,000 appropriated would be enough, and not anticipating the rush of applicants which had taken place, they had not been in so much of a hurry as some others, to come here and receive what was due to them under the law. When they did apply they found that the sum appropriated had been exhausted, and they were therefore disappointed in the expectations of relief they had been induced to form by the action of the last Legislature. He was consequently extremely anxious for the passage of this bill. These were not solitary instances. He knew that there were old soldiers, and many of them who were actually suffering for the necessaries of life. The amount proposed in the bill was not large—it might not be nearly enough to cover the arrearages—but if it was a mere drop in the bucket as the gentleman had stated, why not give it at once ?

Mr. King stated that he felt great repugnance at expressing any opposition to the pension system which had been adopted by the Legislature. But he must confess that when he looked at the condition of the State—with an impoverished, he might almost say a bankrupt treasury—he felt some alarm at entering on a career of this kind. He would like to give his support to some such bill, but he required time for investigation. He would like the bill to be recommitted in order to give time for more mature consideration. The Senator from Ascension had stated that the amount required would be about $50,000, which was certainly a very large sum. He would therefore move to refer the bill to the Committee on Claims.

Mr. Wickliffe thought the proposition of the gentleman from New Orleans a most extraordinary one. The bill had been referred to the Militia Committee, and that Committee had reported favorably on it. The gentleman now wishes to take it out of the hands of that Committee and refer it to another.

Did the gentleman think that the Committee on Militia had not given due attention to the subject? Did he imagine that that committee was not competent to examine and report on the subject ? If he did not, why be guilty of the discourtesy which would be implied in taking this bill out of its hands ?

Mr. King said that he could not see what the Militia Committee had to do with monetary affairs. This is purely a matter of dollars and cents, and as such ought, in the first place, to have been referred either to the Finance Committe or to the Committee on Claims.

Mr. Kenner would like to make a few observations on this subject before it is finally disposed of. He had looked into the matter attentively, and he thought that when he had explained the true position of the case, Senators would agree with him in wishing the bill recommitted for a short time. For one, he was disposed to do anything for the aid of those old soldiers who had served the country and the State in the war of 1815, and come to their relief when necessity compels them to solicit it. He would gladly vote for some provision for their benefit. It was for this reason that he desired the bill to be recommitted, in order that time might be allowed for the preparation of an amendment making the requisite provision for the full amount which is rendered necessary by the Act of last year. In order to show the result of that act, and the amount which would be required for its fulfilment he would read the following passage, bearing on the subject, from the Report of the Auditor of the State :

"In connection with the suggestion made in a preceding portion of this Report for the repeal of the Pension Law of the last session of the Legislature,

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I will state that the sum of $15,000 appropriated for the year 1852, under the Act, was exhausted during the first six months, so that the second instalment to each claimant could not be paid; it would require the like amount to do so, besides about ten thousand to fifteen thousand dollars more to satisfy other claims, perfect under the Act of No. 220, now before the Board established. It will take all of the fifteen thousand dollars per annum to satisfy claims that will be made. The Act establishes the right to a pension in any one who performed military service in 1814, and 1815, and under other conditions, and makes the oath of the claimant and two other persons, proof of the existence of the conditions."

We have passed an Act appropriating $15,000 to carry out the provisions of the law which grants a pension of $8 00 per month to persons who performed military service during the invasion of 1814-'15. We have found that the sum appropriated is not large enough by at least $50,000, which sum will be required to fill the amount which is now ascertained to be needed on account of the presentation of so great a number of claims. If Senators are determined to carry out this system of granting pensions, they ought not to give out the money in driblets, such as would be the amount named in the bill before the Senate, but it would be more proper to recommend the bill in order to give time for maturing a plan by which the whole subject could be disposed of at once.

The gentleman had said that in his parish there were two very respectable old gentlemen who did not run here in a hurry to receive their pay immediately after the passage of the pension law by the last Legislature. He admired those old gentlemen; they have helped the State in times of peril, and they deserve well of the country—they ought to be paid for their services:—and why did he think they ought to be paid?—why because among his constituents there were eleven persons precisely similarly situated. They were not in a hurry either—they did not run down here to receive their money the moment the bill was passed, and they ought to have their share of any appropriation to be made, just as well as the two constituents of the Senator from West-Feliciana.

As the amount proposed in the bill is not sufficient to meet the claims presented, he wished either that the amount be increased so that it will be enough to satisfy all, or else put an end to the whole system at once.

Before concluding, he would say that he had listened attentively to the remarks of the Senator from New Orleans, and he thought them exceedingly appropriate and well-timed. He was himself of opinion that the reference of the bill to the Committee on Claims was improper, as the matter was simply an affair of dollars and cents, with which that committee had nothing to do. The subject did not belong properly to the Militia Committee; it belonged to the Finance Committee, or to the Committee on Claims.

Mr Lacey said that if the question was merely one of time—that if further opportunity for amendment were desired—he might coincide with the Senator; but if the object was to take the bill out of the hands of the committee to which it had first been referred, he would oppose it. He could see no reason for a more thorough investigation than that which had already been bestowed upon the subject; and if only through courtesy to the Militia Committee, he should oppose the proposition to remove the bill from its charge.

Were these merely a claim for pensions on the part of particular persons, he might feel disposed to hesitate before granting the request. Much as he might wish to feed the hungry, and minister to the wants of the suffering and war-worn veterans of 1815, he would pause before entering upon a career of this nature. But when he took the legislature of 1852 as a starting point, where was he placed? That Legislature passed an act granting $51,000 to the veterans of 1815—did it intend to make a promise and to break it? Did it mean to offer pensions, and then refuse them? Did it say to those war-worn veterans of 1815, who had perilled their lives in defence of the State, "come, and you shall be provided for; your wants will be supplied; the State will care for you"—and then turn them away disappointed from the doors of the Treasury? In what a position, then, was he placed, looking at the Legislation of 1852, and the results flowing from it. He was disposed to act in good faith, and to carry out the provisions of the act of last year. If the proposition of the Senator from Ascension is only for the sake of gaining time for consideration, he should be willing to consent to it; but if the object be to change the bill from one committee to another, he should be compelled to oppose it. If he looked at the question simply on its merits, he should feel himself bound to carry out the provisions of the act of 1852, which has solemnly granted pensions to the veterans of 1815.

Mr Martin remarked that for his part, being chairman of the Militia Committee, he should not feel at all hurt if the bill were referred to the Finance Committee.

Mr. Lacey remarked, that if the chairman of the Militia Committee had no objection to this course of proceeding, he certainly should offer none.

The bill was referred to the Finance Committee.

According to previous notice, Mr. Kenner introduced a bill to make an appropriation for the compensation of Presidential electors.

Passed.

ORDER OF THE DAY.

Classifications of Senators.

On motion of Mr. Martin, the Senators proceeded to draw lots for classification under art. 17 of the Constitution.

The following was the result of the drawing:

1st Class, (short term) Messrs. Derbes, Kenner, Kemp, Lewis, Martin, Millard, Mouton, Neal, Palfrey, Patterson, Smith, Short, Slack, Taylor, Todd, Wickliffe.

2d Class, (long term) Messrs. Boatner, Burthe, Clifton, Dupré, Evans, Griffin, Hodge, Kittridge, King, Lacoste, Lacey, Lauve, McCay, Nicholls, Rivers, Thériot.

BILL CLOSING THE LAND OFFICE.

Mr. Short asked and obtained leave to introduce a bill to provide for the sale of a portion of the swamp and overflowed lands granted to the State by acts of Congress approved March 2d 1849, and September 28 1850; and to appropriate the proceedings thereof.

A motion being made to refer the bill to the Committee on Lands and Levees,

Mr. Short said he was opposed to the reference, because one of the most important objects of the bill would be defeated by it. He would state its objects briefly. There was now a bill in the lower House before the Committee on Lands and Levees, the object of which is to adopt such a system as will protect all the alluvial lands of Louisiana which are subject to inundation. Under this bill, a commission to be hereafter appointed, will have authority to classify these lands. After the classification, scrip based on the value of the lands may be issued, to provide for the building of levees, in accordance with the classification made by the commissioners. Then we would always have a fund on hand, for the construction of levees. But as soon as it was known that it was the intention of this Legislature, to pass such a bill, large parts of the most valuable lands were selected and taken up on speculation, thereby, while the bill is in an incipient state, profiting by the intended action of the Legislature, by taking up the best lands, so retarding one of the most important measures contemplated by the Legislature The object of this bill was to arrange the levee system, and the public lands, so as to have an available fund, either by means of the issue of scrip, or if it would suit better, by a loan on the lands. He did not think that they ought to suffer this object to be retarded. At present, large quantities of the best lands were being selected—and for what purpose? because it has been seen that this Legislature has a disposition to put forward such a system as will realize an available fund. With that sharp eye which speculators always have out, they had seen and pounced upon the finest lands, and as soon as the system goes into operation, the speculator would be found in possession. As soon as the classification is commenced, it will be found that all the best lands are in the hands of these persons. It was in order to defeat this plan and to have a consultation of the Land and Levee Committees of both Houses,

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in order to prevent the system to be adopted being interfered with by speculators, that he had offered this bill and now opposed its reference. He desired that the available funds, which he expected would be realized, should not be taken from the State by these sharp eyed persons before the State had even caught a glimpse of them.

Mr. Griffin said he would like to know how this bill would effect planters who desired to enter lands lying back of them, which were necessary to their agricultural operations.

It appeared to him that the bill would operate upon them as a restriction, in this respect, as they certainly would not go out into the swamps, among the mosquitoes and alligators, to gain the settlement required by the bill. He should oppose it.

Mr. Hodge remarked that he had a substitute to offer, which he thought would meet the views of the Senator who had presented the bill. The lands in question had been donated to the State by the acts of Congress of 1849 and 1850. After the passage of those acts, and before the lists had been made out and sent on to the General Land Office, many parties entered portions of these lands in the Land Office of the United States. The Commissioner of the General Land Office subsequently decided that all the entries made after the passage of the acts of 1849 and '50 were null, they having been made subsequent to the passage of those acts by which the United States passed all right and title to the lands. Afterwards, under the State laws, other parties came forward and entered the same lands. The Register permits these proceedings, under the sanction of the opinion of the Attorney General, which has been submitted to the Senate recently, attached to a report from the Register of the Land Office. He thought that under these circumstances it would be better to close the Land Office, in order to prevent the impositions which are practised under the opinion of the Attorney General. The substitute which he had offered, would effect this.

Mr. Lacey thought that so far as the substitute was concerned, the Senator from De Soto had better not press it. The Register of the Land Office had very recently come to the Judiciary Committee with important documents which he had received from Washington on this subject. These had yet to be examined. By some mistake, also, the report of the Register of the Land Office, which had been ordered to be printed, had not yet been laid before the Senate. The reports had been printed, but were inadvertently, distributed in the other House. There was no reason for offering the substitute, as everything necessary to be done, under the circumstances, could be provided for in the original bill. He hoped the gentleman would not press his substitute, as Senators had not yet had time to examine the reports. He hoped the Senate would act on the bill without reference to the substitute.

Mr. Hodge thought that the Senator would not insist on the withdrawal of the substitute, when he informed him, that he (Mr. Hodge) had the report of the Register of the Land Office, and the opinion of the Attorney General before him. The Register says that he cannot refuse to let parties enter lands under the circumstances stated. He would ask the Senator whether he thought this right, whether he did not think that parties entering lands in good faith, under our laws, ought to have precedence. It was for the purpose of preventing trouble of this kind, and to relieve many persons in his own district, who had been involved in difficulties by the action of the Register of the Land Office, that he offered this substitute. He believed that unless the Land Office were closed, many more troubles of this kind would arise, as there were even now, in this city, parties who had come here to enter lands in this way. He therefore thought it wise to close the Land Office. What was the purpose he expected to achieve by this? Only to prevent the sale of any more warrants except to actual settlers.

The Attorney General was mistaken in the construction he had put on the law, and the Register had already transcended his duties in permitting lands to be entered as he has. He (Mr. Hodge) saw, on the part of the Register, an evident disposition to recognize the validity of these entries, because he was backed by the opinion of the Attorney General. As for himself, he would not sacrifice his sense of duty to a popular prejudice, nor would he be willing to legislate expressly for the benefit of squatters on the public lands.

Mr. Short said that it would be an easy matter to relieve the bill of those portions which appeared to be objectionable to the Senator from De Soto. He was perfectly willing, if it was not satisfactory in its present shape, to modify it in such a manner that it might pass at once. The class of persons who have entered lands at the several Land Offices, are provided for by an act of the last Legislature. It was decided by the Secretary of the Interior that entries of land in the General Land Office, made subsequent to the passage of the acts of 1849, '50, were null and void, having been made after the United States passed title to the land. At the last session, an act was passed by the Legislature, to receive back the money paid into the General Land Office, on account of these entries. If Louisiana receive the money back, what will be the effect? She cannot take the land and the money too. There is also an act now before Congress, providing for paying over to Louisiana, all the money received at the General Land Office for land entered subsequently to the passage of the acts of 1849, '50. That ought to suit the gentleman, but if it would not, let him offer some proper amendment to the bill.

He would inform him that he was mistaken if he supposed that he (Mr. Short) had introduced this bill merely for the benefit of the residents on public lands. The bill would confer a benefit on his constituents, and many others who reside on the swamp lands, exposed at any moment to all the dangers of inundation.—He had still another object, which was to preserve the land from the grasp of speculators, till they could be made available as a foundation for a levee and drainage fund. In this way the lands could alone be made inhabitable for those who have located on them, and made the country fit to live in. This was his object, and not to curry favor with the squatters, as had been insinuated by the gentleman.

Mr. King would offer an amendment to the substitute, to relieve the case of its present embarrassment. The objects of both the bill and the substitute were the same—to stop the mania for speculation in the public lands. The substitute compels an entire suspension of business in the Land Office. He thought it could be made perfectly satisfactory by a slight *addendum* providing that pre-emptors should not lose any of their rights by the suspension. He therefore offered the following amendment to the substitute:

"Provided that the provisions of this bill shall not apply to pre-emption claims secured by the second section of the above recited Act."

Mr. Hodge accepted the amendment.

The substitute finally passed, as amended, in the following form:

"Be it enacted, &c., That the Register of the Land Office and the Treasurer, Receiver of public monies, be and they are hereby required not to sell any more warrants under the Act of 17th of March, 1852; provided that the provisions of this bill shall not apply to pre-emption claims secured by the second section of the above-recited Act."

MESSAGE FROM THE HOUSE.

Mr. Kennedy, clerk of the House, asked the concurrence of the Senate in an Act for the relief and final settlement of the Union Bank.

On motion, the Senate adjourned.

THURSDAY, Feb. 10, 1853.

The Senate met pursuant to adjournment—Hon. W. W. Farmer, Lieutenant Governor, in the chair.

The Secretary requested the concurrence of the House in the following acts and resolutions:

An act authorizing the Mayor and Board of Selectmen to divide the city of Baton Rouge into two elective precincts, and fixing the manner of conducting elections.

An act to emancipate Murdoch Marion Shaw.

An act to change the qualifications for Directors of the Citizens' Bank of Louisiana.

An act to emancipate Angelique Victorine Blanchard, a minor, wife of A. M. Warren.

An act to change the name of James H. Shotwell to Andrew Sausen.

An act to change the name of the New Orleans Catholic Association for the relief of Male Orphans.

An act to amend an act to provide for the sale of a portion of the swamp and overflowed lands granted to

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the State by acts of Congress approved 2d March, 1849, and 28th September, 1850, and to appropriate the proceeds thereof.

An act to make an appropriation for compensation of Presidential electors—also,

A resolution making it the duty of the Judiciary Committee of the Senate and the House of Representatives, to define the districts, and jurisdiction of the District and other inferior Courts, and for other purposes.

A resolution for the relief of Jerome Tourné.

He also informed the House that the Senate had concurred in a resolution instructing the Standing Committee on Banks and Banking to examine into the condition of the incorporated Banks of the city of New Orleans, and report thereon.

He also requested the signature of the Speaker of the House to the amended bill entitled An act to emancipate Susan Little, a minor, wife of Dr. Vincent Beagne, of the Parish of St. Landry—

And informed the House that the President of the Senate had signed the amended resolution of the House instructing our Senators, and requesting our Representatives in Congress, to procure a daily mail between New Orleans, Baton Rouge and Bayou Sara.

The following Senators gave notice that they would on to-morrow, or some future day, introduce the following bills:

Mr. McCay—An act for the relief of Purvis Duegué, of Jefferson Parish.

Mr. Nichols—An act to emancipate Alcide Ginsoletin, a minor;

An act for the relief of Mrs. Joseph De Buclet.

Mr. Mouton—An act to repeal a portion of the 4th section of an act entitled an act to explain certain articles of the Civil Code now in force in this State—approved April 1st, 1826; and to revive, re-enact and amend the three hundred and fifth article of the Civil Code of Louisiana.

Mr. Lewis—An act to incorporate the Southwestern Industrial Fair Company.

Mr. Derbes—An act to repeal an act entitled "an "act allowing appeals in all cases from judgments of "Justices of the Peace in the city of New Orleans— "and to amend the 16th section of an act to define "the jurisdiction, and determine the number of Justices of the Peace to be elected for the Parish and "City of New Orleans;" approved 1st June, 1846.

Mr. Mouton, according to previous notice, introduced—

An act for the more speedy and easy administration and settlement of successions in this State.

On motion the rules were dispensed with, the act underwent its first and second reading, and it was referred to the Judiciary Committee.

Mr. Kenner, from the Committee on Banks and Banking, to whom was referred an act to prohibit the circulation of small notes, reported favorably, with amendments.

ORDER OF THE DAY—THIRD READING.

An act entitled an act to amend an act entitled "an act forming a Levee District, to be comprised of the Parishes of Carroll, Madison and Catahoula, for the better protecting the same from inundation, was read a third time and passed.

SPECIAL ORDER OF THE DAY.

Being 12 o'clock M., the following resolution was taken up, and received its 2d reading.

Resolved, That the General Assembly will meet in the Hall of the House of Representatives, on Friday next, the 11th inst., at 12 o'clock M., for the purpose of electing a Senator to the Congress of the United States, to fill the vacancy that will be occasioned on the 4th of March, by the expiration of the term of the Hon. Solomon W. Downs.

Mr. Lacey rose and made the following remarks: When the resolution, now under consideration, was offered by the Senator from Avoyelles, a motion was made by the Senator from West Feliciana, to refer the matter to the Judiciary Committee of the Senate This reference I opposed, because I conceived that the bearing of the resolution was political in its nature; it did not involve an enquiry into such questions as ought properly to be passed upon by any body except the Senate itself; I was fearful too the reference might be the means of producing delay—a fear which I am free to confess, has not been realised; moreover, I desired the Senate to pass upon the resolution, without having its view turned towards or against the resolution, by the color of a report. I am glad, Mr. President, that the matter is now in the hands of the Senate, and that we are permitted to advance to a final vote upon the resolution.

I am told, sir, that if I advocate the passage of the resolution, I will throw myself in the light of a partisan, and will be accused of attempting, in violation of law, and in opposition to the vested rights of Mr. Benjamin, to force a democratic member into the Senate of the United States. I would ask the honorable Senators, where is the necessity of increasing the democratic strength in that body? Have we not now a clear majority? Cannot the President elect, in the hour of his trial, lean upon it for assistance? Yes, sir, he can; and when that grief-stricken man turns his back upon the quiet grave in which lies sleeping the mangled form of his darling child; when he shall have wiped from his eyes, the burning tear, which nature forces from the broken fountains of his wounded heart: when his tale of sorrow, of sadness, and of grief shall have become hushed by the responsible cares appertaining to the high position to which he is called, he will find, in the honorable body, to which I am seeking to send a representative from this State, a support equal to any emergency; an influence and a power, capable of sustaining any recommendation of his administration. What need then for the course, which is ascribed to me? I doubt not, the honorable Senators around me, will consider the accusation, as undeserved, as it is ungenerous and unkind.

Again, sir, it is asserted that the resolution is doomed to defeat, and that its friends will come out of the contest, routed, and in dismay. The opposition, we know, is great; we shall be opposed by the entire strength of the whig Senators, and I regret to know, that in that opposition, they will be sustained by a part of our political friends. Yet, sir, we are undismayed. The appeal had better been directed to our judgment, than to our fears. We will contend against the storm as it plays in its fury around us, and if at last, weak and powerless, we are overcome, by a power, which we cannot control, it will be *destiny* and not *choice*, that has brought us to that end.

Before proceeding to place the Senate in possession of my views, relative to the unconstitutionality and illegality of the election of the Hon. J. P. Benjamin, I deem it not improper to notice the objections which have been urged against the passage of the resolution, now before the Senate. These objections are not without some little degree of plausibility; but when calmly enquired into, their force disappears, like the morning mist before the rising sun. What are those objections? It is contended in the first place, that this Legislature cannot go into an election for a U. S. Senator, because, Mr. Benjamin having been chosen by a previous Legislature, and being in possession of his commission, the only body which can enquire into the validity of his election, is the Senate of the United States. I have never known the doctrine carried so far as is contended for on the present occasion.

If Mr. Benjamin's election was in violation of the organic law of the State, the doings of the Legislature, which gave to him his commission, and the commission itself, is as worthless as the paper upon which the commission is written. It possesses no binding force whatever; gives to the appointee no rights; is, in fine, a perfect and absolute nullity. A commission obtained in violation of the Constitution, will not protect the person holding such commission, even after he had obtained his seat; and one granted in violation of law only, gives no better right, as long as the person is unsworn and has not entered upon the discharge of the office to which he pretends to have been chosen. That the Legislature has the right to enter into a second election, before the first shall have been declared void, was expressly settled by the Senate of the United States, in the year 1834, relative to the conflicting claims between Messrs. Rob-

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bins and Potter, from the State of Rhode Island. In that case, Mr. Clay contended that the Senate of the United States could take no steps to enquire into the rights of Mr. Potter, until the seat of Mr. Robbins, was denied him; and yet, the Senate of the United States appointed a committee to enquire into the claims of Mr. Potter, who held under the second election. Here is a complete acknowledgment, by a whig Senate, of the right of the Legislature to enter upon a second election, previous to the first being declared void by the Senate of the United States. Whether, then, the election of Mr. Benjamin be in violation of the Constitution, or of the law, he is not as yet beyond the reach of the Legislature, and the same tribunal, which pretended to throw the senatorial robes upon his shoulders, can now disrobe him.

Again, it is said, that the honorable members, who now so ably represent the State, in the Senate of the United States, were chosen in the same manner as Mr. Benjamin, and that in order to give validity to the rights of the former, we must sustain the claim of the latter. Suppose, Mr. President, that Mr. Downs and Mr. Soulé were both chosen in violation of the Constitution and the law, (a point I deem it unnecessary to argue,) does that fact authorize us to ride over the organic law, and to turn our backs upon the legislation which we have solemnly sworn to maintain? For one, I never could discover the soundness of that argument, which maintains, that two wrongs make a right, and I will never be governed by it.

This brings me to the consideration of the unconstitutionality and illegality of the election of Hon. J. P. Benjamin; and in doing so, I shall endeavor, in my own humble and feeble manner, to satisfy this honorable body:

1st. That the act of 1846, through which Mr. Benjamin claims to derive his authority as Senator of this State, is *unconstitutional*;

2d. That if it be constitutional, it did not authorize the last Legislature to proceed to the election;

3d. That if it authorized the election, the choice was but inchoate or imperfect; to be perfected, only in case there was no session of the Legislature in the present year.

I have assumed then, Mr. President, that the act of 1846 is in violation of the Constitution; and in making good this position, I direct the attention of the Senators to the following considerations:

The framers of the Constitution, by the words "*regular election*" in the Constitution of 1845, contemplated an election in the year in which a regular term expires; the act of 1846 fixes such election in certain emergencies in the preceding year; there is a contradiction between the organic law and the statute of 1846, and consequently the lattter is unconstitutional.

Did not the framers of the Constitution of 1845, in article 37, by using the words "*regular election*" contemplate one occurring in the year in which a regular term expired? In order to answer this question properly, we must not content ourselves in looking at it through a light of our own creation, but, permitting our minds to run back to the period when this article was under consideration in the Convention, we must view it through the light which hung around that honorable body. That the framers of the Constitution, by the words regular election, contemplated one taking place in the year in which the regular senatorial term expired, is evident, because

1. Such had been the unvarying rule, in this State, for thirty-two years. From the time Louisiana threw around herself the mantle of sovereignty, and was admitted as a State into this glorious Union, up to the adoption of the article 37 of the Constitution of 1845, no other rule had been followed; this rule had become consecrated by the dust of thirty years; it had stood firm and unchanging through that long lapse of time—and can we for a moment suppose that the framers of the organic law, in the use of the words "regular election," intended aught else than to continue that rule, which had "grown with the growth, and strengthened with the strength" of the State?

Again. It is evident that such was the intention of the framers of the Constitution, because thereby they enabled the people to fill a vacant seat by one whose political opinion was a reflexion of the popular will. This is a great and an inestimable privilege; and no construction of the organic law, or the statutes of the State, ought to be maintained, which deprives the people from filling, directly or indirectly, a vacant office, or excluding from it one whose political opinion is directly opposed to the wishes of the people, as expressed at a popular election. I cannot but conclude, for the reasons above stated, that our construction of the words "regular election" is correct—and that that construction was intended to be given to it by those fathers who brought the words into existence.

It is argued, however, that the words "regular election" mean such an election as takes place to fill a regularly expired term, and which is had in pursuance of the rules laid down by the Legislature. This argument very plainly asserts the right of the Legislature to fix the time when the election is to take place and that the election when thus fixed, is regular in its nature.

The evil tendency of this construction shows its error; for, if the Legislature can fix any period which to it may seem proper, there is no limit to the time—and it may provide for the election of a Senator five years before the term of office has expired. Nay, further—not only may the Legislature fix the time of the election five years previous to the expiration of the regular term, but a subsequent Legislature can reverse the rule, and establish some other mode and time equally absurd. Can we give to the words "regular election" a construction which will be productive of so ruinous a state of things? Will we not rather conclude, that by them is meant an election occurring in the year in which the term of office expires? Such must have been the intention of the framers of the Constitution.

Having shown that, by the words "regular election," the framers of the organic law contemplated one occurring in the year in which the regular Senatorial term expired; having furthermore shown the dangerous tendency of the opposing construction; I would ask the Senate in what year does the statute of 1846 contemplate to hold the election? I answer, in the preceding year. There is, consequently, a direct contradiction between the constitution of 1845, and the law of 1846—and the latter is, therefore, unconstitutional, null and void.

I am told, however, Mr. President, that article 37 of the Constitution of the United States, gives to the Legislature the power to fix the time, place and manner of holding the election for a U. S. Senator; and, that sustained by the overpowering weight of the constitution of the United States, the act of the Legislature, in fixing the time and manner of such election, rises above the implied, or even expressed, provisions of the State constitution. This argument seems to me unsound. It is true that the article of the Constitution of the United States above referred to, does declare that the Legislature shall provide for the time, place, &c., for an election; but that article, so far from making the right of the Legislature *exclusive*, intended, as a self-evident proposition, that such legislation should be subordinate to the Constitution. What would become of State sovereignty—where would be our boasted State rights—if the Constitution of the United States could place a Legislative act above the organic law of a State? I will not permit my mind to dwell upon the sad realities flowing from a position so unsafe and so unsound.

I come down to the second proposition which I have presented for the consideration of the Senate, and now proceed, briefly to show, that if the act of 1846 be constitutional, it did not authorize the Legislature of 1852, to proceed to the election.

I must confess, that this act, seems to me not only unintelligible, but absurd. It makes the Legislature shape its action, upon a contingency, which is hidden in the bosom of the unseen future: a condition which cannot be known at the time the Legislature is called upon to act. But with its absurdities, I have nothing to do. I will take the act as it is, and reason out my cause upon its face.

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The statute of 1846, provides that an election for a United States Senator, shall take place in the year, preceding that in which the regular term expires, only in case there is no session of the Legislature in the last mentioned year. The condition or contingency upon which the Legislature could elect in a preceding year, was no session in the year in which the term of office expires; a session is now being held in the year in which the regular term of office expires, and consequently, the contingency not having occurred, the Legislature was not authorized by the face of the act of 1846, to go into an election in the year 1852. It is useless to tell me there was no session for the present year contemplated by the laws in force at the time of Mr. Benjamin's election The act of 1846, does not speak of a thing in contemplation of law but of a simple naked fact; a session, or rather no session of the Legislature.

But I may for the sake of the argument," compromise matters with my opponents. I might admit that the act of 1846 was not in violation of the constitution of the preceding year; nay, further that the election of Mr. Benjamin was authorized by the provisions of that act; what then is left to us? I answer the strongest point of our whole case; a position, which has not been, and cannot be successfully attacked by the Hon. Senators who oppose the resolution which we are seeking to pass.—It is this: that the election was imperfect, inchoate in its nature; depending for its validity upon the fact of no session of the Legislature in the present year. In adopting this view, we give force to the law of 1846 so far as it authorizes an election in the preceding year, and do not destroy the true meaning and object of the Statute, which demands an election in the year in which a regular Senatorial term expires — Our law is thereby rendered harmonious and each portion throws in its notes to make sweet music of the whole.

But Mr. President, I am consuming too much of the time of the Senate, and must draw to a close.

Before doing so, I would ask the Senators what harm can there be, in submitting this vexed question to the Senate of the United States? If Mr. Benjamin be legally elected, that Hon. body will not take from him his vested rights, but will permit him to occupy the proud position which he is so well qualified to fill. Is there, I woud ask; any doubt about the question? If there be, and I must confess there is not much with me, where must be thrown the benefit of that doubt? For one I am disposed to give it to the Democratic party. I have ever been a faithful member of that party; it was that party which placed me in my present honorable position, it is that party which reflects the political feeling of the people of the State: I have been with it in the moment of its prosperity, and it shall have the benefit of my doubts, and my support in the hour of its adversity.

But enough, Mr. President. When I went up to the altar of this Chamber and placed my hand upon the bright pages of that inspired volume, I performed a ceremony of deep significance and importance; I swore to support the Constitution and the laws, and that oath, I will, regardless of consequences, endeavor to perform.

I think Mr. Benjamin's election is not supported by law, and so thinking, whether I sink or swim, live or die, survive or perish, I am for the resolution.

When Mr. Lacey had concluded, Mr. Short rose and said:

Mr. President and Senators:—It is known to a few Senators on this floor—it is known at least to those with whom I have been familiar—that from the first I have been opposed to the movement which gave rise to the resolution under discussion. I regret that this movement proceeded from the source whence it has—a source which I have always respected—a party which from the foundation of the Government to the present time has always professed to be governed by principle.

Mr. Wickliffe. It is only a portion of the party which urges this movement.

Mr. Short. It may be only a portion of the party this time, but I wish to act with all. I regret this movement for another reason—a reason personal to myself, and I beg the indulgence of Senators while I briefly advert to it: For some years, as a private citizen, I have had a tolerable standing as a democrat in the section of country in which I reside. I regret that for the first time, in the Senate, I am compelled to depart a little from the action of my party. It has gone forth, and probably reached the section of the country in which I live, that I have acted in defiance of the Constitution. In looking over some names in the newspapers I have found in connection with "the Moutons, the Wickliffes, the Boatners, the McCays," that even Short of North Louisiana, who always did battle with such strength of arm as he possessed in defence of Democratic principles, has acted in disobedience to the injunctions of the Constitution, and gone over to the Whigs. I regret that I have been compelled to take this position, but I am glad that I have this opportunity of explaining my views on the question. I do not like to disagree with the party with which I have always acted. I dislike to separate from old friends on any question; but when I see a movement like this—when it is a question not what the Legislature ought or ought not to do in the performance of its legislative functions under the Constitution—but a movement which I view as a deadly blow at the fundamental principles of government I care not whether I act with Whigs or Democrats, I am bound to oppose it.

I would do the same as if an enemy were to attack the country, when we would all go forth to battle under a common flag, and when the contest is ended return again to the old companions with whom we had been associating in former days

Viewing the question as I do, I would ask, on what do our institutions rest? I take it that every constitution, and every law passed by virtue of that constitution rests on elections by the people taking place at the time and in the manner established by law. Am I not right? Does not our whole political edifice rest on the sacredness in which we hold the result of the ballot box? From my boyhood, when I have looked over the exciting contests in which great masses of the people, North, South, East and West, have been swayed like the ocean when the winds play over its bosom, when the votes were counted, it was like oil upon the troubled waters, and the result came to us like a decree of destiny. Every American respects the decree of the ballot box. I never before this occasion, saw an attempt to treat the result as null, or as if no election had been held. From the first I have decided to take a position against this movement; though my arm may be weak and my voice as the last reverberation of an echo, I determined to oppose it. You may read me out of the Democratic party if you will, but I can go home before my constituents, satisfied that I have done my duty to the country.

I come now to the position taken by the Hon. Senator (Mr. Lacey) from East Baton Rouge. I have admired the exceeding amiability of the gentleman in the argument of this question. I trust that I shall not fall behind him in courtesy and good nature. The gentleman said that he could not concur in the positions of the report which has been laid before the Senate. I have, in connection with two gentlemen on the other side of the House, who happen to be on the Judiciary Committee, embodied and presented to the Senate the reasons and the conclusions arrived at, that the Senate has neither the constitutional power nor the right to go into an election. I hope that for the little time I have been associated on the Committee with two Whigs, I shall lose nothing in the estimation of my democratic friends. I can say that these two Whigs are pretty good specimens of young Americans; but whether they will ever come within the meaning of the term Young America, I cannot say, but I hope they may.

We have reported to the Senate our conclusions in regard to the resolution. Whether those conclusions are right, I leave to the Senate to decide. But I would ask in candor if gentlemen think them wrong or right? I make no claim to infallibility—it is human to err. All I ask is a fair examination, and that the arguments presented in the report be fairly met.

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Have they been fairly met by the gentleman from East Baton Rouge?

The gentleman starts out with the assumption that the election of Mr. Benjamin is null—a conclusion never arrived at by the Committee. He assumes the fact that the election is null—in order words, that there has been no election, and brings authority to prove that we are compelled to go into an election. The Committee has not taken such a position. Upon this conclusion he has erected his argument. This reminds me of an anecdote of General Putnam. He had a young officer who prided himself on his skill in erecting fortifications. In the absence of the General, he constructed one according to all the scientific rules of fortifications, and admired it very much. When the General returned, the young officer took him to look at it. The General cast his common-sense eye over it, and informed the young officer that it was built most admirably, but he had one objection to it. "Great God!" replied the officer, "what can it be?" "Why," said the old General, "it's not in the right place; the enemy are never going to come here."

Now, that part of the argument is built on an assumption of a fact: that there has been no election—and that because there has been no election, therefore we should elect, is a position which cannot be assumed until it is first established that there has been no election. Has an election taken place? If not, there is nothing in the way of an election—a null thing is nothing. On the other hand, he admits that an election has taken place, and in order to get rid of his assumption, he argues that the act of 1846 is unconstitutional.

Is not this the position of the Senator?

Now, sir, what do we mean by an unconstitutional act? It is the doing something by a Legislature either directly prohibited by the Constitution, or inconsistent with it. If an act be unconstitutional, it must be so in one of these two ways.

I come now to that ugly piece of road which the gentleman has so adroitly got around. He gets over it in this way: The Constitution of 1812 says nothing of the time, place or manner in which the Legislature is to elect a United States Senator. Am I not right in this? The next question is, where is the power vested to prescribe the time, place and manner of electing? The 1st article, 4th section of the Constitution of the United States says that the Legislatures of the States shall have the power to fix the time, place and manner of elections.

The first Legislature which met under the Constitution of 1812, passed an act which provided that the Legislature should meet on a certain day in the year in which the Senatorial term might expire, and proceed to the election of a Senator of the United States; which must be at a time prior to the 4th of March.

The Constitution of 1812 was superseded by the Constitution of 1845. When the new Constitution was adopted, what became of the old Constitution? What are you going to do with it? Are you going to embalm it, and still cling to it? Are you going to suffer the living body to be encumbered with this old carcass, which has been thrown aside as useless?—When the new one took effect, the old one was gone. But there is something else to be preserved.

The gentleman says that the law of 1812 had been followed for 33 years—and having been preserved for so long a time, he asks us not to desert the old thing which has served us so well. Don't, for God's sake, part with a thing which is so well calculated to reflect the will of the people. If the Constitution of 1812 was dead and buried by the Constitution of 1845, are you going to impart more power, more value to the old statute? Are you going to attach it to the Constitution of 1845, and so consecrate it that you will never get rid of it?

But I intend to leave no dodging place on this rough piece of road, over which the gentleman has travelled with such facility.

The gentleman asserts the real construction of the Constitution of 1845 to be, that it incorporated the act of 1812 by implication. I take a stand on that point. I deny that the real construction and interpretation of the constitution of 1845 is that it intended any such thing. He means this: that the law of 1812, requiring the election of a U. S. Senator in the year in which the vacancy occurs, is impliedly incorporated in the Constitution of 1845, and that, therefore, the 37th article of that Conititution intended the same rule to prevail. That in no other year could a United States Senator be elected, is the inevitable conclusion from his argument: and that the 37th article of the Constitution of 1845 so embalmed and consecrated the law of 1812, that no subsequent legislature could in any way alter or repeal it. If he wishes to show that this conclusion is legitimate, he must show that the premises are well founded. Every conclusion necessarily rests on two premises. Here the gentleman, to get rid of the awkward position of his conclusion resting on only one leg, incorporates the old statute of 1812 into the Constitution of 1845. That is an assumption of the gentleman. So clearly has this point been established by sophistry, as to be taken for a fact.

While on this point the gentleman will permit me to refer to what took place at a primary meeting, held in the city of New Orleans, since the commencement of this session of the Legislature. I have a great respect for these primary assemblages; they are the reserve on which we at last throw ourselves back when we meet the enemy—they are the expression of the popular will. The political existence of many gentlemen depends upon them. But I wish to show how clearly a conclusion has been impressed on some minds by this system of logic, that by frequent reiteration it caused them to take for a fact, what before had only been reached by a torturing process of ratiocination.

Here Mr. Short read the following extract from a speech of Mr. T. J. Durant, as reported in the True Delta of Feb. 3d:

"It was a question with many competent to express an opinion—citizens of strong common sense, as well as able and instructive jurists—whether the adoption of the Constitution of 1852 did not vitiate the act of the Legislature of 1852. But there was no need of entering into this discussion. The Constitution of 1845, exactly in the same words as the Constitution of 1852, provided that the election should take place in the year in which the vacancy occurred, and letting the opponents of another election take the strongest position they could, the supporters of another election could advance to the discussion, as if the Constitution of 1852 had never been adopted, for the Constitution of 1845, Mr. Durant repeated, was express on that point. No Senatorial term expired in 1852, and the Legislature was guilty of a usurpation in going into an election, and their act was null and void, the Constitution—that of 1845 itself, again be it understood, providing that they should elect in the year the vacancy occurred.

"But, they would say—true, such were the terms of the Constitution, but there was an act of the Legislature, passed in 1846, in view of the fact that its sessions were biennial, and in contemplation of the contingency that a vacancy might occur in a year in which the Legislature did not meet in regular session—the Legislature of 1846 passed an act providing that the Legislature should, in such contingency, in the session preceding the year in which the term expired, proceed to the election. Our (the meeting's) opponents looked upon this as active support to their cause."

So often had this been reiterated that gentlemen can swallow down without examination, a figment of the brain, palmed off as a fact and a constitutional principle. The gentleman has said, and I am glad he has said so, in the outset of his remarks, that he would not appeal to authority but would let the light of reason guide him in his path But some things may be established by authority which are overthrown by the authority of reason. The conclusion of the gentleman that the election must take place in the year in which the vacancy occurs must necessarily rest on the incorporation of the act of 1812 into the constitution of 1845. On such an assumption, are you going to set aside a solemn act of the Legislature of Louisiana, and rush headlong into this election? The gentleman says that the Constitution of 1845 must be construed according to what was intended—that it must be construed according to what is now assumed, was intended by those who formed it.

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Mr. Short then read from Story's Commentaries on the Constitution vol. 1st, p. 389.

"Every member necessarily judged for himself, and the judgment of no one could or ought to be conclusive upon that of others, the known diversity of construction of different parts of it, as well of the mass of its powers, in the different State Conventions; the total silence upon many objections which have since been started, and the strong reliance upon others, which have since been universally abandoned, add weight to these suggestions. Nothing but the text itself was adopted by the people, and it would certainly be a most extravagant doctrine to give to any commentary then made, and *a fortiori*, to any commentary since made under a very different posture of feeling and opinion, an authority which should operate an absolute limit upon the text, or should supersede its natural and just interpretation.

"Contemporary construction is properly resorted to to illustrate and confirm the text, to explain a doubtful phrase, or to expound an obscure clause; and in proportion to the uniformity and universality of that construction, and the known ability and talents of those by whom it was given, is the credit to which it is entitled; it can never abrogate the text; it can never fritter away its obvious sense; it can never narrow down its true limitations; it can never enlarge its natural boundaries.

"MR. JEFFERSON'S RULE OF CONSTRUCTION.

"What sort of a rule is that which, without regard to the intent or objects of a particular clause, insists that it shall, if possible, (not if reasonable,) be construed in favor of the States, simply because it respects their citizens; the second canon is, on every question of construction, (we should) carry ourselves back to the time when the Constitution was adopted; recollect the spirit manifested in the debates; and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed. Now, who does not see the utter looseness and incoherence of this canon? How are we to know what was thought of particular clauses of the Constitution at the time of its adoption? In many cases no printed debates give any account of any constructions, and where any is given, different persons hold different doctrines.

So it will be seen by the authority which I have read, that every rule of construction on which the gentleman rests his conclusions, fails him. This is the true construction. The 37th Article of the Constitution merely directed the manner in which an election was to be held in the year in which a regular election is to take place. This does not take from the legislature the power of fixing the year in which an election shall take place. But what is the year? Does the Constitution of 1845 fix the year in which an election must take place? No, it does not. But if the Act of 1812 is incorporated into the Constitution, then I will say that the election must take place in the year expressed in that Act. But what is meant by a regular election within the meaning of the 37th Article of the Constitution of 1845? Is it to fill an unexpired term? No, it means an election of Senator for the full term of six years. The Act of 1846 designates the manner of holding the election. Action under that law has been uniform, and there has been no reason advanced to shake the constitutionality of the act. Even the great Hampden, whose subtle logic took the Court House in this Parish by storm, and nearly demolished one wing of the Capitol, never established this point. It seems that the people of Louisiana, in adopting the Constitution of 1845, put themselves in a very awkward position, if that Constitution required the doing of a thing, and coupled it with an impossibility.

But how does he get out of this predicament? He says, that this word 'is' in the Act of 1846, is very ambiguous, because the Legislature is to elect, provided there *is* no session in the year in which the term expires. He asks, if it might not appear very absurd, that the Legislature, at the year previous, should look into futurity, and provide for a contingency, which they could not foresee. But the gentleman cuts this Gordian knot. "Oh!" he says, "the Legislature must dive deep, into futurity before acting." Admirable way! Yes indeed, it must have dived deep. It was the duty of the Legislature of 1852, to dive very deep; so deep, that it ought to have seen the incipient elements of a new Constitution. It ought to have seen the seeds which were already planted. Oh! ye men of the Legislature of 1852, why did you not go through this process? Why did you not look over the State, at New Orleans, Red River, Madison, and along the bayous and alluvial regions, and see the seeds of this new Constitution? You should have seen the seeds sprouting, the blossoms coming out, which, before the 4th of March, 1853, were to bloom in all the beauty of a new and perfect Constitution. Not only this, but such a Constitution was to be brought forth, as would not only be enabled to perform all the acts necessary for its own existence, but to destroy everything which had been done before. This is a glorious discovery in this age of progress; I have tried to keep up with it, but I find myself unable to do so. I come now to the last position; but first, I will refer to the difference which the gentleman says, exists between the French and English texts of the Act of 1846. The English text, he says, provides that the election of a United States Senator shall take place in the year, in which the term expires, or if there be no session in that year, then it shall take place in the year previous. But the Legislature foresaw, that under the old Constitution, no session could be held on the 3d Monday of 1853. This is a fixed fact, on which there can be no dispute It is true, that the Governor, in the exercise of his discretion, has authority to call an extra session of the Legislature. But what is given as the reason? It must be an extraordinary occasion. If it was an extraordinary thing, that the term of Solomon W. Downs, as United States Senator, was to expire on the 3d of March. 1853, then it ought to have been left to the Governor; and he should have called the Legislature together, to provide for this extraordinary event, which is as fixed as the dates of an almanac. If the gentleman comes to this conclusion, then I must admit, that the Legislature had better left the subject alone. The difference between the French and English texts, is this; the English text provides that the Legislature shall do a thing in the year in which it can be done. The French text requires it to be done a year afterwards, when the Legislature cannot do it. I have heard of Irish bulls, but here is a French bull which butts the Irish bull off the bridge.

I come now to the last position of the gentleman. He says, that art. 34 of the new Constitution, requiring an election at any session of the Legislature, held in the year in which the vacancy occurs, is imperative. Even admitting the Act of 1846 to be Constitutional, he takes the position, that the credentials of Mr. Benjamin were only an inchoate mandate. I know of no law authorizing such a conclusion. This I take to be the proper construction. If any office under the dominion of a State, be changed by a change in the organic law, it destroys the tenure of the office. But if an act done, and title created, are perfect for a fixed period, at the time of creation, then, no change in the organic law, can affect the tenure of the office, unless the office be involved in the change of the organic law itself. The right granted a Senator of the United States, taking his seat in a co-ordinate branch of the General Government, is not touched by any change in the organic law of the State, it not being an office involved, or growing out of the State organization.

The gentleman, in his remarks, has made an appeal to State Rights, and State Sovereignty. I have myself, to the extent of my humble abilities, tried to understand what is meant by State Rights. What I mean by State Rights is, that action under either a State, or Federal Constitution, shall be confined to the respective powers of each, under the strictest construction, that the one may not incroach upon the other.

But when a thing legally irrevocable, such as the election of a United States Senator, is done in accordance with the laws of the State, then, to step forward and say that it must be set aside because it is not in accordance with the popular will of this day, is not State Rights. Such a right has not grown up under any of the Constitutions of this country. It does not spring from Democratic principles—it never sprouted from Democratic stock. If the majority of

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to-day is to set aside the acts of the majority of yesterday, on such grounds as this, we have reached a point which I never wish to see in this country. If you are going to change the nature of our government from that of a Constitution, resting on the respect which every American has for the result of the ballot box, to a government of *pronunciamentos* and *emeutes*, where the government of to-day falls before the barricades of the night and the mobs of to-morrow, then I wish no longer to live under it.

What change in the State of Louisiana has been effected by the Constitution of 1852? Are not the people the same? In my section they are the same. I see the same friends, the same faces since the adoption of the Constitution as before it, and I naturally come to the conclusion that it is the same State now that existed under the Constitution of 1845.

True, there has been some re-organization of the government, some change in the organic law; but do you take the position that, on this account, all rights previously existing, have been set aside? If so, you change Louisiana from a magnanimous and chivalrous State, to something like those insects which pass from one form of existence into another without recollecting what had taken place in the first.

There is another thing which we should not forget. By putting down a movement of this sort, we will discourage any attempt hereafter on the part of any succeeding legislature to set aside a solemn act of this kind done by a former one.

If it were perfectly clear that no election has taken place, then we might go into an election; but here we are called upon to undo a thing which has been legally done. But the gentleman says that no harm can result from an election, and that, therefore, we should elect. Why, on this principle, you might elect Senators year after year, give them their credentials, and let them travel over the country as Senators of Louisiana. True, they would say they had not taken their seats, but they have the mandate of the legislature. These mandates would become as plenty as scrip, and it might be very good scrip, if we could only find a place to locate it. The only difficulty with the gentlemen would be that they would find no place to locate.

I took my stand against this movement from the first, and shall continue to oppose it. To set aside an act of this kind because we have the power to do so by the last expression of popular will, would be attended with the most dangerous consequences. Why, it would place us in the situation which we are in, of the overflowed district; first comes the crawfish, and makes a small hole in the levee, through which the water begins to spout; then comes the levee breaker, and a bigger hole is made; this is followed by the crevasse, against which all human efforts are in vain. What takes place in the physical, frequently happens in the moral, political and religious world—the first step to break through that which the law has established, may be followed by another, and by and by, what cannot be effected by sophistry, will be reached by brute force. I am determined to oppose the first step that leads to such a consequence.

On the conclusion of Mr. Sbert's remarks, Mr. Wickliffe said:

I am aware, Mr. President, that the hour-hand admonishes me of the lateness of the period at which I have risen to speak upon this question. I must, however, ask the indulgence of the Senate while I make a few remarks for the purpose of placing myself right upon the record. I regret that my friend, the Senator from Madison, has not dealt fairly by me in this case; I had hoped that he would leave me something to reply to, but he has completely annihilated the arguments of the gentleman from East Baton Rouge, leaving him not a single position to stand upon. In this situation, where am I to go, what shall I say? Shall I turn to the report of the minority of the Judiciary Committee? I find nothing there, except an agreement to disagree with the report of the majority. They have advanced not a single argument for this conclusion. Where are their reasons? why are they not given? It could not be for want of time, as is insinuated in the report. They had the resolution before them for five days; therefore there is no ground for the complaint of want of time. The Senator from East Baton Rouge says that he considered the resolution to be of purely a political character; I differ with him on this point, *in toto*. The gentleman may look upon it with a political eye, but I cannot and will not. It is a question purely constitutional and legal in its character. It involves the legal and constitutional rights of a Senator of Louisiana, who has been duly elected, as is admitted, and who holds his commission from the Governor, and stamped with the broad seal of the State. I deny also that the motion to refer the resolution to the Judiciary Committee was made for the purpose of producing delay in acting upon it. It was made in order that the issue might be fully and fairly presented; that I might go back to my constituents and say to them, here is the issue, these are the grounds on which the seat of J. P. Benjamin, in the Senate of the United States is contested. I almost thought that I was going to be read out of the democratic party, by the Senator from East Baton Rouge, for taking this position. I have been a democrat of long standing, and if I know myself, all my impulses are democratic. But the gentleman seems to think that because the whigs vote with me on this subject, I have gone over to them. It is rare that they ever vote with me, and I am fully convinced that this time they are right, because they vote with me.

I have no disposition to call in question the gentleman's democracy, for he and myself, side by side, have fought its battles. I well recollect that during the canvass of 1851, when I had an unlooked-for opposition, I urged upon my democratic friends to vote the democratic Ticket, because we were bound by the Constitution of 1845, and the act of 1846, to elect a United States Senator at the session of the Legislature which was about to meet. The Senator from East Baton Rouge did the same. At a political meeting in this parish he urged upon democrats the necessity of concert of action, as we were bound at the ensuing session of the Legislature, to elect a U. S. Senator to succeed S. W. Downs. Whence this change? Has the spirit of Hampden produced this sudden and midnight conversion?

But the gentleman went further. He says that he is accused of being influenced by partisan feelings, in advocating this resolution. By whom is he accused? Not by me, or any one else that I know. It may be his self-accusing conscience that makes the charge. I believe that the gentleman is a good democrat.

The gentleman has said that we are bound to support the Constitution of the State. Yes, we are bound to support the Constitution of the State, but we are bound also to support the Constitution of the United States. The oath which he and I, and you, sir, have taken, is this: "I solemnly swear to support the Constitution of the United States," &c. That Constitution says, the time, place and manner of electing Senators shall be left exclusively to the Legislature of the respective States. Has not the time been fixed by the act of 1846? Has not an election taken place in obedience to that act? This the gentleman admits. What has been done? The first session of the Legislature held after the adoption of the Constitution of 1845, passed the law known as the act of 1846. Was not this done in conformity with the provisions of the Constitution of the State, and of the Constitution of the United States? Under that act two Senators—the number to which we are entitled under the Constitution—Solomon W. Downs and Pierre Soulé, were elected; and last year the Legislature, in conformity with the provisions of the act of 1846, elected Mr. J. P. Benjamin to succeed Mr. Downs, whose term will expire on the 3d of March, 1853. But the gentleman has attempted, like Thomas J. Durant, to incorporate the act of 1812 into the Constitution of 1845 and 1852. The latter gentleman, Mr. Thomas J. Durant, was a candidate before the last Democratic State Convention, for the nomination for Attorney General. Fortunately for himself and the party, he was not a successful candidate—for his speech, as reported in the True Delta, evinces his total unfitness for the high office to which he aspired.

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The gentleman in his speech referred to authority, and held up this book—a book of contested elections—with such an air, that I really thought there was something important in favor of his position contained in it. But there is nothing in the case which he has cited, analogous to the one under discussion. I have yet to learn that an interregnum existed at the time Mr. Benjamin was elected, or that the State had then neither a Governor nor a Legislature

The gentleman invokes the language of Clay and Wright to support his position. See how far they favor him. In the case of Pottor *vs.* Robbins, cited by Mr. Lacey, Mr. Clay's position was, that the Senator first elected should take the oath and seat, inasmuch as he had his credentials properly made out—and the Constitution of the United States gave to Rhode Island, as to each other State, two Senators

Then see what says Silas Wright, upon whose authority the gentleman so strongly relies:

"Mr. Wright, of New York, regretted extremely to see such a question as the present before the House. He was almost wholly ignorant of the nature of the case, and of the peculiar laws by which Rhode Island was governed. He wished to know whether he was called upon to pronounce upon a preliminary, or upon a definitive measure—upon the propriety of electing, or upon the election, of either of the contending candidates. He must confess that the conduct of the Legislature of Rhode Island appeared to him a little extraordinary. They send to the Senate of the United States, a Senator whom they declare, by the certificate granted him, to have been duly elected, and, at a subsequent session, they send *another*, declaring their previous election to be null and void! Had the Legislature of Rhode Island the power to do this—to decide *at all* upon this question? Had they not, on the contrary, by the election of Mr. Robbins, referred the matter to a higher tribunal than themselves—that of the Senate of the United States—which was *now* alone able to decide upon the case?

"He again expressed himself to be ignorant of the entire merits of the question. He had never seen the statute of Rhode Island, and hoped he should not be called upon to give his vote, until he had acquired the necessary information. He would conclude by moving that it be referred to a committee of inquiry."

Why did not the gentleman state the position of Silas Wright correctly? Why did he refer to the minority report made by Silas Wright? But even had he understood the report correctly, he would have found in it no grounds to sustain his position.

Mr. Lacey. Will the gentleman read on a little further? If so, he will find a passage in the speech of Mr. Ewing, which leaves the inference that the remarks of Mr. Wright had not been correctly interpreted.

Mr. Wickliffe, I will read on—but this was the speech made at the time of the presentation of the credentials, and the gentleman will find nothing here to warrant the inference which he has drawn.

[Mr. Wickliffe then read some passages from the speech of Mr. Ewing, and the following extracts from the report of the committee:]

REPORT OF THE COMMITTEE.

"In the performance of this duty, the State acts in its highest sovereign capacity, and the causes which would render the election of a Senator void, must be such as would destroy the validity of all laws enacted by the body by which the Senator was chosen. Other causes might exist to render the election *voidable*, and these are enumerated in the Constitution, beyond which the Senate cannot interpose its authority to disturb or control the sovereign powers of the States, vested in their Legislatures by the Constitution of the United States.

"Your committee having regard to these rules, as applicable to all contested elections in the Senate, proceed to apply them to the case now under consideration.

"It is admitted that the sitting member, Asher Robbins, possesses all the qualifications required by the Constitution of the United States, to be a Senator in Congress, and that his commission, as such, is in due form, according to the laws and usages of Rhode Island. These points being conceded, the remaining, and the only question to be decided, is, was the body by which he was chosen a Senator, the *Legislature* of Rhode Island; or was it merely an assemblage of citizens without authority to pass laws, prescribing that which is right, and prohibiting that which is wrong, to the people of the State? On this ground, both parties seem content to rest their claims to a seat in the Senate.

"*The time* at which the election took place, and the *manner* in which it was conducted, were in strict conformity with the laws of Rhode Island. The two Houses met in Grand Committee, according to law, at the session of the General Assembly next preceding the expiration of the term of service of Asher Robbins, then a Senator in Congress, and elected him for another term of six years, to commence on the third day of March, 1833, and then the Grand Committee assembled for this purpose, was dissolved. The choice was made by the *Legislature* of the State, whose laws are held to be valid and binding throughout the State. They command and receive obedience from the people. No objection is made, or can be made, either to *the time or manner* of the election. The Senator elected has all the *qualifications* demanded by the Constitution, and his *commission or credentials* were *in due form* delivered to him, and presented to the Senate.

"Your committee hold this to be a *vested right*, the obligation and effect of which, no subsequent Legislature of that State could impair; still less, had they the authority to proceed to the election of another Senator, until the seat of the Senator elect had been vacated by a solemn decision of the Senate of the United States. With these views of the subject referred to them, your committee recommend the adoption of the following resolution:

"Resolved, That Asher Robbins, being duly and constitutionally chosen a Senator in Congress from the State of Rhode Island, is entitled to his seat in the Senate."

The gentleman contends that we have a right to proceed to the election, inasmuch as the Hon. J. P. Benjamin has not taken the oath and seat. I will leave the gentleman to reconcile this position with those of the report to which he has referred.

[Mr. Wickliffe then read the following extract from Silas Wright's minority report:]

"Has, then, Mr. Potter been validly elected a Senator from this State? That the body by which he was chosen was the Legislature of the State, has not been questioned; but in speaking upon that point, the majority of the committee express the opinion that that Legislature had no authority to proceed to the election of another Senator until the seat of the Senator elect had been vacated by a solemn decision of the Senate of the United States. If, speaking legally and constitutionally, there was a Senator elect, then this opinion is unquestionably sound, as it will not be contended that any Legislature of a State has the power to vacate a seat in the Senate. To be more explicit and intelligible: if Mr. Robbins's election was *voidable* only, and not *void*, a subsequent Legislature could not act until the vacancy was produced by the decision of the Senate. But if, as the undersigned has expressed his opinion, the election of Mr. Robbins was not made by the Legislature of the State, then it was not *voidable*, but *absolutely void*; it was not an election within the requirement of the Constitution of the United States, and the vacancy existed from the expiration of his former term in March, 1833. If the Senate shall come to this conclusion, then the undersigned is not aware of any ground upon which it can be contended that any constitutionally organized Legislaturecof the State had not the power to fill that vacancy; or that the election of Mr. Potter, made by such a Legislature in October, 1833, is not valid."

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"The resolution submitted by the majority of the committee was in the following words:

"Resolved, That Asher Robbins, being duly and constitutionally chosen a Senator in Congress from the State of Rhode Island, is entitled to his seat in the Senate."

"And the question being taken thereon, was decided in the affirmative as follows:

"Yeas—Messrs. Bell, Bibb, Calhoun, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Poindexter, Porter, Preston, Silsbee, Smith, Southard, Sprague, Swift, Tipton, Tomlinson, Waggaman, Webster—27.

"Nays—Messrs. Benton, Brown, Forsyth, Grundy, Hill, Kane, King of Alabama, King of Georgia, Linn, Morris, Robinson, Shepley, Tallmadge, White, Wilkins, Wright—16.

"So Mr. Robbins was confirmed in his seat.

"Resolved, That the said Elisha R. Potter *ought, under the circumstances of the case, to be paid* the compensation of mileage allowed by law to members of Congress, for his travel from his place of residence, in the State of Rhode Island, to the capitol, and returning; and also the *per diem* allowance of a member of Congress for the time he actually attended at the city of Washington, during the contest pending before the Senate in relation to the seat claimed by him, and occupied by the Hon. Mr. Robbins; *and that the Judiciary Committee be instructed to prepare a bill for that purpose.*

"It was decided in the affirmative. Yeas 24. Nays 22."

The gentleman has made an appeal to State Rights in this matter. I need not tell the gentleman that I am a State Rights man, and in my position on this question, I am fortified by the authority of J. C. Calhoun. How did he appear on this occasion, to which the gentleman has referred? Has the gentleman not read his speech? Has he not seen him standing, when the Senator from Rhode Island presented his credentials, precisely in the position in which I would stand. The gentleman may attempt to read me out of the Democratic party, but if he succeed, he will read me out in the company of John C. Calhoun. Now, sir, has not J. P. Benjamin his credentials? Does not the gentleman know that a joint resolution, passed by the legislature, after his election, authorized the Governor to give him his credentials? What does the gentleman wish to do? Why, sir, to place the Democratic party and the State in a false, and what I conceive to be a disreputable position, by sending three Senators, as far as the act of this State is concerned, when the Constitution of the United States, which we have all sworn to support, allows but two.

This case, which the gentleman has invoked is pregnant with reasoning, pregnant with argument which oppose the position of the gentleman, and which fortify my position that this Legislature has no right to inquire into the validity of Mr. Benjamin's election. He has passed from our hands to those of the Senate of the United States, who alone are the proper arbiters of the case. And what was their judgment in the case the gentleman has cited? They decided that he who holds the commission is entitled to the seat—that Asher Robbins being duly and constitutionally chosen a Senator in Congress from the State of Rhode Island, is entitled to his seat in the Senate. The voice of Clay, to whose authority the gentleman has referred, was raised in behalf of a time honored precedent, and of constitutional rights. What was the consequence? The oath was administered to Mr. Robbins, and a committee was appointed to investigate the matter. The gentleman seems to think that this appointment of a committee bears upon the case now before us. Does he not know that all contested election cases are referred to committees? What did this committee report? It reported that the election of Mr. Robbins was in conformity with the Constitution and laws of the State of Rhode Island, and that no subsequent Legislature could deprive him of his right to a seat in the Senate. Among the names of those who voted to sustain the report of the committee, I find those of Bibb, Calhoun, Poindexter, Preston, and Porter of our own State. Who that knew Porter would say, as the gentleman has intimated, that he was influenced by party considerations or prejudices, in giving the vote that he did? The gentleman says the vote was of a political character. Not so, they were votes given by sworn Senators of the U. S.; here they are, Messrs. Bell, Bibb, Calhoun, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Kent, Knight, Lee, McKean, Mangum, Norden, Poindexter, Porter, Preston, Silsbee, Smith, Southard, Sprague, Swift, Tipton, Tomlinson, Waggaman, Webster, 27 in all, to 16 nays.

I now come to the last point in the case cited.—This individual, Elisha Potter, asked mileage and *per diem* from the Senate, and though he was endorsed much more strongly than we could endorse any one to take Benjamin's seat, his request was granted by a majority of only two votes. Was not this a stronger case than any we could present? Did not the Legislature of Rhode Island declare the previous election absolutely null and void, yet the person whom they elected was almost refused, even his mileage, by the Senate.

I, for one, representing the constituency that I do, will never consent, by my vote to place the Democratic party in such a false position, as to send a Senator to Washington only to be turned away from the doors of the Senate Chamber. I never should be able to look my constituents in the face and say I thought I had done right

I never could tell them, that I had obeyed the mandates of the Constitution and the laws, if I should vote otherwise than I intend to vote on this question.

I, for one, never can be induced to enter into this movement. I shall vote against it, as I have determined from the start. In the beginning, I took a position by the side of Mouton and Short, and two or three other gallant spirits. Senators will pardon me for mentioning their names. We were weak at first, but I am glad to see that now the sober second thought has come, and that the vote of this day, in the other House, has given the death blow to this movement. I am now convinced, that the Democratic party will be placed right on the records of the country.

On motion of Mr. Griffin, to adopt the resolution, Mr. Wickliffe called for the yeas and nays.

The vote being taken, resulted as follows:

Yeas—Messrs. Boatner, Derbes, Griffin, Kemp, King, Lacey, Lewis, McCay, Millard, Neal—10.

Nays—Messrs. Clifton, Evans, Hodge, Kenner, Kittridge, Martin, Mouton, Nicholls, Palfrey, Patterson, Rivers, Short, Smith, Taylor, Thériot, Todd and Wickliffe—17.

Consequently, the resolution was lost.

On motion, the Senate adjourned.

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FRIDAY, Feb. 11, 1853,

The Senate met pursuant to adjournment.

After the morning business, Mr. Clifton introduced the following bill, providing for the appropriation, out of the swamp land fund, of a certain sum of money to finish Grand Levee, in the parish of Pointe Coupee.

AN ACT,

Making an appropriation out of the Swamp Land Fund, for the purpose of completing the rebuilding of the Grand Levee, in the Parish of Point Coupee.

Whereas, The completing of the rebuilding of the Grand Levee in the Parish of Point Coupee is absolutely necessary for the protection of nearly one-third of the State of Louisiana from annual inundation.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the sum of thirty-six thousand dollars be appropriated out of the proceeds of the swamp lands granted to this State by Congress for the purpose of finishing the rebuilding of said Grand Levee.

Sec. 2. Be it further enacted, &c., That the following named gentlemen, to wit: James R. Harris, Robert McRea, and Col. Charles Morgan be and are hereby appointed a board of commissioners to superintend the execution of said work.

Sec. 3. Be it further enacted, &c., That it shall be the duty of said commissioners, or a majority of them, to offer said work to the lowest bidder per cubic yard, at such period as they may deem most expedient in the current year, giving at least thirty days notice thereof, by publication in at least one newspaper in the cities of Vicksburg, Natchez, New Orleans, and in the parish paper of Pointe Coupee.

Sec. 4. Be it further enacted, &c., That it shall also be the duty of said commissioners to lay off said work, and to receive and receipt for the same to the contractor or contractors as the work progresses, and when the said work, or any part of it is received by them, to state in said receipt the amount to be paid to the contractor or contractors for the work thus receipted for, and the said receipt shall be a voucher to the Auditor of Public Accounts, upon which he shall issue his warrants upon the State Treasurer, who shall continue paying such warrants until the levee shall be finished, or said appropriation of thirty-six thousand dollars be exhausted.

Sec. 5. Be it further enacted, &c., That in case of the death, refusal to serve, resignation or absence from the State of any of the above named commissioners, that it shall be the duty of the police Jury of Point Coupee to fill the vacancy occasioned thereby.

Mr. Clifton explained the object of the bill, which was to repair or finish Grand Levee, which was now in a very dangerous condition.

Mr. Rivers asked that the consideration of the bill be deferred for a few days, till a full Senate could be had. Many members were now absent who might oppose the bill. It was not fair to force this bill through in the absence of these gentlemen.

Mr. Clifton explained that it was a case of necessity.

Mr. Rivers asked whether the alarming information concerning the state of the Levee, had been received since the departure of so many Senators.

Mr. Clifton said that information had been received to-day After some remarks from Messrs. Rivers, Short and McCayagainst, and Messrs. King, Clifton and Nicholls, for the bill, the previous question was moved and carried, and the bill finally passed.

On motion, the Senate then adjourned.

MONDAY, Feb. 14, 1853.

There being no quorum, the Senate adjourned till to-morrow at 11 o'clock.

TUESDAY, Feb. 15, 1853.

By joint resolution, the Senate adjourned to Wednesday, Feb. 23, at 11 A. M

WEDNESDAY, Feb. 23, 1853.

The Senate met, pursuant to adjournment.

BILLS APPROVED.

A message was received from the Governor, stating that he had approved the act to emancipate Susan Litell.

The resignation of Mr. Mouton as a member of the committee on contingent expenses, was tendered and accepted.

MESSAGE TO THE HOUSE.

The Secretary requested the concurrence of the House in the following acts:

An act to emancipate Judson J. Howerton.

An act to emancipate Laura Ann Robb, wife of Perry Dorman.

An act regulating the duties of Notaries without the city of New Orleans.

An act relative to the removal of the seat of justice in the parish of St. John the Baptist.

An act for the emancipation of Alcide Gonsalins.

An act making an appropriation out of the swamp land fund for the purpose of completing the rebuilding of the Grand Levee in the parish of Point Coupee.

He also reported to the House the concurrence of the Senate in the following bills and resolutions:

An act for the relief of the minor children of John Sulser, deceased.

A resolution instructing the Committee on Charitable Institutions to make a thorough examination into the affairs of all such institutions.

BILLS INTRODUCED.

Mr King. An act authorising proceedings in rem, to recover loss and damage caused by any carelessness, neglect, or want of skill in the direction or management of any steamboat, barge, flatboat or water craft.

An act authorising proceedings to compel judgement debtors to disclose their property. Referred to the Judiciary Committee.

Mr. Martin. An act for the incorporation of Building, Mutual Loan, and Accumulating Fund Associations.

Mr. Lacey. An act relative to district attorneys throughout the State of Louisiana, the parish of Orleans excepted.

An act to divide the State of Louisiana into four Supreme Judicial Districts for associate justices of the Supreme Court.

An act to provide for the election of Chief Justice, four Associate Justices of the Supreme Court, and the District Judges of the State of Louisiana, out of the Parish of Orleans.

An act to amend an act entitled "an act more effectually to prevent slaves from obtaining any spiritous and intoxicating liquors, without the consent of their masters.

And various other bills.

Mr. Lacey stated that there was a large number of bills before the Judiciary Committee, which ought to be printed, and he therefore moved for the printing thereof.

Mr. Wickliffe said it was rather unusual to have bills printed before being reported on, unless they were of a very important nature. If there were two or three bills of a conflicting nature, he should think that the Judiciary Committee ought to decide on the proper one, and report it to the Senate.

Mr. Lacey remarked that these bills were all of an important character. Some had come from the lower House, and been referred to the Committee, and it was almost impossible for the Committee to consider them all, without having them printed.

The bills were finally ordered to be printed.

Mr. Kenner's bill prohibiting the issuing of small notes, by individuals, for circulation, was taken up.

Mr. Short offered an amendment prohibiting individuals from issuing notes of any denomination. He said that, as he understood the bill, it did not prevent the issuing of notes for more than five dollars, by any individual who might choose to put them in circulation. He wished to prevent every individual from exercising this power. He had therefore offered this amendment, which provided that no individual, unless permitted by some general or official law, should have the right of issuing paper money.

Mr. Kenner said that the object of his bill was to put a stop to what was commonly known as shin plaster currency. The general law, which would doubtless be passed at this session of the Legislature,

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contains a provision covering the object proposed by the gentleman. He therefore did not think it necessary to pass the amendment, as it would have the effect of embarrassing the bill.

Mr. Short. Do I understand that the bill referred to by the gentleman, contains a provision prohibiting individuals from issuing notes of a greater denomination than five dollars?

Mr. Kenner. Yes sir.

Mr. Short. Then I withdraw my amendment. I did not understand that such was the nature of the bill.

THURSDAY, Feb. 24.

The following communication from the Mechanics' Society of the city of New Orleans, was then laid before the Senate, and read.

Mr. Lacey moved that, as an act of courtesy, the thanks of the Senate be returned to these gentlemen who had put themselves to the trouble of having their rooms measured, and moved to lay the communication definitely on the table.

Mr. Martin said that he thought the motion of the gentleman extremely discourteous, and that it ought not to be adopted. He thought the communication should be laid on the table, subject to call, and not indefinitely.

Mr. Lacey replied that nothing was farther from his thoughts than to exhibit any discourtesy towards the persons who had laid the communication before the Senate. His only desire was to have this question settled. He wished to quiet the long and unnecessary agitation which had been got upon this subject. He was convinced that, at this session, at least, no attempt would be made to move the seat of government, and there was no use of wasting any more time on it. If the Senator thought that any discourtesy was involved in his motion, lay the communication definitely on the table, we would be perfectly willing to withdraw it. But he did think it necessary to put a stop to this agitation. He did not suppose that the Senate could for a moment entertain any idea of removing the seat of government to the city of New Orleans.

Mr. Martin differed with the gentleman in his last supposition. He had taken some pains to ascertain the feelings and views of Senators on this subject, and thought, in fact, he was certain that an actual majority were in favor of removing the seat of Government; but he did not think that the proposition could command a constitutional majority. He certainly did think that the motion of the Senator from East Baton Rouge, to lay the communication indefinitely on the table, exhibited a want of courtesy, and was of opinion that it should be withdrawn.

Mr. Derbes—I move, sir, to refer the communication to a special committee.

Mr. Lacey—Then, sir, I insist on my motion—to lay on the table indefinitely.

Mr. Martin—If the object of the gentleman be merely to obtain a test vote on this question, he can achieve it by offering a resolution, embodying his views. But it does seem to me, I repeat, that his motion is wanting in courtesy.

Mr. Lacey said that he should insist on his motion. He would again state that he intended no discourtesy towards these gentlemen. He pressed his motion in order to obtain a test vote, but he would not offer a separate resolution against the measure; he would not place himself in so absurd a position.

Mr. Martin said there was no such question before the Senate.

Mr. Short thought that the gentleman making the resolution might show a little more respect for the gentlemen who had laid the communication before the Senate, since they had taken so much pains to do what they thought was for the comfort and convenience of the Legislature. They had not contented themselves with simply offering such accommodations as were at their disposal; but they had taken the trouble to measure their rooms in order to show that they did not wish to cramp up the Legislature in an insufficient space. He thought that this demanded that more respect should be paid to them than simply to thank them for their trouble, and then lay their communication indefinitely on the table without conidering it at all. The gentleman had said that he intended no disrespect by his motion. Whatever construction the gentleman himself, might place on his language, the idea of it, and to express one's ideas, was all the use of language, was to say to the authors of the communication, that they had meddled in affairs which did not concern them, and to mind their own business in future. That was the idea conveyed by the language of the motion.

Mr. Wickliffe hoped that the Senator from East Baton Rouge would withdraw his motion, and let that of the Senator from New Orleans prevail. He wished to put a stop to the agitation on this subject, and he thought there was no chance for the proposition to remove the seat of government. But these persons in New Orleans, no doubt, acted from the kindest motives, and thought they were doing the Legislature a service, in measuring their rooms, and laying the information thus obtained before the Senate. He was himself prepared to vote against any proposition having for its object the removal of the capitol, but there were others who thought differently, and were in favor of it. The least that could be done would be to refer the communication to a special committee.

Mr. Lacey stated that he made his motion merely for the sake of obtaining a test vote, and thus putting a quietus to this unnecessary agitation. He had expressly stated that he meant no disrespect by it. As the Senator from Madison considered language so important a vehicle for the transmission of ideas, he trusted that Senator would hear him when he said that he intended to be very courteous indeed. He had the kindest regard, and the highest respect for that worthy and important body composed of the mechanics of New Orleans, and nothing could be farther from his thoughts, than to say or do anything in the slightest degree disrespectful towards them. He had simply stated his object, and, having done so, he would now withdraw the motion.

Mr. Short was satisfied that the gentleman intended no disrespect, but his language was susceptible of a construction which perhaps he himself did not mean it to bear.

Mr. Lacey—As the gentleman is a democrat, I hope he will permit the sober second thought to prevail.

Mr. King presented a petition of the Louisiana Rice Mill Company, for a charter, and the use of a portion of the swamp lands, for the culture of rice, for a limited time. The main question involved was in regard to the propriety of a grant of Lands. He moved that it be referred to the committee on Internal Improvements.

After a few remarks from other Senators, Mr. King withdrew his motion.

Mr. Wickliffe thought the subject ought properly to be referred to the Judiciary Committee, as there was an important legal point involved in it. He doubted whether the public lands could be taken for any such purpose. The act of donation fixes the purposes to which these lands must be applied, and he thought the proposed measure would be a violation of that act.

Mr. King remarked that the gentleman probably did not understand the object of the petitioners.

Mr. Wickliffe said that he understood the object was to get hold of about twenty thousand acres of the public lands; to have the use of it for some years, and then to have the privilege of saying that they would buy it if they liked, at $1 25 per acre. He felt confident that there were a great many people in the State who would like to do just the same thing, if they could get the chance. The question, he would repeat, does involve a legal point, as to the power of the Legislature to divert the swamp lands from the object specified in the act of donation, to other purposes. The bill proposes, as he understood it, to give a large amount of the public lands, or the usufruct thereof, to a company, for the purpose of allowing it to cultivate rice on them. He should like to have the opinion of the Judiciary committee on this point.

Mr. Kenner—The Constitution settles that question, so that it cannot be a point at issue. However, I have no objection to the reference, as I am satisfied that the petitioners will never get what they ask for.

Mr King said that the proposition was not to divert the public land from the purposes specified in the act of donation. The company merely proposed to take certain rear lands, not now cultivatable, and to use them in such manner that they would become fit for

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cultivation. This was no diversion—it was only making the lands saleable. It was an object of great importance to the State to introduce the cultivation of rice, which is one of the most profitable branches of agriculture, and to which the climate and soil of Louisiana are peculiarly adapted If the Legislature has power to grant preemption rights to settlers, it certainly has the right to do what is proposed in this bill. If practicable, nothing could be a more desirable object than to see this scheme carried out, and our miserable swamps converted into fruitful fields and blooming gardens, suited for the abode of an industrious and happy people.

After some further debate, the petition and bill were referred to the Committee on Agriculture, Commerce and Manufactures.

ORDER OF THE DAY.

The bill organizing the Treasury Department, was taken up in its order

Mr. Martin thought the bill was superfluous, inasmuch as an act was already in existence for the same purpose. He moved its reference to the Finance Committee.

Mr. Lacey explained that the object of the bill was to organize the Treasury Department by an act of this Legislature, and thus to do away with the doubt which existed in the minds of many persons, who thought that the new constitution put an end to all offices existing under the old. He wished, therefore, to embrace all the State Departments in a series of bills, so as to leave no room for uncertainty on the subject.

Mr. Martin. As the subject admits of some doubt, I think the motion to refer is proper.

Mr. Lacey had no objection.

The bill relative to the education of youths at the expense of the State, was taken up. The Committee on Education had reported unfavorably on the bill.

Mr. Wickliffe explained the reasons which had induced the Committee to make an unfavorable report. He said the Committee had come to the conclusion that when the State bestowed the benefits of education on any person, it did not do so with the intention of constraining them afterwards, and of forcing them to adopt any particular profession. The bill proposed that, on completing their education, these youths should pledge themselves to adopt the profession of school teachers, for a certain time. The Committee thought they should be left free to follow their own inclinations, and not compelled to bind themselves as apprentices, in this way. These were the objections to the bill, urged in Committee; nevertheless, if the Senator was anxious for the bill to pass, he would not oppose it.

Mr. Lacey explained the object. He had conversed with Col. Nicholas, the late State superintendent of Public Education, and had received from him the suggestions which were embodied in the bill. That gentleman had explained to him the great benefits which other States had experienced from the system of normal schools. But as they, for various reasons, could not be established, we should endeavor to secure as near an approach to them as circumstances would admit. Now, is this unfair—that when a person is admitted into an institution, cloted and fed, and endowed with the benefits of a liberal education, he should be asked to devote a portion of his time to the service of the State? There was scarcely any hardship in this; there was nothing anti-democratic in it. It was merely carrying out the system of normal schools.

The object of the bill was a good one. It was admitted by all to be good. The Committee even had not reported against the main object of the bill. The only objection urged against it, is that it is not right to ask a person to teach. These persons receive incalculable benefits from the State. They are maintained and educated at its expense; their minds are trained by a liberal course of instruction, given to them at the expense of the State. It is important that the State should receive something in return—that minds so trained should be directed to the education of our youth. There was no reason for the objections urged against the bill—there was no hardship in its requirements.

As had been suggested by one whose attention had been turned to educational subjects, and who had given much time to the consideration of the question, the bill proposes to compel persons who receive such vast benefits from the State, to give a portion of these benefits to the State in return. And after all, we take no bond but their word. He trusted that the object of the bill—one crowded with so much good to the State, and calculated to be of so much advantage—would not be defeated by the objection which had been made by the Committee.

Mr Lacoste wished to know whether, under the bill, one of these persons could be forced to become a schoolmaster, if he did not wish it.

Mr. Kenner called for the reading of the bill.

The bill was read by the Secretary.

Mr. Kenner said that he should certainly vote for the bill, with some alteration. The principle involved in it was a good one. With so much need for good teachers, as exists in this State, we yet had comparatively few who understand the profession. There was nothing new in this proposition The same thing had been done in all the States where the common school system is in operation. It had not only been done by individual States, but also by the United States. The General Government had an institution at West Point where young men were educated at the expense o the government, with the understanding that they were afterwards to enter the army and give their services to the country. The same thing was the case with young men destined to command at sea. There was an institution called a naval school, where they were educated, and they were expected afterwards to enter the navy. There was no hardship implied in this. We say we are sadly in want of teachers. We proclaim it abroad. We send all over the country to get them, and invite them to come here and help to educate our youth. We ought then to take every means to procure them at home. In regard to education, we in Louisiana were now in the same position as France in regard to a navy. France expends millions in the construction of ships of war; she has hundreds of armed vessels, formed on the finest models, perfectly equipped and in the best order—but there is one essential element of a navy which she has not, and which, with all her efforts, she cannot procure. She has no sailors, and without sailors she can have no navy. He appealed to gentlemen to say how it was in their respective parishes. In what a condition was public education throughout the State? Good teachers were the greatest consideration under the present system, and at the small salaries allowed, competent persons could not be found to adopt the profession. Until this time we have done nothing to carry out our system of public education. We could not pay much more money to carry it out. We did not have the money to spare, but we must do something to secure good teachers. The proposition in the bill was therefore a good one. As the gentleman from East Baton Rouge had said there was nothing anti-republican in it—nothing anti-democratic he might say, because he hoped, and supposed that the gentleman had not used that word in a party sense. If we do not do something practical, such as the bill contemplates, our whole system of public education would soon go to the dogs. He hopen the bill would pass in spite of the opposition of the Committee on Education. He would however move that the word indigent be stricken out wherever it occurs.

Mr. Lacey was extremely glad that the bill had received the valuable support of the Senator from Ascension. He hoped that the members of the Committee on Education, would reconsider their opposition, and give their support to the bill on its final passage. He hoped every Senator would support it. This proposition to which exception had been taken, was not new, it was not a creature of his imagination. It was adopted by all the normal schools which had been so successful in the northern States and Canada. If adopted here it would have the effect of making our teachers a race of liberally educated scholars. He hoped therefore that it would pass.

Mr. Short asked whether the State would provide a school for every teacher.

Mr. Lacey said that he would give his plighted word, and when he might say that he was ready to enter on his duties as a teacher, that he was ready and

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willing to fulfill his promise, h would have done every thing that could be required of him. His promise would be kept—his pledge would be unbroken.

On motion of Mr. Kenner, the bill was recommitted.

FRIDAY, Feb. 25th, 1853.

Mr. Kittridge introduced a bill to provide for the pledging of growing crops.

Mr. Burthe moved that the bill be referred to the Judiciary Committee The object of the bill was one of great importance, and Senators ought to have time to give it due consideration before being called on to vote on it.

Mr. Kittridge said it was true that the bill was one of great importance to tillers of the soil, but notwithstanding this it was perfectly simple in its nature. It interfered with no vested rights and there was no necessity for the reference.

Mr. Burthe hoped that the bill would not be pressed at this time—that opportunity would be given for reflection. He must confess that he had been taken by surprise by the introduction of the bill, and was not prepared to vote on it at this time.

Mr. Pulfrey seconded the motion to refer. The matter was of too great importance to be lightly hurried over.

Mr. Kittridge had no objection to the reference. He moved that the bill be made the order of the day for to-morrow.

Mr. Lacey said it was impossible for the Judiciary Committee to report to-morrow. So much business had been thrown on that Committee, that it was absolutely out of the question for it to examine this bill, and report to-morrow. He would suggest that it be made the order for some day next week.

Mr. Burthe did not make the motion in order to press a report to-morrow. The Committee would report at its leisure, and when perfectly prepared to do so.

Mr. Short remarked that it was true the bill was only to pledge something which was not pledged before—but it would interfere much with the duties of Sheriffs. When the seizure carries with it, the growing crop, it produces a conflict between the seizing creditors and the merchant.

The bill was finally referred to the Judiciary Committee, and made the order of the day for Thursday next.

Mr. Martin offered a resolution instructing the Judiciary Committee to draw up a bill prohibiting the holding of more than one office of emolument by any State officer, and to cancel the commissions of such as already held two.

Mr. Martin explained the object of the resolution It was intended to apply, principally, to Clerks of Courts who hold commissions as Auctioneers. Under the Judiciary bill of 1846 they were authorized to issue licences to other parties to make sales. The effect is to cause a cumulation of offices in one person and it gives Clerks an undue advantage by permitting them to prevent others from having the benefits of the office of Auctioneer. His object was to instruct the Judiciary Committee to prepare and report such a bill as would promptly put a stop to this cumulation of offices, as it is in direct contravention of Article 122 of the Constitution.

The bill for the relief of ——— was taken up.

Mr. McCay said that as he understood the report the sum was paid more than a year after it was due. Now if the gentlemen would return to the report of the Treasurer, and examine it attentively they would be surprised. They would find that over $60,000, in commissions had been returned in this manner by the State. and the amount was greater last year than in any previous one. In some instances commissions for as far back as 1847 had been paid. Now there must be a screw loose somewhere, to produce such a state of affairs. When only a few days had elapsed between the time of payment, and the period at which the money was due, he could have no objection to paying the commissions, but when six months, or a year, had passed he felt no disposition to do so.

Mr. Derbes moved that the bill be recommitted.

Mr. Wickliffe moved that it lie on the table, subject to call, as Mr. Boatner, who knew something of the circumstances of the case, was absent.

Mr. Derbes remarked that he was a member of the Committee which had reported favorably on this claim, and he had been under the impression that it was precisely similar in its character to those which had already been allowed by the Senate. He had wished the bill to be recommitted, as he desired to place himself right before the Senate.

Mr. McCay called for the reading of the report.

The Secretary read the report, after which the bill was laid on the table subject to call.

Mr. Rivers asked that the bill requesting our Representatives, and instructing our Senators in Congress, to obtain a grant of the shallow lakes in Louisiana, be taken up.

Mr. Rivers stated that on account of the vast accumulation of drift wood, at the Red River raft, the waters of the river overflowed, annually, a vast section of country, which was returned to the land office as lakes. These lakes were shallow and unfit for navigation. Under the acts of Congress, the raft would be removed, and the country drained of these superfluous waters, and they could then be reclaimed and rendered arable. The object of the bill was to get the Secretary of the Interior to have it surveyed and entered on the lists as swamp lands; otherwise conflicting claims to these lands might arise, since when the lakes are drained they might be entered, and returned as high lands.

The bill was taken up and passed.

SATURDAY, February 26th, 1853.

RAILROAD CORPORATIONS.

Mr. King introduced a bill amending the 2d section of the act of 1847, limiting the existence of companies formed under it to 25 years.

Mr. King stated that his amendment proposed to exempt railroad companies from the restrictions imposed in that section, by extending the time of their corporate existence to 50 years. He wished to ascertain the sense of the Senate on this subject, as he thought 25 years much too short a period for railroads, and, at the same time, was opposed to granting any perpetual charters.

Mr. Short said that the bill intended to exempt railroad companies from the provisions of of the act which limits the existence of corporations formed under it to 25 years. The only change proposed is to amend that act so as to give to railroad companies a longer existence—a longer corporate capacity than they can have under the acts of 1847, '48. I do not myself see any good reason why a railroad, which is to be a substantial advantage to the State, should not have a longer existence. If it should forfeit its existence by any act of its own—if it should commit suicide—that would be a different case. But I wish to give them a longer life—in other words, the capacity to sue and be sued, so as to give that degree of confidence to capitalists who are invited to embark their funds in enterprises of this kind, that they may be certain of a profitable return. It might take ten or fifteen years before they would realize such a *per cent.* on their investment that they could come to the conclusion they had made a good bargain. My object at this time is, therefore, to call the attention of the Senate to the exception which will be made by the bill in the 2d section of the act of 1847 in favor of railroad companies. If before the expiration of 25 years, another mode of travel shall be discovered, more economical, and more expeditious than by railroads, if balloons should be used, and people navigate the air instead of passing over the surface of *terra firma*, then let them travel that way—the existence of a railroad company cannot prevent it. But as long as railroads are useful and beneficial, as long as they are profitable, they ought to be permitted to exist, and to retain their corporate capacity, always reserving to the legislative power to limit them, and to prevent monopoly.

Mr. King thought that the object of this bill was not sufficiently understood. He would read the section of the act referred to, and which he proposed to amend.

[Mr. King read the said section and amendment.]

A Senator asks me how adequate compensation is to be judged. I answer that it is to be judged by the opinion of men, by the decisions of Courts, and in various other ways. The decision of such a point could be removed from the State Courts to those of the United States. These corporations are private corpora-

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tions. Their property is as much private property as is the property of individuals. Many persons suppose that on the extinction, or expiration of a corporation its right of property ceases. This is an error. The corporation in such a case only loses its corporate existence, or the power of suing and being sued. Its property is not confiscated to the State when it goes out of existence, and the Senate has no more right to expropriate that property than it has to expropriate your house. It can only do so on giving the adequate compensation required by the Constitution. But I believe that the people possess, at any time, this right of expropriation whenever its exercise is necessary to the welfare of the State. It is for this purpose that I have inserted the provision in the bill. Without it, this act could never be done but by a convention of the people, and for the use of the sovereign power, the State, in its most sovereign capacity. I have, therefore put this in the bill to avoid such a necessity. I do not imagine that any line which may be useful, will be much inconvenienced by it. If it be beneficial and useful the State will never dream of expropriating its property.

But if it prove to be injurious then the State will have this power, which in such a contingency ought to be exercised, so that we may be enabled promptly to get rid of what may be injurous in itself. I will say in a breath, what are the reasons, which I think, exist, against giving to corporation an existence *in perpetuo*. The people of one day and generation ought not to bind and fetter those of a thousand ages to come. Human nature is not infallible. It is prone to error. No one can assume that he is indisputably right in any position he may take. We cannot say that our judgment shall be final, that it shall be binding on posterity for all time to come. We therefore have no right to legislate in such a way as to prevent future legislatures from rectifying our errors, or from the power of undoing whatever wrong we may have committed. But I have not the slightest desire to embarrass the progress of those plans of internal improvement, which it is the duty of every servant of the State to aid in consummating. If it can be proved that there is anything unjust in this bill, that it will trammel us in the prosecution of works of public importance, I am perfectly willing to modify it in any way, and to make any concession that may be asked. But you may talk of your grand schemes, your Pacific railroad stretching from the Mississippi to the shores of California, your Opelousas railroad prolonged till it meets the banks of the Rio Grande, you may talk of them I say, and dream of them as long as you please, but while your statute book proclaims that you will only give railroad Companies a corporate existence of 25 years, it is tantamount to a declaration that you are opposed to any such scheme, and that strongly as your words may advocate them, you never intend that they shall be carried out.

But I should like to know something of the sense of the Senate on this subject. I have new an important bill in my pocket, and am yet undecided in what form to present it. I should like to know whether its charter is to be perpetual—whether we shall give up all power over Companies of this kind, or retain some supervising care at the end of 50 years.

Mr. Wickliffe would like to call the attention of the Senator from New Orleans to the provisions of the law in existence relative to incorporations. He was himself opposed to the granting of perpetual charters, and should certainly give his vote against any proposition of that nature. He thought the bill had better be submitted.

Mr. Hodge was desirous of seizing this opportunity of expressing his views in opposition to the opinions put forth by the Senators from New Orleans and West Feliciana, and to show that the reasons which those gentlemen had given why railroad corporations should be limited to an existence of 50 years, were not good. Nevertheless if the bill was to be printed he should not trouble the Senate with and remarks at present. But he wished it to be distinctly understood that he was in favor of carrying out our great plans of internal improvements, and that he was not to be frightened by any cry of monopoly such as many persons were in the habit of indulging in. When any of these bills come up he would oppose any limitation of any railroad corporation, created under either general or special laws. It was absolutely necessary to give to these Companies a longer corporate existence than was allowed to them under the act of 1847. He did not believe that capitalists could be induced to embark their means in these enterprises unless a longer time were granted—they would not run the risk of such speculations when a great proportion of the time allowed might be necessary to show whether the enterprise in which they might have invested would be profitable. So far from acceding to the propriety of putting in the section giving the State power to expropriate the property of railroad Companies at the end of 50 years, he thought it entirely unnecessary because the subject is provided for in the Constitution—(Reads the article referred.) Now if it ever becomes necessary for the State to expropriate the property of railroad Companies, it already has the power, on paying adequate compensation.

Mr. Wickliffe had no objection to the gentleman taking any course he pleased He was glad that the gentleman was not to be frightened by the cry of monopoly,—neither was he to be frightened in any such way If the question, at any time, should come up, he would vote against granting perpetual charters. This objection was not to frighten the gentleman from Caddo, or any other gentleman. He only wished to express his own opinions, and intentions, as that gentleman had.

Mr. Short did not understand why the Senator from New Orleans wished to press the bill at this time. His own object was to give Senators an opportunity to express their opinions on the bill. He should like to hear the opinions of Senators as to the time for which corporations should be allowed to exist, and he supposed that the gentleman who reported the bill would have the same desire. The bill ought not to touch the property of a corporation. It could only determine its corporate existence. That was one thing, and the property accumulated by it during its existence was another. It could never be touched except so far as it existed by the act of incorporation.

As for himself, he should like to know what was to be done in regard to this subject of Internal Improvements. He had heretofore abstained from saying anything on the question, although he felt as much interest in it as any other member of the Senate. He had heard a great deal of what was going to be done; he had heard of various projects set on foot; but he should like to see something real—he should desire to have the railroads built, he wished so see the actual cars in motion, and whistling through the woods bearing to market their freights of cotton and sugar. We had come here to put these things into actual operation—to bring them into existence. What but the desire for this had given birth to the New Constitution? What was it but the question of Internal Improvements, and perhaps the desire for some extension of banking facilities, that had induced a call for a Convention? Every one knows that those were the causes which led to the Convention, and gave birth to the Constitution. He hoped, then, that gentlemen had come here to do something practical for the realization of these projects He hoped that those gentlemen who might be opposed to extending the time of the existence of corporation, would give us something practical, something that would carry out the views of their constituents. An idea existed in some minds that if two or three persons associated together, in the form of a corporation, there is something very dangerous in it—something by which the State might be blown up. Now, he had no such idea, though certainly he had seen the time when the State was almost blown up by banking corporations. But we need not fear that so much capital will ever be concentrated in railroad companies as to make them dangerous. The great fear entertained in his section was that they would never see a real railroad car. They feared that capitalists would be afraid to invest their money in these enterprises, as before they could become profitable, the privilege might be lost. He wished to give confidence to capitalists. He knew that they were generally cautious, and the more capital they had, the more cautious they became. We ought then to give them every inducement to invest their capital, and, not deprive them of its legitimate fruits. The reason that no capitalists had yet come forward to our assistance, was that no foundation had

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been laid for them, and that they had no confidence in the permanency of any enterprises to which they might be called to contribute. He hoped, then, that these vague and vagabond suspicions would not be suffered to weigh so heavily, as to prevent our laying such a substantial foundation as would induce capitalists to come forward at our invitation, and aid us with the means at their command, so that we might be enabled to see the iron horse snorting through the swamps of Madison, and *bona fide* railroad cars, laden with cotton bales.

Mr. Wickliffe did not wish to deprive the Senator of the interesting sight of the iron horse, but he could see no reason why the bill should not be printed and made the order of the day for Wednesday next, as it was a subject of great importance, and one which ought not to be hastily acted on.

The bill was then made the order of the day for Wednesday next.

THE ABOLITION OF THE BOARD OF PUBLIC WORKS.

Mr. King said he had in his hand another resolution of great importance, that which provided for the abolition of the Board of Public Works. He offered it as a test question, and he hoped the consideration of it would not be deferred beyond Monday. He would however now explain the object of the resolution. Up to this time the Committee on Internal Improvements had been enabled to form any bill or devise any general system to be presented to the Senate, because the organization of this Board of Public Works, would take all power out of their hands, and render all their efforts useless. A large majority of the Legislature, he believed, was in favor of abolishing that provision of the Constitution which provides for the organization of the Board, and until this is done the committees can effect nothing practical. No gentleman likes to prepare bills, when he knows they have an inherent vice which must defeat their operation, or to draw bills to carry out a provision of the Constitution, which is almost universally condemned. He had himself almost dispaired of arriving at any practical result under that provision of the Constitution. But if any thing could be done, it would probably be found inappropriate and cumbrous. His own prejudices—his own preconceived opinions—were all against that provision.

Nevertheless, if the sense of the Legislature is in favor of maintaining this Board of Public Works, and of giving it a trial, he was willing to undertake any task that might be imposed on him, much as he might feel its inutility. The Constitution allows the abolition of the Board of Public Works, by a vote of three-fifths. He believed that at least that proportion of the present Legislature was in favor of abolishing it.

Mr. McCay read the articles of the Constitution, under which the Board was to be established.

ARTICLE 130. There shall be a Board of Public Works, to consist of four Commissioners. The State shall be divided by the Legislature into four Districts, containing as nearly as may be an equal number of voters, and one Commissioner shall be elected in each District, by the legal voters thereof, for the term of four years; but, of the first elected, two to be designated by lot, shall remain in office for two years only.

ART. 131. The General Assembly, at its first session after the adoption of the Constitution, shall provide for the election and compensation of the Commissioners and the organization of the Board. The Commissioners first elected shall assemble on a day to be appointed by law, and decide by lot the order in which their terms of service shall expire.

ART. 132. The Commissioners shall exercise a diligent and faithful supervision over all public works, in which the State may be interested, except those made by joint stock companies. They shall communicate to the General Assembly, from time to time, their views concerning the same, and recommend such measures as they may deem necessary, in order to employ to the best advantage and for the purposes for which they were granted, the swamps and overflowed lands conveyed by the United States to this State. They shall appoint all officers engaged on the public works, and shall perform such other duties as may be prescribed by law.

ART. 133. The Commissioners may be removed by the concurrent vote of a majority of all the members elected to each House of the General Assembly; but the causes of the removal shall be entered on the journal of each House.

ART. 134. The General Assembly shall have power by a vote of three-fifths of the members elected to each house, to abolish said Board, whenever in their opinion a Board of Public Works shall no longer be necessary.

The Board is not yet established. Consequently the bill is to abolish what, as yet, has no existence.

The last article gives power to the General Assembly, to abolish the Board; but this certainly means that it may do it after the Board has been created.—The words of the Constitution evidently bear this meaning. Under any other supposition, it seems to me it would be abolishing what has no existence, which is an absurdity. This provision of the Constitution is an order to establish a Board of Public Works, and we are bound to obey the mandate. Until we have tried it, and found by actual experiment that it is no improvement over the old and vicious system which has so long cursed the State, I shall give my vote in accordance with this opinion.

Mr. Short said that he felt a great interest in this subject. He was now engaged on a report concerning the public lands of the State, which would form a foundation, to put in operation some plan by which the swamp land fund could be made available, either by scrip or by means of some other general system.—He felt a deep interest in this Board of Public Works, and he agreed with the Senator from New Orleans, who had last spoken, (Mr. McCay) that we could not abolish what had no existence.

According to Webster's Dictionary, the word abolish means to put an end to, to break down, &c. But if the venerable author of that dictionary had lived in these days, he would, he could, put an end to a thing which never had a beginning. He must say that if this construction be correct, it would be the most remarkable feature of this most remarkable Constitution. He would now say a few words on the constitutional point invoked in this question. The Convention which formed the present Constitution of the State, met as the sovereign power. We were not so high up as that. We in our legislative capacity, are created by the Constitution. We have the same powers as those possessed by an Attorney, with reference to his principal. But to say that we can set ourselves up as principal, abolish our power of Attorney, and refuse to do what we are expressly commanded to perform, is contrary to common sense.

The construction which gentlemen seek to put on the Constitution, is unfounded. He therefore wished to instruct the committee to report a bill not abolishing the Board of Public Works, but organizing it. Then, that interesting swamp land fund, which interests some gentlemen so much that they take $35,000 at a grab, will be settled and rendered available. He did not wish to cast any imputation on the honorable gentleman, (Mr. King) who had introduced the resolution; but he must say that he thought it a kind of a Trojan horse, by which the swamp land fund was to be swallowed up and squandered. As he had said, he felt the greatest interest in this subject, and wished for the adoption of some general system of leveeing, by which Louisiana would be protected from the devastating effects of floods and inundations.

Mr. Lacey. If the arguments presented by the Senator from New Orleans, (Mr. McCay) in relation to the constitutional objections to the resolutions be correct, then we ought not to pass it. But I am disposed to believe, that his arguments are not good. In coming to a conclusion on this question, I shall endeavor to apply to it, the same tests that I used in forming my opinion on the constitutional question recently before the Senate, in order to get at the true meaning.

Mr. Wickliffe. To what question does the gentleman allude.

Mr. Lacey. To the question involved in the resolution to go into an election for United States Senator.

Mr. Wickliffe. I understood the gentleman to have denied that there was any constitutional question involved in that resolution.

Mr. Lacey. If the gentleman heard my argument on that question, and read the printed report of it, and did not see that I had argued it as a constitution-

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al point, he endeavored to reply to what he did not comprehend.

The article of the Constitution on which the opponents of the resolution base their arguments, declares that the Board of Public Works may be abolished by a vote of three fifths, whenever, in the opinion of the Legislature, it may be found no longer necessary. It appears, therefore, that we must first bring it into existence before we can abolish it. But, can it be supposed that if three fifths of the Legislature are opposed to the Board, if that proportion consider that it is useless, and in fact injurious, it can have been intended that they are compelled to bring it into existence only in order to strangle it immediately on its birth?

Such certainly could not have been within the contemplation of the framers of the Constitution. Why, sir, if three fifths of the Legislature were opposed to the Board, they have the power to prevent it coming into existence at all. It is proper then to discuss this question on its merits, but I think the resolution itself is injudicious at this time. So far, from the Senate instructing the committee to bring in a bill for the abolition of the Board of Public Works, I think it more proper that the committee should explain to the Senate, the reasons which have influenced in recommending the course of action contemplated by the resolution. That committee, certainly, has reasons; it surely can explain them to the Senate, for it doubtless has bestowed much and careful attention on the subject. It is far easier for them to give the reasons which have influenced them, than for us to give instructions on a subject which we cannot be expected to understand as well as they. In order therefore, to arrive at this point, I will offer a resolution.

(Mr. Lacey then read his resolution.)

I consider the subject of internal improvements the most important that can claim the attention of the Legislature. In it is involved the weal or woe of Louisiana. I am not disposed, therefore, to act hastily on so important a question, or to enter into it without the benefit of the light which the committee can throw upon it. But, so far from thinking that they could be prepared to do so on Monday, I would rather call on them to give their reasons on Tuesday.

Mr. Wickliffe remarked that an important discussion was to take place on that day.

Mr. King moved a dispensation of the rules.

Mr. Martin objected to the dispensation. We ought not to act hastily on such a serious subject, particularly when so few Senators were present. The Convention which inserted the provision in the Constitution, ordering the establishment of a Board of Public Works, was a wise body It was more numerous than this Senate, and consequently ought to have had more collective wisdom. As to the opinion expressed by the Senator from New Orleans, (Mr. King,) that a large majority of this Legislature was opposed to the existence of the Board, he must say that he had never heard it expressed before. The Senator had asked whether that was not the general opinion, and he answered that he did not know. He had said some of us thought the Board would be useless and injurious. Now he (Mr. Martin) was not one of the persons included in that word "us." He had no such idea. Before this resolution was acted on, he wished to see a full Senate,—he did not like to have it pressed through in such haste.

Mr. Rivers.—The Senator from New Orleans (Mr. King) had said that he introduced the resolution as a test question, to ascertain whether three-fifths of the Senate were opposed to the Board of Public Works, so that he should not be put to the trouble of making a report, unless he thought it could command the support of a constitutional majority. He (Mr. Rivers) had thought from Article 134 of the Constitution, that the Board could be abolished, but how could the Senator get over Articles 130 and 131, which say that "There shall be a Board of Public Works, to consist of four Commissioners. The State shall be divided by the Legislature into four Districts;" and "The General Assembly, at its first session after the adoption of this Constitution, shall provide for the election and compensation of the Commissioners, and the organization of the Board."

This clearly provided for the creation of the Board, and makes it incumbent on this Legislature, at this session, to take measures to organise it. It is only when we find that the Board does not meet our views, and that it cannot fulfill the objects for which it was established, that we are invested with the power of abolishing it.

Mr. King said that he had wished to attract the serious consideration of every member of the Senate to this subject, and he hoped that they had felt its importance. He had been blamed for introducing this resolution, but he did not think he was justly blameable. He wished the question permanently settled. So far as the constitutional question was concerned not the slightest doubt existed in his mind, and he thought he could convince Senators that his position was the true one. If the Board is in existence, we clearly had the right to abolish it.—but if it is not in existence, we have the right at any time,—now just as much as at any other.

He had much to say in regard to the impracticability of this system for carrying on our Internal Improvements; but if there were no other objection, this one would be fatal. The Board is to consist of four members. Now, it might happen,—in fact the probability is that such would be the case,—that, politically, the Board might be equally divided, containing two whigs and two democrats. In such a case, being animated by different and conflicting views and feelings, how could they ever come to any conclusion? They would be two and two, and there was no umpire to decide between them. This, certainly, was not the proper machinery for those grand projects of Internal Improvement which we expect to carry into execution. He was obliged to gentlemen for the expression of their opinions on this point; for his own part, he had no doubt of the utter impracticability of the system, and of the absolute constitutional power of the Legislature to abolish it.

Mr. Martin should like to enquire what the committee proposed to do.

Mr. Lacey remarked that the Chairman of the Internal Improvement Committee says he cannot arrive at his object in any other way, and if the Committee would not report its reasons for desiring the abolition of the Board of Public Works, he could withdraw his substitute. He was only seeking light, not wishing to vote without having a knowledge of the subject.

Mr. King stated that they simply viewed the Board as an impracticability; but as to all the different reasons which had influenced their minds in coming to that conclusion, he could not pretend to say.

Mr. Lacey then withdrew his substitute, and the consideration of the resolution was deferred to Monday.

MONDAY, Feb. 28th., 1853.

Mr. Kittridge introduced a bill, the object of which was to authorize the people of Terrebonne to tax slaves as well as real estate, for railroad contributions.

Mr. Kittridge moved a dispensation of the rules for the purpose of taking up the bill.

Mr. Martin was opposed to a dispensation of the rules. He represented, in part, the parish of Terrebonne, and he had received from them no power or authority to act on this subject.

Mr. Kittridge read the proceedings of the Police Jury of Terrebonne, in favor of the object of the bill, and explained the nature and provisions of the bill.

Mr. Martin—Mr. President, I am opposed to a dispensation of the rules for the purpose of taking up this bill; but if the question is decided against me I shall be prepared to make a few remarks explaining my position with reference to it.

The motion to dispense with the rules, was lost.

Mr. Kenner presented a bill for the relief of the Surveyor General. He stated that by law the salary of the Surveyor General was fixed at $600 per annum, but through an oversight last year, in the general appropriation bill there was no power to pay him, as by the Constitution no money could be drawn from the Treasury except under a special appropriation. This gentleman has continued to discharge the duties of Surveyor General ever since, but has only received $150, for the first quarter of last year. That sum had been paid under the supposition, entertained by the

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Auditor that the general appropriation bill had made provisions for the salary of the Surveyor General.

This bill did not fix the salary, it only carries out that provision of the Constitution which says that no money can be paid except under an appropriation. The bill makes application for two years salary, for '52 and '53—so much of '52 as is now due, to be paid immediately.

Mr. Boatner thought the Surveyor general was entitled to only $1050 instead of 1200, which sum the bill called for.

Mr. Kenner replied that the bill asked for $1200 in order to legalize the act of the auditor in paying the first $150.

The bill was passed.

Mr. McCay called up a Bill which had passed the House, the object of which he explained to be to repeal the section of the general appropriation bill which provided that the surplus of the school fund should be paid into the general fund at 6 per cent interest.

Mr. Short understood that under the 16th section of the act concerning the school lands, large sales had been made. He wished to know whether the State was to be relieved from the payment of interest on these sales.

Mr. Kenner explained that the amount now to the credit of the school fund, raised by annual taxation and otherwise, amounts to $280,000. The sum allowed by the Legislature to the school fund is $240,000. The object of the bill was to prevent the excess of $40,000 from being paid out of the school fund into the general fund, and to relieve the State from the payment of interest; at least till some general law could be devised.

Mr. McCay thought no reasonable objection could be urged against the bill. The present state of our finances was such that we ought to prevent the general fund from borrowing from the trust fund. That was the only object of the bill—to prevent this borrowing system, and to keep in the trust fund the money which properly belongs to it.

Mr. Short had no objection to the bill if did not propose to exempt the State from the payment of interest.

Mr. Kenner said it had nothing to do with the funds arising from the sales of lands, but only with those arising from excess of taxation.

ABOLITION OF THE BOARD OF PUBLIC WORKS.

The resolution instructing the Committee on Internal Improvements to bring in a bill to abolish the Board of Public Works, was taken up.

Mr. Martin moved to lay the resolution on the table.

Mr. Lacey. ——

Mr. Martin withdrew his motion.

Mr. King said that he was surprised to see the manifestation of a disposition to dispose of this question in this summary mode, without discussion.

That in the recent contest both the great political parties of the country had seized upon the subject of internal improvements and had given it a prominent position in their respective platforms. That rival candidates had run a race of competition as to which most strongly favored the internal improvements of the State. We had assembled here with the public eye upon us, and with the highest expectations as to our action upon this subject. That whether the well-founded expectations of the public were to be realized depended in a great measure upon the fate of the resolution now on the Secretary's table. Under these circumstances, he trusted Senators would give the subject that consideration which its importance demanded.

The resolution had been objected to upon the ground that the Legislature could not constitutionally abolish the Board of Public Works, provided for by the Constitution. Before entering on the constitutional question, he would first endeavor to ascertain whether it was desirable that the board should be abolished. If it was not desirable, it would be useless to discuss the constitutional question. If it was desirable that the board should be abolished—if it was detrimental to the public interest—then he expected Senators to go with him, unless the mandates of the Constitution were clear, and their duty to vote against the resolution imperative under the Constitution.

He would proceed to show that it was desirable the board should be abolished.

In the first place he considered the board an impracticable mode of conducting the public improvements of the State.

It consisted of four members, elected from different districts of the State, with an equal voice for each member. They might, and probably often would be equally divided. He considered such a board impracticable to do or construct anything. They might answer as a negative body, but would never answer as an operative one.

Suppose such a board were to undertake to construct a house. Two might prefer one material and two another. Two might prefer one place and two another. Two might prefer one style of architecture and two another. In the meantime the work would stand still. The walls would never rear their heads.

It might be answered that we can create an umpire. If this could be done, it would certainly obviate the objection. But unfortunately under the Constitution no umpire could be created. The duties assigned were all to be performed by the board. Take, for instance, the power of appointing all officers engaged on the public works, given by art. one hundred and thirty-two (132) If the members of the board were equally divided as to an appointment, and an umpire was called in to decide between them, the appointment would in fact be made by the umpire, and not by the board This would be a papable violation of the Constitution. The same would be true with regard to all other duties assigned to the board, which would be determined by an umpire. An umpire was, therefore, unconstitutional and impossible.

As no umpire could be provided the Board was an impracticable machine for carrying on Internal Improvements. To illustrate this, we had a right to suppose, yea even to expect, that as they were to be elected by Districts, the Board would be composed of two Whigs and two Democrats. The first duty they would be called on to perform, would be to appoint the officers to conduct the public works. This would be the entering wedge of discord. Each of the two from opposing parties would insist upon the appointment of their own partisans and adherants. Which should yield, and which should triumph, judging from the general character of party strifes, would never be determined Thus the very first step towards the improvement of the State could never be taken.

The same class of difficulties would be constantly recurring.

But if they were so fortunate as to escape political differences, they might encounter sectional differences of a character equally fatal to the action of the Board.

But if both these dangers were passed, others would be encountered in the natural differences between men from their mental organizations, their educations and their preconceived personal prejudices and partialities.

One man's education might cause him to prefer one system or theory, another might cause him to oppose it.

Preconceived prejudice or partiality might cause a levee to be turned round one man's plantation or to be run through anothers in the most vexatious manner.

But suppose the Board should rise superior to all these sources of error and dissension?

He still contended it was unnecessary and useless.

The duties assigned to the Commissioners by the Constitution were all assigned to them collectively and not individually. They were to act as a Board. How were they to act? They were required by the Constitution to exercise a diligent supervision of the public works. Was it expected they would as a Board, travel round and supervise the public works? For his part he thought he would not be hazarding much by asserting that in the first place this would be impossible, and in the next place, that even if it were possible, the Board would never comply with this part of their duty. The Board would probably meet occasionally, and only occasionally, at Baton Rouge, and around a table with some good cigars and a bottle of wine, would come to the sage conclusion that what the Legislature had ordered, should be done, and thereupon would issue the necessary orders to the subordinate officers. The necessary surveys and the

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actual construction and superintendence of the public works would be performed by the Engineers and other officers appointed by them. The State had better at once employ the Engineers and dispense with the Board.

Another objection to the Board was that it would exercise an important branch of power in derogation of the supreme legislative power of the Government. However bad the appointments made by them were, there was no mode by which the State could get rid of them except by abolishing the Board itself by a three-fifth vote of both branches of the Legislature. He was unwilling to divest the Legislature of so important a branch of its power.

He considered the Board not only impracticable and unnecessary, but it would prove expensive. The cost of it would not be less than twelve or fifteen thousand dollars per annum, without any corresponding benefit. With these objections to the Board, unless the obligations of the Constitution to preserve it were imperative, he thought Senators should agree with him in endeavoring to get rid of it.

But some Senators had urged that however impracticable it might be, we could not abolish it by a three-fifth vote under Article 134 of the Constitution.

That article reads as follows:

ART. 134. "The General Assembly shall have power by a vote of three-fifths of the members elected to each House, to abolish the said Board, whenever in their opinion a Board of Public Works shall no longer be necessary."

This language appeared to him clear and unequivocal, and sufficiently comprehensive to admit of its immediate abolition by the requisite vote.

It is contended that although three-fifths of the Legislature have the right to abolish the Board, they cannot do so until acts shall have been passed to put it into operation. That we must first try the system before we can abolish it. This argument is not supported by the language of the 134th article of the Constitution. If the members of the convention which framed the article had so intended, it would have been just as easy for them to express that idea, as to have used the language which they did. The fact that they did not so express themselves, is conclusive evidence they did not so intend.

But it is urged that we cannot abolish that which has not yet been created. That the board not being in operation, cannot be abolished.

Mr. King said in reply to these positions; it was clear, under article 134, that if the Board was established by the Constitution, the Legislature could abolish it by a three-fifths vote. He thought it equally certain that if the Board were to be established by the Legislature, it was in the power of the Legislature to abolish it. That the power to enact included the power to abolish—so that Hon. gentleman might take either horn of the dilemma. Upon either, the right of the Legislature to abolish the Board was unquestionable. But he contended the Board was clearly established by the Constitution. The language of the 130th article of the Constitution was to this effect: "There shall be a Board of Public Works." This language is equally as emphatic as that employed in the establishment of the various branches of the government, the legislative, executive and judiciary departments. Because it is the duty of the Legislature to provide for the election and entry into office, of the persons who are to fill those departments, it might with equal propriety be maintained that those departments do not exist until the Legislature establishes them, or in other words, until the Legislature creates them.

He considered the board as one established by the Constitution. The functions to be hereafter performed, to wit: to provide for the election of the persons to fill the Board, were ministerial in their character. The Legislature in discharging those duties under the Constitution would merely put in motion a machinery already built. Under this view of the case the right to abolish it could not be questioned.

[illegible] most extraordinary proposition [illegible] constitution to have declared to the Legislature, that as a prerequisite to abolishing the Board, they must go through the idle ceremony of passing acts to put it into operation. It would impress upon the members a participation in that child's play of raising heaps in the sand for the purpose of demolishing them. He could not bring his mind to believe that the convention which framed the Constitution ever contemplated forcing upon the members any such childish sport.

Mr Martin here interrupted the speaker, and remarked, that the Board could not be abolished before it was put into operation, except by an amendment to the Constitution, adopted in the mode pointed out by the Constitution, for amendments.

Mr. King replied that although the articles of the Constitution, establishing this Board, might be amended in the usual mode, yet that article 134 was adopted with express reference to this board and provided another and more simple mode of abolishing it, viz., by a three-fifths vote of both branches of the Legislature. The framers of the Constitution evidently distrusted the effect of their own work, and, as if frightened at the monster they had created, contrived this simple method of getting rid of it. The history of this Board was well understood. The proposition to establish it had been made in the Legislature which preceded the meeting of the Convention, and had there met with signal defeat.

Mr. Martin said that he had been a member of the Legislature referred to, and that Mr. King was mistaken in supposing that the proposition to establish the Board was defeated by anything like a unanimous vote. That it was defeated by a bare majority.

Mr. King said the journals would show the real history of the fate of the measure, to those who were curious to learn it, and that they would there find a very able report from the Committee on Internal Improvements against the establishment of the Board.

Mr. King concluded that it was clearly within the power of the Legislature to abolish the Board by a three-fifths vote, and said he entertained that opinion with the more confidence from his professional education. He said he had been frequently asked what system he proposed to substitute in the place of the Board, which he wished to abolish. He said that he found great difficulty in answering the question, because he did not know what aid the State intended to give to Internal Improvements. He would illustrate his embarrassment by supposing a case. Suppose an individual were to go to Cincinnati or Pittsburg to a manufacturer of steam engines, and order an engine for a vessel without specifying its power or the dimensions of the vessel. Suppose the manufacturer built an engine large enough to propel the Eclipse and that it should turn out that the boat for which it was ordered was not larger than a ferry-boat, so small in fact that the very weight of the engine would sink it? Would not all mankind exclaim against the folly of the proceeding?

Now, unless he knew what kind of a system of internal improvements the State intended to put into operation he could not undertake to construct, with certainty, a machine to carry it on, lest the weight of the machinery might sink the whole concern. This would certainly be the case if he formed a machinery in anticipation of a vigorous prosecution of our Internal Improvements, and the State only put out a fishing smack or pirogue.

Under existing circumstances he was in favor of such an organization of our machinery, that it might be enlarged or contracted as the public exigencies might require. He would have a machine which we might tie on to, or cut off from, as they do on rail cars, according to the business which had to be done.

If the Senate would indulge him for a few minutes he would briefly refer to the three proposed systems for carrying on our future improvements.

One was called the Arkansas system. This he believed met with more favor at present than any other. It was in substance this:—To build the levees with the land. In other words, to pray for building the levees in land-scrip. This at first blush struck every one as just the thing, but upon a little examination, in his opinion, it would be found to be tantamount to a forced sale of the lands at whatever they would bring.

It was a law of trade that when the supply exceeded the demand the price of the article must fall. This was true with regard to land as well as other articles of trade, in fact, it usually was much aggravated when it occurred in the sale of unproductive lands. The same proposition is sometimes announced in dif-

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ferent terms, viz., that, to force the demand lowers the price.

Now the demand for the public lands belonging to the State, judging from the past, may be estimated at about one hundred thousand dollars per annum. But an hundred thousand dollars per annum, spent on our fifteen hundred miles of levees, would be a mere bagatelle, a drop only in the bucket. Whoever might have charge of these works, would certainly expect to expend at least five hundred thousand dollars per year, otherwise their works would produce no visible impression. Well sir, let us suppose a set of commissioners appointed by the State, offering contracts to build levees, worth, at a cash valuation, five hundred thousand dollars. They would advertise for bids, at the lowest rate per cubic yard for embankments, payable in land-scrip valued at one dollar and twenty-five cents per acre. As there will probably be a demand for one hundred thousand dollars worth of land, it is possible that bids to nearly that extent might be put in at rates something like the cash value, say twenty cents (20) per cubic yard. This would exhaust the demand for land at one dollar and a quarter per acre. People could no longer be found who would build the levees at their cash value, and take pay in lands at one dollar and a quarter per acre. For the next one hundred thousand dollars worth of levee, the bids would probably be at forty cents per cubic yard payable in land-scrip. The next hundred thousand, the bids would probably be (60) sixty cents per cubic yard, the next hundred thousand dollars of levying eighty or an hundred cents per cubic yard, the price of the levying constantly increasing, until all the public lands would be required to pay for the first years work on the levees and yet still comparatively nothing have been accomplished. In this manner, our magnificent domain would be squandered and no permanent benefit realized.

He wished he could be satisfied that this system would answer. His judgment forced him to condemn it.

Another proposition is to continue the system on which we are now acting It is to sell the lands at one dollar and a quarter per acre, and apply the proceeds as they are required to building levees. This system would probably for five or six years give us an annual revenue of seventy-five or an hundred thousand dollars per annum. After that time, the cream of the lands having been skimmed off yearly, there probably would be no saleable lands left, and the revenue from this source would cease. The lands which would be left to the State, would be of no value to any one, except those who had secured, by previous entries, the key to every settlement or plantation.

The small annual revenue which could be relied upon from this source, would not effect any very perceptible change in the state of the levees. The system is accompanied with this further objection, that where lands are reclaimed and their value thereby greatly enhanced, the increased value will enure to the benefit of speculators, instead of enriching the State. He saw nothing in this system which promised to realize the just expectations of the public, in regard to the subject of our internal improvements.

If he might be permitted he would suggest a system which met with his own approval and one which he thought calculated to meet the existing emergencies. It was to borrow upon a pledge of the public lands a sum of money at once sufficient to build the levees necessary for our complete protection, and to pay the money borrowed out of the sale of the lands after the levees were built. To carry out this system, it would be necessary to preserve the lands from sale until after the levees were built and until the public confidence in the protection afforded by them was completely established. If this course be pursued, the State will get the benefit of the enhanced value of the lands; and lands now valueless would be worth five or ten dollars per acre.

He was apprehensive from what he had seen and heard around him that this plan would not meet with the favor it deserved. He knew the repugnance which existed in the minds of many persons to the State going in debt. He had himself often felt and expressed the same repugnance to the contracting of large State obligations. But he considered if there ever was a case which justified a State in incurring a debt, the present crisis demanded it in Louisiana.

The Delta of the Nile was not so large as the Delta of the Mississippi. There had been times within the recorded history of man, when that Delta is supposed to have contained a population of fifteen millions. There has been no time, within the period embraced by history, at which the population of that Delta has not exceeded two millions. Here we have the Delta of the Mississippi, excluding the city of New Orleans, with a population less than two hundred thousand. To reclaim the lands of this Delta, to transform the swamps to fruitful fields and the abodes of a prosperous people, is certainly one of the most magnificent projects ever undertaken by human enterprize. An eminent engineer who has examined the whole line of our levees, has reported that, levees affording complete security can be constructed from the Arkansas line to the Gulf at an expense less than fifteen hundred thousand dollars. This is truly an insignificant sum compared with the grandeur and importance of the objects to be obtained. Does any one doubt the adequacy of the fund to meet the contemplated loan? He had heard no one express his views who did not believe the public lands of the State, when freed from all danger from inundation, would be worth vastly more than the amount required to put them in a state of complete protection. He believed they might safely be relied upon for eight or even ten millions of dollars; an amount sufficient not only to repay the requisite loan, but enough to keep the levees forever after in repair. There are no lands in the world superior to our swamp lands. None more capable of sustaining a dense population, with a natural canal at every man's door. Let us then go to work—make levees broad and high, mountain high, if necessary,—place impregnable barriers against the angry flood so that every man can sleep in peace, unvisited by dreams of inundation and disaster. Then we shall make Louisiana, the richest, the greatest, the most populous State in the Union. He wished he could be able to fully impress Senators with the importance of the subject, and that they would all unite in endeavoring to found a system which would ultimately consummate the glory and prosperity of the State.

As for the resolution to abolish the Board of Public Works, he believed it was necessary in order to remove an obstruction from our path in any system of internal improvement which might be adopted. He therefore trusted Senators would unite with him in endeavoring to get rid of this incubus upon the best interests of the State.

Mr Martin said that he had a few remarks to offer on this subject. He did not possess either the eloquence or the abilities which the gentleman had displayed in his very erratic discourse, in the course of which he seemed to have adverted to every branch of legislation. He (Mr. King) had wandered away from the only point before the Senate, which was the constitutional point. He was as much in favor of digging ditches and building levees, as the gentleman from New Orleans, but he had taken an oath to do a certain thing—to organize the Board of Public Works—and as far as he had any voice, it should be done. He would insist on his motion to refer the subject to the Judiciary Committee, with instructions to report.

He found that art. 130 of the Constitution said:—"There shall be a Board of Public Works, to consist of four Commissioners." And art. 131: "The General Assembly, at its first session, after the adoption of this Constitution, shall provide for the election and compensation of the Commissioners, and the organization of the Board."

Now, the Senator proposed to abolish by a simple act of the Legislature, a certain constitutional provision. He (Mr. Martin) contended that we had not the right to do so, and art. 141 fully sustains this position. If the gentleman desires to amend the Constitution, he must do it in conformity with the provisions of that Constitution. Art. 130 says: "There shall be a Board of Public Works." The argument refers to that point. This Board is ordained by the Constitution. But the next article provides for the organization of the Board, and it certainly cannot exist before it is organized. The gentleman, however,

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wishes to abolish what does not exist, and in addition he proposes a shorter way of amending the Constitution than that provided for in it—viz: by legislative enactment.

Mr McCay said that this was purely a question of construction of the Constitution, and under the simple plain rules of construction, we must interpret our duty.

One of the simplest and most ordinary rules of construction is that the various articles and laws on the same subject must be construed together. They must be made to have the same meaning. If possible, all conflict between them must be avoided. He would read the articles and see if, from them, he could interpret the intention of the Constitution The first says that there shall be a Board of Public Works. Does that Board exist? Suppose the Legislature should adjourn without making provision for the election of the Commissioners—without organising the Board—would it be in existence? Does the Senator say that it would? If he does say so, let him say also where it is located—who are its members. The second article is still stronger. It says that the General Assembly, at its first session shall provide for the organization of the Board, and for the election and compensation of four Commissioners. Has this mandate been yet obeyed?—Has provision yet been made for the election and compensation of these Commissioners? If the construction of the gentleman be correct, that the Legislature may, at its first session, abolish the Board of Public Works by a vote of three-fifths, then the Legislature has not complied with its duties as specified in the Constitution. I take it, that this power specified in art. 134, means that the Board shall, at all events, be tried. The speculations of the gentleman as to the effects of the system are out of place.

That is not the question for us. Whether or not, the Convention was right in providing for this Board of Public Works, is not for us to judge. We have only to carry out the plain mandates of the Constitution. The gentleman's illustration of the Eclipse and ferryboat is very good; but I would ask him whether he would have us give up what is proposed by the Constitution—whether we should abandon the residence we have, with the hope of finding one, we know not where!

It is the duty of this Legislature, under the Constitution, to organize the Board of public Works, and give it a fair trial. The construction which the gentleman has placed on art. 132 is incorrect. I see in that article no prohibition to appoint an umpire, or an officer who may decide on questions on which the Board may be equally divided. The great difficulty in the gentleman's mind seems to be that the Board is to be composed of four members—an even number. That the difference of interests, of politics, and sectional feelings, will prevent harmony in the Board, and be productive of continual discord. But I cannot see that there is any obstacle in the way of the appointment of some person who may decide in particular cases. The control of the Internal Improvements is not given exclusively to the Board; By its creation the Legislature neither yields nor loses any of its own rights or powers, and it may legitimately exercise a controlling influence, or appoint some person to do so.

The provision in the Constitution for the establishment of this Board, strikes me in just the same way as Art. 11, which commands the enactment of a registry law. The Legislature is commanded to establish it, but has not yet done so. There is only this difference between them. The registry law may be repealed by the same majority which passed it, but the Convention, in order to throw some protection around the Board of Public Works, and to preserve it from the fluctuation of popular opinion, required that, not less than a majority of 3-5 of the Legislature can abolish it.

Entertaining these views, I consider it my duty to oppose the resolution.

Mr. Lacey said that the resolution involved an inquiry into two questions—not only an investigation into the constitutional power of the Legislature at this session, to abolish the Board of Public works, but likewise a consideration of the merits of the resolution. It is absolutely and imperatively necessary that the Senate should enquire into the constitutional question, and if it should be ascertained that the Legislature can, without violating the Constitution, at the present session, abolish the Board, then the propriety and policy of the proposed measure fairly present themselves for determination. On the Constitutional point I must say that I differ with the gentleman from New Orleans, who has last spoken. We might consider that the framers of the Constitution have already established this Board of Public Works. We find that article 130 says "there shall be a Board of Public Works to be composed of four commissioners." Now it is evident to my mind, and should, I think, be equally clear to the perceptions of others, that had the framers of the Constitution contemplated that the Legislature should *bring the Board into existence* it would have made use of the word *create*, instead of using the expression contained in art. 130, an expression similar to that which is used relative to the Executive, Legislative and Judicial departments. It appears therefore, that, instead of giving to the Legislature this power to *create*, the Constitution itself, by virtue of its own provisions, has created and brought the Board into existence. It has only endowed the Legislature with the power of carrying out this provision, which is simply a ministerial duty. The Constitution, it must be admitted, is a power superior to the Legislature. It is from the Constitution that the Board derives its existence, and not from any future act of the Legislature. It is true that its language might have been more explicit, but it seems to me that the words as they stand are sufficiently positive to justify me in the conclusion that the Constitution established the Board of Public Works the moment art. 130 was adopted, with the Constitution, by the people. But it is argued that it is necessary to create, before we can abolish. But we may refuse to create—we certainly have that power. The Senator from New Orleans (Mr. McCay) thinks that we are bound to establish this Board. But when three-fifths of the Legislature are opposed to it—when three-fifths think that it would be impracticable, and a positive injury, is it reasonable to suppose that they are compelled to establish it only to demolish, that they must give it life only to destroy it?

Mr. Martin here remarked that he had never heard that three-fifths of the Legislature were opposed to the Board. The argument of the gentleman was based on a false assumption of fact.

Mr. Lacey—Has the gentleman never heard so?

Mr. Martin—I have only heard the gentleman say so. He cannot base his argument on the statement of a fact which does not exist.

Mr. Lacey—I shall take great pleasure in showing the gentleman that, even if three-fifths of the Legislature be not opposed to the Board, I am justified in assuming that they are so merely for the sake of illustrating my argument. Has the gentleman never heard of a supposed case? Such is the one I am now imagining. I say, sir, that if three-fifths of the Legislature are opposed to this Board of Public Works they may constitutionally refuse to go through with the idle ceremony of passing laws for its organization, when they intend immediately afterwards to destroy the effect of their own acts, by taking advantage of that provision of the Constitution which authorizes them to abolish it. If the Board be so ill adapted to the consummation of those great works which are so much desired by the people, if it be so unpopular that a large majority in the Legislature is hostile to it, if it be calculated to obstruct the car of Internal Improvements, can it be reasonable to suppose that we are bound to incorperate a Board like that and to keep it in existence a year—for I presume we could not at this session undo the work of our own hands—merely to abolish it when we reassemble? Such a proposition, sir, is not reasonable. It may be the letter of the law, but it is not its spirit or intention.—The meaning of the Constitution evidently is, that if three-fifths of the Legislature consider the Board impracticable, and that it would operate, not beneficially, but injuriously, they may refuse to organize it.—These, sir, are my views on this subject. I am forced to believe that we have the power to abolish the Board, because it is already created by the Constitution itself. But I am not prepared to vote for its abolition without having more light on the question, or

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until the Internal Improvement Committee may report more fully on the subject.

Mr. Martin. I must continue to differ, with the gentlemen. I repeat that we must first bring that Board into existence, before we undertake to abolish it. I do not doubt the capacity and judgment of the gentlemen, who compose the Internal Improvement Committee, but I have not such unlimited confidence in their judgment, as to abandon my own views, in order to conform to theirs.

Mr. King said, that as the constitutional question appeared to be a stumbling block with some gentlemen, he would like to have the resolution referred back to the Internal Improvement Committee.

Mr. Kenner. I do not intend to enter into an elaborate discussion of this subject, or to make a regular reply to any of the remarks which have been made. I shall endeavor to give my views as briefly as possible. I am satisfied that the Legislature, by a vote of three fifths, possesses the power to repeal that clause of the Constitution which establishes the Board of Public Works. The language is "there shall be a Board of Public Works, &c." This is constitutional language, and is of the same nature as the language used in creating or establishing the office of Governor, or any other office. But, in regard to the expediency of abolishing this Board, I entertain more doubt. What are we about to do? For, what have we met here? We have a great duty to perform, and what is it? Why, sir, we have to organize a department of internal improvements. What have we now? We have a civil engineer, appointed by the Governor, with the consent of the Senate, and to him is entrusted the supervision of our internal improvements. Consequently, the Legislature, in effect, appoints the Board of Public Works. And what kind of a system is this? The members are elected by different constituencies, and of course, represent different and conflicting sectional interests. Each has some bayou to be cleaned out, some levee to be repaired, or some bridge to be built. What do they do? When the Legislature meets, a member rises and moves that the State Engineer be instructed to proceed to bayou this or bayou that, and clear it out Well, I vote for his proposition, if he will vote for mine of the same nature. I take it for granted that it would not be proposed, unless it were needed, and therefore I vote for it. What is the result of this? If gentlemen will refer to the report of the State Engineer, they will find that enough work for 15 years, has been imposed on him. Who, under this system, is the Board of Public Works? Why, sir, the two Houses of the Legislature. They may contain gentlemen of talent and information; but they were not elected because they knew anything of internal improvements. They were elected because they were whigs or democrats.

There is a great cry, sir, about stopping the car of internal improvements. Where is this car? Who has seen it? Take the Engineer's report and examine it, and then say where is this car which you contend we wish to stop. What is this car? It is 106 negroes and three old steamboats. Now, listen to what the report of the State Engineer, says:

"The accompanying report of my predecessor will fully explain the operations of the department up to the 1st of December, at which time I entered upon the duties of my office, and found the available State force to consist of ninety-six negroes, concentrated, and actively employed upon the locks of the Barataria and Lafourche canals at Lockport, where it had become necessary to place them in consequence of the uncertainty of white laborers, and the absolute necessity of finishing the first walls and gates next to the Bayou Lafourche before the rise of the water.

The condition of the boats I found as follows: The Agnes No. 2, moored near the mouth of Bayou Lafourche, with four of the State hands, and the mate, Mr. McHatton, left on board to take charge of her. This boat is very old, indeed the oldest in the service—parts of her hull having been built and in use eleven years. She is now rotten in many places, and requires attention to keep her afloat. She is of little service.

The General Walker, at the same place, under the charge of Capt. Blackstone and three of the State hands. I found her in a very unsafe condition, with her bottom rake planking much decayed both fore and aft.

The Florida, with three of the State hands, at Tigerville, in Bayou Black, has an excellent hull, but from the inefficiency of some of her machinery, she is of little use. She can be made a good boat for service, but at considerable expense.

The whole State force is then composed of one hundred and six negroes; and of this number there are ten at least too old or sickly to be of much use; and then there are about fifteen more who have been in the service many years, and are quite old, bvt yet make passable hands."

Here, you have the system which is established at the present time.

Mr. Lacey—That is not my system.

Mr. Kenner—I will come afterwards to what the gentleman (Mr. King) proposes. Though that gentleman is a lawyer of distinction, I will show him that he knows as little about levees, as I know about law. He has alluded to the Arkansas system of being popular at present, though he admitted its inefficiency himself Why, sir, there is scarcely an intelligent planter in the State who does not know that the Arkansas system, if established here, would be utterly ineffective. But, that by way of parenthesis. I do not address myself to city gentlemen or to lawyers, whose knowledge of internal improvements, however profound they may be on other subjects, is probably confined to the laying of a gas pipe, or the fitting of a curb stone, or the cleaning out of a filthy gutter—but I appeal to the country members to say whether they have ever known any thing of moment to be done by the 106 negroes, and the three old boats which compose the force of the State at present. I do not mean to say that the engineer has not performed his duty, but I contend that so little good has come, or can ever come, from the present system, that an adherence to it cannot be justified. For many years this fact has been appreciated, and in the last Legislature an effort was made to abolish the present system, and establish a Board of Public Works. For some reason the effort failed. The Convention then met. What had it to do? The present system was universally acknowledged to be faulty. Fifteen or twenty years experience had demonstrated its inefficiency. It was evident that we must have something new It was necessary to take the control out of the hands of the Legislature, who were never elected with reference to this subject With this view, the Board of Public Works was established. Gentlemen say that local prejudices and sectional feelings would influence this Board, and prevent harmony in its deliberations. Are they, then, afraid to trust the people? Do they think the people incompetent to elect men to perform a special duty? Is it not done in other departments? Why, sir, we are about to elect our judges, and in the judiciary independence is peculiarly necessary; and can we not trust the people to elect the members of the Board of Public Works? All that we ask is that you do away wth the present system, under which a man comes here and jumps down in the general scramble to get what he can, and leave the whole subject to four men, who shall do nothing else than attend to internal improvement.

No question is so interesting to the people of Lower Louisiana as the disposition of the Levee Fund. If we adopt the Arkansas system, of which the gentleman has spoken, Lower Louisiana will be reduced to an uninhabitable swamp, and Upper Louisiana be made to bloom and flourish like a garden. This will be the effect of pursuing a false system.

I come now to the system proposed by the gentleman from New Orleans, (Mr. King). I must say that I do not know what it is. Does he know? Do you know, sir? Where is his bill? I certainly shall not vote down a system provided for in the Constitution, on the mere *ipse dixit* of any member—on the speech of one man, and a lawyer at that. Why, sir, one gentleman has told us that under his system we shold have a canal at every man's door.

Mr King. I did not say so. I said that now our bayous and rivers were like a canal at every man's door.

Mr. Kenner. Then, sir, he advocates an immense system of levees; I cannot perhaps recall the eloquence of the gentleman, but I will state the sub-

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stance of his remarks: he advocates an immense system of levees mountain high; I am sure he said mountain—by which the devastating floods of the Mississippi would be prevented from desolating the fertile country on its banks. But where are we to get the money to build these levees. A gentleman on my left says, "Borrow it." Borrow, sir, is a word that I detest. If you expect to build your levees by borrowing, you might as well take us, and hand us over as hewers of wood and drawers of water, to European bond holders And even were it done, the expenditure would be futile and useless. Our present levees are good enough; they do not need improvement.—The only danger to them is caused by the water eating through and undermining them, when they cave in, and let the rushing waters through. You might as well try to imitate Joshua in making the sun stand still, as to try to stop this by the use of money. I repeat, sir, that our levee system is little understood by lawyers. The planters who are in the habit of talking on the subject daily, whom it peculiarly interests, and who turn it and twist it in every possible way, know very well that our levees now are as good as they can be made. I say again that I cannot vote to abolish the Board of Public Works, until I know what gentlemen propose to substitute for it. If the gentleman will go to his desk, write down his views, embody them in a bill and have it printed, I will vote with him, if I find his proposition is an improvement. I was originally opposed to this provision of the Constitution, and should have voted against it in Convention, had I had a vote; but as it has been incorporated into the Constitution, and is so evidently superior to the old system, I am disposed to support it, till something manifestly better is proposed.

Mr. Short said that he would not detain the Senate long; he only wished to make a few remarks in reply to the Senator who had last spoken. He agreed that lawyers knew little of internal improvements and levees, unless they had lived in the country and on the banks of rivers. He should suppose, however, that the mere fact of being a lawyer, would not incapacitate a man from forming an opinion on such subjects. He agreed also that the Senator who had erected that "case" was a little ahead of the wagon. He (Mr. Short) had attentively examined the reports which were before the Legislature. He had also searched the committee rooms, and found there a mass of scientific knowledge which had been accumulating for three years. There were measurements, and soundings, and surveys, and everything of the kind that could be imagined, yet out of all this mass of information, he could find nothing in the shape of a practical system. In his section of country, the old planters, who have the experience of years to guide them, and experience is more calculated to impress the mind than any scientific surveys, gain their information by looking at the water marks and the levees. When they find one of these mountains giving way, they look at the marks on the trees, and they know then that some of the tallest kind of wading is to be done.

His only wish, in rising, was to ask the Senate to dispose of the resolution now.

There was a difference of opinion among lawyers, as to the constitutional power of the Legislature to abolish the Board of Public Works. What was the opinion of the Convention he did not know! He only knew that the Constitution, containing this provision, had been submitted to the people, and he had voted for it. The meaning of the clause in question, must be understood from the language of the Constitution itself.

He did not wish to see jealousy and sectional feelings or prejudice introduced into this matter. The effect of an overflow in the distant parishes, is felt in New Orleans and elsewhere, and so the prosperity of the city benefits the country. He should like to see harmony of action, and, if possible, unanimity, instead of dissension and conflict. He thought the Convention intended to put an end to the system of "you vote for my Bayou, and I will vote for yours." The Board was no favorite of his; but as it came from the Convention, and was the result of its deliberations and labors, he was disposed to give it a fair and honest trial.

Mr. King.—I am thankful to the Senator from Ascension for the expression of his views in regard to the power of the Legislature to abolish the Board of Public Works, but I am exceedingly pained by the personal character of his remarks. I have been taunted with having no knowledge of the subject concerning which I had just expressed my views to the Senate. I have been told that I could know nothing of internal improvements, because my profession happens to differ from that of some gentlemen on this floor. Now, sir, if it will be any gratification to the Senator to know the fact, I can inform him that I am a planter as well as a lawyer—although, perhaps, not in so ostentatious a way as some others. In addition to this, even the place which I represent has been attacked, and, as if nothing good could come out of Nazareth, I have been told that a Senator from New Orleans can know nothing of Internal Improvements except such as laying gas pipes or cleaning out the filthy gutters of the city. I have been taunted with ignorance, and twitted about the system, merely the outlines of which I shadowed forth to the Senate—and have been accused of being an advocate of the Arkansas system, while in the same breath he admitted that I had reprobated it. That system, sir, is not my system, nor do I recommend it. I only stated, what I know to be a fact, that it is the most popular of all the systems now under consideration. My language, also, has been perverted, and what I evidently intended as a metaphorical illustration, has been tortured into an absolute statement of fact. I did not say, as the gentleman asserts, that we should build levees mountain high. I simply remarked that under the system which I should propose, we would be enabled to build levees mountain high, if necessary, from the Arkansas line to the Gulf, in order to keep the waters of the Mississippi from the doors of our planters. In conclusion, I think, as there is some difficulty about the constitutional question, that the whole subject had better be referred back to the Internal Improvements Committee, with instructions to report a substitute.

Mr. Lacey should also like to have a report from the Senator from Orleans, on the various reasons which induced him to believe that the Board ought to be abolished. That gentleman had argued the question at some length; and had shown the impolicy of establishing the Board. He had shown that it would create sectional and political feeling; that it would be impracticable and expensive, and would rather impede than develop our Internal Improvements.

He (Mr. Lacey) was not an advocate of the present system, as the Senator from Ascension wished it to be inferred. He did not advocate an adherence to the 106 negroes, and to the rotten Agnes which the gentleman had so pathetically described. He was in no way responsible for that system. He was a new member on this floor; he had not had a seat in the Senate, as the gentleman from Ascension had, during a number of years, and therefore this odious, useless system was attributable to that gentleman rather than to him. He did not advocate that system. He concurred in the one which had been alluded to by the Senator from New Orleans (Mr. King) if he correctly understood it. But whether we might fall into the Arkansas system, or ultimately adopt some other, he wished to remove the obstacles which at present impeded the car of internal improvements. When he referred to that car he did not mean the rotten Agnes, but the car which the political friends of the gentleman from Ascension (Mr. Kenner) had created in the Convention, and turned over to the Democratic party.

As the constitutional question had been under consideration, he would say that on a point of law he had great confidence in the opinions of the Senator (Mr. Kenner), though that gentleman thought that lawyers could know nothing of ditches and levees. He would repeat that he thought this Legislature had power to abolish the Board of Public Works, because that power was expressly given by one of the articles of the Constitution, and the Board was now actually in existence, though the members had not been elected.

Mr. McCay.—I should like the gentleman to answer one question—Suppose this Legislature should adjourn without making any provision for the election of members of the Board, would it be in existence? And if so, where would it be?

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Mr. Lacey—continued.—But he would go still farther—he would say that even if the Board were not in existence—even if it be not created by the Constitution, there would be no necessity to establish it, if we were determined merely to abolish it afterwards. The Constitution certainly could not require any such idle waste of time. If three-fifths of the Legislature were opposed to the Board, they might constitutionally refuse to organize it.

The existence of the Board depends on the views and wishes of that proportion of the Legislature. He trusted then, that Senators would give up ther constitutional objections, and see that they had the power to abolish the Board of Public Works, and if they came to the conclusion that the Board ought to be abolished, they would do so without delay. In the meantime they could go to the Committee, and ask for a better system—one which would more effectually carry out our great ideas and projects of internal improvements.

Mr. Konner. I wish to say a few words as to a personal question. The gentleman from New Orleans (Mr. King) said he regretted the personal character which the debate had assumed. I, for one, sir, never intended to give it such a character. On the contrary, I expressed the highest opinion of the gentleman as a lawyer and an advocate. I knew, or supposed that his life had been spent in the study of books, and in the practice of his profession before courts of justice, and I thought that his only knowledge of internal improvements consisted in what he had derived from observing the laying of gas-pipes and curbstones, and the cleaning out of gutters, during his walks, to and from the courts, in the streets of New Orleans.

Now, sir, see how leniently I have treated the gentleman. When he rose and made a set speech, charging me with having made a personal attack on him,—when he assumed the position of a martyr,—and every one knows how such a position is calculated to enlist the sympathies of an audience,—I allowed him to proceed. I did not interrupt him,—on the contrary, I heard him out, and permitted him to get all the advantage which such a position gave him, when I might have arisen myself, at the commencement, and disclaimed any personal allusion. This would have put a stop to the whole matter,—but I preferred to let the gentleman make his speech, and obtain all the benefit he could derive from it. I hope, after this, the gentleman will not say that I intended any personal reflection on him by my remarks.

In reply to the gentleman from Madison, (Mr Short) I will say that I am as much opposed as he can be, to any sectional feelings in this matter I look on the levee system as being of vital importance to the prosperity of the State. But when I see gentlemen who cannot have much experience on the subject, discussing it as if they knew all about it, I must say that I listen with alarm, lest something should be done which will be fatal. I did say that I hoped no such system would be adopted as would convert lower Louisiana into an uninhabitable swamp, and render upper Louisiana as blooming as a garden. This, sir, I repeat. This is what I said. Is there anything sectional in it?

Another gentleman, (Mr. Lacey,) has alluded to me as being responsible for the present rotten boat system. Why, sir, I have sat in this Senate for some years, and, in conjunction with others, have fought and contended against that system, with all the efforts of which I am capable, but without success,—and yet am told by the gentleman that I am responsible for the system,—that I am to blame for it.

Mr. McCay—The gentleman from East Baton Rouge (Mr. Lacey) has not answered the question which I put to him. I wish to know whether, if this Legislature should adjourn without organizing the Board of Public Works, that Board would have an existence.

Mr. Lacey—The Board would have a *constitutional* existence. It would be a legal fiction, separate and distinct from the persons who are to be elected to make that existence effective. Like the infant in the womb, it would possess life, but would have no power to do anything but make the feeble motions of a being with life, but not yet brought forth.

The resolution was finally referred back to the Committee on Internal Improvements.

WEDNESDAY, March 2, 1853.

Mr. Short introduced a bill relating to the Judiciary.

Mr. Wickliffe wished to know whether this bill was the gentleman's own, or whether it emanated from the Committee. Did the gentleman claim the paternity of it?

Mr. Short knew nothing of its paternity. He did not know that bills were begotten in that manner. He knew that something of this kind had passed the House, and it met his view more directly than any other system that had yet come under his observation. He therefore wished to call the attention of the Senate to it. That was all the paternity he acknowledged.

Mr. Wickliffe withdrew any objection to the introduction of the bill.

Mr. Short introduced several more bills relative to the Judiciary.

Mr. Wickliffe wished to know whether any time for action on the Committee bills had been specified.

Mr. Lacey explained that all the bills would be perfected in a short time.

Mr. Wickliffe was delighted to hear that the Committee intended to report on this subject.

THE CENSUS BILL.

Mr. Derbes moved that the Census bill be taken up.

Mr Griffin moved a reference of the whole subject to a committee composed of the members from New Orleans.

Mr. Rivers said he hoped such a course would not be adopted as had already been taken with reference to this bill.

Mr. Derbes hoped it would. Gentlemen on the other side had themselves made this a party question, and then had accused them (the democrats) of making it so. But they had good reasons for the course they had pursued. Under the bill, as it stands, the city could never have a full representation in the legislature. If gentlemen thought political considerations induced the proposed change, he would state, for their information, that in the four districts there were three democratic recorders and one whig, and three democratic assessors and one whig. What party benefit could be derived from giving the power to the Assessors more than to the Recorders? The Assessors will make a profit out of it if they are appointed, by means of their assistants, but the people know that the recorders cannot pocket the money. These were some of the reasons which induced them to move that the Census taking power should be given to the Recorders instead of the Assessors and their deputies.

Mr. Wickliffe would vote for the motion of the Senator from Avoyelles, if he would amend so as to have the matter referred to a special committee of three; but he objected to a special committee composed entirely of the delegation from New Orleans.

Mr. Griffin accepted the amendment, and the motion was carried.

The President appointed Messrs. King, McCay, and Barthe on the committee.

ORDER OF THE DAY.

The bill amending the act of 1846, in relation to corporations, was taken up.

The bill was ordered to be printed.

Mr. Wickliffe moved that the bill be made the special order for Friday, as no action could be taken on it before it was printed.

Mr. King said it would be useless to have the bill printed, as he intended to move to amend it, so as to strike out a portion, which would leave the law just as it now stands.

Mr. Wickliffe did not see why the bill should not be printed, or why they should be compelled to act on the bill now because the gentleman intended to move an amendment to it. The bill might have something good in it, and they wished to have an opportunity to examine it.

Mr. King said that his reasons for intending to make the motion he had alluded to was, that he had found that the general law covered the grounds of the bill, and rendered it unnecessary.

Mr. Wickliffe thought at the time the gentleman had introduced that bill, that it was unnecessary. Nevertheless, he would prefer to have it deferred.

The bill was finally referred.

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The bill organizing the department of Secretary of State was taken up.

Mr. Martin said that the same objection existed to these bills as to the others of a similar nature—they were all unnecessary. Laws applicable to the subject already exist, and there was no use to encumber the statute book with more.

Mr. Lacey would make the same explanation in regard to this as to the other bill. They were all introduced through an abundance of caution, in order to remove the doubts which many persons entertained, of the efficacy of those laws under the new Constitution. It was best to be on the safe side, and he was sustained by the Judiciary Committee in forming and reporting these bills. It was generally supposed, that under one of the articles of the Constitution, all the State offices were vacated.

Mr. Wickliffe, should like to know to what article the gentleman alluded. Was it to this one? (Reads the article.)

Mr. Lacey. Yes, sir.

Mr. Wickliffe said he understood the article perfectly, nevertheless he had no doubt that he should vote for the bill.

Mr. Martin did not see a loop on which to hang a doubt. The office of Secretary of State was a Constitutional office. The framer of the bill had already consented to its reference to the Finance Committee, and that committee had reported against it. He (Mr. Martin) did not wish it referred to the committee of which the gentleman (Mr. Lacey) was chairman, as he knew that he had prejudged the case. He could not, therefore, at present, think of a proper committee to which to refer the bill. He was naturally a cautious man himself, but he had found that sometimes over caution was injurious instead of useful.

Mr. King was opposed to the bill as being unnecessary and superfluous.

Mr. Lacey said that they must provide for the returns of elections and counting the votes for these officers. That part of the bill, at least, must be passed.

Mr. Martin could see no reason for it. An election was held last December, and the State officers were elected. He thought that the taking and counting the votes were sufficiently provided for by existing laws.

Mr. Lacey. The gentleman is mistaken. There are no laws providing for it.

Mr. Martin. How was it done then—under what authority?

Mr Lacey. The election was held, and we abided by it; but it was done without authority of law. I now wish to supply the omission.

Mr. Martin. If the gentleman only wishes to pass that section which provides for counting the votes, I withdraw my objections to the bill.

ELECTION FOR STATE PRINTER.

The bill amending the act of 1846, in relation to the election of State Printer, was next taken up.

Mr. Lacey explained the object of the Judiciary Committee in proposing the bill and amendment By the Act of 1846, a State Printer was to be elected at every regular session of the Legislature. By the same act, the Printer was to hold office for two years. In accordance with that act, the present session of the Legislature went into an election and the person elected was to be the Printer for two years. According to the bill introduced by the Senator from Concordia, (Mr. Rivers) he would only hold office for one of the two years to which he was constitutionally and legally entitled. The amendment proposed by the Committee made the next election take place in 1855, and at every alternate session thereafter. As to the policy of electing a Printer for two years, commencing with 1855, the Committee was not pledged, but as it found a law in existence under which the present Printer was elected, and also directing that every regular session should elect, it felt bound to rectify the contradiction, and remove this absurdity from the statute book.

Mr. Martin said it seemed to him that if we should pass this act, we would, in effect, be electing a Printer for the next Legislature. It seemed to him that we ought to treat the next Legislature with as much courtesy and consideration as the last Legislature had manifested for us.

Mr. Rivers said that the object of his bill was to make the law conform to the Constitution. Under the old law, the State Printer was elected for two years—at that time the sessions of the Legislature were biennial. The bill introduced by him makes his term of office expire with the Legislature which elects him—so that each Legislature shall elect its own Printer. If Mr. La Sere, by his election under the act of 1846, had acquired a vested right in the office for two years, so had Mr. Weisse, who was elected last year under the same law. He was happy to hear the admission of the gentleman (Mr. Lacey) that such a vested right could be acquired. If he press the principle he must also make the admission that Mr. Weisse has a vested right for two years. He was elected in the same manner as Mr. La Sere, under the same law, and if Mr. La Sere has a vested right in the office for next year, so has Mr. Weisse for this.

Mr. Lacey.—When the present Legislature, at its commencement, elected a man to serve as State Printer, for two years, it gave him a vested right in the office for that length of time; and he had, consequently, a right to hold it for two years. Any Act to deprive him of that right would be unconstitutional and void. Consequently the Committee thought it their duty to recommend the passage of an act which would confirm the Printer in his right, acquired through the law under which he was elected, to hold office for two years. Under the law, as it stands, the next Legislature might elect another Printer, and we should then have two. The present incumbent has a right to the office for two years, by law, and the one elected next year would hold by virtue of a new election. If the amendment of the Senator from Concordia (Mr. Rivers) should prevail, we would have two State Printers. The bill was not introduced for political purposes, but to do away with the difficulty which now exists. It provides that a new election for State Printer shall be held in 1855, at which time the term of Mr. La Sere will have expired. The Senate may then make the election annual, or biennial, at its discretion. The bill reported by the Committee, however, is necessary in order to prevent confusion—to prevent the possibility of having two State Printers, and to give to the present Printer his legal time of two years.

Mr. Martin.—The present Printer was elected under the same law as the previous one. That law required an election at every regular session of the Legislature. The present Legislature has no more right to impose a printer on the next, than the last Legislature had to impose one on us.

Mr. King.—The question is, whether this is a regular session of the Legislature. If it be so then we were bound to elect a State Printer, by the law of 1846. The question then arises—how long shall the Printer thus elected hold his office? This can be answered by a reference to the law, which says that he shall hold his office for two years.

Mr. Rivers.—Will the next be a regular session of the Legislature.

Mr. King—Yes sir.

Mr. Rivers—Then, on the same principle, we will be obliged to elect another Printer next year.

Mr. King—The very object of the bill is to obviate this difficulty.

Mr. Rivers—The gentleman says that because the law of 1846 fixes the term of office of the State Printer at two years, therefore Mr. La Sere shall hold on during the first session of the next Legislature. Now sir, Mr. Weisse was elected at a regular session of the Legislature and under the same law. He is consequently at this moment the State Printer, if the principle advanced by the gentlemen on the other side be correct. He must have a vested right in the office which could not be overlooked, or set aside by this Legislature.

Mr. King said that he would answer the argument of the gentleman with great pleasure. The error committed by him was in supposing that there was any such thing as a contract between the State and one of its officers. We had seen a new governor and new State officers elected to supersede the old ones—and we had seen old officers, whose terms had not expired, turned out to make place for new ones. If these old officers had a vested right in spite of the new Constitution, there would have been no power to do all this—they would have been protected by the Constitution of the United States, which says that the

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obligation of contracts cannot be violated. But there was no such thing as a contract between the State and its officers. The new Constitution unhorsed the State Printer, if he might use the expression, by making this a regular session of the Legislature, on the same principle as it vacated the office of Governor Walker.

Mr. Rivers—Does the gentleman think this act would be binding on the next Legislature?

Mr. King—As a law on the statute book, it would be subject to repeal, or modification, like any other law. No harm could be done by it in any way.

Mr. Kenner—If the next Legislature can repeal the law why not let it elect its own printer. Every one knows that this Legislature did not intend to elect a printer for two years. I remember distinctly that when the election was made, the presiding officer announced that Mr. La Sere had been elected State Printer for two years. On being informed of his error he immediately corrected himself, and announced simply that Mr. La Sere had been duly elected State Printer.

Now sir, if the gentlemen admit that, under the present law, they cannot keep Mr. La Sere in office for two years, why do they not acknowledge it? If they could do so there would be no necessity for this bill. But they know very well that they cannot keep him in under the laws, as they exist. If they think that they can, let them move to lay this bill on the table, and they will achieve their object. But what do they want to do? I will tell you, sir. They want to tie up the next legislature—they want to impose their own printer on it—they want to keep Mr. La Sere in office for two years when he was only elected for one.

Mr. King—The gentleman has asked our object.—Why, sir, our object is plain enough. We wish to remove a palpable absurdity from the statute book.—The law of 1846, now in force, says that a state Printer shall be elected at every regular session of the legislature, and at the same time says that he shall hold his office for two years. The gentleman is correct in his statement of what took place when Mr. La Sere was elected at this session. It was first announced that he was elected for two years, and afterwards simply that he was elected. He is therefore elected for the legal and constitutional term. What is the legal term? It is, as clearly as the law can make it, two years. Having thus explained our object, Mr. President, I move the previous question.

Mr. Rivers—that is certainly very amiable in the gentleman.

Mr. Martin—This is exercising mere brute force.

Mr. King—At the request of several gentlemen, sir, I will withdraw my motion for the previous question.

Mr. Rivers—The bill proposed by him had been referred to the Judiciary Committee. That Committee, through its chairman, had once reported in favor of the bill—all at once, however, a new light burst upon the gentleman—a new idea struck him. He suddenly found that the bill did not suit his purposes, and he had it recommitted. The object of the bill was to give to the next Legislature, the power, as it had the right, to elect a State Printer. In the natural course of events the next legislature might differ from the present on the question as to who should be the State Printer. It might prefer to take some one from the country; and he wished to leave to it the power of deciding whether it would do so. The amendment of the committee, however, took away this power, and imposed the Printer of this Legislature on the next one. He would ask gentlemen from the country, on the other side, whether they were willing to submit to this restriction. If they were, they had the power in their own hands, and he should have to submit.

Mr. Martin. The original bill simply proposed that each legislature should have the right to elect its own printer, as was the intention of the law.

Mr. Short. Before the question is put, I should like to say a few words on the subject. When the present State Printer was elected, he must have been elected for some specific term. That term is decided by the law under which he was elected. The law says that the State Printer shall hold his office for two years—consequently, the present State Printer was elected for that length of time. He himself considered that he was elected for two years. He gave his bond to perform his duties in accordance with the provisions, and for the time specified by law, and his rights cannot be interfered with by any act of the General Assembly. I have come to the conclusion that every legislative body has a right to elect its own officers. The legislature being called into existence by the new constitution, necessarily has that right, and the officers of the last legislature must share the fate of all the old officers. They are changed by the intervention of the new constitution. A great many puzzling questions grow out of a change of the fundamental law. A contract is frequently mistaken for law, and a law for a contract. This is simply a question of law. Under the constitution of 1845, the General Assembly met once in two years. A great change, politically and otherwise, might take place in those two years. The next General Assembly might like to have the election of its own officers, and it had the right to elect them.

The legislature, under the constitution of 1845, was one body having a continuous existence. It was annihilated by the adoption of the new constitution. This legislature does not expire this year, though the members of one branch go out of office. Where, therefore, is the reason for displacing Mr. La Sere at the next session? Are there the same reasons in his case, as in that of Mr. Weisse? On the contrary, the position of Mr. Weisse is very different. The body which elected him, went out of existence with the adoption of the new constitution. But here is a new officer who comes in under the constitution of 1852. The members of the House are elected for two years. Of the senators, some are elected for two years, and others for four.

Mr. Wickliffe. The gentleman will remember that he and I go out next November.

Mr. Short. The Senator need not remind that our term of office is so short. I remembered perfectly well, that I drew the short straw.

Having come to the conclusion that this legislature had a right to elect, the question arises—For how long had it a right to elect? For one or two years? Clearly for two years, the time specified in the law.

And is there any thing so wrong in this as to draw forth the observations which have fallen from the other side? If I had found that Mr. Weisse had a right to retain the office, I should not have consented to go into an election. But the present printer has, as I have said, given his bond to execute the duties of his office for the time for which he was elected. If there shall be a change in the next Legislature—though I hope we shall not change as rapidly as the hues of the rainbow—if the next Legislature shall be of a different political complexion from this one, and they should conclude to displace the State Printer, merely because they have the power, they will be committing an act of great injustice.

Mr. Martin. What is the necessity to pass this bill?

Mr. Short. What is the necessity to reject it? If we let the law stand as it is, we shall continually have printers' terms lapping over printers' terms, as the law says that at each regular session a State Printer must be elected, and that he shall hold his office for two years.

Mr. Martin. Is not the next session of the Legislature a regular session?

Mr. Short. Yes, and the law says that an election shall be held at every regular session—so that at the end of two years, we would have two State Printers. It is my desire to erase such an absurdity from the statute book.

Mr. Todd called for the reading of the bill.

The Secretary read the bill.

Mr. Todd. The Senators from New Orleans and Carroll, (Messrs. King and Short) would have us believe that this bill is intended to make affairs conform to the law and the Constitution. I must be permitted to differ with those gentlemen. It is not in conformity with the present Constitution. The act of 1846 was passed when the sessions of the Legislature were biennial—now, they are annual—and, by analogy, we should believe that every year, or, in other words, at every regular session, a new State Printer must be elected. The gentleman from Carroll, (Mr. Short) has also said that Mr Weisse went out of office because the Legislature which elected him had expired; and that Mr. La Sere must be retained, because this

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Legislature does not expire. But it does expire. Do not all the members of the House, and a portion of the Senators, go out this year? There is no reason that the State Printer should hold his office for two years, any more than any other officer. It would be very unjust, and very discourteous to the next Legislature, to foist a printer of our own choosing on it.—The gentleman admits that the next Legislature may repeal this law, even if it pass here. Will they try and pass an act which it is admitted will be entirely nugatory? I hope that the amendment proposed by the gentleman from Concordia, (Mr. Rivers) will be adopted.

Mr. King. The gentleman seems to suppose that because the next Legislature can repeal the bill, therefore we ought not to pass it. This is very fallacious. On this principle, we might as well shut up shop and go home, because every act that we pass, which does not involve a contract, is susceptible of repeal.

I will now, while I am up, explain the reasons which induced me to move the previous question a short time ago. One gentleman moved to lay the substitute of the Committee on the table. Does not that cut off debate as effectually as the previous question? I therefore thought I might, with equal propriety, move the previous question—and I do not think that, under the circumstances, it was so very unamiable. Gentlemen may present forty amendments, and they may all be voted down, and we come at last to a vote on the original proposition. I intended no discourtesy by my motion. I merely wished to save the time of the Senate. I hope gentlemen will appreciate this, and not attempt to embarrass legislation by offering useless amendments.

Mr. Kenner. In plain English, we, on this side of the house, must make no objection to anything that is done, because we are in a minority.

Mr. King. You used the gag-law first, and I thought that we might apply it also.

Mr. Kenner moved to lay the whole subject on the table.

Mr. Martin would call the attention of the Senate to what Jefferson's Manual said concerning the Previous Question.

(Here Mr. Martin read an extract from Jefferson's manual, to the effect that the previous question was *intended* to cut off debate that might be of a private or personal nature, or injurious to the interests of the State.)

Now, I apprehend, sir, that the interests of the State would not suffer by any amendments we might offer, or any arguments we might use, however much the interests of Mr. La Sere may be affected by it. I think I was right in characterizing the motion as an exercise of brute force.

Mr. Kenner moved to strike out 1855 and insert 1854 as the time for the election of a State printer, so as to leave to the next Legislature the right to choose its own printer. He was opposed to foisting any one on a future Legislature.

The gentleman (Mr. King) had said that the law could be repealed. Of what consequence was it then, to them to pass it? If the whigs have a majority next year the gentleman would surely find that they would repeal the law—when this gentleman's term would expire. But if the democrats were able to keep in power they would have a printer ready made. Were they not willing to trust their own friends? He did not expect any response to his remarks here, but he spoke to an echo out of doors—to a power higher even than that of the distinguished gentleman from New Orleans, who took the lead in this matter.

Mr. Wickliffe rose to a question of order. The point involved in the gentleman's amendment had already been disposed of by a vote of the Senate on a previous amendment to place the election at the next session.

Mr. Rivers. I do not really believe that the gentleman is in earnest. Does he say that he is?

Mr. Wickliffe. I do say so. Has the question not been disposed of? Was not the amendment of the Senator from Assumption to leave the election to the next Legislature? Does not that occur in 1854? I wish to know if the amendment of the gentleman from Ascension does not propose precisely the same thing? I am opposed to consuming the time of the Senate by voting all day on the same propositions, though they may be couched in different language.

The President decided that the amendment was in order.

The yeas and nays were called, and the amendment was rejected, after which the bill passed to its third reading.

ADJOURNMENT.

Mr Martin's resolution to adjourn *sine die* was taken up. On motion of Mr. McCay the consideration of the resolution was deferred till the fourth Monday in March.

THURSDAY, March 3, 1853.

Mr. Rivers remarked that he had called upon the Superintendent of Public Education in order to obtain certain information, but that officer had refused to give it to him. All the Senators had much business with that department, and if the Superintendent refused to give necessary information, he should be compelled to do it. He (Mr. Rivers) therefore offered a resolution instructing the Superintendent of Public Education to furnish the Senate with a statement of the amount of the School Fund to the credit of each school district in the parish of Concordia.

The resolution was adopted.

Mr. Theriot, from the Committee on Commerce, introduced a report on the petition of the Louisiana Rice Mills Company

Mr. King, from the Committee on Internal Improvements, introduced a report.

The bill extending the time of payment to settlers on the swamp lands in the parishes of Livingston and East Baton Rouge was taken up. Mr. Short said that for the reasons set forth in the report which had on a previous day been laid before the Senate, he was opposed to the passage of the bill. A bill had passed the Senate—he was unable to say whether it had passed the Lower House also, though he believed it had—which had for its object the closing of the Land Office.

Mr Martin. The gentleman is mistaken. The outside pressure prevented the passage of the bill.

Mr. Short. Whether the bill had passed the House or not, I think I can furnish sufficient reasons why we should not pass this one, now or at any other time.

I take it for granted that the disposition of the swamp lands depends on the purpose for which those lands were granted to the State by Congress. That purpose was for leveeing and draining Now, to give a right of preemption conceding twelve months as the time of payment, is being entirely too liberal. We have already given an extension of twelve months to those who were not able to pay, and now we ought not to be called on to give another extension. I am opposed to the proposed extension for another reason. It will interfere with the plan which I intend to bring forward, to apply the swamp land fund to building levees, and carrying out the purposes for which it was granted. It is very important to adopt some such plan at the present session of the Legislature My object is to have the lands surveyed and classified and then brought into market, and apply the funds received from them to the building of levees. There are now, 9,300,000 acres of these lands remaining unsold. Suppose that 500,000 acres be brought annually into market, and that $500,000 is the amount which can be economically applied every year, this will reclaim and bring into market a large amount more, while at the same time increasing it in value.—Thus we have a way to realize the most from these lands. I appeal to you whether you are going to suffer partial legislation for this parish, or that parish, by which the whole will be squandered. Why, soon, if we pass this bill, we should have an act introduced to extend the time of payment in another parish, and then in another, till we should not know where to stop. It must be remembered also, that these preemption claims are always located on the best lands, for it is well known that preemptors invariably select the best they can get. Thus all possibility of accumulating an available levee fund would be lost.

The great difficulties in this State are caused by overflow. First we must give money to the Grand Levee, then to other levees, and so the money is exhausted. After this we have applications for an ex-

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tension of preemption rights to preemptors who have taken the best lands, leaving the poorest to the State. This operation is like skimming off the sweet cream, and leaving nothing but the sour milk behind—as a fund for the building of levees. I hope that all Senators have not the desire to consent to such partial legislation as this. I hope that the bill will not pass, for the reasons specified in the report.

Mr. Lacey was surprised that a proposition so equitable and so just as that of the bill before the Senate, should have met such opposition. No argument had been advanced against the propriety of giving the time asked for, to pay for these lands. They were absolutely unable to pay at this time. The only question at issue was whether Louisiana would be an indulgent creditor—whether she would give to these poor people a little time to pay for their homes, or whether she would act the part of Shylock—whether she would exact the last drop of blood, the last condition of the bond, and hand the homes and hearths of these people, over to greedy and grasping speculators. This is the only question, let it be disguised as it may. Whether the State would be so hard a creditor as to refuse this small indulgence, or grant a little time to a class of industrious people, to pay for the homes which they had earned by the sweat of their brows. He would submit the bill without argument, and place it in the hands of a generous and indulgent Senate.

Mr. Hodge said that, as a member of the Committee to which this bill had been referred, and which had reported against it, he would give his reasons for so doing. The bill proposed nothing more than to amend the act of 1852, by which a credit of one year was given to settlers on the public lands who had made their entries prior the 17th of March, of that year, so far as the parishes of Livingston and East Baton Rouge were concerned. Now, from an examination of the 2d section of that act it would be seen that the proposition of the Senator is to exempt from the operations of that act, certain parishes which the gentleman has the honor to represent, and instead of one year, to grant to the settlers on the public lands in those parishes, another extension of a year. In other words, instead of claiming payment for the lands within the year following the 17th of March, 1852, to extend the time of payment to March 17th, 1854.—The only reason advanced is that, otherwise Louisiana would be a heard-hearted and unrelenting creditor; that she would be acting the part of Shylock, exacting the full penalty of the bond. Do we exhibit hard-heartedness when we have already granted a credit of of twelve months, which these people had no right to demand? Why should the parishes of Livingston and East Baton Rouge be excepted, and preferred to any other parishes in the State? Why should the gentleman claim superior advantages for those, over other parishes? Why should they be especially favored?—Perhaps the gentleman would be willing to strike out the names of those two parishes, and extend the proposition over the whole State. The only question, then, is as to the propriety of giving two years credit to the settlers on the swamp lands instead of one. But I (said Mr. Hodge) am opposed to this additional extension. A credit of one year is given by the act of 1852. The act of Congress requires that the proceeds of these lands shall be appropriated to certain specified purposes. And this is the only true policy. It is the only way to carry out our grand plans of internal improvements. But if the gentleman insists on the bill I shall move to strike out the parishes of Livingston and East Baton Rouge, as I think my constituents are just as much entitled to this indulgence as those of the Senator from East Baton Rouge and Livingston.

Mr. Wickliffe had listened with great attention to the objections urged against the bill, and thought that they amounted to very little. He could not learn from anything that had been said in opposition to the bill, that any difficulty could result from granting the indulgence asked for. The amount which would be involved was not important to the State. Its loss for a short time would not prevent the gentlemen from going on with their levee system. This little pittance would increase the land and levee fund very little, while it might be of great importance to these poor people, and might subject them to serious inconvenience were they forced to pay it at once. So far as he was concerned, he should take great pleasure in voting for the bill.

Mr. Hodge would like to explain the reasons which induced him to oppose the bill. He was opposed to it on principle. The bill proposed to extend the time of payment to the settlers of the swamp lands in the parishes of East Baton Rouge and Livingston, from twelve months to two years. Now if we extend the time for one year, why might we not extend it for five years? The argument had been made use of that the proposed extension would be a benefit to certain persons. If it was proper to legislate for the purpose of conferring benefits on particular citizens, where was the system to end? If we were to legislate for the benefit of any portion of our citizens, whenever it was asked, if we were to give an additional credit to them of one year or two, simply because it would be beneficial to them, why not say at once that we ought to give a hundred acres of land to every poor man in the State—or confer any other benefit that might be asked? He repeated that he was opposed to this bill on principle. He could not see by what rule any one portion of our citizens were more entitled to receive favors of this kind, than others. The State was the owner of this property, and a man might as well ask a loan of the State hands, or the State steamboats, as to demand a loan of the State lands, which is the same thing as asking an extension of credit to pay for them. If we should once accede to this principle, if we should once establish so dangerous a precedent, who can tell whither it will lead us?

Mr. Hodge then moved to strike out "in the parishes of Livingston and East Baton Rouge."

Mr Wickliffe should certainly oppose the amendment.

Mr. Rivers remarked that the amendment would only have the effect of extending this additional grant of time, to the settlers on the public lands all over the State.

Mr. Lacey.—Will the gentleman support a general bill.

Several members—Certainly.

After a few remarks from other members,

Mr. Hodge said that if this bill must pass, he desired that the whole State should see the disposition which animates the other side of the House—the majority of the Senators he meant. If the gentleman from East Baton Rouge and Livingston was determined to press the claims of those two parishes, he (Mr. Hodge) should vote against it. He did not wish that the gentleman should secure the benefit of such an act for his parishes alone.

Mr. Wickliffe—If the gentleman had observed accurately, he would have seen that several members on his side of the House had voted for this miracle of wrong, as the gentleman seemed to consider it. He would have seen that the disposition to pass this bill was not confined to this side of the House alone.

Mr. Hodge—The majority of the Senators, I said.

Mr. Wickliffe—On this side of the House.

Mr. Hodge—I said "on the other side" first, but I corrected myself afterwards and said "the majority of the Senators."

Mr. Short would merely state that he had objections to the bill even as amended. The objections to the bill, as first introduced, were exaggerated by the amendment, and consequently its evil features were presented in a still stronger light. The bill first proposed to divert a portion of the levee fund from its legitimate uses, or rather to diminish its amount for some time, while the amendment would effect a vastly greater diversion. He was opposed to any system of legislation which would divert the product of sales of the public lands from the building of levees, and would make them a sort of electioneering capital for politicians to trade upon.

The bill finally passed as amended.

Mr. Martin moved to take up the bill authorising the people of the parish of Terrebonne to tax themselves for the benefit of internal improvements.

Mr. Martin said: I am now and have been opposed to action on this bill, for the reason that I am informed by the member from Terrebonne that he has some days since introduced in the House a memorial from the Police Jury on the subject matter of this bill and had it referred to an appropriate committee. Under these circumstances for the Senators from the

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District of which the parish of Terrebonne is a component part, to introduce and urge the action of this body on a bill for the same purpose, is in my opinion an act of discourtesy to the immediate representative of the interests and wishes of the people of Terrebonne. The member of the lower House from the parish of Terrebonne should be presumed by us to be the faithful reflector of the interests and wishes of his constituents. I am told by that member that he is not satisfied that the memorial of the Police Jury expresses the wishes of his constituency and that he has decided to visit them and endeavor to ascertain their views. I am satisfied that, that gentleman will not be found derelict to his duty.

I am not satisfied that the people desire thus to tax themselves. On the contrary, I much doubt if a majority of the tax payers of Terrebonne accord with the Police Jury. The Police Jury has not submitted the question of taxation for railroad purposes to the people of the parish of Terrebonne. I am desirous of informing myself if it is the wish of the majority of the tax payers of Terrebonne that this bill should become a law. Until I do so, I cannot give it my support, as I believe the only property—immediately benefited by railroads is—that of real estate, and in my opinion that species of property alone should be taxed for internal improvements.

I flatter myself that I shall continue to display in this body a proper zeal in the promotion of the interests of my constituents; and I believe myself as competent to do so as my colleague; but whilst displaying all proper zeal in their behalf, I shall not lose sight of that courtesy which is due to the members of the lower House representing the parishes of the District which I in part represent. For these reasons, I ask the Senate not to act on this bill at this time, but to let it lie on the table, not subject to be called up until the member of the Lower House representing the parish of Terrebonne may have an opportunity of informing himself what are the wishes of the majority of his constituents, and that I may also have an opportunity of doing so.

Mr. Kittridge said: I will explain the object of this amendment. In the first place, sir, the railroad from New Orleans to Opelousas runs through a portion of this parish of Terrebonne, and they have been authorized by a general law to lay a tax on landed estate alone by a majority vote. Now, sir, this proposed amendment does not change, add to or take away the principle contained in that law, which is to allow a majority to tax the minority as well as themselves.

It does not follow that the people of Terrebonne will lay any tax for the purposes of internal improvement if this amendment is passed by this Legislature; but they think the present law unjust and oppressive, and desire it changed.

I may be asked, who wants this changed? Why, sir, the slaveholders themselves. Among the police jury—men passing the resolutions requesting this amendment—I find four of the largest planters in the parish, as well as some smaller ones.

These planters live in various sections of the parish, so that it cannot be said that it is a partial expression of public opinion.

In confirmation of the opinion expressed by the people of Terrebonne, that the present law would operate unjustly and oppressively, I will cite the parish of Lafourche Interior, that put this question of taxation, to the vote last November; and it resulted in a vote of less than fifty in the whole parish in its favor: for the reason that they thought it unjust to tax the small land owners—leaving the immense amount of property, consisting of negroes, owned by the larger planters untaxed.

Now, Mr. President, I, for one, think they were right. But I am told again, that the *land* is principally benefited and enhanced in value by the making of railroads Sir, here again I beg to differ with you. The land, to be sure, is increased in value, but the greatest benefit is derived when the land is fully cultivated by large forces of negroes It is in transporting to market the products of negro labor that people will derive the largest increase of value and revenue from their property.

I myself, Mr. President, have had some experience on this point in this very parish of Terrebonne. I was the part owner of a sugar plantation there, and the cost of transporting a hogshead of sugar to New Orleans was from $3¼ to $3½ per hogshead.

Now, suppose the people of that parish should conclude to subscribe for a railroad, and get their sugar freighted to New Orleans for $1½ per hogshead.—Then, sir, on a crop of 500 hogsheads of sugar alone, there will be a saving of a thousand dollars.

For these reasons, Mr. President, I for one am in favor of granting the people of Terrebonne the privilege of assessing all taxable property for railroads, or other internal improvements, if in their wisdom they choose to lay such a tax.

Mr. King remarked that the bill was not drawn up in a constitutional form, as it does not recite at length the section of the previous act which it proposed to amend.

Mr. Wickliffe did not understand that the bill was before the Senate for discussion, and, consequently, debate on it was irrelevant.

Mr. Martin said that his only object in calling up the bill was to have it deferred. He wished to be present when it should be called up, and as he intended to absent himself for some days, he wished a distinct understanding that the bill should not be acted on during his absence. His colleague pretended to represent the interests of the parish of Terrebonne, in opposition to the immediate representative of that parish. Now he (Mr. Martin) represented that parish as much as his colleague did. He was just as well acquainted with the interests of the people of Terrebonne, and he should do all in his power to protect them.

Mr. Kittridge: The gentleman seems to think that I have no right to speak for the people of Terrebonne. He ought to be aware that they voted for me, and largely too.

Mr. Martin: I said no such thing.

THE COURTS IN THE PARISH OF ORLEANS.

The bill providing for the establishment of District Courts was taken up.

Mr. Wickliffe moved to amend by striking out 6 and inserting 5 as the number of courts to be established.

Mr. McCay said that under the constitution of 1845 five courts had been established in the parish of Orleans, and that number had not been found too large to transact the immense amount of business which was continually before them. Since that time the city of Lafayette had been annexed, bringing with it the increased litigation and legal business consequent on the addition of 15,000 inhabitants. If gentlemen could only be in New-Orleans and see the immense amount of business which is transacted in those courts—if they could see them in the midst of summer, after the conclusion of a long and laborious term, they would concede that they had enough to do, and would be unwilling to impose any additional labor upon a set of judges already overtaxed and wearied by their arduous duties.

The city of Lafayette was now annexed to New Orleans. The average number of cases originating there was nearly one thousand, and all these would be thrown on the city courts. It would be seen, then, that a Sixth Court was absolutely necessary to provide for this large increase of business.

Mr. Wickliffe said, that under these circumstances, and in consideration of the explanations made by the gentleman from New Orleans, he had no disposition to press his amendment. Nevertheless, he should continue to think that the business of the parish of Orleans could be done by five judges. He did not see why six should be provided for. Our great object should be to reduce our expenditure; and it was known to all that the expenses of the Judiciary were already enormously heavy. He wished to diminish the expenses of the State, and therefore he had made the motion for five judges instead of six.

Mr. King said the parish of Orleans did not ask any increase of courts; she only sought what the law had always granted. Gentlemen well knew, that previous to this time, the courts there were compelled to sit almost continuously. Two remained in session during the entire year, and the three others could take only a short recess in the summer. If you add to their already heavy business, the increased litigation resulting from the annexation of a town of 15,000 inhabitants, and throw upon the five courts now ex-

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isting, the causes originating there—amounting, as the gentleman more immediately representing the Fourth District, had informed the Senate, to nearly a thousand cases annually, it would surely have the effect of clogging the wheels of justice. Certainly gentlemen did not wish to trammel the courts so as to prevent the speedy administration of justice. He hoped that gentlemen would give to the parish of Orleans what they, who lived there, knew was indispensable to their interests and to a speedy and sure administration of justice.

Mr. McCay had a few words to say. He would inform the Senate, that nineteen-twentieths of the business transacted by the court of the Third Judicial District, would be thrown upon the courts of Orleans by the annexation of Lafayette A sixth court was therefore absolutely necessary to transact this business; and, in asking it, the parish of Orleans asked nothing exorbitant; she asked for nothing that did not exist before; she only asked for what the consolidation act had rendered indispensable. He trusted that, as the members from the city proposed to acquiesce in anything that the senators from the country might suggest in relation to the organization of the the judiciary in the country parishes, as they would accede to anything in reason that might be proposed by those members, they would allow to the city the same privilege, particularly when she claimed nothing unreasonable or exorbitant.

Mr. Burthe would inform the senator from West Feliciana, (Mr. Wickliffe,) that three hundred criminal cases, alone, came from Jefferson. The number of civil cases was, of course, much larger. How could this additional labor be performed, unless by an additional judge? He really did not think that the business of the parish of Orleans could be done by less than six courts.

Mr. Wickliffe said that he would withdraw his amendment.

Mr. Hodge. Well, sir, I renew the amendment. I wish it distinctly understood, that I entertain no prejudices against the city of New Orleans. On the contrary, I am sincerely desirous of promoting her welfare and prosperity. But, at the present time, I see a manifest disposition in the people of Louisiana to have justice administered in a cheaper manner—to introduce economy into the direction of our affairs. When senators, therefore, ask me to support a measure which will have a tendency to increase the expenditure of the State, I ask that it be shown to be absolutely necessary, before I will give such a proposition my support. You already have five courts in the parish of Orleans, and now you come to us and ask for six, while, at the same, according to a *project* before the Senate, there are to be only six in all the rest of the State. The expenses of the district courts of the parish of Orleans already amount to $21,009, and those of the entire judiciary system of the rest of the State will, under the plan I have alluded to, reach only about the same sum. So, the parish of Orleans must be of as much importance as all the rest of the State of Louisiana. It may be true that a large number of cases from Lafayette have been transferred to the courts of New Orleans; but there is no reason, in my mind, to believe that this increase of business cannot be transacted by the five courts already in existence. I, certainly, shall never vote for the establishment of a Sixth Court till I am absolutely convinced that the interests of the people of New Orleans imperatively demand it. But show me the facts to prove that a sixth court is necessary—show me evidence sufficient to carry conviction, and I will cheerfully support the measure. Why has no evidence been offered on this point? So far, we have only the opinion of gentlemen that the judges of New Orleans have more business before them than they can transact. Now, sir, my own opinion is, that they have not more than they can do. I venture to say, that in my judicial district (the seventeenth,) the judge has more labor to perform than is done in any of the courts of New Orleans, except, perhaps, the First District Court, presided over by Judge Larue.

Now, sir, do not gentlemen know the disposition among the people of the State to reduce our expenses? Do they not know that this wish was one of the main causes which led to the call of a convention to remodel the fundamental law? Do they not know that there has been a long and loud cry from all sections of the State for retrenchment and reform? Do they not know that the judicial system, as it exists at present, is an eye-sore, and that the people demand a reduction of its expenses? And, knowing these facts, knowing the necessity and the desire for retrenchment which exists, why do they not show us the reasons which induce them to ask our support for a measure whose only effect can be increased expenditure, and, consequently, increased taxation? Why do they not show us the record? Why do they not show us the list of cases on the dockets of the various courts in New Orleans? I repeat, sir, that I do not believe the judges there have more than they can do. Why, sir, I was in the city recently, and, while there, I made it my business to make particular inquiries into this subject, in order to prepare myself beforehand for any demand of this kind that might be made. The result was, that I ascertained that recently the law business of the city had much decreased, and that the fees received during the last year would not have been more than half of the amount they were a few years ago, had it not been for the cases growing out of the establishment of railroad companies. I say, sir, that I want the proof that a necessity exists for this sixth court—I want to see the number of cases in each court But if gentlemen let the matter stand till correct information be obtained on this subject, I venture to say, it will be found that more business is done in the Seventeenth Judicial District than in any of the city courts, except one.

Mr. McCay. How many cases has the judge of that court had in one year?

Mr. Hodge. I cannot say, positively, how many; but I do know, that there were 750 in the parish of Caddo, alone, and he has four other parishes in his district. He has to ride over these parishes and hold court in each one, so that the whole of his time is occupied. But, in New Orleans, the court meets at ten o'clock and adjourns at three.

I again venture the assertion, that in many districts of the country, the judges have more business than is done in any one of the New Orleans courts.

I say again, that I want proof of its necessity before I support this measure. Is it not true, that courts in New Orleans meet at ten o'clock and adjourn at three? In the country, on the contrary, they meet earlier, and frequently remain in session till late at night. I say, once more, it is incumbent on gentlemen from New Orleans, when they advocate a measure which is to increase our expenses, that they show it absolutely necessary before they can reasonably expect the support of the country members.

Mr. King. I hope I shall be able to satisfy the gentleman on the points on which he requires information, if he will give credit to the universal testimony of the city members. Perhaps, however, this will not satisfy him—perhaps he will demand the solemnity of an oath before he will consent to receive our evidence.

For my part, Sir, I should never be guilty of so much discourtesy towards the Senator from Caddo, as demand from him an oath when he tells us that there were 750 new cases in Caddo parish during the last year, though I certainly think it a very large number. However, let that pass.—We have said to the country gentlemen, arrange your Courts as you like, and we will sustain you. For her part, New Orleans only asks what she has always had—she only asks that the number of her Courts be not decreased. When this is all that she asks, when she does not propose to interfere with you in any manner, I certainly think that her request might be granted without hesitation. The impression seems to prevail with some gentlemen that we are asking an increase of our Courts. This is an error. We ask only for the same number we have always had. The Sixth Court will have a different name, but it will only replace the Court which existed in Lafayette, before the act of consolidation. Nineteen twentieths of the cases from that Court come to New Orleans, and if the gentlemen will not insist on a certificate.

Mr. Hodge. The gentleman has greatly mistaken my meaning—I did not wish to be understood as doubting the assertions of gentlemen from the city.—I only remarked that no specific statement of the number of cases in the Courts of New Orleans had

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been presented.—I certainly intended no such discourtesy as the gentleman seems to imagine.

Mr. King I am happy to hear the gentleman make this explanation.

Mr. Hodge. I understood the gentleman from New Orleans, (Mr. McCay) to say, that 19|20 of the cases from the old Court of Jefferson, would go to New Orleans, and that the number of new cases in that Court, reached 1000 a year. But I did not understand how many cases there were in the five Courts of New Orleans. This is what I meant.

Mr. King. The gentleman could not have applied for information on the subject to two persons more competent to give it, than General Lewis, for some years Sheriff of the Parish, and myself. I think that gentleman will concur with me when I say that in one of these Courts there are 1200 cases, and in none of the others much less than 1000 per annum. All of them have concurrent jurisdiction, but in some certain classes of cases have preference on the docket. Thus, the business of the Courts is pretty equally divided, except that, in the First, there is less civil business than in the others, though even in that there is considerable. The person who informed the gentleman from Caddo, that the legal business had decreased, must have meant that the emoluments of the profession had diminished, not that the number of cases was less. They are certainly less in amount, though not less in number, than they have been. This is consequent on the fact, that owing to the revulsions of '37 and '38, much litigation was produced, and many large cases in bankruptcy, and some of these have been coming up until recently: now however, this class of cases is almost at an end. I think, from my own observation, that the number of cases has increased, though they are certainly smaller in amount. These consume just as much time as larger cases, and require as much of the attention of the Court.

Mr. Hodge. I would ask the gentleman how long the Courts in New Orleans are in the habit of sitting.

Mr. King They sit from 10 till 3, except when they have jury cases before them. Then, they sit till late at night. Judge Reynolds very frequently sits all the afternoon. In summer, they meet at 9 and adjourn at 3.

Now, Sir, when we show that in the city of New Orleans, there are more than twice as many cases as in all the rest of the State—when we show that the judges there have already as much business as they can attend to, and that they are to be overburthened with the addition of nearly a thousand new cases from Lafayette, we think we prove a necessity for the establishment of this Sixth Court. Gentlemen know the proportion of taxes paid by the city of New Orleans—it is not quite, though it is nearly half of the whole amount—40 per cent. the Senator from Concordia, says—gentlemen I say know this, and yet they wish to refuse us what is absolutely necessary, and what will only make our judiciary expenses reach $21,000 per annum.

Mr. Wickliffe. According to Pike's arithmetic, 4 times 6 are 24—and the salaries of 6 judges at $4000 each, would be $24,000.

Mr. King. The bill proposes a salary of $3,500.

Mr. Wickliffe read from a bill which proposed $4000. He remarked that, according to this bill, there would only be eight districts in the State besides Orleans.

Mr. King. The gentleman has read from the wrong bill—that is not the one which I support. He says the proposition is to give only 8 district judges to the country—If such be the proposition, the delegation from New Orleans, is not responsible for it. We have always said to the country members "do as you please with reference to the country judiciary—we will ratify anything reasonable that you may do." We only know that we pay the largest proportion of the salaries. There has been one proposition for 27 district judges. It is even proposed to give a probate judge to each parish.—Now, Sir, we ask for no probate judge—we want no other judge than those we already have. If we should found a demand on the amount of business in the city, we might ask a much larger proportion, but we do not. Or, if we ask any increase at all, it is only a small increase for the salary of the judge of the Sixth Court. Under these circumstances, it seems to me, that we are very moderate in our expectations—particularly as the bill was reported on by the committee in the absence of any members of the delegation from New Orleans.

Mr. Hodge. The Judiciary Committee never reported in favor of six Courts in the parish of Orleans.

Mr. King. Will the gentleman from East Baton Rouge state the facts?

Mr. Lacey. The report of the Judiciary Committee is on the Secretary's table. It was in favor of the 6th Court.

Mr. King. I suppose that the printed bill was the one which had been reported by the Committee. This bill was drawn up by the bar of New Orleans, who acceded to it with entire unanimity. As an expression of public opinion, and as the embodiment of the wishes of a portion of the community who are certainly peculiarly interested, it is entitled to some respect from country members. If they exhibit equal unanimity in favor of any particular plan it must contain something extremely injurious to the interests of New Orleans before we would think of opposing it. I hope there will be no disposition to trent New Orleans as a stranger in the land, or to deny to her what is necessary for her interests. This measure is absolutely indispensable to her, and I hope it will not be defeated. When gentlemen from the country, come forward with any plan in favor of which they manifest equal unanimity. I shall be the last to oppose it.

Mr. Wickliffe. Before the gentleman takes his seat I should like to ask him a question. He says that the parish of Orleans pays 40 per cent. of the taxes.

Mr. King. I stated so on the authority of the Senator from Concordia, (Mr. Rivers.)

Mr. Wickliffe. The proposition is really a little less, but I wish the gentleman to couple together with a statement of what the city pays, a statement of what it receives.

Mr. King. I am not prepared at this time to answer that question.

Mr. McCay. I imagine that the Senator, (Mr Hodge) does not wish to find evidence in favor of this measure. I, Sir, am induced to believe that in the country, the judges do not sit eight months in the year. They certainly have not so much to do as the city judges The population is not large in the country districts, and the litigation cannot be so extensive as in the city. So far as the number of cases is concerned,—so far as population is concerned,—I am perfectly willing to meet that redoubtable seventeenth district. The number of cases in the Commercial Court, though I am not so fortunate as to have a certificate for the satisfaction of the gentleman, I can state, on information derived from the clerk, to be nearly 1300.

In the second court, probate cases have preference, and in ordinary cases it has concurrent jurisdiction. I do not know the number of cases in this court, but I can say that as in the course of my business, I am frequently there, I have scarcely ever found Judge Lea off the bench. The fifth is presided over by Judge Buchanan, who determines more cases, and decides more cases correctly, than any other Judge in New Orleans. Hence, sir, we see the New Orleans courts busy for eight months in the year against four months in the country. Add to this the interlocutory orders, the received cases, &c, during the four summer months, and then consider the three hundred additional criminal and one thousand civil cases from Lafayette, and you may form some idea of what one Judge will have to do. Now, sir, we have no certificate for all this, but we know that the whole of the New Orleans bar, led by Mr. J. P. Benjamin, acknowledge the necessity for six courts, and ask that the legislature grant them.

This thing is a matter of interest, not to the city alone, but to the whole State. Let any gentleman go to the city to find a case in insolvency or a case of any other kind, and where will he find it? If it is a probate case, he will go to the court in which that class of cases has preference, if an insolvency case to another—if a criminal case to the first, if a commercial case to the fourth. So it will be seen that all people who have business relations with New Orleans,

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are interested in the arrangement of her judiciary system. I do not say that the Judges there sit on the bench from day-break till dark, but I say that they sit for a reasonable length of time—from ten till three, and for a third of the year for a longer period.

Now, sir, if this be a matter of convenience to the whole State, if the entire bar of the city says that it should be done,—that it is indispensably necessary—I say that the gentleman should not demand a petty certificate, which we cannot be expected to have at all times in our pockets, to convince him of its propriety.

I do contend, sir, that six courts are now necessary in the parish of Orleans, because out of seventeen hundred cases which were formerly tried in the court of Jefferson parish, onlyabout six hundred remain—the rest have gone to the courts of Orleans. In addition to this nineteen-twentieths of three hundred criminal cases have been added to the list of the First District Court. Hence the necessity for a sixth court.

This reminds me, sir, of what took place in the convention this summer. The parish of Jefferson was separated from the Senatorial District to which it formerly belonged, and added to the city of New Orleans—but strange to say, no addition to the Senatorial representation of New Orleans was made, on account of this addition to its population. The district which was diminished in population, experienced no diminution in its representation, and the district which was increased received no accession, though the portion which was taken away from one district, contained a larger population than all the remainder of the district Gentlemen seem to think that in asking for this sixth court, we wish to add one to the Judiciary. Why, sir, according to the act before me, there were seventeen courts, of which that of Jefferson was the third, New Orleans was the first district, with five courts. Now, sir, this is no increase, for most of Jefferson has been thrown in with New Orleans, by the act of consolidation.

I am as much for retrenchment and economy in our public affairs, as any other man; but it will be seen that a very simple calculation developes this strong fact. The Senator from Concordia has said that the city pays 40 per cent of the taxes. He is right in his information.

Now, sir, one of the bills proposes a number of couutry Judges exactly in proportion. I have no disposition to cut down the salaries of the country Judges, or to give more to a city Judge, simply because he is a city Judge. If the country Judges have more duties to perform, give them higher salaries, give them $3,500, give them $4,000. But gentlemen ask much more than we do. They wish to have a Judge in each parish.

Mr. Hodge—Not I.

Mr. McCay—I am speaking of a bill which does propose this. But without it the expenses of the whole Judiciary would be $55,000, of which $21,000 would be for the city, and the remainder for the country. Now if we proceed on the basis of the amount of money paid, a better proposition could not have been thought of.

I hope that on this question gentlemen from the country will not speak as country members, or gentlemen from the city as city members. I hope they will discuss the question as Senators for the State of Louisiana, and that they will not demand a certificate to substantiate every assertion that may be made. I for one am not in the habit of travelling with a certificate in my pocket. No, sir, let us receive their suggestions, and let them receive ours. I am ready to co-operate with the gentleman from the seventeenth district in anything he may advance, but let us not hear how much this parish pays, or how much that.

Mr. Wickliffe. I was not the first to cast the stone. The gentleman says, the proposition is fairly based on the amount of taxes paid by each section. Why, sir, last year the appropriations to the city reached $69,000. Yet the cry from the city is, "we pay a large proportion of the taxes, and consequently we must have what we ask."

Mr. King. We do not ask this on that ground, but on the ground of necessity.

Mr. Wickliffe I am glad to hear the retraxit of the gentleman.

Mr. Hodge. I am sorry that the gentleman (Mr. McCay) can find nothing more satisfactory to advance than animadversions on a little remark which I happened to make in the course of debate. When that gentleman knows me better he will discover that I would never knowingly say anything discourteous towards a brother Senator. He has evidently entirely misconceived and misinterpreted my remarks on this occasion. I only wanted to know the amount of business done in the courts. I have listened attentively to the remarks of gentlemen on the other side, and have not yet gained the desired information. If gentlemen had also listened attentively they would have discovered that the point of economy which I chiefly urged has not been touched at all. Gentlemen may sneer as much as they please at a fancied slight, but when I have explained that I intended no discourtesy, I have done all that I consider necessary, and I shall do no more. If that is not satisfactory the matter must stand as it is, and gentlemen may make the most of it.

I repeat now what I said before—I see no reason for the establishment of a Sixth Court in the parish of Orleans. I have nothing to convince me that the judges there have more to do they can attend to. On the contrary I believe they can readily transact all the business before them. In the face of this fact I cannot consent to support any measure which contemplate an increase of our expenses, when a reduction of them is absolutely demanded by the people of the State. Show me, however, that the measure is necessary and I will support it. But I know that the judges do not sit the entire day in New Orleans. In my own district I know that they sit frequently till late in the night, and that during four months of the year, I might say five—but put it at the lowest figure and say four. In that time he has to travel over the parishes of Bossier and Claiborne, and the others composing the district; and that he is required to do four times a year, having to travel on horseback over bad roads and through a wild and unsettled country, crossing swamps, bayous and prairies. Now, sir, I challange investigation on this point, when I assert that the judges in the city have not as much labor to perform as those in the country. I challenge the record, and if gentlemen like they may get the certificate of the clerk as evidence. Now, how many hours are the judges in New Orleans on the bench?

That is the way to test the question. We all know that there are some small cases, of which a judge may decide thirty or forty in a day—and there are others which may detain him a week. Therefore, it will be seen that the number of cases decided is not a true test of labor performed. The proper test is the number of hours that the judge remains on the bench. I am not opposed to your Courts. I intended no discourtesy by my remarks to-day. I have now made this disclaimer often enough, and I have made it for the last time. You come here as representatives from the city of New Orleans. You come here to represent the interests of your constituents, and you do it well. But you seem to think that when that is done, you have nothing more to do—that the interests of the country, have nothing to do with those of the city. I think with the Senator from New Orleans, (Mr. McCay) that we should act as Senators for Louisiana, and not for any particular section; and I flatter myself that I am as free from sectional prejudice as any gentleman here. When I was in the city I made inquiries on the subject, and framed my opinions accordingly. I wanted to know how much business was done in the New Orleans Courts, because I did hope that it would not be said, "Let us have what we want, and we will let you have what you want." No! We all need the assistance of each other. Try five judges for a year, and see if you cannot get along with that number. Then, if you come back at the next session, and say that your business cannot be transacted by these Courts, we will willingly give you another.

Mr. Lacey. I think, Mr. President, that this question should be decided without any reference to sectional considerations. I cannot think it necessary to calculate the amount of taxes paid by any particular section or parish That has nothing at all to do with the question. For my part, I am disposed to give to the city of New Orleans as many judges as her interests require, and to increase their salaries to that

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amount which will secure the highest talent for her bench. My views on this subject differ from those of the Senator from Caddo, (Mr. Hodge). I do not think it our first and chief desire to decrease the expenses of the Judiciary, and to place it on the most economical basis. Our first wish should be to secure a prompt decision of cases litigated before our Courts. Here I disagree with the gentleman. I believe that the interests of New Orleans require six judges. It is proved to me by the resolutions passed with entire unanimity by the Bar of New Orleans—those standing highest on the list of the profession, and those of an opposite character. When I perceived this disposition on the part of people who pay a large proportion of our taxes, and are themselves to feel the increased expense consequent on the establishment of another Court, how can I believe otherwise than that it is necessary? How can I come to any other conclusion? When the whole bar of the city unanimously says that it is necessary, how can I refuse to believe it? They speak what they do know, and they know what they do speak. I am, therefore, in favor of giving to the Parish of Orleans all that is proposed by the bill before the Senate. I have been told by the Senators from New Orleans that it is necessary. I have been told so by the Bar of that city—and I am therefore compelled to believe that six Courts are required for the discharge of the legal business of the city. To my mind this is as good evidence as the certificate which the gentleman from Caddo, (Mr. Hodge) demanded.

Mr. Hodge. That is not true.

Mr. Lacey. I mean the thing which the gentleman has asked for. As he seems to be so particular, I shall designate it as the thing which the gentleman has asked for. When the bill was before the committee, there was some difference of opinion expressed. One gentleman thought that five Courts were enough; I and others were of an opposite opinion. I therefore sustained the proposition to establish six. In order to be prepared on the subject, I sent a dispatch to Messrs. Benjamin and Micou. I have not yet received an answer to that dispatch, but I have received such information from Judge Hiestand, the chairman of the Judiciary Committee of the House, as satisfies my mind. When in the city he examined the subject, and found that in one year 1276 cases were brought before the 1st District Court. Is it possible that any Court can attend properly to its business—except that in which the Senator from Caddo had the honor to practise—when 1276 new cases are filed in a year? In the Second, there are 849 cases in a year; in the Third, 1004; in the Fourth, 890; in the Fifth, 1014. Now, I find that if the Courts meet every day except Sunday, they must decide three cases a day, to reach the smallest number in any of these Courts. I ask gentlemen whether the simple investigation of a case on its merits, is all that a Court has to do? When you take into consideration the exceptions, dilatory as well as peremptory, that may be taken, and the various other collateral issues—when, I say, all these are disposed of by the Court, and it tries three a day, I ask whether it has not done all that could be expected? It is a very high average for any Court to dispose of three cases a day. What do gentlemen propose to do, if they refuse to pass the bill as reported? What do they propose to do in view of the additional labor imposed on the Courts of New Orleans by the annexation of Lafayette? We have been told that this brings an additional population of 16,000, throwing upon the Courts of New Orleans the litigation of that number of people—and you propose to put all this on the already overburthened judges of the city, without giving them any additional facilities. It may be possible that the Courts sometimes adjourn at 3 o'clock, but I imagine that they more than make it up at other times. But the truth-telling docket tells a tale which cannot be disputed.

I, sir, am bound down by no sectional feelings. I look upon New Orleans with the same regard as I do on any other part of the State, and I will not suffer myself to be swayed by sectional prejudice.

Mr. Wickliffe. Does the gentleman mean that I am?

Mr. Lacey. My language is plain. I say that I am not. If the gentleman thinks that he is, he can apply it to himself. I am not responsible for its application.

Mr. Wickliffe. Then, sir, I have only to say, that when I hear a Senator say this emphatically, I generally suspect him.

Mr. Lacey. Like the thousand other suspicions of the gentleman, this also is erroneous. But, I must say that I do not think so either of the Senator from Caddo, or of the Senator from West Feliciana. I believe they are really animated by a patriotic desire for the welfare of the State.

Mr. Hodge. I am glad to have received the information which I sought. It turns out that the average number of cases per annum in each Court in New Orleans, is not quite 1,000. I knew it is said that they have very little time on their hands, but the number of cases per day decided by them is, on an average, only three. Some cases I know occupy a week—but I have seen forty decided in a day. So, I believe the additional cases from Lafayette might, without inconvenience, be distributed among the New Orleans Courts.

Mr. Burthe. What are you going to do with the criminal cases?

Mr. Hodge. Give them to the Criminal Court. The gentleman (Mr. Lacey) has spoken of Mr. Micou. Now, sir, I was in that gentleman's office recently, and a young lawyer whom I met there—a Mr. Levy, I believe—told me that the fees had diminished nearly one-half. I have also recently seen the circumstance alluded to in the newspapers, as an evidence of a more healthy state of feeling in the city. Gentlemen must have seen it and remarked it themselves. I still insist on my amendment, sir.

Mr. McCay. Did the gentleman say he had conversed on this subject with a distinguished member of the bar?

Mr. Hodge. I did not say so. I said that I had conversed with Mr. Levy. His information is probably as good as that of any attorney.

After some further unimportant discussion, the Senate adjourned.

FRIDAY, March 4, 1853.

Mr. Derbes, from the special committee to which was referred the communication of Newton Richards and others, made a report which was read. He thought it was too late to act on the subject at the present session, but that an amendment of the Constitution submitting the question of removal of the seat of Government to the people would be expedient. The Committee had prepared a bill to that effect, which was appended to the Report.

Mr. Lacey made a minority report.

Mr. King presented the memorial of Mr. Jacob Barker, on the subject of the bill prohibiting the circulation of small notes. He moved the reference of the report to the Committee on Banks and Banking.

Mr. Wickliffe objected to the reference.

Mr. Palfrey said that the committee was already in possession of all the information on the subject that could possibly be derived from the memorial, and he did not see the necessity to embarrass the committee by the reference. He moved to lay the memorial on the table.

Mr. King—I do not wish to be considered as endorsing everything contained in the memorial, but I think some respect should be paid to it. It is the petition of an individual who thinks that a certain act before the Legislature is calculated to injure his business, and as the Committee on Banking has charge of such subjects, I do not see the objection to referring it to them. I think it our duty to consider the petitions of all those whom our legislation may affect. The petition presents some sound views, and I hope the gentleman from St. Mary will withdraw his motion to lay it on the table.

Mr. Palfrey—The committee is already in possession of all this information, and a bill has been passed on the subject. The committee will also soon offer a general law which will provide for the extinction of that kind of circulation which is looked on now as a nuisance. Nevertheless, I will withdraw the motion to lay on the table.

Mr. Wickliffe—I will renew the motion. The gentleman says that the memorial presents some sound

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views. But the committee know all that the memorial can tell them. They have now before them a general law on the subject of free banking which will soon be presented. Mr. Jacob Barker will not come in under that law, because he will not be able to do so. He must have something more than that spotless reputation for a number of years which Mr. Barker says is all that is required to undertake a banking business. There is no disrespect manifested towards Mr. Barker, in laying his memorial on the table—it is simply as much as to say that the committee is in need of no more information on the subject.

The memorial was laid on the table.

THE JUDICIARY.

The report from the Judiciary Committee, organizing the judiciary system for the State, the Parish of Orleans excepted, was read.

Mr. Hodge. I shall take this opportunity of explaining my views on this subject. I think, sir, that the people of the State, at this time, desire the establishment of Probate Courts. The proper way to comply with this desire, is to extend the judicial Districts so that there shall be only seven or nine in the State. In this manner a Probate Court can be established in every Parish. The Judges of those Courts, I think, should be paid from the Parish Treasuries—and in this way the salaries paid could be made proportionate to the business done. In many parishes, where the business is extensive, the Police Jury ought to fix the salary accordingly. It would not be equitable or just that the salaries should be the same in all the parishes, because in some the duties are light, and in others very onerous. In some parishes the number of cases would reach 1000 or 1200 per annum, and the whole time of the Judge would be occupied—in others, not a tenth or a twentieth of that amount. It would not be fair, therefore, that the salaries of these Judges should be the same throughout the State. I think, sir, I am correct in saying that this system is adopted in our sister State, Mississippi, and that it has given general satisfaction there. The County Judges are paid out of the County Treasuries, and it is left to the people of each county to decide what the salary shall be. If they think it should be reduced or diminished, they can do so, and a special tax is levied in each county to pay the amount necessary. In this way the expenses of each Court fall on its own Parish; and an additional advantage is, that the State Treasury is relieved from a large portion of the expenses of the Judiciary. With seven Districts, exclusive of New Orleans, the whole expenses of the Judiciary would only amount to about $45,000 or $50,000.

In addition to this, sir, we might make the clerks of courts in the country act as parish recorders, thus making their office a very desirable one, and giving to them a good salary. In this way a great saving could be effected, as being recorder in addition to clerk he could afford to take half the fees that are now paid to clerks of the District courts. A great reason for the establishment of Probate Courts is, that the people demand it. One thing in view at the adoption of the Constitution was, to remedy the present system, which it was conceded, did not work well. It was seen to be absolutely necessary that some plan should be adopted for the more speedy settlement and administration of successions, which, under the present system, is almost impossible; in fact, it is worse than the old parish judge system, which had become so justly odious. In fact, it is nearly impossible for a court to discharge its duties well, when it has jurisdiction over all civil subjects. But when a Probate Court exists in each parish, the task is comparatively easy. The interests of the State demand a court of this kind. If we have 28 districts as proposed by our bill, we would have to give the judges $2,500 or $3,000 each, which would involve entirely too large an expenditure. In addition to this we must provide for the District Attorneys, and we could not induce any respectable lawyer to take the office at such a salary as we could offer. I believe, sir, that 99-100 of the people of Louisiana are in favor of Probate Courts, and therefore I advocate the system.

ORDER OF THE DAY—THE JUDICIARY.

The bill organizing the District Courts in the Parish of Orleans, was taken up.

Mr. Wickliffe moved to amend by striking out $3,500 and inserting $3000, as the salary of the Judges.

Mr. Wickliffe. My reason for offering this amendment is, that I desire to decrease the expenses of the Judiciary Who will say that $3000 a year is not enough when there are six judges? I say, Sir, that the best legal talent can be procured for $3000.

Mr. King. I beg Senators to do justice on this subject—that is all we ask. If we do not make out a fair case, then we do not expect to get what we seek. The salaries to be paid in the city, have been made the occasion of many legislative contests; but I find that larger salaries have always been paid in the city than in the country.

At first the lowest salary paid to a judge in the city was $5000 per annum, and Judge Maurian, I believe, received $7500. Then they were brought down to $4000, and ever since have been gradually yielding, not so much to the force of arguments as of votes, till at last, they were fixed at $3500. We do not, therefore ask any increase, though I must say that $3500 is a very small salary for a Judge in the city of New Orleans. I thought that this would be given because it is just. I thought it was understood that we ask no increase either in the number of judges or the amount of their salaries; that we only ask them to be left where they are now found. The gentleman says no Senator can say that $3000 will not secure the best talent. I am surprised to hear the assertion. I did not think that one Senator could be found to make it. It is known that lawyers in good practice will not give it up for such a sum, and it cannot be expected that they should. We from the city, have not expressed any opinion as to what is best for the country; we leave that for the country members to regulate according to their own fancy. If they wish to give $3000, so be it; if $3500, so be it. But when you come to the city, where we know that $3500 is too low, where we know the subject as well as it can be known, pay some respect to the expression of our opinions.

Do you wish to place the salary so low as to destroy the character of our Judiciary? I hope you do not wish to force us to that. We know that $3500 in this city yields a bare support; we know that any man with a family, living in an economical manner, is compelled to spend as much as that. What can you expect under such circumstances? Take a gentleman of talent and information, who is an ornament to his profession and will adorn the bench—make him a judge, and what is the result? He works during nearly the whole year, taking a vacation of seldom more than two or three weeks; he is required to be constantly deciding cases, writing judgments, and granting orders; he labors from month to month almost like a beast of burden—gives up all idea of wealth or political advancement; has no hope of fortune—no hope for the future, and at last receives only a bare pittance as a recompense for his services. Such is a faithful picture of the life of a judge in New Orleans. I sincerely hope, that gentlemen will take these things into consideration, and grant the small salary asked for. Even now the salary in so small that two of our judges have refused to run for re-election.

Mr. Wickliffe. Who?

Mr. King. Judge Kennedy and Judge Buchanan who are now candidates for the Supreme Court. The salaries are now reduced to the lowest point at which competent men can be found.

Mr. Mouton. How much is now paid?

Mr. King. Thirty-five hundred dollars.

Mr. Wickliffe. From the manner of the gentleman and the appearance of distress which he exhibited, I supposed that I had been perpetrating a great hardship in moving to strike out $3500 and insert $3000. The gentleman says that no increase is asked for. I insist that there is. They ask for six judges instead of five, while some of us ask for only nine judges in the country. But the gentleman has not answered my statement that $3000 is enough. He says that the judges labor hard—that they work from day to day. Has he not heard it said that they meet at ten and adjourn at three? Does he not know that under this bill they will not be confined for more than six months in the year? If the New Orleans judges will

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work as the country judges do, they can get through in six months.

The gentleman says that $3,000 is not enough. I understood the gentleman to say that the best talent was now on the bench.

Mr King. No, Sir.

Mr. Wickliffe. At all events, that the Judges are an ornament to the bench. Now, what is proposed? $3,000 a year for three cases a day. Let the gentleman make his own calculation. The gentleman says this sum is not enough to pay expenses. Is living, then, so very dear in New Orleans? Is there any gentleman in the country who cannot live on that?—There, we find Judges who work from morning till night, travel over various parishes, and perform the hardest kind of labor. How is it in New Orleans? I venture the assertion that the Judges there do not average two hours a day on the bench throughout the year. I, sir, can see no reason why they should receive $3,500.

Mr. Derbes. The gentleman, sir, seems to lose sight of one important fact—that the Judges are now elected by the people. Popular elections are always expensive to candidates in cities. They must advertise—they must get printing done—they must subscribe to every thing—for if they refuse, they are ruined. These things are incidental to all elections by the people. I do not mean that the candidates purchase votes—none of them would descend to that—but there are many expenses to which their position subjects them, and which they must pay.

Mr. Wickliffe. I had no idea, before, sir, that we were legislating in order to help gentlemen to a re-election. I thought we were legislating for an independent Judiciary; and I moved my amendment because I considered $3,000 to be enough. In reply to the gentleman's arguments, I will state my belief that if a Judge attend properly to his business, he needs no other reliance. This opinion is based on the fact that in Mississippi, a radically Democratic State, Judge Sharkey, a Whig, has always been elected.—Now, sir, has it come to this—that we are to pay salaries not only for judicial services, but for electioneering purposes?

I repeat, sir, that I thought we are legislating for an independent Judiciary. I thought it was a democratic principle, that an elective Judiciary would be as independent as an appointed one. After the explanation of the Senator from New Orleans, I am still more wedded to my amendment.

Mr. Mouton. I have no intention of making a speech on this subject, but I claim the indulgence of the Senate while I make a few remarks. I think, with the Senator who has last taken his seat, that our object should be to establish an independent Judiciary. It is for that very reason that I am disposed to vote at least $3500 as the salary of the city judges. To secure an independent Judiciary, it is necessary to pay a salary adebuate to the performance of the duties imposed. I am little acquainted with the duties of New Orleans Judges, but I have a knowledge of those of the country Judges—and if they are the same, I can safely say that $3500 is not too much.

It cannot be expected that good lawyers—men who are an ornament to their profession—would give up their practice for so small a sum as $2,000. The expenses of the city judges must necessarily be heavier than those of the country judges. They are compelled to pay higher rents, and to purchase their supplies daily; whilst in the country the judges are not subjected to such expenses. I coincide with the opinion expressed by the gentleman who first spoke on this subject, (Mr. King,) that if we diminish the salaries, we shall not be enabled to procure the best talent—which must be our first and most desirable object. I do not think $3500 will be too much—and I shall vote for it.

Mr. Hodge. Before the vote is taken, I should like to explain the reasons which influence me in the vote I am about to give. I am compelled to vote against the amendment, because I believe, that if the duties are properly performed, $3500 is not too large a salary. The object of the senator from West Feliciana, (Mr. Wickliffe,) in his desire to reduce the expenses, would, however, be gained by having five courts instead of six in New Orleans; and I hope that some gentleman who voted for six will move a reconsideration of the vote.

The motion to strike out $3500 and insert $3800. was lost.

Mr. Palfrey moved a reconsideration of the vote by which the second section of the bill was adopted. Lost.

Mr. King moved an amendment.

Mr. Hodge offered a proviso, that the salary of the judge of the Second District Court be paid out of the City Treasury. He said:

My reasons for offering this proviso are in accordance with the opinions expressed by me this morning.

I find that the second court answers to a court of probates, and, therefore, in consonance with that opinion, I think the judge should be paid out of the city treasury. I am willing, if gentlemen from Orleans desire it, that a special probate court should be established there, and his salary should be paid by the city. If that system is adopted, it is just and proper that New Orleans should pay her own probate judge. I believe it to be the only feasable and just plan, and therefore I offer the proviso.

Mr. King. The proposal of the gentlemen would place us in this anomalous position. New Orleans will have to pay the salary of her own judge, and then if this bill should not pass, all the other judges in the State would be paid out of the State Treasury, a proposition which, I imagine, the gentleman would not for a moment urge.

Mr. Hodge. If the Senate do not adopt the system, the proviso can afterwards be stricken out.

Mr. Wickliffe moved to postpone the consideration of the bill.

Mr. King. I can see no reason why a bill of this kind should not prevail. There is no reason why business should be staved off in this manner. If the bill is postponed there will be but little time left till the election.

Mr. Wickliffe. I can state, sir, that no gentleman here is more disposed than that gentleman, to stave off business when it suits him. I am opposed to going it blind. I want to know what system is to be adopted for the country. I believe that the people demand reform, and a cheaper judiciary; and, until some system is provided for the country, I am opposed to doing anything by which we will be left at the mercy of the city delegation.

Mr McCay. I shall vote for postponement, for the reasons given by the gentleman. I want a general system to be adopted, and I have every confidence in the gentlemen from the country. I believe they will give me everything that is just.

After some further discussion, the bill was postponed.

TUESDAY, March 1, 1853.

The bill incorporating the Association of Colored Veterans of New Orleans was taken up.

Mr. Short said he hoped the bill would be deferred. He wished time to consider it more attentively. He had the greatest respect for those old men, colored or otherwise, who had perilled their lives in defence of their country; but before creating a corporation of this sort, which might have a dangerous tendency, we ought to hesitate and be perfectly sure that no evil would result from it. He thought it ought to be referred again.

Mr. Martin did not see what objection could be made to the bill. It simply proposes to permit the association of these colored veterans for benevolent purposes. To what committee did the Senator suggest that the bill should be referred?

Mr. Short. To the Committee on Corporations

Mr. Martin. The bill has already been referred to the Militia Committee, which has reported favorably, and I think that committee is quite as competent to form a correct judgment as any other. As a slaveholder myself, I can see no danger in the proposition to incorporate these colored veterans, and I consider it a pleasure, as well as duty, to assent to their prayer.

Mr. Short did not doubt the perfect competency of the Militia Committee, or of the Senator from Assumption, to form a correct judgment on this or any other subject, however grave in its character. His opinion as that of a slaveholder, he regarded highly—

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and it had great weight with him—because it was to be supposed that he (Mr. Martin) would watch carefully that nothing injurious might be done. His only wish was that the bill be laid over for a short time, that members might have time to reflect on it. If it then be considered legitimate to allow associations of this kind, there is a way already provided. They can come in under the general law which now exists. But this was, he believed, the first time that a corporation of this kind had been asked from a Southern State.

Mr. Lewis said that the names signed to the petition were those of persons, all of whom were known to him. They were all old men who had served the country well. There was now only a handful remaining, and they simply ask of the Legislature that they may be permitted to associate themselves together for the purpose of mutual intercourse and benefit, during the short period which is yet allotted to them. If gentlemen desired more information on the subject, he had no objection that the bill lie over for a short time; but he could see no reason for refusing to grant the prayer of the petitioners. They are highly respected in the community in which they reside—they have always been treated well by the people of New Orleans, have been taken out on public occasions, &c., and are objects of veneration rather than suspicion.

Mr. Hodge hoped the Senator from New Orleans (Mr. Lewis) would explain the objects of the bill. He had heard something said about charitable purposes, but he did not see the necessity for incorporating a company, with this object, for these antiquated soldiers—war-worn veterans, he believed, was the popular term.

Mr. King remarked that he had more than once had occasion to call the attention of the Senate to the impropriety of granting special charters, when a general law exists which provides for the case. The general law shows the manner of forming a corporation just as well as we can, and it was passed with the object of preventing just such applications as this. We should avoid passing such bills, if only to save expense. Each bill would probably cost $500 before it passes through all its various stages; when the parties applying could go before a Notary Public and get the whole thing done for two dollars and a half.

The bill for the relief of ——— was taken up.

Mr. Hodge opposed the bill. If we admit such a system as this into our Legislature, we would never know where to stop. In his opinion, the Legislature had no constitutional power to grant this appropriation. But it might be said that there was a precedent for it—that things of the same kind had been done before. With him, that argument had no weight. Precedent was nothing, except when it is the evidence of a case having been examined and decided by a competent tribunal. But who can say that, when the precedent presented to us is violative of the law, violative of the Constitution, we ought to follow it? Such a precedent was no precedent for us. It ought to be condemned and discarded, instead of held up for imitation. He would warn Senators seriously against this kind of legislation, which has for some time been finding its way into our statute books.

He would warn them not to suffer themselves to be carried away, and induced to make appropriations of this nature, in violation of the Constitution of the State. He was opposed to making the appropriation asked for in this case, because he believed the Legislature had no power to grant it, and he gave notice now that he would not vote for any appropriation which he did not think was sanctioned by the Constitution. He would not regard a precedent set by the Legislature of 1840 as necessarily a fit precedent to be followed by the Legislature of 1853. Because that Legislature did wrong, is no reason that we should do wrong likewise. The wrong of that time does not, by repetition, resolve itself into right. If we should do this thing for one, we should have a host of applicants equally deserving and equally entitled to consideration. He did not feel inclined to favor the pretensions of every petitioner that might come here to solicit the charity of the State. But it would be said indignantly by some, that this person did not ask charity. Then there was no reason why it should be given at all.—The State was not legally or morally bound for it, and if it was not asked as a charitable donation, then there could be no ground for asking it at all. He would, therefore, oppose the bill, and move to lay it on the table indefinitely.

The motion prevailed.

ORDER OF THE DAY—THE CENSUS BILL.

The House bill, providing for the manner in which the State Census is to be taken, then came up.

An amendment was proposed, to except the parish of Orleans from the general provisions of the bill.

Mr. Derbes remarked that the reason for desiring this was that the assessors in New Orleans had too much to do, and therefore would not be able to do the work properly, and, moreover, they claimed that the compensation allowed was entirely too small.

Mr. Kenner said that on account of the great number of persons to be enumerated in the city, the compensation would be quite large enough. So far from its being too small, this was a good reason why it should be reduced in the city of New Orleans, where a person may start out for a morning walk and see more persons than in a morning's ride in the country; yes, probably more than in a week's ride.

After some further discussion, the section authorizing the assessors throughout the State to take the census, was adopted.

Mr. McCay moved a reconsideration.

Mr. Kenner said that if there was anything in the bill beyond what appeared on the surface, he hoped gentlemen would state it candidly. One thing was certain—the assessors have an important duty to perform. It was also of great interest to the city of New Orleans to have the census taken early in the spring, when there is a full population. He hoped, therefore, that the gentlemen from the city would see the impolicy of obstructing the speedy passage of the bill.—The assessors were elected by the people for the purpose of going from house to house, and assessing every man's property, and for this reason they must possess a more intimate acquaintance with the people than any other officer. Why then were gentlemen unwilling to trust these assessors? Why take away from them the duty of taking the census and give it to justices of the peace, to petty judges, for the recorders were nothing but petty judges. One of the gentlemen from New Orleans has said that there are only three assessors, and that that is not a large enough number to do the work. Does he not know that by the bill they have power to appoint assistants? If either of them is old, and incompetent to perform the labor imposed on him by the bill, as he understood one of them now here had represented himself to be, he can appoint deputies, and let them do the work for him. He can have as many as he likes, provided the compensation does not exceed the rate of two cents *per capita*. He repeated there must be something behind this unlooked for opposition to the bill.

Mr. McCay did not see what objection there could be to giving the power to the recorders. They were well acquainted all over New Orleans, and had been selected by the people as competent and faithful persons, just as well as the assessors. It did not follow that because either were elected by the people, they were more competent to take the census. He, for instance, might appoint just as good a door-keeper as the Senate could elect. Neither does it follow that the recorders are incompetent because they are petty judges. They are men of respectability and intelligence, and inferior to no other gentleman, though they may be sneered at as petty judges, and no injury can come to the people by permitting them to take the census.

Mr. Hodge was informed that, under the Constitution of 1845, the Assessors took the census of the city of New Orleans. There were at that time but three Assessors, and they managed to perform the work alone—without even the assistance of the deputies whom this bill authorizes the present Assessors to appoint. There were good reasons why these officers should be the ones to take the census—they must have a larger acquaintance among the people than any one else. They see almost every person in the city—at least every person over twenty-one years of age—in order to assess the poll-tax, and also every property-holder. They must, therefore, be peculiarly well qualified to perform the duties of census-takers. The bill proposed to impose no more on the present Assessors than the same class of officers were required to do in 1847. He had shown that, under the act of

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'47, the assessors performed the work required of them to the satisfaction of the State. Why, then, did gentlemen wish to change this system? Why did they wish to take this power of taking the census out of the hands of the Assessors, and place it in those of the Recorders? They cannot say that the Recorders are more intelligent than the Assessors—that they have more information—that they are better qualified in any respect. There were four Recorders, and three Assessors—but the bill says that the latter may appoint deputies to assist them in performing their duties. There was no reason, therefore, for the change proposed, and he hoped the amendment would not be adopted.

Mr. McCay said he had already conversed with two Assessors on the subject, and they had told him that it was impossible for them to perform the work.

Mr. Kenner said that if the motion to reconsider should be carried, he would propose an amendment to leave the election of census-takers to the people. We would see the object with which gentlemen on the other side press this matter. When they are before the people, they call them "the dear people;" and now, they wish to take out of the hands of the Assessors, who have been elected by the dear people, the privilege of taking the census, and confer it on a set of criminal judges. He said, in all confidence, that the election of the Assessors by the people, justified the Legislature in placing sufficient faith in them to allow them to take the census. If the object be to give office to the special favorites of four or five judges, he wanted to know it. The object was to give these few favorites an opportunity of putting some money in their pockets—that was the whole of it. For one, he would say that he would not, and could not, consent to such a proceeding.

The motion was reconsidered.

Mr. McCay offered a substitute, empowering the Recorder of each district to appoint two competent persons to take the census.

Mr. Lacey moved to refer the section, and substitute "to a committee composed of the delegation from New Orleans."

Mr. Kenner moved that they be referred to a committee of the whole Senate. What was it, he repeated, that gentlemen wished?

Mr. Lacey made a few remarks in favor of leaving the decision of the question to the delegation from New Orlean-.

Mr. Palfrey thought the subject had better be referred to a committee of the people of New Orleans, to be decided at the ballot-box.

Mr. Kenner wished the Senator from East Baton Rouge (Mr. Lacey) to say whether he desired that the power to take the census be taken from the Assessors, and given to the Recorders. Would it be right to do so, when the Assessors are elected by the people, who have thus expressed the highest confidence in them?

Mr. Derbes said that this would not be the first time that the Legislature had referred to the Recorders certain powers out of the usual line of their duty. For instance, they were authorized to correct errors in the assessment rolls. The Recorders, as well as Assessors, were elected by the people, who had thus shown confidence in them also. It was true, that they might be nothing but petty justices, but more votes were probably requisite to elect one of them, than the whole number by which the gentleman from Ascension was sent to the Senate.

Mr. Hodge. I do not intend, sir, by my vote, to recognise any such distinction between the city and the country as would be involved in the substitute proposed by the gentleman from New Orleans, (Mr. McCay.) I do not see that any necessity for this distinction exists. I find by the act of 1847, that the census, under the old Constitution was taked by the Assessors It was not said then that they were not proper persons; it was not said that they were unable to perform the duty. On the contrary, they did perform it. Gentlemen have not given any good reason why the system should be changed now; they have not convinced me that the power of taking the census ought to be removed from the Assessors and vested in the Recorders. We have no Recorders in the country, but we have Assessors. They take our census, why cannot they take yours? Why are they not as competent in one place as another. Why should the bill make a special exception in favor of the city of New Orleans? Why should this special legislation for the parish of Orleans be continued? I entertain no sentiment of envy towards the city; on the contrary, I regard its progress and prosperity with pleasurable feelings, but I cannot see what circumstances exist through the operation of which the legislation, which suits the country will not suit the city. Why, sir, you may search the statute book from one end to the other, and examine every page with an attentive eye, and you can find no instance, in a case like this, of such an exception as is proposed. The gentlemen on the other side, in discussing this question, have not ventured to say thht the Assessors are not competent. They have not dared to cast that slur on the constituency which elected them. The Assessors did the work in 1847; but gentlemen say that they cannot do it now. They do not answer when we say that the bill confers on them the power to appoint assistants.

There must be something behind all this, Mr. President. If gentlemen are actuated in their course by political motives, let us know it. Let the country members know that they must submit to special legislation, for political purposes. Let us know it, I say, if it be so.

It is time, sir, that this system should be done away with; that the city should be contented to place herself on an equality with the country, and accept the same legislation. I am willing to anything to advance the prosperity of the city, but I am not willing to submit longer to this eternal exception in favor of the parish of Orleans

Mr Short dld not know the reasons which had induced the Senator from New Orleans, (Mr. McCay) to offer the substitute. He had voted for the reconsideration, believing that the Senators from New Orleans, knowing the opinions and wishes of the city people, and the necessities of the case, might offer something better. He had voted thus to hear the reasons which influenced the gentleman from N, Or-leans. If Senators thought there was anything behind this he could assure them, that so far as he was concerned, they were mistaken. He knew nothing beyond what he had stated. Motives of a party character had been also imputed. Of this likewise he knew nothing. He was not acquainted with party movements. He had never but once been in a party convention. All those who knew him, knew that under no circumstances could he be induced to give a vote without being able to advance good reasons for it. He should also vote for the reference; but unless the committee, in its report, could give good reasons for any substitute it might offer, he must vote against it.

Mr. Hodge explained the reasons which had induced him to speak of the affair as a party movement. He saw that on the vote which had been taken, the members were divided with reference to their politics. He also found that the party to which he belonged, was in favor of the original section as it came from the House, and had voted almost unanimously against making an exception in favor of the parish of Orleans. On the motion to reconsider, the two parties were arrayed against each other. These circumstances justified his allusion. Look at the votes—look at the record, and see whether the movement was not of a party character.

Mr. Martin did not see what political purpose was to be subserved by all this. The Recorders were all democrats—the Assessors were all democrats—consequently nothing was to be gained by giving this power to one more than the other. The consolidation bill passed at the last session of the legislature, gave the election of Assessors to the people. No party issue was made on that. He agreed with the Senator from East Baton Rouge that there ought to be no conflict between the city and country—that they ought to go hand in hand.

Mr. Rivers. If the Senator from 'East Baton Rouge insisted on his motion to refer, he should move to refer the matter to a committee of the whole Senate. He would say, frankly, what he thought of this proceeding. He heartily approved the remarks of the Senator from Caddo. He thought that an alarming distinction was made between the city and the country. That gentleman (Mr. Hodge) had shown, that

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in 1847, this work of taking the census was performed by the assessors. Why were they not equally competent now? There must be a political purpose in this. Senators from the country ought to watch such things with a jealous eye. If the city now succeeds in making them legislate for political interests, when she gets the capital there, she will make them vote for local interests.

Mr. Kenner. Will that committee (the delegation from New Orleans) be prepared to report to-morrow?

Mr. McCay said, he for one, would not report till he had had sufficient time to procure the statistics, and the requisite information from New Orleans, to enable him to report accurately.

Mr. Kenner was sorry that gentlemen had made a motion without having the requisite information.

Mr. Rivers insisted on his motion to refer the subject to a committee of the whole Senate, and called for the yeas and nays.

The yeas and nays were taken, and the motion was lost.

Mr. Rivers. Now, sir, gentlemen have done this; they have decided that the whole Senate, including the delegation from New Orleans, is not as competent to decide this question, as the delegation from New Orleans alone.

Mr. Derbes said this was not so. It was the general custom, as the gentleman knew, to refer subjects to the committees which, it was thought, were better prepared to examine them. The gentleman has also said that we made this thing a party question. This again was an error. It was the gentlemen on the other side who were in the habit of making everything a party question, by voting as a unit, and then accusing democrats of being responsible for it. This was not the first time that such a thing had happened. It had been done several times before when there were doubts among democrats, but no doubts among the whigs.

Mr. Burthe offered a substitute, providing that the people of New Orleans should elect the officers to take the census.

Mr. McCay was ready to discuss the question now.

Mr. Kenner thought the gentleman had to send to New Orleans for papers and persons.

Mr. Hodge. I should like to know the reason why the Senators from New Orleans think the assessors are not competent to take the census?

Mr. Derbes would tell the reason why. It is because they cannot attend to the work. His colleague had said that some of them actually refused to do it.

Mr. Hodge did not understand that the gentleman said so.

Mr. Derbes thought he (Mr. McCay) had said so. If he was mistaken, then he would assert it himself.

Mr. Martin said the gentlemen seemed to forget that part of the bill which compelled the assessors to do the work, under a heavy penalty.

Mr. Derbes said there was another reason for not giving this power to the assessors. They complain that the sum allowed as compensation is entirely too small. They care nothing about the office; but if they are to appoint assistants, they are certainly going to secure a portion of the profits for themselves. They would pay one cent *per capita* to the assistants, and pocket the rest themselves. This difficulty did not exist with the Recorders.

Mr. McCay moved to lay Mr. Burthe's substitute on the table.

He said that if he were on the Committee, he should endeavor in the report to present such reasons as would induce the whole Senate to vote for the substitute. He had been convinced that it was better to have this power of appointment vested somewhere else. At first he had thought of the Common Council; then it had been suggested to him that the Recorders would be the proper persons. He had adopted this suggestion because he believed that the Recorders had a larger acquaintance in the city, and could do the work better. If he had time, he could get good reasons from the assessors in regard to their inability to do the work.

Mr. Hodge had a few more remarks to make on this subject. If the Senate decided to take this power from the assessors, and give it to the Recorders, he should never again raise his voice in this Senate Chamber against any thing the City of New Orleans might ask, unless it involved a flagrant outrage on the rights of his constituents, because he would be satisfied that she could obtain anything she might demand, and that opposition would be fruitless. In 1847, as he said before, the assessors took the census and that without assistance. Has the city grown so much in the mean time, has the population increased so largely, that the same officers cannot now do what they did then? The gentlemen on the other side had assigned no good reasons for their course, and they could not expect country gentlemen to sacrifice a principle for the sake of pleasing them.

Mr. Short moved to lay the substitute and all the amendments on the table.

The motion was carried, after which the original section was adopted, when Mr. Griffin gave notice that to-morrow he should move a reconsideration.

Mr. Lacey moved to adjourn.

Mr. Martin desired that the Secretary should enter on the Journals that at 20 minutes to 3 o'clock a motion was made to adjourn.

After some few remarks, the Senate adjourned.

FRIDAY, March 11, 1853.

The bill amending the act of 1847, in relation to corporations, was taken up.

Mr. King. The principal change in the bill as reported by the Committee, is that telegraph companies are invested with the same rights of expropriation as other incorporated companies.

M. Mouton. I should like to have the bill so amended as to give to proprietors who may suffer by the action of a company, the right to sue the company in their own parish, and not force him to go out of it.

The bill passed with this amendment.

The bill reducing the rates of pay for certain judicial advertisements, &c., was taken up.

Mr. Martin. The object of this bill, sir, is to place all advertisements on a footing of equality, by reducing the rates paid for advertising Succession sales, to the same as are paid for advertisements of Sheriffs' sales.

Mr. King. I hope this bill will not be passed at this time. It involves a great change in the laws, and I am unwilling to rush into it without such examination as will convince me of its necessity. I cannot, at this time, say whether I approve of the bill or not. The subject of judicial advertisements is very important, and I hope it will not be acted on without due consideration. I hope the bill will be printed and laid before members for their inspection.

Mr. Martin. I know very well, sir, the secret motives which actuated the gentleman in his opposition to the bill. I know very well that an officer of the Senate, who might be better engaged in attending to his duties, has taken a very great interest in this bill, and has endeavored to defeat it. Now, sir, I do not see of what interest it can be to that gentleman. It is not intended as an attack on the Courier, nor can it affect the interests of Mr. La Sere.

Mr. King. I am astonished at the remarks of the gentleman. I hope the gentleman does not suppose, every time he sees a Senator on the floor, that some act of treason towards his side of the house is contemplated. For my part, I do not know of any secret influences; my motion to have the bill printed, was based on a conviction of its great importance.

Mr. Martin. As I said before, I do not level any shaft at the State Printer. I do not wish to take any advantage of Mr. La Sere. I only wish to abate an evil, the existence of which every one feels and acknowledges.

Mr. Lacey. I am satisfied that the gentleman from Assumption had no such motive as he has thought necessary to disclaim, but that he only wishes to correct an error which he thinks exists. Nevertheless, as the gentleman from New Orleans, (Mr. King) has said, there is scarcely any subject more important than that of the judicial advertising. I hope therefore that the bill will be printed and laid on the desks of members for their examination. I hold in my hand a bill in relation to the same subject, which I hope will also be printed and submitted to members for their inspection. I attribute no secret motive to the gentleman from Assumption, and I hope that he will see none in our effort

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to have a bill of this kind printed before taking action on it.

Mr. Martin. A motive has been attributed to me which was entirely foreign to my mind. I only intended to reflect on the conduct of an officer of this House in interfering with legislation instead of attending to his duties.

THE PREEMPTION BILL.

The bill to extend to preemptors the time of payment for their lands was returned from the House with a notice of disagreement.

Mr. Lacey moved to appoint a committee of conference.

Mr. Hodge. It is my opinion that the bill already extends more time to preemptors than they deserve. We have done what we can in the matter, and more important affairs now demand our consideration. I think we had better abandon this subject entirely. I think that the Senate will never agree to anything more than extension to settlers of the time of payment. Sooner than agree to anything further, I will move to lay the bill on the table. I have not heard anything to convince me that the subject is of any importance even to the parties most directly interested. I think likewise that I can suggest a consideration of some importance. The House, it is evident to my mind, will insist on providing for a new class of preemptors. What will be the effect of this if we consent? Under the act of 1852, warrants for a million of acres of land were issued and disposed of. I ask whether, if we create this new class of preemptors those who hold warrants under the act of 1852, will not have the right to locate lands which have been entered by the new preemptors. Can we say that we will exempt a large class of lands from location under these warrants? In my opinion they have the right to locate on part of the swamp lands. Those lands have been guaranteed by the State and no legislation now can deprive warrant holders under the act of 1852, from locating them.

I repeat that matters of much greater importance than this are pressing on the attention of the Legislature, and I therefore insist on my motion to take up and lay on the table

The motion to lay on the table was lost.

On motion of Mr. Boatner, the House bill to provide for the organization of the public schools in the parish of Jefferson, was taken up.

Mr. King moved that the bill be referred to the Committee on Education.

Mr. Wickliffe—I am opposed to referring the bill. The gentleman has repeatedly expressed himself opposed to special legislation, but he now seems to be in favor of it himself, particularly when the parish and city of Jefferson are to be exempted from the operation of the general school law. If the gentleman from Jefferson (Mr. Burthe) were here, he might be able to give some good reasons in favor of the bill, but I do not see why we should manifest such haste in relation to it during his absence.

Mr. Boatner—I had no idea of the magnitude of the principle which might be involved in the bill when I called it up. I did so at the request of the representative from Jefferson who came to me and told me that the bill was entirely of a local nature and intended solely for the convenience of the people of his parish. But I have heard enough of the bill to see that it involves a principle of great importance, and I shall therefore not insist on its passage.

The bill was referred to the Committee on Education.

The bill prohibiting the issue of small notes was returned from the House with an amendment.

Mr. Wickliffe—the amendment of the House renders it nugatory. Our object in passing it was to prevent the circulation of small notes whither issued in or out of the State. Under that amendment a man may circulate as many as he pleases provided he issues them beyond the limits of the State. In my opinion it defeats the whole object of the bill.

Mr. King—I do not so understand the amendment.

Mr. Wickliffe—I do not know what was the intention of the House in making this amendment, but, as I have said, it will operate so as to defeat the whole object of the bill. The object was to prevent the circulation of small notes in the State of Louisiana; but under this bill, as it now stands, Mr. Jacob Barker, or any one else, can go into another State, establish an agency, and flood this State with a small paper currency.

Mr. Short. The amendment consists of a mere transposition of words in one section of the bill, but I look at its effect, and not at its form, which is a minor consideration. The object of the Senate bill was to rid the State of the annoyance resulting from the circulation of small notes, and with that view the bill was passed by this House. Since that time a memorial has been sent here to entertain us with the views of the writer on banking and finance. It was sent by a distinguished individual of the city of New Orleans, who undertook to enlighten the Senate from a distance on those important subjects. We were informed, however, that the committee was already in possession of all the information conveyed to us by that distinguished gentleman, and consequently there was no necessity for acting on his memorial. Now comes this amendment from the House, which has the effect of defeating the very object of the bill. It absolutely destroys the Senate bill, emasculates it, and deprives it of its virility. The effect is that if one B. circulates notes, while another, over the river, or any where else out of the State, issues them, he can not be reached, and thus the object of the bill is defeated. Now unless we reach the source of the evil we cannot possibly put a stop to it If we let it go on we shall probably soon hear it said that there is an absolute necessity the evil should continue to exist. Our small change, and the gold dollars which now abound, will be driven off by these notes, and then it will be said that unless we retain the small notes we will have no change. This will be the argument unless we destroy the evil at once.

Mr. Hodge. If Senators will examine the amendment they will find that it does not have the effect supposed. I think it carries out the intention of the Senate.

Mr. Wickliffe. I will read the original section and the amendment. (Reads.)

After some further unimportant discussion the bill was referred to the Committee on Banks and Banking.

Mr. Wickliffe then rose and said: I rise, sir, to a question of privilege. I find in the printed reports of the debates of the Senate, on the 26th of March, the following:

"Mr. Wickliffe. To what question does the gentleman allude?

Mr. Lacey. To the question involved in the resolution to go into an election for United States Senator.

Mr. Wickliffe. I understood the gentleman to have denied that there was any constitutional question involved in that resolution."

The remark I made use of was that the Senator, during the discussion on the question of referring to the Judiciary Committee the resolution to go into an election for United States Senator, had denied that any legal point was involved in the resolution.

To this, as I observe by the report, the gentleman replied:

"Mr. Lacey. If the gentleman heard my argument on that question, and read the printed report of it, and did not see that I had argued it as a constitutional point, he endeavored to reply to what he did not comprehend."

Now, sir, I wish what I say to be placed on the record. I presume the gentleman, in that remark, alluded to this speech, a copy of which I hold in my hand. I say, sir, that this speech never was delivered here—Senators know that it was not delivered here—it was not reported by the Reporter. I wish to be distinctly understood when I say that this speech never was made by the Senator, and I desire that what I have said be placed on the record.

Mr. Lacey. I certainly cannot object that the Senator should have his speech spread upon the journals of this House. It was an able speech, and added another to the many laurels which adorn his brow, and I certainly can have no objection that it be entered on the record. As to the statement of the gentleman, I can say that what I remarked, on the occasion to which he has reference, was that the question involved in the resolution to go into an election for United States

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Senator was rather of a political than of a legal or constitutional nature.

Mr. Wickliffe. The gentleman is mistaken. It is not my speech that I wish spread upon the journal.—I desire only that what I say now be placed on record. I do recollect having asked him whether there was not a constitutional question involved in the resolution, and he replied by saying that he viewed it as a political question. I repeat again that the speech to which the Senator referred was not made by him, and was not reported by the Reporter, and I wish this fact to be placed on record. I wish to put a stop to this system of reporting by Senators.

Mr. Lacey. The gentleman may place on the record what he pleases—I have no objection.

MONDAY, March 14, 1853.

Mr. Wickliffe presented a petition signed by several citizens of the parish of Vermillion, remonstrating against the bill providing for a new election to change the seat of justice in said parish; and he moved that the Secretary of the Senate be instructed to procure from the House of Representatives the act ordering a new election in said parish, for the purpose of reconsidering the same.

Mr. Mouton. I was told, Mr. President, that the memorial just presented to the Senate, by the Senator from West Feliciana, is a *strong document*. I have not read this petition. The act providing for a new election in the parish of Vermillion, for the purpose of fixing the seat of justice in said parish, is local in its nature, and like all measures of this kind, it must meet with opposition from those whose interests are to be affected by its passage. This bill was passed by the Senate several days ago. I am not aware, Mr. President, that it is customary to send to the House of Representatives for bills which have finally passed this house. But inasmuch as I do not want to have it said that I have caused this act to pass the Senate, without giving an opportunity to those who are opposed to its passage, of being heard, I am willing, if it can be done, that the bill be sent for, to be reconsidered by the Senate. I am not afraid of the opposition to this bill In asking for a new election in the parish of Vermillion, to allow the people of said parish to remove their seat of justice from the point where it is now established, and to locate it elsewhere, I have asked for nothing unreasonable. I am perfectly willing to open this matter to discussion. The Secretary may therefore go and get the bill from the House of Representatives, in order to give an opportunity of being heard, to those who are opposed to the passage of this bill.

Mr. Griffin. I think this course unusual, and without precedent. It is the first time since I have had the honor of a seat on this floor, that I have heard a proposition of this kind made and insisted on. This bill is now in the lower house, and entirely out of the control of this body. Now, sir, the only instances in which I have ever known a bill asked to be returned to the house in which it originated and passed, were in cases where an omission of a word was overlooked, or an error of some kind, which rendered a return of the bill essentially necessary in order that the correction should be made. In cases of this kind, it has been usual to ask that the bill be returned for the purpose of making the correction. But never have I known an instance of the return of a bill being asked, when it has passed one body, and is entirely out of its possession, and the time for reconsideration expired. I say never before have I heard of an instance where a bill is asked to be brought back with a view that it may again be acted on. The proper place now, sir, it appears to me, to oppose or amend this bill, will be in the other house—it being out of the possession of this.

Mr. Mouton. I wish, Mr. President, to have it well understood that, so far from opposing the motion made by the honorable Senator from West Feliciana, it is my desire, on the contrary, and I am anxious, to have the bill brought back in the Senate, to be reconsidered.

The President said that more than three days having elapsed since the passage of the bill by the Senate, the same could not be reconsidered, even if it was brought back in the Senate; that, therefore, the motion made by the Senator from West Feliciana was out of order.

THE PREEMPTION BILL.

The report of the committee of conference on the preemption bill was taken up, and the bill passed as it came from the House.

Mr. Mouton introduced a bill to provide for the collection, keeping and disbursement of the public moneys, and to prevent the embezzlement of the same.

Mr. Mouton explained that the object of the bill was to change the law of 1844, which repealed a section of the law of 1805, on the same subject.

The bill passed.

Mr. Lacey introduced a bill for the relief of the branch of the Louisiana State Bank at Baton Rouge.

Mr. Lacey. I will briefly explain the object of this bill. Some time since the Legislature of this State directed Hiram Powers to model a statue of Washington for Louisiana, and made an appropriation for that object. This appropriation was soon exhausted, and Mr. Powers made an application for more funds to enable him to go on with the work. The Governor, anticipating the action of the Legislature, gave a note for $3000, which was cashed by the branch bank here. The object of this bill is to refund to the bank, the $3000 with interest.

The bill passed.

A bill compelling litigants to pay in advance the sum allowed by law to witnesses for expenses, was taken up.

Mr. Nicholls. I think, Sir, that this bill ought to pass. The law as it now exists admits of the greatest and most annoying evils. In many cases suits are brought by irresponsible persons, and witnesses are summoned from a distance and forced to attend Court without regard to the fact whether they have the means to pay their expenses or not. This is not made a question at all. An excuse from a witness, for non attendance, that he has not the means of transportation, and cannot pay the expenses to which he is necessarily subjected, is not received. Now, Sir, it seems to me, that when a person goes into Court, in order to secure what he considers his rights, he should advance something to the witnesses on whom he relies to substantiate his claim. It is not enough that the witnesses be paid—they should receive the money in advance. They are often compelled to go from home, and are forced to pay their necessary expenses at the place of trial. If they cannot do so they are thrown upon the charity of the town. Is this right? Is it just? Now, Sir, I ask what harm can possibly result from the passage of this bill. It only asks that witnesses be entitled to demand in advance of the person summoning them, the per diem allowed by law. This is not only an act of justice which should be extended to witnesses, but it will operate as a check to useless litigation; it will prevent the bringing of many suits which have no proper foundation, and will reduce the number of witnesses summoned and thus save much of the time of the Courts. These are certainly desirable objects, and if there are any reason of equal weight existing on the other side, I should like to hear them. I should like to hear it stated why witnesses should not have the right to demand in advance, the sum to which they are entitled for their services, and which otherwise they may never receive. It may be said that it is the duty of the clerks of Courts to exact security in these cases, from the person bringing suit. But of what avail is it to a witness who cannot pay his board that security has been given? Indeed, in many cases, the security itself proves to be worthless. I know of some cases in my own parish which have lasted for three years, and the witnesses forced to attend at every term during that time, many of them, laboring men having been compelled to travel twenty miles from home. In that section sometimes witnesses are forced to go thirty miles to attend Court, and have to make the journey in skiffs or across prairies when they have either to walk or to hire a conveyance.

In these cases, to which I have alluded, the witnesses have been subjected to all this expense and have not yet received a single cent. If the law had been then as proposed now by this Committee this evil and injustice—an evil and injustice which must

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be acknowledged by every one—would have been entirely obviated.

Mr. Wickliffe.—The gentleman says he should like to hear what objections any one can have to this bill. I, sir, have some objections which I think are good ones. As the gentleman has stated, the law at present demands that security be exacted from persons bringing suit. This where I live is sufficient for the protection of witnesses. The bill before the Senate proposes that money enough to pay expenses must be deposited before an attachment can issue for a witness. Now, sir, can such a provision be found to exist in any other State? Here if a witness be absent from the State, his testimony can be taken by commission. If he be within the State his presence at Court can be secured by attachment. What is the object of the bill? The gentleman says it is intended for the protection of witnesses. But it does not protect them any more than they are now protected by the security which must be given. What would be the effect of the bill: A person might have a claim of a thousand dollars, and if he had not money enough of his own to deposite, he would be forced to borrow it, and this he might find difficult or even impossible. I ask whether this would not tend to defeat the ends of justice, and to prevent an individual from securing his just rights. I do not believe that the present law can operate as a hardship on witnesses, and I shall therefore certainly vote against this bill.

Mr. Nicholls. A law similar to the one proposed exists in New York, and, I believe, in New Hampshire. The gentleman says that if a claimant have not the means to deposite, as provided by this bill, he will be put to the necessity of borrowing. This will certainly operate as a hardship on him, but the question is whether the hardship should be borne by one or by many. I think that when a citizen goes into Court he should be compelled to pay the necessary expenses of his witnesses.

The bill passed.

ORDER OF THE DAY—THE JUDICIARY BILL.

The Judiciary bill was taken up.

Mr. Lacoste desired that the bill lie over, as several Senators were absent.

Mr. Short. I am opposed to laying this bill over.—We have frequently laid over important bills for the accommodation of absent Senators, and if we go on in this way we will never be able to pass anything through.

It is evident that we must have a judiciary system of some sort. If we cannot have large districts, let us have small ones, but at least let us do something.—First let us try the sense of the Senate on the bill from the Lower House, and if that suit us, nothing farther will be needed. If it do not suit us, then the substitute of the gentleman from West Feliciana (Mr. Wickliffe) may be taken up.

Mr. Wickliffe. I have no idea that the bill which has passed the House can ever pass the Senate. My notion is to take up the bill introduced as a substitute and discuss it. That will be a full test.

The bill and substitute were read by the Secretary.

Mr. McCay thought that the bill ought to be printed.

Mr. Short. I will take this occasion to explain my position with reference to the subject now before the Senate. A bill has already passed the House, by which the State is divided into eight districts outside of the city of New Orleans. This is what is called the large district system. It is contemplated that if this system is adopted then a Probate Court will be established in each parish. The question for us to decide is whether we will adopt the large district system with Probate Courts in each parish, or that by which the whole State will be cut up into small districts without Probate Courts. In addition to these, there is still another system proposed; that is to retain the districts as they are at present. This is the system proposed by the substitute which was offerred this morning. I had supposed that Senators had made up their minds on this subject, and that they had come to a definite conclusion as to whether they would adopt the large or the small district system. The Senators have not decided—we had better adjourn and let things rest as they are.

The question is whether we will vote for large districts, and diminished expenses, so far as the District Courts are concerned. However, if we establish this system we must do so with a view of also establishing, Probate Courts in each parish. Although, this system would nominally increase the expenses of the judiciary, yet when we reflect that the fees now paid to Clerks of Courts would be transferred to the Probate Judges, we will at once see that it would, in fact, be cheaper. When, at the same time we, count on the time lost at present, by having all the testimony taken in writing, which can be avoided by having the jurisdiction of the Supreme Court confined to questions of law only, when I say, we reflect on the time which would thus be saved to the District Courts, and to what an extent their labors would be reduced, we will see the propriety of establishing the large district system. When we consider the fact that the expenses of our judiciary, not to travel beyond the expenses of the Supreme Court, and of the five District Courts of the city of New Orleans, exceed the whole salaries paid to the Judges in Mississippi, the mind is forced inevitably to a contemplation of the awful expense of our present machinery. The question is what system can we adopt to reduce the expenses of the judiciary to the people of the State. The great complaint now is not in regard to the manner in which justice is administered, except so far as the probate system is concerned. Except this, the present system operates very well. Two complaints are made, but no manner has yet been specified in which they can be remedied.—The first complaint is that the judiciary is too expensive. This is rather a vague expression. The assertion has not been reduced to figures. No plan has been proposed by which the evil is to be remedied. But unless this be accomplished, and also the more speedy administration and settlement of estates be provided for, nothing will be gained by legislative action.

Let us come now to the point. How will the large district system operate? It will not, as I have said, nominally reduce our expenses. On the contrary, it will ostensibly increase them. But, I repeat, when we take into consideration that much of the business done by clerks of courts, for which fees are paid, will be transferred to the Probate Judges, we will see that, although nominally the expenses will be increased, yet, in fact, they will be diminished. Thus one evil may be reached, if we establish this system. The next question is in regard to the administration of estates. We all know that a party in possession finds it difficult to give up to any one else It is important, therefore, that some system should be adopted by which courts shall have power to compel the speedy settling up and administration of estates. For this reason, sir, I shall vote for the bill from the Lower House.

Mr. Wickliffe—The House bill, in my opinion, is liable to many objections. In the first place, under the system established by it, the districts are entirely too large. It would be almost impossible for the judges to travel over such an extent of country, particularly as at many seasons communication is interrupted by bad roads, low water, and other causes of a similar nature. In addition to this, there is the objection that the large district system would prove much more expensive than the present. The salaries of the eight District Judges, at $3,500 each would amount to nearly $30,000, and then we have the additional expense of the Probate Courts. The 16 judges at $3,000 each would cost only $48,000. The system adopted by the House would cost about $62,000—adding the expenses of the District Judges, to the salaries of the Probate Judges. But let the substitute be passed, and the districts will be of a convenient size—small enough for the judges to reach the court houses without difficulty, and there would be no obstacle to the passage of a bill defining and limiting the powers of clerks, I do not understand that there is any complaint against the operation of the present system, although some do complain that the courts are not held often enough. This evil is remedied by an express provision of the bill. I oppose that system which contemplates 28 districts out of New Orleans, thinking, as I do, that it would be calculated to bring the Judiciary system of Louisiana into just contempt. But 16 districts will be amply sufficient, and when we define and limit the powers of clerks everything will be right. I hope that the substitute will pass.

Mr. Lacoste—I have always endeavored, Mr. Presi-

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dent, to act justly towards my colleagues of the Senate, and I hope that the same conduct will be observed towards myself. The bill as it stands involves a grievous wrong on my constituents by placing the parishes of San Bernard and Plaquemines in the same district with Jefferson, which has no connection with them either commercially or geographically, and would make the district too large for a single judge. I hope the bill will not be permitted to pass in this shape.

Mr. Wickliffe—In placing the gentleman's parish in the connection to which he has alluded, there was no intention or disposition to impose additional labors on the judge. Under present circumstances, however, it was almost impossible to avoid this collocation of parishes, and, moreover, the gentleman should consider that Jefferson is placed in very good company. I hope he will withdraw his objections and take the bill as it is.

Mr. Lacoste—The gentleman justifies the bill by saying that Jefferson is placed in good company. He should remember that when good company is not needed, it can very readily be dispensed with.

Mr. Lacey—I suppose that in discussing the merits of the bill before the Senate, I should confine my remarks strictly to that bill. Nevertheless, in giving my views, I shall take the liberty of showing the advantages of the bill which I have placed before the Senate, and shall endeavor to defeat the bill before the Senate, in order to reach a direct vote on my own.

In the first place, I shall premise, by saying that I prefer the bill of the Senate to that of the House. The House bill proposes a few large districts, and a Probate Judge in each parish. This system seems to me to be highly objectionable. Rather than adopt it I would take the substitute of the gentleman from West Feliciana (Mr. Wickliffe.) But it seems to me, and I think it must be evident to every one who has bestowed the slightest consideration the subject, that the people of the State desire a change in our Judiciary system. The substitute involves no change except an increase in the size of one or two districts But is it not evident that the people absolutely desire a change? Has not this been decided by our elections? Is it not made manifest in the public prints? Is it not one of the grand objects of the present Legislature? Why these appeals, these imperious demands for a more speedy and certain administration of justice, if we are to close the doors of Legislation and turn a deaf ear to the wants of the people? I say it is manifest that the people absolutely desire a change, and therefore I am opposed to the substitute, inasmuch as it does not propose any departure from or improvement on the present system.

If I rightly interpret the popular will, if I know any thing of the wants and wishes of the people, a change is absolutely necessary. The question is, what system shall we adopt in order to secure such a change as will operate in a beneficial manner. What system presents these considerations in the organization of the judiciary department? With the exception of the substitute now before the Senate, but two systems have been brought forward—the one offered by myself making twenty-eight District Courts, with probate jurisdiction, and the one forming eight districts, with a Probate Court in each parish,

I shall briefly but as well as I am able, endeavor to convince the Senate that the House bill is impracticable in its nature. Now, sir, what does this bill propose? It contemplates the formation of eight judicial districts, seven of which are to be out of the city of New Orleans. The first objection to this system which occurs to my mind is that in many of the districts the topography of the country would render it absolutely impossible for the district judge to hold regular terms of court. Is it not evident that if the districts be framed in this manner it will be impossible for some of the judges to perform the duties which are thrown upon them by law? The Senator from San Bernard tells us that it would be almost impossible for a judge to travel over the district in which his parishes are placed. Thus it will be seen that it would be absolutely impossible for the judges to perform, in a satisfactory manner, the duties assigned to them. Here, then, is an insurmountable obstacle. There is also another objection. If the districts be so large, it will be impracticable for a person to obtain those necessary orders of court which must sometimes be granted. A person would have to travel many miles, or wait several months before he could procure an order for the sale of mortgaged property. Besides this, the system might operate unjustly upon persons accused of criminal offences. They may be innocent of the offence of which they are accused, yet they may languish months in a dreary prison before the judge can give an order for their release. Do you not all see that, under these circumstances, the bill is impracticable? Do you not see that all interlocutory orders, orders of sale, &c., would be absolutely stayed unless the person desiring to procure them should travel over a widely extended district in order to find a judge?—Another plausible position is that we should not be able to obtain proper judges, on account of the length of time they will be compelled to be absent from their families. They will be taken away from the domestic hearth, and separated for a great portion of the year from their families, and compelled to go through the hardships attendant on travelling through large districts, and the performance of their judicial duties. Do you suppose that in spite of this great obstacle you will be able to bring the best talent to the bench?—The result of the large district system will be not only to produce hardship and injustice, but will prevent the acquisition of the best legal talent, because a man who could forget his duties to his home and his family would forget the proper discharge of his duties as judge. If he could neglect and forget his home and family, he would not be fit for a high judicial station. But these are not the only objections. Under this system it will be necessary to provide probate courts. If we have large districts then will come in that old probate system which forms part of the system adopted by the House The first objection to the probate system is in regard to the salaries paid. The salaries must either be low, and thus poor judges be the result, or they must be high, and so produce over-taxation. I believe it is in contemplation to pay the probate judges $500. I know that amount is specified in one bill. I, sir, will never vote for a bill which contains such a provision. Just think of it. You know I am correct when I say that the probate interests are the most important in the State, and yet you wish to confide them to a man who is willing to receive a salary of $300. Will that secure the best legal talent? Can any one for a moment imagine such a thing?—But, it is said, the bill contains a provision that the judge may practice law. This I look upon as an objectionable feature rather than as a recommendation. Again, it is said the parishes may have the power of increasing the salaries of their judges. This, also, I regard as extremely objectionable. It will give the rich parishes an opportunity to secure good judges by paying them large salaries, while the poorer ones will not be able to do so. I insist that the power given to the parishes to increase the salaries is no recommendation. It is legislating for the richer and against the poorer parishes.

Mr. Rivers. I do no not know of any such proposition.

Mr. Wickliffe. It was a proposition made by the Senator from Caddo (Mr. Hodge.)

Mr. Short. By the bill which I introduced the probate judges are to receive $700 or $750, and are permitted to practise law.

Mr. Lacey. I shall endeavor to express my views in relation to the proposition which I have laid before the Senate. If that is agreed to, the Senate will vote down these bills till it comes to mine. I may be a little out of order, but I trust I shall be permitted to express my views on all the systems which have been brought forward.

As I have said, I consider the low rate of $500, as a salary to probate judges, as objectionable. The bill from the House fixes the salary at $1000, but that is almost as bad. For $1000 you cannot obtain better judges than for $500. Both sums are badly calculated to secure the best talent. But the House bill contemplates that the judge may practise law. Do you think that a judge ought to be permitted one day to adjudge a case, and the next appear as an advocate before another court? Will he not naturally be influenced in his opinions and decisions? We may talk as much as we please about the impartiality of an attorney in

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examining a case, but we know that it is human nature to espouse the side of a case on which one's interests lie. The mind of a man is naturally biased and his opinions take a shade from the case in which he may happen to be employed. Thus he would be prevented from deciding impartially as a judge. If you permit him to practice law, will he not endeavor to procure popularity with the litigious community? Imperceptibly, of course,—for the sacredness of his oath would prevent an open attempt of this kind, though, indeed, poor human nature might be driven to that sad extremity. Owing, then, to the poor salaries, to the permission to practise law, to the feature which permits the parishes to increase the pay of judges, I consider the system extremely objectionable. But are these the only objections? No, sir, they are not. The difference in the jurisdiction of the different courts is, to my mind, a serious obstacle in the way of the adoption of the probate system. The question of jurisdiction has always been an important element of litigation. Sometimes for months parties in litigation are endeavoring to test the question of jurisdiction, in order to ascertain the proper court in which to try the case on its merits.

I would ask why the bar of New Orleans, with all the wisdom and experience which it embodies—with all the desire to perfect the judiciary system of the the State that must animate it—requests the Legislature to adopt such a system as will make no distinction between the jurisdiction of the Probate and other Courts. It is true that now certain cases have preference in particular Courts, but all the Courts have concurrent jurisdiction; and therefore, there is no obstacle of this kind to the speedy administration of justice. I appeal to the resolutions of the New Orleans bar—I appeal to the judgment of Senators—whether they will adopt that system which will have the effect of keeping the Courts open year after year,—and for what purpose? To settle questions on their merits? No; but that after protracted litigation. the plaintiff may turn away disgusted, on finding that the Court to which he has appealed for justice has no jurisdiction over the case.

Under the bill which I have had the honor to lay before the Senate, I believe the result would be very different. I think it fully developes the idea of carrying justice to every man's door. If I cannot secure the twenty-eight districts for which my bill provides, I am willing to have the number reduced; but I can never vote for the principle of drawing a distinction between the ordinary and the Probate Courts. That principle is in itself abhorrent to my feelings, and is rendered still more abhorrent by the features engrafted on it by the lower House. I go for that system which compels the judges to hold Court in every parish the people desire, because it would produce a more speedy and certain administration of justice. I have therefore introduced my bill in order to respond to the demands of the popular will, which requires that in each parish Courts shall be held twice a year for the trial of criminal cases, and twice a year for the decision of civil cases. What objection can be urged against this system? As far as I have heard, there is but one. It is said it will make the judges contemptible, on account of the small size of the districts. If a judge administer justice impartially and ably, he will always command respect; he will always take a place among the highest dignitaries of the land, however circumscribed the circuit of his jurisdiction. But, if judges are to receive the insignificant salary of $500 a year—if one day they are to act the advocate before a court, and the next sit in judgment on the bench—if, from time to time, they are to beseech the police juries to increase their salaries—do you not think that then the judiciary would sink into an abject contempt?

I hope, then, that the Senate will concur in my bill. Let it be amended, if necessary—let the imperfections which it may contain be stricken out; but I do contend that, as a system, it stands higher than any yet proposed. I hope that the other bill will be voted down, in order to reach this one. I mean no disrespect towards Senators who entertain different views, but I think it evident that their systems are impracticable, or fail to meet the wishes of the people.

Mr. Wickliffe. I would ask the Senator whether his bill does not contemplate an expenditure of over $70,000. There are to be twenty-eight judges, at $3,000 each.

Mr. Lacey. The salary is fixed at $3,500.

Mr. Wickliffe. That would make the cost exceed $80.000.

Mr. King. Our great object, Mr. President, should be to act advisedly on this subject, and after such full and mature consideration, that we may be certain to adopt a system which will be satisfactory to the public, and which is best adapted to the ends of justice. After reflection, I have come to the conclusion that the substitute offered by the Senator from West Feliciana, (Mr. Wickliffe) is the only bill that can pass—the only one sustained by the opinions of the Senate.

I understand that this bill contemplates the same number of districts that exist under the present system. It provides for four terms a year, at two of which probate business exclusively shall be transacted, while the other two may be devoted to all kinds of business, including probate. I think this would suit the public, and bring justice as near as possible to every man's door. I will now briefly explain the reasons which have influenced me in forming these views. In the first place I consider the economical view of the subject as of great importance. I have looked at the effect in dollars and cents of the various systems proposed, and I find that with large districts having Judges at a salary of $3,500, and a Probate Judge in each parish at not less than $1,000, for it would be almost impossible to have justice well administered under a system of miserable cheap Judges—I find, I say, that under this system, instead of an expenditure of $40,000, we shall have to pay the handsome little sum of $75,000.

Under the system proposed by the Senator from East Baton Rouge (Mr. Lacey,) the cost would amount to $84,000. It is true that the number of districts and Judges may be reduced, but still there will be a large increase of expenses over the present system. The gentleman from East Baton Rouge has informed us that public opinion imperiously demands a change in our Judiciary. For my part, after the most careful observation, I have not been able to perceive any indication that the public demand a material change in the present system, much less such a change as will almost double our expenses.

The present system is undoubtedly much better than the Probate Court system. I reprobate that system as much as the gentleman who has just spoken. But there is one position in which, I think, he will agree with me—that the Clerks of Courts are, as a general rule, much better acquainted with the Probate business than even professional gentlemen. We rarely take a step in Probate proceedings without consulting the Clerk and obtaining his opinion. I think in this class of cases the Clerks will be found superior to any Probate Judges. They will be found more competent, more honest, and better qualified to do the business than a lawyer picked up from the fag end of the profession, at $500 a year.

With regard to the system proposed by the Senator from East Baton Rouge, I think the Districts are entirely too small. There would be some districts in the State in which it would be almost impossible to find competent Judges, and even if found they would have very little to do. To give the same salaries to Judges who have little to do, as to those whose whole time is occupied, would be a manifest injustice. There might be some Judges who might not be engaged more than four months during the year, while others might be compelled to work nearly the whole time.

Now, sir, I am at a loss to know the cause of that revolution in public opinion by which it is said that this probate system has grown into such high favor. Once there was a universal feeling among the people of the State against the old rotten system which was extinguished by the Constitution of 1845.

Mr. Short.—Does the gentleman think that the probate system contemplated to be established now is any thing like the old system?

Mr. King.—It must be something like it or it would not be called by the same name.

Mr. Short.—I wish it to be distinctly understood

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that I have no desire to open that Pandora's box again. The system which I wish to establish is not at all similar to the old parish Judge system.

Mr. King.—I am happy to hear that the gentleman does not contemplate re-opening that Pandora's box, which was replete with so many evils and which has been so happily closed. It may be true that the gentleman does not advocate a system similar to the old one, but when I see it I shall be better able to form a judgment on that point. He proposes to give the Probate Judges $750 a year. Now, sir, I ask whether there is a respectable overseer in the country, or even a cook in the city of New Orleans who would be willing to give his services for such a paltry sum as that. Are we to suppose that for the miserable sum of $750 we can procure a man competent to fulfil the duties of the office, a man who must study a profession and be well versed in its principles—a man who holds in his hands the fortunes of the living and the dead? Can we, I ask, find such a man for such a sum? The Clerks of Courts now act well as conservative officers. They have not the power to decide but they have the power to conserve. This, with the power to the Judges—who under the system proposed by the Senator from West Feliciana (Mr. Wickliffe)—to try probate cases four times a year, is the best system yet proposed. It is more convenient, more economical, better adapted to the wants of the public, and does not involve a violent departure from established systems. For these reasons I hope it will receive the sanction of the Senate.

Mr. Short—I have a few words to say in reply to the gentleman who last addressed the Senate. Three Judicial systems have been brought forward. Out of these we are to choose the one which we suppose to be adapted to secure the sure and speedy administration of justice. Of course the advantages and disadvantages which attach to either system must be taken into consideration. The large districts will relieve the Judiciary from that contemptible character which, as some gentlemen think, would be given to it by judges who receive small salaries. It would be relieved from that burthen of contempt which has been thrown on it on that account. It has been said that, reduced salaries will reduce the respectability of the judges. According to this doctrine a man who holds office is respectable in proportion to the amount of money he receives. Now, sir, I had supposed that the test of respectability was the character of the man—that his fitness for the office he fills, and the ability with which he discharges its duties make him a respectable officer. But I shall use the gentleman's own argument in favor of the Eight District system. Under that system the judges will receive large salaries and will consequently, according to his idea, be infinitely more respectable than under a system of smaller districts and lower salaries. It is true that the districts will comprise a large extent of territory, and that the judges will have much labor to perform. One gentleman has made use of this fact as a pretext for appealing to the kindness of the Senate, and to all those tender feelings with which humanity is so deeply imbued. "Is there," he asked, "a man worthy to be called a man, who could so far forget his duties to his family as to absent himself from them for several months every year, while engaged in performing the duties of his office? Is there a man who would be willing to do this and to travel from point to point over bad roads and along swollen water-courses? So sir, it seems that dangers by land and dangers by sea, and the tender feeling of humanity stand in the way of the gentleman. But he should remember that if we adopt large districts we shall have respectable judges. It has been said that if you give large salaries you will have very respectable judges indeed. This will be the case under the Eight-District system, and consequently the gentleman's own argument is turned against himself.

But there is another reason in favor of this system. It will be found, practically, more economical than any other. Say that the Probate Judges, at the estimate of the gentleman from New Orleans, will receive $1,000 a year. This will amount to $47,000 for the whole State. Adding $28,000 for the salaries of the District Judges, you have a total of $75,000, for which you have a system of District Courts and a Probate Judge in each parish. But under the system proposed by the gentleman from East Baton Rouge (Mr. Lacey,) you will have a series of districts in which the respectability of the Judges will be destroyed, if the argument of the gentleman be correct, and this at an expense of $80,000. His system will have all the disadvantages of one of those proposed without the respectability of the other.

I come now to the Parish Judge system which has received so much reprobation. If gentlemen will look at the debates of the Convention of 1845 they will see the character of that system fully discussed. From those discussions gentlemen will see that they are greatly mistaken in their estimate of the character of the Probate system as proposed in one of the bills before the Senate. What does that system propose? It proposes nothing more than to give to certain Courts a distinct jurisdiction over a particular subject, imposing specific duties on the Judges, and to pay them salaries for fulfilling those duties. The great objection to the old Parish Judge system was that the Judges had so many opportunities of extortion by means of the manner of payment in fees. Does the gentleman understand that under the present Constitution Judges can receive nothing but their salaries? that they cannot go and get an order of sale as suggested by the gentleman? Does he think that can be done under the Constitution? The other objections to the Probate system are more imaginary than real. It has been said that there will be a conflict of jurisdiction. Whence will this be? What will be its duties? Why they will be so plain and simple that any lawyer will be able to tell whether his case comes within the jurisdiction of the Probate Court or not. But it is said that the Bar of New Orleans, with that concentrated wisdom which characterizes it, has determined against the Probate system. Well, what if it did? Are we to be governed entirely by the decision of the New Orleans bar?

They have put another provision in their bill to which I am entirely opposed. A citizen of Carroll may be sued in New Orleans, and yet not be able to plead against the jurisdiction of the Court. The only satisfaction they can get will be in not being compelled to pay costs.

Mr. King explained that such was not the object of the bill.

Mr. Short. I am not disposed to take for gospel everything that may be said even by the New Orleans bar, even though it be the centre of legal light and intelligence. I am in favor of the bill from the House. The districts formed by it are respectable—the salaries given by it are respectable—and consequently, on the theory advanced by some gentlemen, we shall have very respectable Judges. This would certainly obviate one of the great objections which have been advanced.

Again, sir, when there is a Judge in each parish exercising a continual supervision over persons acting in a trust capacity—having a constant eye upon them, always ready to grant rules and orders of Court—the great object of obtaining a speedy settlement of estates, is obtained. The gentlemen who have spoken on the other side of this question seem to have a great contempt for a salary of $1000 a year.

It appears from the remarks of one of them (Mr. King) that a cook or a scullion in the city of New Orleans may easily be elevated in the scale of respectability over a Probate Judge A steward on board a steamboat, receiving $1500 a year, would be more respectable by 50 per cent. Now, sir, I say that a suitable person to fill the office of Probate Judge, can be obtained for a thousand dollars a year. Even for $700 a competent man can be found—because at the same time he may practise in the District Courts. Is this liable to the objection made by the Senator from East Baton Rouge, (Mr. Lacey)? As long as no question of jurisdiction can arise, there can be no danger. What are the duties of a Probate Judge? He is simply to decide on the relations of others as administrators, curators, &c Is there any one so obtuse as not to be able to understand when a person is acting for himself, or for others? The objection on account of the difference of jurisdiction is entirely obviated when the powers of the Probate Court are confined entirely to persons acting in a trust capacity.

With these remarks I leave the subject.

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TUESDAY, March 15, 1853.

CHARITABLE INSTITUTIONS.

The majority and minority reports of the committee on Charitable Institutions, were read.

The bill to permit the pledging of growing crops, was taken up.

Mr. Mouton. I object to the bill if the planter by pledging his crop, will have the right to place it beyond the reach of certain judgment creditors, and prevent its seizure after it is gathered.

Mr. Kittridge. If a judgment already exists, of course it will take precedence.

Mr. Short. I do not wish to enter into a discussion on this bill, but I desire to render it as harmless as it can be made, and capable of effecting as much good as possible. I shall therefore offer an amendment to secure the rights of previous judgment creditors, mortgages, and vendors.

Mr Kittridge accepted the amendment.

Mr. Mouton. The amendment seems to obviate the difficulty, although in fact it does not. There are many planters in the State whose whole property is covered by mortgages, and there is nothing left to the judgment creditor to seize, but the crops. The bill allows the planter to pledge this to the merchant and thus takes it entirely out of the hands of the judgment creditors. I shall vote against the bill.

On motion of Mr. King, the bill was recommitted.

ORDER OF THE DAY—THE JUDICIARY.

The substitute for the House bill was taken up.

Mr. Kenner. There is much to be said on each side of this question. For myself, I consider the objections urged against the probate system by the gentleman from East Baton Rouge, [Mr. Lacey] to be valid. They certainly had great weight in my mind. Nevertheless, I think the bill proposed by him, divides the State into too many districts. As a compromise therefore, I move to strike out from the substitute of the Senator from West Feliciana, [Mr Wickliffe,] the number 16 and insert 20. If this be agreed to, I shall move to refer the bill to a committee with instructions to district the State.

Mr. Rivers. I have no intention of discussing this subject, but I must say that in spite of the elaborate arguments which have been adduced against the large district system, I am not prepared to oppose it. I think it the best system yet proposed. From the action of the other House, from the opinions of persons from all parts of the State who know more of what is wanted than the Senate does, I have reason to believe it is decidedly the most popular. Taking these things into consideration, gentlemen from the city should pay some attention to these things as expressions of the popular will. In order to obtain a test vote, I move to lay the substitute on the table

Mr. Wickliffe. I do not believe the large district system can pass, nor do I believe that the one which proposes twenty-eight districts can be successful. I am clearly of opinion, that nothing but the present system can be adopted. If we adopt the twenty districts, as proposed by the gentleman from Ascension, [Mr. Kenner,] I feel constrained to believe that it will meet with a severe and obstinate resistance in the other House. The question has been thoroughly tested there, and argument exhausted on it. Nothing else than the bill which passed, came near meeting the sense of the House, except something similar to the substitute. The fight is now between the large district and the present system. If we adopt the 20 districts, what will be the result?

The bill will go back to the House, and there it will meet with a determined resistance. A contest will be excited which may be continued for 20 days, and thus the business of legislation, already protracted quite long enough, be again delayed for the length of time. I know that there are innumerable objections to the twenty-eight, and also the large districts—such objections as cannot be overcome.

The motion to lay the substitute on the table was lost.

The motion of Mr. Kenner to strike out 16 and insert 20, was then in order.

Mr. Wickliffe. I object, as I have before stated, to this motion. The only effect of it, if adopted, will be to renew in the other House, a fruitless strife on a question which has already been thoroughly discussed, and decided in favor of the large districts. In my section there is no complaint against the present system. Some gentlemen say that the people want probate courts. There is no such desire entertained in my section. I believe that sixteen judges are enough to do all the legal business of Louisiana with ease.

The motion to strike out 16 and insert 20, was carried. The bill was then referred to select committee with instructions to report a bill districting the State.

INTERNAL IMPROVEMENTS.

The Internal Improvement bill was taken up.

Mr. Short. I rise for the purpose of making an explanation. The Committee on Lands and Levees did not agree on any particular plan. There were two propositions before the Committee—one was the bill from the lower House; and the other, the same bill corrected in accordance with the suggestions of two members of the Committee. Both were submitted and made the special order for to-day. The bill from the lower House will be first in order. If the Senate cannot agree on that, I shall move to take up the bill which I reported on behalf of two members of the committee.

Mr. Kenner As I am a member of the Committee on Lands and Levees; and, as there may be some misapprehension in regard to my course, I think it incumbent on me to say something by way of explanation. When the subject was under consideration in committee, I deemed it necessary to make a motion which I thought met with unanimous consent, though it appears that it was not approved by two of the members. The bill before the Senate is the more important one of the two, because if, in adopting it, we commit an error, we shall never be able to retrace our steps.

The grant which has been made to the State by Congress is of the most beneficent character, and, if rightly administered, will contribute to our prosperity in an eminent degree. A young man left in possession of an immense estate which he squanders in a prodigal manner, may, after passing through many trials, and learning the bitter lessons of experience, recover his lost fortunes. But, if we lose this domain, which has been conferred upon us by the munificence of Congress, we can never regain it. We should, therefore, act with extreme care in the administration of it.

There are two prominent features in this bill—leveeing and draining. My motion was to strike out the word 'draining.' I will briefly express my reasons for doing so:

To enable gentlemen to form some idea of the expense of the system, it is only necessary to make a short and easy calculation. To planters it is a very important subject, and demands the most careful attention. It has been my lot, in the course of my life, to have something to do with draining. I will premise that planters are in the habit of making ditches, either by means of employing their own slaves, or hired labor. The contracts for ditching last year, averaged a dollar per cubic foot, for ditches an acre long. This is the basis of all contracts of that kind. A ditch a foot wide and five feet deep, costs $5 an acre, and the labor is generally performed by Irishmen who are hired for the purpose. Now take this statement as a basis of calculation—and it is reasonable to suppose it is a fair one, since it is important to make the contracts as low as possible—reflect that every ditch a foot wide and five feet deep costs five dollars an acre; then consider how many it would take to drain an acre of swamp land, and you may be able to form an estimate of the cost of draining the whole of them. If you want to obtain information on the subject, you must ask practical men—men who have experience—not those who tell you that the swamp lands can be drained for less than ten dollars an acre. Those who say so, would be considered insane by any one possessing a practical knowledge of the subject. But suppose ten dollars per acre to be the cost. Well, you have ten million acres of swamp lands, which, at ten dollars an acre, would amount to the handsome sum of one hundred millions of dollars! I ask, in all seriousness, are you prepared to vote for a provision which will entail upon the State an expense of at least one hundred million of dollars.

Gentlemen stand here and draw elegant fancy

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sketches for us—tell us how fine it would be to drain the swamp lands—what immense advantages would be derived from it—but that is not the question. We want to know what will be the cost, before we enter into any such magnificent scheme, however grand it may sound to the ear.

My experience, and that of others here, convince me that it is impossible to drain the swamp lands without the aid of machinery. One class have a natural slope, and may perhaps be drained at an expense of ten dollars per acre. Others, which may be denominated the swamps proper, present a dead level, and cannot be drained without having recourse to machinery. All the swamps proper are at least as low as the level of tide water. When a strong easterly wind prevails, all on this side of the river are inundated. In order to drain them effectively, you must have steam engines—engineers to direct, mechanics to attend, and fuel to supply them. You must have men to cut wood and to transport it to the place where it is to be used. Can you imagine whither you would be led—into what an abyss of expense you would be precipitated—by adopting such a system as this?—Are you prepared to vote for a bill which goes to such an extent as this?

Can you wonder that in the committee I moved to strike out drainage whenever it occurs in the bill?

But it may be said that the words of the grant make it imperative on us to do this, since the law of Congress says that the lands are donated to the State for the purposes of leveeing and draining. No gentleman, however, will say that because these lands are granted to us for leveeing and draining therefore we are bound to go to work and drain. But we will no doubt be told that unless we do so we will incur a great expense for nothing, and that our labors will be useless. If that position be taken I will refer to the words of the law itself. The law says "leveeing and draining." We must therefore make our levees first. If we levee the Mississippi, and keep the water out, we will have accomplished enough to entitle us to the donation. Then, if there be anything left, we can go to work and drain. What we want is to keep the river out. If we succeed in doing that, we will have effected wonders.

There is still another objection to this bill. In my opinion it has a surplus of machinery. It not only provides for three engineers, but it also makes room for various other officers, so that it will be nothing but a jail for a swarm of office seekers, and a resting place for a multitude of office holders. First you have three engineers, whose combined salaries will amount to $4,500 per annum; three engineers at $3,000 per annum each, and a Secretary at $500 per annum. Thus you have $14,000 a year as the expenses for the principal officers of the Board. Another section of the bill—the 13th—makes it the duty of the Commissioners to appoint an Inspector in each levee ward. I am opposed to this, sir. The law at present places the protection of all the Parishes along the river in the hands of those to whom it ought to be confided—it places the safety of the river Parishes in the keeping of those living immediately in the rear of the levees, and who are most directly interested in attending to them. But, as I have said, this bill provides for an Inspector in each levee ward, to be appointed by the Commissioner of the District. According to this there would be 120 levee Inspectors. What are you going to allow them for their services? You know how liberal we are when we draw upon the public treasury—you know how carelessly we pay out money that does not belong to us. You know how we pay all our officers here. Is it too much then to say that each Inspector will receive $100 per annum? If so you have $12,000 more to be added to the $14,000. Thus you have your machinery stated at an expense of $26,000. Now all these things hang together, and are dependent, the one on the other. If you get rid of drainage you get rid of many of the office holders. If you confine yourselves to levees, you avoid much of the expense which otherwise you would have to encounter.

There are some other serious defects, which I shall not advert to at present. I intend to point them out when other sections of the bill come under consideration. In making these remarks I have endeavored to be plain and practical. I have not tried to be eloquent. I have made use of facts and figures instead of flowers of rhetoric. I have shown what will be the effect of this bill as it now stands, and I think I can show that, under its operation, every dollar which would arise from the sale of swamp lands in thirty years will be pledged in six months from the date of the passage of the bill.

There is still another feature of this bill to which I shall refer. The bill provides that contracts shall be made for carrying its provisions into effect. That warrants shall be issued for the payment of the contractors, and when these warrants are presented to the Auditor, if he cannot pay them, he is to write across the face, "payment refused for want of funds," and from that time they are to draw eight per cent. interest per annum.

This is the best investment that can be made. No Shylock, no sharper in the city of New Orleans could ask better security. Therefore, look well before you leap, for if you leap without knowing where you are going, you will go to the bottom forever.

Mr. Rivers—As the gentleman has referred to what took place in the committee when this bill was under consideration, I will state the facts of the case in order to set myself right. I concurred in striking out drainage from the bill because I thought it would be absurd to try to drain the low swamps and inundated lands. I did not then see the extent of money which would necessarily be expended, nor did I regard the machinery offices and office-holders provided for. As District No. 3, in which I reside, is so situated as not to require drainage, I did not think it ought to be incorporated, though I was willing to accede to it if my district be protected, and receive her portion. If this provision be adopted, and my district, where no drains are necessary, permitted to have her share, I am perfectly willing to let gentlemen make what experiment they please, provided they do not do anything to startle us all from our propriety

Mr. Short—I agree with the gentleman from Ascension, (Mr. Kenner,) that the subject of draining is one of the most important that can come before the Legislature. I am, however, sorry to see an evident indisposition evinced, to use these lands for the purposes for which they were granted to the State by the Federal Government. If the gentleman will send me from his desk a copy of the law I will show him that the language of the grant corresponds exactly with the ideas of the bill. I am sorry to hear opinions expressed which are similar to those avowed a few years ago in regard to the swamp lands. I have myself heard gentlemen of intelligence say that, if the State were to take the lands and pay the expense of surveying them she would be rendered bankrupt by it.

Mr. Kenner—Does the gentleman suppose that I entertain such an opinion?

Mr. Short—No, sir, even he does not pretend to think so now, though he tells us that they could not be reclaimed except at an expense of sixty million dollars. I do not suppose that even the gentleman who attempted to beat Mr. Harmanson for Congress, by the avowal of that doctrine, would stick to it now.—What are the terms of the grant by which the swamp lands are donated to the State? When the terms of the grant make it a trust fund, do not its directions furnish a rule by which the fund is to be administered? For what purpose then, I repeat, were these lands donated to the State? Evidently, if the words of the law are to have any authority, in order to aid in the construction of the necessary drains and levees. What is the first step towards effecting this object? Why, after we have constructed a levee in order to exclude the waters, we must next see where we can cut a ditch for the purpose of relieving the lands in the rear from the water which would otherwise remain upon them. Does the gentleman suppose that any engineer who might be worthy of the name would think of making a ditch under water? Why the operation of draining would never be commenced till the water has been excluded from without. In addition to this, imaginary objections to the bill have been presented. At the last session of the Legislature a bill was brought forward contemplating a most magnificent enterprise. Unfortunately, the term engine was used in the bill, and consequently it blew up. From the fact that this term was used, thousands of bales of cotton have been destroyed this year by over-

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flow. Even now while we are here discussing the subject, a levee may give way and let the devastating waters through upon the unfortunate planters.

Gentlemen are alarmed at imaginary difficulties. The Senator from Ascension says it would cost sixty million dollars to cut these drains. Has it been ascertained that the amount would be so great if the river be first kept out by building levees? That must be tried first; but are you therefore going to exclude the ultimate operations of the system?—Why, suppose a man commences to build a house. Of course it is necessary to put a roof on it.

But the roof would cost a great deal, and consequently he refuses to finish the house because it would cost too much to cover it. What would you think of a man who should act in such a manner as that? Now, sir, what is the position of the Senator? He must admit that no ditch can be available unless the water is first kept out by means of a levee. The gentleman has said that all Lower Louisiana is on a level with the ocean.

Mr. Kenner. The gentleman is mistaken. I did not say so.

Mr. Short. Why, sir, he said that the winds blow the waters upon the low lands and keep them in a state of inundation. But without going farther I will say that for the reasons I have stated, I am opposed to striking out "drainage," because it would defeat the object of the bill. In regard to the Commissioners I suppose sensible men will be appointed by the Governor—men who can tell whether the land is covered with water or not, and who will keep the water out before they attempt to wade in and cut the ditch.

The object of the bill before the Senate is to carry out the purposes of the grant made to the State by Congress.

Another objection has been made to the bill. The Senator says there is no limit to the amount of warrants which will be issued under the bill. Is there no limit? The warrants never can be issued till the work for which they are issued has been performed according to contract. Suppose a large amount of work be done before the expiration of a year. Can any Senator object to that? Now, while we pay so much attention to foreign affairs, while every dispatch from abroad is listened to with breathless interest, do you think the people are going to pay any attention to the imaginary objections to this bill which may be presented here? No sir.

Mr. McCay moved to lay the motion of Mr. Kenner, to strike out drainage, on the table —The motion was lost.

Mr. Short. I repeat that I am in favor of religiously carrying out the objects of the grant, and the duty of doing so is imposed on us by the Constitution. I am in favor of passing such a bill as will come within the terms of the grant. Let it be a sensible bill and it will be relieved from all the imaginary difficulties which have been presented.

Mr. Boatner. I think the Legislature will be transcending its powers in passing this bill. We find in the Constitution certain provisions which we are bound to observe. One article says there shall be a Board of Public Works, and that it shall be composed of four members. That is far above anything that we can do here. The framers of the act before the Senate disregard the mandates of the constitution, since they provide for only three Commissioners. The Constitution says that the districts shall be constructed with references to an equality of voters in them. This also has been disregarded by the act. The Constitution says that the Commissioners shall be elected. The bill gives the appointment to the Governor, and takes away the right of election from the people. Here is another conflict. I ask whether we have the right to give those appointments to the Governor, with the Constitution staring us directly in the face. I consider the bill plainly unconstitutional. Until we repeal those articles of the Constitution we have no right to do what we propose to do. It do esappear to me that till those articles are disposed of by a vote of three fifths of the Legislature, we cannnot establish a distinct Board of Public Works. I may be wrong, but until the conviction be forced from my mind, shall vote against the bill from the title to the last word.

Mr. Kenner.—There is certainly much force in the objection of the gentleman. But he should consider that the Committee agreed, that when the Board contemplated by the Constitution is organised, it shall succeed to all the powers and duties of the Board to be established by this bill. It was known that the season of high water was upon us, that the levees were in danger, and it was absolutely necessary to do something.

I wish to say a word about the construction which the gentleman from Madison (Mr. Short) has placed on the law of Congress. Not a word was said in committee about this construction of the law. The law was read but no such suggestion was made When the motion to strike out was made not a word about the construction placed on the law by the gentleman, was said.

Mr. Short.—I shall say but a few words more. I have urged action on this subject. Various projects have been submitted. Mr. Ranney's bill was subject to the objection of containing a provision for engines which so much alarm some gentlemen. I wish to have definite views on any system that I advocate, but do not consider myself particularly wedded to any particular system. I am willing to adopt any improvement that may be suggested. I do not wish to erect any Procustean bed in order to stretch out or cut off other systems. Nevertheless, the fact strikes me that the proposition of the Senator from Ascension (Mr. Kenner) would be a departure from the intention of the grant.

I am sorry that the gentleman from Caldwell (Mr. Boatner) has constitutional objections to this bill. There were, in my own mind, insuperable objections to the abolition of the Board of Public Works at this time. But they do not apply to this bill. Levees have never been considered public works—they have always been made by private enterprise, and the burthen of constructing them thrown on the front proprietors. The object of the bill is to construct levees immediately where private capital is inadequate.

I think that will relieve the bill from the constitutional objections urged against it. I think the gentleman will come in and stand side by side with us in supporting it. He is much interested in its success. He represents the rear which will be inundated if those in front give way.

I would say this to relieve the Senator from his awkward predicament—You wish to cut off from us the power of doing what every planter does when he builds a levee. When he does so he digs a ditch to let off the accumulated water. Yet, so anxious is the gentleman to get rid of drainage that he absolutely wishes to prevent those who build levees from cutting the necessary draining ditches.

Mr. King.—We have an important duty to perform in this matter. As a pure question of law we are bound to carry out the intention of the grant, which was made for two purposes—leveeing and draining. The Constitution says that the fund shall not be diverted from these purposes. Suppose we appropriate the whole fund to the building of levees, would not that be a violation of the law and the Constitution?

After a few more remarks the vote was taken, and the motion to strike out the words "and drainage," was carried.

WEDNESDAY, March 16, 1853.

Mr. King offered the report of the special committee to which had been referred the subject of dividing the State into judicial districts.

THE SWAMP LAND BILL.

A reconsideration of the vote by which the words, "and drainage," were yesterday stricken out of the swamp land bill, was moved.

Mr. Short. I shall endeavor, Mr. President, to give a statement of the reasons which influence me in seconding the motion to reconsider. They are found in the acts of Congress donating the swamp lands to the State, and necessarily arise from a correct construction of those acts. The acts of Congress are one of the grounds of reconsideration, if we intend to carry out the intention of Congress.

I understand the real construction to be placed on all grants. Where they are made for certain specific purposes, and where the grantee is clothed with pow-

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ers to carry out the purpose, a law should be passed to carry out the grant in accordance with its plain meaning. The first question that arises is: What was the intention of Congress in making this grant.

The first section of the law of Congress reads thus:

"Be it enacted, &c., That to aid the State of Louisiana in constructing the necessary levees and drains, to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands which may be or are fund unfit for cultivation, shall be, and the same are hereby, granted to that State."

That is plain and easily to be understood. But in order to make the point still more apparent and emphatic, I will read the following provision contained in the second section of the same act:

"*Provided, however*, That the proceeds of said lands shall be applied exclusively, as far as necessary, to the construction of the levees and drains aforesaid."

The next point is this: whether the State would be carrying into effect the terms of the grant—and in the terms we must seek the intention—by passing an act confining the proceeds of the swamp lands to the building of levees. Every one that knows the nature of the swamp lands knows that the object of building levees is to keep out the water and prevent the land from being overflowed. This is the experience of every man acquainted with the country. It has been required as far back as the times of O'Reilly and other Spanish Governors The very terms of the grants to the early settlers of the country were that the front proprietors should construct a mound or levee of sufficient height to exclude the water. After the levees are built, and the outer waters excluded, if the owner discover that by digging a ditch, other lands could be relieved fromthe superincumbent waters, as a sensible man and a planter, knowing his own interests, he would naturally have the ditch made for the purpose of bringing land into cultivation which would otherwise remain unproductive. That is the meaning of drainage, and I do not see that there is anything so appalling in it. But some gentlemen have imagined that it includes a large engine and an expensive machinery, and they have been terrified by the thought.—But appeal to those Senators who have the interests of the State at heart, to those who live in the alluvial districts, and are, consequently, directly interested in this subject. I appeal to them to turn their attention to this measure, to examine it carefully to ascertain what is the intention of the grant, to observe what duties devolve upon them in order to carry out faithfully the spirit of the act of Congress. It is admitted on both sides that this is a most important bill I call on the democrats to say whether they are going to take the responsibility of its defeat? Are the whigs going to do it? I hope not. I hope that both are animated by too strong a sense of duty and too high a conviction of right, to permit the interests of the State to be sacrificed. I expect to see them joining forces and putting their shoulders to the wheel together. I hope they will bury all ideas of political advantage in a common grave, that all partisan feelings will be discarded at once, so that it cannot be said that either party made use of so delicate and important a subject, for the purpose of gaining electioneering capital. They should be animated by higher and nobler motives than this. Does the country demand a bill of this kind? It certainly does. There is no doubt in the mind of any reasonable man that a levee system of some kind is necessary to meet our wants — For more than half century, or since 1770, levees have been built in this State. In 1807, the territorial legislature, for the first time, required the building of levees. To this day, levees have never been a State work: they have never even been considered a part of our internal improvements. Yet, what is so obviously the very first towards making the country inhabitable—what comes more decidedly within the meaning of "internal improvements?" Why, Louisiana has never taken the first step towards reclaiming the 18,000 square miles of alluvial lands which exist within her limits, while, at the same time, the whole burthen is thrown on the front proprietors, and only 1500 miles are in a state of cultivation. To what is this owing? It is owing to our imperfect levee system, under which the whole burthen of constructing and maintaining the levees is thrown on the front proprietors. As to those cases where the onus is thrown on the front proprietors, by the terms of the grant under which they hold their lands, there may be justice in the State requiring the terms of the grant to be carried out when other parties would be affected by non-compliance. But in North Louisiana there are no grants, where the burthen is thrown on the front proprietors. The titles are generally derived from the General Government, and are free from any kind of servitude. The acts of the Legislature, alone, have created such an obligation, and been enforced in such a manner, that men have actually been sold out of house and home; while others, raising a bale of cotton to the acre, have been untaxed, and not compelled to pay a cent. All that we now ask, is the sympathy of you gentlemen who live in high places, and are exempt from the perils of inundation.

All that we ask is, that although nature has placed you in an elevated position, you will give your assistance in enabling us to carry out the terms of this grant. This is all that we seek from those over whom the turbid waves of the Mississippi never rise. Is it an exorbitant demand, or an unreasonable expectation? I think we cannot ask less. If it is not unreasonable, we have a right to expect that those who are never troubled by these awful crevasses, will stand side by side with us in the adoption of such a system as will meet our wants. What is it that we seek? It is only to put into practical operation, the system recommended by the Committee on Lands and Levees, who say, that the building of levees is the first step towards carrying out the objects of the grant. There would be no necessity—in fact, it would be absolutely impossible to dig a ditch to carry off water, when it is not ascertained that the exterior waters have first been excluded.

But after levees have been constructed at important points, under the direction of skilful engineers, these ditches ought to be cut to relieve the rear lands from the water which would otherwise rest upon them. Thus, it will be seen, that our object is to make the bill correspond with the terms of the grant. In the next place, we wish to present such a bill as will meet the wants of the State. If we only go half way—if we only build levees, we will violate the very terms of the grant, and tie the hands of every person employed in doing the very thing contemplated by the act of Congress. Many persons who are not acquainted with the subject, may be startled by the terrific statements of the immense expense which it is said will be involved in the carrying into effect of this system.

It appears, by some process of calculation made yesterday, that the cost of draining 6,000,000 acres of land would be $60,000,000, or $10 per acre. When the water from without is excluded, and 10 and 20 acres relieved, there are some points where the building of a levee—to say nothing of the digging a ditch—will operate so as to bring thirty or forty or even a hundred additional acres into a cultivable state. But say, that by expending two, three, or even four bitts per foot in ditching, you can reclaim thirty or forty, or even a hundred acres more, are you going to refuse to ditch, on the hypothesis of the awful expense which might grow out of machinery, steam works and engineers?

One section of the bill says emphatically, that nothing but the swamp land fund shall be pledged for the expenses of the system. I hope that will relieve gentlemen of all apprehensions of running the State into debt. Many gentlemen are startled at the possibility of a large debt being contracted. Does not the bill provide, that no debt shall be contracted till work to an equivalent amount is done? Are gentlemen alarmed at this? It is supposed, that private capital to the amount of $5,000,000 has already been expended in works of this kind. Does not this operate as a tax? Here you have seven million acres to be reclaimed, which will be made infinitely more valuable, and, in that ratio, add to the wealth of the State, and stimulate its productive industry.

You are now about starting on a new system. This bill is the first step. Do you hesitate—do you falter—do you doubt at the very threshold? You have a giant work before you. This bill, though it may be imperfect, provides, in a measure, for effecting it. If it be a giant work, it renders the energy of a giant necessary. But, at the outset, do you want to

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shackle us, and prevent us from completing the labor before us. I hope that there will be no disposition of this sort. The country proclaims that we must commence this work—that we must use the fund for the purpose for which it is given. Let us, as in the play, screw our courage to the sticking point, and we shall not fail.

Mr. Lacey. I shall beg the permission of the Senate to explain my reasons for voting for the reconsideration of the vote by which the words "and drainage" were yesterday stricken out from the bill. The section provides for dividing the State into leveeing and draining districts; and I can see no reason why this should not be done, having reserved to myself, when I voted, the right of changing my views.

Mr. Kenner. I do not understand the gentleman from East Baton Rouge. I thought he voted to strike out, because he was opposed to incorporating drainage in the bill. If he has changed his mind on that point, he is perfectly right in advocating the reconsideration; but if he has not, I do not comprehend his position.

Mr. Lacey. No change has taken place in my mind on the subject. I am opposed to entering on a system of artificial drainage, though I am in favor of national drainage. But I am not opposed to dividing the State into levee and draining districts, as provided by the bill. I am, therefore, willing to go, with others, for the reconsideration.

Mr. Kenner. The gentleman from Madison (Mr. Short) has taken a very ingenious position. He wishes to present us as being opposed to leveeing as well as draining. He appeals to democrats to stand by him in support of his favorite measure, hoping to carry it through by rallying them to his assistance; and he asks if the whigs are willing to take the responsibility of defeating the bill. We are not opposed to leveeing, sir. The gentleman shall not place us in that position. We are in favor of leveeing, but we are not in favor of leveeing and draining. I moved to strike drainage from the bill, so as to confine its operations to leveeing alone.

The remarks of the gentleman apply to leveeing exclusively, yet he says he is in favor of draining also. I beg the gentleman therefore, when he addresses the Senate, not to represent us in a false light. I hope other gentlemen will not yield with the facility which characterizes the gentleman from East Baton Rouge, (Mr. Lacey,) but that they will stand to the position they have assumed.

Mr. King. I do not understand the first section of the bill to make separate levee and separate draining districts. I suppose that the levee and draining districts will be identical, so that there need be no extraordinary apprehensions about draining districts. I endeavored, yesterday, to point out how plain this question is.

The act of Congress says that the swamp lands are donated to the State for two purposes—for leveeing and draining. The moment we devote the fund to only one of those purposes, we violate the intention of the grant. If, in ordinary transactions between man and man, such an agreement should be entered into, any lawyer will tell you that both agreements must be executed. The Constitution says that the swamp land fund shall not be diverted from the purposes for which it was granted. How could language be plainer or simpler? Suppose we should strike out leveeing, and appropriate the whole fund to drainage. Would not this be a plain and direct violation of the law and the Constitution? Now, if we strike out drainage will it not be an equal violation? Will it not be an infraction of the Constitution? The opposition seems to arise from an idea that drainage is unnecessary, and that it will consume the whole fund. If gentlemen wish to indulge their fancy, and imagine the immense expense that is going to accrue from drainage, they may as well suppose that those who are to build the levees will squander the whole fund. They ought to offer a bill restricting the size of the levees, for fear that the Commissioners will abuse their trust. There would not be any sense in attempting to drain before we build levees. We might as well attempt to drain the Mississippi.

The motion to reconsider was carried.

Mr. Lacey offered a substitute for the bill. He said:

Mr. President:—When the bill before the Senate, relative to the leveeing and reclaiming of the swamp and overflowed lands, was first called up for consideration, I had intended to have introduced a substitute for such bill; circumstances, however, prevented me from bringing the substitute before the Senate at that time, and I now embrace the first opportunity which has presented itself for placing before your honorable body, not only the substitute, but the reasons which have influenced my mind to give it my support in preference to the original bill, coming, I think, from the lower House.

I desire, Mr. President, to state, in the outset of my argument, that I am not wedded to the bill which I have had the honor of bringing before the Senate, nor do I entertain such feelings of hostility to the bill from the house as to prevent me from lending it my support, should the Senate refuse to adopt the plan proposed by me. It has its objections, great, almost insurmountable objections; and if these objections cannot apply to my bill, entitled "An act to create an internal improvement department of the State," would it not be well to adopt the latter?

I am aware, Mr. President, that the act to which I have referred contemplates the abolition of the Board of Public Works, created by the Constitution; but under the views which I entertain relative to the power of the Legislature upon that subject, the effect of my bill upon the Board of Public Works presents no difficulty to me. I have heretofore expressed my opinion to this honorable body relative to the Constitutional right of the Legislature to abolish the Board of Public Works, and I intend on the present occasion to do nothing more than refer to the views upon that subject as then expressed by me.

Upon referring to article 130 of the Constitution, it will be apparent that the Board of Public Works, (which it is contended must be established before it can be destroyed,) is created by the organic law. The words, "there shall be a Board of Public Works," brings it into existence; life is given to it by the organic law, and it needs but to look to legislative action as the source of its vitality. Are not the Legislative Department, the Executive Department, the Judiciary Department, and the Superintendent of Public Education, all creatures of the Constitution? Most clearly they are; and yet they are created by provisions, or rather by words, almost identical with those applied in article 130 of the Constitution, to the Board of Public Works.

This view is greatly strengthened by the subsequent article of the Constitution; for in that article the framers of the organic law, clearly supposing that they had themselves created the Board—that its paternity was clearly fixed—proceed to provide the manner in which it was to be nurtured and cared for. They draw a distinction between the Board and the persons filling the Board; between the soul, if I may so express myself, and the body—and having themselves made the Board of Public Works, they direct the Legislature, at its first session after the adoption of the Constitution, to provide for the election and compensation of the Commissioners, and the organization of the Board. Who will contend that the creation and organization of the Board are the same? I trust no one in this honorable body.

It seems to me, then, Mr. President, that the Board of Public Works is already in existence, that it has been created by the Constitution; and being created, the General Assembly has the power, by a vote of three-fifths of the members elected to each House, to abolish said Board whenever, in their opinion, a Board of Public Works shall no longer be necessary. Such are the plain and unambiguous terms of article 134 of the Constitution.

Let us then consider the Constitutional question which has been raised in this honorable body, as forming no obstacle towards adopting the bill which I have had the honor to submit; and let us pass on to ascertain, as far as we can ascertain, the relative merits of the two plans now before the Senate.

The first objection which I have to offer against the bill from the House, is that it is not proposed as a substitute for the Board of Public Works created by the Constitution. If I have understood aright the feeling of the Senate, it has expressed itself adverse to the Constitutional Board; it has acknowledged the impracticability of such Board, and has called for a

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substitute. I refer now to the action which was had upon the motion of the honorable Senator from New Orleans, (King,) who is Chairman of the Committee on Internal Improvements. The wish of the Senate, as I have already stated, has been for a substitute. The bill from the House does not offer itself as such, and consequently I must, for that reason, as well as others, object to its passage.

But I proceed to notice a more formidable obstacle which presents itself against the bill from the House. I allude to its impracticable nature. The entire control of the District is placed under the eye of a single Commissioner, and that Commissioner will look alone after the interests of his own District, regardless of the wants of the other Districts, or the interests of the State at large. The works of the several Districts will not in all probability combine, and we will find that when the waters of the upper District are thrown by its levees upon the lower District, the latter will not be prepared with its drains and canals to carry them off. The consequences will be serious, and can only be prevented by having the entire works carried on under one head.

Again, sir, the Engineer, whose supervisory eye is intended to stretch itself over the entire District committed to his charge, is to be chosen by the Commissioner of that District. He will consequently be under the influence and direction of such Commissioner, and, being under such influence and control, his knowledge and labor, instead of being bestowed upon the District at large, will be confined to that portion of it in which the Commissioner, who will himself be subjected to certain local influences, has a particular interest. And should the Engineer acquire a supremacy over the Commissioner, this fact will place matters in no better situation, and will only have the effect of throwing the interests of the State out of the gridiron into the fire; for in that event the Commissioner will be under the influence of his subordinate, and a system equally local and partial will be adopted.

It seems to me, Mr President, that the bill from the House is wholly impractica le in its nature; and not only impracticable, but it requires a heavy outlay to carry it into effect over the expenses attendant upon the act to create an Internal Department, which I have submitted to the Senate. It requires three Commissioners, at $1,500 each, - - $4,500
Three Engineers, whose salary, owing to the responsibility of the position, will exceed the salary given by U. S., - - - - 1,500
Secretary to the Board - - - - - 500
Contingent expenses of the Board, traveling, meeting, &c., - - - - - - - 1,000

An increased expense per annum, - $7,500

But, Sir, this is not the only data upon which I can rely, in order to establish the increased expense attending the House Bill, with its Board of Public Works, over the system now advocated by me.

"The amount expended by the Board of Public works for eight years, working on an average of 77 428-1000 negroes, and 2 714-1000 boats, was $364,917; or an annual average of $45,614 62. While the expense of the Engineer Department for 11 years, from 1842 to 1853, working on an average 91 545-1000 negroes, and 3 545-1000 boats, was $347,830 41—or a yearly expense of $31,620 94. The annual expense of the Board of Public Works, with 1 boat and 11 negroes less than the Engineer Department, exceeded the expense of the latter in the snug sum of $13,-993 68.

These figures show most clearly that the position which I have assumed is correct.

But I am not done with the bill from the House. There are other objections, which I wish, briefly, to lay before the Senate. It permits the appointment of an unlimited number of levee inspectors; an army of officers to eat up, with their salaries, the rich legacy bequeathed to the State by the exertions of the lamented Harmanson. The levee inspectors are invested with an unlimited power to prescribe the size and manner in which the levees are to be made; and thereby are enabled to tyrannize over the planter, and so to arrange their works, in the different portions of tee District, that the work may not combine. They are also permitted, at any time, to call out the slaves, regardless of the distance of the planter's residence from the place where those slaves are wanted—and this, too, without any compensation being allowed to the owner of the slaves, for the services of their property. The bill also provides thae the works allowed by such bill, should be given out to the lowest bidder, regardless of the capacity to perform the work—and leaves no discretion with those acting on the part of the State, to reject the proposal, or rather the bill, if the interests of the State could be advanced by such rejection. And, finally, it authorizes by its general terms any character or quantity of drainage, or miles of canal, may be made under the bill.

So much, Mr. President, for the bill which is so strenuously advocated by many of the Senators, and which brings to its support an outside pressure, which I have never seen exceeded in this or any other assembly.

But, I may be asked, in what respect is the act introduced by me superior to the one, the defects of which I have exhibited to the Senate? I reply, its advantages are numerous—and are not only numerous, but are susceptible of an easy demonstration. In the first place, it is not satisfied with the reclamation of the swamp and overflowed lands; but it makes provision for the selection and survey of these lands; and evinces a care and solicitude over the other, nay, over all, the public works of the State. These are not suffered to be forgotten. The Engineer Department is so to be arranged that all the public works—the cutting out of the Falls of Red River—the improvement of the Barataria and Lafourche Canal—the deepening of Red River at its mouth and other places—the improvement of the falls of Ouachita, and other improvements—will be cared for; and the interests of the State in any of the contemplated Railroad Companies, will be placed under the eye of a Department, ready to direct action, should action, in that respect, become necessary.

Another advantage of my bill is, that it places the reclamation of the swamp and overflowed lands in the hands of proper persons. Instead of committing these important works to the care and supervision of men who are liable to be acted upon by local or sectional feelings, it places them under the protection and oversight of an officer acting for the State at large—one who operates directly under the eye of the Executive; who can have the advice of the present Governor, who, by his eminent abilities as an engineer, is well qualified to suggest steps deeply important for the interests of the State; one who is educated for the duty; who possesses no feeling but to advance the general interests and the prosperity of Louisiana, and who is brought in direct connection with the Legislature, and as an unit, or head, is subjected to all the responsibility flowing from a bad or defective manner of carrying out the system of reclamation confided to his hands.

In addition to these advantages, section 25 of my substitute contains a very important provision, not found in the bill from the House, and without which no act, for the protection of lands liable to inundation, would be perfect. I allude to the provision for steam pile-boats, and their attendants. Sad experience has taught the people of Louisiana the foolishness of that policy which compels us to lie quietly upon our oars, until the threatened crevasse comes, with all its power and serious consequences, upon us. In the time of peace, we ought to be prepared for war; in the moment of security, wisdom teaches us to hold ourselves ready fo danger.

But, Mr. President, I would do great injustice to my bill did I not direct the attention of Senators to that feature of it relating to slave labor—a feature entirely wanting in the bill which has reached us from the lower House. My mind has arrived at the conclusion, at least with its present lights, that it would be better for the State to abandon, as far as it can be done, the system of white labor, and to resort to the purchase of slaves. We all know the uncertainty of the former, and the high prices which it often commands, and the fact, with a comparative estimate of the prices of each, clearly sustain me in the position which I have assumed, that the interest of the State lies in the employment of slave labor in preference to white labor.

I submit to the Senate an estimate of the cost of

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negroes as compared with free labor. 300 slaves will cost say $300,000.

Interest on $300,000 at 5 per cent	$15,000 00
6 Superintendents, at 1,000 each	6,000 00
Clothing and feeding 300 negroes for each year	16,300 00
Extra feeding superintendents	300 00
Loss of negroes by death, &c	15,000 00
Cost of one year's labor of 300 negroes	$52,860 00
300 White men at $30 per month	$108,000 00
Provisions	18,000 00
Six superintendents at $1000 each	6,000 00
	$132,000 00
The same number of negroes will perform 25 per cent. more labor than white men. Making a difference in this respect of $27,000 00.	
Difference in expense as above shown	$79 140 00
Difference in labor	27,000 00
Total difference	$106,140 00

It seems to me that I have clearly shown that the interest of the State lies in the purchase of slaves, and that the treasury of the State would be greatly benefitted by a loan in order to make such purchase.—If such be the case, who can fail to see the force and advantage of my bill in making provision for a loan, and its complete details relative to the work, clothing, subsistence, camping, &c., of the slaves? I much dislike the word "loan," but in this case, owing to the peculiar advantages flowing therefrom, and considering that the money to be borrowed is chargeable to the "swamp land fund," I do not hesitate to declare that it strengthens, not weakens, my bill. Let the swamp and overflowed lands be sold to an amount sufficient to pay the interest and to discharge ultimately the sum borrowed; let the amount be expended in the purchase of slaves, and let the labor of these slaves, under the control of the Engineer Department, be directed to the reclamation of the swamp and overflowed lands, and the day is not far distant when the low lands of Louisiana will spring forth and blossom as the rose.

One word more and I am done. I wish fully to impress upon the Senate the harmony which must take place under my bill. There will be but one head: sectional interest cannot exist; the works will combine; the several districts will move on together, and the great end which we all have in view, in advocating the several bills brought before the Senate, will soon be accomplished.

I have considered the matter before the Senate as one of deep and significant importance, upon which hangs the future prosperity of Louisiana, and this impression is my apology for consuming so much of the time of the Senate. Whatever may be done by your honorable body, I trust it may be well done, and that our action will bring to us no regrets in the future.

Mr. King then rose and said:

Mr. President: I rise to communicate to the Senate the melancholy intelligence of the decease of Isaac Johnson, formerly Governor of Louisiana, and late Attorney General of the State. The following telegraphic dispatch has just been received:

"Gov. Johnson died to-day."

The emotions produced in my breast by this sad and unexpected intelligence, are too profound for expression. In testimony of our regard for the eminent public services, and the ardent patriotism of the deceased, as well as our affectionate remembrance of his social virtues, I move that the Senate do now adjourn.

SATURDAY, March 5th.

Mr. Wickliffe introduced a bill to fix the number of Judges in the parish of Orleans at 5, and the salaries at $4000 per annum.

Mr. King—I think, sir, the bill is out of order. We have already adopted the 2d section of a bill which provides for six Courts. This bill is in manifest contravention of that section. If we go on in this way, we will never come to the end of the session. Gentlemen have tried all parliamentary methods to defeat the establishment of six Courts, but could not succeed in their object. They now draw up a bill by which they propose to gain the same object. I ask, sir, whether this proceeding is not out of order.

Mr. Wickliffe—My object, sir, in introducing this bill is to make the Judiciary more efficient—I did not offer it for the purpose of defeating the gentleman's bill.

After a few more remarks, the motion to suspend the rules was put and lost.

Mr. Short laid before the Senate, a memorial from citizens of Catahoula and and Carroll parishes, asking for a repeal of the law of 1852 on the subject of levee districts.

The objects of the petitioners were set forth in the memorial, and he did not want to consume the time of the Senate by stating them more fully. But as the doctrines and opinions of the memorialists were in conflict with his own, although his views had been fully endorsed by the people of that section—he wished to give all due respect and consideration to their statements and wishes. He therefore wished to have the memorial put on record in order to give him an opportunity of replying in such a manner as not to disturb the Senate.

Mr. Wickliffe moved that the Report be referred to a special committee composed of the delegations from the parishes named.

Mr. Boatner said that the citizens of Catahoula unanimously concurred with the citizens of Carroll in desiring a repeal of the law of 1852. A petition to that effect, signed by almost all the citizens of Catahoula, was in circulation, and one of the same kind was being circulated in Carroll parish. When these petitions should be presented there would be no difference of opinion as to the course to be pursued. He agreed with the Senator from West Feliciana (Mr. Wickliffe) as to the reference.

Mr. Short said that the citizens of Carroll were in favor of the law.

The petition alluded to by the gentleman was signed by only a small proportion of them—Catahoula is protected by law, and if it is now to be said that because we in front, are bound to protect ourselves, therefore you in the rear would refuse to contribute anything, he supposed we should have to submit.

Mr. Boatner replied that the citizens of Catahoula did not take any such view of the subject. They opposed the law because they thought it unjust and unequal in its operations.—Other parishes were more benefited than Catahoula by this law, and yet they were left out—The parishes of Concordia and Tensas, which were more liable to overflow, intervened, and yet they were not taxed at all.

The citizens of Catahoula were willing to pay a fair proportion, but they were not willing to pay more than was fair, particularly when Concordia and Tensas which were more protected, were not made to pay anything.

Mr. Rivers had listened with surprise to the statement of the gentleman, that Concordia and Tensas were more benefited than Catahoula, and yet were not taxed.—Why, those parishes had a levee fund of their own. They contribute largely to protect the parishes which the gentleman represents. It was but right then that the latter should pay a portion of the expenses.—Concordia is leveed all round, and its lands are taxed, on an average, 25 cents per acre. This was the reason that those parishes were not included in the levee district with Catahoula—otherwise they would like to be in it.

Mr. Boatner said that Catahoula also had a levee system of her own, and in a short time would be able to protect herself from inundation. He had said that she was willing to pay a fair proportion and he repeated it. But it could be seen by the map, that parishes which were as much injured as Catahoula, were left out of the district.

The memorial was finally referred to a special committee.

Mr. King called up the House bill authorizing the St. Charles Hotel Company to mortgage its property, for the purpose of raising money.

The bill was passed.

The bill to provide for the establishment of a Seminary of Learning in the parish of Rapides.

Mr. Burtho desired to have the bill postponed.

Mr Griffin was opposed to postponing the bill.

Mr. Hodge said that if gentlemen had read the official report of the debates on this bill in the other House, as published in the official journal—which

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report was very long—they would have discovered that great interest was taken in the subject there, and the reasons which actuated the House in its course. He had seen that a proposition was even made in the House, to establish this Seminary in the parish of Jefferson. He presumed that the object of the gentleman, [Mr. Burthe,] was to get this amendment before the Committee.

Mr. Burthe said that he had no such idea; but he must confess that he would prefer almost any location to that specified in the bill.

Mr. Wickliffe knew that the Senator from Jefferson, [Mr. McCay,] did not look with a favorable eye on this bill. He had said that he was willing to vote for locating the Seminary in his [Mr. Wickliffe's] parish, or in almost any other. He could see no reason why the bill should be postponed.

Mr. Burthe remarked that to carry out the provisions of the bill might involve a heavy expense.

Mr. Griffin denied that there would be any expense—Congress had already made an appropriation for it.

MONDAY, March 7, 1853.

Mr. Hodge introduced a bill to make judgments prescriptible at the end of ten years.

Mr. Hodge said:—The object of the bill is to make judgments prescriptible at the end of ten years, if not renewed by having them recorded again. All contracts are subject to prescription, and there is no good reason why judgments should not be subject to prescription, like any other evidence of debt. At all events, it is seldom that a judgment is executed after more than ten or fifteen years.

The object of this bill is to introduce into our law a provision similar to that of the common law, under which, unless revived by a writ of *scire facias*, judgment is prescribed. Under that law the defendant, at the end of a specified term of years, is summoned to show cause why the judgment should not be continued. If he do not show cause, the judgment is continued. If he neglect to do so, it is prescribed. The bill will not affect mortgages in the same manner as judgments—as had been suggested by gentlemen in the committee room. It is frequently the case that judgments are inscribed so as to operate as a general mortgage, and they are never erased. The mortgagors have them inscribed in such a manner, with a view that they may encumber their property so that their creditors cannot reach it. Under the bill, also, defendants will be made so cautious, that if they can possibly avoid it, they will not permit judgments to be renewed and run against them for ten years more.

It had been suggested, in opposition to the bill, that there would be great expense attendant on the revival of judgments in the manner contemplated. But this was fallacious. The only formality requisite, was a summons to the defendant to show cause why the judgment should not be continued. The judge then gives an order to revive the judgment, unless good cause is shown why he should not do so.

The last section of the bill is very necessary. It is to provide against such cases where our citizens may be harrassed by judgments from other States, which might follow them for fifty years.

Mr. McCay. How could the contemplated notice be served, when the defendant is removed from the jurisdiction of the Court. The citation, in such a case, could not be served, and there would then be no possibility of reviving the judgment.

Mr. Hodge. I have no objection to amending the bill so as to make it more effective. If the party to be summoned is in the State, a personal notice can be served—if out of the State, a notice on the property. But I apprehend there would be little interest in receiving a judgment here if the party had left the State, as it would be better to follow him to the place whither he had gone.

The bill was passed.

Mr. Martin called up the bill reducing the prices of advertising succession sales to the same rate as allowed for Sheriff's sales, and providing that in parishes where more than one newspaper is published, the advertising shall be given to the lowest bidder.

Mr. Martin explained the object of the bill to be to place all advertisements on the same footing. At present, sales ordered by Courts are paid for more than double the rates paid for Sheriff's sales. He wished also, in parishes where more than one newspaper was published, to compel the Sheriff to advertise for proposals, and let out the judicial advertisements to the lowest bidder. He was satisfied that competition would be to the advantage of all parties.

At present, printers were paid entirely too much for their services.

The bill was laid over under the rule.

UESDAY, March 8, 1853.

Mr. Martin remarked that some days since he had introduced a resolution instructing the Judiciary Committee to frame a bill to carry into effect that article of the Constitution which prohibits the holding of more than one State office by one person. The Committee had preferred that he should draw up the bill himself, which he had done, and submitted it to several members of the committee, by whom it had been approved. He accordingly introduced the bill.

Mr. Wickliffe—I should like to have some information on this subject. I wish to know whether auctioneers are considered as State officers.

Mr. Martin—they clearly are State officers; they are authorized to be licensed by law, and hold commissions from the Governor. For them to hold any other office, is a cumulation in the hands of one person, in violation of the provisions of the Constitution.

Mr. Wickliffe—There are many parishes in the State where the profits of auctioneers do not amount to more than $100 a year. It is therefore a great convenience to permit clerks of courts to act as auctioneers. This, sir, is a subject of great importance, and before I vote for the bill, I should like to have more information in regard to it.

Mr. Martin—I hope the gentleman will not insist on his objections to the bill. Its object is simply to carry out the provisions of the constitution, and to prevent that cumulation of offices in the hands of one person, which is so distinctly prohibited. I wish to prevent clerks of courts from acting as auctioneers, thus being enabled to control judicial sales.

Mr. Short—I understand the object of the bill to be to prevent clerks of court from entering an order of sale, and the stepping in and acting as auctioneer.

Mr. Wickliffe—Well, sir, I can say that we never had occasion to complain of such a proceeding in my parish. Perhaps, it may be owing to the fact that we have one of the best clerks in the State; but certainly we have no reason to find any such cause of complaint as is indicated by the gentleman from Assumption.

Mr. Field—I would vote for the bill with great pleasure if that clause be left out which affects auctioneers. There are many country parishes where the auctioneer, whose emoluments in some cases are very small, are in the habit of holding some little office by the aid of which they are enabled to support themselves. I do not wish to take this privilege from them. I am under the impression that licensed auctioneers cannot be considered State officers.

The substitute for the bill authorising courts to issue writs of mandamus against police juries, was taken up.

Mr. Hodge said, when the original bill, for which the bill before the Senate is a substitute, was before the committee, I had thought that the principle by which debtors were compelled to disclose their liabilities was true of corporations, as well as of individuals. On reflection, however, since the report of the committee was made, I have come to the conclusion that such a course would not be politic at this time.

The bill provides that the creditors of parishes may obtain judgment against them, when a special tax shall be levied to pay the judgment in a year. Now, sir, it is well known that many parishes in this State are largely indebted, and have issued script to a considerable amount. This was done when money was at a very high rate, and some parishes have thus become indebted to the amount of some twenty-five or thirty thousand dollars. The effect of the bill would be to distress these parishes very much. These circumstances did not occur to my mind at the time the bill passed the committee, and consequently I was induced to give it my assent without much reflection.

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It might happen that an individual having claims against a parish, would enter suit and be enabled by the power which the bill gives, to stop the wheels of government in our municipal corporations. It may be said that there is no difference in effect between these, and ordinary cases of debt. They have contracted an obligation and have a duty to perform—all this I acknowledge. But, look for a moment, at the history of the circumstances under which these debts were contracted. The scrip was issued at a time when the parishes were largely in debt, and in an almost desperate financial condition, so that they had to issue scrip to a much greater amount than their real indebtedness. Such I acknowledge was the case in my own parish, and I have no doubt it was so in others. It would, in my opinion, be highly dangerous and inexpedient to grant to creditors of parishes the powers and privileges contemplated in the bill.

Mr. Wickliffe. I am glad to hear the expression of such opinions from the Senator from Caddo. For one Sir, under no circumstances, can I be induced to vote for the bill. I agree with the gentleman as to its inexpediency, and I know parishes on which its effect would be ruinous. I shall certainly vote against it whenever I have an opportunity.

Mr. Short. The Senator might easily have the bill amended in such a way as to relieve it of the objectionable features to which he has referred. He should consider how much easier it is to pull down than to set up. The objection of the Senator from Caddo is, that if a judgment is obtained against a parish, it would then be compelled to levy a tax and would be put to serious inconvenience if the amount could not be raised; and moreover it would be unjust since on account of the depreciation of their scrip they would have to pay more than had been received for it. Now, the very object of the bill is to remedy this, and prevent parishes from getting so deep in debt that they cannot get out. It seems to me that when a parish is so imprudent as to involve itself in debt to such a great extent that it cannot provide any means of paying, it must be a very imprudent parish indeed. A parish which would do that ought to have a curator appointed. A man who should act in such a way would render himself liable to serious imputations on his understanding.

Mr. Hodge. When the State at the commencement of the session went in debt a hundred thousand dollars, you did not say that a curator ought to be appointed for her.

Mr. Short. I have no objection to a person running in debt when he has property sufficient to meet his indebtedness, when his property is not below par, and is redeemable in specie. But the object of the bill is similar to compelling an imprudent to do what a prudent man ought to do.

At present, when police juries find that a large debt is to be provided for, when the bills are presented, when they see that taxation must be resorted to—and taxation is generally impopular, whether in large or small districts, they manage to avoid the responsibility and go out leaving the debt to be provided for by their successors. Now, if the gentleman is in favor of compelling parishes to pay their debts, let him bring forward some plan to effect the object. If he is against it, I do not think that he acts the part of a wise and prudent Senator.

Simply to say that this bill is not good, and to oppose it without providing some other machinery to effect the object, is not a proper way to proceed. But what other way is there? The machinery provided by the bill is the lowest known to the law. When all steps have been taken by the creditor, without avail, what is to be done? Why, merely a mandamus is to be issued and a tax levied by the parishes to meet their liabilities. Here is a simple remedy. When the parishes know that, on a writ, *nulla bona* is returned, that then a tax must be levied, they will be very cautious about running in debt. They will be prevented from being so improvident that they run in debt till their scrip is worth only four bitts on the dollar, and they are then afraid of any measure being taken to make their paper worth par.

Mr. Hodge. The argument of the gentleman is very good so far as it affects transactions which may hereafter be made by corporations, but it would be unwise to make the bill operate on those already consumated. It would be as unwise to tell an individual when a judgment is served on him, that he should not eat until it was paid. My parish owes a larger amount than it can pay in twelve months by taxation. The consequence, under this bill, would be to stop all the wheels of local government. It would be extremely unjust to give the bill a retroactive effect, because the liabilities of the parishes were not contracted under a state of things giving any such power to creditors. The argument of the gentleman concerning the improvidence of the parishes, does not prove that it would be just to empower speculators to bind them down, and subject them to all the evils which would result from stopping their corporate proceedings. I know that in my own parish speculators could get judgments and embarrass the authorities to a serious extent by demanding payment of twenty-five or thirty thousand dollars in twelve months. The liabilities were not contracted with a view to payment in so short a time, and it would not be just to give such a great privilege to this class of creditors. It is a greater privilege than is enjoyed by the creditors of the State or any others, and we might just as well say the State should pay in twelve months, or the wheels of government be stopped. These parties became creditors with reference to the laws as they existed at the time, and we ought not to give them any greater powers.

The bill was finally deferred.

The bill authorizing the Pontchartrain Railroad Company to extend its road to Mobile, was then taken up and passed.

The bill granting payment to Mr. Hord for certain implements procured by him when making Raccourci Cut-Off, was taken up.

Mr. Wickliffe explained the object of the bill, and said the claim was a just one, and would have passed the last Legislature had the session been long enough.

Mr. Kenner remarked that Mr. Hord had already received an extra appropriation of ten or twelve thousand dollars, which was to be taken in lieu of all claims against the State.

Mr. Kenner, I am certain that at least $8000 was given, for I contended against it myself, though without success.

Mr. McCay read from the journals of last year showing that an appropriation of $6000 had been made.

Mr. Wickliffe. That was only what he was entitled to by his contract. Mr. Hord had told him that he had never received a cent more than his contract entitled him to. However, he was willing that the subject should lie over for information.

Mr. Mouton wished the bill to lie over. If he found that the claimant had already received $8000, he was not disposed to vote him a single cent more.

Mr. Wickliffe remarked that the only question was whether Mr. Hord had actually furnished these implements to the State.

Mr. Millard said that the Committee on Claims had been assured that this sum had never been included in any previous bill.

Mr. Kenner. I do not wish, sir, to be placed in the position of voting against a just claim, but I think this is the state of the case—if the articles were really furnished, the State Engineer has power to pay for them out of the contingent fund. The gentleman says that the State Engineer, Col. Williams, has died. But his successor is liable just as much. Why, then, did gentlemen not go to the proper authority? Instead of this he waits five or six years, and then he comes to the Legislature and annoys it with a claim for a debt which it never incurred.

I remember now distinctly, that Mr. Hord did receive extra compensation from the last Legislature. The bill was taken in charge by Maunsel White, who said that the contractor was entitled to extra compensation because the work had been so rapidly and well done.

After some further debate, the bill was deferred.

Mr. Rivers introduced a resolution appropriating $300 to the purchase of miscellaneous books, papers and tracts for the convicts in the Penitentiary.

Mr. Martin. This suggestion, Mr. President, was made by Col. Fluker and the Board of Administrators of the Penitentiary. The same suggestion, espe-

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cially in regard to newspapers, was made by one of the committee. As to tracts, I must say that when young I read a great many of them, and I don't think morals were at all improved in consequence. I cannot believe that lies ought to be propagated under the color of religion, any more than in any other way.

Mr. Mouton moved to lay the resolution on the table. He had visited the Penitentiary and made careful observrtions of the manner in which it was conducted. He had found a bible in every cell, and he thought that was enough. The financial condition of the State was such as not to justify the expense contemplated by the resolution.

Mr. Kenner said that in all other States objects of this kind were effected by private contribution. If the association which had pressed this matter is anxious to carry the thing through, it ought to follow the plan adopted at the North. The object was a good and laudable one, and he had no objection to it; all he objected to was, that the gentleman named in the resolution—with whom he was personally acquainted, and for whom he entertained high respect—should come here and ask that aid which he ought to seek elsewhere.

Mr. Rivers. The Senator is mistaken. This gentleman does not ask the appropriation. It was recommended by a joint committee of both Houses.

Mr. Kenner. I thought the request was made by him, from the fact that his name is mentioned.

Mr. Rivers. His name is mentioned because he is Chaplain of the Penitentiary, and has to be present when the books and papers are distributed.

Mr. Kenner. Well, I shall vote against the bill. I do not think the State ought to pay everybody for the dissemination of sectional views.

Mr. Mouton. I think it hardly right that when we are so kind as to pay for the board and lodging of these people, we should be called on to pay for their reading also.

Mr. Rivers. Would the gentleman like to take board and lodging on the same terms?

Mr. Mouton. I will answer the gentleman's question in the Yankee fashion—by asking another:—Would he like to be bored in the same way, if this reading were furnished to him?

Mr. McCay. Gentlemen seem to be mistaken in regard to this matter. There is nothing of a sectarian nature in the bill. Its object is simply to purchase miscellaneous works and newspapers, for the use of the prisoners The appropriation ought to be made. It is very small—a mere trifle—and its loss would scarcely be felt by us. To give it for this object, would manifest a proper spirit on the part of the State. It would show a desire to alleviate the condition of these people. I repeat, there is nothing sectarian in the bill. I can find nothing of that kind in it.

Now, sir, we all know that the mere physical restraint to which a prisoner is subjected, is no punishment. It is the confinement of the mind that is intolerable—and we might, without inconsistency, do something to relieve them in this way.

Mr. Todd. I am entirely opposed to the bill, and I disagree with the Senator who has last spoken. One of the objects of punishment is the reformation of the criminal; and that is to be obtained through the medium of religious instruction. But the religious information ought to be furnished by associations, and not by the State. Another object is the punishment of the criminal, so as to deter others from the commission of crime. The Senator has justly observed that the most intolerable confinement is that of the mind; and the punishment, in order to be efficacious, ought to be as severe as possible. It would be wrong to moderate it, because thereby the effect would be diminished. Therefore we ought not to furnish the prisoners with miscellaneous reading, because that would lighten the punishment.

Mr. Short.—It is generally agreed by philanthropists, that in the treatment of criminals, punishment and reformation ought to go together. At the same time I do not wish to interfere with the objects of those charitable and humane institutions which have been established all over the country, and which send tracks and religious works to the heathen in all parts of the world. I therefore wish to act on the principle that charity begins at home, though I do not by any means say that it ought to end there. Nevertheless, as I said before, I do not wish to interfere with the operations of those charitable institutions to which I have alluded.

Mr. Rivers.—I am surprised at the opposition which has been manifested to this bill. Its object is to purchase and furnish books to the prisoners for the purpose of improving their minds, and preparing them for the time when they shall be again thrown on society. I am astonished at the doctrine of the Senator from Morehouse, (Mr. Todd) that because we punish a man we should not do any thing to lighten the punishment. They are prisoners of the State, they receive no sympathy from their countrymen, nor aught they to have any, but we subject them to a very severe discipline; we take their labor, and ought we to refuse this little kindness which will only involve an expenditure of $300? The object of punishment is the reformation of the criminal and our duty to the State demands that we should prepare our prisoners for a better course of life when they are released. We should therefore do everything in our power to remove the deleterious effects of the influence to which they have previously been exposed.

Mr. Mouton offered a resolution to the effect that every Senator should appropriate two days' pay to the objects specified in the bill.

Mr. Griffin should like to vote for the resolution, but he thought it would be unconstitutional.

Mr. Mouton.—The gentleman seems to think that it is constitutional to vote away the money of the State, though unconstitutional to vote away his own. I would willingly give two day's pay of my own, but I cannot be willing to give away the money of the State. If we wish to be charitable, let us be so with our own money, and not with that of the State.

Mr. Rivers.—I am not of a parsimonious disposition, but I do think there is so much of Buncombe in the resolution as to make it unworthy of the Senator who offered it. If he is disposed to give two days' pay let him do it; but the resolution was evidently offered to defeat the objects of the bill.

After a few more remarks from other Senators the bill was laid on the table.

MONDAY, March 31st.

Mr. Mouton rose to a question of privilege. He said:

I rise, Mr. President, to a question of privilege. A resolution, coming from the House of Representatives, passed the Senate a few days since, authorizing the two Committees on Contingent Expenses to pay Mr. Theodore Moise for his services as special messenger during the sickness of Gov. Hebert—leaving it to said committees to fix the amount he was to receive.

At the time, Mr. President, I thought—and I think now—that we were adopting a wrong mode of legislation. In my opinion, no committee ought to be permitted to decide on the amount to be paid to any one for services rendered to the State. A bill making the appropriation ought to be presented, in order that those who pay the taxes might know what disposition is made of the public money. And I regret very much, that when this resolution came up, I did not then make my objections to it; but if I have not done so, it was owing to my want of experience in such matters. I did not know but what this was the customary way of doing similar things.

Pursuant to the resolution above referred to, the Committee on Contingent Expenses met with the committee of the other House, and it was then agreed, by a majority of said committees, that the sum of $500 should be allowed Mr. Theodore Moise, for his services as special messenger during the sickness of Gov. Hebert. I thought, Mr. President, that this sum was a liberal remuneration for the 88 days that Mr. Moise had been employed as special messenger. Subsequently, however, the committees met again—and after having reconsidered their action on this matter, they allowed Mr. Moise an additional sum of $250! Although I had been informed that it was the intention of the committees to reconsider their action on this claim, not having been notified of the time when they met for that purpose, I was not present at its deliberations. I will therefore ask the Senate to

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permit me to state, in a few words, my reasons for not concurring with the committees, in order to place myself right on record.

Mr. Theodore Moise held the appointment of special messenger during 38 days. I think that the sum of seven hundred and fifty dollars, allowed to him, is more than a reasonable remuneration for his services We are dealing too liberally with the public moneys—and I intend to protest against all legislation of this kind; and as long as I shall have the honor of being a member of the Committee on Contingent Expenses, I do not want my silence to be construed as an approbation of any such legislation. I think that the principle is wrong, and thinking so, I deem it my duty to say so.

It is certainly not my intention to attach the least blame to the other members of the committee. It is a mere difference of opinion between us as to the value of the services rendered by Mr. Moise They thought them worth $750; I think it entirely too much. And when we know that the District Attorney of the 15th Judicial District—who has to travel over that extensive District to discharge the duties of his office—gets only $600 per year, we cannot, it seems to me, but admit that we have rather been very liberal towards Mr. Moise. Now, so far as I am acquainted with Mr. Molee, I can say that he is a gentleman for whom I entertain the best wishes; and I am persuaded that nothing in relation to my course on this occasion, will be understood as made in a spirit of opposition to him. I was informed that he has already received his $750—I therefore know that it is now beyond the power of the Senate to do any thing further with this matter; but as I do not approve of the mode by which the sum was appropriated out of the contingent funds, I owe it to myself to place my reasons on record, in order to disconnect me with any legislatiotion of the kind.

Mr. Wickliffe--I regret that the gentleman has tho't proper to bring forward this subject to-day, inasmuch as the members of the Committee on Contingent Expenses who had agreed to the sum stated by the gentleman, are both absent, and consequently have no opportunity of defending themselves from the charges brought against them. As President, pro tem. of the Senate, a warrant was presented to me which I signed cheerfully, because I thought it no more than a just and proper compensation for the services rendered. I can see no impropriety in the course which has been taken in this case. If we can give $750 by a bill, we can give it by a joint resolution. I do not look upon the matter in so abhorrent a light as the gentleman does. We should remember that the gentlemen of the committee are not here to defend their action, or to state the reasons which influenced them. He says that he does not wish to cast any censure upon them, but certainly such is the import of his remarks. However the gentleman may have intended his remarks, they have the effect of a direct censure on the committee.

When a special messenger is appointed, it is not the custom to restrict his compensation to the mere expenses which he has paid out of his pocket. When the people look on the list of taxes imposed upon them, and the expenses incurred by this Legislature, they will not feel unwilling to pay this sum particularly when they are made acquainted with the fact that the expenses of inaugurating Governor Hebert were $1000 less than those incurred at the inauguration of any previous Executive.

Mr. Mouton—I shall only say a few words more. If I had been notified of the meeting of the committee, I should have presented a minority report. But as I have not had an opportunity of doing so, I consider it my duty to present my views to the Senate now. As I have said, gentlemen may differ in regard to the services performed, and the amount of compensation which may reasonably be demanded and given. But what I complain of, is the manner in which the thing was done. It is this novel, and as I consider it, this reprehensible method of legislation which I attack. The way to make appropriations is by bill, so that the matter may be fully and fairly discussed by the Senate. The committees ought not to be permitted to make any appropriation out of the contingent fund. These are my reasons for bringing up the subject today. I do so because I think the system wrong in itself, and productive of evil effects, and when I think anything is wrong I will say so.

Mr. Lacoste—When the whigs were in power we said that they were guilty of outrageous extravagance. Now we are going even farther than they did. I hope gentlemen will try and put some water in their wine.

THE JUDICIARY.

Mr. Hodge—I consider it due to my constituents, sir, that I express my views on the subject of the organization of the Judiciary. As I was not present when this question was up before, I will state that after reflection bestowed on the question, and in accordance with what I believe to be the views of the people of North Louisiana, I shall support the large district system. I have been in favor of the establishment of Probate Courts, which system naturally infers large districts. I have not heard the reasons urged in the Senate *pro* or *con*. but I have read the debates in the other House, and I think they warrant the conclusion to which I have come, that the country wants Probate Courts. After an examination of the debates in the Convention of 1845, a period at which the Parish Judge system had become so odious that its abolition was the result, I find the only sound objection urged against that system was that the Judges, in many instances, were in the habit of exacting more fees than they were entitled to. If they did not do so a strong suspicion existed in the public mind that such was the case. From an examination of the debates, I have been unable to find any valid reasons given against the Probate Courts. So far as the despatch of business was concerned, I saw enough to prove to my mind that under that system business was dispatched with more facility than under the present. The fact is evident that the people of the State desire a change. No one pretends to say that the present system gives satisfaction. Every body knows that the people imperiously demand a change. What, sir, is the case in my section of country? In most parishes only two courts a year are held; consequently the judicial business cannot be fully dispatched. I knew before I came here, and since being here I have received letters from reliable sources to the same effect, that in the city also there is a necessity and a desire for the establishment of a Probate Court. In the country where, under the present system, the Courts sit only two or three times a year, where they have to attend to all kinds of business—criminal, commercial and probate—it is almost impossible to settle succession cases with that certainty and dispatch which the public interests require. It is known that sometimes successions languish for years because the Courts have no time to compel curators and administrators to render an account of the trusts confided to them.

The expense entailed by the various systems is a subject for our consideration. We must give to each District Judge a salary of at least $2000. With nine Judges we can have Probate Courts, and it will cost nothing more. I say again that from an examination of the debates of 1845 the only cause for abolishing the Parish Judge system, was that some of the Judges were in the habit of taking more fees than they were entitled to. But the present Constitution says that no fees shall be taken by Judges. This is a clear expression that the people desire Probate Courts, for who ever heard of paying fees to a District Judge? I did not come here so much for the purpose of representing my own opinions as those of my constituents. Do you not see in the Constitution an evident desire and intention to guard against the evils which proved the downfall of the Parish Judge system?

In regard to this subject, the experience of other States ought to have some weight with us. In almost all of them they have Probate Courts in order to attend to succession business. In Mississippi, the Probate Courts sit every month. They discharge their business satisfactorily to the people and the District Courts operate with equal success.

I agree with the framers of the Constitution in opposition to the payment of fees to judges. The proper course is to give moderate salaries, yet sufficiently large to command the requisite talent and capacity for the bench. Thus we would keep at an equal distance between niggardly economy and prodigal extravagance. We ought of course to offer such salaries

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as will make competent men willing to accept the ermine. But I am opposed to the system of making give the probate judges $2000 each per annum. I beoffices a desideratum on account of the salaries alone. I will answer the objection made in the other House, that probate judges must be learned in the law. If we take the right course the objection will be found to be groundless. I would modify our laws in regard to successions in such a manner that the parish judge should be an administrative officer Then there will be no necessity for selecting a lawyer. A planter, without any knowledge of the law, but having an average amount of intellectual capacity, will be perfectly competent to perform the duties of a probate judge.—It has been said, in the other House, that we must lieve that the requisite talent and ability can be procured for $1000. But to give $2000 would be a fatal act. Immense salaries like these would make the offices objects for the scheming of unprincipled men, who would look not so much to the honor as to the profit of the place. When pecuniary profit, instead of honorable position, becomes the object of ambition, the dignity of office is gone forever. In the wealthiest counties of Mississippi the probate judges do not receive more than $600 per annum. They are elected, not only because they are gentlemen of talent and integrity, but because they have the good fortune to be at the head of a numerous family. We see, then, that in the wealthiest counties of a neighboring State, not sixty miles from this capital, the probate judges can live on $600 a year. Are we to be told that only those who go to the bench from our court rooms and cities are capable of understanding the laws, and that the country people cannot comprehend them? If this be so, the laws need reform. I believe that in my own parish I could find at least fifty men competent to perform the duties of probate judge, who would be willing to accept the office for $1000. They may not be able to tell the meaning of all the technical terms, but they will understand the point of any case presented. I think we should expel from our law books the jargon which now defaces them, and have them written in good plain English. In my parish $1500 per annum are expended for clerk's fees, taking inventories, &c. All this would be saved by probate judges. You know the expense of taking inventories and other acts of a similar nature. When a notary takes an inventory he generally trumpsup a bill of a hundred dollars. Why cannot the probate judge perform the service just as well?—Why cannot he give an order of sale which is now done by the clerk, who makes out a bill as long as the moral law? In my own parish enough would be saved in this way to pay the salary of the probate judge

In the bill which I introduced, it was left to the parishes—that is to say, to the police juries—to fix the salaries of the probate judges. But it has been said that many of the police juries would not give enough, and they have been talked about till one might begin to believe them a parcel of Hottentots.—Now, sir, although I do not belong to that party whose peculiar vocation it is to boast of their love for the dear people, I nevertheless think that the people of Louisiana are competent to manage their own affairs. Let us leave to the people, or to the police juries, which are the representatives of the people, the compensation of the probate judges, and they will give ample salaries, because they will not be willing to see their servants labor without reward. I suggested also that the clerks of the probate courts might act as parish recorders, in which case their fees could be reduced to one-half or one-fourth of what is now paid to clerks of the district courts.

I believe that the principal objection to parish judges was that they were paid by fees, and were sometimes incompetent to discharge the duties of their office. But, in the progress of the age, acting upon our more advanced ideas, we have given the election of judges to the people. If this be a correct system, we have no reason to fear incompetency on the part of a judge, because we have no right to distrust the capacity of the people to select their own judicial officers.

In examining this subject we shall find that where one Court combines jurisdiction in criminal, succession, and commercial cases, its action can scarcely be equable and harmonious. We cannot reasonably expect to find one gentleman who concentrates in himself pre-eminent or equal ability in all these various branches of the law. It may be said of one, that he is a good commercial lawyer, of another that he is extremely successful in succession cases, of a third that he stands high as a civilian. Why is this? Simply because it is the interests of a lawyer to study carefully one particular branch of his profession. If we create the office of Probate Judge, it will excite a desire for legal knowledge among our planting community, to such an extent that they will be enabled to discharge the duties of that important station.

Mr. Wickliffe I do not intend to say much, but I desire to say a few words about the calculation of the gentleman in reference to the relative expenses of the various systems. He has said that the probate system will be cheaper. Let us see if this be correct. With nine districts, giving the judges $3000 each, the amount will be $27,000; add to this, the salaries of the 47 probate judges at $1000, and you have a larger sum than is required under any other system.

Mr. Hodge. I should have said that, under the system proposed by me, the probate judges will be paid out of the Parish Treasuries.

Mr. Wickliffe. It makes no difference whether the salaries be paid out of the parish treasuries or not—the expense will be the same to the people wherever the salaries come from. The gentleman complains of the small number of terms of court a year, under the present system. What can be easier than for us to pass a law compelling judges to hold six or eight terms a year. The gentleman refers to Mississippi as a conclusive example of the successful results of his system. That is not an analogous case. In Mississippi, they have not the intricate and complex system which prevails in Louisiana, and consequently it is easier ot procure competent men at small salaries. For my part, I have not seen any evidence of that desire in the public mind for a change in the present judiciary system which some gentlemen say exists. The present system is cheaper than any other yet proposed. The sense of the Senate—and the Senate represents the voice of the people—is in favor of economy. If we apply this test we find that the House system involves an expense of $78,000, and the present system of only $51,000, making a difference of $27,000.

Mr. Short—When this question came up before I endeavored to show that with a Probate Judge in each parish, although nominally the expenses. Would be greater, yet in fact, it would be less than under the present system where the clerks receive such enormous fees I am still in favor of the large districts. All the news that I receive from my constituents in Madison and Carroll confirm me in that opinion. So far from not being able to find candidates for the Probate Court, I can say that already three have presented their names in Carroll parish. What was the cost of the old parish judge system? It was $160,000 at the lowest estimate. It was not only expensive but there were other objections. Where a judge combined various different duties, where he was the head of the Police Jury, and had almost everything in the parish under his control, abuses were naturally to be expected. These were the objections to the parish judge system. It was expensive and badly administered. Yet we make no call on the Senate to bolster up even that system. The simple change making the judges elective instead of appointive would rectify many of the abuses of the system. My wish is to place a probate Court in every parish, and to have large districts for the transaction of general business.

Mr. Todd—I concur in much that has been said in regard to the inconvenience of the present system for the transaction of succession business. I came here prepared to vote for the probate system, but when I took the increased expense into consideration I changed my views. I shall vote to retain the present system. I believe that we can make alterations and modifications that will rid us of many of its evils.—We have already made a great improvement by giving clerks the power to issue orders, &c., in case of the absence of the Judge in another parish. I anticipate great difficulty from that clause of the Constitution which the gentleman from Caddo approves so highly, that by which judges are prevented from receiving fees. I disagree with him in regard to the necessity of making all payments by means of fixed salaries.—Were it not for this we could establish a cheaper and

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more efficacious Probate system than is possible now, because we might make the Probrte Judge act as his own clerk and as recorder of mortgages. The gentleman says that the salaries may be paid from the parish treasuries. This seems to me to be a very objectionable proposition. The Judiciary is a co-ordinate branch of the State Government, and I do not wish to place it under the power of the parish authorities, which it would be were the police jury to have control of the salaries of the judges. In many parishes competent men could not be found to fill the place.—Other parishes are largely in debt and could not pay adequate salaries. If the Probate system is to be established I shall go for the largest number of districts that has been proposed in order to decrease the expenses; and a law should be passed compelling the judges to hold four terms a year.

Mr. Short. The only objection to that is, that four terms have been tried and abandoned.

Mr. Hodge said a few words in reply.

The motion to reconsider was lost, and the bill finally passed.

Mr. King moved to take up the City Judiciary Bill.

Mr King. I move to amend by providing that all Succession cases be opened to the Second Court.

Perhaps one of the most difficult questions known to the law, is a Succession case. Under the old Probate system, many inconveniences arose from the separate jurisdiction of the Courts. It was frequently difficult for the best lawyers to decide whether a suit should be brought in the Probate Court, or in one of ordinary jurisdiction. If they happened to make an error, it was fatal to the cause. This was productive of delay and confusion in the administration of justice. I wish to avoid this breaker, on which so many suits have been wrecked, and so many rights destroyed. I think my amendment will secure the object.

The amendment was adopted.

After some further discussion, the bill passed.

TUESDAY, March 22d, 1853.

After the reading of the Journal Mr. King rose and said—

Mr. President:

In presenting the report of the committee appointed to attend the funeral ceremonies of the late Isaac Johnson, it is perhaps expected that I should accompany it with some remarks upon the life, character and public services of the deceased.

Isaac Johnson was born in the parish of West Feliciana, in the year 1805. His father, John H. Johnson, was one of the leaders in the revolution which overthrew the Spanish dominion in what are now called the Florida Parishes.

His education, though limited to such rudiments of the classics and other branches as were taught at that early day in the parish in which he lived, was by no means circumscribed. His mind was well stored with the ideas and sentiments of the fathers of English literature.

He was admitted to the bar shortly after his majority. His success in his profession was instantaneous—and perhaps has had no parallel in the history of the Louisiana Bar. At the time of his elevation to the bench of the District Court, which occurred a few years after his admission to the bar, he had a docket of two hundred and twenty cases.

He continued to preside over the District Court, and over the Court of Appeals in criminal cases—with the exception of a short intermission when appointed Secretary of State by Gov. Mouton—until his elevation to the Chief Magistracy of the State.

On the expiration of his term of office as Governor, he was appointed Attorney General of the State by Governor Walker—which position he filled until the going into effect of the new Constitution; at which time, and until his decease, he was a prominent candidate before the people for a seat on the bench of the Supreme Court of the State.

As a Judge, though not particularly distinguished for the profundity of his legal learning, no man, perhaps, ever sat upon the bench, whose decisions gave more universal satisfaction. With a moral sensibility keenly susceptible, he knew well how to "temper justice with mercy."

As a Chief Magistrate he exhibited, in a remarkable degree, the high qualities of the patriot and the statesman. To him was assigned the difficult task of organizing the State Government under the Constitution of 1845. This he performed with signal ability, and greatly distinguished himself by his patriotic and efficient services during the Mexican war.

The greater portion of his life was devoted to the public service; and although cut off at that period when men ordinarily begin to mount the ladder of ambition, he had already filled many exalted stations. From his wide-spread popularity, it is not unreasonable to infer that he would have been called to other and higher honors, had health and length of years been allotted to him.

But it is not alone in the public services of Isaac Johnson, distinguished as they were, that we are to look for the sources of the devotion of his countrymen. They must be sought in the natural elements of his character; in the sincerity of his patriotism; in the purity and benevolence of his heart; and in the fervency of his domestic and social attachments.

As a public man, the ends at which he aimed were emphatically his country's, his God's, and Truth.

Endowed by nature with a poetic sensibility and sympathy for all the sufferings to which humanity is heir, he bestowed his favors with so lavish a hand as to keep him, through life, involved in pecuniary embarrassments.

Those alone who knew him intimately, can speak of the strength and kindness of his social attachments. In their hearts will his memory be ever enshrined.

Friendships he had many—enmities none. His life was a beautiful example of the truth, that "To err, is human; to forgive, divine."

When stung—as oft he was—by the sense of ingratitude—that sting "how sharper than a serpent's tooth"—the patience and meekness with which he forbore and forgave, were of no earthly origin.

Could his revilers thus have looked into his heart, how pointedly would their malevolence have been rebuked, their hostility disarmed!

Blessed by nature with a singularly graceful and commanding person, united to a chivalrous bearing, his form was a fit mansion for his many noble qualities:—

> "A combination and a form indeed.
> Where every god did seem to set his seal,
> To give the world assurance of a man!"

That god-like form, and that noble heart, now lie buried in the bosom of his native Louisiana—that Louisiana he so dearly loved. Never will her sod cover a more devoted breast!

That tongue whose accents were ever blessings—that ear which was never deaf to the voice of distress, or the supplications of mercy—that hand ever open to the calls of charity—are now no more forever!

His fame, and the memory of his many virtues, are all that is left to us. May we long preserve the one, and ever cherish the other!

To his widowed wife and afflicted family, May God give strength to bear up under this their heavy calamity; and may they find, in a Nation's sympathy, a solace for their grief!

Mr. Kenner. I beg leave, sir, without previous notice, to introduce a bill which, the Senate will agree with me, is of some importance. It is well known that during the early part of the session $50,000 were appropriated to pay the expenses of the General Assembly. It is now my painful duty to announce the demise of this $50,000. With the most profound regret I announce that it is all gone. The fact was yesterday communicated to me by a member of the lower House, who seemed to be laboring under great excitement in consequence. He asked me to have the bill taken up yesterday, but I was unable to do it then for want of a quorum. It appears that many members and officers are waiting for their *per diem*, and they seem to be laboring under much distress, as visions of an exhausted treasury appear to their mind. I have now a bill to appropriate $75,000 more, and I wish to have it taken up immediately, in order to alleviate the deep distress which exists.

The bill was taken up and passed.

ORDER OF THE DAY—THE INTERNAL IMPROVEMENT BILL.

Mr. Lacey's substitute for the bill establishing a Board of Internal Improvements was taken up.

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Mr. Nicholls. I move to postpone the bill on account of the absence of the gentleman by whom it was introduced. Moreover, I see around me a beggarly account of empty benches. But a bare majority of the Senate is present. If we take a vote now, we come to a result in direct opposition to the will of the people. The *dictum* of ten Senators might fasten upon the State a system ruinous to its interests and prosperity. When no injury can result from the postponement, when by delaying action a short time we may come to a better decision, our duty to the people and courtesy to a brother Senator, demand that we should do it.

Mr. Wickliffe. I am as much disposed to act with courtesy as any member on this floor; but I am not, therefore, in favor of a postponement. We have now been in session almost two months, and have not yet nearly concluded our important business. It was the duty of the gentleman who offered the substitute to be in his place to-day, as he was present when the motion to lay on the table was made. The democratic party is in a majority and must bear the responsibility of any action of the Legislature. The bill, for which this is a substitute, has been before the Senate for two or three weeks, and it is time for us to do something in reference it. I confess that I am in favor of the bill from the lower House, and shall do what I can to assist it in passing. The exigencies of the times demand it. I hope, Mr. President, that the substitute will not be postponed.

Mr. Derbes. I cannot see any good reason for postponement, inasmuch as I hold in my hand a note from the gentleman alluded to, which states that, owing to illness in his family, he will not be here for two or three days. I think, also, that we should act on this subject immediately. We have been here two months, and yet have done nothing on this most important subject. We ought to act to-day, as the Senator from East Baton Rouge (Mr. Lacey) will not be here either to-day or to-morrow.

The motion to postpone was withdrawn and the substitute taken up, and then laid on the table.

The original bill was then taken up section by section.

Mr. Hodge. I shall state my objections to adopting the first section of this bill. However necessary the other sections may be, this one is certainly unnecessary, as its object is fully provided for by the Constitution itself. I am unwilling by any vote of mine, directly or indirectly, to contravene the Constitution of the State, and I believe we would be violating not only its spirit but its letter, by doing what the Constitution has already provided for. The people intended to legislate in the Constitution itself, and have pointed out how the Board—a Board the same as that contemplated by the bill—shall be formed. The Constitution provides that the State shall be divided into certain districts, and that a commissioner shall be elected by each—three commissioners to compose the Board of Internal Improvements. Their duties are precisely the same as the duties of the commissioners under this bill, and the character of the Board is to be same.—Now, if the people, expressing their will through the Constitution, have already provided for a Board, I ask gentlemen to show me the necessity for establishing another. Have you determined to abolish the Constitutional Board of Public Works? By no means—because a few days since you determined that you would not do so until you should be satisfied by the report of the Committee on Internal Improvements that some other plan more feasible and satisfactory would be suggested. In fact some members had serious doubts whether we had the Constitutional power to abolish the Board before its organization. I was one of those who believed that we could do it. I believe that all those articles in the Constitution could be repealed by a Constitutional majority. But I do not believe that the Legislature has the power to establish another Board till it has, by the requisite majority, decided that the Board provided for by the Constitution shall not be organized. I feel it my duty to oppose this section, because its provisions do not coincide with those of the Constitution. What is the difference between the Board contemplated by the bill, and that provided for in the Constitution? There may, it is true, be some difference in the manner of forming the districts.—This bill makes three Districts—the Constitution says there shall be four. The only difference, then, is the difference between three and four. But beyond this there is a very serious distinction. The bill gives to the Governor the power of appointing the Commissioners. Under the Constitution the people have decidedly expressed themselves in favor of the election of the Commissioners by the qualified voters of the respective districts. I am compelled to believe that this departure from the principle enunciated in the Constitution is produced by a desire to heap additional patronage on the Executive, and to wrest from the people the right of choosing their own officers. A few days ago, when the subject of abolishing the Board of Public Works was under consideration, I listened with great attention to the argument of the Senator from New Orleans (Mr. King) in favor of that measure. I heard no good reason for abolishing the Board advanced by him, except that the Board being composed of an even number, might comprise two whigs and two democrats, and thus a conflict of opinion and interests be produced which might prove injurious to the harmonious action of the Board. For this reason he thought an odd number preferable. I consider that if a work be not of sufficient importance to command the approbation of three of the Commissioners it ought not to be done. I do not believe that the work of the Board will be better performed by three democrats appointed by the Governor than by two whigs and two democrats elected by the people. I repeat that no good reason for abolishing the Board has been advanced unless there be some force in the objection of the Senator from New Orleans which I have just alluded to. I shall detain the Senate with no further remarks on this section, though I shall have something to say on others. I say again that I consider the section in plain violation of the letter and spirit of the Constitution, and I shall therefore oppose it.

Mr. King said:

He wished briefly to state his objections to the bill. He was opposed to the machinery provided by it, for the construction and management of our Internal Improvements; and also to the limited assistance proposed to be given by the State to such works.

The bill provides for a Board of three Commissioners, authorized to appoint three Engineers, who are to plan and construct the works. He did not see any use, under such circumstances, for the Board of Commissioners, and thought they might as well be dispensed with, as wholly useless.

He was opposed to placing our internal improvements under the charge of three persons. He would as soon think of placing three generals at the head of our army, or three overseers on the same plantation. Our public improvements should be conducted with unity of purpose and unity of action. There should be an undivided energy devoted to them. This was necessary to insure a harmonious and homogeneous action in the prosecution of works of public improvement.

This bill only contemplated organizing one branch of the internal improvements of the State. It provided for the building of levees and drainage, leaving the other branches of internal improvements unprovided for. He was opposed to having two separate organizations—one to make levees, and the other to take charge of all other public works. They would prove expensive and unnecessary.

The bill, in its present form, was a flagrant violation of the Constitution. This objection, however, might be obviated by an amendment, making the Board established by this bill temporary only, to be superseded by the Board provided by the Constitution, whenever that Board should be organized. An amendment of this description was indispensable.

He confessed he did not at all like the bill. He did not believe it was the best provision that could be made for the prosecution of the public works. If he gave the bill his support, it would be only after considerable modifications, and then only because it was thought to be the only bill which could be passed this session.

His views as to the manner in which the Swamp Land fund should be used for the levecing and drainage of the State, had already been laid before the Senate. He thought two millions of dollars should be raised by the State on a pledge of the swamp lands—and that the levees should be at once built, so as to

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exempt the State from all danger of inundation. The alluvial lands should be districted according to their topography. The levees, after being completed by the States should be turned over to those districts.—Laws should be passed compelling the districts over after to keep the levees in order.

But, unfortunately, he had no hope of seeing his views adopted this session.

Mr. Short moved to reinsert the words "and draining" in the bill.

Mr Kenner—I feel convinced that the Senate is determined to reinsert that provision in the bill. Nevertheless, I continue to think that it is a grave error. I have done all that I could to prevent the Senate from falling into it and I am therefore relieved from any responsibility. It rests on those who insist on incorporating this feature in the bill. Without again going into a discussion on the subject I will say that not one gentleman has met any argument concerning the tremendous expense to which this system will subject the State or has replied to the fact that it will be out of the power of the State to consummate the work. Gentlemen may draw beautiful pictures of this magnificent enterprise—pictures never to be realized—they may build castles in the air—castles which are destined to fade like insubstantial visions—but they have not and cannot reply to these facts. I therefore do not consider it necessary to repeat my argument. I will however notice one argument which has been brought forward on the other side. It is said the law states that the swamp lands were given to us for leveeing and draining I ask whether when a grant is encumbered with an onerous and impossible condition, the grantor would be justified in attempting to wrest the gift from the grantee if the condition be not fulfilled. Clearly not. When we have constructed our levees we have done all that is contemplated by the law, and we are not compelled to comply with a burthensome provision—one which if carried into effect would be disastrous to the interests of the State. Now, sir, I can say with all certainty that I am not opposed to this bill, though some gentlemen think I am, and listen to the whispers, out of doors, of those who would not venture to make such an assertion openly. On the contrary I feel a deep interest in the bill, but if gentlemen choose to prefer the operations of others to mine, I can have nothing more to say.

In the Committee I moved to strike out the words "and drainage," from the House bill, and this met with unanimous concurrence.

Mr. Short—I never concurred in that motion.

Mr. Kenner—Then I must admit that I have been mistaken, still I am forced to say that the gentleman did not mention his disapproval to me. I state unequivocally, though I cannot say the gentleman was in favor of the motion, that he did not object at the time, did not discuss the point with us, and did not make any objection when the vote was taken.

Mr. Short—No vote was taken.

Mr. Kenner—Then I have forgotten all about it.

Mr. Rivers stated what took place in the Committee, and said that he should now vote to strike out drainage

Mr. Palfrey—I shall vote against this section, and every section of every bill till one is presented which I believe to be constitutional. I do not believe that this step can be taken till the Board of Public Works is abolished.

The section defining the Districts then came up.

Mr. King—I think it wrong to cut a parish in two. On examining the map I find that the line of 31° runs directly through the parish of Rapides.

Mr. Rivers—It is only an imaginary line, and its adoption will be no hardship to the people of Rapides. The upper District is too large already and we ought not to add anything to it.

Mr. Hodge—Let us make four Districts. That will suit the Constitution exactly. As constituted by the bill, in one District there is a large quantity of swamp land, and in another very little. The Districts ought to be formed with reference to the amount of swamp land in each respectively. I think there ought to be two Districts north of Red River, one to be called the Red River District, and the other the Mississippi District.

On motion of Mr. Griffin, the parishes of Rapides and Avoyelles were placed in the Third District.

The third section, giving to the Governor the power of appointing the Commissioners, was then taken up.

Mr. Todd moved to amend, by giving the election to the people.

Mr. Wickliffe. I move to lay the amendment on the table, it seems to me that whig professions in power and out of power are very different.

The name of Mr. Rivers being called, he said:

As this Board will have only a temporary existence, and as I have every confidence in the ability of Gov. Hebert to make good appointments, I shall vote to lay on the table.

The amendment was laid on the table.

Mr. King offered an amendment providing that the Commissioners should hold office for two years, unless superseded; and that the functions of the Board should cease as soon as the Board contemplated by the Constitution is organized.

Mr. Kenner. That is provided for by section 25th of the bill.

Mr. King. That does not meet the objection. If we can extend the existence of the Board for six months we can do it for six years, or *in perpetuo*.

Mr. Short. The State of Louisiana never yet made levees public works.

Mr. Hodge. I will state my objection to the amendment. If I understand the object of the amendment, it is to provide that this Board shall be superseded by the Board to be organized under the Constitution. It is the evident duty of this Legislature, if it has any regard for the Constitution, to provide for the election and compensation of the Commissioners, as directed by art. 131. If we intend to provide for the organization of the Board as provided for by the Constitution, how long will this Board, contemplated by the bill, be in existence? Will it exist for six months? By no means. Unless the Constitutional provision is to remain a dead letter, your Board cannot remain in existence for six months. I believe that we cannot, and ought not to provide for the existence of a thing which we know cannot exist if the Legislature do its duty. The amendment, I suppose is offered to make the bitter pill palatable to those who have constitutional objections.

Mr. King. Does the gentleman object to having the bill made palatable.

Mr. Hodge. I object to the whole thing. I wish to show that I cannot be misled by such an amendment as that.

Mr. Kenner moved to amend by providing that one Engineer, instead of three, be appointed. The present system is conducted by one Engineer, who has duties to perform just as arduous as those of the Engineers under this bill.

It is proposed to pay the Engineers $3500 each, which amounts to $10,500 per annum, and also $4500 to the four Commissioners.

Mr. King. I second the motion for the one Engineer.

Mr Short. I am opposed to the motion, as it will render the bill entirely inefficient. It will destroy its capacity for good, and increase its capacity for evil. I am surprised that the one engineer system which has met with such fierce denunciation from gentlemen on the other side of the House, should now be brought forward. I have listened with attention to the argument of the gentleman from New Orleans. (Mr. King.) I have heard him say that no one would think of placing three generals at the head of one army, or of having three overseers on one plantation. Though I am no planter, I profess to have some ideas on that subject. The gentleman himself knows that if a person have three plantations he must have three overseers to attend to them. By this means he will certainly realize a larger *per centum* on his capital invested than if he were to employ only one overseer. I ask the gentleman how one Engineer could go to various sections of the State which might require his presence; how could he be at one moment on Red River, and another at the Balize? If it were not for the earnest manner of the gentleman, I should suppose that he is not serious in offering such an amendment. Its only effect would be to destroy the system which

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the bill proposes to establish. How, I ask again, could one Engineer pass from the Arkansas line to the Gulf, let out contracts, and perform the multifarious duties of his office. Why sir, the bill would be totally ineffective were but one Engineer provided for. I am willing to take the responsibility of increased expenditures under such circumstances as may soon arise—when whole parishes are liable to be overflowed—when inundation threatens us on every side, and when I consider the beneficial effects which I have seen result from the system proposed, and which I have witnessed in operation. When I see these things I am not going to be startled by the assertion that it will be expensive. One tenth of the amount of property annually destroyed by inundation would pay all the expenses under this bill.

Mr. King. The Senator from Madison (Mr. Short) entirely misapprehended my idea in advocating only one Engineer. I do not wish to destroy its efficiency—on the contrary, I desire to make it more efficient.—Although the bill does not meet with my approbation, I wish to make it as perfect as I can. If we intend to build levees from the Arkansas line to the Balize, it might be necessary to have three Engineers; but with the little money we have on hand, are we going to attempt such a thing? Why, the amount we have would scarcely last more than two or three weeks, and in addition the Engineer will not be overburthened with labor. The bill provides for the appointment of inspectors who will do the practical portion of the work. The Engineer will have little to do except to give out contracts. These are my views. I do not wish to defeat the bill, and I trust gentlemen will not accuse me of such an intention.

Mr. Kenner. When I think it necessary to offer amendments to this bill I shall do it. The gentleman thinks I am endeavoring to defeat the bill, but I can again assure him that he is mistaken. I am now doing what the gentleman ought to do; I am making amendments to the bill in conformity with the opinions of the Committee.

Mr. Short. I say again that the gentleman is mistaken. No bill was agreed on by the Committee. If he wishes again to make use of the argument that I did not oppose the motion which he says he made in Committee, he is welcome to do so.

Mr. Kenner. I shall not insist on doing so after the disclaimer of the gentleman, and but for the fact that he has imputed improper motives to me, I should never have made use of it all. But I appeal to the Senator from Concordia (Mr. Rivers) that the gentleman did not say a word in opposition to my motion to strike out drainage, when I made it in the Committee.

Mr. Short—The gentleman will recollect that no vote was taken on the proposition. I think I did not transcend the rules of debate when I deny the allegations of the gentleman, and endeavor to place myself right. I always endeavor to use such language towards others as I wish others to use towards me.

Mr. Rivers again explained—He should vote for amendments without regard to the action of the committee.

Mr. Kenner—The only reason for my remarks is, that, as I was not accused of wishing to defeat the bill in Committee, I do not like to be accused of it in open Senate. I think, sir, that a saving of $6000 would be worth something. I think that one engineer is ample to perform the duties. What has he to do? He has to make contracts, and need not stay on the ground one moment after the contract is made. He will not be employed more than three months in a year. Why then pay $9000 when $3000 will be sufficient.

Mr. Wickliffe—It will be a moral impossibility for one engineer to do a third of the work. I think we will effect an actual saving by having three. I therefore move to lay the motion to strike out and insert on the table.

Mr. Rivers—The Committee voted for the motion to strike out, thinking one engineer enough. But it seems to me that from the nature of the duties to be performed, the engineer having to pass between distant points, and from the danger of crevasses at different places, more than one will be needed. I think three will be necessary even though each will not be employed more than three months.

Mr. Hodge—On examination I find that the engineer will not have enough to do to justify us in giving him a salary of $3500, and that the commissioners will not be employed a tenth part of their time I therefore move to amend by providing that the commissioners be competent engineers. I think the desired object will be achieved by this.

Mr Wickliffe—We might not perhaps be able to find a suitable person in each District. Practical engineers are scarce in Louisiana.

Mr. Hodge—If that is the case, I do not see why it will not apply in the other case also.

Mr. Wickliffe—The bill says that the commissioner must reside in the District.

Mr. Hodge—The Constitution contains the same provision, but that has been construed to mean that the commissioners shall be residents of their respective districts, after their election. I presume the terms of the bill were intended to be understood in the same way. I do not see any reason for having this host of officers. There is not the slighest use in appointing commissioners when the duties can be just as well performed by the engineers, and at a saving of $6000.

On motion of Mr. Wickliffe, the motion to lay on the table was carried.

Mr. Hodge's substitue was then laid on the table.

Mr. Lacoste moved to strike out $3000 and insert $2500 as the salary of the engineers.

Mr. Rivers moved to insert $2000.

Mr. Short—$2000 is entirely too small. Whenever the question is raised concerning the Judiciary gentlemen argue that the respectability of the position of a judge demands a high salary. But when we propose a measure which is to make the country inhabitable, when we wish to make place for a population over which the Judiciary is to exercise jurisdiction, we hear nothing of such an argument. Now, why do you wish to reduce the salaries so low as to render the bill inoperative? When we have a practical plan submitted to us, let us have it tried.

Mr Derbes advanced some remarks in opposition to the amendment.

Mr Kenner—When the subject was under consideration in the Committee I moved to give the engineers $3500 a year, thinking there would be only one, who would have much to do, and be compelled to travel in different sections of the State. But as the Senate in its wisdom has decided to have three engineers, and as I believe they will not be employed more than twelve weeks in the year, I shall vote for the lower sum. I shall now call attention to the salaries of the various State officers. Your Governor receives $4000 a year; your Secretary of State, who has to remain here all the year, and perform duties of an arduous character, receives $1500—the Treasurer $2500—the Adjutant General $500. The arguments made under the oft-repeated plea of the necessity of establishing some system, are only made for the purpose of preparing a list of fat offices for the Executive to fill. Why, the present State Engineer, who has three times as much as the engineers under this bill will have to do, who has to travel from the Gulf to the Arkansas line, and to superintend the execution of all our State works, receives only $2000 a year. Why is this? If these enormous salaries were to be paid by taxation gentlemen would be careful how they peril their popularity by advocating them, but as it is to come out of the swamp land fund they do not seem to have the slightest compunctions. I am glad it is provided that no member of the Legislature shall hold any other office, elsewe might expect a general rush for them.

Mr. Short—That interesting Engineer of whom the gentleman speaks, has never been seen in my section of country.

Mr. Wickliffe—If I remember aright, the gentleman last year voted against reducing salaries.

Mr. Kenner—I will set the gentleman right, I voted against reducing the salary of the Superintendent of Public Education because I thought the duties of the station required the salary. I voted against reducing the salaries of the other officers, simply because I thought the measure unconstitutional, while officers then serving remained in office. These were my reasons, and I think the Senate will acknowledge that

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they are good. If not I have not as much sense as I thought I had.

Mr. Wickliffe—I don't intend to blame the gentleman for the votes which he gave, but he bears me out in the assertion which I made, that he voted against an immediate reduction of salaries. Now sir, I know that the Treasurer last year received $8000.

The amendment giving $2900 was adoped.

The section giving the engineer power to determine the locality of levees was taken up.

Mr. Kenner. I am opposed to this section of the bill. I will endeavor to illustrate my position. When the levee syndic finds a levee on a caving bank and wishes to remove it, he determines where a new one shall be placed. If the planter objects, he must call in two neighbors, and the three decide. The only restriction is, that he must not place the levee behind a dwelling. If the interests of the public and of the neighbors demand the work, it must be done. But, I am opposed to giving this power to one man. It is an extensive power and should not lightly be wrested from the hands which hold it at present. We need the protection which we, at present, have from the opinions of our neighbors. I appeal to the gentleman from St. Bernard, [Mr. Lacoste] where the people are in the habit of getting their feet wet, whether he would like to give up this protection. We do not want to be placed at the mercy of one man. We want this thing to be decided by the people of the neighborhood. There is no risk in it—no hardship—it is only preserving to us some of our rights.

An amendment was carried giving to the Engineer and three freeholders, the power of deciding the location and size of levees.

Mr. Short. I think this power of freeholders ought to be restricted to the location of levees, as the Engineer is the only proper judge of their size and form.

Mr. Kenner. Suppose the Engineer in a fit of ill-will, or of anger should order an individual to build a levee 30 feet high and of a hundred base, what is he to do? It would ruin a man to build it.

Mr. Wickliffe. No man would build it.

Mr. Kenner. Under this bill what resource would he have?

Mr. Wickliffe. Why the Governor would turn the Engineer out.

Mr. Kenner. I would rather protect the rights of the citizen than leave their protection to any one person, even though that person happens to be the Governor.

Mr. Wickliffe. After all, what difference would it make to a man of what size his levees are when they are paid for by the State.

Mr. Kenner. Is it contemplated that the State shall pay for these levees?

Mr. Wickliffe. Yes, out of the swamp land fund.

Mr Kenner. Now, a new light breaks in upon me. However, I want to protect the swamp land fund, as well as the rights of our citizens

Mr. Short. I am in favor of leaving to the engineers the power of fixing the dimensions of the levees, but I would let three planters decide on the location. The strength of a levee depends, to a great extent, on the manner of its construction. It has been ascertained, that stronger levees can be built than if they are constructed under the law of 1829. With three-fourths the quantity of embankment, you can build a stronger levee Why, then, do you wish to go back to the old system?

Mr. Wickliffe moved to lay the amendment on the table.

Mr. Kenner. I am sorry to see the gentleman going against what we consider a saving clause This is not a trifling subject; on the contrary, it is of a momentous character. The gentleman probably thinks it a subject of little importance, because he resides upon the high lands, where the overflowing waters do not disturb his repose, or peril his security. I will tell you what I think, sir In the first place I will ask, whether we who live behind the levees,—who are interested in their preservation—who would be overwhelmed by their destruction—are we their proper guardians? Or is a man who comes from another State, and has no interest in having our levees built or preserved,—is he, I ask, to be entrusted with their care? I wish, sir, to strike out everything in this section that is in conflict with our local laws. I shall ask this—though I scarcely dare do it, for fear of being accused of wishing to defeat the bill. I cannot go home and tell my constituents—three hundred of whom were, last year, expelled from their homes by the effects of a crevasse,—I cannot go home and tell them that I have voted for this section. How, when they ask me to whom the care of the levees has been confided, can I tell them that they are placed under control of a man who does not reside near them, and has no interest in their safety? When they ask me who is to attend to them, I must reply—a government official. When they ask where he is to be found, I must say, at Baton Rouge, or New Orleans. Can I then assure them that they are safe? Would they be justified in maintaining any sense of security. No, sir, I cannot go back to my constituents, and tell them they are safe under such a system as this.

Mr. Short. I do not think that the gentleman draws any fancy sketch, when he presents to us a picture of his ruined and homeless neighbors, seeking the charity of the world in their hour of need. I have seen something of the kind in my own section of the State. But I do say, that I do neither draw upon my imagination when I speak of the practical benefits which would result from the adoption of this system. I have seen it in operation in those parishes, and I view it, not through the medium of theory, but of actual experiment.

WEDNESDAY, March 9th, 1853.

The House substitute for the Senate bill, to extend the time of payment of pre-emptors to twelve months, was taken up.

Mr. Short. As my position, and that of the Senate, in regard to this bill, appears to have been misunderstood in the other House, I desire to say a few words in explanation. The bill which I offered here, some time ago, did not interfere at all with pre-emption rights acquired under the act of 1852. Indeed I went farther. The bill closing the land office, which passed this body, appears to have been entirely misinterpreted in the House. It was there looked upon as being intended for the benefit of speculators. Here a totally different view was entertained, and a very different object was proposed by the Senate in passing the bill. The object was to prevent speculators from seising on the best lands, and entering it before a general levee system could be adopted, thus depriving the State of the benefits of the swamp lands. The plan before the Committee was to have the lands graduated in price, and to bring only so much into market in any one year as would suffice for the operations of the levee system during that year.

We were of opinion that if we permitted these lands to be taken up by speculators we should not be enabled to realize as much from the levee fund as we ought. When a levee is built, of course the lands in the rear become more valuable, and speculators, with that sharp, keen eye for the main chance, which generally characterizes them, would go and enter these lands, and thus reap the benefit of the labors of the State to its own injury. The object of the Senate bill was to preclude the possibility of such a result by preventing the sale of the public lands till they were so graduated as to bring the highest price.

I was opposed to the bill brought in by the Senator from Livingston and East Baton Rouge on two grounds. In the first place it proposed to grant to pre-emptors, in the two parishes only which the gentleman represents, an extension of time for payment, when all others in the State had an equal right to claim the same privilege. Now from the foundation of the government to the present time, pre-emption has been used by ambitious politicians as an electioneering fund, and I do not feel disposed to encourage the system any longer. I am opposed to interfering with the swamp land fund for any other purpose than that for which it was donated to the State—for draining and building levees. I am willing to grant all proper aid and encouragement to the industrious settlers who improve the lands and render them cultivable, but I am not willing that the swamp land fund should be used as an electioneering capital.

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Mr. King. The language of the House bill is vague and inexplicit. The Senator from Avoyelles desires to know if, under it, he can enter several tracts of land. It is my impression, that, under the bill, land to the amount of three hundred and twenty acres can be entered, and in different sections. Another objection to the bill is that it ties up the three hundred and twenty acres. Unless the person comes forward and designates the particular tracts which he wishes to enter, he will have a sort of floating right. This is granting an extraordinary privilege to pre-emptors They may go on the public lands, cut timber and erect a little shanty, and then have the right of selecting 320 acres of valuable land. This is entirely too great a power, and it seems to me that if it be granted, all the swamp lands in the State will be tied up. I move that the bill be referred to the Committee on Lands and Levees.

Mr. Wickliffe was opposed to the reference. The Legislature had refused to close the land office, and was evidently disposed to give every advantage to pre-emptors.

Mr. Short. There is no necessity for the reference. The bill is very simple and brief.

Mr. Griffin. I should like to have the bill referred, as it makes no provision for conflicting entries. I am anxious to have the bill pass, but I should like to see the omission supplied.

Mr. Wickliffe. The act of 1852, gives the decision in such case to the Register of the Land office, which I think wrong, as it allows no right of appeal.

Mr. Hodge remarked, that the only change made by the House was by extending the time of application as well as of payment. He believed that the sense of the Senate was not to extend the time of application, but only the time of payment, when application had been made under the act of 1852. I move to lay the bill on the table.

Mr. Rivers. This bill simply extends the time of payment to those who in good faith make entries of land as settlers, and not as speculators. In some cases, the time expires this month, and many persons are ignorant of the law, which only gives them a year from the 17th of March last. Unless the time be extended, speculators will be down on them, and wrest the lands from them. I hope that the bill will pass.

Mr. Hodge. I should like to explain my views on this question. The bill of last year grants twelve months for payment to all those who entered lands prior to March 17th, 1852. In addition to this, a further extension of twelve months was asked for and granted; but should any new class be brought in—in other words, were the time of application to be extended—it would be a restriction on the Swamp Land fund, and be injurious to any general system we may adopt.

I do not believe that the State is bound to give unlimited credit; it is not bound to extend the time of payment *ad infinitum*. If we extend the time twelve months more, it will be almost impossible to adopt any general system.

It will be discovered, from reading the bill, that it not only extends the time twelve months, but likewise brings in a new class of settlers. The act of 1852 gives a privilege to all settlers previous to the passage of that act. This brings in a new class, composed of all settlers previous to the passage of this act. I believe the Senate has already decided not to extend the time of application, though we are willing to give an extension of credit for twelve months to those who were affected by the act of 1852. As we have sent a bill of that kind to the House, we should insist upon it, and leave these new parties to take care of themselves. It would not be just to the State to extend the time of applications and I shall not vote for it.

Mr. Rivers. The gentleman can obtain his object by striking out the objectionable parts.

Mr. Hodge. That would leave the bill the same as it went from the Senate. It is perfectly clear that the intention of that bill was to extend the time to settlers previous to the act of 1852.

The bill was referred to the Committee on Lands and Levees.

ORDER OF THE DAY.

The bill making decisions of Justices of the Peace final in cases under a certain sum, was taken up.

Mr. Hodge. I move to reject the bill, and will state my reasons for so doing. In the city of New Orleans I have heard these officers attacked by many persons who accuse them of dishonest conduct. It is urged that if you permit their judgment to be final, they might make a combination with the plaintiff, to give a judgment in his favor. Others say that the Justices will become directly interested in the suits before them, and that they even combine with steamboat hands, and that it is almost impossible for a steamboat owner to obtain justice in one of these Courts, because if he give judgment against the plaintiff he may not get his fees.

I do not know whether these accusations are founded on truth, but the purity of the law ought to be so well guarded as to prevent the possibility of suspicion. There is as much reason why a small case should be determined correctly, as one involving interests to the amount of thousands of dollars. Why not then give the right of appeal to parties who are dragged into these Courts? In the country frivolous appeals are prevented by the District Judges decreeing damages in such a case. If I understand the thing correctly there is but a very short time between the appeal and the trial of the cause in the District Court, so that it would not be at all hard on the plaintiff. On the whole, in view of the charges which are made against Justices of the Peace in the country, I think we ought to allow the right of appeal, but give to the District Court the power of decreeing heavy damages in cases of frivolous appeals.

Mr. Derbes. The gentleman says that officers, whose position certainly entitles them to respect, might enter into combination with sailors and steamboat hands and others, in order to secure the small sum of one dollar. If the gentlemen thinks his argument, which he is in the habit of using, to be correct, why does he not offer an amendment making the system which he proposes general throughout the State. I have heard the Senator condemn the habit of legislating for the city of New Orleans, in a different manner from that in which we legislate for the rest of the State. I have heard him proclaim that he was tired of eternally making the parish of Orleans an exception to our general legislation—and now he proposes to do that very thing which heretofore he has so much condemned.—He knows that in the country cases under ten dollars cannot be appealed, and as he has himself said, what is good for the country is likewise good for the city.

If the gentleman carry his point what will be the consequence? Why, for an egg or a fowl, of the value of a dollar, an appeal may be carried to the District Court, and thus the time of the judges, who have already enough hard labor to perform, will be consumed. It will encourage litigation, which, as wise legislators, we ought rather to endeavor to discourage.—The gentleman says that the District Court will soon decide the case. He is mistaken. Judge Reynolds has been sitting for six or seven months, and is now sitting to decide cases of appeals from Justices Courts which have been standing for more than a year. In reply to what the gentleman has said about fees, I can inform him that, by law, the fees must be paid in advance.

Mr. Short—There is an old legal maxim which says *de minimis lex non curat*. I think myself that we might as well allow to Justices the luxury of a final decision in cases under ten dollars.

Mr. Hodge—In regard to what I have stated before, it is well known that the charges to which I have alluded are made against Justices of the Peace in the city. I do not say that they are not made in the country because justices there are any purer, but I simply say that I have never heard them.

The gentleman (Mr. Derbes) must have very crude notions of what should be the final jurisdiction of Justices of the Peace. In his first bill he made $50 the sum, under which no appeal could be made. The committee reduced it to $2, and finally by an amendment offered here it was brought down to ten dollars—and now it is proposed to whittle it down to nothing. Now I want to make no distinction between city and country in this matter, but I should like to do away with the grounds for the charges which have been made against Justices. I should be willing to make all cases appealable throughout the State. When the Senator states that by law the fees must be paid

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in advance, I can state for the information of the gentleman who speaks from the record, that the law compelling the payment of fees in advance, is not complied with, and when an exception is taken on the ground that the fees are not paid, the exception is overruled. I say again that I shall vote against the bill.

The bill finally passed.

THURSDAY, March 10th, 1853.

Mr. Boatner introduced a bill to pay to a Mr. Moore $650, being the $350 for his services, and $300 for expenses incurred by him in arresting a murderer.

Mr. Boatner said that Mr. Moore had arrested a man named Simmons, who was charged with the murder of two persons by whom he was employed.

It appears that these persons were engaged selling merchandize from a flatboat when they were murdered by Simmons. The murderer immediately fled. Subsequently Mr. Moore saw him in Louisville. He returned here, procured a warrant and went back and arrested him and brought him down. As the Governor had offered no reward, he thinks he has no authority to pay Mr. Moore anything without a special appropriation.

The bill passed.

The act incorporating the colored veterans of New Orleans, was passed.

Mr. Short made the following report on the bill committed yesterday to the Committee on Lands and Levees, with instructions to report to-day:—

To the President and Members of the Senate of the State of Louisiana.

The Committee to which was referred the act concerning the sale of the swamp and overflowed lands, being the House Bill No. 279, which passed as a substitute to the Senate Bill No. 8, respectfully report,

That on the 3d of this month an act passed the Senate, (No. 8,) granting an extension of twelve months to such persons as were entitled to the right of pre-emption, under the second section of the act of March 17th, 1852, within which to make payment, but required the application and proof to be made within the time specified in the second section of said act—to wit: by the 17th of March, 1853. The ground of the complaint being, not that they had not time to make the application and proof by the 17th of March, 1853, but want of money to pay for their lands; hence an extension of twelve months within which to make payments.

When this bill was sent to the House it was referred to the Committee on Public Lands and Levees. That committee upon consideration of the act, as appears from their report, came to the conclusion that it "*authorized the payment for all the unsold lands remaining from the one million of acres say* (800,000) *to be made on a credit of twelve months, at the same time preventing the actual settler from perfecting his title unless application has been made previous to the 17th of this month,*" and the Committee of the House reported the substitute, which is now before the Senate, by which it is proposed not only to give those who had made a settlement on the swamp and overflowed lands, prior to the 17th of March, 1852, the right of pre-emption as specified in the said act, but to all those who had made a settlement previous to this time, and to extend the time, both for application and payment, for twelve months, from the passage of the substitute to this act.

The Committee of the House appeared to have been laboring under an entire misapprehension of the Senate bill. The Senate, so far from wishing to withhold from sale, the swamp and overflowed lands, so far as that bill is concerned, thereby intended to prevent any increase of these pre-emption rights, which might withhold from sale any of the swamp and overflowed lands, except as to that class which had been provided for in the second section of the act of 1852. And by requiring them to file their proof by the 17th of March 1853—the Register of the Land Office would then know what lands were not subject to pre-emption rights.

The House Bill opens these lands to a new class of pre-emptors. This will embarrass the Board of Swamp Land Commissioners, as they will thereby be deprived of the use of the funds which might have been paid in by that class of pre-emptors provided for in the second section of the act of 1852, and which would have been paid in by the 17th of this month, and at the same time, this new class of pre-emptors will keep out of market a large portion of the best lands.

This will seriously affect the operations of the Levee system, as it has been determined not to raise a fund for this purpose by direct loan; but to depend upon the sales of the swamp lands, to carry on the system. Early in the session the Senate passed a bill to close the land office for the time being, until the survey of the land was complete, and until they had been classified, and the price graduated, thereby to realise the largest amount to be applied to the purposes for which they were granted to the State; that is, for leveeing and drainage.

In this bill the Senate did not intend to interfere with pre-emption rights. It was not passed for the benefit of speculators, as was supposed by some: it was for a direct contrary effect, and the bill, as first introduced, provided for the actual setler, and gave him a right to enter any quantity, less than 320 acres, at $1 25 per acre, this was against speculators, not for them. But a substitute was offered, which destroyed this feature of the bill. But the bill itself was only intended for a temporary effect Propositions were then being discussed, as to the propriety of withholding the lands from sale and building the levees, and executing the other works necessary for their reclamation, based upon a loan, on the hypothecation of these lands, as it was believed by some, that in this way four or five times the amount could be realised for the purposes of leveeing and drainage, that will be realised, under the present system. A majority appear to have been staggered under the loan system, and the other House have not passed the bill closing the land office

The loan policy being thus abandoned, as we presume, and the land office, still kept open, there is nothing remaining against the policy of granting pre-emption rights, except so far as it may embarrass the operations of the Levee system, extending the time for the payment of money, the immediate use of which is now demanded. For the Legislature to assume a substantive power of *ownership* over these lands, and divert them by special appropriations and the granting of rights in conflict with the trust capacity in which she holds them for the purposes of the grant, is a violation of the trust. So far as the granting of pre-emption rights may have a tendency to bring these lands into market, or enhance their value, by opening the road to settlement upon them, is concerned, it may be a good policy, but it may be held secondary to carrying out the purposes for which the lands were granted.

We therefore submit to the Senate, the question, as to whether any farther rights of pre-emption shall be granted, until they decide the important question, as to how far it may affect the operations, of the Levee system; and if any pre-emption bill shall pass, we suggest that the lands shall be selected in one body, and the list of the loss, sent to the land office, within six months from the passage of the act a large portion of the most valuable timbered lands belonging to the State, is now being depredated upon, by a class of persons, who never intend to settle, upon any part of it, by pre-emption or otherwise, who are not only, not enhancing its value, but are taking away all that which renders it of any value, by a class of persons who have not only no interest in keeping up levees, but a direct interest in breaking them. And we suggest the passage of a law, to prevent these depredations; if any can be passed more stringent than those now existing.

(Signed,) H. SHORT, Chairman,

Mr. Lacey. If the intention be to extend any benefit to settlers, immediate action is required. I therefore move to suspend the rules, in order to take up the bill and pass it.

Mr. Rivers. I am willing to vote to extend the time of payment, but I do not wish to embarrass the levee fund. I will vote to extend the time of payment 6 months, but not to extend the time of application. I wish to offer an amendment to that effect.

Mr Lacey. If amendments are offered, the bill will have to be sent to the other House, and it will thus be delayed still longer.

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Mr. Rivers. I am informed that Maj. Rainey states that the effect of this bill will be to open the Land Office, and give six months credit to all purchasers.

Mr. Palfrey. When the subject was under consideration, I understood from the Senator from East Baton Rouge, that the only object of the bill was to afford relief to pre-emptors who were not now in a condition to pay for their lands. The object was not, if I understood it correctly, to open the Land Office again for new applications. The bill from the House permits new applications and proof to be made for another year. If applications have ceased since the 17th it is evidence that pre-emptors have abandoned their claims.

Mr. Nicholls. I feel disposed, Mr. President, to vote for a year's extension of the time of payment.—According to the act of 1857, persons who settled on the public lands previous to March 17th, of that year, were entitled to a year's credit on their pre-emption claims. If the doors are now opened to a new class of applicants, this fund which was given to the State for the purpose of building levees to protect it from inundation, will be so trammeled as to render it almost impossible to carry out the objects for which it was designed. No one is opposed to extending the time of payment, but we are not in favor of opening the way to a new class of applicants. If we go on in this way we will never be able to realize anything from the swamp lands. Perhaps next year there will be an application for another extension, and the next year another and so on, *ad infinitum*. I hope that the substitute will not pass without amendment.

Mr. King. I shall certainly vote against the bill if it is pressed in its present form The effect of it will be to prevent any proceeds from the sale of swamp lands, and thus retard the execution of the design for which those lands were donated to the State.

Mr. Short. The question can easily be settled by reference to the discussion on the bill as first introduced by the Senator from East Baton Rouge (Mr Lacey). That bill proposed an extension merely for the settlers on the swamp lands in East Baton Rouge and Livingston. The Judiciary Committee, to which the bill was referred, reported against the policy of granting an extension to two parishes, when others, placed in exactly the same position, claim the same right. It was suggested at the time the bill in relation to the disposal of the public lands, was under consideration in committee, that the class of persons referred to in the act of 1852, might be provided for in a general law.

When the bill of the Senator from East Baton Rouge came up, it was amended so that the right was extended to all the parishes in the State, with this feature, that it should not increase the class of pre-emptors beyond those provided for in the act of 1852 — Thus the Land Office would know exactly what lands had been applied for, and would be enabled to sell the rest. In this manner the operations of the Land Office would be very much simplified. The amendment offered was not to extend the time of application, but only the time of payment to those who want money to pay for their lands. Not that they had not had time to apply, but they had not been able to raise the wind.

We then were asked to extend the time of payment, which we did. Now, the Senate is asked to recede from the position which it has taken. The committee of the lower House certainly mistook our intention. It is true that the bill is not as explicit as it might be, on account of the numerous amendments with which it was encumbered, but still its true object, I thought, was sufficiently plain to avoid danger of misconstruction. The question now is, shall the Senate recede from its position or adopt the bill which came from the other house.

Mr. Hodge. Did the gentleman say that the Senate had passed a bill to extend for a year, the time of application and payment?

Mr. Short. No Sir. If the Senate did so, the bill was couched in language not at all expressive of any such intention. It extended twelve months, the time of payment for persons provided for by the act of 1852, but it made no provision for any new class The bill from the House, which is now before the Senate, proposes to extend the time of application so as to include an entirely new class of preemptors. The question is, whether we shall do this, and thereby recede from our position or refuse to do it, and so maintain the stand which we have taken.

Mr. Lacey. The object desired by the gentlemen can probably be reached in another way. Instead of insisting on the motion to concur, let a motion to reject be made, and then refer the subject to a joint committee of conference of both houses.

Mr. Rivers moved to amend by giving six months more time to preemptors under the act of 1852.

Mr. Hodge. Can we reasonably expect such a bill to meet with the concurrence of the other House when they have just passed one of the character of that now before the Senate ?

Mr. Rivers. The Chairman of the house committee has explained his object to be this: that as we, in the opinion of the committee, wished to open the Land Office to speculators, they desired to realize the cash for public lands, and at the same time extend a great relief to actual settlers and preemptors.

Mr. Lacey. The only objection to the amendment of the gentleman is that the time contemplated is entirely too short. An extension of six months is no extension at all.

Mr. King. I apprehend that if the extension asked for be granted, it will be a bad precedent. Another legislature will meet before the time expires, and then they will undoubtedly be as anxious to serve the poor agriculturalists as we are—and so it may go on to the end of time. I wish to treat these people leniently. No one can have a greater desire than I have to remove obstacles from their path, and to grant all the facilities that they can reasonably ask. But I wish to put a stop to this extensive system at some time. I wish to designate some time at which it is to come to an end, and then if payment is not made, let the State again take possession of the lands. I think this is sound policy, and I desire to relieve the next legislature of the importunities to which we have been subjected

Mr. Wickliffe moved to lay the bill on the table.

The motion was lost.

After some further discussion, the bill was so amended as to bring it back to the original Senate bill.

ORDER OF THE DAY—REMOVAL OF THE CAPITAL.

On motion of Mr. Derbes the bill proposing to submit to the people an amendment to the Constitution, removing the seat of government to New Orleans, was taken up.

Mr. Palfrey I would suggest that the sense of the people of the State and of the city of New Orleans itself has already been tested in regard to this measure by the vote given on the ratification of the new constitution.

Mr. Derbes. If that was a final decision of the question why was the faculty of deciding the question left to the Legislature?

Mr. Hodge. I should like to say a few words on this subject, to explain why I am opposed to submitting the proposed amendment to the people of the State; that is to giving the majority the power of doing a thing which will be injurious to the minority. There is no doubt that on this subject there is a unanimity of opinion among the people of New Orleans; that on it they move as in a solid phalanx. But, Sir, I am opposed to the expense which would be entailed upon the State by the erection of another State House.

I am not opposed to entrusting power to the people, but I am opposed to acceding to the wishes of the people of New Orleans, and building another State House, when we already have one which has been erected at an expense of three hundred thousand dollars. I am told here, on good authority, that the city of Baton Rouge donated to the State the ground on which the State House is built, on condition that the seat of Government should remain here. Whenever it may be taken away, the State gives up all interest in the land. If this had not been done—if a State House had not been built—the case would have been very different. But at this late day, when $300,000 have been expended in the erection of a suitable building—when the State Treasury is almost bankrupt, and the people bound down by an almost insupportable weight of taxation. I cannot, and will not, give my consent to any measure which will have a

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tendency to increase taxation, and to add still more to the burthens under which the people labor.

Mr. Lacey. When the question of removing the seat of Government is pressed before the Senate, I feel that I should be committing a wrong upon the constituents whom I represent on this floor, were I not to express my views on the subject.

If there had been a clear expression of the popular will in favor of removing the seat of Government—such an expression as would be an unmistakable indication of a desire to change the capital, and by which legislative action on the subject would be justified and demanded—I should be willing to submit this amendment of the organic law to the people, for their ratification or rejection at the ballot-box.

The Constitution of 1845 was an emphatic expression of the opinion of the people of the State against the location of the capital in the city of New Orleans. By that Constitution, New Orleans was not only precluded from being the capital, but black lines were drawn around it, so that the capital could not come within a circuit of sixty miles. The people of New Orleans agitated the question with all the power they could bring to bear—and even when aided by the weight given to their cause by the existence of those odious black lines, they could not succeed in bringing the capital to their city. Again in, 1852, the question came before the people, and they again decided that the seat of Government should not be in New Orleans.

Now, sir, where can you detect any indication that the popular will is in favor of changing the seat of Government? It does not exist. It would be absurdly trifling with the opinions of the people, to act on the supposition that it does exist. I have the utmost respect for the wishes of the people, but shall I therefore submit to them something which they do not wish to be submitted? Is it necessary that every day—whenever an unconstitutional measure may be brought forward—it shall be submitted to the people? Such a course would be fraught with danger. Would it be politic, year after year, to submit amendments to the Constitution to the people, till the organic law itself might become no more than a mere legislative act?

But independently of the fact that the people of the State desire no change in the seat of Government; independently of the fact that there has been no expression of the popular will directed towards such a change; will the Legislature uselessly submit to the people a question which, if carried in the affirmative, will involve a loss of millions of dollars? If this be done, and if, contrary to what we have reason to expect, the seat of Government should be removed,—what are we to do with the public buildings which have been erected here, at so great an expense?—Shall they be converted into a seminary of learning? They cannot be used for such a purpose, because we have already made an appropriation for an institution of that kind, in another part of the State. If the capital be removed from Baton Rouge, the expense incurred in the erection of these buildings will fall upon us as a dead weight, and we will have expended an immense sum of money, without receiving any equivalent benefit in return. By doing so, we would certainly incur a clear loss of between three and four hundred thousand dollars, the amount expended here. But in addition to this, there is another consideration: we must inquire whether the removal of the seat of Government would not involve an additional expense there. Now, sir, I would inquire whether the people of New Orleans will build a new State House?

It will be remembered that this very question was recently submitted to the Common Council of that city and they resolved to donate a lot of ground to the State, on which a building could be erected. Even this the Mayor vetoed, saying that it would be trifling with the credit of the city. How much more would it be trifling with the credit of the city to assume an additional debt of $400,000?

Now, sir, the city of New Orleans has no power to give a title even though she were willing, and she is not willing even though she had the power. If she should do so, three years would not elapse before she would be coming to the Legislature and supplicating for a return of the money which she had expended. See, then, the expense to the State which would be incurred by removing the seat of government. You would have to recompense the city of Baton Rouge, and expend a large sum in New Orleans for the erection of legislative halls. Are you willing, then, to impose this additional tax on the people? Are you willing, when you have here a commodious and appropriate building, erected at great cost, to subject the State to the heavy expenses I have alluded to, merely to gratify a portion of the citizens of New Orleans? Then, as there has been no expression of the popular will in favor of removing the seat of government,—as, in the wake of such a movement, would inevitably follow increased taxation, I hope that the question will be at once disposed of by the Legislature. There is no necessity of calling it up from time to time, and thus fostering a perpetual agitation on the subject. At least let such a disposition be made of it, as will decide the question till the popular will calls unmistakably for a change. It will then be time enough to pass a bill at the call of New Orleans—it will then be time enough to think of legislating for her interests instead of having a careful eye to the interests of the whole State.

Mr. Short—I have no disposition to argue this question. I merely rise to state my opinion that a large majority of my constituents are in favor of having the capital in New Orleans. Baton Rouge is so far out of the way that letters cannot pass between a representative and his constituents in time to be of any service As to the bad accommodations, however, of which some complain here, that might be to the interest of the State, as it might prevent the Legislature from remaining too long in session.

Mr. King—I do not wish to enter into an elaborate discussion of this question. I only wish to say that that it appears to me that the gentleman who has opposed this bill, fears the verdict of the people. Why, sir, the gentleman must indeed have walked with closed eyes, and ears, if he has not seen an indication of the popular will in favor of removing the seat of government, or heard the complaints both loud and deep against the present location. No, sir. The gentleman is not unwilling to submit this question to the people because there has been no expression of the popular will; he is unwilling because he fears that the verdict will be against him. The capital, in the first place, was removed from New Orleans through the efforts of politicians, pandering to a feeling of sectional jealousy which unhappily exists in the country against the city. Those were politicians who supposed they would have a better chance for the preferment if the capital were not at New Orleans. Ask any gentleman here how differently he would be situated in New Orleans. There he could have frequent, almost daily intercourse with his constituents, and would have that opportunity of learning their wants and wishes which is essential to good legislation. Here he is isolated—cut off from communication with the people, with no chance of echoing his sentiments and opinions. In New Orleans, there is a concentration of population and intelligence which must have, not a deleterious, but a beneficial effect on legislation, and as a matter of convenience alone the advantages offered by it are obvious to every candid person. It is a place of large business facilities, a place where much of the capital and most of the commerce of the State is concentrated, and consequently where there is most to attract the attention of the Legislature. There, we would not be immured as we are in Baton Rouge, and cut off from all opportunity of communicating with our constituents. There are other reasons why the seat of government should be at New Orleans, but these alone are sufficient.

It is with a view of obtaining these advantages, and not in order to subserve the local interests of New Orleans that we desire the capital to be located there. There is scarcely a gentleman here that would not be willing to go to New Orleans. Indeed their business almost always calls them there before they come here. Then, let the people decide the question. Let them say whether they desire the change. Put it in their power to give palpable and convincing expressions of their will in the only way in which a satisfactory expression can be obtained. Why were these barriers placed in the way of removing the seat of government? The Constitution has not, as the Senator

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from St. Mary thinks it has, settled the question for all futurity. In adopting that Constitution the people did not express themselves in favor of keeping the capital from New Orleans. They were compelled, if I may use the expression, to make a lumping business of it. They had to take the whole or none, and they adopted the Constitution, not on account of that provision, but in spite of it. The very constitutional restrictions thrown around the subject manifest a fear of the popular will. What right had the Convention to bind the people for all time to come, and to decide for all futurity, that the capital should not be in New Orleans. I can conceive that it may be the wish of the gentleman from East Baton Rouge, and perhaps of the people of some other parishes, that the seat of government should remain here. But I have no idea that such is the sense of the whole people, or even of a majority. Give them a chance to express their opinions on the subject, and they will certainly place the capital where it ought to be—in the centre of trade, of business, of intelligence—where the course of trade runs current with the course of legislation. If it were there the Legislature would be better able to legislate for the city, while here it cannot legislate any better for the country.

Mr. Nicholls. I rise, sir, merely for placing myself right on the record in relation to this subject. If this were a question of removing the seat of government, I should conceive it to be my duty to state the reasons which might influence me in voting for or against it. But the question being simply to submit to the people whether New Orleans or Baton Rouge shall be the capital, no discussion is necessary to decide it. Although I do not belong to the great Democratic party, and am, perhaps, not entitled to speak with the fondness and tenderness of the dear people, which it seems to be the peculiar right of that party to display, yet when a question of taxation is involved, I conceive that we ought to let the people decide it. It is much better to leave them to decide it than for us to settle it here.

Mr. Lacey. The gentleman from New Orleans (Mr. King) seems to me to be advocating a very dangerous course of policy. When a question of constitutionality is involved in doubt, we may be right in submitting it to the people for their decision. But when we have a policy settled as this is by the Constitution of 1845, where it is a question on which the city will act as a unit, I think the Senator is hasty in insisting on submitting it to the people. Suppose two hundred bills were introduced, and to avoid the responsibility of passing them we should submit them all to the people, would the gentleman say this would be right? Suppose a thousand bills should be thus submitted, would he say this would be right? It seems to me that this would be a dangerous meddling with the fundamental law, particularly when not warranted by any expression of the popular will. There would be little of conservatism in such a course unless there were an indication that the will of the people is in favor of it.—The Senator says that I fear to trust the people. I ask the Senator if a proposition to restrict the city of New Orleans were introduced, would he be willing to submit that to the people? Would he rise in his seat and express indignation at those who might oppose such a course, and accuse them of fearing the verdict of the people? I should like to see what his course would be in such a case. I do not pretend to understand the wishes of the people of New Orleans as well as the Senator, but I have been told in the city, that it is only the politicians there who desire the seat of government to be removed I am told that the desire is only entertained by a few shop-keepers and traders who expect their profits to be increased by the presence of the Legislature in the city. The gentleman may find that a majority of the people of New Orleans will not act as a unit on this subject. But if they should, I would not be disposed to let that unity of action operate so as to deprive the country of its constitutional rights.

There is no reason why this question should be submitted to the people. If the majority of the people desire a change in the location of the seat of government, let them send representatives here to express their views, which would be a more just and proper way of taking the sense of the people. Let the question be agitated in the country; let it be discussed and argued, and if members are then sent here in favor of the measure, I will be perfectly willing to submit. That would be just and legitimate. It seems to me that the evident intention of the framers of the Constitution was not to remove the capital by a change in the Constitution itself. I would not, then, consent to a removal, or to any steps tending to it until the people shall send here the constitutional majority in favor of it. I hope then, that the question will be disposed of promptly.

I am not opposed to the city of New Orleans. I would do nothing to impede her in her career. I am as much attached to her interests, and as desirous of promoting her prosperity as any one can be, and I would do everything to advance her, if the interests of the country would not thereby be violated. But I am not disposed to hand the country over to the tender mercies of the city. I feel it my duty to warn the Senate against this step, for if it be taken, and the object consummated, the rights of the country will be as a thing of air, and nothing will be done except by the will of the city of New Orleans.

Mr. Monton. It is a matter of entire indifference to me whether the seat of government be here or in New Orleans; but as the people of the parishes which I represent have never expressed any opinion on the subject, I consider it my duty to vote against the resolution. Before I could vote for it I would have to wait for some expression of opinion from them.

Mr. King. The gentleman from Lafayette (Mr. Mouton) does his people injustice in refusing to give his people a chance to express their opinions. If he has such a tender regard for his people he ought to go with us. As to what the gentleman from East Baton Rouge (Mr. Lacey) has said about politicians only, in New Orleans, desiring the removal of the capital, I can inform him that he is not right. The mere fact of having the capital in New Orleans would be entirely too small a consideration to induce the desire. The poorest person that walks the streets could not find in the presence of the Legislature a sufficient inducement to influence his opinion. It is not for the interests of the city that we desire the change, but for the prosperity of the whole State. I must say that I do not understand the Senator when he first says that the people of New Orleans will stand in a solid phalanx on this subject, and then says that the agitation is only produced by certain politicians in the city of New Orleans. I cannot see why the gentleman should put forth such manifest contradictions.

Mr. Hodge moved to lay the bill on the table.

When Mr. Rivers' name was called he said:

I vote yea—because I have no information that the change is desired by the people, and because said change, if made would involve an expense for which the State is unprepared—the people being already heavily burthened with taxation, and yet the Treasury is in a hopeless state of bankruptcy.

The bill was laid on the table by a vote of 15 to 12.

WEDNESDAY, March 23, 1853.

The Senate met pursuant to adjournment.

Mr. Clifton, from the Committee on Banks and Banking, submitted the following report:

To the Hon. W. W. Farmer,
President of the Senate:

The Standing Committees of the Senate and House of Representatives on Banks and Banking, who were directed by joint resolution to make an examination of the incorporated banks of the city of New Orleans, have performed the duty assigned to them, and ask leave to make the following report:

It would require a more intimate knowledge of the resources and credit of the customers of these banks than is proposed by the committee, to enable them to express positive opinions upon the value of the large mass of discounted notes and bills receivable, which constitute the investments of these institutions. But the statements derived from their books, confirmed by such examinations as we are able to give, leaves a very favorable impression of the solidity of their position, and the security they offer to their creditors and the public.

The specie on hand was carefully counted by the committees, and found to correspond with the sworn statements as furnished, and to be in the line prescribed by the law of 1842.

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These general statements of the banks, furnished at the request of the committees, will be found appended to this report, or so condensed under its separate heads, as to give what is material. Besides these general statements, particular information was asked for, the results of which are herein stated, in relation to Bank management and Bank profits, which it was thought might be useful, pending the question of a general banking law, which is expected to engage the attention of the Legislature during the present session. Among these special statements from the active banks, are returns of the amount of the stock of each, held by resident and non-resident stockholders; of the liabilities of the Directors in every bank to the institution in which they are Directors, and the liabilities to each bank of the directors of all the other banks, and an account of the profits divided and reserved from the commencement of their business to date, by the Mechanics' and Traders' Bank, the Canal and Banking Company, and the Bank of Louisiana. This last-named account was not obtained from the State Bank.

MECHANICS' AND TRADERS' BANK.

The general statement of this Bank, shows it to be well prepared to abide by the decision of the Legislature, should it be adverse to the application which has been already made at the present session for a renewal of its charter, which expires by limitation on the second Tuesday in April next. Its means for meeting its liabilities for circulation, deposits, and other claims payable on demand, are ample. A glance at the table (letter C) will show that the bank has (to speak in round numbers) more than five millions of dollras in cash, or short paper, equivaledt to cash; while all the demands against it, immediate and ultimate, exclusive of the capital stock, are but little over four millions. It is obvious that the bank could wind up, pay off its obligations, and distribute nearly the whole of its capital, within a few months. The act of 1850, which was passed in anticipation, to provide for its liquidation, allows the commissioners who may be appointed under the law, five years beyond the termination of the charter, within which to close its affairs finally.

The profits of this bank, from its commencement in 1833, to Feb. 16th, 1853, have been, according to the statements furnished, $2,077,598 68. No dividends were made in June 1837, January 1839, January or July 1840, January or July 1842, January or July 1843.

The capital stock of the Bank consists of 33,797 shares, ($1,689,850) held as follows:

13.767 shares ($688.350) by residents;
20,030 " ($1,001,500) by non-residents.

The liabilities of the directors are stated thus:

Of the directors	Payers.	Endorsers.	Total.
of this Bank,	99,783 27	33,425 08	133,208 35
Of city banks to this bank,	204,677 06	103,711 85	308,388 91
	$304,460 33	$137,136 93	$441,597 26

THE CANAL AND BANKING COMPANY

The business of the Canal Bank has also been profitable, notwithstanding the heavy losses which suspended its dividends for half the duration of its charter. It has ascertained and declared profits as follows:

Div'ds as per statem't furnished,	$2,882,207 50
Profit & Loss Ac., as per gen. sta't.,	800,666 86
New Profit and Loss Account,	253,803 54
Total,	$3,936,677 40

No dividends were declared in June or December, 1834, June 1837, or December 1839, nor at any time during the years 1840, '41, '42, '43, '44, '45 or '46, nor for June, 1847, nor December 1849.

The capital stock of the Bank (3,164,000) is held as follows:

16,741 shares (1,674,100) by non-residents.
14,899 " (1,489,900) by residents.

The liabilities of bank directors to this bank are stated thus:

	Payers.	Endorsers.	Total.
Directors of this bank,	184,965 03	182,846 72	367,811 75
Do. other b'ks to this,	256,067 78	147,404 01	403,491 70
	$441,032 81	$329,750 73	$770,303 45

THE BANK OF LOUISIANA.

The Bank of Louisiana shows even a more favorable exhibit of its operations Its capital stock is nominally $3,992,600, but of this, 1,200,000 is owned by the bank itself, so that the real capital is $2,792,600, which is held as follows:

15,119 shares (1,511,900) by non residents.
12,804 " (1,280,400) by residents.
12,000 " (1,200,000) by the bank.

This bank seems to have been managed with more uniform prudence and success, than any other in the city. It shows upon a capital of $3,992,600, a clear dividend and ascertained profit of $8,729,858 81, besides having purchased in $1.200,000 of its own stock, which swells the profits to $9,929,858 81, being about 250 per cent. in 23 years, and sparing from their capital the means of erecting their magnificent banking buildings. The bank declared no dividends in July, 1837, July 1842, and January 1843; but it made extra dividends in January 1847, January 1850, and January 1853. The regular and extra dividends for the last six months have amounted to fifteen per cent., a proof of the enormous profits attainable under the present close system of incorporated banking, and a powerful argument for the throwing open of this business to general competition.

The liabilities of the directors to this Bank are stated thus

	Payers.	Endorsers.	Total.
Directors of this Bank,	$91,012 89	47,797 62	138,810 51
Do oth'r b'ks to this	304,470 34	354,886 67	659,387 10
	$395,483 23	402,684 38	798,167 61

LOUISIANA STATE BANK.

No statement was obtained by the committees of the amount of profits made by this bank, nor of the distribution of the capital stock, ($1,987,960) among residents and non-residents. The bank has no agency out of the State for the transfer of its stock.

The liabilities of directors at the Bank and its branches are thus stated:

	Payers.	Endorsers.	Total.
Parent Bank—Its own directors,	231,984	108,709	340,693
Direc's 2d m'y br'ch,	84,951	143,999	228,950
Do to other b'ks,	96,267	2,520	98,787
	$413,202	255,228	668,430

$167,000 of the amount due as payers is on the pledge of stock

Liabilities of Directors of Second Municipality Branch of Louisiana State Bank.

	Payers.	Endorsers.	Total.
Its own Directors,	222,039	9,050	231,089
Directors of parent bank	29,016	70,804	99,820
Do other banks to this	10.439		10,439
	261,494	79,854	341,348
Branch at Baton Rouge.	12,855		12,855

Aggregate liabilities of bank directors to this bank and its branches as payers, $687,551. Endorsers, $335,082. Total amount, $1,022,633.

For a better understanding of the affairs of this institution, the committee obtained separate statements of the affairs of the parent bank, and of the two branches, made up to the same day. These are appended to this report, condensed into a form to show at a glance the dead weight and the movement of the bank, and of each of its branches on the 12th of February.

It will be perceived that a very large and profitable part of the business of the bank in New Orleans is transacted through the branch in the Second Municipality, and that its loans, made through its branches, and particularly through that in the Second Municipality, are much beyond the line prescribed in the charter of the bank, for the proportion of business to capital, and also exhibit a large excess of the joint business of the parent bank and branches beyond the charter limitation. It is worth a particular remark that the branch in the Second Municipality has, upon an assigned capital of $100,-

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000, loaned to its own directors, and those of the parent bank, the sum of $255,055, or two and a half time its capital.

The committee cannot leave this subject without at least alluding to grave questions appertaining to this institution, which have been much debated from time to time, but never judicially examined, and authoritatively settled. Has the bank a right to erect, in the place where its own business is conducted, another bank under the name of branch, with powers as comprehensive as its own; "and with this, the consequent right of multiplying itself indefinitely in the same city?" Are the privileges which have been exercised under the act of 1850, in relation to the establishment of a branch at Baton Rouge, where y the bank claims an exemption from the limitations imposed by its charter, upon the loans made through its branches, lawfully claimed and exercised? Upon points of so much intricacy, the committees are indisposed to express positive opinions, but they have no hesitation in saying that there ought to be a judicial determination of these points. In what form it should be sought, it is not their province to point out, but they insist that the construction of law ought to be rigidly made against powers so dangerous, and license so unlimited.

CITIZENS' BANK.

The examination of the affairs of the Citizens' Bank shows that the institution has no circulation or deposits, and no liabilities except for the State Bonds and Bank Bonds held abroad. The committees had only to look into the security which the State has in the assets of the institution, and the mortgage securities given to the bank by its stockholders, for the punctual payment of the State obligations as they become due. Such an examination as the committees have been able to make, consulting the local knowledge of the different members of the committees as to the value of mortgages in their respective localities, induces the belief that the security is ample for the protection of the State. The mortgages remain binding for their original amount, although sixteen instalments of one dollar on each share have been called in, and paid with remarkable punctuality. The bank has considerable assets, and is collecting from the stockholders the contributions authorized under the act of 1847. These will, for a number of years, produce a considerable surplus of receipts over payments. The State is, in the judgment of the committees, well protected against loss for her liabilities for this bank, if her interests are prudently guarded hereafter.

There has been no movement in this bank since the report of the Bank Managers, which is already in the possession of the Legislature; the committees have, therefore, not thought it necessary to attach another general statement to this report.

THE CONSOLIDATED ASSOCIATION.

The same general remarks apply to this bank,—it has no circulation or movement. The State's interest lies in superintending the liquidation, in order to protect itself against loss, on account of bonds issued for the use of the bank. The winding up of this bank will show a heavy loss to the stockholders. The apparent deficiency is now about $300,000, which will doubtless be considerably increased on the closing of unsettled accounts; but the mortgages which the bank holds, and its good assets, afford in her present aspect of affairs, an apparently abundant security against loss to the State on account of the bank.

The successful negotiation of the Citizens' Bank with the foreign bondholders, by which that institution is permitted and expected to revert shortly to the control of its stockholders, will, on the consummation of those arrangements, make necessary a change in the State management of this institution. The Board of Bank Managers, now established by law, will have only in charge the Consolidated Association; and the machinery is too expensive, and unsuited to the administration of a single bank.

The subject will require the action of the Legislature.

THE UNION BANK.

The only remaining bank to be noticed is the Union Bank, which is also in liquidation, and has nearly closed its affairs. Its liabilities are merely nominal, or have been adequately provided for, and it has collected and divided among its shareholders nearly the whole of its capital. In the division of its surplus profits, the State, as stockholder to the amount of one-sixth, has received in two dividends the following sums!

1st dividend, June 1st, 1852, $207,170.
2d do Jan., 1853, 137,396.

The whole of the first dividend, and a further sum of $22,866 73 of the second dividend was retained by agreement with the State, on account of the liabilities of the bank for the Clinton and Port Hudson Railroad bonds Another sum of $3000 was credited on account of a sight draft on the Treasury, paid by the bank; and $6000 to refund a deposit made with the State Treasurer, to represent six state bonds, which the bank is ready to deliver.

The balance, amounting to 105,529 67 the committees found placed to the credit of the State, on the books of the bank, where it has been subject to draft since the 1st of January last.

The State has still an interest of one-sixth in profits of the bank which are yet undivided. A proposition has been made by the bank to purchase this interest. The Treasurer of the State was authorized, by an act passed last March, to negotiate with the bank, but was unable to come to any agreement. The bank offered eighteen dollars per share, which the Treasurer declined accepting. The bank has since made a dividend of fifteen dollars a share, on which the State has received $137,396. There is still a considerable amount undivided, of unascertained value. In view of this subject, the committees deemed it expedient to ask for a very detailed statement of all the remaining assets and liabilities of the bank, in order to enable them to form an opinion upon the course which it is expedient for the State to take.—The papers were promptly furnished, and on an examination thereof, the committees came to the conclusion that the interests of the State do not require any sale to the bank of its prospective share of the profits, but would be at least as well promoted by permitting the bank to proceed in its regular course of liquidation, and receiving her rateable proportion of the profits, as they may be realized.

The Committees have selected from the great mass of papers which they have examined and condensed, and attached to this report the following:

A. Statement and recapitulation of the profits of three of the active banks.

B. Statement and recapitulation of the liabilities of the directors of the city banks, to the institutions in which they are directors, and to the other city banks.

C. General statement of the Mechanics' and Traders' Bank.
D. " " Canal and Banking Co.
E. " " Bank of Louisiana.
F. 1 " " Louisiana State Bank.
" 2 " " Branch, 2d Municipality.
" 3 " " Branch at Baton Rouge.

All of which is respectfully submitted.

Mr. Palfrey called up the following bill:

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the Treasurer of the State be, and he is hereby, required to pay to the order of Theodule Labauve, a resident of the Parish of St. Mary, on the warrant of the Auditor of Public Accounts, the sum of five hundred dollars.

SEC. 2. Be it further enacted, &c., That the sum of five hundred dollars be, and it is hereby, especially appropriated for the purposes aforesaid.

Mr. Wickliffe. This seems to me to be a very irregular proceeding. The proposition is that because an individual is wounded by buck-shot, therefore the State must be made to pay the damages resulting.—There are hundreds of persons in Louisiana who have been wounded by buck-shot, and some of them while in pursuit of criminals. The consequence is that we ought to pay all of these, who certainly have equally as just claims on the public Treasury. I, for one, am not disposed to pay any person who may happen to be wounded when in pursuit of a runaway slave. I say again that it is a novel doctrine. If we once commence this system, where is it to end?

Many persons could present as just claims as this

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one. There are some persons in my own Parish who would be just as much entitled to compensation. If the gentleman from St Mary obtain $500 for his constituent, I shall demand an equal amount for such of mine as are in the same position. I ask where is the warrant on which this claim is based? Was the individual wounded in the service of the State? Was he wounded from the act or the fault of the State? Why was he wounded? What were the circumstances of the case? These things are not mentioned. Might he not have been animated by the hope of reward in case he recaptured the negro? If so he can have no possible claim on the State. He has no right to come to the Legislature and ask for compensation for an accident or a misfortune which befel him while he was engaged, not in the service of the State, but in an enterprise from which, even though he incurred danger, he expected to derive profit.

Mr. Mouton. If I had the report of the committee I could show, I think, that the law compels the State to compensate persons for wounds received, under just such circumstances as these. I am not disposed to pay the claim if the law does not allow it; but if the contrary is the case, I do not see how we can avoid it. If the gentleman examines the report he will see the law quoted. As far as my recollection serves me, it is very clear on the point.

[The report of the Committee was read.]

Mr. Palfrey. Thus it will be seen from the report that the slaves were not only runaways, but fugitives from justice likewise. They were in fact murderers. They had been guilty of a heinous crime. In order to make the case clear I will detail the circumstances. After these slaves had run away they were arrested by a man named Wilcox. He compelled them to embark with him in a skiff. Before they had proceeded far the negroes, taking advantage of an unguarded moment, threw him overboard. He had had a gun in the boat, with which they shot and killed him while he was swimming, and endeavoring to effect his escape. They then landed and abandoned the boat.—This individual, whose claim for compensation is now before you, without the inducement or hope of reward, voluntarily pursued the negroes, and succeeded in capturing them. He shot one, and was himself wounded. It seems to me that we could scarcely imagine a case in which a person would be better entitled to remuneration.

Mr. Wickliffe. I should like to know whether this person was not an officer of the State, engaged in the performance of his duties?

Mr. Palfrey. No, sir.

Mr. Wickliffe. Then it was his privilege as a citizen, and also his duty, to arrest these negroes. There are generally Parish rewards given in such cases, and I do not see why the State should be made to bear the burthen. It is so in my Parish, and I have no doubt the case is the same in most of the others. I intend to vote against this bill, and I wish to place my vote on the record.

Mr. Millard. The committee took this case into especial consideration, and found that the law compels the State to grant remuneration. [Reads the law.] It was on this law that the report was based. The committee could not go behind it—they could not inquire into its expediency. They found it on the statute book, and they felt themselves bound to obey its requirements.

Mr. Nichols. The Senator from West Feliciana (Mr. Wickliffe) has said that this is a novel and irregular proceeding. I do not agree with him. It is certainly not new, because this very Legislature has itself sanctioned a claim of a similar kind, by passing a bill for the relief of Mr. Moore, who succeeded in effecting the capture of a fugitive from justice.—This person was severely wounded—so severely indeed that he was maimed for life, and almost deprived of the power of earning a subsistence. The general law grants remuneration in cases of this kind, and we have no right to overlook its provisions.

Mr. Derbes. If the law be a bad law it ought to be repealed, but as long as its presence on the statute book is tolerated, we cannot refuse to acknowledge its existence, or set aside its solemn provisions. We cannot withhold this remuneration in the face of a law which commands us to give it. The person who comes here to press this claim exposed his life without even the hope of reward, as we are told, but in accordance with his convictions of his duties as a good citizen. He was wounded and maimed for life. He avoided asking the assistance of the State as long as possible, and has only consented to do it when he finds that his necessities compel him to accept the compensation which the law allows. As the gentleman (Mr. Nichols) well says, this is not a solitary case. We have before passed acts of the same kind, and we cannot now, with justice, refuse to pass this one.

Mr. Wickliffe. The gentleman is mistaken. No such act has passed this Legislature. The case of Mr. Moore was very different. He was subjected to great expense in the capture of a fugitive from justice, who had committed murder, and the Legislature allowed him compensation for his services, and refunded his expenses.

Mr. Millard—I have a few words more to say. As far as this case is concerned, it was in evidence before the Committee, through the testimony of the physician, that the man was very severely wounded, so much so that he still feels the effects of the injury. This was as long ago as 1842. But so far from the length of time which has elapsed being an argument against the claim, it only shows that Mr. Labauve was unwilling to make application to the Legislature for relief till he was absolutely compelled to do it. Had the bill originated in the Senate, I should have been in favor of giving $1000; but as it came from the House, the Committee could do no less than report in favor of $500—the amount allowed there.

Mr. Hodge—I would ask whether the claimant has already received anything from the owner of the slave. If so, the State has a right to institute suit against the owner.

Mr Palfrey—I would remark that it is hardly probable such is the case as the negroes were given up to the State.

The bill passed by the following vote:

Messrs. Boatner, Clifton, Derbes, Dupré, Hodge, Kenner, Kittridge, Lewis, McCay, Millard, Mouton, Nichols, Palfrey, Patterson, Rivers, Slack and Taylor—17 yeas;

And Messrs. Burthe, Evans, Lacoste, Neal and Wickliffe—5 nays.

On motion of Mr. Derbes, the bill to repeal the homestead law was taken up and passed.

THE BOARD OF PUBLIC WORKS.

Mr. King—I move to take up the bill to abolish the Board of Public Works. It is some time since that bill was introduced. It has been thoroughly discussed, and farther argument would be useless. It is time that we should take a test vote on the subject, and set it at rest.

Mr. Wickliffe—I am opposed to taking up that bill now. Let us proceed with the regular order of the day.

Mr. Todd—I think the question ought to be disposed of as soon as possible. The reason I voted as I did yesterday was because I did not like to go in opposition to a provision of the Constitution.

The bill, which was in the following words, was taken up:

An act to abolish the Board of Public Works.

Section 1. Be it enacted by the General Assembly of the State of Louisiana, That the Board of Public Works established by articles one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-three and one hundred and thirty-four, be, and the same is hereby abolished.

Mr. King moved the adoption of the first section.

Mr. Wickliffe called for the yeas and nays:

Messrs. Boatner, Clifton, Derbes, Evans, King, Lewis, Millard, Mouton, Neal, Patterson, Rivers, Theriot, Todd and Wickliffe—15 yeas;

And Messrs. Burthe, Dupre, Hodge, Kittridge, Kenner, Lacoste, McCay, Nichols, Palfrey, Short, Slack, and Taylor—11 nays.

Consequently, the constitutional number of three-fifths of the members not voting for the adoption of the first section, the bill was lost.

ORDER OF THE DAY.

An Act to Reclaim and Drain the Swamp and Overflowed Lands donated to the State of Louisiana, &c.

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The consideration of the following bill, which was under discussion yesterday, was resumed:

An act to reclaim and drain the swamp and overflowed lands donated to the State of Louisiana by act of Congress entitled an act to aid the State of Louisiana in draining the swamp lands therein—approved March the second, one thousand eight hundred and forty-nine.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the State shall be divided into three levee and draining districts.

SEC. 2. Be it further enacted, &c, That all the part of the State south of the thirty-first degree of North latitude, and east of the Mississippi river, shall constitute the First District; all that part part south of the thirty-first degree of North latitude, and west of the Mississippi river, shall constitute the Second District, and all that part of the State north of the thirty-first degree of North latitude and west of the Mississippi river, including the parish of Avoyelles, shall constitute the Third District.

SEC. 3. Be it further enacted, &c., That the Governor shall appoint a commissioner for each district; each commissioner shall be a resident of the district for which he is appointed. The three commissioners shall constitute and be called by the name of the "Swamp Land Commissioners." The commissioners shall hold their office for the term of two years, and until their successors shall be qualified.

SEC. 4. Be it further enacted, &c., That the Governor shall have power to fill any vacancy in said Board of Commissioners, caused by death, resignation or otherwise.

SEC 5. Be it further enacted, &c., That each of said commissioners before entering upon the duties of his office, shall give a bond to the State of Louisiana in the sum of five thousand dollars, with two securities, said bond to be approved of by the Secretary of State conditioned for the faithful performance of his duty, and the Secretary of State shall administer to him the oath of office prescribed in the Constitution.

SEC 6. Be it further enacted, &c., That the said Board of Commissioners shall meet at the town of Baton Rouge, on the first Monday in May next, and every three months thereafter, and oftener, if by them deemed necessary.

SEC. 7. Be it further enacted, &c., That said commissioners be, and they are hereby authorized to make all by-laws and regulations that may be necessary for proper organization; they shall select one of their number as President, and shall have a Secretary, who shall keep a journal of their proceedings, and they shall fix the compensation of their Secretary, provided he shall not receive more than five hundred dollars per annum.

Sec. 8. Be it further enacted, &c., That it shall be the duty of said commissioners at their first meeting, and every two years thereafter, to appoint a competent engineer for each of said districts, who shall hold his office for two years, subject, however, to be removed by a majority of said commissioners, at any time, for neglect of duty.

Sec. 9. Be it further enacted, &c., That each of said engineers shall receive a compensation for his services at the rate of three thousand dollars per annum.

Sec. 10. Be it further enacted, &c., That it shall be the duty of said engineers in their respective districts, to determine the locality, extent and dimensions of the necessary levees and drains to protect and reclaim swamp lands of the State.

Sec. 11. Be it further enacted, &c., That it shall be the duty of each of said engineers to lay off his district into Levee Wards and Draining Districts, to prescribe the size of the levees to be built, the repairs to be made, the distances from the river or bayous, and the canals for draining, to make an estimate of the cost of all said works, and to make a full and detailed report thereof to the commissioners, at such time as they may require.

Sec. 12. Be it further enacted, &c., That it shall be the duty of the Commissioners to appoint an inspector for each levee ward, to prescribe his duties and fix his compensation.

Sec. 13. Be it further enacted, &c, That it shall be the duty of each of said engineers, after the formation of the levee wards and draining districts, to let out the making or repairing of such levees, or drains, or canals, as the said commissioners may order, to the lowest bidder, after thirty days' notice thereof in some newspaper published in the parish in which the work is to be done; if no newspaper is published therein, then by notices posted up at three public places in said parish, said works to be let out at a stipulated price per cubic yard; provided, that the engineers be authorized to reject all bids when they consider them unreasonable or the parties incompetent, or the securities insufficient.

Sec. 14. Be it further enacted, &c, That it shall be the duty of each of said engineers to require of every person or persons who may undertake any work contemplated by this act, a bond with adequate security, conditioned for the faithful performance of said work undertaken, said bond to be in a sum equal to the supposed value of the services to be rendered, and made payable to the commissioners, and recoverable before any competent court of the State, and when recovered to constitute a part of the swamp land fund.

Sec. 15. Be it further enacted, &c., That it shall be the duty of said engineers to require all levees and repairs thereto, to be completed by the first Monday in December of each year.

Sec. 16. Be it further enacted, &c., That the engineers, and in the event of their absence, the inspectors, are hereby empowered within the several levee wards, to call out, to work on the levees therein during high water, all the male slaves above the age of fifteen years and under sixty, or so many thereof as may be deemed necessary; and whenever the owner of said slave or slaves, or his agent or overseer, shall refuse or neglect to furnish the slaves required by the Engineer or Inspector, then, in that event, the said owner shall pay five dollars per day for each slave not sent under said requisition, said amount to be due to said commissioners, and recoverable in their name before any competent court, and to be paid into the Treasury of the State, and constitute a part of the swamp land fund.

Sec. 17. Be it further enacted, &c., That it shall be the duty of the engineers, as far as practicable, to superintend the making and repairing of all levees and drains within their respective districts, to make out the cost of the same when completed, to whom due, the items thereof, and to certify the same to the commissioners.

Sec. 18. Be it further enacted, &c., That all work done and expenses incurred under this act shall be paid for by the commissioners out of any moneys in the Treasury of the State arising from the sales of swamp lands.

Sec. 19. Be it further enacted, &c. That the commissioners upon the certificate of an engineer that a certain sum is due an individual, specifying therein, the work done, shall draw their warrant on the Auditor of Public Accounts in favor of such person or persons, for the amount due, payable out of the swamp land fund, and upon the presentation of said warrant to the Auditor he shall give his warrant on the Treasurer for the amount of the same, if there be any funds subject to the payment thereof, but if there be no funds in the Treasury subject to the payment of warrants drawn by the commissioners, then, it is hereby made the duty of the Auditor to endorse each of said warrants not paid for want of funds, and sign his name to said endorsement.

Sec. 20. Be it further enacted, &c., That the said warrants when endorsed by the Auditor as prescribed in the preceding section, shall bear eight per cent. interest from date until paid.

Sec. 21. Be it further enacted, &c., That all expenses incurred under this act shall be paid by the Auditor upon the warrant of the commissioners, provided that no warrant shall be paid unless signed by a majority of the commissioners.

Sec. 22. Be it further enacted, &c., That each of said commissioners shall receive a compensation for his services at the rate of fifteen hundred dollars per annum.

Sec. 23. Be it further enacted, &c., That it shall be the duty of each of said commissioners to supervise the acts of the engineers of his district, and to examine all the works made or to be made under the supervision of this act.

Sec. 24. Be it further enacted, &c., That the commissioners shall, on the first day of January of each

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year, report to the Governor of the State all their official transactions, and recommend the adoption of such means as to them may seem necessary for the protection of the alluvial lands from inundation, and the draining and reclamation of the same.

The Governor shall transmit their report, with his message, to the General Assembly, at each session thereof.

Sec. 25. Be it further enacted, &c., That all debts contracted, and salaries for services rendered, in carrying out the provisions of this act, shall be paid out of the sales of the swamp lands, and no debt contracted under the provisions of this act shall ever become a charge on any other funds in the State Treasury than those arising from the sale of swamp lands.

Sec 26. Be it further enacted, &c., That neither of said commissioners, nor any of the engineers or other agents appointed by them, shall, in any manner whatever, have any interest in the contracts made under the authority of this act under the penalty of removal from office and the forfeiture of the amount due to them respectively.

Sec. 27. Be it further enacted, &c., That it shall be the duty of the commissioners, at their several meetings, to order the most important works under this act to be done in preference to others of less importance, and each commissioner, in the event of any great public emergency or imminent danger from overflow, to any portion of his district, shall be, and he is hereby authorized to use, upon the recommendation of the engineer of his district, such means as may be required to avert such danger, and to protect the interest and safety of the alluvial lands

Mr. Griffin moved to recommit the bill to the Committee on Lands and Levees, with instructions to amend the first section so as to divide the third District into two, making the Red River valley and all west of that valley, and north of the thirty-first degree of north latitude, including the parishes of Rapides and Avoyelles, one district, to be called the Third District—and all east of the Red River valley, and north of thirty-first degree of north latitude to make one district, to be called the Fourth District.

Mr. Wickliffe moved to lay the motion indefinitely on the table, and called for the yeas and nays:

Mr. Kenner—I shall move to strike out ——

Mr. Wickliffe (interrupting)—The gentleman is out of order.

Mr. Kenner—If the object of the gentleman in moving to lay on the table was to cut off debate, I have nothing more to say. I am satisfied I am not in order; but I shall vote against laying on the table, though otherwise I should have voted for it.

Mr. Wickliffe—My reason for making the motion was that I desire to get through the business.

Mr. Kenner—Our main object should be to legislate well and not in a hurry.

The motion to lay on the table was lost.

The yeas and nays being taken on the motion to recommit, resulted as follows:

Messrs. Barthe, Clifton, Derbes, Evans, King, Lacoste, Lewis, McCay, Millard, Mouton, Patterson, Rivers, Short and Wickliffe—14 yeas;

And Messrs. Boatner, Dupre, Griffin, Hodge, Kenner, Kitteridge, Neal, Nichols, Palfrey, Slack, Taylor, Theriot and Todd—13 nays.

Consequently the motion to recommit was lost.

Mr. Hodge—I move to recommit the bill to the Committee on Internal Improvements. My reasons for making the motion are these: The Senate has, this morning, by a direct vote refused to abolish the Board of Public Works. It would therefore be vain to pass this bill in its present shape, as it is now impossible to reconsider the first section, which is in conflict with the Constitution. That section provides for three Commissioners, whereas the Constitution directs that there shall be four. The duties imposed on the Commissioners under this bill are the same as those of the Commissioners under the Constitution would be. They are therefore the same officers, provided for by legislative enactment. It would be superfluous to pass this bill to-day, when to-morrow we might have to pass another bill organizing the Board of Public Works.

I can say, however, that I have no objection to the details of this bill. At least there is one on my desk which I am willing to support. But I am not willing to do a vain thing—I am not willing to violate the Constitution, or disobey its injunctions—I am not willing to do to-day what we may have to undo to-morrow.

Mr. Short—I am opposed to committing this bill to any other committee than that through whose hands it has passed. I am opposed to it for various reasons, among which is that it will delay action on this subject—and it is one of immense importance,—to an indefinite period. It has been stated by a gentleman here—one whom I have deemed a friend to this measure—that this is an imperfect bill. In the Lower House, where the whole State is represented, and where the popular will is reflected to the greatest extent, the bill passed with only three dissenting votes. In the Senate, on the contrary, it is opposed from the first section to the last. The constitutional objection is that the Commissioners ought to be made to conform to the Board of Public Works, provided for by the Constitution. To relieve the bill from this objection it has been already provided that the Board established by it shall be superseded by that to be organized under the Constitution, thereby relieving the swamp land fund from the expense of two Boards. Not that I concede levees to be a part of our public works within the meaning of the Constitution. Where is the statute to show that they are so? Have they not always been constructed by means of private capital? Most certainly they have. What does the Constitution say? Does it enjoin that levees shall be included in our public works? No, sir! that is not found in any part of the Constitution.

Mr. Kenner—I would direct the attention of the gentleman to article 137 of the Constitution.

Mr. Short—When did Lands and Levees ever form a part of our system of Internal Improvements? I contend that they never have. Suppose these Commissioners to be appointed. Their only duty will be to devise the best means of applying the swamp land fund to the purposes for which it was designed. Their powers and duties are confined to that.

But to relieve the bill from any constitutional objection, on whatever slight grounds it may have been based, we have, as I before remarked, provided that the powers of this Board be transferred to the other so soon as it may be organized. This certainly ought to quiet the fears, and dissipate the objections of those gentlemen who are afflicted with constitutional doubts and scruples. But when are you going to elect the Board for which the Constitution provides? Are you going to elect it next November? You cannot well do it before that time. And let me ask whether the Committee on Internal Improvements has reported a bill for the organization of the Board. We all know it has not. So far from taking any step towards such a consummation as that, after sixty-five days of the session have passed away, we have at last taken a vote not to organize a Board, but to destroy it, and the proposition actually obtained a majority, though not the requisite constitutional proportion. When there is such a large vote to destroy, where are you going to obtain material to organize? Let gentlemen answer this question. And again: will you consent to let the $200,000 which you have on hand be idle, drawing no interest—producing no benefit to the State? This certainly is not the part of wise legislators.

Even now, while we are here debating this question in our legislative halls, the waters are rising, and the country is subjected to the perils and terrors of overflow. Will you suffer that? Will you fold your arms and look calmly at such a spectacle, without taking the measures which are within your power to avert the calamity? Is that what we came here for? Sir, our position now reminds me of that renowned general who marched up the hill with twenty thousand men, and then marched down again. We have marched up the hill—we have surveyed the prospect from the summit, and now it seems we are on our way down, with a chance of getting a little farther into the swamp than when we started. To my mind nothing that has been said has so much force as what has been done. I speak of the acts of senators, not of their motives. These are patent to the world—those are hidden with the recesses of their bosoms. It is my privilege to descant upon the one, though I may

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have no right to impugn the other. From the acts of Senators I can come to no other conclusion than that their desire is to defer action. For three weeks we have been engaged on this subject, and yet have made no progress! Not being myself an old member, and having little experience in legislation, I shall follow the example of the gentleman who first made the motion to recommit. This bill has been under consideration in the committee room for two or three weeks. Yet, notwithstanding the importance of the subject, with the exception of two or three members, none of the committee ever attended the meetings, or participated in the discussions on the bill. The gentleman who made the motion, is the one through whose instrumentality two members were added to the committee. Did he ever come into the committee room to offer any valuable suggestions, or to give us the benefit of his experience. Let the gentleman speak for himself--has he ever done it?

Mr. Griffin. Does the gentleman allude to me?

Mr. Short. I allude to the gentleman who made the motion to recommit, thus arresting an important measure in its progress through this body. Whence I ask, comes the new born zeal which is manifested for this bill? On the other hand, why has it been thus arrested by a motion from a quarter whence I expected the offer of a friendly hand—not one which would be put forth only in order to destroy? Gentlemen who act thus may take the responsibility of defeating the measure—it shall not rest on me.

I know that this is a dry subject. I know that it is uninteresting; that the garlands of rhetoric and eloquence cannot be woven around it. But it is not the less important on that account. I have noticed indeed, with regret, that whenever the word levee is mentioned, it falls on the ear like a thrice told tale. If you are fatigued with its repetition go to work and pass the bill, you will then get rid of the subject in an effectual and creditable manner.

Mr. Wickliffe moved to lay the motion indefinitely on the table and called for the yeas and nays:

Messrs. Clifton, Derbes, Evans, Griffin, King, Lacoste, Lewis, McCay, Millard, Mouton, Neal, Patterson, Rivers, Short, Theriot and Wickliffe—16 yeas.

And Messrs. Boatner, Burthe, Dupre, Hodge, Kenner, Kittridge, Nichols, Slack, Taylor and Todd—10 nays.

Consequently the motion to lay on the table prevailed

The bill was then taken up and the first eleven sections passed. The 12th section was then taken up.

Mr. King. I have some remarks to offer on this section. I do not think its effect would be beneficial. It would have the effect of placing all the levees in Louisiana in the hands and under the control of the State. I am not in favor of any such legislation. There are now fifteen hundred or two thousand miles of levee in Louisiana. Ought we to place this enormous extent of levee under the control of the State, when we have only $200,000 on hand? Such a course as this would not be to protect us, but to take away the protection we now have. My idea—and I think it is in accordance with good sense and sound policy—is, that we should expend what money we have judiciously, or in such a manner as to produce the greatest possible benefit. But we should not undertake the guardianship of all the syndics and all the levees in the State. We have already a great extent of levee made. With that we have nothing to do. Let us do what we can in addition, and leave the local authorities to exercise the same powers and privileges as they have hitherto enjoyed. We ought not to deceive the people by impressing them with the fallacious idea that they are necessarily safe because they are under the control of the State. The waters of the Mississippi would have no more respect for a weak levee though it might be removed from the dominion of the local authorities, and placed under the authority of a State Engineer or Inspector. I do not wish the people to become possessed of the idea that they may cease their efforts for their own protection. If they do, the bill instead of proving beneficial, will, in fact, be ruinous in its effects.

On motion of Mr. Kenner the words "a resident of the ward," were inserted in the 12th section and second line, between the words "Inspector for," and on motion of Mr. King the words "when they deem it necessary," were inserted in the same section and the same line between the words "commissioners to."

Mr. Rivers offered the following proviso:

"That nothing in this section shall be construed to interfere with the appointing powers and compenpensation of inspectors as made by the police juries of the different parishes in conformity with existing laws."

Mr. Kenner. I think the whole section wrong in principle; but I dare not move to strike it out for fear I should be accused of wishing to embarrass the bill. I coincide perfectly with the gentleman from New Orleans, [Mr. King,] in the remarks which he has made. I think with him that we are about to extend our supervision too far—that we are taking too much under our charge I shall vote with pleasure for the proviso of the gentleman from Concordia, [Mr. Rivers] as I think it amounts to a virtual repeal of the section.

Mr. Martin—It seems to me that the proviso does not meet the objection. When it is understood that the State Commissioners have the power of appointing and regulating the compensation of the levee inspectors, they will be sure to neglect it themselves. This will throw the whole charge of the levees on the State, thus bringing us back to the very objection urged by the Senator from New Orleans, [Mr. King.] I have no doubt that the parish would neglect to appoint syndics, and therefore the proviso would become superfluous.

Mr. Rivers. Of course the Commissioners would not wish to appoint Inspectors where those officers had been already appointed by the parish authorities. In my parish we have twelve Inspectors, and we do not need any more. What we desire is that this power be left within the discretion of the local authorities, and that the Inspectors come in under the general law, and be made subservient to it.

Mr. Mouton. The section gives the power of appointing Inspectors, to the Commissioners. The amendment of the Senator from Concordia (Mr. Rivers) provides that the parish authorities may still retain that power if they choose to exercise it. Now, I contend, as the gentleman from Assumption, (Mr. Martin) does, that they will not exercise it, if they know that the Commissioners may do so in default of their action. They will neglect the whole matter, and throw the burthen oattending to it on the State.—Thus the proviso does not relieve the section from the objections which have been raised by the Senator from New Orleans, (Mr. King) and, which, in my opinion, are well founded.

Mr. Hodge. I understand that what we have to do is to appoint proper persons to take charge of and apply the swamp land fund. In that fund no one portion of the State is more interested than another.—Its proper disposition affects all sections. In adopting a general system I do not think that the State should interfere with the Parishes and deprive them of their ancient rights, any more than I think that the State authorities ought to be placed under the control of the Parishes. But can you compel the Parishes to appoint Inspectors? Certainly not. If they should neglect or refuse to do it you have no way of forcing them. I am therefore opposed to interference where the duty has already been performed by the inhabitants or authorities of a Parish. I do not wish to force on the people of any part of the State a system which is repugnant to them. But where they refuse or neglect to appoint Inspectors it may be necessary for the Commissioners to assume the task. This is a subject entirely appertaining to the State The fund is a State fund, accruing from lands donated to the State. The disposal of it should not be placed in the hands of the Parishes. I live in a highland Parish—one little liable to overflow—but we have as much interest in this fund as the lowland Parishes The Parish of Concordia has no right to claim exclusive control over any part of the fund, unless it co-operate in the general system we are about to adopt. I have no objection to the Parishes subscribing their own money for their own purposes; but I do not wish to put the fund under their control when the State has officers competent for the task.

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Mr. Clifton submitted the following as a substitute for the 12th section and its amendments:

SECTION 12. (Substitute.) Be it enacted, &c., That the levee inspectors appointed by the respective Parishes, shall be subject to the direction of the engineer of the District, provided that nothing contained in this section shall be so construed as to repeal any of the levee or police jury ordinances in force.

The substitute was adopted.

On motion of Mr. Kenner the words "or canals," in the 13th section, 4th line, were stricken out, and the section was adopted as amended.

Section 14 was then taken up.

Mr. King. I think the bond required under this section is too large. I think it should only amount to a sum sufficient to secure the execution of the work.

Mr. Kenner. I think the section should be suffered to remain as it is. Should a crevasse occur by the fault or neglect of an officer, multitudes of families might be rendered homeless.

On motion of Mr. King the words "or sufficient to ensure the execution of the work," was inserted in the 14th section, 7th line, after the words "value of the services rendered," and the section was adopted as amended.

Mr. King moved to insert in the 15th section, 2d line, after the words "engineers to require all," "all contracts for the building of," which was adopted.

The section as amended was then adopted.

Mr. Kenner moved to strike out the word "December," and insert "November," in the same section and third line.

Mr. Kenner. The river is generally up by December, and if the levees be not finished some time before that period they are very apt to be swept away. The police juries require the levees to be finished by November. Some think that even October would be preferable. It is necessary that the levees should acquire a certain consistency, after being built in order to withstand the force of the water. When some time has elapsed between the period of their construction and that of the rising of the river, they can bear a much greater pressure than they could withstand soon after they are built.

Mr. King. I should prefer December, in order to give time to the contractors to finish the work.

Mr. Kenner. This is not a question of preference—it is a question of precaution. We wish to make a good bill, and it will unquestionably be improved by the amendment. I do not offer it for the convenience of the men who build levees, but for the safety of the public. It is their interests that we have to consult, and not the interests of contractors and speculators.

The amendment was adopted.

On motion of Mr. Kenner, the words in the 16th section, 4th and 5th lines, "during high water," were stricken out, and the words "in case of a crevasse or threatened crevasse," were inserted

Mr. Kenner offered the following amendment: after the words "may be deemed necessary," to insert "within five miles of the threatened danger."

Mr. Taylor moved to amend the amendment by inserting "seven miles"—which was adopted.

Mr. Barthe moved to amend by inserting in Mr. Kenner's amendment, "on the same side of the river or bayou," which was adopted.

Mr. Kenner's amendment as amended was adopted, and reads as follows:

"In case of a crevasse or threatened crevasse, all the male slaves above the age of fifteen years and under sixty, or so many thereof as may be deemed necessary, whose owner resides on the same side of the river or bayou, within seven miles of the threatened danger."

Mr. Kenner offered the following amendment to the 16th section:

"That whenever any slave or slaves may be furnished upon the requisition referred to in this section, the owner of the slave or slaves shall be entitled to demand and receive, as compensation for his or their services, at the rate of one dollar and fifty cents per day for each and every slave, payable out of the swamp land fund—except the owner of the land upon which the crevasse occurs or threatens to occur—who is not to be considered as entitled to the compensation allowed by this section; and provided further, that in all cases where slaves are thus called out, the engineer or inspector shall call upon all owners of slaves within the above-mentioned distance, in proportion to the number owned by such proprietor."

Mr. Kenner. I think the amount ($1 50 per day) allowed by the amendment for the services of slaves employed on levees is not too high. Crevasses occur generally in the spring. It is a maxim among planters that one day's work in the spring, is worth five days in the fall. By the law the planters are compelled, under a heavy penalty in case of failure, to send all their negroes to work on the levees whenever they may be called, within a certain distance. All this time is lost, and is the most valuable period of the year. The planting of the crop is delayed, and the consequent loss may be very great. I ask whether the sum proposed as compensation can, under the circumstances, be considered too large?

Mr. King. It is an extraordinary thing to ask compensation for work of this kind. For what is it done? Why is the planter asked to furnish his negroes? Why, to prevent himself being drowned out—to prevent a total loss of his crop. The labor performed is for his benefit, and yet we are asked to compensate him for it.

Mr. Short. I agree in opinion with the gentleman who has last spoken.

Mr. Hodge moved to insert the following proviso at the end of Mr. Kenner's amendment:

"And provided further, That the same hands shall not be called out more than ten days in the same month."

Mr. Lacoste. I am opposed to the proviso. I have had two crevasses on my plantation, and I know that it takes more than two or three weeks to stop them. If the hands are to be withdrawn within so short a time, we will never be able to close crevasses.

Mr. King offered the following:

"Provided, That the provisions of this section shall apply only where the work has been authorized by the engineer."

Mr. King. I do not want to let planters come here and get a dollar and a half a day for their negroes, whom they have employed in stopping a crevasse on their own plantation. I wish to have the payment restricted to cases in which the hands are called out by our own State officers. I predict that if we pass this section in its present shape, not a pound of earth will be thrown up in the State, that we shall not have to pay for out of the swamp land fund. This will subject the fund to an enormous expense, which it ought not to be called on to pay. We can scarcely predict the dangerous consequences that may result from such a system. Instead of expending our money usefully and beneficially, we will squander it in a manner never contemplated. We should not proceed thus blindly. We should not adopt a measure which may—which must—involve us to such a ruinous extent.

Mr. Wickliffe—I contend that the proviso of the gentleman is not in order, as it conflicts with the general principle of the bill. The bill says that the Inspectors shall have the power of calling out hands to work on the levees whenever they consider it necessary. It appears from this that it is the evident intention of the State to take the whole subject under its own control. When the gentleman speaks of going blindly to work, he is only going it blind himself.

Mr. King—I will explain in a few words and show that none are so blind as those who will not see. Whenever a crevasse occurs, and a planter employs his negroes to stop it, or whenever a levee is to be built or enlarged or strengthened, the planters will come to the State and demand a dollar and a half for each negro out of the swamp land fund. This will happen in every instance, and we can scarcely imagine the sums that will thus be drawn from the fund. I am totally opposed to such a system.

On motion of Mr. Wickliffe, both provisos were laid on the table.

The sixteenth section was then adopted as amended.

The seventeenth section was adopted.

Mr. Kenner offered the following proviso, to come in at the end of the 18th section:

"Provided, That the funds arising from the sale of the swamp and overflowed lands, shall be divided

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among the several Districts in the following proportions, viz:

To the First District, two-eighths.
To the Second District, three-eighths.
To the Third District, three-eighths."

Mr. Kenner—We ought to give to the Commissioner for each District, a claim on the swamp land fund for his own proportion. We would thus show the people that it is not the intention of the Commissioners to spend all this money to the benefit of one particular District. I think the division proposed is as equitable a one as could be made.

Mr. Short—The Third District is very large. Since it was formed in Committee, portions of the parishes of Avoyelles and Rapides have been added, so that the District now includes the whole of both those large parishes. I think, therefore, the division proposed by the Senator from Ascension, (Mr. Kenner,) would be a very unequal distribution indeed. Reflect on it; consult your sense of justice, and see if this be not the fact. I know that the Senator from Concordia, (Mr. Rivers,) is willing to take this on the principle that a half a loaf is better than no bread. But I appeal to him, and I appeal to all of you to say whether you consider it a fair division when you reflect that all the lands lying along Red River are subject to overflow, and that a large proportion of those north of Red River are in the same condition. The division ought not to be made with reference to the geographical extent of the Districts, but with a view to the topography of the country, the amount of leveeing to be done in each District, and the general convenience of the inhabitants. In my District, the amount of leveeing needed is double what it is in all the rest of the State, yet you, in the First District, take two-eighths, and give three-eighths to us. I I again appeal to your sense of justice to say whether this is fair and equitable. I am confident that when you have reflected on the subject you will answer in the negative.

Mr. Kenner—I do not admit what the gentleman has stated to be a fact. I do not agree with him that the amount of leveeing in his district is so large in proportion to the rest of the State. When he makes the assertion that the Third District has twice as much leveeing as all the rest of the State he is simply mistaken. If he supposes because it is double the extent of the other districts—because it contains such parishes as Claiborne and Bienville and others, that therefore it has levees in proportion, he is greatly in error. In my opinion the Second District is the largest in the State in amount of leveeing. It includes not only the right bank of the river, but also the Lafourche country. A fair distribution would be 2-8 to the district on this side, 2-8 to the gentleman's district, and 4-8 the district on the other side of the river.

Mr. Short—I take into my calculation both sides of Red River, and all of the State north of Red River. Consider for a moment and you will find that this makes a very large levee district. We ask nothing but what is fair; we want nothing but what is just. We have not in the Legislature, a numerical force sufficiently large to enable us to lay hold of the fund; we cannot obtain justice, except through that sense of justice which ought to animate members from all sections of the State. But we make this appeal hoping that it will not be suffered to pass unnoticed. I ask the gentleman from Concordia, (Mr. Rivers,) what he thinks would be an equitable division.

Mr. Rivers moved that the division be as follows:

To the First District four-sixteenths.
To the Second District five-sixteenths.
To the Third District seven sixteenths.

Mr. Kenner—I will state, in round numbers, from the reports which have been made on the subject, that the First District has 200 miles of levees, the Second 570, and the Third about 400. In making a division we should estimate, not the geographical extent of the districts, but the length of their levees.

Mr. Short—I do not base my calculation on the territorial extent of the districts.

Mr. Hodge—The gentleman from Ascension, (Mr. Kenner,) must be mistaken in the statement which he has made. There are more than 400 miles of levee on Red River alone. From the high lands to the mouth of the river is 500 miles. Then we have the west side of the Mississippi above Red River, both sides of the Ouachita and all the Bayous, of which there are so many in that part of the country. The Senator is certainly not correct so far as the amount of leveeing is concerned. But there are other considerations which ought to be taken into view. The donation of these lands was not made to the State for the benefit of the people along the Mississippi alone, or for those having lands already under cultivation. If that had been the object we would have to vote every cent of the fund for the country on the banks of the Mississippi. But I do not believe that such was the intention of the government in making the donation. It was intended to be applied to the construction of new levees, and to the reclaiming of lands now unfit for cultivation. I hope gentlemen will not be actuated by any sectional views, or by a partiality for the particular district in which they may happen to live. Let them look at the law and the intention of Congress in making the grant, and be influenced only by those considerations.

The amendment of Mr. Rivers was laid on the table.

The section was then adopted as amended.

Section 19 was then taken up.

Mr. Kenner. If we intend to confine our attention simply to the spending of money, we need not go beyond this section. I am entirely opposed to it in principle and detail. We have now $220,000 on hand in the swamp land fund, which amount will, it is calculated, be increased to $400,000 in the course of the next year. When the Board has spent $400,000, that will be sufficient to test the benefit of the system we are about to adopt. Then it will be time enough to think about going on credit. Until this be done—till we find that the expenditure of money in this way is going to work well, $400,000 will be sufficient for our purposes. It will be ample for all the necessary work we will have to do. I think the bill would be materially improved by striking out the whole of this section—in other words, by doing away with the credit part of it.

Mr. Short. I am opposed to striking out the section, for the reason that the very object of the bill will be defeated by it. Are gentlemen now afraid that too much leveeing will be done? Are they fearful that too much land will be reclaimed?—that our resources will be too greatly increased? If so, I must at least give them the credit of consistency, in wishing to destroy the efficiency of the bill, by attempting to strike out this section, which gives it all its vitality.

Gentlemen need not be so timid—they need not fear that the State is going to run into debt without a consideration. There is a provision in the bill which prevents the issuing of any warrant until the work is actually done. If then any deficiency be found, there is a method pointed out by which that deficiency is to be provided for. It was thought necessary to insert this provision on account of the great objections which have been made to the loan system. A plan was proposed by which two millions of dollars were to be borrowed, and the swamp lands pledged for the payment of the debt. Gentlemen startled at the proposition. They expressed as much surprise as if they had never heard of a loan before. They did not seem to comprehend so grand a scheme. The plan was then narrowed down to the fund on hand—and if that be not sufficient, the lands themselves are pledged for the work done. This provision is the method by which the State is relieved from going in debt.

Let me beg those gentlemen who live in the high lands, not to be alarmed at this warrant system. It amounts to nothing more than this: When a crevasse is stopped, or a levee built—that is when the work has been actually done—the contractor goes to the Auditor to get his account approved. If there be no money, the Auditor simply endorses on the bill, "not paid for want of funds." This means not funds of the State, but money belonging to the swamp land fund. From that moment the bill becomes a warrant, and draws interest at the rate of eight per cent. per annum. Is there anything so alarming in this? Is there anything in it to frighten Senators from their propriety? Why then cripple the bill? Why deprive

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the Board of the sinews of war? If the gentleman insists that warrants shall not be issued to the amount of more than $500,000 over and above the funds on hand, I would accept it as a compromise with persons who become alarmed. If the warrants were to be issued before the work is done, I should be opposed to it myself. But when the work is to be done first, there can be nothing to fear. The object of the bill is to protect the country from inundation. This must be accomplished, and the work must be paid for one way or another. You have undertaken a task, and you must not let the plough rest in the furrow till it is completed, when you have the means at your disposal to consummate it.

Mr. Mouton. I am opposed to the credit system, but I know that to secure success in this matter we must adopt it to a certain extent.

MESSAGE TO THE HOUSE.

The Secretary requested the concurrence of the House in a bill entitled

An act to change the name of Solomon Zuckar.

And he requested the signature of the Speaker to the following enrolled bills entitled

An act for the relief of the branch of the Louisiana State Bank at Baton Rouge.

An act to create an additional Justice of the Peace and Constable in and for the Parish of Rapides.

Mr. Derbes, from the Committee on Enrollment, reported as correctly enrolled.

A resolution relative to the establishment of a certain mail coach by Congress.

And the Secretary requested the signature of the Speaker to the same.

MESSAGE FROM THE HOUSE.

Mr. Easten, special messenger from the House, requested the concurrence of the Senate in the following bills, entitled

An act to punish any attempt to make a cut-off of any navigable river in this State.

An act to punish any attempt to injure any levee or embankment on any of the navigable rivers or waters of the State.

An act to punish injuries to levees or embankments on any of the navigable rivers or waters of this State.

An act to appeal an act entitled an act to prevent the making of cut-offs by individuals.

An act to authorize Rufus D. Killgore and his wife, Sarah C. Killgore, to adopt Robert Bliss Read, and to change his name to that of Robert Read Killgore.

An act to provide for the collection of taxes on trades, professions and occupations.

An act concerning the city of New Orleans.

Joint resolution to Congress concerning the erection of a Marine Hospital in the Teche District of Louisiana.

And he informed the Senate that the House had concurred with amendments to the following bill, entitled

An act to amend an act for the uniform regulation of elections in the State of Louisiana, excepting the Parishes of Orleans and Jefferson—approved June 1st, 1846.

And he requested the signature of the President to the following enrolled bills:

An act establishing a seminary of learning.

An act to incorporate Longwood Institute in the Parish of Caddo.

An act to incorporate the St. Joseph Plank Road Company.

An act to incorporate the Mount Lebanon University.

An act to authorize Antoine B. Dauterive and Marie Celestine Darby, his wife, to dispose of by deed of sale or otherwise a certain tract of land in the Parish of St. Martin.

And he informed the Senate that the Speaker had signed the following enrolled bill, entitled

An act to emancipate William T. Glasscock.

The Senate then adjourned.

THURSDAY, MARCH 24.

The Senate met pursuant to adjournment.

REPORTS ON MEMORIALS OF CITIZENS OF CARROLL.

Mr. Short from the majority of the special committee to which was referred the memorial from certain citizens of Carroll, made the following report:

To the Hon. the President and Members of the Senate of the State of Louisiana:

The undersigned, members of the Special Committee, to which was referred the memorial of certain citizens of the Parish of Carroll, asking for a repeal of an act entitled "An act to constitute a 'Levee District composed of the Parishes of Madison, Carroll and Catahoula," approved on the 15th of March, 1852, respectfully report,

That they have taken the grounds of the said memorial into consideration, and can find no good reason for the repeal of the said act, and will as briefly as possible state the reasons against granting the prayer of the memorial.

The first ground taken in the memorial for the repeal of the said act, is that it contravenes the 127th article of the Constitution of 1845, because it attempts to tax a part of the State, and not the whole, said article of the Constitution, declaring that taxation shall be equal and uniform throughout the State.

In reply to this position, we only deem it necessary to state that it will appear from the reading of the act, that the object of the tax is local and not general; not a State tax for State purposes, but a local tax for local purposes, the work to be done on the raising of said tax, is for the common protection of the persons taxed, and the tax is uniform on the species of property on which it is levied, and for the common benefit of those who pay it; and it being decided by the Supreme Court that the tax, in such a case, is not a State tax, and therefore not contravening the 127th article of the Constitution. This first ground taken in the memorial is untenable. 2d section Annual Reports, page 673. 5th Annual Reports, page 103, and 2d Annual Reports, page 887.

The second ground taken in the memorial is, that the said act is unconstitutional, "Because it impairs the obligation of contracts in this: When the lands in the district were purchased it was the law of Louisiana that the riparian proprietors should make and keep in repair good and sufficient Levees to secure the country from inundation; in consequence of this servitude the riparian proprietors were permitted to purchase their lands at $1 25 per acre, which, under the present law, would be worth $15 or $20. Moreover in consequence of this servitude they were permitted by the General Government to purchase as much land in the rear as they had in front, at the minimum price of $1 25 per acre; therefore the Legislature has no right, now, to save those front proprietors from the obligations which they had voluntarily undertaken, much less to place them on the shoulders of others, who were not a party to the contract, and who have received no consideration for its performance"

In reply to this position we are compelled to say, it is unfounded both in law and in point of fact.

It is true that as early as 1770 under the laws of Spain or the regulations of O'Reilly, Gayoso and Morales, the grants of lands of the bank of the Mississippi river, and other navigable streams, now embraced in the State of Louisiana, were made on the condition that the grantee or riparian proprietor should keep up a sufficient mound or levee to protect the land from the inundations of the river, and also a road, forty feet wide, on the front. White's Recopolacion, vol. 2d, p. 229. These regulations remained the same, we believe, under the laws of France and up to the date of the treaty of the 30th April, 1803, by which the territory of Orleans was ceded to the United States.

By the terms of the treaty the complete Spanish and French grants were in nowise changed; and those who held inchoate grants were permitted to complete them under the laws of the United States.—The back concession right granted to these front proprietors by acts of Congress passed at various times from 1811 up to the 15th of June, 1832, limited this preference right of entry by which the front proprietor was permitted to enter at $1 25 per acre, as much land back as was contained in his front tract to those who held lands by virtue of a Spanish or French grant

And we have no doubt the inducement for the passage of these back concession laws by Congress was

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the fact that the front proprietor had the burden thrown upon him in the terms of the grant, of keeping up a levee and a road on his front. This pre-emption privilege was some consideration for the burthen which had thus been thrown upon him.

In 1807, when the first levee law was passed by the Territorial Government, the Legislature undertook to enforce the building of levees, and the repair of roads by the front proprietors, taking it for granted that there was an obligation resting upon them to do this work. This was the starting point of that State legislation which continued either directly or indirectly through the instrumentality of the police juries, to force the riparian proprietor to keep up a levee or road on his front, and if he failed to do it to sell him out, for the benefit of the public.

This legislation was based on the assumption that there was an obligation existing on the part of the riparian proprietors to keep up a levee and a road.—Hence the Legislature assumed the control as to the manner in which it should be done. When this was the governing principle in the action of the Legislature, in the early settlement of Louisiana, there were but few if any inhabitants in the inundated district, except on the banks of the Mississippi river, and some of the larger bayous, and they generally had selected the highest points, and the levees were usually small and erected at very little cost.

Under such circumstances there was some show of justice in the action of the Legislature, when it compelled those to build levees, who held titles under French or Spanish grants, when they had taken the grants with the burthen annexed; but there are no French or Spanish grants on the Mississippi river in the Parishes North of Red River, having in them the conditions that the grantee is to keep up a levee and road, at least there are none in the Parishes of Madison and Carroll.

No one we presume will contend for one moment that the patents from the Federal Government ever issued upon the condition that the patentee should keep up a levee on the front. No, the purchaser in such case, if at private entry paid his $1 25 per acre, or the price of his bid if at public sale, and he received the land as free from any servitude, as it was in the hands of the Federal Government, the State could not even tax it for five years, much less could it compel the owner to build a levee across it, or sell him out if he failed to do so.

The back concession law of 1832 for the first time extended the right of pre-emption to the front owner, who held land by virtue of a patent from the Federal Government, this law was in force for three years by the terms of the act passed on the 15th of June, 1832, but before it expired it was extended one year, very few persons had the benefit of it; the obligation on the part of the front proprietor arising from this supposed right of pre-emption, the mere privilege of entering as much land back of him as he had in his front tract is more imaginary than real; no obligation was created by the terms of the patent, or the terms of the back concession law, that he should build a levee, or keep up a road. There is no ground then for the position that the law complained of in the memorial impairs the obligation of a contract, for there is no contract to be impaired.

The only obligation on the part of a front proprietor to build a levee, is imposed by State legislation alone, and that assumption of legislative power which claims to sell out one man for the purpose of erecting an embankment which is to be a common protection for a hundred or a thousand others without making them contribute in proportion to the amount of capital they have protected by it, so far from creating an obligation, is an unwarrantable invasion of private property for public use, and the act of 1852 complained of in the memorial, so far from being unconstitutional, repealed as it were an unconstitutional law which violated private rights, and in place thereof levied an ad valorem tax or a common tax for a common purpose, a common protection against a common danger to those embraced in the law.

The interior of Madison and Carroll is pretty thickly settled, the lands are rich and fertile, the garden spot of the cotton growing region. They are protected by a line of levees on the Mississippi river, miles of which require to be at least 10 feet high, and from 50 to 80 feet base. To require the front proprietor to build these levees at his own expense where the whole of the land owned by him, in many instances, would not sell for enough to build half of the levee, is a proposition which no one should entertain for one moment. To improve a man out of his estate has been called Irish equity; if there be such a thing, the repeal of this law of 1852 would put in operation most effectually that kind of improvement or principle of equity. When a dangerous enemy makes his appearance on the frontier, no one thinks for a moment of leaving those most exposed to fight the battle alone, those from the interior rush to the rescue, and is there a more dangerous enemy than the Mississippi river, which for four months in the year may, at any moment, invade the houses and the habitations of those living in the interior of Carroll, Madison, Tensas, Concordia, Franklin, Catahoula and other Parishes? are they willing to stand still and let the front proprietor, who is already half vanquished, if not entirely so, contend alone in the unequal struggle?

The parishes of Concordia and Tensas first recognized that principle of justice and sound legislation by which a common protection was erected by a common contribution. The parishes of Madison and Carroll next recognized the principle. The parish of Catahoula came into the league expressing a willingness to pay her portion in warding off the common danger. As she stood in the rear of these parishes the waters that desolated them must necessarily reach her. The fact that other parishes did not lend a helping hand to ward off the common danger, who were also exposed, is their fault; it certainly cannot furnish any grounds for a repeal of the law, as is supposed in the memorial; as those parishes embraced in the law have combined together to ward off a calamity which is common to them. No one parish which has entered into this league should be permitted to go out until the dangers of overflow have ceased and the bills have been settled which have been incurred for the common benefit—it is only from the parishes of Catahoula and Carroll that any complaint has reached as to the effects of this law.

Those persons who happen to occupy those portions of these parishes, which are the least exposed to the inroads of the Mississippi river, and whose lands, though below the level of the Mississippi river at its highest flood, are somewhat more elevated than others, think the tax unequal, and are much dissatisfied with the ad valorem principle. That the law may operate unequally to some extent, may be true. But they are not so far elevated above the common level of the waters that would cover these parishes in the absence of the levee, as would make the inequality in the tax very perceptible. Perfect equality cannot be reached in the assessment of any tax on a subject of this sort. An approximation to equality is all that can be hoped for. To come to the conclusion that a tax was not equal and uniform, because the law in its effect does not operate equally to the advantage of every individual, would be to decide at once that no tax could be practically levied under the Constitution. Every man pays towards keeping up the judiciary system, yet he may never have a case in court, and, therefore, not feel immediately or directly the benefit of the system which throws around him and his property its protecting shield, and it may happen that a person occupying a piece of higher land than another, may think that he does not receive as much protection from a levee as his less favored neighbor, who happens to be in the swamp, and yet pays as much for it. It makes very little difference whether a plantation is covered four feet or two inches with water. So far as planting operations are concerned, all are then on a common level. But exclude water, those on the more elevated points are most benefited, because then they reap the advantages of their favorable location, and their capital is thus rendered more productive; and, in fact, were the low lands abandoned, (and some of them were abandoned in 1849 and '50,) this would throw on those who remained on isolated points a tax which they now little dream of.

But this memorial from the parish of Carroll has originated in a difference of opinion as to whether a

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tax for keeping up a levee should be specific or ad valorem. That is, in place of each person living in the district protected, paying in proportion to the value of the capital he has invested behind a common embankment, he should pay in proportion to the number of superficial acres of land he may happen to have behind it. Five cents per acre say on land in the woods, and ten cents for land in cultivation—or in other words, a man having a thousand acres of land in a cane brake at five cents per acre, pays fifty dollars. Another having a thousand acres in cultivation at ten cents per acre, pays one hundred dollars. So that the man who pays fifty dollars for the protection of a cane-brake, pays half as much for the protection of that which is yielding him nothing, as the one does for the protection of a thousand acres in cultivation, yielding him a bale of cotton or forty bushels of corn to the acre, and where he has all his negroes and mules at work. The first step from the ad valorem to to the specific tax is the first step to injustice, and those who advocate it, labor under an entire misapprehension of the objects and aim of the taxing power, and the subject of its exercise. A common contribution to a common protection to the extent of the capital protected, and coming within the sphere of its action, must strike every mind as the just principle of legislation. This principle is carried out in the law complained of, and with that equality and uniformity which does not, in our opinion, come in conflict with the Constitution, and we can see no reason for a repeal of the law, until the general levee system to be established, shall go into effect, and carry out the works now being done, by the tax levied in those parishes, where those levees are taken as a part of the General Levee System. Then those parishes will be relieved from the heavy burthen which they have heretofore had to carry.

H. SHORT,
H. L. RIVERS.

Mr. Boatner, from the minority of the same committee made the annexed report:

To the Hon. President and Members of the Senate of the State of Louisiana:

The undersigned, one of the members of the Special Committee to which was referred the memorial of certain citizens of the parish of Carroll, asking for a repeal of an act entitled :"An Act to constitute a Levee District, composed of the parishes of Madison, Carroll and Catahoula," approved on the 18th of March, 1832,—begs leave to differ with the majority of the Committee, both in their reasons and their conclusions, and herewith submits this as a minority report:

The undersigned has carefully examined the memorial above referred to, and heartily concurs with the arguments therein used. I have arguments applying with more particular force to the citizens of Carroll and Madison, and not to Catahoula. The undersigned begs leave to refer the honorable Senate to said memorial, in which will be found concurring reasons why this truly odious Act should be repealed and obliterated from the statute book.

In regard to the parish of Catahoula, the undersigned is of the opinion that this Act, to use the language of the memorialists, is not only unconstitutional and unjust, but it is unequal, partial and burthensome in the extreme A mere casual glance at the map of the State of Louisiana, will convince any disinterested observer of the truth of the above statement. It will be seen that between Madison and Catahoula, there intervene the parishes of Tensas and Franklin, and a large portion of the parish of Catahoula. The parishes of Tensas and Franklin are more protected and more benefited, and the parish of Concordia is as much protected as the parish of Catahoula. Yet, the last named parish is unjustly and ungenerously taxed for the preservation and protection of these parishes, while they are let off "scot free," not paying a farthing for the general protection.

This, in the opinion of the undersigned, is a species of legislation which should not be tolerated or allowed to remain on the statue books, that a few should be taxed for the preservation of many, and they, equally as able to undergo the burthens of a tax, and actually more benefited (for they are entirely protected, and Catahoula is not, having to protect herself from the back water which comes up on her from the Mississippi through the Red River, being thus compelled to pay a double tax.) The undersigned urges the repeal of this Act, on the ground further that the citizens of two of these parishes, to wit: Carroll and Catahoula, ask for the repeal, and he thinks it is his duty, as far as it is in his power, to grant a request so reasonable and just.

A. C BOATNER.

RESOLUTION OF INVITATION TO MR. FILLMORE.

Mr. Rivers moved to suspend the rules in order to take up the resolution tendering the hospitalities of the State to Mr. Fillmore.

Mr. Wickliffe.—I shall vote for the resolution, provided the preamble is not what I suppose it to be. I do not feel disposed to vote for anything which might be construed into an endorsement of Mr. Fillmore's Administration

SPECIAL ORDER OF THE DAY—THE LAND AND LEVEE BILL.

Section 19 was taken up.

Mr. Kenner.—I will repeat to-day what I said yesterday, in relation to this subject. I feel satisfied that the position I then took, is correct. I continue to think that $400,000 is sufficient for us to spend in a year. If we go beyond that amount, we fall into extravagance. It will be ample for the relief and protection of all parts of the State that may be threatened. This position cannot be controverted. You may travel from the Arkansas line to the Gulf, along the Mississippi, and every bayou of the State, and point out every point where there may be the slightest possibility of a crevasse—you may make your estimates as large as you please, and you cannot expend more than $400,000. The Senator from Madison, Mr. Short, in reply to my statements yesterday, made use of the same argument that he used on former occasions—that if we strike out this section it would destroy the efficiency of the bill. I must be permitted to express my dissent from this opinion. The motion is not made with a view to defeat the bill, or to make it impracticable; but rather for the sake of amending and improving it. Let us examine the subject, and see what will be the result. The commissioners order certain work to be done. When it is completed, they have authority to draw a warrant for the payment of what may be due to the contractor. He hands the warrant to the contractor. The contractor comes to Baton Rouge, to receive payment—he finds no money in the swamp land fund, his warrant is inscribed by the Auditor—"not paid for want of funds," and it then becomes a part of the State debt, bearing eight per cent. interest from the moment of presentation. This is the very thing I object to. I am opposed, not only to the credit system in general, but to this peculiar kind of credit. Every one knows that when a contractor understands any kind of work, the first question he asks is, whether he will be paid for his labor. When he knows that he will be paid promptly—that he will not be subjected to delays before getting his money, he will naturally be willing to work cheaper than if he has to wait for a long time. If gentlemen then insist on incorporating the credit system into this bill, I shall move an amendment authorising the Governor to borrow a million of dollars on the bonds of the State. I would call the attention of Senators to the difference between this system and that contemplated by the bill. As I have said, when a contract is made, if the contractor knows he will be paid promptly, he will work cheaper than he would otherwise do. Therefore, if you resolve to have the credit system, borrow what money you think you will need; put it in the Treasury, where you can always have it at your command, and then the contractor knows that when his work is finished he will get his money. Thus, you will secure a saving to the State of at least 15 or 20 per cent.

If we adopt the section under consideration, men without capital will engage in the work, and, being compelled to purchase every thing on credit, will of course have to charge higher rates than if they had the cash on hand. This is one difference in favor of the amendment I propose. Under the other system, the contractors will know as well as the commissioners that there is no money for them, and they will necessarily charge higher prices. There is still another difference. According to the bill, the warrants

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are to draw 8 per cent. interest. We would have to pay only 6 per cent. on money borrowed. Thus we would make a clear saving of 2 per cent. Even if I be wrong in my proposition that a contractor would work cheaper for cash than on credit, yet the difference of interest alone would enable us to save a sufficient amount to provide for the whole machinery of the bill. It will be enough to pay the salaries of all the commissioners, engineers, and clerks—it will, in fact, more than pay all expenses.

We have now been engaged in the discussion of this bill two or three days, and I do not feel disposed to detain the Senate any longer. Nevertheless, I could not let the occasion pass without expressing these views. I trust you will determine not to embark in the credit system at all. I am opposed to exceeding the $100,000 which we have on hand—but if you determine to do it, then I shall move an amendment providing for the borrowing of a million dollars, so that we may be able to pay the cash, and not forced to get credit. I have endeavored to show the advantages of this course—particularly its superiority in an economical point of view—and I hope that my reasons will be considered good.

Mr. Short. I was opposed yesterday to striking the section under consideration from the bill. The principal reason for my opposition has been correctly stated by the Senator who has last spoken. I did say, as I have probably often said before, that by striking out this section, we should destroy the efficiency of the bill. During the course of the discussion on this subject, I have found it necessary to repeat many things which I had already said, and to advance arguments which I had already made. Such things cannot be avoided, and I have only to hope that the frequent repetitions which I may have made, will serve to impress my viewf upon the minds of Senators. I do not propose now to offer any thing very new. Nevertheless, in addition to my argument of yesterday I will state that it is necessary, in deciding this question, to look to the character of the work we have to do. I must also recur to the present state of the levee system in Louisiana. All admit that it is defective, and need a thorough and effectual reformation—that it does not meet the wants of the country, or answer the objects for which it is intended. This is the starting point—here our labors begin. It is proposed that the State execute the work which has heretofore been thrown on the front proprietors. I am therefore opposed to crippling the action of the Board by restricting its operations to the amount it may have on hand. Gentlemen have been staggered, not at the magnitude of the work, but at its possible accomplishment. It seems that they have not looked at the beneficial results—they have not considered the rich products of the alluvial lands, and the vast extent to which the resources of the State would be developed.

There is a little State in the north of Holland, about the size of two of our parishes. It was called Hollow land, and was once an uncultivated swamp. It is inhabited by the Dutch—an industrious people, though they have the reputation of being rather slow. They had nothing from which to realize profit—no land to cultivate, and no sources of wealth except the products of the dairy. After a while they came to the conclusion that they would drain their lands, and protect them from the overflowing of the sea. Their first embankment cost over £340,000, or about one million seven hundred thousand dollars!

Now, here is the great State of Louisiana, inhabited by chivalric, a wealthy, and an energetic people—shall she refuse to imitate so shining an example?—shall her opulent cotton and sugar planters fall behind the low Dutch in an enterprize so necessary to the prosperity of the State? Now, when you take into consideration the situation of the State of Louisiana, and the character of its inhabitants and products, are you going to falter in an enterprize of such importance when, to commence, you have a capital of $200,000, and a prospect of $7,000,000 to be derived from the sale of the swamp lands? I ask whether you are prepared to fall so far behind the Dutch, as to be staggered at an expense of a million and a-half, when such magnificent results are to be expected. The proposition to confine our operations to the actual amount on hand is entirely untenable. That sum is so far behind what is needed that I am astonished any gentleman could suggest it. Were we to restrict the commissioners to this we would be acting like the Egyptians with the Israelites—giving them half the necessary quantity of straw and demanding from them twice the usual quantity of bricks. In other words, we ask the commissioners to perform an impossibility. The gentleman has advanced a very ingenious argument about the saving of interest which would be effected under his amendment. Why, if we borrow the money we shall have to pay interest from the very date of the borrowing. According to the bill not a dime of interest is to be drawn till the work is completed. By making a trifling amendment, such as rendering the warrants receivable as payment for swamp lands, we will get rid of all the interest. This is the plainest course to be pursued, and no doubt will prove to be the most efficacious system that could be adopted. I shall say nothing, at this moment, of the loan system, which I thought had been abandoned especially by the Senator from Ascension, (Mr. Kenner.)

Mr. Kenner offered the following as a substitute for the 19th section:

Be it further enacted, &c.. That in order to constitute an additional swamp land fund, for the purpose of carrying out the provisions of this act, the Governor is hereby authorized to borrow upon the bonds of the State, having from ten to twenty years to run, and bearing interest at the rate of six per cent per annum, a sum of money, not to exceed one million of dollars, to be borrowed in such amounts, and at such times as he may consider the interests of the levee and drainage department may require; the payment of the annual interest upon such bonds themselves, to be made with the proceeds arising from the sale of the swamp and overflowed lands.

Mr Kenner. It is scarcely necessary to say any thing on this subject. I think I have demonstrated the inexpediency of the credit, and the greater efficiency of the cash system. Senators must see how much better it would be to have the cash on hand.

Mr. Wickliffe. Will the Senator be kind enough to say how the warrants are going to depreciate?

Mr. Kenner. I will state, in answer, that I did not say the warrants are going to depriciate. What I said, to recapitulate briefly, was this: The commissioner thinks certain work is necessary, and must be done. He accordingly advertises for proposals. The contractor, who may wish to undertake the work, before entering on it, goes to the Treasurer's or Auditor's office, and asks if there is any money on hand. He is told that there is not—at least the want of money is the basis of the warrant theory. I therefore assume that he finds no money to the credit of the swamp land fund. The moment he ascertains this fact he will ask more for his work, because it is a settled principle of political economy that everything, including labor, can be obtained cheaper for cash than on credit. He knows that when he goes to the Auditor for payment instead of receiving his money, he will only get a warrant with the words "not paid for want of funds" written across its face. If he then be in want of money, which will probably be the case, he must go into the market and get his warrant shaved at a large discount. The broker will say he does not know when payment will be made, and he will naturally charge high for advancing the cash. This loss will have to be borne eventually by the State, on account of the increased prices which the contractors will be forced to demand. My object is to have the money on hand when the bargain is made, and then we will know exactly what we have to pay, and will get rid of great expense.

On motion of Mr. Short, the words "not to exceed at any one time" were inserted before the words "one million of dollars."

Mr. Clifton offered the following amendment to Mr. Kenner's substitute, which was adopted.

The bonds to be numbered as issued in sums of one thousand dollars, and to be paid in the order of their numbers; the State reserving the right at any time, when there are funds on hand to be applied to the payment of said bonds, to redeem the same. The Governor, by proclamation, to be published in the official gazette of the State for thirty days, shall specify the bonds which the State is ready to redeem, and if the holders of said bonds do not present them for redemption, the interest on the said bonds shall cease.

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The commissioners appointed by this act shall reserve from the funds arising from the sale of swamp lands an amount annually, sufficient to pay eleven per cent. on the amount of any bonds which may be issued under this section.

On motion to adopt Mr. Kenner's substitute as amended,

Mr. Evans called for the yeas and nays.

Messrs. Barthe, Clifton, Derbes, Kenner, Kittridge, King, Lacoste, McCay, Nichols, Palfrey, Rivers, Short, Slack, Taylor, Theriot and Todd—16 yeas.

And Messrs. Boatner, Evans, Griffin, Millard, Neal, Patterson and Wickliffe—7 nays.

Consequently Mr. Kenner's substitute for the 19th section was adopted.

On motion, the 20th section was rejected.

On motion, the 21st section was adopted.

Mr. Kenner moved to strike out of the 22d section, 3d line, the words "fifteen hundred," and insert "one thousand."

Mr. Kenner.—I think one thousand dollars a sufficient salary for the Commissioners.

Mr. Short.—When the subject of compensation was under discussion in the Committee, I thought that a salary of $1500 would be too large, and that when we give enough to pay expenses that would be sufficient. Our object should not be to make this a desirable office on account of any pecuniary consideration. Nevertheless, I think $1000 would be too little.

The motion was lost.

Mr. Evans now moved to recommit the bill to the Committee on Lands and Levees, with instructions to make four Districts.

Mr. Wickliffe moved to lay the motion indefinitely on the table.

The motion to lay on the table prevailed.

The word "of" in the 23d section, 3d line, after the word "engineer," was stricken out, and the word "in" inserted, and the words "within his District" were added to the end of said section

It was then adopted as amended.

The 24th, 25th, 26th and 27th sections weren adopted.

Mr. Kittridge offered the following additional section:

Sec. 28. Be it further enacted, &c., That the Commissioners for the 1st and 2d Districts are hereby authorized and required, when they may deem it necessary, to purchase two steam pile boats, with their attendant flatboats and piling materials, required for stopping crevasses, to be kept at such points in said Districts as may be most convenient to carry out the object contemplated; and they shall be furthermore authorised to provide all materials, tools and utensils, and every thing requisite to the carrying out the duties required of them by this Act: Provided that the cost of said steam pile boats, flatboats and attendant materials, shall be paid for out of that portion of the swamp land fund belonging to the 1st and 2d Districts.

Mr. Wickliffe moved to lay it on the table indefinitely.

The motion to lay on the table was lost.

On motion of Mr. Kittridge, the section was adopted.

Mr. Clifton offered the following as an additional section:

Be it further enacted, &c., That in case any tract of land, requiring levees, should be abandoned by their owners, then the State shall build thereon the necessary levees, and *ipso facto* become the owner of the land abandoned, and such land shall be registered in the land office as a portion of the public domain.

Mr. Kenner. I am entirely opposed to the additional section offered by the Senator frm Pointe Coupee, (Mr. Clifton). I believe if it be adopted, that within six months after the passage of the bill, there will not be a levee in Louisiana that will not belong to the *State*. The effect would be ruinous, and would defeat the whole object of the bill.

Mr Wickliffe. I am opposed to the section, for the reason given by the Senator from Concordia, (Mr. Rivers). I believe he is correct in the position he has assumed—that in six months there would not be a riparian proprietor in Louisiana, who would not have abandoned his levees to the State. The temptation to do so would be irresistible.

Mr. Kenner. The gentleman need not be afraid—our planters are not going to abandon their property in that way. There are some levees so large that they cannot be kept up by private enterprise. These are generally kept up by the parishes in which they are situated. The section offered by the Senator from Pointe Coupée, (Mr. Clifton) only asks that the swamp land fund do that which has heretofore been done by the parishes. No planter is going to abandon 155 feet of his land, and leave the rest to be overflowed. Their land is too valuable for that. Gentlemen from the highlands are needlessly alarmed on this subject.

Mr. Wickliffe. I am greatly indebted to the gentleman for the information he has condescended to give us, that we are needlessly alarmed—but we must be permitted to judge of that ourselves.

I say it is an easy matter for planters to abandon a strip of land, or any portion of it they please—and they would be strongly tempted to do so when they knew that the State would then assume the charge of their levees.

Mr. Boatner. I wish to know whether any lands which are not swamp lands can be legally returned as such.

Mr. Derbes offered the following amendment:

"Provided, That if the owner of such property should, within twelve months, pay the expenses incurred, he shall have the right to repossess himself of his land."

Mr. Griffin offered as an amendment, to insert in Mr. Clifton's section, after the word "shall," in the 4th line, "out of the swamp land fund assigned to the district in which such tract of land is situated."

Mr. Rivers moved to strike out of Mr. Clifton's section the word "portion." and insert "any tract of land."

Mr. King I certainly should not vote for any thing so vague as this section appears to me to be. I agree with those gentlemen who think it would encourage planters to abandon their places and compel the State to take charge of them.

We are not prepared to enter into such a scheme as that. We are going for enough when we build levees for the sake of reclaiming the swamp lands. This is the only object we should have in view. To think of taking all the levees in the State under our control is preposterous.

The section was rejected.

Mr. Short offered the following as an additional section, which was adopted.

Sec. 29. Be it further enacted, &c., That six months after the organization of any general board of public works, the duties herein assigned, and all powers granted to the board of swamp land commissioners, as herein set forth, shall go under the administration of the said board of public works, and the board herein established shall be superseded.

Mr. Palfrey Before the final vote is taken I have a motion to make which I confess I make with very little confidence, as I feel sure it will voted down: Yet my convictions of duty compel me to offer it. I do so because I have constitutional scruples in regard to the bill. I move to recommit it, with instructions to report it back in such a shape as will make it conformable to the Constitution.

The motion was lost.

On the final passage of the bill as amended, Mr. Griffin called for the yeas and nays.

Messrs. Barthe, Clifton, Derbes, Kenner, Kittridge, King, Lacoste, Lewis, McCay, Millard, Patterson, Rivers, Short, Slack and Taylor—15 yeas.

Mr. Theriot, on motion, was excused from voting.

Messrs. Boatner, Evans, Griffin, Neal, Nichols, Palfrey, Todd and Wickliffe—8 nays.

Consequently the bill was passed.

The following protest was, by request, spread on the minutes of the Senate:

We are in favor of the main features of the bill, but we vote against it because we believe the same to be unconstitutional.

The Constitution has commanded this Legislature to organize the Board of Public Works, and has placed all public works under its control.

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We consider that the two boards cannot exist constitutionally at the same time.

THOMAS C NICHOLLS,
R B. TODD,
WM. J. PALFREY, &
M. BOATNER.

On motion of Mr. Derbes, the bill entitled

An act to amend an act to consolidate the city of New Orleans, and provide for the government and administration of its affairs—approved February 23, 1852, was taken up.

Mr. Derbes offered a substitute for this bill.

On motion the rules were dispensed with, and the substitute was taken up and read section by section, and passed.

The 6th section being under consideration, Mr. Taylor offered the following proviso:

That this act shall not become a law until it shall have been submitted to the qualified electors of the city of New Orleans, and a majority of the votes polled ascertained to be in favor of its adoption.

Mr. Derbes moved to lay the provision on the table.

Mr. Rivers called for the yeas and nays.

Messrs. Boatner, Clifton, Derbes, Evans, King, Lacoste, Lewis, McClay, Millard, Neal, Patterson, Short, Theriot and Wickliffe—14 yeas.

Messrs. Burthe, Kenner, Kittridge, Palfrey, Rivers, Slack, Taylor and Todd—8 nays.

Consequently the proviso was laid on the table.

MESSAGE TO THE HOUSE.

The Secretary informed the House that the President had signed said bills.

And he requested the signature of the Speaker to a bill entitled

An act for the relief of Thomas P. Hall and the administrator of W. J. McElroy; and

Resolution that the State Engineer be, and he is hereby, authorized to make examinations of the mouth of Bayou Plaquemine.

And he requested the concurrence of the House in the following bills:

An act for the relief of Theodule Labauve.

An act to repeal an act entitled an act to exempt the homestead of a householder from seizure and sale on execution, and also to exempt from execution, from seizure for rent, and from being garnisheed, certain personal property and effects, and the wages of labor and compensation for professional and other services.

And that the Senate had concurred in the House amendment, both in the body and title, of a bill entitled

An act to provide for the deficiencies of appropriations in criminal prosecutions, up to the 31st March, 1853.

He also reported to the House that the Senate had adopted the joint resolutions of the Committee of Arrangements in relation to the demise of Isaac Johnson, late Governor of the State of Louisiana.

And he requested the concurrence of the House in the following bills:

An act for the relief of J. M. Lapeyre, in the parish of Orleans.

MESSAGE FROM THE HOUSE.

Mr. Eastin, the special messenger from the House, informed the Senate that the Speaker had signed

An act for the relief of the Branch of the Louisiana State Bank at Baton Rouge.

An act to create an additional justice of the peace and constable in and for the parish of Rapides.

And a resolution for the relief of Jerome Tourne.

A resolution relative to the establishment of a certain mail coach by Congress.

And he requested the signature of the President to

An act for the relief of Hal Frazier, a mulatto man, suing for his freedom in the parish of Claiborne.

An act for the relief of Samuel Patterson.

An act to change the name of Susan Virginia Haden.

And he requested the concurrence of the Senate in the following

Resolution instructing our Senators and requesting our Representatives in Congress to use their endeavors to procure the passage of

An act to extend the port of New Orleans.

An act to provide for the future management of the affairs of the Consolidated Association of the Planters of Louisiana.

An act to require police juries to provide for the compensation of jurors.

An act to prevent the spread of contagious or infectious diseases by vessels running in the Atchafalaya Bay and its tributaries.

An act to relieve the State from the payment of jurors,

An act to amend an act entitled an act to incorporate the town of Covington.

An act to create two additional Notaries Public in and for the parish of Bienville.

Report of Fillmore resolutions.

And that the House had concurred in.

An act to authorize David Brady, of the city of New Orleans, to change his name from David Brady to David Braden.

MESSAGE FROM THE GOVERNOR.

Mr. Hatch, the private secretary of the Governor informed the Senate that the Governor had approved and signed the following bill entitled

An act to authorize the board of trustees of Centenary College to sell certain lands.

TUESDAY, March 29, 1853.

SPECIAL ORDER OF THE DAY.—AN ACT TO AUTHORIZE BANKING, ETC.

The following, introduced by Mr. Kenner, Chairman of the Committee on Banks and Banking, was taken up:—

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That from and after the promulgation of this act, it shall be lawful for any person, or association of persons, in compliance with the provisions of this act, and if more than five, to form themselves into and constitute a corporation for transacting the business of banking, and of establishing offices of discount, deposit and circulation; but the aggregate amount of the capital stock of any such banker or corporation shall not be less than $100,000.

SEC. 2. Be it further enacted, &c., That every corporation which may be established under and by virtue of the provisions of this act, shall have power and authority, first, to have and enjoy succession by its corporate name for the period expressed in its act of incorporation, which shall not be longer than twenty-five years; second, to contract, sue and be sued, in its corporate name; third, to make and use a corporate seal; fourth, to hold, receive, purchase and convey under its corporate name, property, both real and personal; fifth, to name and appoint such managers, directors, and officers, as their interests and convenience may require; sixth, to make and establish such by-laws for the proper management and regulation of the affairs of the corporation as may be necessary and proper, and not inconsistent with the provisions of this act.

SEC. 3. Be it further enacted, &c., That every charter of incorporation made under the authority of this act shall contain, first, the name and title of the corporation, and place chosen for its domicil; second, the amount of the capital stock, the number of slaves, amount of each share, and the time when, and the manner in which payments on stock subscribed shall be called or made; third, the mode in which the election of directors shall be conducted; fourth, the mode of liquidation at the termination of the charter.

SEC. 4. Be it further enacted, &c., That the charter of all corporations organized under the terms of this act, and the original subscriptions made for the purpose of organizing it, shall be recorded in the office of the recorder of mortgages, or other officer exercising the functions of recorder of mortgages, at the place selected for the domicil of the corporation, and a certified copy of the same be deposited with the auditor of the State, and said charter shall be published in a newspaper of said place of domicil, and in the official journal of the State, published in New Orleans, once a week, at least for thirty days; but it shall not be necessary to publish the names of the subscribers, and any subscriber may present the said charter and subscription for record with the recorder of mortgages as aforesaid

SEC. 5. Be it further enacted, &c., That it shall be lawful for the stockholders of any corporations at a

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general meeting convened for that purpose, to make any modification, addition or change in its act of incorporation, not inconsistent with the provisions of this act, or to dissolve the corporation, provided such modification, addition, charge or dissolution, shall receive the assent of three-fourths of the stock represented at such meeting; provided, also, that such modification, addition, change or dissolution, shall be recorded, as is required by the fourth section of this act.

Sec. 6. Be it further enacted, &c., That any corporation, established under this act, shall forfeit its charter, for insolvency or for non compliance with any of the provisions of this act, and that in such cases it shall be the duty of the District Court of the district of such corporation, at the instance of any creditor or of the auditor of the State, and on proof thereof to the satisfaction of the court, to decree such forfeiture, and to appoint three commissioners for effecting the liquidation, whose duty it shall be to convert all the assets of the company, including any unpaid balances due by stockholders, on their shares, into cash, and to distribute the same, under the direction of the court, amongst the parties entitled thereto, in the same manner, as near as may be, as is done in cases of insolvency of individuals; and if any bank shall be wound up under the provisions of this section, the protest of the note first protested shall constitute a lien for the benefit of the creditors of said bank upon all the assets of the bank not in the hands of the auditor, said lien to be enforced as other liens in this State, and conveyance of such assets after such protest shall be void.

Sec. 7. Be it further enacted, &c., That the auditor is hereby authorized and required to cause to be engraved and printed in the best manner such quantity of circulating notes, in blank, of the different denominations authorized to be issued by the incorporated banks of this State, as he may from time to time deem necessary to carry into effect the provisions of this act, of such form as he may prescribe. Such blank circulating notes shall be countersigned, numbered and registered in proper books, to be kept for that purpose in the office of said auditor, under his direction, by such person or persons as he may appoint for that purpose, so that each denomination of such notes shall be similar, and bear the uniform signature of such register, or one of such registers, and shall be stamped on their face "secured by pledge of stock."

Sec. 8. Be it further enacted, &c., That every banker or corporation established under this act, upon depositing with the auditor of the State the bonds of this State, the evidences of debt of the United States, shall be entitled to receive from the auditor an equal amount of such circulating notes of different denominations, registered, countersigned and stamped as aforesaid. But such public bonds shall always be, or be made to be, equal to a stock of this State, bearing five per cent. interest, and it shall not be lawful for the auditor to take such bonds at a rate above their par value, nor above their market value.

Instead of tranferring public stocks, as aforesaid, to secure the whole amount of such bills or notes, it shall be lawful for such persons or association of persons, in case they shall so elect before receiving any of the said bills or notes, to secure the payment of one-third of the whole amount so to be issued, by transferring to the Auditor bonds and mortgages upon real estate of this State, bearing at least eight per cent. interest; payable annually or semi-annually, in which case all such bills or notes, issued by the said person or association of persons, shall be stamped on their face "secured by pledge of public stocks and real estate."—Such mortgages shall be only upon improved, productive, unincumbered lands, together with the slaves attached to said lands within the State, worth, independently of any buildings thereon, at least double the amount for which they shall be mortgaged; and the Auditor shall prescribe such regulations for ascertaining the title and the value of such lands and slaves as he may deem necessary, but in no case shall the estimate of the property be greater than that fixed by the assessment for State taxes made previous to the application for such bills and notes; and such mortgages shall be payable within a period of time not greater than ten years.

The Auditor may, in his discretion, assign the said bonds and mortgages, or any of them, to the person or association who transferred the same, on receiving other approved bonds and mortgages of equal amount; and when any sum of the principal of the bonds and mortgages, transferred to the Auditor, shall be paid to him, he shall notify the person or association that transferred the bonds and mortgages, and may pay the same to such person or association on receiving other approved bonds and mortgages of an equal amount.

Sec. 9. Be it further enacted, &c., That circulating notes shall not be issued by any banker or corporation to an amount greater than his or their capital paid in.

Sec. 10. Be it further enacted, &c., That the interest accruing upon all bonds shall be collected by the Auditor, and paid over to the banker or corporation from which they were received, so long as the market value of said bonds does not depreciate below the rate at which they were taken. Should such depreciation occur, the Auditor is hereby required to retain the interest until the depreciation be made good, or until such further deposit be made as to fully guarantee the amount for which the circulating notes have been issued.

Sec. 11. Be it further enacted, &c., That in case any of the securities in the hands of the Auditor should become depreciated, and the market value thereof be less than the rate at which they were taken, the Auditor shall demand from the banker or corporation pledging the same, that either an additional deposit be made, or that a sufficient amount of circulation be surrendered to cover and make good the deficiency that may arise from such depreciation, and should such banker or corporation fail to do so within thirty days after such demand, all the privileges granted by this act shall be forfeited.

Sec. 12. Be it further enacted, &c., that the Auditor is hereby authorized to return to any banker or corporation any part of the whole of the securities deposited with him, upon receiving and cancelling an equal amount of the the circulating notes delivered by him to such banker or corporation.

Sec. 13 Be it further enacted, &c., That if any banker or corporation shall refuse or fail to pay in specie, on demand, any note or notes issued by him or it, and registered and stamped as aforesaid, that may be presented during the usual hours of business, the holder of said note or notes may demand of the said bank or banker, or the cashier of said corporation, to write across the face of said notes the words "presented, and payment refused," with the date, and sign the same: and it shall be the duty of said banker or cashier, to make this endorsement under a penalty of of a fine of fifty dollars for every omission or refusal to do so, to be recovered before any court of competent jurisdiction, and the Auditor, on the presentation of said notes to him, shall forthwith give written notice to the maker or makers of such notes to pay the same, and if said notes be not paid within ten days after such notice, the Auditor (unless he shall be satisfied there is a good and legal defence against the payment of such note or notes) shall immediately thereupon proceed to sell, in the most advantageous manner, the securities placed in his hands by said defaulting banker or corporation, and give notice in the officia ljournal of the State, or other newspaper printed ed New Orleans, that all the circulating notes issued by said banker or corporation will be redeemed out of the funds in his hands for that purpose; and it shall be the duty of the Auditor to pay all said notes out of said funds, and to adopt such measures for paying all the circulating notes of said banker or corporation as will, in his opinion, most effectually prevent loss to the holders thereof. In case any deficiency shall arise, and that the securities in the hands of the Auditor shall not be sufficient to pay in full all the notes presented, the holders thereof shall be entitled to a preference, and be paid before any other creditor, out of the assets of the banker or corporation aforesaid.

Sec. 14. Be it further enacted, &c., That all securities deposited with the Auditor by bankers or corporations under this act, shall be held by him exclusively for the redemption of the notes of said bankers or corporations put in circulation as money until the same are paid

Sec. 15. Be it further enacted, &c., That no notes

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shall be issued of a less denomination than for five dollars.

SEC. 16. Be it further enacted, &c., That no individual firm or corporation, except the legally chartered banks now existing, shall issue and circulate as money any note payable to bearer, except such as are authorized by this act, under penalty of one thousand dollars to be recovered with costs of suit, one-half of said penalty for the use of any person who shall sue for the same and prosecute such suit to final judgment before any court of competent jurisdiction, and the other half to be placed in the State Treasury.

SEC. 17. Be it further enacted, &c., That all stock subscribed to any corporation under this act must be paid in full within twelve months after such corporation shall commence business.

SEC. 18. Be it further enacted, &c., That no loans shall be made by any corporation to any of its stockholders on the pledge of its own stock.

SEC. 19. Be it further enacted, &c., That the plates, dies and materials, to be procured by the auditor for the engraving and printing of the notes hereby provided for, shall remain in his custody; and the expenses necessarily incurred for the same, and in carrying into execution the provisions of this act, shall be paid, pro rata, by the bankers and corporations that are formed under the authority of the same.

SEC. 20. Be it further enacted, &c., That bankers and corporations, hereby authorized, shall have power to carry on the business of banking, to discount bills, notes and other evidences of debts, to receive deposits, to buy and sell gold and silver bullion, foreign coins and bills of exchange, to loan money on real and personal security, to exercise all incidental powers necessary to carry on such business.

SEC. 21. Be it further enacted, &c., That the shares of said corporation shall be tranferable upon the books of the same, in such manner as its by-laws may indicate.

SEC. 22. Be it further enacted, &c., that the persons associating themselves under this act may, in their act of incorporation, provide for the increase of their capital and of the number of their associates, as they may think proper.

SEC. 23. Be it further enacted, &c., That all notes put in circulation by an individual banker, shall be signed by him and his cashier, and those issued by a corporation shall be signed by its president and cashier.

SEC. 24. Be it further enacted, &c., That in case of the failure of any banker or corporation established under this act, each stockholder or copartnership, or body politic having a share or shares in such bank at the time of such failure, or who shall have been interested therein at any time within twelve months previous to such failure, shall be liable and held bound individually for any sum not exceeding twice the amount of his or their share or shares.

SEC. 25. Be it further enacted, &c., That the real estate it shall be lawful for the said corporations to hold, shall be, 1st, such as may be necessary for the proper transaction of their business; 2d, such as may be mortgaged to them in good faith as security for loans; 3d, such as shall be conveyed to them in satisfaction of debts previously contracted in the transaction of their busiaess; or, 4th, such as they shall purchase at sales under judgments held by said corporation.

SEC. 26. Be it further enacted, &c., That said bankers or corporations shall be required to make a quarterly statement, verified by the oath of said bankers and the oath of the president and cashier of said corporation, to the auditor, of the exact situation of their banks, designating:

1st, The amount of their capital paid in.

2d, Their notes in circulation.

3d, Their deposits and other cash liabilities.

4th, All their other debts of every nature and kind.

5th, Their specie on hand.

6th, Their notes discounted, designating the amounts not having over ninety days to run to maturity, from those at a longer period.

7th, Their exchange, also designating the amount having more than ninety days to run.

8th, Their cash assets, other than specie.

9th, Their bills under protest, and other bad and doubtful debts.

10th, Their real estate and all other assets.

Which statement it shall be the duty of the auditor to publish in the official State journal, printed in New Orleans.

SEC. 27. Be it further enacted, &c., That the auditor is hereby authorized, whenever he may consider it necessary, to ascertain the real position of any of the banks hereby authorized, to examine its affairs, and if, in his opinion, said bank is in a dangerous or failing condition, to cite the same before the District Court for the district in which said bank is domiciliated, as is provided for in the sixth section of this act. It shall also be his duty to make a full semi-annual examination of the condition of every bank, and verify its statement.

SEC. 28. Be it further enacted, &c., That should any bank, hereby established, refuse or omit to pay in specie any of its notes on demand, the holders of the same shall be entitled to receive interest on the same, at the rate of twelve per cent. per annum, from the time of such refusal until they are fully paid.

SEC. 29. Be it further enacted, &c., That said banks shall be entitled to charge at the rate of not more than six per cent. per annum discount, on all their loans or discounts not having longer than four months to run, and not more than at the rate of eight per cent per annum discount on those for a longer period.

SEC. 30. Be it further enacted, &c., That any bank created under this act, domiciliated without the limits of the city of New Orleans, shall have power to appoint any agent in said city for the redemption of its circulation.

SEC. 31. Be it further enacted, &c., That it shall be the duty of the auditor, when required to do so by any bank, to receive and cancel any mutilated notes that may be presented to him and exchange them for other circulating notes to the same amount.

SEC. 32. Be it further enacted, &c., That the Legislature, shall at least once every year appoint a joint committee to examine the securities in the hands of the auditor, compare them with his accounts of the amount of notes issued, and report the result of their examination.

SEC. 33. Be it further enacted, &c, that it shall not be lawful for any banker or corporation, hereby authorized, to commence the business of banking, until the securities required by this act shall be duly deposited and accepted by the auditor.

SEC. 34. Be it further enacted, &c., That all banks hereby established shall be banks of discount and deposit as well as of circulation, and their business shall be strictly confined to the business of banking as defined in the twentieth section of this act.

SEC. 35. Be it further enacted, &c., That any banker or corporation established under this act, shall be taxed upon the amount of circulating notes obtained from the auditor, agreeably to the 8th section of this act, at the same rate as all other property in this State.

Mr. Kenner. I move that the bill be read section by section, in order that the merits of each may be discussed. This is an important bill, and deserves the especial attention of Senators

The first section was read.

Mr. King. I do not see why we should not permit one or two persons to do a banking business There is no reason for insisting on more than five. I move to strike out the words "and more than five."

The amendment was adopted.

The second section was read:

Mr. Short. I should like to know how far it is presumed that this meets the wants of the people of Louisiana. In my view, it gives powers to Banking Companies which they should not possess. To confer on them the privilege of entering into the purchase and sale of real estate might be attended with dangerous consequences.

Mr. King. I would call the attention of the gentleman to the 20th and 21th sections, which define the business of bankers.

Mr. Short offered the following words, to be inserted in the second section, between the word "fourth" in the 7th line, and the word "fifth" in the 8th line, as an amendment:

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To hold, receive, purchase and convey, by and under their corporate name, such property, real and personal, as may be indispensable to the objects of the association; provided that the real estate which such corporation may lawfully purchase, hold and convey, shall be, first, such as may be necessary for the proper transaction of their business; 2d, such as shall have been mortgaged to them in good faith as a security for loans; 3d, such as shall be conveyed to them in satisfaction of debts previously contracted bona fide in the course of their business; and, 4th, such as they may purchase at sales under judgments or mortgages held by themselves, or in which they have an interest by being subrogated to rights, according to article 2156 of the Civil Code.

Mr. Kenner. I do not see the necessity for an amendment; but if the gentleman insists on it, we are willing to let it pass.

Mr. King. I think the amendment is an important and good one, and I hope the section will pass with it.

Mr. Lacey. The amendment merely provides that a banking corporation may receive and convey such property as it is necessary for a corporation to hold.

Mr. Kenner. I understand that the House bill authorizes a bank to buy up all the real estate in New Orleans, and speculate in it to any extent. When they foreclose a mortgage they may buy in the property, and if attacked about it they can say they took the property for debt. The provision is so broad that it can be made to cover all creation.

Mr. Short. I am willing to give banks, when they go into a legitimate banking business, the power to buy where it may be necessary. I am willing to give them any incidental power, that may be necessary, to protect themselves from hostile combinations. But I am unwilling to give them an unlimited power to buy and sell. I do not wish to give them the privilege of going into the market, and buying and selling *ad libitum*.

The amendment was carried.

Mr. Lacey. I move to strike out "their" and insert "its," the former expression being incorrect.

Mr. Kenner. I think myself that the section might be more grammatically accurate.

Mr. Short. Read the definition of the word "banks."

Mr. Kenner. I move that the grammar be corrected, and the section adopted as amended.

The amendment was adopted.

Section fourth was then taken up.

Mr. Hodge I move to strike out the words "and in the official journal of the State." The State journal has not the requisite circulation It is not read in the country to any very great extent. If a bank be established in the country, where is the necessity for advertising at all in the city! It would be putting these parties to an unnecessary expense, and I therefore object to it.

Mr. Short. Merchants in New Orleans will, of course, take an interest in the stock of banks throughout the State. By being published in New Orleans the advertisement will be more generally read, and the banks themselves will be benefited by it. I can see no necessity for striking out.

Mr. Martin. I am willing to publish in the official journal; but I move to strike out N w O l an, as the State journal may at some time be published in Baton Rouge.

The words "published in New Orleans" were stricken out, and on motion of Mr. Boatner, the words, "provided there be a paper published there," were inserted in the eighth line, after the word "domicil."

Mr. Hodge. Before the vote on this section is taken, I should like to ask what will be charged when a bank advertises in the official journal?

Mr. Boatner. The regular advertising rates.

The section was then adopted as amended.

Mr. King moved to strike out, in the fifth section, sixth line, all after the word "of" to the word "provided," in the seventh line, and insert "a majority in amount of the whole stock of said company."

The section was then adopted as amended.

Mr. Lacey moved to strike out the words "and that" in the sixth section, third line, which was agreed to.

Mr. Boatner. I move a proviso—that commissioners be not stockholders.

Mr. Kenner. I think that stockholders ought to be appointed. Persons interested are much more likely to act with discretion than those who are not.

Mr. Short. I think the proviso would act as a very wholesome check on banks when insolvent, and it would induce caution in the management of them. But if stockholders are allowed to be commissioners, instead of protecting the bank, they will swamp it. They will make more of the dead carcass than of the live animal They will keep the boat off the shore as long as they can, when they know they would lose her the moment they come to land.

Mr. Kenner. The gentleman's argument is, that every man who is a stockholder in a bank must be a scoundrel. For my part, I think that the stockholders are the persons most likely to do justice—certainly much more so than those who are not at all interested.

Mr. Boatner. I think the stockholders ought to be willing to have this guard thrown around them. They ought to object to having their acts and their books thrown open for examination. It would place them on high grounds, and relieve them from all suspicion. I shall insist on my amendment.

Mr. Wickliffe. I cannot see any necessity for the amendment. I think the Senator from Madison is wrong in insinuating that any influence could be brought to bear on the courts in the appointment of commissioners.

Mr Short disclaimed any such imputation.

Mr. King. In some cases, stockholders should be appointed, and in others not. I am willing to leave the matter to the discretion of the courts.

The amendment was rejected.

Mr. Nicholls moved that the words following be inserted in the seventh line, after the word "liquidation:"

"Who shall furnish bond and security to the satisfaction of the court for the faithful discharge of their duties"

Mr. Nicholls. I see no reason why banks should be placed in a different position from other debtors. They would have the right to convert all their assets into specie, and thus defraud their creditors.

The amendment, and the section as amended, were adopted

Mr. Martin moved to strike out of the eighth section from after the word "value," in the ninth line, to the end of the section.

Mr. Wickliffe. It seems to me, that mortgages on real estate would be as good a security, and as safe for banking purposes as the bonds of the Citizens' or Union Bank.

(Mr. Kenner here made some allusion to the Mississippi banks, which was not audible to the reporter.)

Mr. Short. I do not rise for the purpose of entering into any discussion of the principles of banking in general, nor have I any intention of referring to the host of chartered banks which at one time afflicted Louisiana and Mississippi. But the Senator has made some allusion to Mississippi, and I should like to know what it was.

Mr. Kenner. I do not know what the gentleman is aiming at. I cannot understand the object of his remarks. If I made any allusion to Mississippi, I did not do it in an invidious sense. I did not certainly mean that because the gentleman comes from Mississippi, he is not as good as any one else. Why, sir, I come from that State myself—at least my grandfather did, which amounts to about the same thing—and I am happy to say that he enjoyed an enviable position there. I have lived on the Mississippi, and drunk Mississippi water, almost all my life. Is the gentleman satisfied with that?

Mr. Short. I thought I had heard the expression, but I am glad that the Senator disclaims it. In regard to the State of Mississippi, I must be allowed to say that you may find there some brilliant examples for your imitation You may find characters brilliant in law—brilliant in oratory—and brilliant in all departments of life. Even so far as banking on real estate is concerned, Mississippi furnishes a melancholy example for all other States. Take, for instance, the Hinds County Real Estate Bank, as an illustration. It is true, there are some who think that on

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the rich soil of Louisiana, banks of this kind would have a different fate; but I, for one, shall not vote for any bill in which mortgage securities are made a basis. I might illustrate the effects of the system, by referring to the experience of the last twenty years—but I shall not consume the time of the Senate by doing it. I rise simply to protest against the insertion of such a clause. It is true one Senator has remarked that this is as good a basis as the bonds of the Citizens' or Union Banks. But is this all that we have to depend on for the safety of those bonds? It strikes me that the faith of the State is involved to some extent with them. But go further back—look at the history of the system. and let experience be your guide. Remember the commercial revulsions, the financial crises, the monetary distress, the general indignation of the people, that attended the fall of the real estate banking system. Can you, remembering these things, consent, in less than fifteen years, to return to the same evil principle?

Mr. Wickliffe called for the yeas and nays.

Mr. Kenner. With the permission of the Senate, I should like to explain my position with reference to this subject.

Mr. Wickliffe. The gentleman is not in order.

Mr Kenner. A simple call for the yeas and nays does not cut off debate.

Mr Wickliffe. I refer the gentleman to the rules

Mr Kenner. There is no necessity for me to read the rules, as we have a presiding officer who understands them.

The question was fully discussed in committee. A portion of the committee were opposed to the principle. It was inserted at the suggestion of the Senator from Pointe Coupeé. I voted against it on the ground of the difficulty of converting real estate into specie. I hold this to be true—the moment we adopt a basis which is not susceptible of immediate convertibility into specie, we adopt a wrong principle. The consequence will necessarily be, a deterioration of the currency. It would not be legitimate to assume that the mere endorsement of a piece of engraved paper, will give it a value equal to gold and silver as a circulating medium, unless it can be easily and speedily converted into specie. The public must have confidence in it, or it will be a failure. The whole thing has been fully tested in Great Britain. In the latter part of the last century, the Bank of England failed. It was the receptacle of the revenues of the Government, and the medium of its disbursements. It commanded the confidence of the community and the Government, to an extent never enjoyed by any bank, before or since. Parliament even passed a law declaring that its bills should be received as the equivalent of gold or silver. Notwithstanding this action of Parliament, the notes of the Bank continued to depreciate, till they fell to twenty-five per cent. below par. This shows the uselessness of a mere legislative enactment designed to maintain the integrity of a circulating medium. The moment a currency begins to depreciate, the question arises, is this basis convertible immediately into gold and silver? If the answer be affirmative, the basis is good—if negative, it is bad. I contend that the mortgage or real estate basis is not good, for the simple reason that it is not convertible into specie. The system has been tried in New York, and the results there were not of a character to induce imitation here. They had, in New York, a large number of banks whose bills were secured by a pledge of real estate. Thirteen or fourteen of these banks failed in one year—their bills depreciated, and the holders suffered a loss of from fifteen to twenty per cent. That was the result of the New York experiment.

I make this explanation because, as I reported the bill, it might be thought strange that I voted against this section.

Mr. Wickliffe. The gentleman said he had not read the rules, as we have a presiding officer who does read them.

Mr. Kenner. Does the gentleman say that the presiding officer does not read the rules?

Mr. Wickliffe. I only repeat the gentleman's words—I am not responsible for their meaning. But I will show him that he does not read the rules, by simply referring him to them. Now, to come to the point in question—I have not heard a single valid reason for striking out the section. I have heard it said that the Citizens' and Union Bank bonds are sound and safe. What have they to show, that would convince a person on this point? Is it their six millions of stock? What are their fourteen millions of bonds based on? Is it not on lands and negroes?—Yet gentlemen say they are sound and solvent, and their bonds safe as a basis for banking, while they wish to strike the same kind of a basis from this bill.

Mr. Kenner. I think I can explain the difference to the satisfaction of the gentleman. The way those Banks were established, was this: A number of persons met and pledged their lands; they then came to the State, and the State gave her bonds. They took these bonds to England—obtained the money for them—brought the money home to Louisiana, and banked on it. Thus they had a specie basis. It is not by any means the same as the system advocated by the Senate. The property of stockholders in the Citizens' Bank was not pledged for the circulation, but for the redemption and payment of the bonds.

The question was then taken on Mr. Martin's motion to strike out, and it was carried.

Mr. Lewis moved to insert after the words "United States," in the fourth line, the following:

"On bonds of the consolidated debt of the city of New Orleans."

Mr. King I offer the following as an amendment:

"Authorized and secured by the thirty-seventh section of the article to consolidate the city of New Orleans, and provide for the government and administration of all its affairs—approved February 23, 1852"

I would remark that the security here offered is as reliable as the bonds of the State. I trust that Senators will act kindly towards the city of New Orleans; that they will give her this means of extending her credit, and bestow on the country portions of the State the facilities for commerce and exchange, which they will thus obtain.

Mr. Wickliffe. If this amendment be added to the bill, I shall have one of the same kind to offer. The town of Bayou Sara is in debt, and she would, no doubt, wish to have her bonds also made a basis for banking There is no reason for admitting the bonds of New Orleans, when real estate in the country is not considered sufficient security. I am opposed to such invidious distinctions. I consider them unjust and impolitic. If city bonds be admitted, we had better at once go for Railroad scrip, plank road scrip, and municipal and corporation bonds of every kind.—They would be just as safe. What security have we that these bonds of New Orleans will ever be paid? Can she not give up her charter whenever she pleases? Why, sir, I have heard gentlemen say that she would secede and declare her independence, if she could not get what she wants. The Senator from New Orleans, (Mr. King) has said that city scrip is as well secured as State bonds. What is the security? Can we compel the Council to impose a tax on the people?—There is no such clause in the charter.

Mr. Short. The question to decide is not whether this or that corporation is solvent. The question is simply this: Louisiana at this time desires some system of banking different from the old one, which has been found inexpedient

The question then is, how we are to increase our circulation, or currency, on such a safe basis as will not bring on a crisis, such as heretofore have afflicted this and other States. We must consequently adopt some new system; and in accordance with this necessity we are going, in this bill, to change a principle which has been in operation for centuries, instead of that system under which the banks have on hand at all times a certain amount of specie in proportion to their circulation, and where the balance is represented by bills of exchange and notes on short time, we are going to substitute another totally different. We must now decide how to effect this radical change in such a manner as not to produce injurious results—As for myself, were I to carry out my own views, I would have no banks at all. But I am not here to represent myself, or to give legislative expression to my own views. I represent the wishes and opinions of those who send me here. I shall therefore look at

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the various systems proposed and see if the circulating medium is based on a safe foundation. I do not consider mortgages on real estate and negroes a safe foundation, because I have seen it fail. The question now before us is whether the bonds of the city of New Orleans are safe, and at all times convertible into specie, which is the great desideratum in the basis of a circulating medium. Let us examine the subject.—The bonds fall due at different periods—they draw interest at a certain rate *per annum*, which must be met every year. To provide for this, a sinking fund must be provided by the city of New Orleans—the only portion of the State where such a great increase of taxation is demanded. If we make the bonds of New Orleans the basis of a circulating medium, what will be the result? You will, for the sake of increasing banking facilities, create an antagonism of interest between the tax-payers and the capitalists. So soon as the interest on one year's bonds is paid, a tax will have to be imposed to pay the next, and thus every year you will be setting away the basis of circulation and making it less secure to just that extent.—You are going to make a circulation based on bonds, which are as fluctuating in their value, as any other species of property. You will base a circulation on an inconstant and varying foundation. By this system you make it the interest of the State to run in debt, and to keep in debt, in order to maintain the basis of the circulation. If when you have paid off one series of bonds, you do not issue more; you will change the character of the circulating medium: you will subject it to ruinous contractions, and change all the relations of debtor and creditor throughout the State. Then if in New Orleans, those who wish to get out of debt are more numerous than those who wish to keep in debt, you will every year be diminishing the basis of circulation. But if you do this thing, the interests involved in a perpetuation of the system will be so strong that the tax-payers of New Orleans might as well give up all idea of ever getting out of debt. I am not in favor of putting them in this position. In addition to the uncertainties and fluctuations of the currency which would be the inevitable result, it would entail on the State the necessity of entering again on that system of issuing bonds, which has already led us into so many difficulties and which I never wish to see repeated.

Mr. King. The argument of the gentleman is directed not only against the bonds of New Orleans, but against the whole free banking system. When I came here—and I imagine such was the case with almost every gentleman on this floor—I was pledged in favor of some system of free banking. Such was the desire of my constituents, and the voice of the country also was expressed in a manner too energetic to be misunderstood. Both parties seized on the principle, both incorporated it into their platforms, both put it forward as a leading idea in their programme of State policy—both contended with vehemency for the credit of sustaining it with the utmost vigor and sincerity They advocated it through their newspapers, they proclaimed it in their meetings, they pledged their candidates to it through their resolutions, and they even endorsed it on their tickets, on election days. All these things prove that both parties recognised the principle of free banking as having taken a strong hold on the popular mind. We have now come here to discuss the question whether we are to go back to the old system of banking which is rejected by a vast majority of our people, or adopt the new principle which has met with such success in other States, and which we are pledged to carry out. If it be true, as the gentleman would have us believe, that we should not bank on the bonds of the city of New Orleans, then it follows, as a legitimate inference, that we ought not to bank on any. The arguments directed against the bonds of New Orleans, are equally conclusive against the whole system of free banking. Now, sir, is there any one on this floor who will deny that he came here pledged to sustain free banking? Situated as I am, I consider myself under hardly any moral restrictions in voting on this bill. The people have settled the question, and our task now is only to give form and expression to their will. But shall we make a bill embodying merely the semblance instead of the substance of the idea? This would be trifling with the wishes and expectations of the people. Under the present bill but two kinds of bonds are admitted as a basis for banking purposes. First, United States bonds, and next, bonds of the State of Louisiana.—Do gentlemen seriously think that we can use United States bonds for the purpose when they command a premium of twenty per cent? Surely every one will see that, however safe these bonds may be, no one will be willing to pay so high a premium to get them — Then we come to our State bonds. Every one knows that they cannot be obtained in sufficient quantities, and even those which are out, are principally held in foreign countries. If we do not give greater facilities than these, we will establish our free banking system, which we come here to create, on a basis too narrow for it to stand upon. This will not meet the expectations and demands of the public. When it was proposed to admit the bonds of New Orleans, I had supposed the only question would be—are they safe? I had not supposed that any sectional feeling would cause gentlemen to look at the subject from any other point of view, or induce them to bring forward the bonds of little towns to kill off those of New Orleans. A few days ago, a gentleman to whom one of these little towns is indebted, told me that the inhabitants wished to throw up their charter, to get rid of a debt which they could not pay. I had not supposed that now the Senator would come forward and attempt to clothe Bayou Sara in the garments of New Orleans.

Mr. Wickliffe. The city of New Orleans was bankrupt twelve months ago.

Mr. King. No, sir—New Orleans never was bankrupt. She always could pay her debts. At this moment her bonds are as redeemable as those of the State. In fact I might say without exaggeration that they are more so. The State cannot be forced to levy taxes to pay her bonds. Her creditors must depend on her good faith, as well as her ability, to pay. But the act of consolidation compels the city to make provision for her bonds, and that act is not repealable at the will of the city. The only question then is, can these bonds be converted speedily into specie. Let any one examine the subject, and he must come to the conclusion that they can They are now at par and could be converted into specie to-morrow. With this showing in favor of the bonds of New Orleans, how can you deny them admission. You know that the State is in favor of, I might rather say demands a system of free banking, and the bonds of New Orleans are imperatively necessary to render the system effectual. Will you then allow a petty jealousy to overwhelm us? Will you permit sectional feeling to interfere with your duties? Will you give the people a stone when they ask for bread? The idea of free banking will prove to be a bubble which will break into thin air at the first touch unless you authorize the issuing of more bonds by the State, or accept those of New Orleans as a part of the basis. Her bonds are good bonds—they are easily converted into specie—her prosperity is identified with the prosperity of the State—between her and the country there is unity, instead of dissimilarity of interest. She pays, as I am informed by the Chairman of the Finance Committee, more than half of all the taxes of the State, and certainly that is a fact which should entitle her claims to some consideration.

Mr. Rivers. Will the gentleman explain how these bonds are secured?

Mr. King A clause in the Act of Consolidation declares that there shall be a sinking fund, and compels the Council to levy taxes to pay the interest.—That act is not repealable by the city.

Mr. McCay. I will read the section of the act of consolidation which declares that the City of New Orleans shall be responsible for the debt of the old Municipalities. This amounts to nine million dollars. [Reads the section.]

Now let us see how the payment of this debt is provided for. Recollect that it does not apply to any debt contracted after the passage of the act. [Reads.]

It will be seen that every act of every description is absolutely void unless the money is raised to pay the interest on these bonds, which we now wish to make one of the bases of free banking. But let us go farther. [Reads.]

It seems to me that these bonds must be safer than those of the State. Show me where provision is made for the payment of State bonds. We are under no obli-

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gation to pay, except the obligation of good faith.—New Orleans, on the contrary, is compelled to pay, by a special provision in the act of consolidation. She could not avoid the responsibility even if she wished to do it. Does any one doubt that she can raise the $600,000 annually, by special taxation?

Mr. Wickliffe. Cannot the law be repealed?

Mr. McCay. Yes! and so can the free banking law. But the rights of individuals could not be affected by the repeal.

Mr. King. I am obliged to my colleague for having furnished the law in this case. It is seen that the bonds of New Orleans are secured by a law, irrepealable by her act. It can only be repealed by the Legislature of the State. The State is not compelled to pay her debts, except by moral power. In the case of New Orleans there is more than moral power, there is the obligation of the law.

And now let me say one word to those gentlemen who have come here in good faith to establish free banking. If this be not done there will be great dissatisfaction, and the same will be the result if we pass a law which will only be a semblance and not a reality. If this amendment is not absolutely necessary, it will certainly give great strength to the bill.

Mr. Wickliffe. I think the excitement evinced on this subject by the gentlemen from New Orleans is a decided illustration of a tempest in the tea-pot. From what they have said, it would appear as if we had been making a desperate attack on the city of New Orleans. This is an error. I certainly have not attacked the city. I oppose admitting her bonds as a basis for circulation, because I do not consider them a sufficient security. One gentleman thinks we will not be carrying out the wishes of the people, if we do not insert his amendment. Now I expect that there was no such issue in the election. The bonds of New Orleans were not in contemplation. The gentleman says that Bayou Sara is insolvent. In this respect, she would be in a no worse position than New Orleans has been. I merely desire to obtain for her the same advantages which he wishes us to extend to New Orleans, and I do not see why distinctions should be made between them. But he has said that he is informed by a gentleman that the people of Bayou Sara wish to surrender their charter in order to get rid of their debts. I think I can divine the source of his information. If I am not mistaken, the person who told him so is an individual named Niles, the very person who reduced Bayou Sara to this situation, by means of his outrageous and fraudulent conduct. The gentleman says, in addition, that the bonds of New Orleans are as well secured as those of the State. Are they so? Has she the same resources—can she afford to pay as well as the sovereign State of Louisiana? Has she the same capacity to pay? That is the true question and the only test. He says that the city pays half the taxes of the state. This is not so.

Mr. King. I said that I had been so informed by a member of the Financial Committee.

Mr. Wickliffe. I care not from whence the gentleman derived his information; but he certainly repeated the statement. Now, I say again it is an error. If the gentleman will take the trouble to consult the record, he will find that New Orleans receives more from the State than she pays into the Treasury. He says also that the bonds of the city are well secured—that they are safe and reliable as a basis for banking operations. But when the tax becomes burdensome—when the people become tired of paying this large sum from year to year, how easy would it be for them to instruct their representatives to have the law repealed! We all know the influence which the city of New Orleans can exercise in the Legislature; and if her united representation come here, determined to repeal the law, we should find it very difficult to resist her demands. You have only to look at the history of legislation in Louisiana to find ample illustration of this point. I must say that I consider the bonds of the State of Louisiana more redeemable than those of any municipal corporation on the face of the earth.

Mr. Short. I am aware that very much has been said of late about free banking, and that the idea has taken a strong hold on the popular mind. Many persons have used the term, and been amused by it, without understanding it. For some time after the commercial revulsions of '37 and '38, the people of the State were opposed to entering into these banking schemes at all. They had felt the effects of the fire, and, like a burnt child, they came to entertain a wholesome dread of it. The consequence was seen in that uncompromising hostility to banking which was developed in the Constitution of 1845. After this the word "free" was introduced. This tended in some degree to smooth the rough road over which we would have to travel to reach a system of banking. The gentleman from New Orleans (Mr. King) says that the people cry for it. I admit that when a child is hungry and cries for bread we must give it some. It is well enough to give bread, but not a surfeit. The cry for banking is raised from the fact that there is not sufficient circulation to carry on exchanges. Then comes the question in regard to a safe basis. You may make a capital as splendid as that of Corinthian column, but I wish to see the base. When the beauties of the free banking system are described, I wish to see the foundation on which it is based. I wish to be distinctly understood in relation to this matter. As far as I am concerned, I have not given into this cry for free banking. But I will go this far: when a safe system is presented I will support it. When a wild animal is let loose I wish to take out its teeth, so as to prevent its doing any harm. As I consider the banking system a very dangerous system to be let loose in any country, my desire is to deprive it of its dangerous features.

As my arguments may not be sufficiently convincing, I will read a few extracts from a work written after mature reflection, by an able and competent man.

(Reads.)

Reflect well on what is here said. Imagine what would be the consequence of making the very foundation of your system that which can only be taken as security for short loans. It is a system imported from New York, and attempted to be put in operation in Louisiana, a State whose soil is in all respects uncongenial. Look at the thing itself, and try to ascertain its results. We want a system of banking, but not such a one as will again plunge us into ruin and distress. There was once a Chinese philosopher who imagined that the world was placed on the back of a tortoise. He could show that the globe might rest very comfortably in that position, but he was rather puzzled to find a firm foundation for the tortoise to stand on. Now here we are going to make credit a foundation; then we put more credit on top of that, and still more credit on the summit. The whole system would be of a form having a very small circumference at the base, and an umbrella-like expansion at the top. There is a kind of banking which is safe when it is in the hands of honest directors. I shall meet the wants of the people, not so much by going for something new, as for something safe. Novelty should be made to yield to safety.

In 1841, during the derangement in the bank here and in the joint-stock Companies in England and Scotland, (though in Scotland there was less on account of the individual liability system which prevails there) the question was thoroughly tested. From the experience of that era, it became the opinion of bankers that a bank is in danger when it has invested heavily in State Stocks, Exchequer bills, &c. A parliamentary commission was appointed to investigate the subject. What was the result of their examination? Why that, in a commercial community bills of exchange are a better security, than Indian securities, or even Exchequer bills. I will read something on this point—(reads:)

I prefer, then, a bank on the principle originally advocated by Adam Smith—that is one dollar in specie for every two dollars in circulation, and the remainder secured by bills of exchange on sound commercial communities, and notes of hand on short time. This is better than any system of banking based on stocks and bonds.

Mr. Lacey—In arguing this matter, I shall endeavor to act with that liberality which should characterize the opinions of every person who professes to entertain enlarged as well as practical views of political questions. I shall neither underrate, nor over estimate the benefits of the measure now before the Senate. I shall not contract my views so as to make

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the system inoperative, or expand them to such an extent as to introduce looseness and disorder. I shall endeavor to be so liberal as to enable me to assist in carrying out the interests of Louisiana—not only because the interests of the State should be our first care, but because I owe it to myself in order to preserve my consistency as a politician. I have the honor to be a member of the democratic party—and I was also a member of the convention that laid down that platform of principles which proved so acceptable to the people of the State. That platform was constructed in no narrow and contracted form. It was not hampered and confined by bolts and bars. It was, on the contrary, expansive and liberal in all its features. I, as a member of the Convention, agreed to go for such a system of banking as will grant facilities to the greatest extent consistent with safety — This is my duty as a consistent politician, and I endeavor to be consistent in politics as well as in my personal relations.

It was at first determined not to go for anything but State and United States stocks. But the arguments of the gentlemen from New Orleans, and their reference to the law of 1852, make me willing to go for the bonds of New Orleans I am not willing to support a system based simply on the bonds of New Orleans, though I think they are manifestly superior to those of Bayou Sara. But I am not averse to admitting those bonds issued under the law of 1852. It is perfectly clear that, by the act of consolidation, the taxes are pledged for the payment of these bonds.—Though you may repeal the act, yet all the bonds issued under that act, up to the time of its repeal are absolutely secured by a pledge of the property, or rather of the taxes of New Orleans. I cannot conceive a better security than this. It is better even than the bonds of the State. But do I thoroughly understand the act of 1852? I ask the gentlemen from New Orleans to correct me if I am in error. As I understand the act, it became necessary for the city to take up the old bonds issued by the various municipalities and then taxes to the amount of $600,000 must be levied annually to discharge the interest on the new bonds. Thus it will be seen that you have not the simple bonds of the city of New Orleans, unsecured in any other way, but you have bonds whose payment is secured by a law not subject to repeal I think this is safe. I do not think we can reasonably ask better security. I think it expedient to admit these bonds, particularly as without them we would possess so few facilities to commence a system of banking. Unless you extend the facilities the, free banking system will become a nonentity—a dream—an idle chimera It is also necessary for New Orleans. I have a just pride in that city. She is the metropolis of our State. The promotion of her prosperity is an object dear to me, as it should be to every Senator on this floor I feel as much interested in her welfare as any Senator from New Orleans can possibly feel. But there is one thing which I should like to see attended to. Suppose that bonds to the amount of three million dollars are issued. The Legislature might repeal the law making taxation necessary, before the issuing of the bonds. The consequence is that the payment of these bonds would not be secured by a hypothecation of the sinking fund. They would be nothing but simple bonds, not secured in any manner. I therefore propose this amendment:

"Provided, however, that in case any portion of the said act of February 23, 1852, be repealed, bonds issued after the repeal shall not be received under this act."

Am I understood? As the law at present stands, taxes must be levied annually to provide for the payment of the bonds. But if that portion of the law be repealed, those issued afterwards would be nothing but simple bonds without any security for their payment. I am willing to take the bonds of the city of New Orleans, secured as they are by the act of 1852, but deprived of that security. I am not willing to take them as a basis for a system of free banking. With that hypothecation of the fund, the bonds are as good a security as we could obtain anywhere. They are based on the property of that great and flourishing city, whose prosperity we have all at heart, and whose welfare we all wish to promote, when it can be done consistently with the welfare of all sections of the State.

Mr. McCay—As the Senator from West Feliciana (Mr. Wickliffe) denied an assertion which I made, I have looked at the report and find this to be the result. (Reads.)

Mr. Wickliffe—What does the city of New Orleans receive?

Mr. McCay—My statement was that she paid half of all the taxes of the State. If the legislature choose to donate the whole amount back to the city, that does not affect the amount paid. That is a species of squirming which I do not understand.

Mr. Wickliffe—It will be recollected that I said, "such is not the fact; on a fair examination of the balance sheet it will be found that New Orleans receives more than she pays." The gentleman says this is a species of squirming which he does not understand. I can tell him that I know of no one who can squirm with more facility than himself.

Mr. Kenner—I think no one will go wrong if he votes this way No person should be willing to make those bonds the basis of a circulation which he would not be willing to invest his capital in. Now, I apprehend that there is no one here who would not be more willing to invest his money in the bonds of the city, than in those of the State What are the bonds of the State? These are the bonds issued to the Draining Company. What has become of them? Who can tell where they are? Why their existence is scarcely known. Then there are the Nashville Railroad bonds. Where are they? The Railroad was sold a few years ago in the streets of New Orleans for old iron, and nobody ever heard of the bonds. Then there are the Mexican Gulf Railroad bonds, the Barrataria and Lafourche Canal Company bonds, and others of a similar kind. Who would like to invest in them? But we admit that they are bonds on which we may, with propriety, base a system of free banking. On the other hand, you have the consolidated bonds of the city of New Orleans, secured by an act of the Legislature. Can that act be repealed? It cannot. The bonds must and will be paid by New Orleans, unless she repudiate. Does any gentleman here say that New Orleans will repudiate? Does any one, for a moment, imagine such a thing? There is no question that these bonds are better than State bonds, though the fact may not be very flattering to our pride.

Mr. Short—The question is not, whether we would invest in this or that—but ought we to invest in either?

Mr. Kenner—That is exactly what I say. If you say neither is good, you should move to strike out both.

Mr. Hodge moved the following as an amendment after the amendments of Messrs. Lewis and King:

"Provided that every banker or corporation established under this act, shall at all times keep on hand an amount in specie equal to one-third of its circulation, and a failure to do so shall amount to a forfeiture of its charter"

Mr. King—The Senator had better offer that after the vote on the question now before the Senate is taken.

Mr. Hodge—The reason that I feel myself compelled to insist on a vote being taken on my proviso first, is that if it be adopted, then I will vote for the amendment of the Senator from New Orleans. If it be rejected I shall vote against that amendment. So far as the gentleman may think himself bound to take any particular course by the action of the party to which he belongs, I can have nothing to say. My course cannot be influenced by any such considerations. I think the great object to be attained in any system we may adopt, is in the first place, the perfect protection of the note holders; persons who may become possessors of the notes issued by a banking establishment. It is absolutely necessary that they should be secured against loss. In the next place our object should be to give facilities for banking purposes, the want of which is now so severely felt. Though I may admit that State bonds and United States securities are not a sufficient basis, yet I am unwilling to accept any other than what I believe to be perfectly sound unless this proviso be adopted. The best security that can possibly be had, is the keeping on

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hand, constantly, an amount of specie equal to one-third of the circulation The results of past experience lead me to this conclusion. The history of banking shows that keeping on hand this amount of specie is safe. The experience of banks now operation, warrants the conclusion. I am, therefore, in favor of the proviso. I do not think it would operate as a hardship on bankers It is immaterial to me whether the gentlemen would invest in any of those stocks or not. They would doubtless do so, if they thought it convenient. The great point is the protection of the noteholder. I will not support any system which does not secure this object.

I do not think the Senator from Ascension, (Mr. Kenner) correct in his views when he says the question is whether a person would invest in this or that stock? The question, I repeat, is the protection of those individuals who may happen to come into possession of bank-notes. I have heard, with surprise, the assertion that the bonds of New Orleans are better than those of the State. New Orleans is only an inherent part of the State Her resources and her wealth are only a portion of those of Louisiana. Her property, which they say, is pledged for the payment of her bonds, is already pledged for the payment of the State debt. When the Senator talks so lightly of certain bonds on which some odium rests, I would refer him to that provision of the Constitution which honors them and provides for their payment; but I need say nothing more of bonds. I do not like any of them. I have come to the conclusion that specie is the only safe basis When we have that we have something substantial—something on which we can rely—not the mere evidence of a debt which may or may not be paid.

Mr. Short.—It appears to me that the proviso, as applied to this bill, is an attempt to blend two inharmonious systems. If you require the dead weight of so much specie in the vaults of the bank you make the system impracticable, you require too much. You ask people to invest their capital in stocks as a security, and then as an additional security, you wish them to bury another portion in their vaults. That would be the immediate destruction of the free banking system.

Mr. Kenner.—I thought I had convinced every member of the Senate that if the bill had not accomplished, it had at least aimed at the security of the note-holder. There were two systems before the committee. The specie basis, and the individual responsibility of stockholders to double the amount of their stock, as provided for in the 24th section.

What is the nature of the proviso offered by the Senator from Caddo, (Mr. Hodge?) If a bank have a hundred thousand dollars circulation, it must have always on hand at least $33,000, or it forfeits its charter. Why, this would cause any bank to forfeit its charter in five months. The bill before the Senate makes stockholders responsible to twice the amount of their subscription. This is taken from the Scotch system, although it adopts the principle in a less degree, as that system makes the stockholders responsible to the whole extent of their property. The effect of this is that the Scotch banks are always prosperous. They have outlived the commercial revulsions which overwhelmed other banks, and preserved their credit in the most disastrous times. The stockholders having all their fortunes involved in the prosperity and stability of the bank would naturally act with the greatest care and circumspection. We steered between the two systems, endeavoring to preserve an equitable medium. We thought that when we had made the banks deposite an amount of stocks equal to their whole capital, and then made the stockholders responsible for double the amount of their subscription, we had made as good a security as could be obtained. I leave it to the judgment of the Senate whether this is not a better security than that contemplated by the Senator from Caddo, (Mr. Hodge.) As a member of the committee, I will call attention to other securities provided for in the bill. The moment a note is protested, the whole assets of the bank become liable for its circulation, and a protest of one operates as a protest of the whole. If that does not make the system safe enough, I should like to know what would.

Mr. Hodge.—What is the case with the banks now?

Mr. Kenner.—They profess now to keep on hand one third in specie, but there is no penalty attached sufficient to compel them to do so.

Mr. Boatner.—Does not the bill itself compel payments to be made in specie?

Mr. Kenner.—It does.

Mr. Boatner.—Why then object to the proviso?

Mr. Kenner.—I will explain. When an individual goes to the bank with a note, and payment is refused, he has it protested and immediately commences drawing 12 per cent. interest per annum. The reason I do not wish to admit the proviso is because I think it would be impracticable. Why, at nine o'clock in the morning, the requisite amount of specie might be on hand, and yet be drawn out in half an hour.

Mr Hodge.—The gentleman says that at 9 o'clock, the bank might have the one third in specie on hand, and that it might be drawn out in half an hour. But, on the other hand, suppose a person come to the bank with seventy-five thousand dollars of these notes and demand the specie for them. Of course it would have to be furnished, or if not the bank would forfeit its charter. What is the difference then in principle? If the gentleman examine the question he will find that his argument is fallacious. He will see that even if the bank be not compelled to keep one third in specie on hand, yet if it have more circulation than specie it is liable at any time to be placed in a situation in which it would forfeit its charter. I would call the attention of the Senate to another important provision. It might, at the first glance, seem to be unnecessary after forcing bankers to purchase stock for security, then to make him keep on hand so much specie as an additional safeguard. But it is not such a hardship after all. When he buys the bonds and deposites them he receives 6 per cent. interest on their amount in the form of interest. Supposing that his profits are only 6 per cent., his total gain would be 12. If he make his loans at 8 per cent. which is not by any means a high rate, he would make 14 per cent. Even if you force them to keep one third in specie constantly on hand, it would be, (after deducting the interest at 8 per cent. on the one third in specie kept in hand) a profit of 9 1-3 or 11 1-3 according as the loans are made at 6 or 8 per cent. which is more considerable than the profits now made by any of the existing banks. I insist upon my proviso.

After some further debate, the subject was laid over till to-morrow

MESSAGE TO THE HOUSE.

The Secretary informed the House that the President had signed the following bills:

An act for the relief of Samuel Patterson.

An act for the relief of Hal Frazier, a mulatto man, suing for his freedom in the parish of Claiborne.

And he requested the concurrence of the House in the following bills:

An act to change the name of Susan Virginia Haden.

An act to amend an act entitled an act to fix the time for making sheriffs' and coroners' sales, and for other purposes; approved March 5, 1842.

An act to amend article 1264 of the Civil Code.

An act entitled an act to authorize the Recorder in and for the parish of Carroll to appoint a Deputy.

And in a joint resolution to Congress concerning the erection of a Marine Hospital in the Teche district of Louisiana

And that the Senate had concurred, with amendments, in the following bill:

An act to reclaim and drain the swamp and overflowed lands donated to the State of Louisiana by act of Congress, entitled an act to aid the State of Louisiana in draining the swamp lands therein, approved March 2, 1849.

And that the Senate had concurred, by substitute, in a bill entitled

An act to amend an act to consolidate the city of New Orleans, and provide for the government and administration of its affairs—approved February 23, 1850.

And that the Senate had concurred, by substitute, in a bill entitled

An act for the relief of persons holding certificates

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of entry on the swamp lands, issued by the land officers of the United States subsequent to the 2d March, 1849, and prior to the 17th of March, 1852.

And that the Senate had concurred in the following bills, entitled

An act for the appropriation and reimbursements of certain moneys paid on account of school land warrants.

An act to amend the 17th section of an act to prescribe the mode of disposing of the lands of delinquent tax-payers.

And the Senate requested the concurrence of the House in the following bills entitled

An act for the relief the Charity Hospital.

An act to amend article 1264 of the Civil Code.

And a joint resolution to Congress concerning the erection of a Marine Hospital in the Teche district of Louisiana.

BILLS PASSED.

Mr. Wickliffe—

An act to emancipate Charles Johnson, of the parish of West Feliciana.

Mr. Slack—

An act to authorize the Mayor and Board of Selectmen of the town of Plaquemine to make a certain canal.

Mr King—

An act authorising proceedings to compel judgment debtors to disclose their property.

Mr. Short—

An act for the relief of Wm. L. Knox.

WEDNESDAY, March 30th, 1853.

A communication from the Louisiana State Bank was laid before the Senate.

The communication stated that a report purporting to be from the bank, had been published in the newspapers, but that said statement had not been furnished by the bank.

Mr. Clifton explained. A circular letter was prepared' with the intention of sending it to all the banks. Through some mistake, this circular had not been sent to the State Bank. It was presumed, however, that the circular had been sent, &c. He moved that the communication be printed and annexed to the report of the Committee.

The motion was concurred in.

Mr. King, from the special committee to whom was referred House bill entitled—

An act to take the census of the State—made the following report:

The Hon. W. W. Farmer,
President of the Senate.

A majority of the Committee to whom was referred —An act to take the census of the State—beg leave to present the following report:—

They consider the provisions of the bill for taking the census in the city of New Orleans as inefficient.

The clause in the fifth section, authorising the Assessors in New Orleans to emply assistants to take the census, was introduced because it was well understood from representations made by those Assessors that they could not possibly spare the time necessary to take the census. There is great danger that the work may not be so well done by assistants, as by the principals, who felt the full weight of responsibility. Besides, it is possible, under the provisions of the bill, for the assessors to farm out, at a handsome profit, the business of taking the census If this should occur, it would assuredly prove highly detrimental to the interests of the city. The census would be taken only in those parts of the city where it could be easily done, leaving out those that were difficult to take. The consequence would be, that the city would lose a portion of her just representation. Further, it is but reasonable that those who do the work should get the pay.

This can only be insured by the appointment of persons expresaly for the purpose, and allowing them the emolunents.

For these reasons, the Committee recommend a change in the mode provided for taking the census in New Orleans. This may be effected by the following amendments and additional section.

In the first section of the printed bill, second line, after the word State: insert, "Except in the parish of Orleans."

In the fifth section, after the word, 'enumerate,' in the third line, strike out all to the words, 'said compensation,' in the seventh line.

Insert the following section, to be called the ninth section, and change the ninth section to the tenth:

SEC. 9. Be it further, &c, That the Recorder of the First District of New Orleans, shall appoint three Assessors to take the census in said District. The Recorder of the Second shall appoint two to take the census in that District. The Recorder of the Third District two, to take the census in that District. The Recorder of the Fourth District, one to take the census in that District; and the Police Jury of the Parish of Orleans, Right Bank of the River, one for that District.

The district in which each Assessor is to act, shall be particularly assigned to him, where more than one person is appointed in any district of the city.

The said Assessors to take the census, when so appointed, shall perform all the duties assigned by this act to other Assessors who may take the census, shall have the same rights and powers, shall receive the same emoluments, and be subject to the same penalties, and in all respects conform to this act in taking the said census; they shall also take the oath prescribed by the Constitution for the faithful discharge of their duties.

(Signed,) W. W. KING,
Chairman of Committee.
(Signed,) TH. J. McCAY.

On motion the report was read and ordered to be printed.

Mr. Burthe, from the same Committee, submitted the following as his minority report; which was read and ordered to be printed, together with the majority report:

The undersigned, one of the committee to whom was referred the bill entitled—An act to take the census of the State—begs leave to report this, as a minority report:

If it be true, as stated by the majority of the committee, that Assistant Assessors could not perform the duties of their office, as well as principals, in the city of New Orleans, the only conclusion to be drawn from that fact is, that it would be proper to have such number of principal Assessors in the city of New Orleans, as would insure a faithful execution of the work.

But the undersigned cannot see by what process of reasoning the Committee come to the conclusion that because Assistant Assessors would be inefficient, the Assessors, who are elected by the people throughout the State, should be appointed by Recorders in the city of New Orleans. No reason, good or bad, is given by the majority of the Committee for the adoption of such a measure, which would place the appointment of State officers in the gift of municipal authority, and effectually leave the Assessors under the control of said authority.

The undersigned would therefore recommend that the fifth section of the act to take the census of the State be amended so that the number of Assessors for the city of New Orleans be incrested to , said Assessors to be elected by the people, and to perform the same duties, and receive the same compensation as the other State Assessors.

(Signed,) VICTOR BURTHE.

The Census bill was then taken up, and passed with a few amendments.

UNFINISHED BUSINESS.

THE BANKING BILL.

The Senate then took up the bill to authorize banking in the State of Louisiana.

Mr. Hodge offered the following amendment to Messrs. Lewis and King's amendment, in the eighth section:

Provided, That every Banker or Banking Company doing business under this act, shall have on hand, at all times, in specie, an amount equal to one-third of his or their notes in circulation; and that if at any time the amount of specie should fall below the proportioned notes in circulation as herein provided for, and shall remain so for the space of ten days, it shall not be lawful thereafter for such Banker or Banking Company to make any loan or discount whatever, un-

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til its or their position is re-established according to the terms herein provided.

Which was adopted.

Messrs. Lewis and King's amendment reads as follows:

Or bonds of the consolidated debt of the City of New Orleans, authorized and secured by the 37th section of the act to consolidate the city of New Orleans, and to provide for the government and administration of all its affairs, approved February 23d, 1852; Provided, however, that in case any portion of the said act of February 23d, 1852, be repealed, bonds issued after the repeal shall not be received under this act.

The proviso of Mr. Hodge was adopted.

Mr. King. I would state that yesterday, in examing this subject, I found a clause in the Lafayette Consolidation bill, compelling $50,000 more to be raised by taxes. This would raise the total sum to $650,000, which is to be raised every year by taxes under a law that cannot be repealed.

Mr. Martin This is purely a matter of figures. I should like the Senator from New Orleans to make a calculation, and he will find that it will take $54,000 to pay the interest, and the balance will not be sufficient to redeem the bonds.

Mr. Short. I shall not add much to what I have already said on this subject. I am opposed to the specie clause introduced by the Senator from Caddo, (Mr Hodge). I will vote for any bill which I consider safe. I do not know that I will vote for a bill containing the bonds of New Orleans, but I shall certainly vote against any that has the specie clause in it. Every one knows that when a Bank is forced to keep so much specie on hand, it operates as a dead weight. It withdraws capital from circulation, and confines it where it can draw no interest.

I will ask the gentleman one question: are not these bonds already issued?

Mr. King. Part have been

Mr. Short. Then the whole thing is no better than an empty sound and tinkling cymbal!

Mr. King. Part have been issued, but much remains to be issued yet. So it is not empty sound and tinkling cymbals, but solid silver.

The amendment, as amended, was then adopted:

Mr. Martin moved to insert, in the 8th section, after the words "United States," in the 3d and 4th line, the words "or of any municipal corporation, or of any Police Jury of this State"

Mr. Martin. I feel satisfied that a majority of the committee will approve of this amendment, as these bonds are certainly better than the bond and mortgage security which was contained in the bill when it came from their hands.

Mr Derbes. I do not see any good reason for this amendment. It is nothing but a waste of time. The gentleman talks about the safety of these bonds. He should recollect that the bonds of the city of New Orleans are secured by a pledge of $50,000,000 worth of property. When he can say that the same amount of property is mortgaged for the security of Police Jury bonds, I will have no objection to his amendment.—But I think, and I have stated candidly that I think, the gentleman is doing this thing merely to make us lose time

Mr Martin. The gentleman is mistaken, if he supposes there is no property in the country on mortgage. The Legislature of last year passed another law taxing mortgage records. These are just as good as the bonds of New Orleans. The city, it is said, has $30,000,000 worth of property. There are various opinions on that subject, as one gentleman told me she had $140,000,000. But admitting the $90,000,000, yet it must be remembered that it is mortgaged for a debt which made the city bankrupt. The City bonds are only the evidence of an old debt which has never been paid. I have the satisfaction of representing a parish which never was bankrupt. If she wishes to issue bonds for Railroads, and other works of internal improvement, they are just as good as those of New Orleans for banking purposes. If we are to embark in this system of legalizing fraud, I wish to give my Parish a fair chance. I do not see why any invidious distinctions should be made. The whole system is rotten, and experience conclusively proves it—but if we must adopt it, let us give one parish as much chance to profit by it as another. It is the same system as prevails in New York—a system of legal fraud and plunder.

The 8th, 9th and 10th sections were then adopted.

Mr. Martin moved to strike out of the 11th section, and 8th line, the word "thirty," and insert "three days"

Mr. Martin. I have no idea of giving thirty days for what can be done just as well in three.

Mr. Kenner. I hope the Senator will not insist on his motion. It must be evident that most of the Banks to be established under this law, will have offices in New Orleans, while the Auditor lives here.—Three days would be an unreasonably short time.

Mr. Martin. Let the Banker take a fast-running boat, and come to Baton Rouge, and he will find three days ample.

The motion was laid on the table.

Mr Martin. Then I move to insert 90 days in place of 30, so as to give ample time for two or three failures.

This motion was also laid on the table.

The 11th and 12th sections were adopted.

Mr. Boatner moved to strike out of the 13th section, ninth line, the word fifty, and insert five hundred; which motion was lost.

Mr. Boatner. I should like to make some inquiry about this section. I wish to know when the endorsement, on non-payment of a bill is refused, to whom the penalty is to be paid, and at whose instance suit is to be brought.

Mr. Kenner. I confess that this point did not strike the Committee. The suggestion of the gentleman is a good one.

Mr. Boatner. I move to change the amount of the penalty from $50 to $500.

Mr. Kener. That would be entirely too high. I think $50 will be thought enough when it is considered that it attaches to every note presented. If we fix it at $500, the amount would become so enormous that it could not possibly be paid. Thus we would defeat our own object.

Mr. Boatner. I could reply that $50 would be so small as to offer no inducement to any one to bring suit. We ought to make it large enough to be effective. Many persons who would bring suit for $500, would not consider $50 an object worth the trouble.

Mr. Short. The penalty is not reasonable for usimple protest; it only attaches in case of a refusal to subscribe the requisite endorsement on the face of the bill. The object of the penalty is to prevent the refusal. Many a banker would be willing to pay the $50 fine in over to avoid the protest, and gain time. I think the penalty ought to be higher than it is in the bill.

Mr. Kenner. I will offer only a few remarks on this subject. It is true the penalty is recoverable only in case of a refusal to endorse the bill, and not on a simple protest where the endorsement has been made. But it must be remembered that every dollar of the assets of the bank is pledged for the redemption of its notes. This is certainly a sufficient protection to the bill-holders. The gentleman says that a banker would rather pay $50 than let the bank be stopped. This may be true as an abstract proposition, but it is not applicable here. In this way a man might present a note every five minutes and make $50 by the operation, which would cost the banker rather dear, should he continue to refuse the endorsement. I think $50 quite high enough for the purpose contemplated.

The motion to insert $500 was lost.

Mr. McCoy I have some objections to this section of the bill. I think it gives judicial power to the Auditor, to which I am opposed.

Mr. Kenner. There is much force in the objection of the gentleman, but I do not think it entirely tenable. It is obvious that a protest of some kind is required.—The plan of the Senate bill is much superior to that of the House bill. The House bill forces a man, when he wishes to make a protest, to go in search of a notary and saddles him with the fees. This is not just. He ought not to be made to pay for the delinquencies of the bank. And again, why should we legislate to put extra fees into the pocket of an official when the business can be done just as well at the bank, by the banker himself, without the payment of any fees at all?

Mr. McCay. I move to strike out that portion of

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the section giving power to the Auditor to decide on when a bank has a legal defence for having refused to pay.

Mr. King. I object to striking out that clause, as I consider it necessary. If we strike it out we make the forfeiture of the charter of a bank, in case of a protest, absolutely irrevocable. The moment a banker refuses to pay, whether he have a legal defence or not, he must shut up. Suppose, for instance, the bill presented be a forgery—

(Mr. Kenner. Then, if it is a forgery, it is not a bank bill.)

Well, suppose it is not a forgery, but the banker thinks it is, and has good reason for thinking so.—Cases of this kind occur almost every day. Sometimes it is almost impossible for a bank to tell one of its own notes. A banker would certainly be justifiable in refusing payment in a case of this kind. Yet were he to do so he could, if this clause be stricken out, offer no excuse; he would have to shut up and stop business, and the decree would be irrevocable.

The motion was adopted.

Mr. Palfrey offered the following amendment to section 13th:

After the words "competent jurisdiction," in the 10th line, insert, "one-half to accrue to the holder of the note, and one-half to the State."

Mr. McCay offered the following as an amendment to the same section:

After the word "auditor," in the 13th line, erase all to the close of the section, and insert, "shall proceed to advertise for sale, at public auction, in the city of New Orleans, the stocks or bonds deposited with him by the maker or makers of said protested notes, and on the day of sale, which shall not be less than thirty days from such advertisement, and which advertisement shall have been published at least twice a week, in two daily papers printed in the city of New Orleans," after deducting the expenses of such advertisement and sale, apply the proceeds of said sale to the redemption, pro rata, of all the notes in circulation, whether protested or not protested, made and put into circulation by the maker or makers of such protested notes; Provided, that nothing in this act shall be considered as implying any pledge or undertaking on the part of the State for any payment beyond the faithful application of the said securities deposited with the Auditor.

Mr. Short moved to insert the words "without waiver of the benefit of appraisement."

Mr. Short. I will give my reasons for this amendment. It frequently happens that a man gets embarrassed and goes forward to one of these corporations to get assistance. He mortgages his property, and in the mortgage the bank stipulates for a waiver of the benefit of appraisement. This operates so as to keep off other creditors. I find that corporations have thrown this net around many proprietors in the country. When a judgment is obtained, the bank comes forward, gets an order of sale, and having covered up the property by the waiver of the benefit of appraisement, it prevents the ordinary creditors from getting anything. I therefore want to prevent corporations from taking any more mortgages of this kind. I know that this mode of proceeding is very common among individuals; but I have never known it abused by them, whereas I have seen it made the subject of great abuses by corporations. I do not speak from theory, or idle speculation, but from an actual knowledge of the facts. I know that some of these corporations are very careful about lending their credit, and seldom take a mortgage without making a stipulation of this kind. By a private arrangement which they make with the mortgagor, the property is held under a stipulation that it is to be returned whenever the debt is paid. This is a wrong system. It is unjust and injurious towards the ordinary creditors, and I wish to put a stop to it. I do not choose to give such advantages to these large corporations, in addition to those which they already possess.

Mr. Kenner. The amendment of the gentleman would deprive a bank or banker of a right enjoyed by every individual. The bill does not give a banker extraordinary privilege; it does not confer any unusual power upon him. I hope the Senate will not take away from a man this right—which is enjoyed by every one else—simply because he happens to be called a banker.

The amendment was adopted.

The 13th section was then adopted as amended.

The 14th and 15th sections were adopted

On motion of Mr. Kenner, the words in brackets in the third line, "payable to the bearer," were stricken out of the 16th section, and it was adopted and amended.

The 17th, 18th and 19th sections were adopted.

On motion of Mr. Lacey, the word "only" was inserted in the 20th section and third line, next to the word banking, and at the end of said section the words, "only at the place where the bank is domiciliated, unless otherwise authorized by the act."

On motion to adopt the 20th section as amended, Mr. Martin moved to lay it on the table indefinitely.

The motion to lay on the table was lost, and section 20th was adopted.

Sections 21st and 22d were then adopted.

Mr. Lacey moved to insert in the 23d section, 2d line, the word "self," after the word him; which was adopted as amended.

The 24th section was then taken up

Mr. Lewis offered an amendment, making the stockholder liable only for twice the amount of the stock not paid in.

Mr. King. I wish to say a few words in behalf of the amendment of my colleague. We are now about to start a system of free banking. The young and tender plant is about starting into life with such strong opposition as to make its continued existence a problem. We have every reason to believe that the existing monopolies, having special charters, look with a jealous eye on the new system, and that they will throw every impediment in its way. Then give it a fair chance; put it on an equality with other banks—don't seek to trammel and constrain it in such a way as will render it inoperative.

The bill as reported, makes stockholders liable for twice the amount of their subscribed stock. This feature is not found in any of our bank charters. In them the liability of the stockholder is limited to the amount of stock owned. If the full amount is not paid in, they are liable for that portion which remains unpaid, and no more. I would ask when a man is going to invest his capital in banking, would he not rather invest it in a bank where he could not lose more than he had originally put in, than in one where he might lose twice as much? If this be not changed, no inducement will be offered to enter into free banking. Capitalists will prefer to invest in the old banks. We will put free banking in Louisiana in the same position as free banking in Alabama. In that State they some time ago passed a general law, and not the first bank has yet been established under it. We will do precisely the same thing here, the next legislature will find that not a single free bank has been established, and it will then be importuned to recharter the old monopolies. The pretext will be a good one. It will be said that free banking has failed, that we need, and must have more banking facilities, and that the only way to obtain them is to recharter the old banks. You have already enough trammels thrown around this bill. You have sufficient security provided; you have given ample protection to the note holders. You have secured them by having an equivalent amount of bonds, and forcing the bank to keep always on hand an amount of specie equal to one third of its circulation. In times past this alone has been thought sufficient security. Thus you have two securities provided, either one of which is ample. You talk about a perfect security—about making a bank safe beyond contingency. Why, sir, to talk about making a bank so secure as to place it beyond all possibility of danger, is not in human nature to accomplish. We may provide all reasonable securities; but the idea of making a bank so safe that it will not be subject to the vicissitudes and fluctuations of commercial affairs, is simply chimerical. I hope, therefore, that the friends of the free banking system will not permit it to be overwhelmed by this new onus. It has enough to bear already, without throwing any further burthens upon it. I hope that the amendment will be adopted. Its necessity must be apparent to every one. If the bill pass in its present form, our legislation will be a mere idle waste of time.

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Mr. Short. I am opposed to the amendment. I agree with the Senator from New Orleans (Mr. King), that the free banking system is yet in its infancy—but I hope it is an infant Hercules in its cradle, and that when it comes to maturity it will wield a strong arm against these old banks which have lately grown into such disfavor. Heretofore the banks have had odds of two to one against the people. I hope the position will now be reversed, and that for the future the people will have two to one against the banks. Every one knows this to be the characteristic of banks—that they are the first to see danger, and the first to provide for themselves. They can perceive approaching danger long before ordinary people can discern a cloud on the horizon. They can consequently provide for themselves long before others have an opportunity. When a man goes into one of these institutions, knowing that he will be liable for twice the amount of his stock, you have a safe system. Pass the amendment, and you take away all security. It is said that under the old system there was only one dollar in specie for every three dollars of circulation. For my part, I think the old system an honest one, and infinitely preferable to any system based on municipal bonds.

Mr. McCay. I am opposed to the amendment for the simple reason that I do not understand it. I am also opposed to the section as it stands in the bill. What man would invest his money in a bank when he would be liable for twice the amount invested, and for a year after he ceases to have any connection with its affairs? I find the amendment makes the stockholder liable for twice the amount of his stock not paid in. Now, according to the bill the whole amount must be paid in at once; consequently there can be no balance for the amendment to act on If the amendment be offered with a view of making the section inoperative, I shall vote for it; if to strengthen it, I shall vote in the negative.

Mr. Lewis withdrew his amendment.

Mr. Kenner offered the following substitute for the 24th section:

Be it, &c., That no stockholder in any corporation shall be liable for its debts beyond the amount of his subscribed stock.

To which Mr. Martin offered the following amendment:

That every stockholder &c., shall be liable in solido for all the liabilities of said bank.

The amendment of Mr. Martin was laid on the table.

The substitute of Mr. Kenner was adopted, and the 25th section was stricken out.

Mr. Martin moved to strike out of the 26th section, 2d line, the word "quarterly," and insert "monthly."

Mr. Martin—The banks now have to make monthly statements and I think it would be well to throw the same guards around the little monsters we are about to create.

Mr. Kenner—I would remark that the monthly statements the banks now have to make are nothing like so full as the statement required from these little monsters, as the gentleman calls them.

The amendment was laid on the table.

Mr. Martin moved to strike out the words, "printed in New Orleans," from the same section, 17th and 18th lines; which motion was adopted.

Mr. King offered the following amendment at the end of the 25th section:

For any false swearing, or intentional misrepresentation in regard to the capital stock paid in, or the business or affairs of the bank, in statements made under this section, the persons guilty of such misconduct, or those consenting thereto, or aiding or abetting, in addition to the penalties, civil or criminal, now imposed by law for perjury in case the offence be false swearing, or other offence, shall be liable in solido for the whole debts of the bank, and every bank refusing to comply with this section within twenty days after being notified by the Auditor to furnish said statement, shall forfeit the charter, and shall be liquidated according to the provisions of this act.

Mr. Martin—I heartily concur in the amendment.—I find the gentleman is tinctured with a little of that Scotch prudence which has been alluded to.

The amendment was adopted.

The 2d 7th, 28th, and 29th sections were adopted.

Mr. Lacey offered the following as a substitute for the 30th section.

SEC. 30. Be it further enacted, &c., That every banker and banking company out of the city of New Orleans, doing business under this act, and using circulating notes, as herein authorized, shall keep an office, or designate an agency in the said city, for the redemption of said notes. The appointment of such officer or agent shall be made in writing, and filed with the Auditor, with the Board of Currency, and in the office of the Recorder of Mortgages in which the charter is filed; Provided, however, nothing herein contained shall be so construed as to authorize such banker or banking company to refuse to redeem its notes at the counter of the principal bank, as contemplated by this act.

Mr. Wickliffe—It seems to me that if such a thing as the establishment of a bank under the Free Banking law of Louisiana be practicable, every bank must necessarily have an agency in the city of New Orleans. The effect therefore would be to compel country banks to have on hand two dollars in specie for every one dollar that the city banks must have on hand; I am opposed to making the country play second fiddle to the city in every thing.

Mr. Lacey—I have no desire to produce that effect. I do not wish to make it obligatory on country banks to have an agency in the city.

The substitute was adopted.

Mr. Martin moved to amend by imposing a tax on the capital instead of the circulation of the bank.

Mr. Martin—There is an article of the Constitution which requires taxation to be uniform. I wish to impose a task on the capital of the bank in the same way as on all other property. The capital of a bank should be taxed in the same way as the capital of individuals.

Mr. Kenner—That depends on what you mean by capital. If you mean all the assets of the bank, notes, bills of exchange, &c., it cannot but be exceedingly onerous. I presume the gentleman has no such object.

Mr. Martin—Yes sir, that is just my object.

The amendment was laid on the table.

After some further remarks the bill passed to its third reading.

THURSDAY, March 31st, 1853.

AN ACT TO PROVIDE FOR THE PLEDGING OF GROWING CROPS.

The act to permit planters to pledge their growing crops was taken up.

Mr. Martin—I cannot see the slightest necessity for passing this bill. I look upon it as an imputation on the agriculturalists of the State. Any planter, in any parish, can get what money he likes, by mortgaging his property, and he may procure any supplies that he needs, on his *parole d'honneur*. There is, I repeat, no necessity for this bill, and its passage would only open the door for the perpetration of fraud.

Mr. Kittridge—The sole object of the bill is to enable the honest planter to obtain supplies.

Mr. Lacey—When the bill was before the Judiciary Committee for the first time, the committee reported in favor of it. It was, however, afterwards recommitted and a substitute reported. As the bill has been sanctioned by the committee; as it has received the implied assent, at least, of the Senate, I think it ought to be passed. Its general object is a good one, and I have no doubt it will prove highly beneficial to many of our planters. It has been attentively considered in the committee, and I think it is now in such a form as will meet the views and elicit the concurrence of the Senate.

Mr. Martin—The gentleman is mistaken. This bill has never received the assent of the Senate in any form. The bill originally introduced did not seem to be acceptable since it was recommitted. That bill certainly has never received either directly or indirectly, the assent of the Senate. The committee then reported a substitute, which is now before the Senate. I am satisfied that none of my constituents need the aid of this bill to enable them to get supplies. I am convinced that neither myself nor my colleague needs to hypothecate his crops in order to procure supplies. Neither needs resort to any such proceeding. The

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planters do not require the passage of this bill. It will not aid them—it will not subserve their interests. It may suit certain persons in New Orleans for whom the word of a gentleman is not sufficient. I think that the word of a gentleman should be as good as his bond.

Mr. Nicholls—I think the bill ought to be amended by inserting "judgment creditor." The bill provides for seizing creditors only; but it is well known that there are, in the country, many persons who have no way of recovering their debts except against the crops of their debtors. Now what will be the effect of a law of this kind? Why, if it be passed a planter might laugh the judgment creditor to scorn.

He could go down to New Orleans and make arrangements with some person there, and when his crop is seized by an ordinary creditor, the New Orleans man steps in and shows his privilege. They could say the transactions had been made in good faith; that the crop had been passed over to Jones or Smith; that the real estate was left, and creditors might proceed against that. I consider this a dangerous bill. There are difficulties now in the way of collecting debts. Since I have practised law I have found it difficult to satisfy judgments against debtors, so many are the avenues of escape presented to their choice. I have no idea of giving them any additional facilities to avoid paying their debts.

Mr. Wickliffe—It is a general and very good principle, that the property of a debtor ought to be liable for the payment of his debts. I am opposed to any law intended to favor the debtor at the expense of the creditor. As the Senator from St. Martin (Mr. Nicholls) has very justly remarked, the law already gives sufficient facilities of escape to debtors. Their property should be the common pledge of that condition.

Mr Lacy, The amendment proposed would absolutely destroy the objects the bill is intended to achieve. What is contemplated by it? It proposes to permit a planter to pledge his growing crop, on passing a notarial act, in the parish in which the crop may be, in the same manner as if it had been cut. In other words, it proposes to permit a planter, acting in good faith, and having no desire to defraud his creditors, to raise a little money on his growing crop, by pledging it for that purpose. That is the great object of the bill. If we refuse to pass the bill because the property may be taken from the ordinary creditor, on the same principle we might as well repeal all mortgage laws. We must have no pledges—we must have no mortgages—we must have no privileges. We must sweep them all from the statute book. Everything must be reserved and distributed *pro rata* among the creditors. But until we do this, until we put all creditors on the same level, no such argument can be justly advanced as that which has been put forward by the gentleman on the other side. I do not know of any jurisprudence in this country, of the kind, to which their doctrines would inevitably lead us. I am in favor of judicious pledge laws. The bill, in giving seizing creditors preference, goes far enough. Who would lend money when other judgments may come in and take the property? To-day, to be sure, there may be no judgment, but to-morrow there may be one, and the person who has advanced money in good faith may find himself deprived of all resource.

I say that I could not have this pledge touched. If it be, your law is no law; it is as worthless as the paper on which it is written. To those who ask for bread it gives a stone, to those who ask for a reality, it gives a counterfeit. At I desire sometimes to legislate for the planting interests, and as this bill is intended to benefit the tillers of the soil, I shall go for it. I have no interest in the bill myself. It was introduced by the Senator from Lafourche (Mr. Kittridge,) who is a practical man, and understands the subject thoroughly.

Mr. Martin—Does the Senator intend to convey the idea that I am impracticable, when he alludes to my colleague as a practical man? We both follow the same calling; we are both interested in the same business. Though he has the advantage of me in years, I flatter myself that I have as much experience as he, and know just as much about this subject. The gentleman manifests great kindness towards the agricultural interests; but I do not know that the planters stand in need of his sympathy. I think they are much better protected, when they are removed from the kind attentions of the lawyers. They are capable of judging of their interests for themselves.

Mr. Short—I must say that my predilections are in favor of this bill. It is intended to achieve a good object—it interferes with no rights, nor operates as a hardship on any one. I have no particular intention of taking the planting interests under my charge. I have never carried on extensive planting operations, but I have many neighbors from whom I have been enabled to pick up some information. It is said by one gentleman that the planter does not need legislation of this kind in order that he may procure advances. It is said that his word is sufficient—that it is or ought to be as good as his bond. Now I admit that every man's word ought to be as good as his bond, but in commercial operations, as they are carried on, in these degenerate days, in this era of the almighty dollar, the bond is generally preferred. Persons who have money to lend do not argue from what ought to be, but from what is, and they generally like to have good security before they part with their cash. Is it reasonable to suppose that a man living in the interior, at a distance from the city, can obtain advances on his bare word, when he is not at all known? No one supposes that he could. But if he can come forward and say, "here is my crop, I will pledge that—it will be ample to cover the amount even though the boll-worm may do some damage,"—if, I say, he can make this offer, he can easily obtain accomodations, which perhaps may be absolutely necessary to him.

Mr. Nicholls.—I would ask whether, under the bill it is not all times in the power of the debtor to prevent the judgment creditor from executing his judgment. The moment a planter of cane or cotton has the privilege of pledging his crop, that moment he has in his possession a means of cutting off the judgment creditor, and leaving him nothing but the real estate on which to exercise his rights. He will be able to levy on nothing but the land and slaves, which may be already covered up by mortgages. The planter then has power to say "you cannot touch my crop; it is pledged to a New Orleans merchant for advances. You can seize my plantation, but you cannot sell it as there are already mortgages enough on it to protect it from you." Of course he would always take good care to give a privilege on his crop to his friend in New Orleans. Senators will observe how loose and general are the provisions of this bill. It says that a planter may have the right to pledge his growing crop for advances or any other facilities. I ask gentlemen to show that the effect would not be what I have stated; I ask them to show that the bill would not open the door to fraud of all kinds. It is said in the bill that the pledge shall not affect the seizing creditor. If he execute against the plantation, that of course carries with it the growing crop. But I do not wish a man to be compelled to execute against the plantation. Let him take his choice, let him seize either the plantation or the crop at his option.

Mr. McCay.—I will give my reasons for opposing this bill. It is a settled principle of law that property cannot be pledged which is not given into the possession of the pledgee. This would be the only exception to that rule. As we have acted on it so long—as it is of such universal application, I presume there must be a reason, and a good one, for it. Another reason which influences me against the bill is that the property of the debtor is the common pledge of all his creditors. This would be again an exception to that rule. For my part, rather than extend any further, the system of privileges, I would abolish them all.

Mr. Short. I have a single word to say as to the effect of this bill on judgment creditors. In the first place, it has not any effect on any judgment creditor whose mortgage is anterior to the date of the pledge. Can it, then, act as any haidship on him? The pledge does not stand in his way. His judgment is a mortgage, and cannot be interfered with by any subsequent pledge. The orgument as to fraud which might result from the bill, is not tenable. The objection is provided for in the bill itself, which sets aside and treats as nullities any of those simulated and fraudu-

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lent transactions alluded to. The argument of the Senator from New Orleans, (Mr. McCay) rests on the fact that we are making something a pledge, which was not a pledge before; that we are making an exception to certain general principles of law, and making an innovation on long-established custom. Because it has been the uniform course for ages to act in a certain way, therefore we must never act any differently. This is analogous to the argument of the Dutch boy, who persisted in carrying his wheat in one end of a bag, and a stone in the other, simply because his fathers had done it before him.

Mr. McCay. The illustration of the gentleman may be very forcible, but it certainly is not very new. My reason is simply this: I do not wish to depart from a general principle of law, when a change is not shown to be necessary. If such necessity were shown, I should be willing to yield I have not, however, yet heard any sufficiently convincing argument. Here you have a thing not yet in existence, and you are going to make it the subject of a pledge. You do not know its value—you do not even know whether it will come to any thing. Can any thing be more absurd?

Mr. King. I do not think the objections which have been urged against this bill well grounded. I do not see that it places it in the power of the planter to comit fraud, or to hinder or delay the execution of judgments. The bill guards carefully against the perpetration of fraud. Anything done in violation of the rights of creditors, is set aside.

I differ with my colleague in regard to the necessity for this change. I think it is not only expedient but necessary, and that it would result in great benefit to the planting interest. The bill was introduced by the Senator from Lafourche, (Mr. Kittridge,) and I have reliance on his judgment. I believe planters need this bill in order to obtain the facilities necessary to get money. Commission merchants, also, will be glad of it. One of the most common complaints is, that when a merchant has made advances to a planter, he frequently gives his business to others. This would be entirely remedied by the bill.

Mr. Martin. The gentleman is a distinguished lawyer, and I should like to ask him one question. If advances are made and the produce is not sent, cannot the defaulting party be arraigned before the Criminal Court? I recollect a recent case where a gentleman who stood as high as any one in his parish, was brought before a court for something of this kind. I think the accusation was ill-founded; but I cite the case as an illustration of my position. I wish to know whether the proceeding alluded to by the gentleman would not be called in law, "obtaining money under false pretences." I know there are dishonest planters as well as dishonest lawyers and merchants, but I do not think such cases as these would often occur.

Mr. King. There is no express law reaching these cases. There is a law against swindling; but this would be held to be a mere breach of contract.

Mr. Wickliffe. I should like to know if a man obtain $5000 in consideration of sending his crop to the person who makes the advance, whether he cannot be prosecuted for obtaining money under false pretences.

Mr. King. No.

Mr. Wickliffe. It has been repeatedly decided that he can be.

Mr. Hodge. I will give my reasons for opposing this bill, as I do not wish to vote on it without having my position understood. While I agree in opinion with the Senator from East Baton Rouge, (Mr. Lacey,) who always expresses himself with so much clearness and precision, that a judicious system of mortgages and privileges is very desirable and expedient, yet I do not find all of them expedient or judicious. There is too much complexity in our system of mortgages and privileges. Louisiana is peculiarly situated. She has great commercial interests, and is the theatre of a large immigration. Persons come here, and, in the course of their business relations, become interested in property. Contracts are made and agreements of various kinds entered into. We ought to have our laws so simple that the citizens of other States can understand them, or our credit will get so low as to cut us off from commercial intercourse with our neighbors.

The gentleman who introduced this bill says the planters cannot get along without—that it is necessary in order to enable them to procure advances and supplies. I give the gentleman credit for knowing the interests of his section, and I claim to know something concerning the interests of that part of the State which I represent. Now I assert that so far from this bill being necessary for them, my constituents have ample facilities to obtain credit. The gentleman from New Orleans has overlooked one of the most important laws having a bearing on this subject. Do you desire to give a planter the privilege of getting supplies by pledging his crop? If so, I will inform him that such is already the law. The gentleman on my left may give me information in regard to planting, but I may be enabled to give him information in regard to some new principle of law. When a planter goes to New Orleans and gets supplies, the party advancing becomes a creditor for the growing crop, and for that which may be made in the succeeding year. Therefore this bill is not necessary, as its object is attained by laws already existing. It may be said that he should have the privilege of pledging his crop for the purpose of speculating with the money. I have no objection that planters should enter into speculations. I am in favor of letting them do what they please so long as it is just and right. But this proposition is an innovation on the civil law which was never before dreamed of. Do gentlemen reflect that this bill would carry with it a right to mortgage personal property? Did gentlemen ever hear of such a thing? The provision of the Code is that in no case does this privilege subsist "on the pledge, except when the thing has been actually put and remained in the possession of the creditor or of a third person agreed on by the parties." The reason of the law is that personal property is supposed to be on the person, and possession is a *prima facie* evidence of title. Now you wish to make something the subject of pledge which cannot by any possibility be placed in the hands of the creditor—something whose very existence and amount are indeterminate. This is not only a violation of precedent, but of those general principles on which our system of law rests. And you wish to do this when there is no necessity for doing it. You want to travel in a bad road when you can just as well remain in a good one. There is no difficulty now, at least in my part of the State, for planters to obtain whatever advances and supplies they need. When a man goes to a plantation, and sees the crop growing, he has confidence in the ability of the owner to pay. This is all that can be desired. Now, however, you want to introduce this new system of mortgaging personal property. While the gentleman from East Baton Rouge, (Mr. Lacey) talks so learnedly about judicious systems of pledges and mortgages—their expediency and necessity—he desires to give planters power to mortgage personal property—a thing never before heard of in the jurisprudence of any country in the civilized world. I too am in favor of a judicious system of mortgages and privileges but I am not in favor of committing such an absurdity on law as would be involved in the passage of this bill.

Mr. Lacey.—I am opposed to the amendment of the Senator from St. Martin, (Mr Nicholls) because I think it will tend to defeat the objects of this bill. It interferes with the principle on which the bill rests. Now, why does this bill encounter such determined opposition? Look at it—look in general and in detail. It was originally introduced by an experienced and practical Senator—it was considered carefully by the members of the Judiciary Committee and has been by them reported to the Senate. Look at the bill, I repeat, and show me what is objectionable in it. Can it open the door to fraud? Can it aid the dishonest planter to defraud his confiding creditor? The bill renders every pledge tainted with fraud as ineffectual as if it had never been made. It sets aside the pledge wherever there is a fraudulent intention. I say again that it opens no door to fraud; it interferes with no pre-existing rights. The vendor retains his preference—the workman his privilege, the furnisher of supplies his prior claim. Thus the avenue to fraud is closed. If the object of the bill be to defeat the creditor it is worthless. Why do we ask

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the passage of this law? We ask it in order to guard the interests of the poorer classes of the State.

Our legislation should sometimes tend to that object. I desire to protect the wealthy—I do not wish to interfere with their rights; but in protecting them I consider it my duty not to stab the interests of those whose misfortune it is to be poorer. The wealthy can obtain facilities. Their credit is good—they have ample resources. The poor have no such advantages. I am disposed to protect labor—to encourage and assist the poorer classes. I favor this bill because it is intended to have that effect. The gentleman (Mr. Martin) says that the word of a planter is good—as good as bond—that his *parole d'honneur* is all that is required. However honest a man may be, however correct his intentions, he may not always be able to fulfil his promises. The pledgee, when called on to advance money on the word of a planter may say with justice, "life is uncertain; I have every confidence in your honesty but when the time of payment arrives you may be dead. I cannot advance my money without having some security for its return." Therefore it is evident that the poorer classes cannot obtain those facilities which the law of 1852 gives to the richer; but which they are equally entitled to have. Let the Senate then not take the responsibility of defeating this bill. Its object is a good one—every one must acknowledge that. It is shaped in such a way as to secure its object—the labors bestowed on it by the Judiciary Committee are a sufficient guarantee for that. Let us then pass the bill. It is needed by numbers of persons in the State who cannot now obtain those facilities of which they stand in need, and we ought not to disregard their interests and their claims.

Mr. Todd—I cannot let this bill pass without taking occasion to express my opinions in regard to it. I do believe that it is not so much calculated to benefit the poorer classes as to give an additional security to the commission merchants of New Orleans. Now there is no necessity for additional protection to them, particularly if it be at the expense of other creditors. On the other hand I do not see how this bill is to benefit the planter. On the contrary, so far from giving him greater facilities—so far from benefiting him, it will act as a positive injury. If the bill pass you will see writs of sequestration, and provisional seizures increase a hundred-fold, and thus litigation, an evil which ought to be avoided, will be vastly increased. Persons who may now get advances, will then not be able to procure them on such favorable terms, so that the bill will defeat the very object which it has in view. When a planter goes to a merchant and asks an advance, the merchant will in every case demand that he come under the provisions of this bill; in other words that he pledge his growing crop. This is a condition not required now, and consequently it imposes burthens on the planter which do not now exist. I believe that the bill is calculated to give to the commission merchant greater facilities for the collection of his debts; but will operate injuriously on the planter. It will be an additional source of annoyance to him; it will increase litigation, and produce no benefits of a corresponding magnitude. For these reasons I am opposed to it.

Mr. Griffin—I shall go for the bill as it is intended to benefit the poor man.

Mr. Martin—I object to the gentleman's appropriating the thunder of the Senator from East Baton Rouge. He is peculiarly the poor man's friend.

The bill was laid on the table.

THE JUDICIARY BILL.

The bill dividing the State into Judicial Districts was returned from the House with amendments.

Mr. Lacoste—I am opposed to the amendment making one District of St. Bernard, Plaquemine and Jefferson. The district is now too large, and the addition of Jefferson would make it unwieldy. Plaquemine is 30 leagues in length and St. Bernard 12. This is certainly large enough.

Mr. Rivers—I move to recommit the bill

Mr. Wickliffe—I do not see any good reason for recommitting the bill. We have now been engaged on this subject for five weeks, and I can see no reason for further delay. I do not see why the gentleman desires it unless to carry out the darling project of his mind—that of having only seven Districts in the State, out of New Orleans.

Mr. Rivers. I will tell the gentleman the reason. I wish my parish divorced from Pointe Coupée.

Mr. Wickliffe. There is no good reason for the divorce. Those parishes have always been together, and they seem to have got along very well. I hope the gentleman from Plaquemine will not persist in his opposition to this bill. I went with him at first in his desires in regard to his own district, and I regret that I am now compelled to part company with him. The gentleman has shown his constituents that he has made a brave and gallant fight in the Senate, and if success did not attend his efforts, he cannot be blamed for it. Let him rest satisfied with the laurels he has won. What does he expect to gain by the defeat of the bill? He will only succeed in imposing the large district system on us, and probably probate courts to which he is as much opposed as I am. If the salaries of probate judges could be paid by means of fees, the system might probably be practicable; but as the Constitution expressly prohibits this, I do not see how any one can advocate it. What will be our position if we recommit this bill? We shall be in the same position with reference to the formation of the Judiciary system, as before we commenced. There is every disposition in the Senate to get through our work and adjourn. We ought not to delay for any trifling obstacle. We ought rather to accept the amendments of the House, and pass the bill at once. In regard to the amendment to which the Senator (Mr. Lacoste) objects, I would ask him whether, even including Jefferson with Plaquemine and St. Bernard, a person cannot pass between the most distant portions of the district in a few hours. There are many districts in the State where the judge will have to travel much farther, and will be subjected to infinitely greater inconvenience, yet we hear no complaint from them. I went with the gentleman before when he said that he did not want to have Plaquemine placed in bad company; but as the bill has been returned from the House with this amendment, I do not feel disposed to be contumacious, particularly when contumacy might defeat the bill. As for the gentleman from Concordia (Mr. Rivers,) I think his district is one of the best constructed in the State.

Mr. Lacoste. I do not think that the House entertains such a feeling as the gentleman seems to fear. I think it will concur in our action if we refuse to accept this amendment.

Mr. Rivers. I do not feel disposed to give reasons, though they may be as plenty as blackberries. Yet I will say that I was opposed to the bill, because I did not like the manner of forming the districts. I think that injustice has been done to my parish, and the Senator from Plaquemine (Mr. Lacoste) thinks injustice has been done to his. If we recommend the bill it will come up on its second reading. We can then modify and alter it to suit our own views, and prevent this joining together of parishes having sympathy socially or in any other way.

After a few remarks from other gentlemen, Mr Rivers withdrew the motion to recommit.

The Senate refused to concur in any amendment except that putting Claiborne with Bossier and Bienville.

RESOLUTIONS OF INVITATION TO MR. FILLMORE.

On motion of Mr. Nicholls, the joint resolutions of invitation to Mr. Fillmore were taken up.

Mr. Wickliffe. I have no objection to the resolutions, though I cannot vote for the preamble.

The resolutions were adopted.

The preamble, which is as follows, was then taken up:

"Whereas, it is understood that Millard Fillmore, late President of the United States, will in a short time visit the South, and whereas the high personal and official character of Mr. Fillmore makes it proper that a cordial welcome be extended to him from the people of Louisiana."

Mr. Wickliffe. I never can be induced to vote for what may be construed into an endorsement of Mr. Fillmore's administration. I do not approve it, and I cannot sanction it, either directly or indirectly. If I understand the words "official character," they refer to the character he may have acquired in the discharge of his official duties. I, for one, will never vote for

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anything that may be construed into an approval of his official acts.

Mr. Short—When we meet around the social and hospitable board, we all meet as Americans. Political differences are then buried and forgotten. When whigs and democrats meet on the stump their language towards each other is very different from that which they employ when they meet in the dining room. I want this affair to be like a social gathering where political differences do not obtrude themselves to disturb the harmony of the feast.

The yeas and nays were demanded, and the Secretary proceeded to call the roll.

Mr. Lewis, (his name being called)—I view this subject in the same light as the Senator from Carroll, (Mr. Short.) I consider it a simple invitation to a distinguished citizen who has held a high position as President of the United States.

The preamble was adopted.

THE BANKING BILL.

The bill to authorize banking in the State of Louisiana was then taken up.

Mr. Martin—I move a reconsideration of the first section with a view of amending it.

Mr. King—Did the gentleman vote for it? My impression is that he voted against every section.

Mr. Martin—Most unquestionably my sense of propriety would prevent my moving a reconsideration of anything for which I did not vote. I know the rules of the Senate as well as the gentleman.

Mr. Short—My object in moving a reconsideration is this: The section authorizes banking institutions to be established on a capital of $100,000. The effect of permitting the establishment of these little concerns will be to put in circulation a kind of currency only equalled by what was once known as shinplasters.—As I desire to have the currency of Louisiana equal to that of any State in the Union, want to have the minimum placed at $500,000. We ought not to come down to $100,000. If we do we will be inundated with shinplasters.

Mr. King—This subject has been debated over and over again and I cannot see the necessity of further discussion. It has given rise to every kind of parliamentary manœuvre, and innumerable amendments have been offered. The gentlemen opposed to free banking have manifested their opposition in every legitimate way, and it is time now for them to yield. I do not agree with the inference of the Senator from Carroll, (Mr. Short.) Banks with a capital of $100,000 will not produce a shinplaster currency. In New England, where the banks are perfectly safe, and the currency as sound as any in the Union, there are many with a capital of only $100,000. If a person thinks that he can bank profitably on $100,000 why should we interfere with his private concerns? We have no right to limit the extent of his business one way or the other.

Mr. Short—I rise for the purpose of making a few remarks by way of explanation. I wish the gentleman to understand that my remarks have not been prompted by any hostility to the system of free banking in particular. My objections are to banks in general. No bank of any kind would find favor with me, personally. But representing, as I do, a constituency entertaining views on this subject, adverse to my own, I feel constrained to support any system that I consider safe and effective. I hope, as the gentleman understands the English language he will understand me when I say that I will never vote for any bill which allows municipal bonds as a basis.

The motion to reconsider was lost.

Mr. Short—As I see there is an apprehension existing that the observations which have fallen from me, originated in a spirit of hostility to my system of free banking, I feel compelled to beg the indulgence of the Senate for a few minutes longer while I make a short explanation of my position. There is no man thirty years of age, and I presume every Senator on this floor has seen at least that many summers—that does not recollect having passed through that epoch of bank speculation which commenced in 1834, and extended over the whole commercial world. The departure from the old system under which banks were only banks of deposite, to that under which they became banks of discount and circulation, was first made by the Bank of England, and changed the whole monetary system of the world. The consequence was that revulsion followed revulsion till the crisis came in 1837. I had supposed that so much and such melancholy experience would prevent a return to the errors of the past. We scarcely yet cease to observe the wrecks of private fortune and public credit which occurred during that disastrous era. Yet, while we continue to meet these wrecks floating on the tide of human affairs, we wish to tempt the danger again. Why is this? What is the cause of this rashness? What produces this anomaly? Is it the natural perverseness of the human mind?—is it an idiosyncracy of the times? is an incapacity to appreciate or to be instructed by the lessons of experience? Or is it a peculiarity of the American mind, by which it is subject to periodical paroxysms at intervals of ten years? First we have a fever, then a chill; then we take quinine for a year or two till we have nearly recovered, and after that we again become intoxicated; and are again attacked by a fever.

I was willing to vote for a bill in which the basis was State bonds at par, taxes being imposed to pay the interest, and sinking fund for the principle. I was willing to go that far in order to gratify the desires of the people of Louisiana. But what are we going to do? Have gentlemen forgotten the old municipal circulation of New Orleans? Have they forgotten the notes issued by Municipalities Nos. 1, 2 and 3. That was a veritable shinplaster currency. What change has been made in the city by which this circulation can be improved? The answer is that the city has been consolidated and its credit thereby elevated. In other words, if you unite three municipal notes in one city note, you make a vast improvement.

Now, here you will have Louisiana furnished with a currency not resting on her own credit, but on that of the city of New Orleans—a city which is in debt nine millions of dollars. And when will she be out of debt? Will she ever be? Certainly not, if you make her debts the basis of your circulation. Make Georgia bonds, or those of any solvent State, a basis, and I will go it, but I do not wish to see Louisiana trying to elevate herself by piling credit on credit, and having nothing substantial for the edifice to rest upon. I look on this species of currency as not only dangerous in itself, but rendered much more dangerous by this feature which you wish to engraft on it.

Even if the general voice of the people were in favor of this proceeding, we ought not to permit ourselves to be drawn beyond the limit of safe principles. We ought to legislate for the benefit of the people while we represent their wishes. But there is no attention paid to safety in this bill as it now stands; nor is there any necessity for the innovation demanded. Plantations are high, negroes are high—there are no complaints that property sells too low. The only wonder is that they sell so high.

I, therefore, can see no reason why we should embark in this hazardous experiment.

I do not pretend to the gift of prophecy, yet I think I can look into futurity far enough to see what will take place. In New York, already, twenty-five or thirty free banks have failed;—the bubble has burst, and another chapter in the history of banking in the United States has been presented. We are about to enter upon still another. We have already forgotten the ruin, the disasters, the bankruptcies which overtook us after the crisis of '37. We have scarcely yet ceased to feel their effects, and yet we are about to rush into the same danger.

I shall merely say, in addition, that if this section be retained, it will discredit the free banking law in Louisiana. To inspire confidence in the system it must have credit abroad. We now have credit abroad, as every State has, that pays the interest on her bonds. But let it be known in New York in Philadelphia, in the West, that our circulation rests, not on the credit of Louisiana, but on that of New Orleans, and it will lose the confidence of the country. If New Orleans could carry out the system she once undertook of laying the iron hand of taxation on the commerce of the Mississippi Valley, she might pay the nine millions she owes. But that she cannot do. Her resources are confined to her own limits, and when these bonds are to be paid the slightest revulsion will destroy her credit.

The other day, while in the city, I saw the walls co-

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vered with placards headed "No tax on Labor," &c. There seemed to be a sort of moral earthquake; a kind of general up-heaving against the heavy hand of taxation. Yet you are going to make the bonds of New Orleans the basis of a circulation. In other words, you will perpetrate a taxation which is already too heavy to be patiently borne. I am not opposed to a safe system of banking, but I am opposed to a bubble which will burst in less than ten years.

The yeas and nays were asked for on the bill.

Mr. Griffin. I shall vote for the bill though I do not like it. There are many provisions in it to which I am opposed. Yet, as the democratic party has pledged itself to free banking, and as this is the only bill introduced, I shall vote for it.

Mr. Neal. I wish to explain my position. I am a democrat, but inasmuch as I know my parish wants no banks, I shall vote against the bill.

The bill passed.

MESSAGE TO THE HOUSE.

The Secretary informed the House that the Senate had concurred in the following bills:

An act to amend an act entitled an act providing for the manner notice shall be given of certain judicial proceedings—approved March 9, 1827.

And with amendments,

An act to take the census of the State.

And he requested the concurrence of the House in a bill entitled

An act authorising the Mayor and board of selectmen of the town of Plaquemines to make a certain canal.

And an act authorizing proceedings to compel judgment debtors to disclose their property.

And that the President had signed a bill entitled

An act to fix the salaries of the judges of the Supreme Court.

Mr. Easten, messenger from the House, requested the concurrence of the Senate in the following bills and resolution:

An act to provide for the manner of cancelling the bonds and mortgages given by State Tax Collectors.

An act to provide for the manner of cancelling the bonds and mortgages given by Parish Tax Collectors.

An act to confirm the titles of John L. Davis and Daniel Voorhies to certain school lands.

An act to authorize Archibald Barron and Mary Murphy, his wife, to adopt a child named Mary Lucy Barron.

An act supplemental to an act to incorporate the town of Bastrop, in the parish of Morehouse.

An act to dispense with the re-inscription of mortgages in favor of the Commissioners of the Poydras legacy in the parishes of West Baton Rouge and Point Coupee.

An act to improve Big Creek.

An act to regulate Parish taxation in the parish of Concordia.

An act to divide the State into Judicial Districts.

Resolution requiring the State Engineer to make a thorough examination of the channels in Old River, between the mouth of Red River and the Mississippi, and that of the Grand Point, on Red River.

And that the House had concurred in the following bill, entitled

An act to emancipate John Rhodes, of the parish of Orleans.

REPORTS OF COMMITTEES.

Mr. Millard, from the Committee on Claims, made the following reports, which were adopted:

The Committee on Claims, to which was referred the bill for the relief of Captain H. Kean, for services rendered as master of State boat in 1848, have ample testimony to satisfy them that said Kean accepted the station under Col. Williams, State Engineer, under the belief that the compensation would be one hundred dollars per month; but the death of Col Williams, without leaving a written contract, obliged Kean to receive but forty dollars per month from his successor, Mr. Wooldridge. In 1850, however, Capt. Kean prosecuted his claim for the balance due him before the Legislature of that session, and received therefrom the sum of one hundred and eighty-three dollars and thirty-four cents, which he also accepted without leading recorded evidence of his intention to ask thereafter a balance on his demands. This appropriation, by the act of 1850, for the relief of Kean, as far as the record goes, the committee cannot regard as otherwise than a final settlement of the debt on the part of the State. But very respectable testimony is produced to show that the necessities of the petitioner obliged him to accept both payments aforesaid, still believing that a future Legislature would pay him the full amount of his demands.

The Committee, therefore, in view of the necessities then and now of the petitioner, and circumstances explained above, withdraw their former unfavorable recommendation, and ask leave to refer the case to the consideration and action of the Senate.

All of which is respectfully submitted.

(Signed,) ED. M. MILLARD, Chairman.

The Committee on Claims, to which was referred a bill to allow Joseph Debuclet, of the parish of St. Martin, payment for a negro condemned to incarceration for life, during the year 1824, are of opinion that, though nothing is before them to show that said Debuclet has ever received payment for said negro from the State of Louisiana, still, the lapse of twenty-nine years before demanding payment, and the want of evidence before them, other than a copy of the judgment of the Court which tried and sentenced the negro, is not sufficient testimony to satisfy them that the claim is doubtless correct. We therefore recommend that the bill for his relief be disallowed.

(Signed,) ED. M. MILLARD, Chairman.

In the case of Louis Dubreuil, of the State of Missouri—

The Committee on Claims find the testimony correct, as stated in his petition, which proves to their satisfaction that said Dubreuil was duly appointed by the Governor of the State of Louisiana to demand of the Governor of the State of Missouri the arrest of one Dr. McManus, a fugitive from justice from the State of Louisiana, having been charged with murder within the parish of Natchitoches; and though at much expense and trouble in executing said order of the Governor of Louisiana, the petitioner has never received any remuneration therefor.

The Committee therefore report a bill granting him the sum of five hundred dollars for said services

(Signed,) ED. M. MILLARD, Chairman.

Mr. Lewis introduced a memorial from merchants, mechanics and others in relation to the Mechanics' and Traders' Bank, which was read, and laid on the table subject to call.

Mr. Lacy, from the Judiciary committee, reported favorably on the following bills:

An act to authorize the purchase of 175 copies of Eyma's work, entitled "The Laws of Louisiana on Insolvency."

An act providing for the recovery of damages in certain cases.

An act to emancipate Jane Mary, slave, and daughter of Patsy, f. w. c.

And by substitute:

An act to bar by prescription certain judgments and claims from Other States against citizens of this State.

An act to amend the 385th article of the Code of Practice.

An act regulating the office and duties of the Commissioner of Court in the several parishes of the State of Louisiana, the parish of Orleans excepted.

FRIDAY, April 1, 1853.

On motion of Mr. Lacey, the bill to provide for the speedy trial of cases in which the right to office is involved was taken up.

Mr. Wickliffe. I am opposed to the first section of the bill. An individual may be on trial for his life, and yet a person contending for the possession of some office might step in and take precedence.

The section was adopted with an amendment.

Mr. Lacey offered several amendments to the bill, which were adopted.

Mr. Short. I am opposed to this bill. It is evident that there is a disposition to make these contested cases very numerous, and they may take up the time of the Court for two terms. The incumbents show no

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willingness to give up, and the claimants will insist on obtaining the places. I am opposed to giving these cases a preference. There is no reason why it should be done. It would be unjust to other litigants. It can result in no good, and may produce much harm.

Mr. Lacey. These are cases in which the people feel much interest. They are anxious to have the point decided as soon as possible. Private interests should be made to yield for a short time to the public good.

Mr. Short. Private individuals may be as much interested in the decisions of the courts, as that very respectable class of persons who claim a right to office.

Mr. Lewis. It would not interfere with the business of the courts, as one case would decide all.

The bill passed.

The bill "to authorize banking," &c., was taken up.

Mr. Lacey moved to amend by inserting the word "free" before banking.

Mr. Martin moved to insert the word "fraudulent." Lost.

Mr. Lacey's amendment was then adopted.

Mr. Short, on the part of himself and Messrs. Wickliffe, Neal and Boatner, submitted the following protest, which was read, and

On motion of Mr. Short, it was spread on the journal of the Senate:

The undersigned members of the Senate respectfully ask leave to have entered on the journal this their protest against the act to organize free banking

The principles of the free banking system having been the subject of discussion for the last two or three years, and the majority of the people having indicated the wish to adopt it, the undersigned were disposed to vote for a law to carry it out. In voting, therefore, against the bill, we wish not to be understood as voting against the system, or expressing any opinion of our own on the policy or impolicy of adopting such a system, but against the character of the bill which has just passed. A portion of the bonds which are made the basis of the circulating medium, we deem an unsafe basis, and calculated in a short time to give the State a degraded currency, and to plunge the State again into one of those spasmodic revulsions from which it has scarcely recovered.

The present state of our currency may be said to be healthy. Property is selling at a high price. Labor is receiving its just reward, the cotton planter and the sugar planter are now investing the proceeds of their crops in the purchase of negroes and other property, at prices so high as to excite astonishment.

The character of the bill which has just passed, in our opinion, is such as will inevitably change the present healthy state of our currency, and give to it a bloated character, and to property a fictitious valuation, and for a time apparent prosperity, which will only lay the foundation for the wrecks of private fortune, individual and public credit; and this at a time when the State has scarcely emerged from a state of bankruptcy produced by the banking mania which reigned from 1834 to 1837. We deem the passage of this act a disregard of the lights of experience to a degree little short of folly; and with the highest respect for the opinions of those who have supported it, the act is one which cannot but excite our astonishment, when we contemplate the effect which it will have upon the real prosperity of the State and its credit.

(Signed,) H. SHORT,
ROBERT C. WICKLIFFE,
MITCHEL NEAL,
M. BOATNER.

Mr. Derbos, according to previous notice, introduced a bill entitled

The bill to divide the State into Congressional Districts. It was taken up.

Mr. Martin. This is a most important bill, and ought not to be hastily acted on. When this subject was under consideration, last year, we were courteous enough to have both the majority and minority reports printed. That course is for the interest both of the State and the printer.

After a few remarks the bill was referred to a special committee.

The President laid before the Senate the following report from George W. Morse, State Engineer, which was read:

STATE ENGINEER'S OFFICE,
Baton Rouge, March 30, 1853.

To the Hon. the Senate and House of Representatives:

Gentlemen—To carry out the intention of your resolution with regard to the Bayou Plaquemines, it will be necessary to make accurate surveys of the banks of the river and bayou, and also of the currrent of the river above and below the mouth of the bayou, both in high and low water

I think the object may be attained by means of a floating boom, which will guide the drift past the mouth of the bayou; but the plans cannot be matured, and specifications made out in time for action by the present Legislature.

If you deem it admissible to appropriate the sum of eight or ten thousand dollars to be expended at the pleasure of the Governor for this purpose, the object may be accomplished or the money retained in the Treaury.

Rafts form every year in Grand River and Bayou Sorrel, by the drifts which enter the mouth of the Plaquemine, which require upon an average the work of two boats for the space of one month to remove; and then, after the navigation is opened, we are obliged to leave one boat in the vicinity to see that it remains open until the fall of the water. This year it has required the continued work of two boats for the last two months, and the work is not yet finished.

This matter is one of great importance to the State, and I intend to give it my most careful attention.

Respectfully submitted,
GEORGE W. MORSE,
State Engineer.

REPORTS OF COMMITTEES.

Mr. Theriot, from the Committee on Agriculture, Commerce and Manufactures, made the following report:

The Committee on Agriculture, Commerce and Manufactures, to whom was referred

An act to appoint weighers of sugar and cotton in and for the city of New Orleans,

Respectfully report, that they have given due consideration to the subject, and would strongly recommend the passage of the bill as amended by them.

The frauds that both producers and buyers have been subject to, in the incorrect weighing of those two great staples, sugar and cotton, would, in their opinion, render the passage of this act necessary for the proper protection of both producers and buyers.

A. THERIOT, Chairman.

The Committee on Agriculture, Commerce and Manufactures, to whom was referred

An act to regulate the inspections of tobacco in the State of Louisiana, and also a remonstrance against the passage of said act from most of the tobacco dealers and factors of the city of New Orleans,

Respectfully report, that they have given due consideration to the subject, and believing that the passage of said act would clog the operations of commercial affairs and result unfavorably to the tobacco interest, they report unanimously adverse to its passage.

A. THERIOT, Chairman.

Mr. Martin. I dissent from the conclusions of the report of the majority and shall take occasion to make a minority report.

Mr. Millard, from the Committee on Charitable Institutions, made the following report, which was read:

The Committee on Charitable Institutions, whose attention has been particularly directed to objects and works of charity, in the progress of the investigations appertaining to their duties, are prepared to offer their sincere condolence with the misfortunes of Dr. Brigs, and wish him the heartfelt satisfaction of having performed a noble and praiseworthy action, in the self-sacrifice he sustained in repelling a formidable and loathsome disease from the needy strangers who sought shelter under his roof, and appreciate the humane motives that actuated him in preventing the spread of a dire and dangerous contagion among his neighbors, at his own pecuniary loss and disadvantage.

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Yet the committee would consider it as transcending the powers delegated to them by the office which they hold, to recommend any reward, other than every good man must feel in his own conscience for temporal relief extended to his fellow-man, by an act so praiseworthy as that which Dr. Brigs has performed.

Respectfully submitted,
ED. M. MILLARD, Chairman.

The bill to amend the 385th article of the Code of Practice was taken up.

Mr. Wickliffe. I will briefly explain the object of this bill. It is to relieve the seizing creditor who furnishes a bond to the Sheriff from the necessity of paying two setts of lawyers. If a party comes into court and holds the Sheriff harmless, I do not see why he should be forced to pay the lawyer's fees of an official who has all the benefit of the proceeding.

The bill passed.

Mr. King called up the following bill:

An act to extend the charter of the Mechanics and Traders' Bank of New Orleans.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the charter of the Mechanics and Traders' Bank of New Orleans, which expires by limitation on the second Tuesday of April next, be, and the same is hereby, extended to the first day of July, 1854, and no longer.

SEC. 2 Be it further enacted, etc., That the said bank shall not, after the said second Tuesday in April, issue or re-issue any of its own notes, but shall call in, redeem and cancel its own circulation.

SEC. 3. Be it further enacted, &c., That the prohibition contained in the 12th section of an act to revise the charter of the several banks located in the city of New Orleans, and for other purposes, approved February 5, 1842, by which it was made unlawful for any banks to pay out at their counters any other than their own notes, shall not be applied to the said Mechanics and Traders' Bank, after the second Tuesday in April next, but that said Bank may, and is hereby authorized, to pay its obligations in specie, or in the notes of other incorporated banks of this State, established by law, at the option of the person receiving them.

SEC. 4 Be it further enacted, &c. That this act shall be in force from and after its passage.

Mr. Derbes moved to amend the 1st section by striking out "the 1st July, 1854," and inserting "1st of October, 1853."

Mr. Short. I am opposed to the amendment. For two or three years there has been a deep and anxious feeling in this State, on the subject of banking. There has been great complaint, whether well founded or not, I do not purpose inquiring—nor is it necessary that I should—that this State has been compelled to use the currency of other States instead of her own. The constitution of 1845 was an expression of the will of the people against banking in any and every shape. Since that time a great change has taken place in the public mind. The community has been forced to use the paper of the banks of Kentucky and Tennessee. Although it is true that much of our currency is the issue of these banks, and that we have managed to get along with it, still the people are discontented with it It is true, also, that the desire for a paper currency exists to an inordinate extent in the American mind. It cannot be eradicated, and the desire for it has produced the change in the public mind, to which I have alluded. At this moment the people of the State are in favor of an extension of banking facilities. To deny this fact would be an absurdity. It is too late to deny it, or to attempt to overlook it. If the question were in regard to the establishment of a bank of disconnt and circulation, I should probably go against it. But here is an institution which has been a long time in existence, and consequently the question is difficult. We must admit the existence of a desire for this kind of currency. However great the evils flowing from it, however much we may deplore the establishment of these institutions, yet the operations of this one especially, are so deeply and closely interwoven with the whole business of society, that it would be difficult in the extreme to disentangle them. Admit that they are evils—admit that they are cancers—yet they are evils which cannot now be eradicated—cancers which cannot suddenly be extirpated without great peril to the body politic. The State having decided that it will have banks; that hard money is not sufficient for its purposes; that we cannot accommodate ourselves to a hard money currency (which I declare myself in favor of,) and having also decided against the old system of banking—the question arises—how are we going to pass from the old to a new system in the safest way? Are we to do it by a sudden transition? Do we intend to destroy existing institutions at once? Must we aim our blows at this bank in particular? Will we consent to devote to destruction in a moment, a bank which is so highly recommended by the history of its past transactions, and its present condition—a bank which has repented of all its sins of omission and commission, and is now acknowledged to be safe? An entirely new state of things is contemplated by the free banking law. If we pass to it at once, if we give no time for the gradual extinguishment of the old system, a derangement of the currency must be the inevitable result. In other words, there will be a pressure in the money market. Is it believed that capitalists are going to invest their money under this free banking law? For my part, I do not believe that law can furnish what is needed—a safe currency, and ample banking facilities for the State. It is much easier to tear down an old building, than to erect a new one; it is more difficult to create than to destroy. This is a trite aphorism, but it is not less applicable now than when it was first uttered, and experience but serves to demonstrate its truth. But when we see the new building already tottering, we ought not to be in haste to destroy the old one. When we see that the people are deceived as to what will be the operation of the free banking law, we should not at once annihilate the old system. I am opposed to tearing down the old building before I am convinced that a safe one is to be erected. I do not know how this project was started, to put a sudden end to a bank which comes to us recommended by all the most substantial business men of the State; and to substitute for it something new and untried. In my portion of the State, that bank has very extensive business relations, and by its means, the planters are getting facilities which they never obtained before. They desire and need these facilities, and would be much injured by their loss. It is for this reason that there has been such a change in relation to the currency between 1845 and 1853. If nothing beneficial and substantial be derived from the new system which is proposed, instead of a blessing, it will prove a curse. It will be an insubstantial edifice, tottering about our heads, and threatening every moment to involve us in its ruin. For this reason I am opposed to putting an end to the Mechanics' and Traders' Bank at this moment. I am opposed to a sudden, and what I conceive, will be a fatal transition from one system to another. Let us perform the work slowly, and we shall not do it the less surely. Let us not tear from the bank its existence, or suffer it to expire in a moment. We cannot do so without disregarding the wishes and the interests of the people. When it was supposed that the people were in favor of no banks at all, I agreed with them perfectly. Now, however, there is a change of opinion. Another desire exists. What kind of a currency are we going to substitute for that furnished by the bank? The very arguments that I have heard used against the extension are most potent in its favor. It is said that if we extend the charter, the stock will rise. When this is told to a man in the country, is it not evidence to him of the sound condition of the bank? When, on the contrary, you tell him that the stock is at a discount, it is evidence that the bank is not in good condition.

Mr. McCay. Does the gentleman refer to a conversation with me?

Mr. Short. No; but to a source considered a good fountain of information—the public newspapers.—This subject has been under discussion for a long time. It has been argued by the press, on the stump, and in the halls of the legislature. The decision has not been against banks. I wish it had been. But it has not been against them, and we must submit to the will of the people. They have decided that while other States have a paper currency, we must have it also. They think they should have those bank facilities, which, within a few years, have so much ad-

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vanced the agricultural interests of Kentucky and other States. They do not look ahead at the evils which are to come, though it may be that we have learned enough from past experience to keep within safe bounds in future. The people of Louisiana, I say, seeing these things, and being compelled to use the paper of other States which is brought into this, have a desire to use their own, instead of foreign paper. There is no difficulty to a man, if he holds a bill which is good, where it comes from—but the question is asked,—why if we must use paper money, cannot we have our own? Why should we not have the banks in Louisiana, where we can have them under our own control, where we can bind them within certain limits, and subject them to our own laws and regulations? This is the question now asked, and it must be confessed it is hard to answer.

The vote being taken, the amendment was lost.

Mr. King moved to amend the 1st section by substituting the "1st December, 1853," for "the 1st July, 1854."

Mr. King. As this is a matter of great importance to my constituents, I trust I shall be indulged if I intrude a few observations on the Senate. I must commence by declaring that I am not in favor of putting an end at once to the Mechanics and Traders' Bank The Senator from Madison (Mr. Short) has said truly the voice of the people demands an increase of banking capital. I have more than once said, and I here repeat it, that where the voice of the people is clear and undeniable on any subject, I, as one of their Representatives, feel it my duty to aid in carrying out their desires. Concerning the opinion of my constituents on this subject I do not entertain the slightest doubt, and I shall not hesitate to act in accordance with it.

To put an end to the Mechanics and Traders' Bank at this moment would have the effect of withdrawing from the State almost the entire capital of the Bank, as it is owned in foreign places. Unless an extension of some kind is granted the immediate effect will be the withdrawal of that capital, and a derangement of pecuniary affairs, to some extent, must follow.—That capital is wanted in New Orleans to carry on commercial affairs—it cannot be dispensed with without occasioning great inconvenience, and perhaps distress. I should, therefore, deplore this sudden withdrawal of capital which is so much needed, and the destruction of bank facilities which the public so imperatively demand. While I am of this opinion I am equally clear against the policy of returning to the ancient system of banks, or of continuing the existence of those old chartered monopolies any longer than we can help. The question practically considered, is simply this—are we to have free banking, or privileged monopolies; are we to open the doors to all the world, or to only a few? This question has been already settled by the people, and I thought their decision had been final. But I much regret to see that another battle has to be fought in these halls—that the question has to be met here. Let me ask gentlemen whether they prefer the old monopoly system, or a bank based on truly democratic principles; a system which does not seek exclusiveness, but invites competition in banking as in every other business, and gives the whole world an opportunity to profit by it? For my part, I confess that I believe the opinion of the people of the State to be the correct one, and I am therefore in favor of free banking. For these reasons I am in favor of giving the bank an extension till next December. If we do this we shall find the Bank ready to come to the support of that system which is the only secure one, and the only one adapted to a Democratic and Republican government like ours. Nevertheless, if we cut her off immediately, before we have even passed the general law, her capital will go from us forever. We wish this bank to come in under the general law. We wish her to be an example of the benefits of the new system we are about to adopt. I am led to believe from conversations I have had with the officers of the bank that she will come in. I believe that we should see her leading that band of new banks which the general law will bring into existence, and she will be more prosperous than ever. We should see her the leader in the contest with the special banks. The weight of her influence will be thrown on the side of freedom and liberality! I think we ought to be glad of having this opportunity to obtain a champion. We should accept her as an ally, instead of repelling her as a foe. Her credit and patronage, brought to the assistance of the free banking system will secure its triumph. Then in kindness to the commercial community, in kindness to free banking, in consideration of the wishes and the interests of the people, let this amendment prevail. Let us give the bank an extension till the first of September. Let us give her sufficient time to write to her stockholders and get their consent to come in under the general law. The law we have passed in the Senate is as favorable to her as the present laws, I think she will consider it so, and come in under it if we only give her an opportunity, and do not insist on strangling her at once. I trust this will be done, and if then, after we have given her sufficient time for consideration, she is not willing to come in, she necessarily falls under the conditions which my judgment imposes on all these privileged monopolies.

Mr. Martin. The gentleman having got through, I presume I can get a chance to say something. The gentleman says that free banking is democratic. I can prove that the Mechanics and Traders' Bank is a Democratic bank likwise. The bill creating it was introduced by Gov. Walker, then a member of the Legislature. It was placed under Democratic management, and has remained so ever since. I am opposed to having these Democratic monsters attributed to us. They must father their progeny.

The whigs have always been opposed to State Banks. Those institutions are the result of democratic policy. They came into existence when General Jackson and the democracy crushed the National Bank. It was during that contest that banks were established in most of the States and were supported by the democracy as being—according to them—safer and less dangerous than the National Bank. The whigs never have been a State Bank party.

This bank (the Mechanics and Traders') is a democratic bank. If gentlemen will refer to the journals of 1833 they will find that Joseph Walker, late Governor of the State was the father of it.

Mr. Short. The Senator from New Orleans (Mr. King) has made an appeal to the democratic party as having decided to depart from the old system, and gone to free banking. I am willing to admit it. But have they decided to abandon the present system for the purpose of going into that which has been adopted by the Senate? This I deny Louisiana will never willingly embark in an experiment of that kind. Neither the State of Louisiana, nor the democratic party ever decided to take passage in such an old leaky vessel as that. They would prefer to stay in the old one, decayed though it may be. If a sound honest looking bill had been presented I should have voted for it; but I could not consent to support the one which passed.

Mr. King. If the vote, three-fourths of which was given in given in favor of the bill, does not convince the gentleman that it is the kind of bill desired by the people, nothing I can say or do will have that effect.

Mr. Short. Were city banks ever discussed? I never heard that they were, in my part of the country.

On motion to lay the amendment on the table, Mr. King called for the yeas and nays.

Messrs. Barthe, Hodge, Kittridge, Martin, Millard, Nicholls, Rivers, Short, Slack, Taylor and Todd—11 yeas.

And Messrs. Boatner, Derbes, Kemp, King, Lacoste, Lacey, Lewis, McCay, Neal, Patterson and Theriot—11 nays.

There being a tie, the President voted to lay the amendment on the table.

Consequently the motion was lost.

On motion to adopt the 1st section, the yeas and nays were called.

Messrs. Barthe, Hodge, Kittridge, Martin, Nicholls, Rivers, Short, Slack and Taylor—9 votes—voted for the adoption.

Messrs. Boatner, Derbes, Kemp, King, Lacoste, Lacey, Lewis, McCay, Neal, Patterson, Theriot and Todd—12 votes against the adoption.

The President declared the section rejected.

Mr. Todd having voted in the majority, gave notice that he would move for the reconsideration

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of the vote given on the adoption of the 1st section of the bill.

Mr. McCay moved to reconsider the bill now.

Mr. Nicholls—I do not think the gentleman has the right to move for a reconsideration now. The point has already been decided here to the effect that when notice of reconsideration is given no other person can move for the reconsideration beforehand.

Mr. Rivers—What is the object of a reconsideration? It is evidently to have the full sense of the Senate on account of some being absent at the time the vote is first taken. The gentleman from Morehouse (Mr. Todd) gave notice of a motion to reconsider, to-morrow. Why did he not move for a reconsideration? Evidently because he did not wish to defeat his own object. He wishes that Senators who are now absent may have an opportunity of voting. It is not probable that now any gentleman has changed his opinion, and therefore a motion to reconsider now could be merely an idle waste of time.

Mr. Derbes—I do not agree with the gentleman in his idea of the intention of a motion to reconsider. Its true object is to permit a person, who has voted in error, to change his vote. A short time ago I moved a postponement, with a view to giving some absent members time to get here before taking a vote. The gentlemen on the other side counted noses, and thinking they had everything their own way, refused to agree to the motion. Now, when they have been defeated, they wish to postpone. For my part I think the gentleman can reconsider now as well as ever.

Mr. Short—I hope that gentlemen will not exhibit so much hot haste and fiery expedition to press a vote on a reconsideration at this moment. The question before the Senate is a very important one and requires time for reflection. The votes which I give here, I give as a Senator and a Democrat. I am responsible for them to my constituents alone. I see many persons zealous in behalf of measures which they call Democratic. They tell us that the party will be destroyed if these measures are not carried out, measures which I cannot help thinking prejudicial both to the State and the party. They will prove, it is said, to be the permanent foundation stone of the party. I think they will result in something very different. Democratic principles do not depend on the manœuvres of politicians. There is a sound substratum of common sense among the people which enables them to see the deception. When something is offered which I consider really beneficial I will go for it and give it my support. I objected in advance to the banking bill which came from the House. I notice here two Senators who I thought stood with me on that question. But I observe that when I speak of running in debt they avoid listening to what I say, though they have made remarks on the subject more pointed than anything that ever came from me. I voted against the amendment of the Senator from New Orleans, (Mr. King,) because I do not think it goes far enough. Though in the contest in regard to the free banking system nothing was decided, not even that we should depart from one system to another, yet there was a sort of expression of opinion in favor of free banking in opposition to the old monopoly system. To my mind, viewing the subject as a Democrat, there is but one safe and substantial basis for banking. It must rest upon actual capital. But when I see a law offered which is something like a free fight—open for every body—I cannot avoid hesitating. Banks must have a solid foundation of capital. The word free does not make a bank any more safe than those we have tried already. It is an inviting appendage, though it is not a guarantee of security. This word "free" is an invention of those persons who saw a necessity for banks, but were opposed to the kind of banks we had in '37 and which resulted in so much ruin and distress. They thought if they could only interpolate this word, they might influence public opinion, and fasten a system of their own on the State. But is their system such as will satisfy the people? Does the bill which has passed the Senate embody a system which is in accordance with the views of the people of Louisiana? Submit that bill to the people and it would be rejected by a more emphatic vote than was given by General Scott. Nor would the proposition, which has been made on this floor to legislate so as to force the Mechanics and Traders' Bank to come in under a general law, meet with any more favor.

The yeas and nays were called for the reconsideration.

Messrs. Barthe, Hodge, Kittridge, Martin, Millard, Nicholls, Rivers, Short, Slack, Taylor and Todd—11 yeas.

Against the reconsideration,

Messrs. Boatner, Derbes, Kemp, King, Lacoste, Lacey, Lewis, McCay, Neal, Patterson and Theriot—11 nays.

There being a tie, the President voted in favor of the reconsideration.

Mr. McCay moved to lay the 1st section indefinitely on the table.

Mr. Martin called for the yeas and nays.

Messrs. Boatner, Derbes, Kemp, Lacey, McCay, Neal and Theriot—7 yeas.

Messrs. Barthe, Hodge, Kittridge, King, Lacoste, Lewis, Martin, Millard, Nicholls, Patterson, Rivers, Short, Slack, Taylor and Todd—15 nays.

Consequently the Senate refused to lay the 1st section indefinitely on the table.

On motion of Mr. Rivers, the bill was then made the special order for Tuesday next, April the 5th, 1853.

MESSAGE TO THE HOUSE.

Mr. Derbes, from the Committee on Enrollment, reported to the Senate that the following enrolled bills were correctly enrolled:

An act to authorize justices of the peace to appoint curators ad litem in certain cases.

An act to authorize David Brady, of the city of New Orleans, to change his name from David Brady to David Braden.

An act to emancipate John P. Montamat.

An act to prohibit the circulation of small notes.

And the Secretary requested the signature of the Speaker to the same.

And he requested the concurrence of the House in the following bills, entitled

An act to authorize banking in the State of Louisiana.

Anact for the relief of Purvys and Dugue.

An act authorizing proceedings in rem to recover loss or damage caused by any carelessness, neglect or want of skill in the direction or management of any steamboat, barge, flatboat, water craft or raft.

An act giving jurisdiction to the Goverument of the United States to and over that part of any street, road or public highway running through the site obtained for the establishment of a navy yard and naval depot opposite the city of New Orleans, on the right bank of the river Mississippi.

And he informed the House that the Senate had concurred in a bill entitled

An act for the relief of H. Kean.

MESSAGE FROM THE HOUSE.

Mr. Eastea, special messenger from the House requested the concurrence of the Senate in the following bills:

An act to repeal certain sections of an act prescribing duties to notaries public in the parish of Orleans in passing acts of sale, donation and mortgage—approved 21st March, 1850

An act to provide for the removal of certain public records from the parish of Jefferson to the city of New Orleans.

Substitute for an act to unite the offices of recorder of mortgages and parish recorder in the parish of Jefferson.

An act to give the mayor of the town of Port Hudson certain powers.

An act to change the name of George Ross, of the parish of Plaquemines.

An act to provide for the redistricting of the parish of Concordia into police jury wards.

An act to enable the police jury of Concordia parish to extend its sittings.

An act to emancipate Alex. C. Green.

An act to abolish the office of recorder of mortgages in the parish of Jefferson.

Substitute for an act to unite the offices of records of mortgages and parish recorder in the parish of Jefferson.

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An act to prohibit municipal corporations in this State from laying a tax upon persons engaged in selling articles manufactured by themselves within this State

Substitute for an act to prevent the common council of the city of New Orleans from levying a tax on persons selling their own manufactured articles.

An act to take the sense of the qualified voters of the town of Port Hudson on the question of abolishing the corporation, and to abolish the same.

An act to authorize the appointment of one additional notary public in and for the parish of Union.

An act to reorganize the police jury of the parish of St. Landry.

An act for the relief of Robert Darpit, of the parish of Terrebonne.

An act to provide for and regulate the office of Attorney General.

Joint resolution relative to the deaf, dumb and blind asylum.

Resolutions for the relief of the Charity Hospital.

Resolutions requiring the State engineer to repair to Bayou Darbon and Bayou Corney to complete the improvements for the navigation of the same.

Resolutions of condolence on the decease of the Hon. M. Ronquillo.

And he informed the Senate that the House refused to concur in the following Senate substitute for the bill entitled

An act for the relief of persons holding certificates of entry of the swamp lands issued by the land offices of the United States subsequent to the 2d of March, 1849, and prior to the 17th of March, 1852.

And he requested the signature of the President to the following bills, entitled:

An act for the appropriation and reimbursement of certain moneys paid on account of school land warrants.

An act to amend the seventh section of an act entitled an act to prescribe the mode of disposing of the lands of delinquent tax payers.

An act for the relief of Theodule Labauve.

BILLS PASSED.

An act for the relief of Robert Despit, of the parish of Terrebonne.

An act to reorganize the police jury of St. Landry.

SATURDAY, April 2nd, 1853.

Mr. Hodge introduced an act to give to the parishes the fines and forfeitures to be collected for violation of the criminal law.

Mr. Hodge.—I will explain the object of this bill. By acts passed at this and the last session of the General Assembly, the parishes are compelled to pay the cost of prosecutions within their own limits. It is therefore nothing more than fair that they should have the fines and forfeitures. This is a matter of great importance, especially to the parish of Orleans, where, though the expenses are very large, the fines and forfeitures would be almost enough to pay them.

Mr. Wickliffe. The bill is an excellent one, and I hope it will pass.

The bill passed.

An act to provide for the pledging of growing crops, was taken up for reconsideration.

Mr. McCay objected to the same, and called for the yeas and nays:

Messrs. Boatner, Derbes, Kemp, Kittridge, King, Lewis, Millard, Neal, Patterson, Rivers, Short and Taylor—12 yeas; and

Messrs. Hodge, McCay, Nicholls, Slack, Todd and Wickliffe—6 nays.

Consequently the motion to reconsider prevailed.

The 1st and 2nd sections were then adopted.

The third section, was read as follows:

Be it further enacted, &c., That the privilege intended to be secured by this act shall not take precedence over the privileges now allowed by law to the creditor overseer, furnisher of supplies to plantations, and workmen, nor to any seizing creditor upon any judgment, although such privilege may have accrued after the pledge herein contemplated, nor over any seizing creditors upon a judgment rendered prior to the pledge.

Mr. Nicholls moved to strike out the words, "nor to any seizing creditor, upon a judgment rendered prior to the pledge," and insert, "over a judgment creditor."

Mr. Lacey moved to lay the amendment on the table, and called for the yeas and nays.

Messrs. Boatner, Derbes, Kemp, Kittridge, King, Lacy, Lewis, Millard, Patterson, Rivers, Short, and Taylor—12 yeas; and

Messrs. Hodge, McCay, Noal, Nicholls, Todd, and Wickliffe—6 nays.

The 4th and 5th sections were adopted.

MESSAGE FROM THE HOUSE.

Mr. Easten, special messenger from the House, requested the concurrence of the Senate in the following bills:

An act of incorporation of the New Orleans, Red River and Texas Telegraph Company.

An act to incorporate the St. Anna's Asylum for the relief of destitute females and helpless children of all religious denominations.

And he informed the Senate that the House had passed the following resolution:

Resolved, That the Speaker of the House shall have the right to name any member to perform the duties of the chair during his sickness or temporary absence from the seat of Government, although such substitution extend beyond the period of adjournment; and that the member thus named shall sign all such warrants, bills and other papers that the permanent Speaker may sign

Hon. J. M. Sandidge, of Bossier, has been appointed by the Speaker to fill the chair during his absence.

WEDNESDAY, April 6th, 1853.

REPORTS OF COMMITTEES.

Mr. Lacey, from the Judiciary Committee, submitted the following report, which was read:

To the Hon. W. W. Farmer, Lieutenant Governor and President of the Senate.

The Judiciary Committee of the Senate, to whom was referred the resolution passed by your honorable body, instructing such committee to report a bill to be made in conformity with the requirements of article eleven of the Constitution,

Beg leave to report that your committee has felt bound under, and in pursuance of the resolution above referred to, to report to your honorable body a bill carrying out the object of the resolution; and, in the discharge of such duty, your committee submits, for the consideration of the Senate, the accompanying bill, entitled:

An Act to provide for the Registry of Voters in the City of New Orleans, in pursuance of article eleven of the Constitution.

Your committee does not pretend to say that the bill submitted to the Senate is perfect in itself, but believing that such a bill can be better corrected in its details in the Senate than by the committee, it is submitted in its present form for the consideration of your honorable body.

Your committee respectfully recommend the printing of the bill.

All of which is respectfully submitted.

GEORGE S. LACEY,
Chairman of Jud. Com. of the Senate.

Mr. Lacey, from the Judiciary Committee, reported favorably on the following bills, entitled:

An act to provide for the change of venue in civil and criminal cases, in pursuance of article 112 of the Constitution.

An act to restrict the jurisdiction of the Supreme Court in civil cases, to questions of law only.

And by substitute to a bill entitled:

An act relative to mortgages and privileges;

Ordered to be printed, and made the order of the day for Friday, April 8, 1853.

And he introduced, without previous notice, on first having asked and obtained leave to do so, a bill entitled:

An act to provide for the registry of voters in the City of New Orleans, in pursuance of article 11th of the Constitution.

Mr. Short, from the Committee on Lands and Levees, made the following report:

To the Hon. President and Members of the Senate.

The Committee on Public Lands and Levees, to which was referred the act entitled:

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An act for the relief of those who have irregularly purchased lands from the State of Louisiana; reported from the House, and referred to this committee on the 26th of March, respectfully report:

That this act is for the relief of certain persons who purchased land warrants irregularly from Richard Loucks, late Register of the Land Office. Your committee would call the attention of the Senate to what they have said in their general report with reference to the warrants, or certificates above alluded to:

"There is another class of persons who hold certificates of entry issued by one Richard Loucks, late Register of the State Land Office, in pursuance of a resolution passed on the 4th of March, 1852. As will be seen by the report of the present Register of the Land Office, he gave notice to the holders of such certificates to present them. Those presented since the notice was given amount to 1002 6-100 acres. We deem it the duty of the State to return to the holders of these certificates the amount of money paid by them, upon the return of the certificates." P. 3 and 4.

This was as far as your committee deemed the State should go,—not that they held that the State of Louisiana was bound in law to refund the money which these individuals had erroneously handed to Mr. Loucks,—he was not the proper person, in his capacity of Register, to receive the money; and neither the State nor Loucks's securities could be held liable for acts not coming within the sphere of his official duties.

It was the duty of the Treasurer of the State to receive the money for warrants, upon an order first passing through the Auditor's office; and upon the Treasurer's receipt, it became the duty of the Register to issue a certificate of entry in favor of the person paying the money into the Treasury. None of those formalities were complied with, and no entries are to be found on the books to show the extent to which Loucks carried out his system of rascality, in defrauding the State and the innocent persons who took him for the proper person to whom the money was to be paid for land warrants.

But, in consideration that Loucks had been appointed an officer of the State, and thereby, having a sort of State endorsement for honesty, and believing that the individuals who handed him the money honestly believed that he was the proper person to whom it should be paid, the committee came to the conclusion that the State should refund the money to the individuals thus deceived.

The existence of these fraudulent certificates was called to the attention of the Legislature at their session of 1852, and on the 4th of March they passed the following resolution:

"Be it resolved, That the Register of the Land Office is hereby authorized and instructed to notify, by publication in the official journal for six months, the holders of the certificates for land issued by Richard Loucks, late Register, to present the same to him, that he may ascertain who hold fraudulent certificates; and the Register is hereby instructed to make a report thereof to the next Legislature.

"Be it further resolved, That whenever the Register shall discover any of the lands fraudulently sold by said Richard Loucks to belong to the State, he shall withhold the same from sale except to the person or persons who ignorantly made the purchase; and if the lands not belonging to the State, which are covered by these fraudulent certificates can be selected by the State, the Register shall make such selections." Acts of 1852, pp. 86 and 87.

The present Register of the Land Office not having stated, in his general report, that any of the lands specified in these certificates of entry belonged to the State, or that he had withheld them from sale, or that the lands specified in the certificates could be selected by the State, the only thing your committee could recommend, was the repayment of the money to the holders of these certificates, as recommended in their general report.

The note addressed to the Register of the Land Office, and his reply thereto, annexed to this report, will exhibit the condition of the lands specified in the the certificates, so far as they have come to the knowledge of the Register.

The bill reported from the House, and referred to this committee, proposes that the State shall recognise all the certificates issued to *bona fide* persons by Richard Loucks, while Register, as binding on the State, as if the same had been regularly issued, and as if all the acts of Loucks had been done in accordance with the requirements of law; and the present Register of the Land Office is required to issue patents to the holders of such certificates, and the date on the face of the certificate, is the date on which the the patent is to take effect, if the certificate issued when Loucks was in the regular discharge of his duties.

Now the fact is, that when these certificates issued, and when Loucks took the money from these parties, he was in the very irregular discharge of his duties. He was doing what he had no right to do, and acting in violation of law. He could not regularly issue a certificate of entry, which is the evidence of title, except on the receipt of the Treasurer that the money had been paid, on an order passing through the Auditor's office; on this alone could he issue a certificate of entry in the regular discharge of his duties. Had these parties paid the money to the Treasurer, the State would not suffer any loss, nor would they have suffered. But what they have done and suffered through ignorance of the formula of obtaining the certificates, the State is willing to repair to the extent of refunding the money; but as to confirming the entries, and giving validity to them from the date on the face of these fraudulent certificates, thereby to disturb the titles of other parties, in no way connected with the unfortunate transactions growing out of the dishonesty of Loucks, is what no Legislature ought to sanction.

If the land called for in these certificates has not been entered by other parties, then let the holder of the certificate have it. But any act by which those who have entered it, and paid their money into the right office, and received their evidence of title, are to be ousted by giving validity to a fraudulent certificate of a prior date, should be put down at once. Your committee cannot, therefore, recommend the passage of the bill as reported from the House. But, in accordance with the opinion expressed in their general report, recommending the passage of a bill refunding the money upon the surrender of the certificates, unless a patent can issue for the land described in the certificate, which land has not been entered and paid for by other parties; and your committee herewith submit a substitute for the bill reported from the House.

H. SHORT,
Chairman.

BATON ROUGE, April 4th 1853.

W. H. CREWSHAW, Esq—Dear Sir:

Will you look at the resolution No. 110, passed by the last Legislature, Acts of 1852, p. 86, and say whether any of the lands fraudulently sold by Richard Loucks, belong to the State or whether they belonged to the State at any time since the certificates were presented to you, spoken of in your report to the Legislature; and if those lands did not, or do not belong to the State, are they such as can be selected by the State, according to the terms of the said resolution? Are not the lands called for in those certificates swamp lands, and entered by other persons than those mentioned in the certificates?

Yours respectfully,
H. SHORT,
Chairman of Senate Com. on Lands and Levees.

LAND OFFICE OF LOUISIANA,
April 5th, 1853.

Sir: In reply to your inquiry of the 4th, I have to say, I have examined the Resolution No. 110, adopted March 4th, 1852, by the Legislature. There is no evidence in this office that any of the lands pretended to have been sold by Richard Loucks, according to the certificates returned to this office, belong to the State, or can be selected by the State, except that of Lusina Haily, which has been approved to the State as swamp land, and that of James H. Gibbins, which was selected as internal improvement land. So soon as I learned the condition of Mrs. Haily's land, I wrote to the Commissioner of the General Land office, and requested his approval of it. I gave notice at once to the Hon. Mr. Bartlett, who is her representative, that she

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could now purchase the land, and marked her name in pencil on the map. James H. Gibbins was notified that his land had been selected as internal improvement land some years previous. He at once paid into the Treasury the amount for it. With regard to the other lands, where certificates have not been presented, but which were shown me last winter, the United States has parted with its title, and so far as I am informed, all of them were the private property of other parties before the passage of the resolution, or were before the pretended sale by Loucks.

I am, very respectfully,
Your obedient servant,
W. H. CRENSHAW,
Register.

Hon. H. SHORT, Senate Chamber.

Mr. Kittridge called up a bill entitled:

An act to amend the second section of an act providing for the subscription by the parishes and municipal corporations of this State to the stock of corporations undertaking works of internal improvement, and for the payment and disposal of the stock so subscribed.

Mr. Martin.—Some time since, I asked the favor of the Senate not to act on this bill at that time, in order that I might, in conjunction with the representative from the parish of Terrebonne, have an opportunity of making inquiries to find out the true state of the case, I am not yet satisfied that this bill is an expression of the sentiments of the majority of slave holders in that parish. The bill introduced by my colleague provides for a tax on every description of property. I am opposed to the principle of taxing slaves for the benefit of railroads, but if the majority of the slaveholders themselves desire it, I am willing to yield that point. But I cannot go for taxing horses, jackasses, mules, and horned cattle, as is contemplated by this bill. That is an extension of the system to which I cannot assent. The bill introduced by my colleague was drawn up by an unworthy citizen—a man whose presence pollutes this chamber if he is in it. I have conversed with a prominent citizen of the parish—Mr. J. J. Hanna—a gentleman who is greatly interested in these enterprises. He informs me that this bill is not what the people of Terrebonne desire. They wish to tax only real estate and slaves. Mr. Hanna, who is the most prominent gentleman in the Parish, in connection with the Opelousas Railroad, told me that he did not approve the bill of my colleague. As I have before said, I am opposed to taxing slaves for this purpose. They do not receive any additional value, they are not benefited as property, and it is unjust to tax them. With these few remarks I submit the following substitute:

An Act, providing for the subscription to the New Orleans, Opelousas and Great Western Railroad Company by the Police Jury of the parish of Terrebonne, and for the payment and disposal of the stock so subscribed.

SECTION 1. Be it enacted, by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That it shall be lawful for the Police Jury of the Parish of Terrebonne to subscribe to the stock of the New Orleans, Opelousas and Great Western Railroad Company, on complying with the conditions of this act.

SEC. 2 Be it further enacted, &c., That all ordinances passed for such subscriptions shall contain the following provisions, to wit:

1st. A statement of the number and amount of the shares proposed to be subscribed.

2nd. The levy of a tax on the landed estate and slaves situated and owned in said parish, sufficient to pay the amount of said subscription, and specifying the rate of the taxation, and the period or periods when it shall be payable

SEC. 3. Be it further enacted, &c., That no ordinance passed under the provisions of this act, shall be valid or take effect until it shall have been approved and ratified by a majority of the voters on whose property the tax is proposed to be levied, at an election to be held specially for that purpose, by order of the Police Jury of the parish of Terrebonne, and said police Jury shall prescribe the manner of holding such election, and shall cause to be furnished to the commissioners of the same, a certified list of the authorized voters, and such election shall be preceded by a notice of thirty days, published in every police Jury ward in said parish; provided, however, that if such ordinance shall be rejected by a majority of the voters, owners of real estate and negroes, it shall be lawful, at any subsequent period, again to take the sense of the voters in the same manner as at the first election, and at intervals of not less than six months.

SEC 4. Be it further enacted, &c., That if any subscription be made by the Police Jury of the parish of Terrebonne, under the terms of this act, the stock so subscribed shall not belong to, nor be administered by the Police Jury, but shall belong to the taxpayers who shall have paid therefor, and the tax receipt of each taxpayer shall entitle him to a certificate, transferable from delivery, from the corporation to which subscription has been made, for an amount equal to the amount of the tax paid; Provided, however, that said Police Jury shall be empowered to require such bond and security, and in such sums, from the sheriff or collector, as may be deemed necessary.

SEC. 5. Be it further enacted, &c., That if the payers of taxes on lands and slaves in the parish of Terrebonne shall avail themselves of the provisions of this act, they shall be exempt from the provisions of an act entitled an act providing for the subscription by the parishes and municipal corporations of this State, to the stock of corporations undertaking works of internal improvement, and for the payment and disposal of the stock so subscribed, approved March 12, 1852.

SEC. 6. Be it further enacted, &c., That the taxes authorized to be assessed under this act, shall not be collected until the directors of the New Orleans, Opelousas and Great Western Railroad Company shall give an assurance to the Police Jury of the Parish of Terrebonne of their determination to construct a branch of said road to the forks of the Bayous Terrebonne and little Caillou.

Mr. Martin. The last section of the substitute provides that the act shall not take effect till the Company give satisfactory assurance to the Police Jury that a branch shall be made into the Parish,—This is suggested by Mr. Hanna, a Director in the Company, and in my opinion is very judicious. It will have the effect of creating a degree of confidence among the people of Terrebonne, sufficient to carry the tax. By this bill all sections of the parish will be benefited.

Mr. Kittridge. The Senator refers to a letter from Mr. Hanna. That gentleman was here four days. He knew of my bill, and approved it. Every person from Terrebonne with whom I have conversed, approves it. The memorial which I have presented here in favor of it, has ninety-five signers, and there are only 135 slaveholders in the parish. The bill has already been so amended as to meet the objections which have been urged, and therefore the substitute is unnecessary. As I have said, ninety-five slaveholders have signed the memorial, and several who were out of the parish when it was got up, are known to be in favor of it.—There are not more than twenty or twenty-five in the whole parish against it. The people of Terrebonne intend to run a branch to the forks of Little Caillou, but let them decide on that themselves, by a vote of the people.

Mr. Martin. The gentleman is mistaken. The letter alluded to says nothing about his bill. It merely asks that taxation be extended to slaves (Reads the letter.) I do not pretend to be anything of a lawyer, but I cannot help thinking that a written test is better than a verbal one.

Mr. Kittridge. The gentleman has brought forward a letter as authority. Why, the object of that letter was to convert a gentleman who was opposed to the measure Mr. Hanna was here for several days, and suggested no change in my bill, though he knew its contents perfectly well. I say, let the people do as they please about the terminus of the branch. Let them fix it where they wish. My bill merely takes up the general law of last year, and makes an amendment in relation to the parish of Terrebonne.

Mr. Short. Are the majority of the slaveholders of the parish in favor of this bill?

Mr. Kittridge. I have already stated that 95 out of 135 signed the memorial, and that others would have signed it, had they been in the parish at the

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time. The number opposed is at most twenty or twenty-five.

Mr. Hodge—On what principle does the gentleman go for allowing a majority of the voters to decide on taxing a particular kind of property.

Mr. Kittridge—None except those interested will be allowed to vote on the measure. But I will refer the gentleman to the law of last year.

Mr. Palfrey. I move, sir, to lay the bill and substitute both on the table. As I expect, sir, to vote against the passage of the bill, if my motion is lost, I desire to define clearly and plainly my position in relation to its bearing, as connected with existing laws on the same subject. I desire, sir, to take no part on either side in the discordant views of my friends from Assumption, considering it as a domestic disturbance with which I have nothing to do, but mean to apply my remarks to a more general view of matters connected collaterally with the bill.

I am opposed, sir, to municipal and parochial taxation, laid for the purpose of raising capital stock in private enterprises, though they may be denominated works of public utility—and shall therefore vote against all bills of the character of that before the Senate. I view these contributions forced from individuals towards raising stock of this description, as unconstitutional; and not only unconstitutional, but unequal, oppressive and unjust. I will go as far probably as any Senator on this floor—as far, at any rate, as I may deem proper or prudent—towards carrying into effect the provisions of the Constitution which authorize the State to grant aid to companies or associations formed exclusively for the purpose of making works of internal improvement, because this is expressly provided for in the Constitution; but as I said before, forced contributions from individuals, whether they are willing or not to contribute, have never met with my approval, nor do I believe they ever will.

I have said that I view laws of this nature as unconstitutional. I will briefly state the grounds of the opinion I entertain on this subject:

By reference to article 105 of the Constitution, we find the following provision: "No vested right shall be divested, unless for purposes of public utility, and for adequate compensation previously made." Now, sir, let me call your attention to the practical effect of the law authorizing partial taxation to force individuals to take stock in private incorporated companies.

We will pass over at this time the gross enormity of this oppressive measure, in thus laying the tax at all, and proceed to what is to follow after the tax is laid. The law provides that Railroad scrip is to be returned to the tax-payers at par, to the same amount as the tax paid. There will be cases, no doubt, sir, where the individual taxed will be unable to pay the tax, because it must necessarily be a very onerous one. This will be the case probably with the property of minors, which is not usually administered with the same degree of attention and care as other property. Also, the lands of those who are comparatively unprovided with the appliances necessary for producing a revenue from it; such appliances, I mean, as stock, slaves, and other property needful for carrying on a plantation to advantage—of which there are many cases. The consequences of non-payment will of course be, that the property taxed will be seized and sold by the collector of taxes. Here, sir, is a vested right divested—for what? to contribute stock to a private enterprise—not belonging to the public, or over which the State has any control—but to an association of individuals, who are shifting and changing by transfers of stock from day to day.

I acknowledge, sir, that these railroad enterprises are works of public utility—that is, they are useful to the public. So are many other industrial enterprises—and so some of us are in the habit of considering Banks to be, when properly organised; and how would it appear to some Senators on the other side of this Hall, if a law were proposed to force contributions in this manner to Bank stock? The principle, sir, is the same in both cases

And now, sir, for the "compensation to be previously made." What does it consist of, under the operation of these laws? The property is sold—the vested right divested—and the compensation si to consist of Railroad scrip at par, to the amount of the tax, (when perhaps the stock is far below par in the market) and of money for the remainder. Is this, sir, adequate compensation? even supposing the property will sell for its value—which is not likely, but at a sacrifice, on the contrary. Are certificates of stock a legal tender in payment of debts? Is it not required rather to be in gold and silver, under the Constitution of the United States? Are the people, whose rights have been thus trampled on, to be put off, by the tender to them of certificates of depreciated stock? I ask, sir, can this be called adequate compensation? Is it compensation previously made?

I acknowledge, sir, that these railroad enterprises are to be beneficial—highly beneficial—and I have been ready and willing, as a private individual, to contribute to stock in such enterprises; and I am also willing, in my character of a Senator on this floor, to extend towards them such aid on the part of the State as is constitutional, and consistent with sound policy. But I cannot consent to overlook, in this connection, the obligations I owe to the Constitution, as I understand it, or until it be otherwise interpreted by the tribunals of the country, or my sense of what is due to the immutable principles of truth and justice. I am aware, sir, that the position I have taken here, is not a popular position. The Parish which I have the honor to represent has voted a rail-road tax; but in the vote which was there given, there were many proprietors who, holding a considerable proportion of the landed interest in the parish, could not vote upon the question—namely, women, minors, and absentees; and taking in connection with this view of the case, my indisposition to yield my opinions and constitutional scruples deliberately formed, to an erratic, capricious expression of public sentiment, imperfectly manifested at best,—I shall, as I said at the opening of my remarks, vote against the passage of all such laws.

April 8th, 1853.

Mr. Kittridge—I will make a single remark in reply. Every improvement is founded on the will of the majority. The Legislature authorizes works of internal improvement. The conclusion is ineritable that if the Legislature, by the vote of a majority, can do this, the parishes ought to be entitled to tax themselves by a majority vote. The argument is unanswerable. No gentleman on this floor will deny it.

Mr. Wickliffe—I move to postpone the subject.

Mr. Kittridge—I object.

Mr. Wickliffe—Then I shall enforce the rule which prohibits a Senator from speaking more than twice of the same question.

Mr. Martin—I hope the gentleman will not enforce it on me. I know of no one who takes more latitude in that respect than the Senator from West Feliciana.

My colleague says the principle that the majority have a right to any taxes is not questioned. I do not intend to make a constitutional argument. I am not a constitutional lawer as he appears to be. In my substitute only those interested are allowed to vote. It is the wish of the stockholders that the subject be submitted to them alone. I am informed of this by Mr. J. J. Hanna. He was here a few days ago and went home to get signatures to the memorial of which my colleague speaks. There is no reference to his bill contained in it. A few days since my colleague said he was a property holder in Terrebonne. I do not own property there but I know something of the localities. The population in the section through which the branch will run is very dense, and the people will be much benefited by it.

Mr. Kittridge—I have seen almost every body in the parish and I know my bill is what is wanted by the people.

Mr. Martin—The object of the bill is to submit the question to all the voters of the parish. The slaveholders wish it to be submitted to themselves alone. The gentleman says he has seen everybody. I do not believe it. Let him make the most of that.

Mr. Kittridge—The bill only proposes that those who are to be taxed shall have an opportunity to vote. I move to lay the substitute on the table.

Mr. Martin—My substitute covers the whole ground desired by the people of Terrebonne. It is almost a

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literal transcript of the law of 1852, which says that no one shall vote except those who are taxed. This is what was desired by Mr. Hanna, who left here to get up the memorial. My colleague knows it. He dares not deny it. If he do, I can prove that he knows it.

(The debate here assumed an entirely personal character.)

The substitute was then laid on the table.

The original bill then came up.

Mr. Hodge—Before the vote is taken I wish to call attention to the fact that the bill proposes to change a general law of the State in its application to particular parishes. The bill proposes in the first place to change the general law, and then contains a provision to the effect that this change shall only apply to the parish of Terrebonne. If the bill affects the general law I shall oppose it, and I think it will have that effect. I believe no other parish has asked for such a law as this. My constituents do not want it. They know the dangers which might result from it. If the gentleman make a bill simply allowing the peopople of Terrebonne to tax themselves for certain purposes I shall not oppose it. But he does not do this. He proposes to change the general law, and then to apply it only to the parish of Terrebonne. The gentleman would achieve his object equally well by drawing up a short bill authorizing the citizens to take stock and pay for it by taxes on lands and slaves. I do not wish to let the constituents whom I represent think that I would do a single thing in derogation of the Constitution.

Mr. Short—Whenever the question comes up in my parish I shall probably side with the gentleman, as I believe that in doing what is contemplated by this bill we are going beyond the proper province of legislation. But the bill does not, as he thinks, change the general law except so far as the parish of Terrebonne is concerned. If the people there wish to tax real estate, slaves, &c., why let them do it. As I have said, when the question comes up in my parish I shall oppose it. I do not believe that we have a right to force people to take stock in any private enterprise.

Mr. Hodge—The bill commences by saying that it is an amendment to the law of 1852. If it has no object it is not drawn up well. If the gentleman wishes to apply it to the parish of Terrebonne let him frame a bill without any reference to the general law. But the bill which he presents professes to be an amendment of that law, and consequently it will have a more extensive effect than is contemplated. If it is intended to apply this act to the parish of Terrebonne only the bill is not correctly drawn.

Mr. Short—The amendment only applies to the parish of Terrebonne. The bill may be inartistically drawn, but that is not my fault. I had no hand in it. I am willing to take it as the Irishman took his wife—for better or for worse.

The bill passed.

THE MECHANICS AND TRADERS' BANK.

The President of the Senate directed the attention of the Senate to the fact that the bill entitled,

An act to extend the charter of the Mechanics and Traders' Bank,

Had been made the special order for yesterday, but there being no sitting of the Senate on that day, the bill could not, therefore, be taken up.

In the absence of precedents to guide him in his decisions, he would decide that when a bill has been fixed for a particular day, and the day passed without the bill having been taken up, the bill takes its place among the other bills in its order, according to number.

Mr. Hodge—It is nothing more than just that a bill should come up in its regular order if there be no session of the Senate on the day for which the bill is fixed. The bill ought not to lose its precedence from the failure of the Senate to meet on that day. I shall move that the bill be taken up in order to make it a precedent for future action—that when bills are the special order for any particular day, and the Senate fail to meet on that day, they may come up first in order on the next day that a session is held.

Mr. McCay—The only way for the gentleman to get at it is by a suspension of the rules on an appeal from the decision of the Chair. The gentleman wishes to take up a bill by a bare majority when two-thirds are necessary for a suspension of the rules. The gentleman wishes to act as if under a new rule. I wish the rule to be established—to be written—before I can consent to recognise it. I have taken pains to inform myself on the way in which a point of this kind is decided in a co-ordinate branch of the General Assembly. I am informed by the Speaker of the House that in a case of this kind the bill must be passed over as if it had not been reached. According to the argument of the gentleman, since it was not the fault of its friends that the bill had not been acted on, therefore it should come up by preference at another time. I am informed that in this body at the last session, the uniform practice was as I have stated it to be in the other House.

Mr. Wickliffe—Who says that such was the case?

Mr. McCay—Mr. Sandidge who was then a member of the Senate.

Mr. Martin—All these appeals to the usages of the other House are entirely out of order. We have our own rules by which we must abide. We are governed by our own rules and not by those of the other House.

Mr. McCay—We are governed by something else.—When there is no precedent, and we can show a uniform custom in the co-ordinate branch of the Legislature we ought to give some weight to it, more especially when the President says that he knows no precedent here to guide him.

Mr. Hodge—I understand that the President would like to have the sense of the Senate on this point. I should like to have it myself, and show the gentleman that I can vote independently, and without any reflection on the chair. I therefore appeal from the decision of the chair.

Mr. Derbes—I think we have a precedent before us. I recollect perfectly well that when the bill for the amendment of the Charter of the City of New Orleans was before the Senate it was made the order of the day for the day on which Governor Johnson died. I was consequently compelled to move for a suspension of the rules in order to get it up. The dispensation was refused, and the bill had to be fixed again.

Mr. Hodge—The Senator will acknowledge that at that time there was no discussion on the point. Consequently there was no decision and therefore the precedent amounted to nothing at all.

The vote being taken the decision of the chair was sustained.

Mr. Wickliffe moved to make the Mechanics and Traders' Bank bill the order of the day for to-morrow.

The President—The motion requires a suspension of the rules with a view of bringing the bill before the Senate. It cannot be fixed until it is brought before the Senate.

Mr. Martin.—It only requires a bare majority to fix any bill as the order of the day.

Mr. Mouton—The President has decided already that it requires a suspension of the rules to bring the bill before the Senate, and a suspension of the rules requires a two thirds' vote. The Senate has sustained the decision of the chair, and now the gentlemen again wish to take up the bill out of its order.

Mr. Wickliffe moved to suspend the rules.

The motion was lost.

Mr. McCay moved to make the bill the special order of the day for Wednesday next.

Mr. Wickliffe.—When the bill comes up I desire to be heard on it. The motion of the Senator would defeat any action on the bill, and therefore I shall vote against it.

The question was taken by yeas and nays on Mr. McCay's motion.

Mr. Hodge (his name being called) I ask to be excused from voting. I consider the motion frivolous. The Senator who made it knows that its effect will be to defeat the object of the bill. I am unwilling to vote on any proposition made in this frivolous manner. The motion was lost.

MESSAGE FROM THE HOUSE.

Mr. Rinehart, Assistant Clerk from the House, informed the Senate that the House refused to recede from their amendments to bill entitled,

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An act to divide the State into Judicial Districts.

Mr. Wickliffe moved that the President appoint a committee of conference to meet a similar committee from the House: which was adopted;

And the President appointed Messrs. Wickliffe, Barthe and McCay of said committee.

The Secretary reported the same to the House.

Resolution requiring the State engineer to make a thorough examination of the channels in Old River, between the mouth of Red River and the Mississippi, and that of Grand Point, on Red River.

An act to amend an act entitled an act to incorporate the town of Mandeville.

An act to incorporate the Vicksburg, Shreveport and Texas Railroad Company.

An act to incorporate the New Orleans, Opelousas and Great Western Railroad Company.

An act to incorporate the New Orleans, Jackson and Great Northern Railroad Company.

An act to authorise Archibald Borron and Mary Murphy, his wife, to adopt a child named Mary Lucy Borron.

An act to provide for the manner of canceling the bonds and mortgages given by State tax collectors.

An act to dispense with the reinscription of mortgages in favor of the Commissioners of the Poydras legacy, in the parishes of West Baton Rouge and Pointe Coupee.

Joint resolution relative to the Deaf, Dumb and Blind Asylum.

An act to provide for and regulate the office of Attorney General.

An act to authorize the purchase of 175 copies of Eyma's works, entitled, "The Laws of Louisiana on insolvency."

An act to amend an act entitled an act relative to the Charity Hospital, approved the 21st March, 1850.

An act of incorporation of the New Orleans, Red River and Texas Telegraph Company.

FIRST READING.

The Senate then took the following bills for their first reading:

An act to provide for the removal of certain public records from the parish of Jefferson to the city of New Orleans.

Substitute for an act to unite the offices of Recorder of Mortgages and Parish Recorder in the parish of Jefferson.

An act to give to the Mayor of the town of Port Hudson certain powers.

An act to improve Big Creek.

An act to regulate parish taxation in the parish of Concordia.

An act supplementary to an act to incorporate the town of Bastrop, in the parish of Morehouse.

An act to prohibit municipal corporations in this State from laying a tax on persons engaged in selling articles manufactured by themselves within this State.

Substitute for an act to prevent the Common Council of New Orleans from levying a tax on persons selling their own manufactured articles.

An act to provide for the manner of cancelling the bonds and mortgages given by parish tax collectors.

An act to provide for the redistricting of the parish of Concordia into Police Jury wards.

An act to confirm the titles of John L. Davis and David Voorhies to certain school lands.

An act entitled an act to repeal certain sections of an act prescribing duties to Notaries Public in the parish of Orleans, in passing acts of sale, donation and mortgages, approved 21st March, 1850

Joint resolution tendering the thanks of the General Assembly to Captain Ricketts, U. S. Artillery, for firing salute in honor of the remains of Ex-Gov. Johnson.

An act to emancipate Alex. C. Green.

An act to change the name of George Ross, of the parish of Plaquemines.

Resolution requiring the State Engineer to repair to Bayou Darbon and Bayou Corney, to complete the improvements for the navigation of the same.

An act to authorize the appointment of one additional notary public in and for the parish of Union.

Resolution for the relief of the Charity Hospital.

An act to take the sense of the qualified voters of the town of Port Hudson on the question of abolishing the corporation, and to abolish the same.

An act to enable the Police Jury of Concordia parish to extend its sittings.

An act to abolish the office of Recorder of Mortgages in the parish of Jefferson.

Substitute for an act entitled an act to unite the offices of Recorder of Mortgages and Parish Recorder in the parish of Jefferson.

SECOND READING.

An act to amend an act entitled an act more effectually to prevent slaves from obtaining spirituous liquors without the consent of their masters.

On motion of Mr. Wickliffe, it was laid indefinitely on the table.

An act for the relief of Pierre Onesime Broussard, late parish Superintendent of the parish of Vermillion, and amendatory to an act providing the manner by which Parish Superintendents and their securities may be relieved from their bonds, approved March 18th, 1852.

In which the House had concurred by substitute.

On motion of Mr. Mouton, the Senate concurred in the substitute.

The bill entitled an act to provide for the pledging of growing crops—was read the third time.

Mr. Martin.—I believe this bill is not required by the planting interest. I am sure it is not needed in the parish which I represent. I believe it was got up by some merchant or attorney in the New Orleans who had some rascally customers in the country whom he wished to tie down. When the Senator from East Baton Rouge (Mr. Lacey) says it emanated from the planting interest he knows nothing about it.

Mr. Lacey.—Well Sir, who made the Senator so wise. This bill was introduced by his colleague who represents the same district with quite as much ability as he does. I do not know whence it emanated, but I have my own views in relation to it.

A bill to provide more effectually for preventing the selling of liquor to slaves was taken up.

Mr. Wickliffe moved to concur in the report of the Judiciary Committee, which was unfavorable.

Mr. Lacey. I am not particularly anxious about this bill. It was introduced at the suggestion of the Attorney General, who, on account of certain recent decisions of the courts, thought the law ought to be stronger. He thought the word "written" ought to be inserted before the word "permission," and that no evidence, however strong, be permitted to supply the place of a written permission from the owner

Mr. Hodge. I would ask the Senator, whether it was not the unanimous opinion of the Committee that the person who drew the bill knew nothing of the law of 1852.

Mr. Lacey. The gentleman seems to have all the knowledge, but it is only in his own vanity. I will say, that in the Committee we had forgotten the act of 1852, till it was called to our recollection.

Mr. Hodge. I was not present at the time the bill came up in the Committee, but when I came in and was informed of the subject I turned to the law and satisfied the Committee immediately. I intend no reflection on the Attorney General, or any one else, nor do I assume anything for our side of the House.

Mr. Lacey There must be some misapprehension. I am willing to admit, that, in regard to the "written permission," the law of 1852 is sufficient; but on the point that no evidence shall be suffered to supply the want of a written permission, it is defective.

Mr. Wickliffe. I would remark, that I did not know this bill was introduced at the suggestion of the Attorney General, and I do not care if it was. I wish the gentleman to understand that when he wants my assent to any bill he may introduce, he must attach a title to it, stating the source whence it emanates.

Mr. Hodge. I would ask the Senator from Madison (Mr. Short) what decision the Committee came to in regard to the fact that the person who drew the bill was ignorant of the law of 1852?

Mr. Short. The Committee did come to the conclusion that the bill was superfluous, inasmuch as its objects had been attained by the law of 1852. (Reads law.)

Mr. Kittridge, having voted in the majority in support of the President's decision on the subject of replacing on the calendar, to take its order, the bill en-

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titled: "An act to extend the charter of the Mechanics and Traders' Bank,

Moved for a reconsideration of the vote.

Mr. Derbes called for the yeas and nays.

Messrs. Burthe, Hodge, Kittridge, Martin, Nichols, Palfrey, Patterson, Short, Slack, Taylor, Todd and Wickliffe—12 yeas; and Messrs. Boatner, Clifton, Derbes, Evans, Kemp, Lacoste, Lacey, McCay and Mouton—9 nays. Consequently the motion to reconsider prevailed.

On motion of Mr. Derbes to adjourn,

Mr. Wickliffe called for the yeas and nays.

Messrs. Boatner, Derbes, Evans, Kemp, Lacoste and Mouton—6 yeas; and Messrs. Burthe, Hodge, Kittridge, Martin, Nicholls, Palfrey, Patterson, Short, Slack, Taylor, Todd and Wickliffe—12 nays.

Consequently the motion was lost.

On motion of Mr. Wickliffe for a call of the House, the following Senators answered to their names:

Messrs. Burthe, Hodge, Kittridge, Lewis, Martin, Nicholls, Palfrey, Patterson, Short, Slack, Taylor, Todd and Wickliffe—13 Senators.

On motion of Mr. Wickliffe, the Sergeant-at-Arms was directed to call in the absent Senators.

After some time, the Sergeant-at-Arms reported in writing to the Senate, that

In obedience to the direction of the President of the Senate, I have sought for, and have not been able to find the Senators who have absented themselves.

(Signed,) BERLIN CHILDERS,
Sergeant-at-Arms.

Baton Rouge, April 6, 1853.

Mr. Wickliffe offered the following resolution:

Resolved, That the President of the Senate issue warrants for the arrest of those Senators who have absented themselves from the Senate without leave this day.

Mr. Mouton. I wish to know if the President has any such authority?

Mr. Wickliffe. The authority is contained in the Constitution itself. A minority may adjourn from day to day, and compel the attendance of absent members.

Mr. Hodge. The power to compel attendance necessarily infers the power to issue warrants.

Mr. Mouton. Can we do it without passing some law authorizing it? The Constitutional provision is clear, and admits of no doubt where there is a law authorizing the issuing of warrants. We have a right to pass such a law. But I contend, that without passing such a law, we have no way in which to exercise the power.

The question was taken

Mr. Martin (his name being called.) I vote against the resolution, because there is no law authorizing the issuing of warrants for absent members. If there were such a law, I admit we would have the power.

Messrs. Burthe, Hodge, Kittridge, Lewis, Martin, Nicholls, Palfrey, Short, Slack, Taylor, Todd and Wickliffe—12 yeas; and Messrs. Mouton and Patterson—2 nays.

The President decided, that in the absence of any law authorizing him to issue warrants, he could not do it.

Mr. Hodge. I am astonished at the course taken by some Senators—particularly at that pursued by the gentleman who raised the objection that we have no power to issue warrants, he having been one of those who absented themselves. I move to publish the names of all those Senators who have left their seats.

Mr. Mouton. I did absent myself without leave—and I would do so again.

Mr. Wickliffe, I rise to a point of order. I would rather hear nothing than hear a speech.

Mr. Lewis moved to adjourn.

Mr. Hodge. I second the motion to adjourn. I do so because I see no probability of obtaining a quorum—and I wish this fact distinctly stated in the report of the proceedings.

The motion was lost.

Mr. Mouton. I see no use in staying here any longer. The Sergeant-at-arms has reported that he cannot find the absent members. But even if he had found them, could he compel their attendance? They are responsible to their constituents for what they have done. There is no law to compel their attendance, if they think proper to leave. The Sergeant-at-Arms could not bring one of them back, unless he made it a mere question of physical force.

Mr, Wickliffe called for the yeas and nays

Messrs. Lewis, Mouton, Patterson and Short—4 yeas; and Messrs. Burthe, Hodge, Kittridge, Martin, Nicholls, Palfrey, Slack, Taylor, Todd and Wickliffe—10 nays.

Consequently the motion was lort,

At three o'clock, the Senate adjournep, to meet tomorrow at 9 o'lock, A. M.

THURSDAY, April 7th

The journal of yesterday being read, Mr. Martin remarked there was an error in it, where it stated that there had been an appeal from the decision of the chair. There was no appeal. It was merely an expression of the views of the Senate in accordance with the decision of the chair.

Mr. Morton—The gentleman is mistaken. There was an appeal from the decision of the chair.

Mr. Hodge—I think I can explain the matter.—The President was in some doubt as to what course to pursue, there being no precedent to guide him. He wished to have the sense of the Senate taken. But there was no way of getting at the sense of the Senate except through an appeal from the Chair. It was with this view that the appeal was made. The journal reads correctly, but the report of the debate will show the true state of the case.

Mr. Martin introduced the following resolution, which was read:

Whereas, article 19 of the constitution declares that "not less than a majority of the members of each House of the General Assembly shall form a quorum to do business, but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members."

And whereas, the President of the Senate having yesterday decided not to issue warrants for the arrest of certain members of the Senate who absented themselves without having the permission of the Senate, on the ground that there was no law authorizing the issuing of such warrants.

Therefore be it Resolved, That the Committee on the Judiciary be, and it is hereby instructed to prepare and present to the Senate, at the earliest possible moment, an act to compel the attendance of members of the Legislature who absent themselves without permission.

Mr. Martin—The necessity for this resolution is apparent. When there is a thin attendance, a small fraction or faction, may defeat legislation. It is therefore necessary that there should be some law to compel the attendance of absent members, as a doubt exists in the mind of the President in regard to his power to act without authority. I do not think his opinion is well founded, but in order to put the matter beyond doubt, we should instruct the committee to bring in a proper bill.

THE SWAMP LAND BILL.

The Senate took up a bill entitled

An act to reclaim and drain the swamp and overflowed lands donated to the State of Louisiana by act of Congress, entitled an act to aid the State of Louisiana in draining the swamp lands therein—approved March 2, 1849.

The House had refused to concur in the Senate's amendment reducing the salary of the Engineers from $3000 to $2000.

Mr. Wickliffe—The amendment of the Senate reduced the salary of the Engineers from $3000 to $2000 per annum. I and others, expressed a doubt of the possibility of getting competent men for $2000. Engineers of ability could not take $2000 in the service of the State, when they can easily make $3000 or $4000 elsewhere. The House has refused to concur in the amendment of the Senate. They say that $3000 is nothing more than a fair compensation for the duties to be performed. I know of no competent man who cannot make that sum, and I shall vote for that at least.

Mr. Hodge—How much does the State Engineer receive?

Mr. Wickliffe - Three thousand dollars.

Mr. Hodge—And he is appointed for the State at large. I will vote against $3000.

Mr. Short—The duties of the Engineers under this

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bill will be much greater than any ever performed by the late Engineer. My object in going for a salary of $3000 is to see one of these Engineers in my section, where one was never seen before, and I want to pay an honest price for services rendered.

On motion to agree with the House in restoring $3000, as provided for in the 9th section of the bill, and which had been reduced to $2000 by the Senate's amendment,

The yeas and nays were called for.

Messrs. Boatner, Burthe, Kittridge, McCay, Patterson, Short, Taylor and Wickliffe—8 yeas.

And Messrs. Clifton, Derbes, Hodge, Lacoste, Lauve, Lacey, Lewis, Martin, Nicholls, Palfrey and Slack—11 nays.

Consequently the Senate refused to restore $3000, and maintained their amendment.

Mr. Derbes moved a reconsideration of the vote just given.

Mr. Hodge—I must express my disapprobation of the motion to reconsider. I voted against the bill, when it was before the Senate because I thought the salaries extravagantly high. I do not understand how Senators can be willing to vote away the money of the State in this manner, when they know that the people desire high salaries no longer. The wish of the people is certainly entitled to some respect. At the last session of the Legislature all salaries were materially cut down. A Special Committee was appointed to inquire into the expediency of reducing salaries, and recommending such reductions as might appear judicious. That Committee laid down the general principle that high salaries stimulate the desire for office till they become places sought after, not for the sake of honorable position, or because the aspirant desires to be of advantage to his country, but merely for the sake of pecuniary profit. [Reads from report of committee.]

This expression of the opinion of the Special Committee, it occurs to me, should be considered worthy the attention of Senators, and should cause them to reflect before acting. The bill now before the Senate proposes to do the very thing which the committee recommended should not be done. It proposes a large number of officers, large salaries, and a consequent large increase in the expenses of the State. In the first place, there are three Commissioners at $3000 each, and a number of inferior officers. I have not calculated their number, but it must be great, and their salaries must average at least $100. I am, as I have said, opposed to high salaries. They dont secure the best men—men of the most worth, and the greatest capacity. On the contrary, they serve only to stimulate cupidity, to allure designing men, and others who care for nothing but to enjoy the salaries and perquisites of office. Our own State presents an illustration of these facts. Here in Louisiana, where we pay high salaries, higher than those paid in any other State, we have not succeeded in securing the best talent for our service. What will be the effect of this bill. It will create dozens of new officers, drones on society, consumers, instead of producers, who instead of adding to the wealth of the State by their labor will live on the salaries drawn from the industry of the people. It is true that they are to be paid from the swamp land fund. But that fund belongs to the whole people of the State. We have no more right to squander it than if it were derived from taxation. What a spectacle is now presented! Here we have a party which has always boasted of its efforts for retrenchment and reform. They have made it the watchword of their party, they have emblazoned it on their banners in every processsion. But here, in this Legislature, succeeding a whig legislature which was truly one of retrenchment and reform, we find that party indulging in the wildest extravagancies. They create innumerable officers, and pay them higher salaries. What will the people say to that?—Let me ask how much you give your District Judges? Thirty-five hundred dollars, and yet you prohibit them from practising their profession. These engineers and commissioners may not be employed during six months in the year, and the rest of the time may practise their profession; yet they are to receive as much as our judges. This may seem a small sum to many, but it is more than realized by 99 out of every hundred in the legal profession. It is at the rate of eight dollars a day. Do two-thirds of the people of Louisiana make that much? They may make it for a short time, by coming to the Legislature and acting as officers, whom we are in the habit of paying so liberally. Our reporter and our secretary may get fourteen dollars a day during the session; but these are rare exceptions—and, moreover, they are persons who leave their homes and sacrifice their private interests in order to serve the State. But these officers will be at home six months in the year, either enjoying an elegant leisure, or devoting themselves to other pursuits; yet they are to have $3000 per annum. Thus we are to expend in salaries for a few officers, $135,000 a year, which is 5 or 6 per cent on the entire amount with which to commence operations.

The fund will thus be converted into a fund for the benefit of office-holders and the expenses will exhaust it. I think the bill is antagonistic to the wishes of the people as expressed in the Constitution. We have no right to appoint three commissioners when the Constitution says there shall be four, and we have no right to squander the public money. I say "squander" because it is the proper term. If gentlemen on the other side insist on pursuing this course, I want the people to know that the party which claims to be the party of economy, is in reality the party of extravagance, and that the Whigs are the real party of retrenchment and reform.

Mr. Wickliffe—The committee to which the gentleman has referred was a Democratic committee.

Mr. Hodge—It is enough for me to see that the party now in power attempts to wrest from the people in violation of the Constitution, the power to elect their officers, and bestow it on the Executive. I have not yet heard any answer to the argument that the majority are trying to take from the people the right of electing the commissioners which the Constitution has bestowed on them, and give it to the Executive in order that he may appoint his friends and adherents.

Mr. Wickliffe—I believe that the gentleman has correctly stated his motive for opposing this bill. It is because the Governor is invested by it with the power of making appointments. The last Legislature was called the Legislature of retrenchment and reform, but the impression that it was so will not last long. The State Treasurer, who is a good Whig, gives quite a different name to it.

(Reads from the Treasurer's report.) Such is the account given by the Whig keeper of the Treasury.

Mr. Hodge—He is an honest man.

Mr. Wickliffe—I believe he is, and he gave the last Legislature an honest name. He christened it as it should be christened, and the people said Amen.

The gentleman says this bill is formed for the purpose of giving the Governor power to make certain appointments. It is not so. It is formed in order to carry out the provisions of the act of Congress donating the swamp lands to the State. It is with great pleasure that I support the bill, though I represent a constituency not directly interested. I came here to support, and I am willing to give way to gentlemen of experience who know more of the subject than I do.

Now what objection could there be to permitting the Governor to make these appointments?

Mr. Hodge—A great deal, as you will see by looking at the Constitution.

Mr. Wickliffe—If the Governor is a gentleman capable of making good appointments, there can be no objection. The Democratic party had confidence in his ability when it elected him Governor. For my part I would rather trust his judgment on a question of this kind, than to leave it to the whole people. Neither the Senator nor I know anything about engineering. But does he not know that to become a competent engineer, requires the study and the experience of many long years? Does he not know that capable engineers can make more than $3,000 a year? I know some who make $5,000 in as many months. Yet the gentleman opposes a bill intended to carry out the objects of the acts of Congress, simply because it gives the Governor the power of appointment. I should like to know if there is any article in the Constitution which says these officers must be elected by the people. If there is, I do not know of it. I say

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again that competent engineers cannot be obtained for $2,000 a year.

Mr Short—The gentlemen who oppose this bill have travelled entirely out of the record. I am aware that all arguments based on reasons of economy are apt to meet with much favor. The arguments drawn from flags and banners, carried at the head of political processions have also been very captivating. But I had supposed they had had their day, and produced all the effect that could legitimately be attributed to them. The simple question now is, whether a skilful engineer can be provided for a less sum than is allowed in this bill—whether we can get a man to perform the onerous duties imposed by this bill for a less amount than $3,000 a year The question is not one of retrenchment and reform. Speeches filled with allusions to those ideas may do well enough for barbecues, political meetings, and processions in which those famous little flags are carried, but they are entirely out of place at this moment, for the simple reason that they do not touch the point. That point is, "What salary ought we to give in order to secure a man of honesty, ability, and capacity?" In fine, what will be a fair price? As to all these captivating arguments about retrenchment and reform, they are foreign to the question. We have only to decide whether we will stand to our amendment or concur in the action of the House.

Mr. Martin—I have read a portion of the lecture which the late State Treasurer addressed to the Legislature, and I do not consider it respectful. It is entirely out of the line of his duty, and utterly uncalled for. The gentleman (Mr. Wickliffe) says he is a good Whig. I do not question his Whiggery; but that does not justify him in putting such things in his report. I have a word to say in regard to this subject. The gentleman says that the Committee on retrenchment and reform was a Democratic Committee. Well, sir, last year, Mr. Baker, a Whig, introduced a resolution against extra compensation, which the State Treasurer was so hard on.

Mr. Wickliffe—Was not the resolution repealed on the solicitation of a good Whig?

Mr. Martin—I do not know.

Mr. Wickliffe—The journal will show it.

Mr. Martin—If it was so, it was on the last night of the session, when the Democrats were in a majority, as Mr. Burthe and others were out of the room busily engaged enrolling bills. It was then that Mr. Phillips, a Democrat, introduced a resolution to pay Mr. Hamilton, an enrolling clerk, $100 as extra compensation. Mr. Phillips was a Democrat, and Mr. Hamilton was a Whig.

No doubt Mr. Phillips wished to conciliate him, as he was reported to be a gentleman of some influence in his district. Five Whigs and four Democrats voted yes, and three Whigs and five Democrats voted no. Messrs. Burthe and Gardere were not in their seats, but without them there were just seventeen members present and voting, eight of whom were Whigs, and nine Democrats. It thus appears that the Democrats had a majority, and could have controlled the action of the Senate.

Mr. Wickliffe. I have not referred to the subject of extra compensation, but I am glad that the gentleman has done so. I am happy that he has referred to these documents, as they will prove by the vote, that the Democrats were not in a majority at that time. If the gentleman will examine, he will find that one of these resolutions was introduced by a Democrat as a rider, in order to defeat the original resolution. I recollect that Mr. Burthe and Mr. Gardere were absent at the time, being very much occupied. But where were the others. One more would have made a tie, and given the gentleman, (Mr. Martin,) who was in the Chair, an opportunity of deciding the question by his casting vote. Where, I ask, were the others? Surely there were more than eleven Whigs in the last Senate.

Mr. Derbes. My reasons for moving a reconsideration are these. I voted before to reduce the salary of the Engineers from $3,000 to $2,500, because I thought the bill would be recommitted, and we could then have four districts instead of three. Of course in that case the labor of each would be less. I think that $3,000 is not too much for the duties to be performed when we have only three districts.

The vote was reconsidered, and the Senate receded from its amendment.

The Senate proviso that nothing in the act should be construed so as to repeal existing police and levee ordinances was taken up. The House had refused to concur.

Mr. Hodge. I think the House is correct, because this proviso takes from this department which should be entirely independent, the power of directing and controlling the subject, and places it under the direction of the parochial authorities.

The Senate amendment dividing the fund in a certain proportion was taken up

Mr. Short. When this section was before the Senate, I opposed it because the division was not made with reference to the account of work to be done in each district.

The Senate amendment to borrow a million dollars then came up, the House having disagreed.

Mr. Clifton. This is a very important amendment, on the score of economy, and will save the State twenty-five or thirty per cent. I hope the Senate will not recede.

Mr. Short. I thought the bill was best as it originally stood, because when warrants are not issued till the work is done, it would be a very simple and convenient arrangement. I thought it might conciliate all those who were opposed to the borrowing system. The machinery of the original bill was very simple, and should have commended itself to all.

The section providing for pile-driving machines came up.

Mr. Kittridge. I consider that section to be worth all the others. It will be the means of saving a vast amount of property from destruction.

Mr. Wickliffe. If we want to bring ridicule on the bill, we will keep these pile-driving machines in it. What in the world do we want of three or four of these cumbersome machines, waiting for a crevasse at perhaps the very point where one may never occur.

Mr. Kittridge. The gentleman speaks of this section as throwing ridicule on the bill. Now, Sir, the collective wisdom of the State has frequently been placed in a ridiculous attitude, by seeing hundreds of thousands of dollars worth of property destroyed by crevasses without doing anything to prevent it.

Mechanics' and Traders' Bank.

Mr. Derbes. I desire to offer the following protest of myself and others against the conduct of the majority of the Senate yesterday. We intend no disrespect towards the majority. We merely wish to show the grounds on which we acted.

To the Honorable W. W. Farmer, Lieutenant Governor and President of the Senate:

The undersigned, members of the Senate, beg leave to represent—

That on or about the first day of the present month, an act granting an extension of the charter of the Mechanics' and Traders' Bank, came up for consideration in your Honorable body, and upon a vote being taken upon the first section of the bill, the same was rejected; a motion, however, was made for the reconsideration of the above mentioned vote, and was passed by the Senate. In this state of things, the bill was made the special order for Tuesday, April 5, 1853. On that day, no quorum of the Senate was present, and for the want of a quorum, that body adjourned until Wednesday, April 6. Wednesday, April 6, a motion was made to call up for consideration, the act above mentioned, but an objection being made, the President of the Senate decided that the consent of two-thirds of the members present was necessary to take up the bill according to rule—of the rules of the Senate—that the bill, not having been taken up on the day, for which it was specially fixed, fell into its regular order, as indicated by its number, and, in the absence of another assignment, it could only be taken up, when reached. An appeal was taken from this decision of the Chair, and the decision of the President was sustained by the Senate. Upon a motion for a reconsideration of the vote sustaining the Chair, the Senate, by a majority of one, agreed to reconsider.

The Senate having thus concluded to reconsider the vote, sustaining the decision of the chair, the undersigned deemed it their duty, without intending any

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disrespect to the Senate, to leave their seats, until other business was ready to be taken up.

When the motion was made to call up the bill, the undersigned were clearly of the opinion, that the bill hereinabove referred to, having been made the order of the day for Tuesday, April 5th, and not having been disposed on that day, lost its preference; and that it had to be renewed for another day, or taken up when reached in its regular order upon the calendar. In this opinion, the undersigned ware clearly sustained, by the pointed authority, taken from article 149, page 84, of Cushing's Manual; the words of which authority are as follows: "Orders of the day, unless proceeded in, and disposed of, on the day assigned, fall, of course, and must be renewed for some other day; it may, however," says the author, "be provided by a special rule, as in the legislative assemblies of Massachusetts, that the orders for a particular day shall hold for every succeeding day, unless disposed of."

It will not, of course, be pretended, that there is a special rule of your honorable body, which modifies or changes the general rule so fully laid down by the authority referred to.

The just and legitimate conclusion of the undersigned was maintained by the Chair, and afterwards it was affirmed by the Senate, in a direct vote, to sustain the decision of the President; and when the undersigned discovered that their views were subsequently disregarded, particularly authorities thrown aside, the decision of the Chair reversed, and the opinion of the Senate itself entirely changed, in a shorter period of time than is required to tell of it, and in order to dispose of a bill, which directly opposed itself to the political views of the undersigned, they conceived they had a perfect right to withdraw from their seats in the Senate Chamber.

Had the bill been reached in its regular order, according to the rules of the Senate, and the requirements of parliamentary usage, as expounded by our impartial and able presiding officer, the undersigned would have remained in their seats, even though the bill was destined to be passed over their heads; but they could not consent to be deprived of their rights, as accorded to them by the rules of the Senate, and by parliamentary usage, while they possessed the power by a withdrawal, to prevent it. The rules of a deliberative body are the only means by which the minority can hope for full protection against the attacks of the majority, and the undersigned are and will be justified for any step which they have taken, or may hereafter take, with the view of protecting their rights under the rule.

Such is our justification for the withdrawal from the Senate Chamber, and we respectfully pray that the same may be placed upon the minutes of this honorable body.

All of which is respectfully submitted.

M. BOATNER,
A. DERBES,
GEO. LACEY,
P. H KEMP,
TOM. S. McCAY,
C. H MOUTON,
CASIMER LACOSTE.
C. W. CLIFFTON.

Mr. Hedge—I move it be referred to the Judiciary Committee.

Mr. Martin—The motion is not in order. The question now is on receiving the protest.

Mr. Derbes—If the gentleman were in our position, I should oppose such a motion as he has made. It is right for us to express our reasons for our action. It is right that we should make our constituents acquainted with our motions. It is not to be supposed that gentlemen would retire from the Senate Chamber without having some reason for it. To prevent them from placing those reasons on the record, when they ask the privilege of doing so, would exhibit a want of courtesy which cannot but be astonishing.

Mr. Hodge—I have no objection to letting the protest go on the journal, but I want an opportunity to answer it. The document makes charges against the majority. It speaks of the rules as good to shield the rights of the minority, and declares that the majority violated those rules. This is a charge which I do not wish to go forth unanswered. As I before remarked, I have no objection that the gentlemen should put on record their argument in justification of their conduct; for it is an argument after all, though it professes to be only a protest. But I want an opportunity to reply to it. I wish to give my reasons.

Mr. Derbes—If the gentleman has any reasons he can give them now. The matter is now before the Senate.

Mr. Martin—The gentleman is mistaken. His suggestion would be out of order. The question before the Senate now is on receiving the protest.

Mr. McCay—As objection has been made to receiving this protest, I shall withdraw it.

Mr. Nicholls—We have no objections to letting the gentlemen place their reasons on record. But when they come here and ask us to place on the record an attack on the majority, they ought to be willing that we should have a chance to reply.

Mr. McCay—What can the Judiciary Committee say on the subject? I see no necessity to have the protest referred to them, and I shall, therefore, withdraw it

Mr Hodge—I say to the gentleman, and I suppose he can understand it when I say it directly to himself, that there is no objection, at least from this side of the House, to his placing the protest on record.

Mr. McCay—I did not refer to the Senator from Caddo. I referred to the Senator from Assumption (Mr Martin.)

Mr. Martin—I objected only to receiving the protest without a dispensation of the rules. I do not want a factious minority, which interferes with the legislation of the Senate by its factious conduct to impose its protest on the journals. I am determined that the gentleman shall not place me in the wrong.

Mr. Short—I must say that I was in favor of letting this thing be spread on the minutes, although it was an attack on the majority. I was in the majority yesterday. I was prepared to vote on a certain subject, though I did not get a chance to do so. I took my position in full view of all the responsibilities of the case, and after full consideration. I am therefore prepared to bear any attack that may be made on me as one of the majority.

Mr. Hodge—I move to defer the subject till to-morrow.

Mr. McCay—I again withdraw the protest, as objection has been made to receiving it.

Mr. Mouton—I also move to withdraw it.

Mr. Hodge—I again move to defer the subject till to-morrow.

The President decided that the protest was no longer before the Senate.

Mr. Martin—On what rule does the President base his decision?

The President—The gentleman has a right to withdraw a document of this kind.

ORDER OF THE DAY—UNFINISHED BUSINESS.

The unfinished business of yesterday, on the decision of the President—

That when a bill has been fixed for a particular day; and the day passed without the bill having been taken up, the bill then takes its place among the other bills, in its order according to number—was then acted on.

Mr. Wickliffe. The decision as there expressed is correct, in a general view of the subject, but it leads to the inference that there actually was a meeting of the Senate on the day specified. I admit that if there had been a meeting, the case would have been very different. But there was no meeting—and consequently, the conclusion to which the President has come, is incorrect.

Mr. Lacey. The reasons which influenced us in the course of conduct we adopted, were set forth in the protest we presented to-day. That protest was not intended to convey any imputation on the majority. It was simply intended as a justification of our action. Now it fortunately happens that we can recur to very good authority. It is the book used by the Speaker Farrar. (Reads.) Here we have a general rule laid down. Is there any exception to it? I know of none made by the rules of the Senate. They are silent on the subject, and we must look elsewhere for light. We find here that if a bill be fixed for a particular day, and that day passes over without action on the bill, for whatever cause; the preference falls, the order

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is destroyed, and the bill must fall back to the foot of the calendar—to draw it whence, a two-thirds vote is required. Common sense teaches us this principle. We cannot help seeing it, if we look closely into the subject. What, I would ask, is the subject of the Order of the Day? The object is to give certain bills a preference on some particular day. If we adopt the principle advocated by the gentlemen on the other side, we shall introduce confusion, by interfering with subsequent orders of the day. It seems, then, that even without precedent—without authority—arguing only on general principles, and according to the dictates of reason, when a bill is made the special order of the day, and the day passes without action being taken on it, the bill ceases to have preference, and must take its place on the general record. But here we have authority. We have a book which was used by Speaker Farrar, an accomplished Parliamentarian. If Jefferson's Manual makes a contrary decision, I yield the point. But Jefferson is silent. He says nothing about the subject, and we are therefore compelled to look to other sources of information. It appears, then, that we have a complete authority for our position, and a full justification of our action in withdrawing from the Senate chamber when we saw that the majority were determined to depart from parliamentary rule. I want the rules enforced. I do not wish to see them disregarded. They are made for the protection of the minority, as will as of the majority. I am determined, as long as I have the physical power to walk out, to have the benefit of the rules and customs of this body.

Mr. Short. I do not rise for the purpose of saying much on this subject. The authority which the gentleman has read does not cover the case. It must be recollected that the Senate had assigned the bill for the special order of the day on Tuesday. If the Senate had met on Tuesday, it could have done any official act. It could have passed the bill, or rejected it. It might have changed the order to some subsequent day. But the Senate did not meet on Tuesday. It did nothing to evince any change of intention—and its intention evidently was to act on that bill first. Ought it not then to stand? Has the bill been taken up? Had anything been done on Tuesday? If the Senate had met on that day—if it had done any abt—if it had, in any way, manifested a change of intention, the case would have been very different. But nothing of the kind took place.

Mr. Wickliffe. It is not my province to complain of the action of Senators who thought proper to absent themselves from this chamber yesterday, at a time when their presence was necessary to form a quorum. I speak only for myself, when I say that no circumstances could arise which would induce me to absent myself from my seat, with the purpose of breaking a quorum. It might happen that the minorito might take possession of the offices, as was once the case here.

The gentleman was called to order.

Mr Hodge. I have a few words to say on the question before the Senate, in reply to the ingenious argument of the gentleman from East Baton Rouge, (Mr. Lacey). I am sorry to be compelled to differ with the President of the Senate. I have as much respect for the decision of the Chair as any one can have, but as I find that almost every Senator here has had something to say in relation to the matter, I think it due to myself I should say something to justify my action in voting against that decision. In the first place, I do not believe that the authority adduced by the gentleman, (Mr. Lacey) will bear him out, because he says that in a case of this kind, we must proceed in the regular order. The gentleman is certainly too good a lawyer to insist that we must do an impossible thing. How could the order be proceeded with? If the gentleman be correct, a factious minority might at any time break a quorum. and prevent the passage of a bill to which they might be opposed. This would be putting the majority completely in the power of the minority. Suppose we had held a meeting on Tuesday; the same gentlemen who broke the quorum afterwards, might have done so then, and, according to the theory of the gentlemen, the bill would have to take its regular order, and it might not come up till next Tuesday, when it will be too late.

Mr. Derbes. Would not the effect be the same, if we were to do so at any time?

Mr. Hodge. The gentleman is no doubt extremely happy in his reply, but let him look a little farther. I do not suppose that they would break the quorum again to-day, though they did do it yesterday. So, according to my position, we would have some guarantee, when a factious minority breaks a quorum, that the bill can be brought up again, unless that minority puts an end to the session altogether. Now, although we have no direct precedent, yet we have as good authority as that of a work which goes wandering about, and no one knows where it comes from. I would cite the Massachusetts Legislature—one of the best deliberative bodies in this country—and also the practice of the Courts, as illustrations.

Mr. McCay. Such is not the case with the Courts in the city. When a case is not reached on the day for which it is fixed, it goes to the foot of the docket, and loses its preference.

Mr. Hodge. Then even in the city they have some preference. In the country, where I come from, the Courts are more old-fashioned. They do the justice to try cases whenever they can, if they have not reached them on the day for which they are fixed.

Mr. Lacey. I know that when an authority is urged, it ought to have some weight, else it could have little effect. If they can show anything in Jefferson's Manual to sustain their position, I am willing to give up the point. But as they have not produced a single word in confirmation of their views, and as all the authority brought forward gives weight to this work, we must claim that the advantage is on our side. I will say, also, that this work is not in opposition to Jefferson's Manual, but is based on it In order to show what it is intended to be, I will read the preface. [Reads.] Now, sir, this book was considered by Mr. Speaker Farrar of such weight and authority, that it was used by him for a text-book. Who doubts Mr. Farrar's abilities as a presiding officer? Who doubts his impartiality and knowledge of parliamentary law? I contend that a book which was considered good authority by him, ought not to be disregarded by us. Such is the authority we bring forward. [Reads farther.]

So if the prolongation of business might defeat an order of the day, the want of a quorum might have the same effect. The reason in each case is because the order has not been reached. The same principle applies in case of the want of a quorum as in any other. Such are certainly the views of several Senators In some cases in order to avoid this dilemma bills are the special order for a particular day, and every day thereafter until they are reached. This is the same as the rule prevailing in the Massachusetts Legislature.

One thing, gentlemen can rely on. Whenever this bill comes up in its regular order I shall be in my seat, and prepared to vote upon it. I shall vote against it, but I shall vote.

The question was then taken and the decision of the Chair was reversed by a vote of 10 to 13.

Mr. Wickliffe—I move to take up the Mechanics' and Traders' bill, and I hope democrats will remain in their seats and meet the question.

Mr. Mouton—As I understand the question the bill ought to have come up yesterday. By the decision of the Senate if any business was done on that day the bill loses its order. Business was done yesterday, and the question recurs whether the bill can come up to-day.

The President decided that the bill must come up to-day.

The President then decided that the bill entitled

An act for the recordation of mortgages in favor of minors and married women, which had been fixed for the special order for Tuesday, as the first bill for that day, was, under the reversal of his decision, the order of the day.

Mr. Hodge moved to lay it on the table subject to call.

The next bill, the special order of the day for Tuesday last, was then taken up, and reads as follows:

An act to extend the charter of the Mechanics' and Traders' Bank of New Orleans.

Sec. 1. Be it enacted by the Senate and House of

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Representatives of the State of Louisiana, in General Assembly convened, That the charter of the Mechanics' and Traders' Bank of New Orleans, which expires by limitation on the second Tuesday of April next, be and the same is hereby extended to the 1st of July, 1854, and no longer.

SEC. 2. Be it further enacted, &c., That the said bank shall not, after the said second Tuesday in April, issue or re-issue any of its own notes, but shall call in, redeem and cancel its own circulation.

SEC. 3. Be it further enacted, &c. That the prohibition contained in the 12th section of an act to revise the charter of the several banks located in the city of New Orleans, and for other purposes, approved February 5, 1842, by which it was made unlawful for any banks to pay out of their counters any other than their own notes, shall not be applied to the said Mechanics' and Traders' Bank after the second Tuesday in April next, but that said bank may, and is hereby authorised to pay its obligations in specie or in the notes of other incorporated banks of this State, established by law, at the option of the person receiving them.

SEC. 4. Be it further enacted, &c., That this act shall be in force from and after its passage.

Mr. Lewis moved to amend the 1st section by substituting the 1st December, 1853, in lieu of the 1st July, 1854.

Mr. Hodge—That question has already been decided by the Senate. I appeal to the journal to prove it. I now move the previous question.

Mr. Lewis—Then I move November.

Mr. Hodge—I have the floor, and have called for the previous question.

Mr. Kittridge—I wish to say a few words in explanation of my position. I have always been in favor of extending the time of this bank, though only till December. But I am not in favor of destroying the bill. I wish to act in accordance with the interests of my constituents. I believe much damage would be caused by killing this bank at once. I think to amend the bill now would be equivalent to defeating it. I am therefore willing to take the longest time rather than none at all.

Mr. Hodge moved the previous question.

Mr. Mouton called for the yeas and nays on the question, "Shall the main question be now put?"

Messrs. Burthe, Hodge, Kittridge, Lauve, Martin, Nicholls, Palfrey, Patterson, Short, Slack, Taylor, and Todd, voted in the affirmative—12 yeas.

Messrs. Boatner, Clifton, Derbes, Kemp, Lacoste, Lacey, Lewis, McCay, Mouton, Neal—11 nays.

Consequently the previous question was carried.

On motion to adjourn, Mr. Wickliffe called for the yeas and nays.

Messrs. Boatner, Clifton, Derbes, Lacoste, Lacey, McCay, Mouton, Neal, Patterson—9 yeas.

Messrs. Burthe, Hodge, Kittridge, Lauve, Lewis, Martin, Nicholls, Palfrey, Short, Slack, Taylor, Todd, and Wickliffe—13 nays.

On motion to adopt the 1st section, Mr. Wickliffe called for the yeas and nays.

Messrs. Burthe, Hodge, Kittridge, Lauve, Lacey, Martin, Nicholls, Palfrey, Patterson, Short, Slack, Taylor and Todd—13 yeas.

Messrs. Boatner, Clifton, Derbes, Kemp, Lacoste, Lewis, McCay, Mouton, Wickliffe—9 nays.

The section was adopted.

Mr. Neal was excused from voting.

Mr. Lacey moved to reconsider the above vote.

Mr. Hodge moved to lay the motion on the table, and called for the yeas and nays.

Messrs. Burthe, Hodge, Kittridge, Lauve, Martin, Nicholls, Palfrey, Short, Slack, Taylor and Todd—11 yeas.

Messrs. Boatner, Clifton, Derbes, Kemp, King, Lacoste, Lacey, Lewis, McCay, Mouton, Neal, Patterson, and Wickliffe—13 nays.

The motion was lost.

Mr. Hodge called for the yeas and nays on the question to reconsider.

Messrs. Boatner, Clifton, Derbes, Kemp, King, Lacoste, Lacey, Lewis, McCay, Mouton, Patterson and Wickliffe—12 yeas.

Messrs. Burthe, Hodge, Kittridge, Lauve, Martin, Nicholls, Palfrey, Short, Slack, Taylor and Todd—11 yeas.

Mr. Neal, having paired off with Mr. Rivers, was excused from voting.

Consequently the motion to reconsider prevailed.

Mr. Derbes moved to amend the 1st section by striking out the 1st July, 1854, and inserting the 2d December, 1853.

Mr. Hodge called for the yeas and nays.

Messrs. Boatner, Clifton, Derbes, Kemp, King, Lacoste, Lacey, Lewis, McCay and Mouton—10 yeas.

Messrs Burthe, Hodge, Kittridge, Lauve, Martin, Nicholls, Palfrey, Patterson, Short, Slack, Taylor, Todd and Wickliffe—13 nays.

Consequently the amendment was lost.

On the adoption of the 1st section, Mr. Mouton called for the yeas and nays.

Messrs. Burthe, Hodge, Kittridge, Lauve, Martin, Nicholls, Palfrey, Patterson, Short, Slack, Taylor and Todd—12 yeas.

And Messrs. Boatner, Clifton, Derbes, Kemp, King, Lacoste, Lacey, Lewis, McCay, Mouton and Wickliffe—11 nays.

Consequently the 1st section was adopted.

On the adoption of the 2d section, Mr. Lacey called for the yeas and nays.

Messrs. Burthe, Hodge, Kittridge, Lauve, Martin, Nicholls, Palfrey, Patterson, Short, Slack, Taylor and Todd—12 yeas.

And Messrs. Boatner, Clifton, Derbes, Kemp, King, Lacoste, Lacey, Lewis, McCay, Mouton and Wickliffe—11 nays.

Consequently the 2d section was adopted.

On the adoption of the 3d section, Mr. Lacey called for the yeas and nays.

Messrs. Burthe, Hodge, Kittridge, Lauve, Martin, Nicholls, Palfrey, Patterson, Short, Slack, Taylor and Tood—12 yeas.

And Messrs. Boatner, Clifton, Derbes, Kemp, King, Lacoste, Lacey, Lewis, McCay, Mouton and Wickliffe—11 nays.

Consequently the 3d section was adopted.

On the adoption of the 4th section, Mr. Lacey called for the yeas and nays.

Messrs. Burthe, Hodge, Kittridge, Lauve, Martin, Nicholls, Palfrey, Patterson, Short, Slack, Taylor and Todd—12 yeas.

Messrs. Boatner, Clifton, Derbes, Kemp, King, Lacoste, Lacey, Lewis, McCay, Mouton and Wickliffe—11 nays.

Consequently the 4th section was adopted.

MESSAGE FROM THE HOUSE.

Mr. Easton, special messenger from the House, requested the concurrence of the Senate in the following bills, entitled

An act for the relief of Barney McFeely.

An act to amend the several acts relative to the police and government of the town of Franklin, parish of St. Mary.

An act to authorise Melite Dunean, f. w. c., of the parish of St. John the Baptist, to emancipate a slave.

An act to incorporate the Opelousas Fire Company,

An act relative to judicial advertisements.

Substitute for an act concerning advertisements of sheriffs.

Resolution relative to the funeral obsequies of the late ex-Governor Johnson.

And that the House had concurred in the amendments to a bill entitled

An act to provide for the speedy trial of cases in which the right of office is involved.

FRIDAY, April 8th, 1853.

REPORTS OF COMMITTEES.

Mr. Derbes, from the Committee on Claims, made the following report:

To the Hon. W. W. Farmer, Lieutenant Governor and President of the Senate.

The committee to whom has been referred the claim of the Good Intent Towboat Company, beg leave to report that they took the subject into due consideration; and they are convinced that the claim is a just one, as far as the services rendered to the State by the Company are concerned; and they leave

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it to the Senate to fix the amount of compensation. To that effect they offer the following act.

(Signed,) A. DERBES,
Chairman pro tem.

To the Hon. W. W. Farmer, Lieutenant Governor and President of the Senate.

The undersigned members of the committee to whom was referred the claim of Manuel Hernandez, Constable of the Fifth Justice of the Peace of the Parish of Orleans, beg leave to report that they have had the matter under mature consideration, and they are of opinion that the Senate ought to reject the same. His bill, amounting to the sum of nearly nine hundred dollars, is for services rendered to the State in his aforesaid capacity of Constable. The Committee have in vain looked for a law authorising the payment of similar charges, and in the absence of such a law, they are not willing to establish a precedent which would involve the Senate in eternal legislation, and to considerable appropriations of money. Therefore, they beg leave to be discharged from the further consideration of this subject.

(Signed,) A. DERBES,
(Signed,) W. R. TAYLOR.

To the Hon. W. W. Farmer, Lieutenant Governor and President of the Senate.

The Committee on Claims, to whom has been referred the petition of Wm. F. Dinkgrave, Collector of State Taxes for the Parish of Ouachita, beg leave to report favorably, and submit the accompanying act.

(Signed,) A. DERBES,
Chairman pro tem.

To the Hon. W. W. Farmer, Lieutenant Governor and President of the Senate.

The Committee on Claims, to whom has been referred the petition and memorial of B. K. Stephens, asking to be relieved from the payment of a bond of six hundred dollars, for the appearance in Court of one Thomas H. Hammersly, charged with larceny, beg leave to report in favor of remitting the half of said bond, to wit: three hundred dollars; and ask to be discharged from the further consideration of the subject.

(Signed,) A. DERBES,
(Signed,) W. R. TAYLOR.

MESSAGE FROM THE HOUSE.

Mr. Eastin, the special messenger from the House, requested the signature of the President to the following bills, entitled:

An act to punish any attempt to injure any levee or embankment on any of the navigable rivers or waters of the State.

An act to provide for the speedy trial of cases in which the right of office is involved.

And informed the Senate that the Speaker had signed the following bills, entitled:

An act to emancipate John Rhodes, of the parish of Orleans.

An act for the relief of the Surveyor General.

And he requested the concurrence of the Senate to—

An act for the relief of the School Directors in De Soto parish.

MESSAGE TO THE HOUSE.

Mr. Derbes, from the Committee on Enrollment, reported the following bills correctly enrolled, and the Assistant Secretary requested the signature of the Speaker to the same:

An act for the relief of Pierre Onesime Broussard, late Parish Superintendent of the parish of Vermillion, and amendatory to an act entitled an act providing the manner by which Parish superintendents and their sureties may be relieved from their bonds, approved March 18, 1852.

An act to authorise Frederick Stockel and Maria Prujer, his wife, to adopt Louisa Wilhelmina Garnur.

An act to amend an act for the uniform regulation of elections in the State of Louisiana, excepting the parishes of Orleans and Jefferson, approved June 1st, 1846.

And he informed the House that the President had signed the following bills:

An act to locate the seat of justice of the parish of Jefferson.

An act for the relief of William L. Knox.

An act for the relief of H. Kean.

The Assistant Secretary requested the concurrence of the House in the following bills:

An act to emancipate Jane Mary, slave and daughter of Patsy, f. w. c.

An act to enable the stockholders of the Iberville Female School Society to proceed and effect a liquidation.

An act to authorise Theodore Helveston and Anne Elisa Peel, his wife to adopt Thomas Whelan, an orphan.

And the Senate had concurred in the following bills:

An act to amend and re-enact the thirty-fifth section of an act entitled an act to consolidate the city of New Orleans, and provide for the government and administration of its affairs.

An act to amend the several acts relative to the police and government of the town of Franklin, in the parish of St. Mary.

And with amendments in the following bills, entitled:

An act to incorporate the Vicksburg, Shreveport, and Texas Railroad Company.

An act to incorporate the New Orleans, Opelousas and Great Western Railroad Company.

An act to incorporate the New Orleans, Jackson and Great Northern Railroad Company.

And that the Senate had concurred in a bill, entitled:

An act for the relief of the creditors and legatees of the estate of Abner Robinson, deceased.

And that the Senate had concurred in House amendment to a bill entitled:

An act regulating the duties of Notaries without the limits of the city of New Orleans.

AN EXPLANATION

Mr. Mouton—Having voted to extend the charter of the Mechanics' and Traders' Bank, I am fearful it may be thought that I was really in favor of extending the charter of that institution. In order to place myself right on the subject I, in connection with others who voted with me, beg leave to present the following written explanation of our vote, which we desire to have spread on the journal.

The undersigned, in voting for the amendment proposing to extend the charter of the Mechanics' and Traders' Bank to the 2d day of December next, did so because they preferred that period to the time fixed in the original bill. Upon the final passage of the bill, it was the intention of the undersigned to vote against any extension of the charter of said bank.

(Signed,) C. H MOUTON,
GEO, S. LACEY,
M. BOATNER,
TOM, G. McCAY,
A. DERBES,
C. W CLIFTON,

The document was ordered to be entered on the Journal.

MESSAGE FROM THE GOVERNOR.

The Private Secretary of the Governor informed the Senate that the Governor had approved and signed the following acts:

An act for the relief of the Branch of the State Bank at Baton Rouge.

An act to emancipate William T. Glasscock.

An act for the relief of Thomas P. Hall, and the administrator of Wylie J. McElroy, deceased.

An act to create an additional justice of the Peace and one constable in and for the parish of Rapides.

An act relative to the oath directed to be taken by article ninetieth of the Constitution.

An act to amend an act entitled an act to amend the several acts relative to the police and government of the town of Baton Rouge.

Resolution relative to the establishment of a certain mail coach by Congress.

Resolution for the relief of Jerome Tourne.

Resolution directing the State Engineer to examine the falls of Red River.

Resolution authorising the State Engineer to make

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an examination of the mouth of Bayou Plaquemine.

An act to prohibit the circulation of small notes.

An act to authorize David Brady, of the city of New Orleans to change his name from David Brady to David Braden.

An act to authorize Justices of the Peace to appoint curators ad litem in certain cases.

THE RAILROAD BILLS.

The railroad bills were taken up and reconsidered for the purpose of making certain corrections.

Mr. Short moved an amendment giving the privilege of cutting timber only while the lands belong to the State.

Mr. Hodge—The privilege would then amount to nothing. Parties will come forward and enter the lands as soon as the road is located, and so the concession would in reality be valueless.

Mr Hodge offered an amendment granting the privilege of cutting timber from the public lands for five years.

ORDER OF THE DAY.

"An act for the recordation of the evidence of mortgage, &c."

Mr. Hodge.—As the Senator from Ascension (Mr. Kenner) is away and as he has expressed great interest in the subject, and would like to say something on it, I move that the bill be laid on the table subject to call.

Mr. King.—I was not aware that the Senator from Ascension took peculiar interest in this bill. He certainly does not make it manifest by being absent from his seat when the bill comes up. I am not aware that the gentleman is unwell or that he has been called away by pressing business. He is absent in pursuit of his own pleasure. I do not think that the business of the Senate ought to be interrupted and delayed, in order to contribute to the pleasure or suit the convenience of any Senator.

Mr. Martin.—I am astonished that the gentleman should speak of Mr. Kenner being absent for pleasure, when he himself has just returned from a visit to New Orleans, where, it is suspected, he went for the purpose of enjoying himself.

Mr. Hodge.—I reiterate what I before said. To show what interest Mr. Kenner takes in the question, I will state that, at the last session of the Legislature, Mr. Benjamin introduced a bill similar to this one. Mr. Kenner expressed his opposition to it and made a speech against it.

Mr. Boatner —The argument of the gentleman might be applied to his favorite bank measure; for it was only last week that, while in the city, Mr. Kenner told me he was opposed to it, and only regretted he was not here to make a speech against it.

Mr. Hodge.—Well, I will disclaim that motive. I will say that my reason for wishing a postponement is because I desire to give preference to the Mechanics' and Traders' Bank bill. The reason is that but little time is left and unless we act upon the bill immediately, we may not have time to do it at all. If the bill be not passed before Tuesday next, it will be unavailing, as the charter of the bank will expire on that day. The gentlemen on the other side have consumed all the morning in making frivolous motions such as I never before saw in a legislative body. I have been in them before, though never a member till this time, and I must say that I never saw the reading of bills called for on the first reading, as has been done here this morning only to produce delay. I say again that I wish to give the bank bill the preference. I wish to put the bill now before the Senate, at the foot of the calendar for that purpose, and gentlemen may make the most of it.

Mr. King.—I understood the gentleman at first to urge as a reason for delay, that a certain Senator who took great interest in this bill was absent from his seat. (Mr. Hodge. That was a part of my reason.)

I understood it was the whole reason—at least I heard no other urged in connection with it. Now, the gentleman disclaims that reason and gives quite another. As to the insinuation of the gentleman from Assumption, that I have been absent on pleasure, I had hoped that my present appearance would have protected me from any such attacks as that. But if the gentleman wishes to indulge his humor or such things at my expense, let him proceed. I shall say nothing in reply, as it only accords with a disposition which I have seen evinced before. I hope that the bill will be taken up as it is of great importance; vastly more so to my constituents than the Mechanics' and Traders' Bank bill.

Mr. Lacey.—If the object of the Senator who made the motion to postpone, is to take up the Mechanics' and Traders' bank bill, I shall vote against it. I am opposed to that bill and will vote for any motion to defeat it. I vote to take up the special order because it is of great importance; of vastly more importance, as the gentleman from New Orleans (Mr. King) has well said, than the bill to extend the time of the Mechanics' and Traders' Bank. I shall try every parliamentary method to defeat that bill, and it it pass, it will do so without any aid from me. If it pass it will be because I am ignorant of any parliamentary method of defeating it. A reason urged for postponing the special order, is that a certain Senator is absent. What did you do in regard to me in a similar case. You will recollect that my swamp land bill was fixed for a particular day. I was absent at the time it came up. I heard the result of the vote and the defeat of my bill when at the side of the sick bed of my wife. No courtesy was extended to me. My absence was not thought a sufficient reason for delay, though the bill was my own bill, and I was detained from my seat by claims which no man would be willing to disregard I am opposed to this Mechanics' and Traders' Bank on principle. I voted against it as it came from the House and I shall continue to vote against it from the beginning to the end.

Mr. Wickliffe. I will say that when I voted to lay the gentleman's Swamp Land Bill on the table, I did not know of the illness of his wife, though had I known it, I should have voted the same way, because the motion to lay on the table was made before the gentleman left the Senate Chamber.

Mr. Martin. The gentleman says he is opposed to the Mechanics and Traders' Bank bill on principle. I say that with him there is no principle involved in the matter all. Yesterday he offered a protest against our action of the day before. That protest contained expressions against any extension of the charter of the bank. Yet the gentleman voted to extend it till December. Thus he conceded the principle, and made the question of time as a matter of expediency, the only point involved. The sole question with him becbme whether to extend the charter to December or July.

Mr. Derbes. The gentleman will recollect I said when I made the motion to extend to December, that I did not abate one bit of our principles.

Mr. Martin. The only Senator who has acted consistently on this bill is the gentleman from West Feliciana (Mr. Wickliffe). He has been opposed to it from the beginning to the end. But he did not make a factious opposition.

Mr. Mouton. The gentleman says that the Senator from West Feliciana is the only one who has acted consistently on the Mechanics and Traders' Bank bill. If he will look at the journal, he will find that when I voted for the amendment extendment extending the Charter of the bank till December, I voted for it because I thought it the best we could get, and we wished to make the bill acceptable to the gentlemen on the other side. In order to place this fact on record we have this morning offered our reasons in writing, which, with the consent of the Senate, have been spread on the Journal.

Mr. Lacey. I have given way to several Senators already to enter into explanations on this subject. I will now resume the floor, but only for a moment. The gentleman says that in voting for the amendment he alluded to, is an abandonment of principle. I do not think it is so. I did it only to render the bill more acceptable if it should pass. If the vote had been taken on the final passage of the bill, we should have shown that we were opposed to granting a moment's extension of time.

Mr. McCay. I moved to lay the gentleman's swamp land bill on the table because I thought that the Senate, in its legislation, should not regard the casual absence of any Senator. My vote to-day will illustrate my position.

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The bill for the recordation of mortgages was then taken up.

Mr. King. This bill, Mr. President, is one whose importance can scarcely be exaggerated. It touches one of the most delicate subjects known to the law. In forming the bill, no degree of attention and caution has been spared. It was introduced in the Senate at an early period of the session, and was then ordered to be printed for the use of members, that they might mace themselves perfectly acquainted with its principles and details. Special pains were taken to send copies of the bill to the Judges and most prominent lawyers of the State. Their opinion was asked, not as a mere formality, but for the sake of eliciting fair and impartial criticism. I requested that these bills might be returned, with such criticisms and suggestions as were deemed advisable. Many persons complied with the request. The bill then came before the Judiciary Committee, to whose critical inspection it was for some time subjected. Thus it comes before the Senate with the light of many minds thrown upon it. It is the result of long reflection, frequent consultation, and mature deliberation. If it is not perfect, it is as nearly so as it is possible for a bill of this kind to be. Its general object, expressed briefly, is to disembarrass real estate from the incumbrance which now lies so heavy upon it; to give to its holders the powers of capitalizing their real estate, and borrowing money on it. It is known that now, no amount of legal knowledge would enable a man safely to sell, purchase, or lend money on, real estate. The man who lends money on, or buys real estate, frequently discovers, too late, the existence of a tacit mortgage which intervenes between him and the property, and either destroys his title, or takes away his security.

The knowledge of this characteristic of our system of law, prevents the influx of capital into the State, by rendering its investment insecure. I wish to capitalize real estate. I wish it to be regarded here as elsewhere—as the best security that can be offered. In New York or London, a person having real estate can get money on it almost to its full value, at the lowest rate of interest. In Louisiana, on the contrary, owing to our anomalous and hurtful system of tacit mortgages, which render real estate a very insecure sort of security, money can hardly be raised on it at all; or if it be procurable, an enormous interest must be paid. He must fortify the real estate with personal security, and then pay 18 per cent. interest. If we capitalize real estate—or, in other words, facilitate its conversion into capital—we might get money in Louisiana at as low a rate of interest as anywhere else. If we can carry this bill through, we will cause foreign capital to flow in on us; we will augment the prosperity of the State, and enhance the value of our property There is scarcely any Senator who has not formed an opinion of the great importance of this subject. If I could be sure of the unbiassed attention of the Senate, I would have more to say. But I feel that every one has come to some conclusion already, and in my present debilitated condition, I do not feel capable of making much exertion. I can only say that this bill has undergone the scrutiny of legal men, and has been approved by them. It is not intended to destroy the vested rights of minors and married women, but to secure them more effectually, by making a complete recordation of the evidence of mortgages in their favor. I appeal to any one to say if a recorded mortgage is not better than a tacit mortgage. By this bill, not an iota of the rights of married women and minors is abated; they are more fully secured.

Mr. Barthe offered a substitute for the bill.

Mr. Burthe I do not wish to delay action on this subject, but my opinion is that the bill I offer is far superior to the one before the Senate—and I therefore move that it be printed.

Mr. King. I understand this bill to be the same as the one introduced last year by Mr. Benjamin, and which was voted down by the Senate, as I thought, very properly. We have adopted everything good in it, and have added various improvements, so that we have made our bill much superior. We have supplied the omissions, and omitted the superfluities. I consider this an attempt to take the wind out of the sails of our bill, and to force through the exploded bill of last year, which was voted down—as it ought to have been. I move to lay the substitute indefinitely on the table.

Mr. Burthe withdrew the substitute.

Mr. Mouton offered an amendment, providing that these mortgages be recorded only in the parishes where the party resides.

Mr. Wickliffe. That would destroy the rights of minors and married women.

Mr. Short. The object of the bill is to convert an unknown into a known mortgage. We wish to secure the rights of married women and minors, by having the receipts recorded in every parish where the party has property.

Mr. Boatner. I am opposed to the whole section. It requires a man to do what moral honesty forbids him to do—and that is, to give a receipt for a thing which he has not received, and makes him swear to it.

The amendment was rejected.

Mr. McCay. I move a reconsideration of the 1st section

Mr. Wickliffe. For what reason?

Mr. Wickliffe. As the gentleman will not tell his reason, I move to lay his motion on the table.

The motion to reconsider was laid on the table.

Mr. Mouton. I do not like so many oaths. If the tutor be an honest man, one oath is sufficient. If he take an oath to discharge his duties, no other is necessary. There is no use for him to swear to anything more than that he has recorded the mortgage.

The bill passed to its third reading.

SPECIAL ORDER OF THE DAY.

The Mechanics' and Traders' Bank.

The Mechanics' and Traders' Bank bill was taken up

Mr. Lacey. I move to recommit the bill to the committee on Banks and Banking.

Mr. Hodge moved the previous question.

The vote being taken, Mr. Hodge said:

I vote No, because I see the object is to get a vote during the absence of Senators who have temporarily stepped out.

Mr. Evans. I had paired off on this subject with Mr. Rivers, but I will vote to recommit, as I am opposed to the bill. Perhaps Mr. Rivers will be here when the bill comes up again.

The motion to reconsider was carried.

SATURDAY, April 9th, 1853.

REPORTS OF COMMITTEES.

Mr. Martin, from the Committee on Commerce, Agriculture, &c., reported a substitute for a bill, which was referred to his committee, entitled

An act to prevent the spreading of contagious and infectious diseases by vessels arriving in the Atchafalaya Bay and its tributaries.

On motion of Mr. Palfrey, the rules were dispensed with, and the substitute was concurred in.

Mr. Derbes, from the Committee on Enrollment, reported as correctly enrolled—

An act to punish any attempt to injure any levee or embankment on any of the navigable rivers or waters in the State, and

An act to provide for the speedy trial of cases in which the right of office is involved.

And the special messenger, Mr. Steward, informed the House that the President had signed the same.

Mr. Todd, according to previous notice, introduced a bill entitled

An act to create two additional notaries public in and for the parish of Morehouse.

On motion of Mr. Todd, the rules were suspended, it underwent its several readings, and it passed.

Mr. Clifton, from the Finance Committee, submitted the following report:

To the Hon. W. W. Farmer, President of the Senate, &c.

The undersigned a member of the Finance Committee, to whom was referred a bill entitled an act to more effectually carry into effect an act entitled an act for the advancement of medical education in Louisiana, approved 21st March, 1850, begs leave to dissent from the majority of said committee, and to offer the following minority report against the adoption of said bill:

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It appears by the act of 1850, referred to above, and which this act is for the purpose of more effectually carrying into effect, that the State of Louisiana appriated the sum of twenty-five thousand dollars, for the purpose of purchasing anatomical and other preparations, medical drawings, &c., for the use of the University of Louisiana, and requiring the Dean of the Medical Department to furnish a catalogue of all the articles purchased under the provisions of the act of the Legislature, and also to make a full and detailed report of the expenditures made by the faculty under this act. The undersigned has in vain examined the journals of the Legislature to find any evidence that the provisions of this act have ever been complied with by the University of Louisiana, except that of receiving the $25,000, which is shown by the Treasurer's report. The records show no "full catalogue of the articles purchased," no "full and detailed report of the expenditures made by the faculty," as required by the 4th section of the act of 1850, and yet the University, in order more effectually to carry out the act of 1850, introduces a bill to grant it another appropriation of $6000. There is no member of your honorable body more zealous than the undersigned in the cause of public education and the advancement and dissemination of scientific knowledge, or no one who more fully recognizes the duty of the State to extend its fostering aid and protection to institutions established for those purposes; but at the same time the government has a duty to fulfil in endeavoring to lighten the burthen that now presses so heavily upon the people, suffering as they are under a high rate of taxation, with a prospect of a considerable increase by the present Legislature to meet its existing liabilities.

In the opinion of the undersigned, the University has already received a sufficient proportion of State aid to enable it now to stand alone upon its own resources, and not to apply to our exhausted Treasury for a further appropriation.

All of which is respectfully submitted.

(Signed) C. W. CLIFTON.

Mr. Martin—I have a resolution to offer instructing the Secretary to proceed to the House and ask the return of the bill permitting the pledging of growing crops. I think I can show such reasons as will convince any one that the bill was proposed under a misapprehension.

Mr. King—The senator who introduced that bill, and who took peculiar interest in it, is now absent. The action proposed by the gentleman would be extremely discourteous towards him.

Mr. Martin—I do not wish to take advantage, you shall not pass action while my colleague is absent. I have no objection that the subject should be discussed in his presence I only desire that the bill be returned now.

Mr. King—Well, it would be an anomalous proceeding. A bill has passed the Senate, and has gone out of its possession. It is now before the other House, and the gentleman proposes to get it back. Why, such a course would extend legislation to infinity.

Mr. Martin—The gentleman's legal knowledge, no doubt, surpasses mine; but my parliamentary knowledge teaches me that is not at all an unusual method of proceeding.

Mr. King—I understand that the bill has already been referred to a committee in the lower House.

Mr. Martin—That is not action.

Mr King—I think it is.

Mr. Martin withdrew the resolution.

On motion of Mr. Todd, an act to provide for the trial of recused cases was taken up.

Mr. Todd—It is absolutely necessary that some provision should be made for the trial of these cases in the country. Sometimes the difficulty is so great as to amount to an absolute denial of justice. It is necessary that some measure for the speedier trial of these cases should be adopted. Many of the country districts are very large, and at some seasons the roads are almost impassable; so that judges from the neighboring districts cannot attend. The consequence often is that recused cases are postponed ad infinitum, and not tried at all. My plan is this: A member of the bar is to be selected by the counsel, and if they be unable to agree the judge is to appoint three from whom one must be selected by lot. This one decides the case, and the district judge signs the judgment and gives it effect. The Judiciary Committee reported against the bill on constitutional grounds. They took the ground that we cannot invest a person with the functions which the Constitution imposes on the district judge. This is true. But we do not do it. We only authorize the parties to appoint a referee; but his judgment has no efficacy until it is signed by the judge. The reference is only incidental. The judge gives all their efficacy to the proceedings. The Constitution of Kentucky contains a similar provision, and also those of Mississippi and other States, where it has been found to work well. I hope that senators will withdraw their objections and pass the bill. Let them look at the facts and take into consideration that it is necessary to provide some easier method of trying these cases.

Mr. Lacey—I am willing to vote for the bill, and leave the question of its constitutionality to be decided by the courts. The evil evidently requires a remedy. My district has certainly suffered much from it.

Mr. Nicholls—That is exactly the case in my district. I know cases there remaining since '45, and not tried yet. This, as the gentleman says, amounts to a denial of justice.

Mr. Todd—I will state, that in the Convention, I wished to introduce a clause of this kind into the Constitution, and the unanimous opinion of the Judiciary Committee was that it was not necessary.

Mr. Boatner—I shall vote against the bill, as I think it unconstitutional, and I have have heard no argument to change my opinion on that point. The article of the Constitution is imperative and unequivocal. Judges of the inferior courts shall be elected by the people. The senator from Morehouse (Mr. Todd) says that this article does not apply, inasmuch as the judge signs the judgment. It appears to me that one essential requisite is, that the judge should hear and determine the case. If the mere signing of the judgment is sufficient, it appears to me that the proper definition of a judge has not hitherto been understood The article of the Constitution is imperative. Judicial functions cannot be delegated to third parties. There may be cases of hardship, but we are bound to abide by the Constitution.

The bill passed.

The President laid before the Senate the following report from the State Engineer, which was referred to the Committee on Internal Improvement.

STATE ENGINEER'S OFFICE,
Baton Rouge, April 7, 1853.

To the Honorable the Senate and House of Representatives of the State of Louisiana:

GENTLEMEN,

By the second section of an act, approved March 18, 1852, there was allowed to the State Engineer an annual "contingent fund" of $1,000 for travelling and office exponses.

I do not know for what purpose this law was passed, for I cannot imagine that the State Engineer would travel more than the business of his office required, or that he would expend more money in his office than would be found necessary. Whatever might have been the intention of the Legislature, I am sure that no such law can be of service to the State so far as this department is concerned, especially as this office is always prepared with the proper vouchers to show and explain in whatever manner it has disposed of all the means placed at its credit—and besides, all warrants are approved by the Governor or Secretary of State. If you consider what is required, it will plainly appear that the sum is quite small.

This office must keep a strict account of all disbursements; all orders must be copied into an order book; all letters must be recorded; and during the absence of the State Engineer and his assistant, some person must be left in the office to attend to any pressing business in the way of orders from any of the different divisions of State hands. To perform this work, a good clerk has long been employed, and is still required, to attend to the duties of the office.

The State Engineer must travel not only enough to make the surveys and examinations required by your honorable body, but he must see to and direct the work of the State force in such a manner as will make it most useful. The real wants of this de-

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partment are so great and have been so often spoken of, that it appears almost useless to make further mention of them.

In order to accomplish within a reasonable time even the most important and useful work now demanded, a great increase of its force would be required.

If the force were sufficiently augmented, we could not only remove all obstructions to navigation, but we could with slave labor place locks in our rivers and bayous, and make good the navigation, where now we have none except in high water. We could also contruct plank or railroads for one half the sum that such works would cost if performed by white labor.

The State force is now so well trained, that to construct works which are purely mechanical, we require only a foreman among them. For the locks on the Barataria and Lafourche canals, we have only one mechanic, besides the masons, and that is a master carpenter. For the bridging on the plank roads, from the Grosse Tete to Baton Rouge, there is employed by the company but one carpenter, and nearly all the mechanical labor of such works can be done well enough by slaves at one-quarter of the cost of white labor.

How useful, then, to the State would three or four hundred of such men be. Carpenter's wages are from $2 to $3 per day, while this force would cost the State, when once acquired, but little more than their food and clothing. The cost of support would not increase in proportion to the number of slaves employed, for one superintendent could in most cases as well manage fifty hands as twenty-five.

In order to keep open the numerous streams which afford an outlet to the Mississippi through the Atchafalaya and Plaquemine, so that the water should drain off quickly to the Gulf, and not cause inundation to the valuable portion of the State, it is necessary that at least one good snag boat should be constantly employed in them. We find here a great natural basin for the reception of the overflowing waters from above, and attention should be directed, not only to the navigation through it, but to its capacity for draining purposes.

We have on hand the machinery, and to make the force in charge of this department serviceable, two good boats should be constructed to receive it. This will require an outlay of about $10,000, and to make such alterations as are required on the 'Florida' will cost $2000. In the construction of the new boats I wish to make some improvements in the model and working machinery, which I believe will not only enable them to move from one portion of this State to the other with greater facility, but to be more efficient when at work. The year is already so far advanced, that to have them ready for the low water season, they should be commenced without further loss of time.

I would respectfully recommend that an appropriation of the sum of $12,000 be made for the building and repairing of boats, and I must state, that without it, we have but one good boat for the whole State service. I would advise the repeal of the law creating the "contingent fund" before alluded to.

The ordinary yearly appropriations will be quite sufficient for the salaries and expenses of this department, even if the two additional boats should be furnished.

Very respectfully, your ob'd't serv't,
(Signed) GEO. W. MORSE,
State Engineer.

MESSAGE FROM THE HOUSE.

Mr. Easten, messenger from the House, informed the Senate that the House had amended the amendments of the Senate in the following bills, entitled

An act to incorporate the New Orleans, Opelousas and Great Western Railroad Company.

An act to incorporate the Vicksburg, Shreveport and Texas Railroad Company.

And he requested the concurrence of the Senate in the following bills:

An act to incorporate the New Orleans, Jackson and Great Northern Railroad Company.

An act for the relief of A. M. Gray, of the parish of Avoyelles.

An act to authorize the Auditor and Treasurer of the State to place certain school monies to the credit of the parishes which are entitled to the same.

An act relative to the safe keeping and preservation of the arms of the State in the public arsenals of New Orleans.

Substitute for an act No. 288, incorporating the stockholders of the New Orleans and Baton Rouge Railroad Company.

MONDAY, April 11th, 1853.

AN ACT FOR THE RECORDATION OF MORTGAGES, &C.

The bill for the "recordation of mortgages in favor of minors and married women" was taken up.

Mr. Nicholls. This is a bill of great importance. It affects all the married women and minors in the State. Though the author says it is as perfect as the human understanding can make it, yet it evidently needs amendments. Let it be recommitted so that the proper amendments can be made.

Mr. King. I suspect the motive of the gentleman is not so much to improve as to defeat the bill.

Mr. Nicholls. I will be obliged to the gentleman to speak for himself. I do not impugn any one's motives, and I will not suffer any one to impugn mine.

Mr. King. Am I then to understand that the gentleman is in favor of the principle of the bill?

Mr. Nicholls. Yes sir. Yet I think that this bill, so far from being perfect, is one of the most imperfect ever presented to a legislative body.

Mr. King. The reason I imputed to the gentleman the object of defeating the bill was because I thought he was opposed to its principle. Do I understand that he is in favor of the abolition of tacit mortgages?

Mr. Nicholls. Not of their abolition, but of the recordation of the evidence of them, which is implied in the title of the bill.

Mr. King. Well, that amounts to the same thing, for when the evidence of the mortgage is recorded, it is no longer tacit. The gentleman says that this bill is one of the most imperfect ever submitted to a legislative body. I beg leave to differ from him. I think it is just the contrary. It was drawn up with great care, and was submitted to the most eminent lawyers of the State, with a view of getting the opinion of persons competent to judge. It then passed into the hands of the Judiciary Committee, the members of which were diligent in their examination, and dissected it line by line. It was approved by them, and all to whom it was submitted. When I say it is as perfect as the human understanding can make it. I mean that it is as perfect a bill as ever has been presented here. It is intended for the abolition of a great evil. The tacit mortgage system is a cloak for frauds and malpractices of various kinds, and this bill will put an end to them.

It may once in a great while operate injuriously on some one; but what law will not? I may without impropriety mention the names of some of the gentlemen to whom the bill was submitted, and who gave it their approval. It was placed before Mr. Roselius, who examined it thoroughly, and said that it was a good bill, and he hoped it would pass. It was submitted to Mr. Micon. I am permitted to use his name also. He did not find the bill incomplete, but he said it was good, and he hoped it would be adopted. He found that the rights of minors and married women were sufficiently protected. I hope then that this left-handed blow will not be dealt to the bill—a blow which would defeat it as effectually as if it were laid on the table.

Mr. Short. It may be possible that the bill is complex in its character. But it will be seen that this could not be avoided, when we take into consideration the complex character of the subject which it proposes to regulate. It starts with the design of converting unknown into known mortgages by recording the evidence of them. This is a complex bill, because it undertakes to resolve a tangled subject; to bring order out of chaos, and to settle a multitude of difficulties. As I have said, the object of the bill is to convert unknown into known mortgages as far as legislation can go, by recording the evidence of them. There is a class of mortgages in favor of miners, which present nothing that can be recorded. This bill provides only for the recording of the instrument which is the

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evidence of the mortgage, when it can be done. Thus I think no harm can result from it.

Mr. Palfrey—I am no lawyer, nor do I pretend to have any legal learning, but I must be very obtuse not to see one very serious objection to this bill. For instance, it contains no provision for the appointment of a tutor in parishes where property may be acquired after the original appointment. I have an amendment to propose, to obviate this difficulty, and in order to have it inserted, I shall vote for recommitting the bill.

The motion to recommit was lost, and the bill passed.

Mr Mouton gave notice that he would move a reconsideration to-morrow.

Mr. Lacey. It has been decided that no discourtesy would be involved in moving an immediate reconsideration, and certainly I would never willingly be guilty of discourtesy towards my friend from Lafayette This is a bill of great importance, and should be disposed of at once. I therefore move a reconsideration now.

Mr. Rivers. I rise to a point of order. Can the gentleman make a motion of this kind? Does it not destroy the very object of reconsideration?

Mr. McCay. I should like to have some information on this subject. Does not a motion take precedence of a mere notice of intention to make a motion? The gentleman might change his mind to-morrow, and not make the motion at all. The gentleman from East Feliciana has actually made the motion, and it must be acted on. That has already been decided by the Senate.

Mr. Rivers. Will not the object of reconsideration be defeated if the right and privilege of a Senator to give a notice of his intention to make a motion be cast off. The case has not been decided as the gentleman says, but on the contrary, in a totally different way. I believe that if the President were in the Chair, he would decide in the same way.

Mr. King. It seems to me that reason favors the conclusion to which my colleague from New Orleans has come. A notice is not a motion. It is merely a piece of information which a gentleman gives to the Senate. A motion actually made must of course take precedence. The right to move a reconsideration exists for two days, excepting a motion to the same effect has already been made. In that case the first motion must be acted on, and is final.

Mr. Rivers. If the Senator from East Feliciana had made his motion first, the vote on the reconsideration could be taken now. But another gentleman has given notice, and that sets the question at rest till to-morrow. What is the object of a reconsideration? It is to have a question tested again in a full Senate, when members who may be absent at the time the vote is taken may be present. But if we reconsider now, we cut off the very object, and interfere with the privileges of the Senator who makes the motion.

The Chair decided that the motion to reconsider was out of order.

Mr. Mouton. I have no desire to cause delay. I only wish to exercise my right as a Senator. My object in giving the notice that to-morrow I should move a re-consideration, was to have the question tested *de novo*, in order that the sober second thought may be permitted to have some effect. If we take the vote now, the result will be the same as before, and the bill would inevitably be carried, because it is known that a majority of the Senators now present are in favor of it. But to-morrow those members who are now absent may be in their seats, and have a chance of voting, Thus the result might be changed.

The gentleman says that my notice was a mere expression of intention. Not so. It was a notice that I will make the motion. I desire to have the vote taken when there is a fuller Senate, as I believe that then the bill would inevitably be defeated, notwithstanding its perfect character. My object is to have the question tested de novo—and the only way the gentleman can prevent it, is by appealing from the decision of the Chair, and having his appeal sustained by the Senate.

Mr. Short. There is nothing in reason to show that a mere notice should take place of a motion. I shall vote to reconsider immediately.

Mr. Boatner. There are two reasons why I shall vote to sustain the decision of the Chair. The first is, that it will be merely an act of common courtesy to the gentleman who gave the notice. He says that to-morrow he will make the motion—and I believe he will. His reasons are, that he desires the vote to be taken in presence of a fuller Senate. This will not necessarily cause the defeat of the bill. It will only defer it for a day. Another reason is, that I do not wish to be guilty of discourtesy to the Chair. It is to be presumed that the presiding officer is acquainted with the rules of the Senate, and that he will give correct decisions. I shall therefore vote to sustain his decision.

Mr. King. Gentlemen seem to be in error in regard to the object of reconsideration. It is not in order to have a fuller Senate, or to enable those to vote who may not have been present. It is simply to give those who have voted in error, an opportunity of changing their votes.

Mr. Griffin. I shall vote to sustain the decision of the Chair. I do so, because for years I have read the reports of the proceedings in Congress, and I have never observed a case where a notice of this kind was interfered with by a motion to reconsider immediately. I have never heard of such a thing, and I cannot suppose the Senate will permit it now.

Mr. Boatner. If a Senator should give notice of his intention to introduce a bill, would it not be thought extremely discourteous for another member to introduce it now?

Mr. Palfrey. Something has been said by one gentleman about the sacredness of fair play. Now, this bill affects the interests of thousands of married women and minors in this State. Fair play towards them, demands that we should have a fuller vote on it. We should have the opinions of all.

The decision of the Chair was sustained.

The following act was then taken up and read:

An Act to amend article 312 of the Code of Practice.

Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, that article 312 of the Code of Practice, which reads as follows:

If, three days after this first judgment has been rendered, the defendant neither appear nor file his answer, definitive judgment will then be given for the plaintiff, provided he prove his demand. This proof is required in all cases—

Be, and the same is hereby amended, so as to read:

If, two days after this first judgment has been rendered, the defendant neither appear nor file his answer, definitive judgment will then be given for the plaintiff, provided he prove his demand. This proof is required in all cases.

Mr. King. I find that the bill applies to New Orleans as well as to the country parishes. As there is no necessity for a change in the city, I think New Orleans should be excluded from its operation.

Mr. Todd. I am willing to have the bill amended so as to exclude New Orleans.

Mr. Lacey. I move to amend, so as to exclude the parishes of East Baton Rouge and Livingston.

Mr. Short. I hope the gentleman will not press his amendment. I thought Orleans was the only parish entitled to be excepted from the operations of any bill.

Mr. Lacey. I see no good reason why New Orleans should be excluded. I would go even farther than the bill, and dispense with proof—as by making default, the defendant admits the justness of the claim.

Mr. King. If the opinion of my colleague prevail, it would be a license for a general system of spoliation. My constituents do not desire any change. The present law is good enough, and not liable to any objections When the people are accustomed to a law, and know it, I would not change it without grave and important reasons.

The amendment was lost, and the bill rejected.

CENTENARY COLLEGE.

The bill to compel the Trustees of Centenary College to pay the board of the indigent youths sent there by the State, was then taken up.

Mr. Rivers. I hope, sir, that this bill will not pass. The effect of it will be, to throw an additional

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burthen on Centenary College. The Institution is already compelled to educate a certain number of youths at its own expense; and now, in addition, you wish to make it board them gratis. This comes with a bad grace from the State, particularly when we take into consideration the disaster which recently befel the College in the burning of a portion of its buildings.

Mr. Boatner. I hope the bill will pass. The State has granted $100,000 to the College, and I think that it can afford to bear this burthen, which is the only one we wish to impose on it. It is very little trouble simply to instruct the indigent youths whom we may send there. The evident intention of the law when the donation was made, was, that they should be maintained while at the College. In consequence of this not being done, the law is rendered almost nugatory—as those who would wish to avail themselves of its benefits cannot do so, on account of the expense. The late Governor called out attention to this fact in his message. The burning of the buildings attached to it, does not relieve the College from the duties imposed on it by law. Like all corporations, it should be bound by the spirit, and not by the letter of the law.

Mr. Rivers. I will show the gentleman that he has been arguing a subject which he does not understand I can inform him that the complement allowed to the State in that College is full—there being ten children there now, who are educated gratuitously. Why press the College now? Why entail additional expense on it when it is in difficulty, and has suffered losses?

The gentleman says that indigent persons cannot avail themselves of the law, because they are too poor to pay their board. Such is not the history of the indigent youth of this country. Delay action on this subject for a few days, and I will show that no complaint can justly be made against the Institution, when it has fulfilled its contract by educating ten indigent youths. If we pass this bill in the face of the fact of the destruction of a large amount of its property by fire, when we know that its agents are traversing the country soliciting subscriptions to relieve it from difficulty; when we have already passed a bill permitting the Institution to sell some of its surplus lands; we will be guilty of a piece of oppression and injustice.

Mr. Short—I don't know the extent of the gratuity granted to the College, but if it was $100,000, I do not think it can be considered a very great hardship to pass this bill.

Mr. Wickliffe—The reason the Committee on Education reported in favor of the bill was because last year the college received a very large grant from the State.

Mr. Rivers—I do not think it received a cent But if it did, what then? We made a contract, and now we come forward and say we let the college off too cheap; it must pay the board of those youths in addition to educating them. You might as well compel the college to clothe them, and furnish them cigar money, and cabs to ride about in at night.

The bill was referred to a special committee.

MESSAGE TO THE HOUSE.

Mr. Stewart, special messenger, informed the House that the Senate had concurred in the following bills, with amendments of the House:

An act to incorporate the Vicksburg, Shreveport and Texas Railroad Company

An act to incorporate the New Orleans, Opelousas and Great Western Railroad Company.

An act to incorporate the New Orleans, Jackson and Great Northern Railroad Company.

MESSAGE FROM THE HOUSE.

Mr. Eastin, special messenger of the House, informed the Senate that the Speaker had signed the following bills.

An act to emancipate Laura Ann Robb, wife of Perry Dorman.

An act to amend an act for the uniform regulation of elections in the State of Louisiana, excepting the parishes of Orleans and Jefferson, approved June 1st, 1846.

An act to create an additional Justice of the Peace and one constable in and for the parish of Rapides.

An act to emancipate Nancy Virginia Peck.

An act to authorize Frederick Stockel, and Maria Prujer, his wife, to adopt Louisa Wilhelmina Garnur.

An act to emancipate Charles Johnson, of the parish of West Feliciana.

And he requested the signature of the President to the same.

Mr. Eastin, special messenger for the House, requested the concurrence of the Senate in the following bills:

An act to provide for deficiencies in appropriations for the year ending 31st March, 1853; and

An act relative to the Judiciary of the State, the First Judicial District excepted.

MESSAGE FROM THE GOVERNOR.

Mr. Hatch, private secretary of the Governor, reported that the Governor had approved and signed the following acts.

An act entitled an act for the relief of the Surveyor General of the State of Louisiana.

An act to provide for deficiencies of appropriations in Criminal prosecutions up to the 31st of November, one thousand, eight hundred and fifty-two,

An act to emancipate John P. Montamat.

An act to emancipate John Rhodes, of the parish of Orleans.

An act to authorize Frederick Stockel and Marie Prujer, his wife, to adopt Louisa Wilhelmina Garnur.

An act to amend an act entitled an act for the uniform regulation of elections in the State of Louisiana, excepting the parishes of Orleans and Jefferson, approved June 1st, 1846.

An act to create an additional Justice of the Peace and one constable in and for the parish of Rapides.

An act to emancipate Nancy Virginia Peck.

An act to emancipate Laura Ann Robb, wife of Perry Dorman.

An act to emancipate Charles Johnson, of the parish of West Feliciana.

WEIGHERS OF COTTON AND SUGAR.

The Senate took up the following bill, which was read section by section.

An act to appoint weighers of sugar and cotton in and for the city of New Orleans.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That there shall be appointed every two years, by the Governor, by and with the advice and consent of the Senate, twelve weighers of sugar and cotton for the city of New Orleans.

SEC. 2. Be it further enacted, &c., That the said weighers, after being duly sworn for the faithful discharge of their duties, as prescribed in this act, shall give security to the satisfaction of the State Treasurer, in the sum of five thousand dollars each for the said faithful discharge of their duties.

SEC. 3 Be it further enacted, &c., That each of said weighers is hereby authorized and empowered to appoint one or more sworn deputies to aid and assist in the discharge of the dutics of said office; and each weigher shall be fully responsible for the faithful conduct of his said deputy, under the provisions of this act.

SEC. 4. Be it further enacted, &c., That the said weighers of sugar and cotton are hereby authorized and required to make an allowance of tare, of ten per cent. on every hogshead of sugar weighed by them.

SEC. 5. Be it further enacted, &c., That each bale of cotton and each hogshead of sugar shall be branded with the name of the weigher, the gross weight, under the penalty of ten dollars for each hogshead of sugar or bale of cotton weighed and not branded by them, to be recovered from said weigher thus offending before any court of competent jurisdiction, for the benefit of any person who may sue for the same.

SEC. 6. Be it further enacted, &c., That the said weighers shall receive the following compensation, and no more, to be paid by the owner, consignee, or other person importing or bringing said cotton or sugar in the city of New Orleans, to wit: ten cents for the weighing of each hogshead of sugar and each bale of cotton.

SEC. 7. Be it further enacted, &c., That the said

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twelve weighers be, and they are hereby constituted a board, to be called "the Board of Public Weighers," which board shall elect their officers from their own body, to serve during their term of office, unless removed by a vote of the board, for cause.

SEC. 8. Be it further enacted, &c., That the duties of each of said Board of weighers shall be equal and uniform; and that at the end of each month, the amount of fees received by the said Board for weighing sugar and cotton, shall, after defraying all expenses, be equally divided among its members.

SEC. 9. Be it further enacted, &c., That all owners, consignees or other persons importing or bringing cotton or sugar into the city of New Orleans, shall cause the same to be weighed by one of the Board of Public Weighers, when sold or disposed of, under the penalty of ten dollars for each hogshead of sugar or bale of cotton not weighed and branded by said Board, to be recovered from said owner, consignee or other person so offending, before any court of competent jurisdiction, for the benefit of said Board of Public Weighers.

SEC. 10. Be it further enacted, &c., That all laws in contravention of the provisions of this act, be, and the same are hereby repealed.

SEC. 11. Be it further enacted, &c., That this act shall take effect thirty days after its passage.

Mr. King—I have not heard any desire expressed in the community in which I live, for a bill of this kind. At one time offices of this kind existed, but were afterwards abolished. I am opposed to this vacillating and shifting policy, and shall vote against the bill unless urgent reasons in favor of it are shown.

Mr. Nicholls—The bill is not intended for the benefit of New Orleans, but for that of the planters in the country. For my own part, I have not the slightest personal interest in it. I have no connection with planting in any way; but the planters in my parish earnestly requested me to draw up a bill of this kind, and endeavor to get it passed. It is intended to protect them against the frauds which they so frequently suffer.

Mr. Todd—I must express my opposition to this bill. It offers no greater security against fraud than the present system. The weighers appointed by the State are just as liable to commit error as any others. The system of State weighing has been tried and abandoned. It has been found that under it the temptation of fraud is greater than under the voluntary system. At present, the weighers are responsible. They are selected by the merchants, who, of course, choose those in whom they have the most confidence

Mr. Palfrey—We might as well try this experiment There is something wrong in the manner in which the weighing of sugar is now conducted in New Orleans. Some of our planters send their sugar direct to the North, and they find it weighs more there than the sugar sent to New Orleans, though the latter ought to have the advantage in that respect. This is a matter of surprise, and shows that there must be something wrong in New Orleans. I shall vote for the bill.

Mr. McCay—I can scarcely say that I am prepared to vote either for or against the bill, as I have not had it before me. My impressions in regard to it are formed from those I have derived from the same principle in regard to tobacco, but in 1848 or 1850 it was abolished. I have had occasion, on presenting the memorial against the abolition of the voluntary system, to compare the two. Without a single exception, every commission merchant, buyer and trader in tobacco in the city, has protested against the repeal of the voluntary sytem. The gentleman says the bill is not intended to benefit the merchants of New Orleans, but the planters of the country. In 1848, we had petitions from growers in all parts of the Western country, in favor of abolishing the inspection system. I am now prepared to show that they are opposed to the repeal of the voluntary system. There is, therefore, a *perfect* agreement and identity of interest between the producer and the factor. Another objection to the compulsory system is, that it will cost twice as much as the other. In Mississippi, they are not willing to confide the weighing of cotton to a board of this kind. In this State the planters have no more right to be in favor of it. I think merchants should be permitted to employ whom they please; but before I can decide how to vote, I wish to have the bill before me, that I may examine its details. Before I conclude, I wish to allude once more to the tobacco inspection. I have had occasion to examine the amount of reclamations, and I find it amounted, under the compulsory system, to ten times as much as under the voluntary system.

Mr. Nicholls—Did not the Inspector fix the quality?

Mr. McCay—Yes.

Mr. Nicholls—Then the objection does not apply. The simple question is, whether we shall have a responsible officer of the State to affix his mark to every hogshead of sugar and every bale of cotton, or whether the weighing shall be done by an irresponsible person.

Mr. McCay—I move to have the bill printed. I wish to examine and consider it before I vote.

Mr. Wickliffe—I have a statement to make I was requested by some of my constituents, at the last session, to introduce a bill of this kind. They say that their cotton weighs much more at home than it does in New Orleans, and that it is the general complaint all over the State. I shall vote for the bill, as I think it will do much good and little harm.

Mr. Nicholls—I am opposed to delaying this bill, as I am under the impression that it has been printed. The case of tobacco is not analogous to that of sugar and tobacco. It was the duty of the tobacco inspectors not only to weigh the article, but to classify it. The weigher under this bill was not to say whether the cotton or sugar is good or bad, middling or fair. The only question is, whether we shall have a responsible weigher of sugar and cotton. I have no practical experience myself, and no interest in the matter beyond my desire to serve the constituents who sent me here. They asked me to introduce a bill of this kind. They told me that there were frauds—that there was something rotten in New Orleans; and I wish to have them secured, as far as legislation can effect it. I believe this bill will have the effect of preventing fraud, and will be of great benefit to our planters.

Mr. Slack—I can speak for the sugar interest, and I do so with confidence, when I say that it needs some protection. As to the cotton interest, I cannot speak. What has been said in regard to tobacco does not apply in this case. Now we have nothing to depend on but the honesty of parties. The reclamations are no guarantee under the old system. I have purchased barrels of pork which the seller would not even guarantee to contain the article. This shows that under the voluntary system no certainty is obtained. We want to have responsible weighers appointed to mark each bale of cotton and hogshead of sugar, so that there can be no mistake about it. We have a right to claim this.

Mr. Todd—I trust that sufficient time has elapsed for us to know the evils of the voluntary system. The question is whether this bill will remedy them.

Mr. Nicholls—I am not particularly wedded to this bill. Let it be taken up section by section, and amended, so as to meet all objections. If ten cents is too much to pay, then give five; if twelve weighers are too few, let us have more. I am willing to have the bill modified, so as to make it suit.

Mr. King—I have a few words to say on this subject. In the first place, a principle is involved to which I am strongly attached—that of leaving every man to attend to his own affairs. We ought not to interfere any more than is absolutely necessary for the concerns of the government. I go for free trade in its widest sense, not only on the sea, but on the land. This bill is in conflict with that principle. What is the present system? Gentlemen say that many frauds are committed under it. But as the gentleman from Morehouse has asked, is there any certainty that frauds will not be also perpetrated under the bill proposed? Now the buyer and seller have the right to select their weigher. It is the same as in other transactions—just as in a horse trade. If all parties agree it is well. If not there is no trade. I do not see why they should come to the Legislature and ask us to interfere in order to settle their difficulties. Let them do that themselves. The gentleman says that frauds are committed. If so I advise him to change his commission merchant. If the merchant stands by and sees the planter defrauded he is a villain and ought not to be trusted. If no

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honest men can be found in New Orleans let the gentleman come to the city and sell his sugar himself. I am in favor of leaving the whole thing in the hands of the buyer and seller where it naturally belongs. Is a man supposed to have superior capacity for weighing because he is appointed by the State? Do you not see that if you create an officer whose word is law, and from whom there can be no appeal, you at once give a motive for fraud and an incentive to bribery?—You give an opportunity for bribery too in order to secure a mark over or under the true weight. Now the whole matter is left to the buyer and seller, and the weigher acts as their agent. As for New Orleans if I had come and asked for the appointment of ten or a dozen weighers it might have been said that I wanted to get offices for some persons. But I advise what is for the interest of nine-tenths of the commission merchants in the city. The present system protects the planter, as he is represented by the New Orleans commission merchant. If gentlemen have been unfortunate in choosing their merchants they had better change. The salaries of these twelve weighers will amount to at least $15000 each. If I had asked for the appointment of a dozen officers at an expense of $15000 per annum for each, I might have been charged with asking more for New Orleans than she is entitled to. The weighing of sugar will amount to about $24000, and of cotton to $15000 per annum. This is certainly a round sum and worth contending for. If I thought I could find favor with the Governor I would become an applicant myself.

(Here some gentleman stated that the rate was now fixed at 10 cents by the Chamber of Commerce.)

Mr. King—The Chamber of Commerce does not make laws

The custom is to charge a certain rate, but there is nothing compulsory in this. I can say also that there are laws against false weighing.

Mr. Wickliffe—The gentleman says that he represents nine-tenths of the commission merchants of New Orleans. I can tell him that we represent ten-tenths of the planters of Louisiana. If the planter wishes this done—if he wants a responsible man appointed to weigh his cotton and sugar; what right has the commission merchant to complain? He does not have to pay the tax. The gentleman says there are laws against false weighing. So there are against all species of fraud. But here we have some security—some responsibility. The weigher is compelled to give security. If he weigh falsely the surety is responsible. I say that the commission merchant does not represent the planting interest. The moment the crop is shipped it is the interest of the commission merchants to make as much off of it as they can. I do not say that they commit fraud; but I deny that their interests are in unison with those of the planters.

Mr. Mouton—I consider the bill a good one except in the large sum paid. It is necessary for the good of the planting interest. But $1500 a year is too much though it comes out of the planting interest. The gentleman advises us, if we are defrauded, to change our commission merchant, or sell our sugar ourselves. He knows that we cannot do it. The commission merchant is a necessary evil. I hope we may get rid of him when the railroads are finished and we can go to New Orleans with more facility.

Mr. Taylor moved to have the bill printed, and make it the order of the day for Wednesday next.

Mr. Nicholls moved to lay the motion indefinitely on the table, and called for the yeas and nays.

Messrs. Boatner, Dupre, Griffin, Lacey, Mouton, Neal, Nicholls, Palfrey, Rivers, Short, Slack and Wickliffe—12 yeas; and

Messrs. Evans, King, Lauve, Lewis, McCay, Taylor and Todd—7 nays.

Consequently the motion to print, &c., was lost.

On motion of Mr. Taylor to strike out of the first section, "twelve weighers of sugar and cotton," and insert twenty,

Mr. Taylor called for the yeas and nays.

Messrs. King, Lauve, Lewis, Mouton, Nicholls, Palfrey, Rivers, Slack and Taylor—9 yeas; and

Messrs. Boatner, Dupre, Evans, Griffin, Kemp, Lacey, McCay, Neal, Short, Todd and Wickliffe—11 nays.

Consequently the motion to strike out was lost.

On motion to adopt the 1st section; Mr. Lacey called for the yeas and nays.

Messrs. Boatner, Dupre, Griffin, Kemp, Lacey, Lewis, Mouton, Neal, Nicholls, Palfrey, Rivers, Short, Slack, Taylor and Wickliffe—15 yeas; and

Messrs. Evans, King, Lauve, McCay and Todd—5 nays.

Consequently the 1st section was adopted.

On motion, the 3d section was amended by inserting in the 2d line, after the word "appoint," the words "one or more," and on motion it was adopted as amended.

On motion for the adoption of the 4th section, Mr. King called for the yeas and nays.

Messrs. Boatner, Dupre, Griffin, Kemp, Lacey, Mouton, Neal, Nicholls, Palfrey, Rivers, Short, Slack, Taylor and Wickliffe—14 yeas; and

Messrs. Evans, King, Lauve, Lewis, McCay and Todd—6 nays.

Consequently the 4th section was adopted.

On motion of Mr. Palfrey, the vote just given was reconsidered.

Mr. Palfrey moved to strike out the whole of the 4th section.

Mr. Griffin called for the yeas and nays.

Messrs. Boatner, Dupre, Kemp, King, Lauve, Lacey, Lewis, McCay, Neal, Nicholls, Palfrey, Rivers, Short, Slack, Taylor, Todd and Wickliffe—17 yeas; and

Messrs. Evans, Griffin and Mouton—3 nays.

Consequently the 4th section was rejected.

Mr. Griffin moved to lay the bill on the table indefinitely, and called for the yeas and nays.

Messrs. Evans, Griffin, King, Lauve, McCay and Todd—6 yeas; and

Messrs. Boatner, Dupre, Kemp, Lacey, Lewis, Mouton, Neal, Nicholls, Palfrey, Rivers, Short, Slack, Taylor and Wickliffe—14 nays.

Consequently the motion to lay on the table was lost.

On motion of Mr. Taylor, the words "without any allowance of scalage on the hogshead of sugar," were inserted in the 5th section, 3d line, after the word "weigher," and the word "gross," was inserted in same line; and the section was adopted as amended.

On motion, the word "ten" was stricken out of the 6th section, 5th line, and "eight," was inserted.

Mr. Mouton moved to strike out "eight," and called for the yeas and nays.

Messrs. Boatner, Griffin, Lauve, McCay, Mouton, Neal, Palfrey, Taylor, Todd and Wickliffe—10 yeas; and

Messrs. Dupre, Evans, Kemp, King, Lacey, Lewis, Nicholls, Rivers, Short and Slack.

There being a tie, the President voted in the negative—11 nays.

Consequently the motion to strike out was lost, and the words "eight cent for a hogshead of sugar and five cents for a bale of cotton" was adopted.

The 6th section was then adopted as amended.

The 7th section was then adopted.

On motion, the 8th section was rejected.

On motion of Mr. Lacey, the vote just given on the rejection of the 8th section, was reconsidered, and on motion, it was again adopted.

The 9th section was then adopted.

On motion, the bill then passed as amended.

Mr. Wickliffe moved to reconsider the vote given on the final passage of the bill; Mr. Lacey called for the yeas and nays.

Messrs. Evans, King and Todd—3 yeas; and

Messrs. Boatner, Dupre, Griffin, Kemp, Lauve, Lacey, Lewis, Mouton, Neal, Nicholls, Palfrey, Rivers, Short, Slack and Wickliffe—15 nays.

Consequently the Senate refused to reconsider

On motion, the Senate adjourned until to-morrow, 9 o'clock, A. M.

BILLS PASSED.

An Act to amend the 911th article of the Code of Practice.

An Act to incorporate the Grosse Tete and Baton Rouge Plank Road Company.

Mr. Todd called up the following bills, and the Senate concurred in the House amendments to the same:

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An Act to incorporate the Vicksburg, Shreveport and Texas Railroad Company.

An Act to incorporate the New Orleans, Opelousas and Great Western Railroad Company.

An Act to incorporate the New Orleans, Jackson and Great Northern Railroad Company.

Mr. Slack—To provide for the manner of cancelling the bonds and mortgages given by the State Tax Collectors.

An Act for the relief of Charles W. Boyce, of the Parish of Rapides.

An Act to provide for the removal of the cases now pending in the Supreme Court of the State under the Constitution of 1845, to the Supreme Court to be established under the new Constitution.

An Act for the relief of Henry Parrish and John Moore Norman, of the Parish of Orleans, and

An Act to authorize married women absent from the State to appoint agents in certain cases.

An Act for the relief of E. H. Skillman.

TUESDAY, April 12th 1853.

THE JUDICIARY.

Mr. Wickliffe called up the following bill:

An act relative to the Judiciary of the State—the First Judicial District excepted.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That there shall be elected in and for each Judicial District in the State (the First Judicial District excepted) by the qualified voters thereof, one Judge, for the term of four years, who shall receive a salary of twenty-five hundred dollars per annum, payable quarterly, on his own warrant, out of any funds in the Treasury not otherwise appropriated.

Mr. Mouton—I move to strike out of the first section, 8th line, the words 'twenty-five hundred dollars,' and insert 'three thousand dollars.'

I have voted in favor of giving thirty-five hundred dollars to the Judge in the city. The system we have adopted will increase the duties of the country Judges, and we should therefore increase their salaries. There is no reason why we should give so much more to the city than to the country Judges. The latter will have nearly as much to do as the former; they will require as much legal talent, and as great attainments. There is no reason, then, why they should be placed on a lower level.

Mr. Todd. I am opposed to the amendment. The Judges will have very little, if any more to do. If we have given too much to the City Judges, that is no reason why we should give too much to those in the country. We can obtain the best talent for twenty-five hundred dollars—of that I am convinced.

Mr. Short. If the Judges were not required to hold four instead of two terms, I should not be in favor of an increase of their salaries. But as we have abandoned the large district system, refused to establish Probate Courts, and provided for four terms a year, we have thrown more labor on the Judges. Instead of giving less than in New Orleans, where the Judges are never compelled to leave home, and have a comparatively easy time, we ought to give more.

Mr. Boatner—Under the system we have adopted, we have only one District more than under the old one, and we have imposed but few additional duties on the Judges. They have been in the habit of taking $2500, and they are just as well able, and will be just as willing to take it under this system. A great outcry has been raised by some gentlemen against the supposed immense expense which would be entailed on us by the large district system. They have talked much of economy, and of the policy of saving a few thousand dollars, and now the first thing they propose is an additional expenditure of eight or nine thousand dollars. There is not the slightest reason for this. The duties to be performed are very slightly increased, and there are few districts of more than three parishes. The labor can be performed easily by a competent man. The Judges in the country will have much less to do than those in the city, and twenty-five hundred dollars is a sum amply large enough. It will command just as good talent as a greater sum.

Mr. Mouton—I know it is generally supposed that all measures which have a tendency to increase the expenses of the State are unpopular. They are seized on by politicians and ridden as electioneering hobbies. But I am not afraid to take the responsibility when it is necessary in order to secure competent officers—when it is to obtain the services of those who are to decide on our rights and liberties. These are serious duties, and involve heavy responsibilities. They are not to be lightly entrusted to the hands of those who may be incompetent to perform them. We must have men to discharge them who are men of standing, of intellect, of acquirements. The only way to secure such is by offering a sufficient inducement in the shape of giving a good salary. Three thousand dollars is certainly little enough. The argument that twenty-five hundred is enough is based on the fact that we have had some good judges at that salary. It is true we had good ones in some districts. But that is not a good argument. We want good judges in all the districts. I have voted for thirty-five hundred in the city. Is there any good reason why we should give a thousand dollars less in the country? Have the judges not the same duties to perform? Must they not have the same talent? Must they not be in all respects as competent men? And if so, why should we make a distinction in the amount of their salaries?

Mr. Wickliffe—I am surprised at the objections urged by the gentleman from Catahoula. He was an advocate of the large district system, the expenses of which would have amounted to over a hundred thousand dollars per annum. Now, when we have increased the duties of the Judges, the gentleman raises an objection because we insist on giving them $3000 a year. Taking for granted that the salary be fixed at $3000, and that the gentlemen go with us for economy, there will still be a saving of sixty thousand dollars, or about sixty per cent. on the system which he has advocated with so much earnestness. On the score of economy the gentleman certainly ought to go with us. In my district, the Judge can scarcely keep up with the business. It will take him nine months incessant labor to catch up and he is determined to do it if he is so fortunate as to be elected by the people.

Mr. Palfrey. I am in favor of the amendment. The gentleman from Morehouse says that the Judges will have but little more work to do. If they have any more, we ought to give them a larger salary.—We should make the payment proportionate to the work. It is also necessary that we should have experienced and competent men. We must offer a sufficient inducement to cause them to abandon their practice and go upon the bench. When a lawyer gives up his practice, even to accept a judicial station, he leaves it forever. He cannot recover it, if at any time he may go back to the bar. He does not take it up where he left off—he must commence entirely anew,

I have not the slightest interest in this matter myself. I am no lawyer. But I wish to see the laws well administered, and to have competent men on the bench—men who will be an ornament to our Judiciary, and whose opinions will command the respect of the community. There is only one way in which this can be done. We cannot hope to get good judges by offering low salaries. We must pay a fair sum, and then we shall succeed in obtaining good judges.

Mr. Todd. There has been too much delay on this subject already. If we adopt the amendment we shall occasion still further delay. The House may not adopt, and then there will be a difference which cannot be settled without a great waste of time. The gentlemen speak of the great increase of duties under this system. I contend that there is actually no increase. The holding of four terms a year does not increase the labor, it only secures greater dispatch. There is no reason why we in Louisiana should pay more than is paid anywhere else. The duties in other States are more onerous, and I have yet to learn that we have abler Judges here. The cost of living is no higher. It is time for us to begin the work of retrenchment. It is time that we listen to the demands of the

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people for a more economical administration of our affairs. Are all persons so mercenary that they seek an office, or consent to accept it, only on account of the salary attached to it? Is there no other object; no greater motive—no higher ambition? We ought it is true, so to graduate salaries as to obtain the best talent, and at that point we ought to stop. There is no reason why we should increase the salaries of our Judges now. The amount paid has been heretofore found sufficient, and it ought to be so hereafter.

Mr. Boatner—I know not on what the gentleman from West Feliciana (Mr. Wickliffe) has based his figures. My calculations bring me to an entirely different result. The difference between his estimate and mine is $70,000. The large district system would cost only $80,000 instead of $150.000 as the gentleman said. I advocated the large district system because I was pursuaded that the people wished it. Others thought differently, and I have no doubt they were sincere in their convictions. When the people desire a thing, it is the duty of a representative to try to obtain it. He reflects the opinions of his constituents; not his own. I contend that there is no reason for an increase in the salaries of the Judges. The districts are no larger than they were before; there is no greater extent of territory to be travelled over by each Judge, and the duties to be performed are not increased. It is true that they are compelled to hold four terms a year; but gentlemen will remember that the judiciary system was first established under the Convention of 1845; the Judges then had to hold four terms, till the lawyers petitioned that the number might be reduced as there was not sufficient business to warrant holding so many. Then there were lawyers willing and anxious to be Judges. They were glad enough to take a seat on the bench without grumbling at the amount of the salary. There was no argument that we could not procure competent men without increasing the salary. If the gentlemen on the other side will show us a single good reason, I might be induced to vote with them. But I must be permitted to think that the salaries are high enough when I find men of ability on the bench—when I see that two of them have been elevated to the Supreme Bench, which I should think is a sufficiently satisfactory test of ability. This shows that we can get competent men at the present rates. The gentleman from West Feliciana (Mr. Wickliffe) speaks of the great labor imposed on the Judge in his district. I have no doubt that his statement is correct; but that district must be an exceptional case. The Senator from Morehouse (Mr. Todd) has told us that in his district the Court sometimes does not sit more than a week during the year. And yet you propose to give the Judge three thousand dollars—three thousand dollars for a weeks' work. Does not that appear to be rather extravagant? Does it not appear a little too high? Ought we to pay so much for so little? I repeat that I can see no reason for an increase of salary. I think I voted against giving the Judges in the city $3,500; if not, I ought to have done it.

Mr. Short—I have a word to say in reply. The gentleman asks what additional burthens are imposed on the Judges. If the gentleman had to go twice to mill where he only went once before, would he not consider it an additional burthen? If he had to swim a bayou to-day, twice as large as it was yesterday, would he not think he had to work twice as hard? Now, what is the fact in this case? In my district, composed of the parishes of Tensas, Madison and Carroll, two terms a year are held in each parish. When this judiciary system was established under the Constitution of 1845, four terms a year were held in each. That plan was afterwards abandoned. Does the gentleman know that some lawyers in that district who would like to have the honors of the judgeship are actually too poor to take it? And now, when we have increased the number to four, acting like the Egyptians towards the Israelites, who demanded double the quantity of brick for the same quantity of straw, we demand double the amount of work for a decreased salary. And this from country gentlemen whose expenses incidental to the office must be very heavy. For instance, in my district the Judge must take a steamboat to go from one parish to another. This costs six dollars each way, which is a considerable item in itself. Did the gentleman ever calculate these expenses? If so, let him reflect that they are now doubled, and that the labor is doubled; that the unfortunate Judge in the course of his peregrinations has to put up with all sorts of inconveniences, to lodge in out of the way taverns whose monotony is only varied by the lively attacks of bed bugs and fleas, and to encounter hardships innumerable. (Mr. Wickliffe—Let the gentleman speak for his own region.) I speak of those places I have been in the habit of visiting as a practising lawyer since 1836. Now, you propose to double all this and give only $2500 per annum.

The amendment was adopted and the bill passed.

MESSAGE FROM THE HOUSE.

Mr. Eastin, special messenger, requested the signature of the President to a bill entitled "An Act to divide the State into Judicial Districts."

And he requested the concurrence of the Senate in a bill entitled "An Act to reserve from sales, location, or pre-emption, certain lands belonging to the State."

THE CITY JUDICIARY.

Mr. King called up a bill entitled, "An Act to organize District Courts for the parish and city of New Orleans."

An amendment was offered referring the trial of minor cases to the Recorders.

Mr. Todd—There is a constitutional objection to the amendment. The Constitution says that all trials must be on information or indictment.

Mr. McCay—The object of the amendment is merely to give the Recorders jurisdiction over these cases, which does not necessarily imply that the trials are not to be by information or indictment.

The amendment was adopted.

"THE BILL TO PROVIDE FOR THE RECORDATION OF MORTGAGES, &c."

In accordance with previous motion, Mr. Monton moved to reconsider the vote adopting the bill for the recordation of mortgages in favor of minors and married women.

Mr. Nicholls—I trust the motion to reconsider the vote adopting the bill, the title of which is "A bill for the recordation of the evidences of mortgages in favor of minors and married women," will prevail. There has been no bill of so important a nature before this Legislature; no bill in which the people of the State are so generally or so immediately interested—none which so much requires careful inquiry and reflection—none on which hasty and injurious legislation would produce such wide-spread ruin and disaster. Yet, strange to say, this important bill was suffered to pass without amendment or debate. A radical, an important change in our laws and institutions is proposed, and no reason in favor of the change is given to the people. Why is this? Is it on account of the eulogy on the bill pronounced by the Senator from New Orleans, (Mr. King)?

Is the Senate convinced that it has at last found that monster which the world ne'er saw before—a faultless act? Is it because the bill has received the sanction of Mr. Roselius and other lawyers, that we are to pass it without discussion—that we are not to scrutinize its provisions? Are we to submit to them without exercising our own judgments? Is no voice to be raised here? I hope for my part that the sober second thought will prevail, and that the bill will be reconsidered. I must say that gentlemen have mistaken the shadow for the substance. In wishing to record the evidences of a certain kind of mortgages, so that the honest purchaser might be protected, they have gone much beyond their intention. The title of the bill is "an act for the recordation of the evidences of mortgages in favor of minors and married women." That is certainly unobjectionable. If the body of the bill corresponded with the title, who could say a word against it? It is known, and well known, too, that the people of the State desire the rights of minors and married women to be protected. No representative who should stand up against this desire, and attempt to break down the safeguards by which those rights are now protected, could go home and face his constituents. It has been decided that a system of tacit mortgages is the safest and best method of enforcing

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and protecting those rights. The system is as old at our jurisprudence. We have lived under it till the present time. We have grown up with it, we have become accustomed to it by long usage, and we should not abolish it till we are certain that we can replace it by a better system. I do not deny that sometimes injustice and hardship may be the result of its operation; that occasionally, perhaps frequently, ruin may be entailed by it upon innocent persons. But these are evils which it is the part of a wise Legislator to correct and remedy. I stand ready to support any bill which will effect it, by the conversion of unknown into known mortgages. I will support a bill compelling curators and tutors to record all papers from which mortgages may arise in every parish where property under their charge is situated, and I would be willing to impose a severe penalty on them for neglecting to comply with the obligation. While I am prepared to go thus far for the protection of the honest purchaser, I cannot forget that minors and married women have rights which shall not be sacrificed by my vote. What would be the effect of this bill? It says to husbands and curators, and all persons having charge of the estates of minors and married women, if you do not do your duty, if you fail to comply with the obligations which the law imposes on you, the blow shall fall, not on you who are the guilty parties, but on those who are innocent. What matter if they cannot act for themselves, what matter if the fault be with others, they must suffer because it is so nominated in the law. Louisiana has seen Northern lights in the firmament, and she must change her policy. Are you prepared for this? Will you consent that if a worthless husband neglects his duties, the wife shall lose her mortgage? That if a clerk be careless and omit to record the papers, the minor shall be left to the tender mercies of interested and irresponsible parties? Then, indeed, the law would be a mockery. But further: The author of the bill does not seem to be satisfied with depriving the married women and the minors of all rights except those which the husband or tutor may be pleased to grant by obeying this law—but the revolution must go backward; it must even affect all those mortgages now in existence. It matters not if the husband has squandered the property of the wife, if he has failed to do what the law requires of him; it matters not that these rights are vested rights, and that the Constitution declares vested rights shall not be divested, they must all give way before this perfect act. They must yield to the new doctrines, and submit to be swept away! I do not believe the Senate understood the extent to which it was going when it passed the bill. Let us examine it a little further. It provides that on a certain day the clerks of courts shall take down their musty records and examine them for the purpose of ascertaining who have been tutors, curators, etc. They must then issue citations summoning the said tutors and curators to record the evidences of the mortgages existing on their property. If they fail to apply, new ones are to be appointed. Have you reflected on the probable consequences of this plan? Can you tell what will be its result? Where is the security if the tutor has removed from the State and cannot comply with the summons? Does the mortgage of the minor fail? Does he lose his rights? We should be almost forced to apply to a Yankee to guess for us where a record should be made in such a case as the bill says it must be done in every parish where it is thought the absent tutor or curator has property. And again, where is the security for the minor when the tutor has taken possession of the property and spent it? What remains to him under the law? If a man marry a widow, what security has she under this act? For my part, I think the present system, with all its faults, real and imaginary, is better than the one proposed by this bill. I am not indissolubly wedded to the tacit mortgage system. I am, on the contrary, in favor of recording the evidences of all mortgages. I am in favor of procuring for the purchaser some security in his purchase. But I am not in favor of saying to husbands, tutors, curators, etc., you must do so and so, and if you neglect to obey, the punishment shall fall upon innocent parties. I trust, sir, that the bill will be reconsidered.

Mr. Lacey—I do not intend to discuss this subject at length, yet I cannot omit to offer a few remarks in favor of the bill. It is agreed that the bill is of a very important nature, and that it is intended to remedy evils of which everybody acknowledges the existence. I can believe the gentleman, when he says he is in favor of some principle of the kind involved in the bill. But I trust if he is really in favor of the principle, if he sincerely wishes to remedy the evils which now provoke so much complaint, and produce so much injury, I hope that he will not persist in advocating a course which will insure the defeat of the bill. If we reconsider the bill, it will be equivalent to its defeat. But if improvement be needed, I have no doubt the Senate will willingly aid the gentleman in framing an additional bill. When this bill was before the Judiciary Committee, we bestowed every attention upon it. It met the approval of the majority of the Committee, and of many eminent lawyers who, as the gentleman from New Orleans (Mr. King) has informed us, were called upon for their opinions on it. That it attains the end for which it was framed, I think must be admitted. If it is imperfect, it is only what we may expect from a human production. Where can we find a perfect production of man? Where can we find an infallible human being? If the gentleman wishes to have any thing done to preserve the rights of minors and married women, I will go with him, provided he will embody his ideas in another bill. He endeavors to impress us with a reverence for the present system on account of its age. I, sir, care nothing for the age of a measure or a system. I care not that an institution may come down to us touched by the hand of time. That has no influence with me. If in the progress of ideas and the march of improvement it becomes necessary to wipe out the records of the past, I am willing to do it. The tacit mortgage system is a bad system. That is acknowledged. It is admitted to be our interest to invite capital to the State. But we cannot do this as long as the tacit mortgage system, that incumbrance which rests upon us, rises up and interferes with our plans and our prosperity. As long as it exists, can we expect to induce capitalists to bring their funds here for investment?

Our true policy is to give capitalists such a lien as will secure them, and which cannot be removed without their consent. When we do this, we accomplish all that we can desire—we obtain the great desideratum. What will be the effect of this bill? We must decide on doing one of two things. We must continue the present system, by which the avenues of our prosperity are choked up, and which covers fraud of the grossest kind, or we must compel tutors and all persons having charge of the estates of others, to give notice of all liens existing on their property. Is there any want of equity in that? Is there any hardship in compelling a man to place on record the evidence of mortgages existing on his property? It seems to me that this is a thing which ought to be done. I should prefer to require this to a continuance of that system which encourages fraud, which retards our prosperity, and which is opposed to the best interests of Louisiana. I trust the bill will pass. If we add strength to it, if we can guard the interests of the minor better by a supplemental bill, I promise to go with the gentleman in supporting it. But I hope he will not insist on killing the bill. I do not wish to interfere with the rights of minors and married women. I do not wish to detract any thing from the security which they enjoy at present. I am willing to protect them to the full extent of our power—as they are protected in other States. I am willing to protect them in any manner except in this which is so injurious. I am willing to do anything to secure the widow and the helpless orphan. But I cannot do what I consider countenances a system of fraud, and is opposed to the interests of Louisiana. I am in favor of protecting labor and capital, and when we can achieve that, I hope it will be done. I have no desire to interfere with the legislation of the other House. I never cross that door. I never show my face in the other branch of the Legislature to defeat or to insure the success of any bill whatever. I am willing to leave this bill in the hands of the other House, and I trust that a due appreciation of the interests of the State will force it through.

Mr. Short. The Senator from St. Mary, (Mr. Nicholls,) attributes an object to the bill which is not in it, and which I would not sustain myself. I do not go

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for impossibilities. I only go for recording the evidences of the mortgages which the law gives to minors and married women on the property of husbands, tutors, curators and others. But when a man marries a woman, there is no written act, nothing giving a mortgage which can be reduced. Therefore the law is new. The question is, shall we enter on the work of reform now or postpone it till a late period.

Mr. Wickliffe. I should like to ask the gentleman a question. Suppose a man gives ten thousand dollars to a woman in the presence of her husband. A receipt is given for the money. No mortgage results from this. She then, in some other place, gives the money to her husband, That moment a mortgage attaches.

Mr. Nicholls. What if the receipt be lost?

Mr. Short. The gentleman knows that lost documents are excepted.

Mr. Nicholls. Then I am opposed to the bill because it will give rise to more legal distinctions, and litigation, of which we certainly have an ample share at present. If the lawyers should find their business failing, and should call a convention to devise some means of resuscitating it, they could not hit on a better plan than is presented by this bill. I shall then move to amend the bill so as to make it conform to this peculiarity.

Mr. Short. That is an object which ought to be used elsewhere. My object is to supply the great wants of the State. There is not much difficulty in doing this. Let us take one step in advance. Let us hold up a light for those who are to come after us even if it be only a farthing candle. The objection that the present system has existed a long time is threadbare. We may say, with the poet,

——In this
The plain old form of things is much disfigured.

But it is necessary it should be disfigured. There are evils which must be corrected. We must at least take one step. We must have some light. If we take the first step now we shall find the second easier.

The bill was reconsidered.

Mr. Martin. I presume the object of reconsidering the bill was to give room to amendment so as to render it less objectionable. With that object I shall move to recommit it, in order that the proper amendments may be made.

MESSAGE TO THE HOUSE.

J. D. Steward, special messenger of the Senate, informed the House of the concurrence of the Senate to the following entitled bills:

An act to define the manner in which the votes cast at all elections for Attorney General, Secretary of State, State Treasurer and Superintendent of Public Education shall be counted, and the result of said elections made known.

An act to provide for the manner of cancelling the bonds and mortgages given by State Tax Collectors.

An act for the relief of Charles W. Boyce, of the Parish of Rapides.

An act to authorise married women, absent from the State, to appoint agents in certain cases.

An act for the relief of Henry Parish and John Moore Norman, of the parish of Orleans.

And he requested the concurrence of the House to the following bills:

An act to authorize District Judges to recuse themselves in certain cases.

An act to provide for the trial of recused cases.

An act further to regulate and provide for the payment of the expenses of the State Library.

An act for the relief of B. K. Stephens.

An act for the relief of Wm. H. Dinkgrave, Collector of Taxes for the parish of Ouachita for the years 1849 and 1850, and for the relief of his securities.

An act for the relief of E. K. Skillman.

An act to provide for the removal of all cases now pending in the Supreme Court of the State, under the Constitution of 1845, to the Supreme Court to be established under the new Constitution.

An act to incorporate the Grosse Tete and Baton Rouge Plank Road Company.

And he requested the signature of the Speaker to the following enrolled bill:

An act to authorise Theodore Helveston and Ann Eliza Peel, his wife, to adopt Thomas Whelan, an orphan.

And he informed the House that the President had signed the following enrolled bill:

An act to divide the State into Judicial Districts.

MESSAGE FROM THE HOUSE.

Mr. Eastin, special messenger of the House, requested the concurrence of the Senate to the following entitled bills:

An act to authorise the Recorder in and for the parish of Carroll to appoint a deputy

An act granting to Julien Deshautelle the right of keeping a ferry in the parish of Avoyelles.

An act to change the name of Solomon Zucker.

Resolution requesting the Governor to obtain, if possible, from the Secretary of War, certified copies of all maps, surveys and levels, &c.

An act to regulate corporations for the transmission of intelligence by magnetic telegraph.

And he informed the Senate that the Speaker had signed the following enrolled bills:

An act for the payment of the commissions due the Register and Receiver of the Land Office at Baton Rouge upon the sale of the internal improvement lands.

An act for the payment of the commissions due the Register and Receiver of the Land Office at Baton Rouge on sales of Swamp lands.

An act for the relief of the School Directors of De Soto parish.

AN ACT TO REDUCE THE TIME FOR CONFIRMING JUDGMENT.

Mr. Todd moved to reconsider the vote of yesterday, on a bill entitled

An act to amend article 312 of the Code of Practice.

The vote was reconsidered.

Mr. Todd. What objection can there be to making this amendment? Suppose, for instance, the Court meets on Monday: this gives the defendant till Saturday. He can be prepared just as well on Wednesday, if he has any answer at all, and no injury would result to any one. I will show how the present system operates in some of the country parishes. Cases are tried on Monday, and the docket is cleared. There is then nothing to do till Saturday. The jury is kept in attendance the whole time. Then jury cases come up, and the whole business goes over till the next term. This is a serious disadvantage to certain sections of the State. I hope the bill will pass.

The bill passed.

SECOND READING.

An act to exempt from taxation the property of the Board of Trustees for Presbyterian publications in New Orleans, and all other similar institutions of every denomination in the State.

Mr. Wickliffe moved to lay the bill indefinitely on the table.

Mr. King. I object to laying the bill on the table. Here is an institution of a peculiar character coming within the same category as churches and other similar institutions which have always been exempted from taxation. The charter forbids it engaging in anything for the sake of profit. Why then refuse to grant this small favor? Why make an exception against it, when you have exempted twenty corporations from taxation on not half as good grounds as are presented by this one Some persons may object to the word 'Presbyterian.' For my part, I have no sectarian prejudices. In my capacity as a Senator, all sects are the same to me, and have equal claims. I do not see why we should make distinctions on account of a name. When we are so generous in some things, I do not think we ought to be parsimonious in this. It is exactly analogous to what we have done in other cases of a similar kind—for the 'Odd Fellows,' 'Masons,' and others.

Mr. Palfrey. The gentleman says that churche are exempte dfrom taxation. Is he sure that such i the fact?

Mr. King Yes, sir.

The motion to lay the bill on the table was lost.

Mr. Mouton offered an amendment, providing that the same privilege be extended to all institutions of a similar kind, of whatever denomination.

Mr. McCay. I am informed that the Finance Committee reported adversely to this bill. I wish to say

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that I was not present when this was done, nor was I consulted on the subject. I knew nothing of the action of the committee, till I was informed of it by my colleague.

Mr. Clifton. I requested the Clerk to notify the members of the Committee that there was to be a meeting on that evening. Whether the member from New Orleans was present or not, I don't recollect; but I remember that there was a quorum of the committee

The amendment was adopted, and the bill passed.

An act providing for the recovery of damages in certain cases, was taken up.

Mr. King. There are serious objections to this bill. It is of a much more important character than at first glance meets the eye. It will make it an impossibility for any company or man of wealth to run a railroad car or a steamboat. It does, or pretends to do, what is beyond the limits of human power—it estimates and establishes the value of human life. It thus brings us upon ground which no human imagination can compass. You may talk of two or three thousand dollars—but sometimes two or three millions would not suffice, if for every little accident a suit for damages is to be brought. If the parties be poor on one side, and rich on the other, the damages would be assessed at such an enormous amount, that no person would be willing to own stock in a steamboat or railroad company. It would impede commerce, and be fraught with dangerous consequences. I raise my voice against it here, and I hope the Senate will unite with me in killing it.

Mr. Lacey. The gentleman opposes the bill on account of the quantum of damages. He knows very well that the damages are not settled in the bill.—That is for the Courts to settle. Whether it be one dollar or a million, the Courts will decide how much is to be paid when an individual loses his life through the carelessness of a railroad or steamboat company, or its agents.

The gentleman thinks that the good of internal improvements is in opposition to this bill, and consequently wants to let railroad companies do as they please, because if we constrain them, we may interfere with commerce.

The gentleman is generally right, but in this case he has fallen into an error. He opposes this bill because it might give damages to the amount of a million for the destruction of a life. Because it may impede internal improvements, which I don't admit, we must give these companies the right to kill as many as they please without being held responsible for it. This bill is founded on the law of Illinois, and is, I think, a good one. The Supreme Court has decided that if a spark of life remain, there is a ground of action; but if the person be killed there is none. That is to say, the greater the injury, the less the damage. I should imagine the principle ought to be, the greater the injury, the greater damage. That is the doctrine of common sense. If a man is killed, his widow and children, who have so vast an interest in his life, ought to have a right of action. Justice and equity require it, but the Supreme Court has decided against it. I therefore think the bill ought to pass.

Mr. McCay—This subject was fully reviewed in the case of Hucbech against the Carollton Railroad Company. It was there declared that under the law of Louisiana, where a man is killed, no right of action exists against the railroad company. This bill is the same as the present law of England, and the law of Illinois was taken from the English. Both of them were noticed in the decision of the Supreme Court. There is no reason why the family of an individual, dependent on him for support and protection, should not have a right of action for the loss of his life. It is true there is no way of estimating exactly the amount of damage, but there are other cases where there is also no certain measure of damage As I have said, this is the law of England and Illinois. How far it is carried I do not know. It is not the law of Mississippi, because the Supreme Court referred to decisions there declaring that there was no right of action in such cases. The Court here has decided that if a man live twenty minutes, just long enough to consult an attorney and file a petition, the right of action is transmitted. But if he is killed at once, no right exists. In New Orleans many cases occur in which we ought to be able to reach these cases civilly, as the criminal courts are not willing to let us touch them.

Mr. King—This very case shows the impropriety of opening the courts to litigation of this kind. The man Huebech was an engineer on the Carrollton Railroad, who blew himself up by his own carelessness. The wife brought suit for damages, and recovered $5000 in the District Court. And what was the plea? Why that the Company should have had an engine which would not blow up. Take the case of a man who owns a steamboat. He is not on board; by some accident perhaps unavoidable, she blows up; every widow made by the catastrophe sets an enormous value on the life of her husband. She accordingly brings suit, and because the defendant happens to be a wealthy man, recovers enormous damages. It is obvious that such a system would render property in steamboats very insecure. In the case alluded to by my colleague, an engineer blew himself up Under the influence of that false sentiment which is ruining society, you will say, oh! we must give the widow something. And so you give her a large sum of money, which you take from the Company, in order that she may deck her person, instead of mourning for her husband. The gentleman says that the Courts will assess damages. They will not do it, if we do not. The doctrine of the Romans, from whose law ours is derived, was that no value could be set on a man's life. The law of Moses, which is of divine authority, says, "life for life," such is the law that was given from Mount Sinai. Such has been the law till this sentiment for the weeping widow wishes to let them estimate the lives of their husbands in dollars and cents. Those who take life ought to be punished. If they are guilty they can be. If they take life maliciously, it is murder: if negligence, it is manslaughter These are crimes which the criminal law punishes. But I am opposed to interfering with commerce by rewarding the widow according to the value she may set on the life of her husband.

Mr. Short—I have a word to say. The gentleman from New Orleans appears to be laboring under a slight mistake. He seems to be under apprehension that if this bill passes, engineers will set to work to blow themselves up for the benefit of themselves or families. The gentleman knows well enough that if a man were to blow himself up, no right of action would accrue. The intention of the bill is to provide that an action may lie against owners of steamboats and railroad cars, when lives are destroyed through their negligence, or that of their agents. It is not nearly as probable that a person will blow himself up, as that he will be blown up through the negligence of others—owners or agents. Why not then give a right of action. If a person be killed does not his family lose the benefit of his labor and skill? And have not his family an interest in him which is affected to that extent? Are they not dependent on him for support? If they have no right of action they should have. I do not see the reason for the distinction which is made. If a man be mangled and not killed, he has a right of action; but if he be killed, he has none—he is not injured so much by the greater misfortune, as by the lesser. I hope sir, the bill will be sustained

The bill passed.

WEDNESDAY, April 13th, 1853.

Mr. Clifton submitted the following letter and statement of the Cashier of the Louisiana State Bank, which was read, and on motion of Mr. Clifton, 500 copies were ordered to be printed:

LOUISIANA STATE BANK,
New Orleans, April, 9, 1853,

To the Honorable Senate and House of Representatives of the State of Louisiana:

Gentlemen:

In the statement sent to the Joint Committee on Banks and Banking, an error was inadvertently made of over $300,000, by which the assets of this bank are undervalued so much. This error is occasioned by our having omitted from the statement of the condition of the Branch at Baton Rouge, the amount due to that

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Branch by the mother Bank. This was a clerical error, and which will become apparent by reference to the general statement of the bank and branches I at the same time furnished said committee.

I have the honor to enclose herewith a corrected statement in lieu of the one containing the error, and respectfully ask that it be submitted therefor.

I am, very respectfully
Your obedient servant,
(Signed) RICHARD RELF.

STATEMENT OF THE AFFAIRS OF THE BRANCH OF THE
LOUISIANA STATE BANK,
At Baton Rouge, on the 12th of February, 1853.

Capital		$100,000 00
DEAD WEIGHT.		
Loans on personal security	$6,323 00	
Long loans on mortgages	124,945 06	
Protested paper	6,605 00	$137,879 06
MOVEMENT.		
Cash Liabilities.		
Deposits payable on demand	635,779 22	
Branch checks	106,650 00	$742,429 22
CASH ASSETS.		
Specie	41,895 54	
Notes of La. State Bank	39,755 00	
Bills due in 90 days	314,886 33	
Balance due by Louisiana State Bank	314,002 95	$710,539 82

(Signed) RICHARD RELF,
Cashier.

Mr. Clifton—The report of the committee seems to be correct. It is based on data furnished by the Bank itself, and the committee is not responsible for the error.

I move that 500 copies of the letter be printed for the justification of the committee.

Mr. Wickliffe, from the Committee on Public Education, made the following report:

To the Honorable W. W. Farmer, Lieutenant Governor and President of the Senate.

The Committee on Public Education, to which was referred the memorial, signed by numerous good citizens of the city of New Orleans, asking for a more equal distribution of the money now most wisely appropriated by the State of Louisiana to the support of free public school education, and setting forth what may be considered the hardships growing out of the present mode of distributing the funds arising from taxation, and devoted to common school education, beg leave most respectfully to report:

Your committee have taken the said memorial under most deliberate consideration, with a desire to grant the prayer of the memorialists, if the same could be done without injury to the cause of common school education, and after a most careful examination of this subject, your committee have come to the following conclusion:

That your committee can see no good and valid reason why the city of New Orleans should not be divided into School Districts; why the legal voters of these districts should not have the right to elect School Directors; why these School Directors should not possess the powers now given by law to School Directors throughout the State of Louisiana, instead of this power being vested by law, as it is at this time, in the Common Council of the city of New Orleans; or, in other words, why that system which has given such satisfaction in the country parishes of this State should not prevail in the city of New Orleans.

Therefore your committee introduce the following bill for the favorable consideration of the Senate, and return said memorial to the Senate.

Respectfully, &c.,
(Signed) ROBERT C. WICKLIFFE,
Chairman.

An act to divide the city of New Orleans into School Districts.

Mr. Martin called up a bill entitled: "An Act providing for the vacation of offices which are held in violation of article 122 of the Constitution."

Mr. Mouton—Might not the bill be so construed as to prevent Sheriffs from selling property seized on execution, &c.? I offer an amendment to remedy it in that respect.

Mr. King—I understand that the principal object of the Senator from Assumption is to prevent Clerks of Courts acting as Auctioneers.

Mr Martin—I said Clerks principally, but I wish the bill to apply to all.

Mr. King—It is superfluous to pass a law for a thing which the Constitution itself provides. As I originally understood the bill I was willing to vote for it. It does seem that there is some impropriety in granting a salary to a Clerk for the performance of his duties and then letting him act as Auctioneer by selling property. But the error which exists in the gentleman's mind is in supposing that a licensed Auctioneer is a State officer. Some persons are licensed to sell groceries, others to sell liquors; but none pretends that these are officers of the State. I am unwilling to vote for a bill which would occasion inconvenience in many parts of the State.

Mr. Martin—I am astonished at the argument of the gentleman. He wishes us to understand that grocers are State officers. This is not so Their license is merely another form for a tax receipt. I direct this bill against all who accept more than one State office, exclusive of that of Justice of the Peace. I wish to prevent the cumulation of offices. That is the object I have in view. The amendment of the gentleman from Lafayette (Mr. Mouton) meets my approval. I do not wish to interfere with Sheriffs in the discharge of their duties. I wish to give practical force to article 122 of the Constitution. There is no provision for the vacation of offices under that article. It is necessary that there should be, notwithstanding the gentleman from New Orleans (Mr. King) says it would be a work of superfluity.

Mr. Rivers—I would also remind the gentleman of a case in point in Mississippi. The Constitution prohibited the introduction of slaves for sale, but as no vitality was given to the article by a legislative enactment, imposing a penalty for its violation, it was declared of no effect.

Mr. King—I am well acquainted with the history of that case. But there the Constitution declared that the Legislature should pass a law on the subject, which it neglected to do.

Mr. Rivers—There is no penalty here either for a violation of article 122 of our Constitution.

Mr. King—The penalty is the inability to hold two offices at the same time. When a man accepts one, he virtually resigns any other which he may previously have held. That is the doctrine of the law books. I have a substitute to offer which I think covers the ground. We ought not to legislate for evils which are not complained of. I am not willing to vote for a bill whose operation may occasion great inconvenience in some of the country parishes, where the office of Clerk is of little value and where persons holding it require this privilege in order to support themselves.

Mr. King offered the following as a substitute:

Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That no Clerk or Deputy Clerk of a Court shall act as an Auctioneer in any sales which may have been ordered by the Court of which he is Clerk or Deputy Clerk, or connected in any manner with his duties as Clerk or Deputy Clerk

Mr. Todd offered the following proviso:

Provided, That the Clerk's act shall not prevent the Clerks or Deputy Clerks from selling at public auction the property of such successions as they are authorized by law to administer.

The substitute and proviso were adopted.

A bill to carry out the provisions of the Act for the advancement of medical education in Louisiana, was taken up.

Mr. Short—I will move a proviso that the Medical College shall continue to instruct gratuitously, one student from each Parish in the State. I believe the time for which the arrangement was made has run out.

Mr. Wickliffe—When the bill comes upon its passage I shall have something to say about it. The Medical College came before the Legislature last year and asked for five thousand dollars. After discussion on the subject the proposition was defeated. I suppose the demand is increased a thousand now on account of the defeat of last year. I think the College

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has no claim to this donation. I should like to have the bill referred to the Committee on Claims.

Mr. McCay—The gentleman thinks there is no claim and yet he wishes the bill referred to the Committee on Claims. He has thus admitted the inappropriateness of that Committee. I am opposed to the further postponement of this bill. We all know of what importance it is, and that it ought not to be delayed. A majority of the Finance Committee reported in favor of it. Only one member, the Chairman, reported against it.

The history of the matter is this: The Legislature appropriated $25,000 sor the purpose of procuring for the Medical College an anatomical museum and a complete assortment of instruments. A gentleman was sent to Europe to purchase the articles. He succeeded in getting a copy of the celebrated anatomical cabinet of Florence, at a very low price. Still there was a deficit for the expenses of transportation and other necessary outlays. It is to pay this, that the Institution asks for an appropriation by the State The expenses are necessary, and could not be avoided with the strictest economy. The Medical College has for ten years been receiving indigent students from each parish in the State, and educating them gratuitously. It has faithfully complied with its obligations in this respect. It has not even restricted the Parishes in the number of students sent—having from some received three or four. The necessity of this appropriation must be obvious to any one who considers the subject. The benefit of a complete cabinet, such as the one obtained, can scarcely be exaggerated. It will be an ornament to the State, and of vast use in giving students a complete knowledge of their profession.

Mr. Wickliffe. What was the object of the act of the Legislature referred to by the gentleman? It appropriated $25,000—and for what? The act says, for the advancement of medical education in the State of Louisiana. Did that mean the purchase of these wax dolls for the amusement of the students and professors? As if the great city of New Orleans does not furnish a practical illustration of every disease that flesh is heir to—but the Professors must have a lot of wax dolls to exhibit to the students, and point out things which human subjects would show much better.

I should like to know how much that Institution has received from the State already. Twenty-five thousand dollars in cash—the ground and buildings—and now it asks for six thousand dollars more to pay for wax figures, when there are in New Orleans thousands of living subjects, much better calculated for purposes of practical illustration than any wax dolls that ever were made.

If the nature of the bill, as stated in the title, is to carry out the provisions of the act of 1850," let it go to the Committee on Claims,—let the Committee report how much that institution has received from the State, and how much more it is entitled to. I should also like to know why the demand has been increased $1000 since last year.

Mr. McCay. Because it has been found that the increased expenses of transportation would amount to that sum.

The bill passed, with some amendments.

The bill providing for registering the voters in the city of New Orleans, was taken up.

Mr. King. I move to refer the bill to a special committee.

Mr. Martin. If the gentleman wants information, let him have the bill read. The bill has already come from one committee. It is an important bill—one which the Constitution makes it our duty to pass at this session.

Mr. King. I hope the bill will not be passed in such haste. It is a matter which concerns New Orleans alone, and none of us have yet seen or read the bill.

The bill was postponed.

A bill for the relief of certain persons who had purchased lands irregularly entered, was taken up.

Mr. Martin. I cannot vote for this bill. I was one of a committee appointed last year to investigate this subject. One of the applicants for relief then was a District Judge, who certainly ought to have known the law, and not let himself be imposed on by a fellow like Loucks. I allude to Judge Selby. He was the man who brought the whole subject before the Legislature.

Mr. Wickliffe. The parties thought, when they paid their money, that they were receiving a valid consideration. If the State did not receive the money, it was the State's fault.

Mr. Martin. I cannot see how it was the fault of the State. The law provides for a certain way of disposing of the public lands, and people ought to know it. If they have sufficient confidence in the Register to deposite money with him, and he is dishonest enough to keep it, they must suffer.

Mr. Wickliffe—It is both the fault and the misfortune of the State if it has a bad officer.

Mr. Short—It is true that the State is not legally bound for this money. But when the State appoints an officer and endorses his character by appointing him, it holds out the presumption to the world that he is honest. If, then, he, in his capacity as a public officer, defrauds any person, the State is morally, if not legally, bound for his acts. If this be received as a custom, it will make our high officials more careful in regard to the character of their appointees. The Committee recommended the payment of these sums on principle; though it could not go so far as the House, which said that patents should issue, to date from the time the payments were made. There is an obligation resting on the State to do justice in this matter. As for Mr. Loucks, the Register, he got the price of 1002 acres of land. He sold his honesty at a low price. I know the Judge to whom the Senator from Assumption (Mr. Martin) has alluded. I have known him for years. He is a man as liable as others to be deceived, where he reposes confidence, but no more so. He is a gentleman of worth and attainments, and the fact that he may have been deceived by Mr. Loucks, is no proof of deficiency in either.

Mr. Martin—We punish criminals even though they may be ignorant of the existence of the law under which they are made amenable. Why should we exempt from the operation of this general principle, an individual who may be injured by his ignorance of the law? Under the land laws the purchase money was to be paid to the Treasurer, and a receipt taken from the Auditor, when a patent would issue. These formalities were made necessary in order to guard against fraud. In the cases before us, the formalities were not complied with. The money was paid to Loucks, who pocketed it. I do not see why the State should be made to suffer on account of the ignorance of one party and the rascality of another. I should not like to see a precedent of this kind set.

The bill was passed over.

THE MECHANICS AND TRADERS' BANK.

Mr. Martin—I should like to know at what time the Committee on Banks and Banking may be expected to report on the Mechanics' and Traders' Bank bill.

Mr. Palfrey—The Committee held a meeting this morning, but the Chairman did not bring the subject before them.

A bill to permit the lawyers of other States to practice in the Courts of this State was then taken up.

Mr. Short—I should like to hear some reasons against this bill, if any exist. For my part, I think it ought to pass. Many hardships result from the existing order of things. As far as I am concerned, I can say that I never appeared in any Court until I had obtained a license under the laws as they existed. But I do not think this ought to be demanded. I have always been in favor of this—that where a person has a certificate of a right to practice in the highest Courts of other States, or in the Federal Courts, he ought to have the right to practice in any other State. The mere fact that a man is licensed to practice law is not the highest evidence of legal qualifications. It has been said that, as Louisiana is the only civil law State, we ought to compel all persons, even lawyers from other States, to go through a course of study, and obtain a regular license here. But would you compel a man to do this who perhaps has been practising law for thirty years? Would you make him walk such a narrow plank as that? Would you

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tie him down to this Procrustean bed before you would let him follow his profession? Is there something so grand in the civil law that it is necessary for all lawyers to pass a committee in New Orleans before they can be admitted to practice? I remember that I passed that ordeal just after the examination of a gentleman now high in office in the neighboring State of Mississippi. He studied hard—so hard that he injured his eyes and destroyed his health—in order to prepare himself to go before the awful committee And yet he was rejected. I thought if a gentleman of such distinction and acquirements could not succeed there would be little chance for me. Nevertheless, I studied intensely I read Domat and the Civil Code, and Justinian, and many other books, including the 44th chapter of Gibbon, in order to see who compiled the books of Justinian, and to learn the history of Tribonian. I knew that if I could not tell who Tribonian's wife was, and how many children he had, I should be rejected. Now, sir, I contend that if a man is not qualified to practise law, he will not be employed.

Men get law business, because they have just ideas, and are considered to be competent. Would we employ a man to run a steamboat because he has a certificate that his eyes are good? No! we employ him when we know he has experience. I am in favor of removing these restrictions, and throwing our courts open to the lawyers of other States. I do not wish it to be any longer in the power of a committee to say that because a man cannot tell who Tribonian's wife and children were, therefore he is not a lawyer.

Mr. Derbes. There is another objection to this bill which has not been noticed. We have a law department of our University, which has been established at great expense, and which will be rendered useless by passing this bill. Persons who wish to avoid the trouble and expense of going through the University, or the difficulty of passing this Committee, will go to some State where there are scarcely any formalities, and procure a license there.

Mr. Todd. I am opposed to the bill. A man may practise law in other States twenty years, and yet not be fitted to practice in Louisiana where the civil law prevails. The people would not be able to distinguish lawyers from other States, and they might frequently be injured by employing incompetent and ignorant men. The ordeal which has to be passed now is an incentive to exertion, and is at least a guarantee for the possession of a certain amount of legal knowledge. The bill would produce empiricism and quackery, and would result in injury to the community.

Mr. Wickliffe. I shall vote for this bill with pleasure, on the same principle that I voted for the bill abolishing the licensing of physicians I do not believe that because this is the only civil law State, it should be the only exception to that general rule of courtesy which prevails among the rest of the States. What is the necessity for the present system? Has it come to this, that the legal profession in Louisiana needs protection against the competition of lawyers from abroad? I contend that there is no valid reason for the law as it now stands. Do we imagine that in case we pass this bill, the lawyers of other States would come upon us like a pack of wild wolves, and subvert the civil law? I should like to hear one good reason against the bill.

Mr. Lewis. One good reason is that it would enable persons who had fled from our bar, to come back to Louisiana and practise law

Mr. McCay. As I introduced the bill, I should like to say a few words in favor of it. Every other State in the Union, except two, admits persons to practice on the presentation of a permit from the Supreme Court in the State from which they may have come. As a mere matter of courtesy and reciprocal feeling, I should be in favor of extending the same courtesy to others that they extend to us. It appears to me that gentlemen make use of a strong argument when they say that the Supreme Courts of other States, or of the United States, are not competent to decide whether an individual is capable of practising law. They say that he must be examined; that he must go before a Committee. Now sir, that examination is a profound humbug. I know the Committee is composed of the first talent of the State, but I know also that a man may be an ass or a lawyer, and be either admitted or rejected. I have known some of my friends who had studied hard, and were well read in the law, to be thrown aside and denied a license, while a man who had not studied three months was triumphantly admitted. If the object is that all who pass shall be well qualified, no reliance is to be placed on the endorsement of the Committee. I was myself examined before that Committee. I passed principally on the endorsement of a member of the committee with whom I had studied. I am confident that I knew little, if anything about the subject, and yet I passed a triumphant examination. I presume that the object of an examination is to get good and competent lawyers. The question is, whether that is better secured by this system than by any other. Does it give any assurance that those who pass are well qualified, and that all who are well qualified pass? I would go even farther than this bill goes. I would follow the example of New York, and let every man practice law that chooses.

Mr. Lewis. I would ask the gentleman if the bill makes any provision against foreigners who may be licensed in other States.

Mr. McCay. From whatever land a man may come—under whatever sun he may have first breathed the breath of life, I would admit him if he possessed the necessary intelligence.

Mr. Nichols moved a subtsitute permitting any person to practise law.

Mr. King—I supposed it would come to that at last. The question has been enough discussed already and I do not intend to enter into it very deeply. I believe that the system we at present have is necessary for the protection of the unwary. It is to secure them from imposition that it is necessary to license attorneys. I admit that if all the States were common law States, it would be well enough to permit the endorsement of the Judges of other States to be a license here. I might then be willing to let a helpless widow put herself in the hands of a man from another state bringing a letter of recommendation from a judge to prove that he was competent to practise. But now she would only become a victim of spoliation and wrong. I think also that Physicians ought to be licensed. For the same reason those who go in Court and undertake to defend the rights of others have the same responsibilities If we abolish all formalities, persons will be subject to the grossest frauds. To say that because a man is competent to practise law in Mississippi, he must be competent here, is absurd. The case of the Governor of Mississippi who failed to be admitted, only proves that he was unfortunate. The illustration of the steamboat is an unfortunate one. Suppose you have a pilot who knows the Hudson river from beginning to end, does that prove that he would be capable of guiding a steamboat among the sandbars and snags of the Mississippi? The fact that a man is qualified to practise common law, is no guarantee that he is competent to practice civil law. The qualifications required in other States are not the qualifications required here. As to the examination which has been spoken of, it could be no terror to a competent man. If a man be competent, he will pass.

Mr. McCay—Is the possession of a license evidence of a man's fitness?

Mr. King—I do not say that it is always so, but it is the best we can have. It is, of course, not always a certain guarantee. The gentleman says that he himself passed when he ought not to have passed. The question of courtesy cannot apply to us. The common law is the basis in all other States; the civil law here. The moment the boundary is crossed, a totally different system presents itself. Our laws are more like those of France; should we admit those to practise who are totally unacquainted with them? If so, why confine ourselves to the United States? Why not admit Chinese, Tartars?

Mr. Wickliffe—Does the gentleman think that the people are not competent to judge of the qualifications of a lawyer?

Mr. King—I do not suppose the gentleman thinks everybody so smart as never to be taken in. I am as much in favor of progress as anybody, but not that kind of progress which very much resembles that of

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the crab. Gentlemen may waste their figures of speech on the subject, but they cannot alter the facts.

Mr. Martin—The gentleman belongs to that party which is in favor of free trade and free competition. He is in favor of admitting foreign sugar, which competes with my sugar, to the production of which my intellect is applied. It takes as much intellect to raise sugar as to be a lawyer, and I go for free trade in law as well as in sugar.

Mr. Short—The gentleman from New Orleans (Mr King) has said something about figures of speech. In the progress of the age we may get to have indictments against these rhetorical illustrations. Now, sir, I ask again why we employ a certain pilot. It is because we know he is competent; because he has steered clear of impediments through many a foggy night. Why is the gentleman from New Orleans employed in many suits? Because he has steered clear through so many foggy cases. When a pilot seeks for a situation he is asked about his experience. If he has none, he cannot get employment; he might run the boat ashore at Devil's Bend, or get her on a sand-bar. So it is with lawyers. Unless they are known to be competent they cannot get practice. I remember when I was quite young myself, being acquainted with a young man of fine mind and brilliant attainments, who was engaged in the study of the law. He went before a committee, one of whom was an old pettifogger, who had no ideas above an assault and battery, or a case of larceny. He was examined on Turner on Remainders, and then on Shelley's cases. Perhaps he did not recollect every thing in these erudite works; at all events he was rejected. He was again examined and again rejected. He was poor and proud, and just as talented. He made another effort and was admitted. At his first case he met the old pettifogger who had tried to keep him down. He was awed by the contact with so much wisdom, and failed to make a speech worthy of himself. Six months afterwards he met his enemy again. He had grown wiser by this time, and obtained a complete triumph. Turning to his adversary, he exclaimed, "Why, is it possible that you are the man who has been frightening me all this time?" I have seen more talent kept from the bar by this system than is covered by all the parchment documents to which you seem so much attached.

On motion of Mr. Dupre, the whole subject was laid on the table.

THURSDAY, April 14th, 1853.

SPECIAL ORDER OF THE DAY—"AN ACT FOR THE RECORDATION OF THE EVIDENCES OF MORTGAGES, &c."

The Judiciary Committee reported back the bill for the recordation of mortgages, without amendment.

Mr. Nicholls—I had no idea that it was the intention of the majority of the Committee to make a report in writing to-day. The Committee had a conference yesterday and differed so widely that they could come to no decision. I am astonished that the bill is now returned with the endorsement of the Committee. I had understood that it was to be returned with a notice that the Committee was unable to agree.

Mr Lacey—The report only returns the bill to the Senate. The majority of the Committee did not wish to amend it as it had been carefully considered by the Judiciary Committee. They simply returned the bill to the Senate without amendment. As the Senator says, the differences in the Committee were so irreconcilable that no conclusion could be arrived at.

Mr. Nicholls—Would it not have been sufficient for the Committee simply to state that fact. It was not necessary to enter into an elaborate argument in favor of the bill.

Mr. Lacey—If the gentleman had read the report he would have seen that it makes use of no argument for or against the bill. It simply gives the reasons in a respectful manner why the bill is reported back without amendment.

The bill, which is as follows, was taken up on its second reading:

An Act to provide for the recordation of the evidence of mortgages in favor of minors and married women.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That from and after the 1st day of January, 1854, no mortgage shall be enforced or exist against a third person acting in good faith, unless the act, appointment, receipt or other instrument of writing, which gives rise to the mortgage, is duly recorded. This record shall be made in order to affect landed property and slaves attached thereto in the parish where such property is situated, and to effect other slaves in the parish where the debtor has his domicile or usual residence.

SEC. 2. Be it further enacted, &c., That it shall be the duty of every notary public, or other officer exercising the functions of a notary public, to cause to be recorded in the office of the Recorder of Mortgages in the parish where the party resides, against whom the mortgage created may exist, every act passed before him in which under existing laws of this State, a legal mortgage is created in favor of the wife on the property of the husband; whether the said act be a marriage contract or any other act which may serve to show the sums of money or other property which the wife may have brought by way of dower at the time of marriage; or receipts or other acts serving to show the amount of money or other property received by her, or by her husband for her account during the marriage.

SEC. 3. Be it further enacted, &c., That whenever married women shall be entitled to property or money by inheritance or by testamentary disposition, it shall be the duty of the executors, curators or administrators through whom the property or money may be received, to take from the husband an authentic receipt for the money or property, which shall be recorded as a mortgage against the husband in the parish in which he resides, if he be a resident of this State; but the property or money shall not be delivered to the husband until he makes oath that said receipt has been recorded in the parish in which he resides and in every other parish in this State in which he owns immoveable property; provided that this section shall not apply to cases where the wife is separate in property from her husband, and administers her own property; and, provided furthermore, such receipt shall be no evidence of the delivery of such property or money to the husband until such receipt is endorsed, by the person to whom payment or delivery is made, "paid," which endorsement must be dated subsequent to the record.

SEC. 4. Be it further enacted, &c., That whenever a tutor for minors, or a curator of an absentee or interdicted person, shall have been designated by the Judge or other person having the competent authority to appoint tutors or curators, the clerk of the court shall deliver to the person so designated, or to his agent or attorney, a copy of the order of appointment, in order that it may be recorded in the office of Recorder of Mortgages, in conformity to this act; and letters of tutorship or curatorship shall not issue until said order shall have been recorded, and until the person appointed tutor or curator shall have made and subscribed the following oath:

I, (A B.,) tutor of the child (or children) named ——, or curator of ——, an absentee, or of ——, an interdicted person, as the case may be, do solemnly swear, (or affirm, if the party have conscientious scruples against making an oath,) that I have caused the order of appointment given to me to be recorded in the office of Recorder of Mortgages, in the parish in which I reside, and in every parish in this State, in which I own immovable property—which oath must be recorded by the clerk in his office. Nothing in this act shall prevent tutors from giving a special mortgage in lieu of the general mortgage in favor of minors in the manner provided by law; but in all such cases every tutor, before entering on the duties of his office, instead of the last clause of the above affidavit, shall be required to make oath that the special mortgage has been recorded in the parish or parishes, as the case may be, in this State, in which the property so specially mortgaged is situated.

SEC. 5. Be it further enacted, &c., That the office of all tutors, curators of absentees, and persons interdicted, now existing in this State, shall expire on the 1st day of July next; unless in the interval any such officer shall have caused to be recorded the letters of

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tutorship or curatorship originally given to him, or copies thereof, or a certificate of the clerk, showing the date of his appointment in the manner directed in the preceding section of this act, for recording orders of appointment, and shall have taken the oath therein directed, which oath shall be recorded as above provided Said letters, when recorded, shall be evidence of the existence of a mortgage from the date of the original appointment of said tutor or curator. If any tutor shall have qualified by giving a special mortgage in the manner provided by law in lieu of the general mortgage against his estate, such tutor may continue to act upon his making oath within the time above prescribed, that such special mortgage has been recorded in the manner directed in the foregoing section, for the recordation of such special mortgages.

SEC. 6. Be it further enacted, &c., that on the beforementioned 1st day of July next, it shall be the duty of every clerk of a Court in this State, (except clerks of the Supreme Court) in whose office records of the appointments of tutors and curators of persons interdicted and absentees heretofore made are kept, to examine thoroughly the said records, and within ten days after said 1st day of July, to make out a correct list of all the said tutorships and curatorships which the said records show still to exist; which list shall designate the names of the minors and the persons appointed tutors and curators who have not qualified under this act, with the dates of their appointments. The list thus perfected shall be kept as a part of the records of the court.

It shall further be the duty of the clerk to make out triplicate copies of said list, one of which shall be kept posted up in a conspicuous place in his office for the space of forty days; another on the door or in the room of the courthouse for the like time; and the other shall be delivered to the Judge of his court, or of the court having jurisdiction in such matters, immediately, if said court be in session, and if not, at the first term of the court thereafter held. The clerk shall be allowed one dollar from each tutorship or curatorship, for making out said lists.

It shall be the duty of said clerk, if he be vested with such power to issue notice, or if not, of the Judge or other person having, under the law, competent authority therefor, to order notice to be issued by the clerk, which shall be served by the sheriff in the manner in which citations are served, upon all such tutors or curators who have failed to qualify as may reside in the parish, to appear within five days after the service of said notice, before the said clerk or judge, or other competent authority, and apply for re-appointment under this act.

Should the sheriff neglect to serve the said notice in those cases in which service can be made by him, or to make due return of service of such notice, where it has been made within five days from the date of its service besides being liable to the minors or other parties interested, for all costs and damages which may have been incurred, he shall be subject to a fine of twenty-dollars, to be imposed by the Judge for the benefit of the minors, in each case in which he fails to make service of notice as aforesaid; and if the notice cannot be served, the Sheriff must make his return within twenty days from the time at which it was delivered to him. The same penalty and fine shall be incurred by the sheriff for the neglect of any duty assigned to him by this act.

If any tutor or curator should appear within the time designated, and pray for his re-appointment, he must qualify in conformity with the provisions of this act, by taking the oath prescribed by the preceding fourth section, in addition to which he must further swear that he has caused to be recorded a copy of the letters of tutorship or curatorship originally issued to him, or a certificate of the clerk showing the date of his original appointment in the parish in which he resides, and in every parish in this State in which he owns immovable property, which letters, or certificate of the clerk, thus recorded, shall operate as a mortgage upon his property from the date of his original appointment. But if the tutor has given a special mortgage, then he must swear that the said special mortgage has been recorded in the parish in which the property mortgaged is situated The recordation herein provided for must be done within forty days after the tutor has applied for his re-appointment.

If the tutor or curator does not appear within the time specified, or if, after appearing, he does not qualify within the 40 days, the clerk, if he has the power, or Judge or other competent authority, shall proceed to appoint another tutor or curator, as the case may be, in his stead, granting such preferences as are now given by law in the choice of tutors or curators, who shall qualify as directed by this act, within forty days, and it shall be his duty immediately, to apply to the clerk for copies of the letters of tutorship or curatorship originally given to the person who has failed to requalify, or for a certificate showing the date of the original appointment of his predecessor, which letters or certificate he shall cause to be recorded, unless the same shall have been already recorded in the parish in which his predecessor resided, or if he be dead in the parish in which his predecessor resided, and also in every parish in the State, in which he has reason to believe his predecessor owns or did own immovable property; and if his predecessor gave a special mortgage which has not been recorded in lieu of the general mortgage, it shall be his duty to have such special mortgage recorded in the parish or parishes in this State, in which the property thus specially mortgaged is situated; it shall further be his duty to cause the same evidence of any previous tutorship or curatorship, or of any previous special mortgages to be recorded in the same manner, all of which, when recorded, shall operate as a mortgage against the property of any previous tutors or curators from the date of their respective appointments.

For any neglect of the duties prescribed by this section, the tutor or curator so appointed shall be liable to the minors or other persons interested, for all damages and costs which may be incurred thereby, and shall further be subject, in case any loss or damage to the minor should be thereby sustained, to the criminal laws enacted against tutors who embezzle the property of minors, and upon conviction thereof, after prosecution in due form of law, shall be imprisoned at hard labor for a period not to exceed two years.

It shall further be the duty of every tutor or curator appointed under this section, to institute suit if it be necessary, against all previous tutors or curators, to recover whatever may be coming to the minors or persons for whom he has been appointed tutor or curator; provided, that at any time before the newly appointed tutor or curator has qualified under this act, it shall be within the discretion of the person exercising the power of appointing, to reappoint the original tutor or curator, upon his appearing and showing that he has been guilty of no neglect, and offering to requalify in the manner pointed out by this act.

SEC. 7. Be it further enacted, &c., That when any tutor or curator has removed from, or does not reside in the parish in which he was originally appointed, the notice prescribed by the preceding section, shall be sent by the clerk to the sheriff of the parish in which said tutor or curator resides, and he shall be allowed twenty (20) days within which to appear and make application for re-appointment, and the sheriff shall be allowed forty days in which to make his return, but must always make his return within twenty days after service of the notice

Any sheriff neglecting to comply with the duties prescribed by this section, shall be subject to the penalties prescribed for similar neglect by the previous section.

SEC. 8. Be it further enacted, &c , There where any tutor or curator heretofore appointed, has removed from, or does not reside in the parish of his original appointment, and his place of residence be unknown, if he does not appear and claim a re-appointment within forty days after the said first day of July next, it shall be the duty of the competent authority to proceed at once to supply his place by the appointment of another tutor or curator as the case may be; provided, it be stated in the proceedings for appointment, that the residence of such absent tutor or curator is unknown.

SEC. 9. Be it further enacted, &c., That where any tutor or curator hereafter appointed, removes from

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the parish in which he resides at the time of the appointment to another parish in this State, it shall be his duty, unless he has given a special mortgage in lieu of a general one against him immediately after his said removal, to cause the evidence of the mortgage existing against his estate as tutor or curator, to be recorded in the parish to which he has removed, and the same course shall be observed on each subsequent removal. For any neglect to comply with this section, it shall be the duty of the competent tribunal to remove such tutor or curator from his office, and to appoint another in his stead.

The said tutor or curator shall further be condemned to pay to the person appointed in his place not less than one hundred, and not more than one thousand dollars, to be recovered in any competent tribunal.

If any loss or damage should accrue to the minor or minors or absentee, or persons interdicted, in consequence of the failure of the tutor or curator, who has removed to another parish, to record the mortgage existing in favor of said minors or absentees, or persons interdicted, besides being liable civilly to the minor or absentee, or persons interdicted, for all such damages, he shall be deemed guilty of an embezzlement, and on conviction thereof, be fined and imprisoned at the discretion of the court.

Sec. 10. Be it further enacted, &c., That it shall be lawful for any person, on tender of the legal fees, to demand the inscription in any mortgage office, of any act or document tending to show the existence of a legal mortgage, and also any of the documents or certificates which are made by this act evidence of the existence of a mortgage, and it shall be the duty of all recorders of mortgages, upon such application, to record the said acts or evidence of the existence of a mortgage.

Sec. 11. Be it further enacted, &c., That any clerk of a Court in this State who shall fail to discharge the duties imposed upon him by this act, or be guilty of any wilful neglect in relation thereto, shall be dismissed from his office by the Judge of the Court of which he is clerk, and shall further be responsible for all such damages as may be sustained by any minor in consequence of his said failure or neglect to discharge his duties, with a right of appeal, however, from such judgment, to the Supreme Court of the State.

Sec. 12 Be it further enacted, &c., That any Judge or judicial officer, who shall fail to discharge the duties imposed upon him by this act, shall be deemed guilty of a misdemeanor in office, from which he may be removed by impeachment or address.

Sec. 13. Be it further enacted, &c., That it shall not hereafter be necessary to reinscribe, after the lapse of ten years, the evidence of the legal mortgages in favor of minors or married women, or persons interdicted or absentees, but the inscription, when once made, shall remain valid until the mortgaged debt is extinguished by payment, prescription or otherwise.

Sec. 14. Be it further enacted, &c., That all laws, and parts of laws, contrary to, or inconsistent with this act, be and the same are hereby repealed.

Mr. Hodge—I have been absent for several days while the bill was under discussion, so that I have not had an opportunity of preparing an amendment which meets my views. As little can I assert that I shall have to oppose the entire bill. I do not now deem it necessary to enter into a long argument on the subject. No doubt Senators have reflected on the question, and will vote in accordance with the conclusions which they may arrive at after mature deliberation. In order that my vote may be understood, I shall explain the reasons which will govern me in casting it. There is no doubt as to the policy of the general principle of recording any act or right possessed by a citizen which may affect any other citizen. When a right or a mortgage privilege, or a lien is enjoyed, it ought to be so inscribed that other parties can know of its existence. I am willing to concede that we ought to make the property available by putting it in such a position that the rights existing on it may be easily referred to. While I admit this, I insist that it is the duty of the legislature to sustain the policy of protecting those classes who have so long been deemed incapable of protecting themselves. It has been the settled policy of Louisiana ever since she became a State, to guard the interests of minors and married women. I imagine that no gentleman on this floor would dare to proclaim himself in favor of taking from those classes the rights which they now enjoy, and the safeguards which the law throws around them. If this policy which has been so long pursued, be a correct and true one, the question then resolves it into one of pure expediency—whether we shall cut loose the safe-guards which now exist, or relieve property at the expense of helpless women and children. Is it necessary for us to legislate for the sole purpose of letting owners of property realise capital on it with which to speculate? Must we do this regardless of any other interests, unmindful of any other claims on our consideration? If so, we had better sweep from our statute book all mortgages, all liens and privileges, and let him who may be the possessor of property for the time being, be in all cases its owner. This would be the legitimate consequence. But as long as there are parties whose interests require protection, I shall resist any such attempt. I am not opposed to making public all these rights and liens, but while I am in favor of their inscription, I am not in favor of letting the punishment, in case of neglect, fall on the minors and married women. If the gentleman will present a bill with a provision by which the punishment shall fall on the official who neglects his duty, I will go as far as he who goes farthest in support of it. I will vote for the most stringent penalties, to compel officials to do their duty, but not for a measure which will destroy the rights of a large class of our population. Let us inquire what will be the effect of this bill? It declares that after the 1st of January, 1855, no mortgage, excepting conventional, legal and judicial mortgages, shall exist. According to this, unless the tutor or curator, &c., records the mortgage, the minor loses his rights. Who, let me ask, will look to see that the Clerk, or the Parish Recorder does his duty? Will the minor attend to it? Unquestionably not. Who has charge of the interests of the minor? Why the tutor, and he certainly will not trouble himself to see that that is done, which will prove an incumbrance on his property. The law will therefore be a deal better so far as protection to the interests of the minor is concerned. Years afterwards, when the minor reaches a maturer age, he goes to his tutor and asks for his property. Now we all know, that not in one case in a thousand, does the tutor discharge his duty faithfully. It is known that they make the administration of estates confided to them a matter of speculation. They have little or no interest in the estate, except to serve their own purposes.

When, as I say, the minor asks for his property, the tutor says it is worth nothing, he has spent it, or sold it, or mortgaged it to some broker in Wall st. You did not have the documents recorded, and you have no remedy. The foreign capitalist who comes here and purchases property and sells it again, protects himself by a conventional mortgage. He will be preferred to the minor and the married woman of our own State. Is this just? Will not the gentleman be content with a law compelling the clerks of courts to have the mortgages recorded and making them liable for damages in case of neglect? That is all that can be asked in equity. We can make it the duty of the clerk to send a copy of a bond to the Recorder's office within 20 days, and if he neglect to discharge his duty, make him liable on the bond for damages. If the clerk does not comply, no injury will result. I go the Recorder's office and find no mortgage existing on a certain piece of property. I purchase it. The minor afterwards institutes suit for an infraction of of his tacit mortgages. I go to the clerk and have recourse to his bond. If that be not sufficient to indemnify me, it is not the fault of the Legislature. The bond is supposed to be good. If it be not, that is an evil which legislation cannot reach. When the clerk knows that he is liable for any damages that may result through his negligence, he will be active and vigilant. He is a full grown man and can look after his own interests. He is not interested in the property of the minor. He has no interests to guard except his own, and men usually are apt to be careful where their own interests are at stake. It is certainly a matter of little consequence to the clerks and recorders whether the interests of the minor be protected or not. But when you bring the case home to themselves, and make them personally liable for ne-

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glect, becomes a very different affair. There would not be one failure in a thousand cases. This is a brief sketch of the system which I propose. But I will not support such an attack on right and justice as is made by this bill. For my part, I have not seen all the harm result from tacit mortgages that has been attributed to them. It is all a bugbear. I never knew an instance in which a creditor or purchaser was robbed of his rights by the operation of the tacit mortgage of a minor. We cannot say as much for the system proposed by this bill. It is a direct and violent attack on the rights of all the minors and married women in the State. I will vote for an inscription of the evidences of mortgages of this class. I will go even farther.

I am willing to say that married women shall have no tacit mortgages which will interfere with the rights of others. But I will never vote for breaking down the safeguards which the law throws around the rights of minors. In every community, minors are made the subjects of robbery and oppression. Yet we are now asked to destroy the defences which protect them. I for one will not consent to it under any consideration. It is well enough to secure the honest purchaser against loss; but to attain this object we have no right to sacrifice the rights of others. This the gentleman's bill does.

Incidit in Scyllam cupiens vitare Charybdim.

In trying to avoid one extreme it falls upon another.

Mr. Nicholls moved to strike out, in the 1st section, after the word "convened," in the 3d line, to the word "recorded," in the 7th line, and insert the following substitute:

That no mortgage shall be enforced or exist against a third person acting in good faith, when such act, appointment, receipt or other instrument of writing which gives use to this mortgage, shall bear date after the 1st day of January, 1854, unless the act, appointment, receipt or other instrument of writing is duly recorded in the office of the Recorder of Mortgages.

Mr. King. The effect which would be produced by this change would be to defer the benefit of the bill till all existing tacit mortgages have expired by limitation or been extinguished in some way, a delay which would be fatal to the very object of the bill.

The object of the bill is that the records shall show all existing incumbrances on all the property of the State. The time for this to be effected is fixed in 1854. We did not make the bill take effect, in this respect, immediately, because it might have been considered an infraction of vested rights. But the period fixed gives ample time, and relieves the bill from all objections of that nature. I had hoped that then the records would show the condition of all the property of the State, and that an end would be put to the numerous frauds, on innocent third parties, which have heretofore been perpetrated. Under the operation of the substitute offered by the Senator from St. Martin, these benefits cannot be realized till all the minors in the State attain their majority—till all the married women are dead. This would be legislating for posterity instead of for the present generation. It would be depriving ourselves of the benefit which we confer on those who are to come after us. My desire is to increase the value of real estate, to make it convertible into money, and to give that confidence to foreign capitalists, which they do not now possess. This will be effected by the original bill, but would be prevented by the substitute.

Mr. Hodge. I would ask whether a minor, in whose favor a mortgage exists, will lose his right if that mortgage be not recorded?

Mr. King. We have presented a long bill which we think insures the recordation of these mortgages Our object is to insure the rights of all, which we say is more certainly achieved by this bill than under the present system. Suppose, for instance, that the mortgage exists on a negro. There is no evidence, on any public record, of the existence of the mortgage. The negro is finally sold to a third party, who, after all due diligence, is unable to find any mortgage. Some years afterwards, he discovers that a tacit mortgage attaches to the negro. He immediately runs the negro off to Texas or some other place where he cannot be found, and the mortgage becomes of no avail. So this boasted tacit mortgage, which incumbers property and interferes with trade, fails of its very object.—An individual who has purchased property honestly, and in good faith, is not very willing to give it up. He will make use of every means to prevent its being taken away from him. By our bill a more efficient protection is secured to all parties.

We want the records to blason forth the mortgage to the whole world Then there would be no possibility of fraud such as we now frequently witness. This is the great advantage of the bill. I would rather that my children should enjoy a recorded than a tacit mortgage; but when vested interests are affected it is necessary to grant a fair time to effect the object.—We cannot overlook those who are trembling for the rights of their children. We cannot disregard the wishes of the aged parents, who, with a large family, clustering around them, look anxiously to the fate of this bill, which will secure their estates to their children, and prevent the perpetration of fraud by tutors and curators

Mr. Nicholls. I agree entirely with the sentiments which have been expressed by the Senator from Caddo (Mr. Hodge). They are the same as those expressed by myself a few days ago. But if it is the determination of the Senate to take action on the principle of this bill, then I feel anxious to make it as little objectionable as possible. It is with this view I have offered the amendment The gentleman from New Orleans, (Mr. King,) says it will defeat the very object of the bill; that it will be legislating for posterity.—Suppose we do legislate for posterity—what then? Is it inexpedient to legislate for our descendants? The difference between us is, that while I desire to legislate for posterity, he desires to legislate for his ancestors. He wishes to go back and say that the rights secured by law shall not exist any longer. The tacit mortgage standing this day in favor of a minor, is as perfect as if it were a conventional mortgage.

Is it in the power of the Legislature to say to the contracting parties, "your rights shall be stricken down, you shall no longer enjoy the benefits of this mortgage?" Suppose the Legislature should take a notion that in order to advance the interests of commerce, every sale of real estate that may be or has been made in Louisiana, shall be recorded in every State in the Union, and unless the recordation be effected within a given time, all sales should be null and void; I ask whether a bill containing such a provision would be entertained for an instant? Yet the effect of the bill before the Senate is the same. If rights be secured now by the law, it is impossible to secure them better. We cannot make a perfect right more perfect. The tutor squanders the property confided to his charge, and the minor has a mortgage by which he is secured. The action of this or twenty succeeding Legislatures could not disturb the right thus obtained, and thus existing through the operation of previous laws. Gentlemen may talk of remedial laws, and prescription; but this is a very different case. The bill attacks rights and not remedies. Some persons say that they desire a change. They do not know if the new system will protect the minor, if it will benefit the purchaser, if it will infringe on vested rights, but they want change for the sake of change. We know however that change is not always beneficial. I know the benefits of the proposed system; but they are vastly exaggerated by those who come here to make everything bend beneath the iron heel of commerce—who proclaim, and wish us to believe that commerce is king—who wish to compel us to bow down before the commercial interests of New Orleans. I am willing to do anything for the prosperity of New Orleans when I am not asked to fell to the earth those interests that are dearest to me. You wish to carry your point amid the groans of minors and the tears of women. Is this the legislation we are to accept? Was this the entertainment to which we were invited? The country members who desire change are about to bind themselves down beneath the iron yoke of commerce. The only argument made use of is that trade will be benefited; that capitalists will be inspired with confidence; and for this we are to sacrifice the rights of our children and our wives. In the country parishes, where I have practised law for ten years, I have seen few evils result from the tacit mortgage system; I have seen few honest men evicted

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from their property under its operation. The purchaser of property is a man—a man full grown—having possession of all his faculties, and able to make suitable inquiries. If he be injured by a mortgage not being recorded, it is his misfortune.

But better thus than that the minor should be placed at the mercy of his tutor, and have no redress when his property is squandered or illegally appropriated. The under tutor, you say, will do everything necessary to protect the interests of the minor. But we know that he cannot, as he is generally considered a spy on the tutor. I say that the legislation of this State is not prepared for such a change. At this late period in the session, when we have little time left for discussion, and Senators admit that they do not know what the effect of the bill will be, we had better stand to the landmarks we have, than launch into a speculation which may end in ruin.

In the other House a proposition has been made to refer the matter to a committee with instructions to report a bill to the next Legislature for the cure of the evils of the tacit mortgage system. Let us place the subject in abler hands. Let us pause and reflect; let us consider whether our action now may not result in more harm than good. And is there any necessity for immediate action? I think not. Up to this time, we have lived happily and poor prosperously under the tacit mortgage system, and we should pause before we adopt another which may be productive of nothing but mischief.

Mr Short. I have not thought that any elaborate argument was necessary in order to point out the evils and to elucidate the changes sought to be introduced into the tacit mortgage system. The great object which commends itself to me, is to make that known which before was unknown. It is time, as the gentleman says that we should be generous towards the future and not endeavor to legislate for the benefit of our ancestors. But the one is achieved, and the other is not contained in this bill. Our object is to lay down rules of human action; to govern the conduct and the relations of men with each other. We wish to make them particular in their transactions with each other, so that when one buys property, he may be certain that it will not be taken away from him. These are rules of action: laws are nothing more. When the Legislature lays down a rule of action to operate uniformedly on men, it is a step forward in legislation. But, is is said we are not prepared for this step. And why not? For years there has been a system of mortgages in Louisiana unknown in any other State. If we can make our system uniform with theirs, is that not an object worthy to be accomplished? It is not such a great change as the gentleman thinks. When the bill was before the committee, all possible attention was bestowed on it; but the Senator all that time made no suggestion of his opposition. I am surprised that, with the talent and keen judgment which he possesses, he should recommend us to leave the subject to other and abler hands. Is he satisfied that those are a superior race of beings who will come after us? It has long been known that the evils of this tacit mortgage system are insupportable. They have been frequently mentioned and frequently condemned. But the gentleman is discontented with this bill, though he admits that there are frauds now, and though it is acknowledged that the present system is one of the best that could be devised for the perpetration of fraud. Why the old English system of contingent remainders which nobody but the lawyers could comprehend, was not comparable to the tacit mortgage system for covering up property, and encouraging litigations. I do not wish to be understood as merely desiring an innovation on this old and venerable system. But if I can find a better system my reverence for old error will not be overbalanced by my fear of change. It seems to me that when men have only three or four steps to take, they do not like to take any step at all. They seem content to bear the ills which afflict them without seeking a remedy. But we seek things not beyond that bourne which separates the known from the unknown, and we do not wish to fly from ills we have to those we know not of. We desire to improve, not to deteriorate. We wish to take a step which we think is good and therefore we ought to take it.

Mr. Hodge—I would ask whether, if a tutor sells the property confided to him, he will be liable civilly or criminally?

Mr. Short—If a man sell that on which he knows a superior claim to exist, he is guilty of a certain species of fraud; but it is not the same as though he were to obtain money under false pretences.

Mr. Hodge—I will show the gentleman how mistaken he is. (Reads art. of code.) So it appears that if the tutor do this thing he is a swindler, and may be prosecuted as such.

Mr. Short—There is no such thing as a tutor giving a mortgage on the property of a minor. That can only be done by the consent of a family meeting.

Mr. Hodge—I beg the gentleman's pardon. The Code contains the following article. (Reads.)

Mr. Short—That is very true. But to remedy the defects of the law is one of the objects of this bill. It is to remedy the tacit mortgage system that the bill is introduced. And does the gentleman say that the system has no evils? Are we to be told that there is no system endurable but the tacit mortgage system? To give an illustration: A man may marry a woman to-morrow; perhaps he does not feel the less interested because she has thirty or forty thousand dollars. They may spend the money, may go to New York, or somewhere else. The woman may participate, does participate, in the pleasures and luxuries derived from the expenditure of the forty thousand dollars, and I am told that with that sum a considerable amount of enjoyment may be had. She comes back and says that her husband is spending her money, that her dotal and paraphernal property is in danger. She gets a judgment for $25,000, and although her husband may have sold the plantation, and a mortgage be existing on it, yet the wife can come in and take it from the creditor. It is this kind of thing that we wish to remedy. We wish to prevent a man giving his wife the power of assisting him to defraud his creditors. We do not wish the man to be changed from the head of a household, to the chief butler; we do not want the wife, when she has spent her own money, to have the power of taking her husband's from his creditors. Is any one so blind as not to see the evils of this system; evils so plain, so palpable, that they are encountered at every step? I say again that I do not desire simple innovation merely for the sake of innovation; I only wish to make those mortgages known which have heretofore been unknown. Then if the purchaser does not know of its existence he cannot complain. He at least has his eyes open. But do not let the punishment fall on an innocent person—on one who has no way of knowing the existence of the mortgage.

Mr. Hodge—I shall make a few remarks in answer to a part of those which have fallen from the gentleman from Carroll. As I have already stated, I have been for some time absent, and have not had an opportunity of paying that attention to the subject which it deserves. I have stated that there is, probably, not that amount of fraud perpetrated under the present system, which he supposes, because there is a statute which declares that if the tutor, when he mortgages or sells his property, do not make known the existence of the tacit mortgages attaching to it, he shall be considered guilty of swindling. The Civil Code itself is explicit on this point. And while alluding to the Code, let me here remark that a more admirable, a more luminous emanation of mind worthy of compiling law for a free and intelligent people, has never been presented to the world. The Code points out the different kinds of mortgages, and the manner of making them; and the kind under consideration, it calls tacit mortgage, not because there is no inscription of it; but because it is created without the intervention of a special contract. The Code prescribes regulations for the inscription of every kind of mortgage except those in favor of minors and married women.

The next article makes it necessary that all acts creating mortgages shall be recorded. Every public officer who passes an act creating a mortgage, must record it, whether the mortgage be conventional or legal. It also provides that it shall be the duty of Judges to record the appointment of tutors, curators, &c. Thus every act which gives rise to a mortgage, if not the mortgage itself, must be recorded. If this

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be neglected, the defaulting party is liable for damages.

The gentleman's whole argument is nullified by the fact that the law of '24 says, that where a man borrows money on property mortgaged in any manner, without declaring the existence of the mortgage, he shall be considered guilty of swindling. I have never heard of a tutor being prosecuted for obtaining money in this way, because no tutor would be willing to subject himself to the penalty attendant on an infraction of the law. The law is stringent enough, and, with some slight amendment, would be sufficient for all purposes. I am content to let it stand on the record, that I, for one, am unwilling to aid, by my vote, in striking down the rights of those who are unable to defend themselves.

Mr. Short. If the gentleman has found in the Code, or in the law of '24, a remedy for the evils now complained of, he has made an invaluable discovery, and the people will be under great obligations to him for it. The gentleman says that a man is indictable fer not declaring the existence of a mortgage on his property. Very true—when he knows of the existence of the mortgage. But when he does not, and could not know it, can he be judged guilty of swindling? Such would not be the understanding of any Court in the civilized world. He could only be considered culpable when he knows the existence of the mortgage. But that he can be indictable for not declaring what he does not know, I will never subscribe to such a doctrine as that.

Mr. Hodge. The gentleman does not understand. Does not every tutor know that there is a mortgage on his property?.

Mr. Short. Take the case of an interesting young man who marries a young woman with $25,000. I do not know of the existence of the mortgage on his property. I purchase it, or I lend money on it. In a few months the wife comes forward and takes it away, or prevents me from exercising my right, by the intervention of the prior mortgage. The Supreme Court has decided that a man may go to Kentucky, or Mississippi, and marry, and if the parties declare their intention of coming here, the money received by the husband there, will constitute a mortgage on his property. I wish to guard against this evil also.

Mr. King. I hope gentlemen understand the effect of the substitute. It is simply this: By it the benefits of the bill which we wish to make real and tangible now, will be deferred so long a time, that the present generation will experience none of their effects. Perhaps none of us would ever live to see the day when the great evil which now afflicts us—which retards our prosperity, and diminishes the value of our property—would be extirpated. We expected to derive benefit from this bill in 1854. The substitute defers it to an indefinite period. Should we adopt the substitute, we would not fulfil the wishes of the people; we would be false to our constituents; we would be literally keeping "the word of promise to the ear, to break it to the hope."

Mr. Wickliffe. Has the gentleman ever heard of a married woman or a minor complain of the tacit mortgage system?

Mr. King. I have heard married women say that they were greatly annoyed by having to make renunciations and go through the formalities which are now necessary—such as having to run to the mortgage office, and to do various things which a woman dislikes to do. I now see, however, that the differences in our opinion are irreconcilable. I represent the interests and wishes of my constituents, who will derive greater benefits from this bill than will be conferred on them by all the railroads and banks that the action of this Legislature may bring into being.

One gentleman has said that he never knew an instance of hardship resulting from the operation of a tacit mortgage in favor of a minor. Why the gentleman sleeps in a house which was purchased by an honest mechanic, who paid his own money for it, and thought it his property, when it was suddenly wrested from him by the operation of a tacit mortgage. If the gentleman has not known of this case, I am not surprised that he is so oblivious in regard to affairs in his own parish. Why should we delay this matter? He says there is nothing to complain of, yet he proposes to refer the subject to a committee of lawyers. Why, this bill was drawn up by lawyers, examined by lawyers, digested by lawyers, and has been approved by the most eminent lawyers in the State; not by one or two, but by twenty. At the last session of the Legislature, a bill having the same object in view, was introduced into the Senate by Mr. Benjamin. This bill is founded on that; but it provides for cases which were not reached by that. I am at liberty to mention some of the distinguished lawyers who approve of this bill. In the first place, I will refer to Mr. Benjamin, because his bill is the foundation of this. Then there is Mr. Micon, a lawyer of eminence, and Judges Eustis and Strawbridge. I refer also, with proud satisfaction, to my associates on the Judiciary Committee, Messrs. Lacey and Short. Here I should think is an array of legal talent enough to satisfy any gentleman. I do not say that the bill is perfect. A man may imagine cases of hardship which may arise under it; but what law is free from such an objection. What I do assert is, that this bill would remedy the evils which now exist, and will be as destitute of injurious effects as any piece of legislation can be expected to be.

Mr. Todd—I am opposed to the substitute. I believe it would defeat the object of the bill for the reasons given by the gentleman from New Orleans, (Mr. King.) It would in fact be legislating for posterity instead of for the living generation, which certainly claims some of our sympathy and consideration.—There is no doubt that the present system acts as an incumbrance on the property of the State, and prevents that free transmissibility which is one of the necessities of a prosperous community. For the last ten years the people have been crying aloud for the abolition of this injurious system. Gentlemen on the other side admit that it opens the way to fraud; they admit, at least impliedly, that it weighs like an incubus on the prosperity of Louisiana; that it prevents the influx of capital, and diminishes the confidence which people abroad might otherwise feel in our laws. They admit all this, and yet they do not wish to remedy the evil. I am for cutting the bonds and setting the victim free. It is incumbent on this legislature to take the first step. If we cannot do everything that is necessary, let the work be perfected hereafter. I have as tender a regard for the rights of minors and married women as can animate any Senator on this floor; but I agree with the Senator from New Orleans that this bill protects them better than they are now protected. Actuated by these views, believing that the interests of Louisiana imperiously demand a change from the present system, I shall cast my vote for the bill.

Mr. Hodge—I would ask the gentleman if the consequence of not inscribing the mortgage would be a loss of it, when it came into existence under a law not requiring its inscription? And if so, would the act be constitutional?

Mr. King—There is not the slightest doubt that we have the power to require an inscription of all mortgages. But if it be not constitutional, why object to the bill? It can do no harm on the gentleman's own theory. If it be unconstitutional it can have no effect, and consequently can work no injury.

The substitute was laid on the table.

Mr. Hodge. I moved to lay the section on the table, but afterwards withdrew it, in order to let the vote be taken directly on the section—though such courtesy is not usually extended to this side of the House.

Mr. Mouton moved to extend the time to the 1st of April, 1854.

Mr. King. Would the gentleman be satisfied with the bill then?

Mr. Mouton. Not so—but I would not object to it so much.

Mr. King. I do not see the reason for the amendment, unless the gentleman wishes to give the next Legislature a chance of repealing the law.

Mr. Mouton. The gentleman is good at guessing. That was certainly one of my objects.

Mr. King. Well, I accept the amendment.

Mr. Palfrey. I should like to know whether there is a clause in the bill providing for the recording of mortgages by tutors on immovable property, in different parishes, as fast as it is acquired. As the law

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now is, a mortgage exists on the immovable property as fast as it is acquired in any part of the State. I consider this an essential feature in any system which may be adopted. Suppose a tutor, having no property, is appointed. He invests the money of his ward as he pleases. What security does the bill offer for this? Does it contain a provision that the tutor must record the mortgages on his property in different parishes? This is absolutely necessary, in order to prevent embezzlement.

Mr. King. There is a section in the bill intended provide for these cases.

Mr. Palfrey. That section makes it a penal offence to omit recording the mortgages. But I do not want punishment—I want security that the minor will be protected. Suppose the tutor should die—what security would there be? What way would the minor have of protecting his rights? You cannot punish a dead man.

Mr. Nicholls. I think the remarks of the Senator from St. Mary are perfectly correct.

Mr. Taylor offered the following amendment, to be put at the end of the 3d section, which was adopted:—

It shall be the duty of the Clerks of Court in whose courts there may at this time exist evidence of a legal mortgage upon the estate of the husband in favor of the wife,—if the same be not already recorded,—to record the same in the office of the Recorder of Mortgages; and in case any clerk shall fail to do so on or before the 1st day of April, 1854, he shall be liable to any married woman for all damage she may sustain for such failure or neglect, and to the further penalty of one hundred dollars—one half for the use and benefit of the person bringing the suit. For making such recordation, the clerk shall receive a fee in each case of one dollar and fifty cents.

The third section was then adopted as amended—and

The fourth section was adopted.

Mr. Palfrey offered the following as an additional section:

Sec. 5. Be it further enacted, &c., That, in addition to the offices of record for mortgages, now established by law, there shall be established, at the seat of Government of this State, a central office for the recording of all mortgages contemplated by this act, whether in favor of married women or of minors; and all mortgages contemplated by the provisions of this act shall be recorded in said office, as provided in this act for recording the same inother offices.

And no acknowledgment of receipt of money or property on the part of the husband, shall be evidence of the delivery of such property or money, unless accompanied by the certificate of the officer in charge of said central office of mortgages, to the effect that said receipt has been duly recorded in his office, and no letters of tutorship or curatorship shall issue to persons applying for the same until the certificate of the officer in charge of said central office of mortgages shall have been exhibited—showing that the order for such appointment has been duly recorded in his office; and the recording of said receipt of the husband or said order for appointment of such tutor or curator, as the case may be, shall operate and take effect as a general mortgage on the immovable property and slaves of such husband or such tutor or curator, as the case may be, throughout the State, and against third persons, from the time of record in said office.

Mr. Short—I am opposed to the creation of a central office as proposed by the additional section offered by the gentleman from St. Mary. The distance to the seat of government from some parts of the State is such that before a man could come here and procure a certificate, some other person might have obtained a mortgage. It would increase the difficulties which we are now trying to get over, and would be an incumbrance on the bill. The bill is long enough already; I hope the gentleman will not try to augment its proportions and encumber it with additional and superfluous sections. If the gentleman offer many such amendments, he will overwhelm the bill entirely. I sincerely hope that he will not evince such a disposition towards a bill so well considered as this has been.

Mr. Palfrey—As long considered as the bill has been, it is not yet ripe. The gentleman has more than once told us that his object was to convert unknown into known mortgages. This is the very object of my amendment.

Mr. King—There is one substantial objection to the amendment. We should have to send to Baton Rouge for a certificate of every mortgage. Much time would thus be consumed, and after all we should have no better index of the condition of the property of the State. The bill before us provides that the tutor shall record the mortgage in every parish where he has property, and makes it penal for him to neglect it.

Mr. Nicholls—But what security is offered for the minor?

Mr. King—The security is that the recordation of the mortgage is made certain, at least we think that it is.

Mr. Palfrey—The bill does not provide for the recording of any mortgage after the appointment of the tutor. I acknowledge the evils referred to by the advocates of the bill, but what are they in comparison with the destruction of the rights of minors?

The amendment was lost.

The fifth section was then adopted.

The sixth section was taken up.

Mr. Nicholls—The section pretends to protect the rights of the minor when it does no such thing. Instead of being a protection, it is only a cloak for a most odious system of taxation; and this when the people are already ground down by taxation. It provides that the clerk shall summon all tutors or curators to record the mortgages existing on their property. Does the gentleman know what the cost of this process would be? I can speak within bounds when I say that in my parish there would be at least 500 cases of this kind, and the expenses for the clerk and sheriff would amount to ten dollars in each case. In my parish, I repeat, there are at least 500 succession cases. 500 multiplied by 10, gives a tax on the parish of St. Martin alone of $5000. When the tax-gatherer rides around collecting these bills, and says to the widow and the orphan, you have been able to save very little, but the officers of the law want to get some more out of you," when, I say, the tax-gatherer presents himself at our doors, no man who supports this bill would be able to stand up against the force of popular opinion. The bill says that the clerk must summon everybody who he has reason to believe has been a tutor, &c Will not the reason of the clerk be stimulated to believe this a great number of times, when he is to receive ten dollars for every summons? Thus the tax would be greatly increased, and when you take attorneys' fees into consideration, it will be more than quadrupled. Why sir, if the lawyers had assembled and devised a plan for the encouragement of litigation, they could not have formed a better one than is contained in this bill. Perhaps I myself may come in for some of the spoils. But notwithstanding this I must protest against this system of taxation—a system not for the support of the government, but calculated to fill the pockets of a miserable set of officials, and make the fortunes of a pack of ravenous attorneys. The people of my parish are willing to lend their property for the sake of preserving the credit of the State, but they are not willing to give away their money to a set of greedy officers The provision is grinding—oppressive—odious. The taxation imposed by it is onerous in the extreme; it will impair our credit and create discontent. The gentleman thinks it calculated to restore credit. How can it have that effect when it imposes a burthen of five or ten thousand dollars on each parish. I know it will be said that I am presenting an exaggerated picture. But I am prepared for that argument. These mortgages run back for 25 years, and in the parish of St. Martin there are 500 of such cases, This is the odious feature of the bill, and I will never reconcile myself to it. Why not adopt some measure whose generous influence will be felt all over the State; not one under which the minor will be plundered and the people oppressed?

I say that under this bill there would be perpetrated a more enormous amount of plunder and fraud on minors and married women than under any law that ever was passed. I ask, are you willing that the sheriff shall ride around and proclaim that all successions

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must be re-opened and gone through with again; that new taxes must be paid, and all for the security of capital and the benefit of commerce? Commerce! Commerce! Commerce must have its way; capital must take its course; no matter who may be ruined, no matter who may be defrauded, no matter who may be trampled in the dust.

Quid non mortalia pectora cogis, Auri sacra fames!

Commerce is checked and capital is cramped by the tacit mortgage system; so we are told by the advocates of this bill. Better that they should be trammelled and confined, than that the rights of minors should be destroyed, and the innocent orphan deprived of his property. I shall oppose it with all my faculties, with all my energies; and I trust a day of reckoning will come when the people will know with what object this bill was passed.

Mr. Short—The gentleman has drawn a very vivid picture, and I really feel sorry that I have it in my power to relieve the bill of the objection which has given rise to such a display of fancy. The bill simply directs a certain thing to be done. There are no citations, no costs, no taxation. The gentleman has told us of the enormities of this bill. He has exhibited to us the State of Louisiana writhing under the iron heal of commerce; certainly a very painful spectacle to me, though I imagine it is nothing more than an offspring of the gentleman's excited fancy. It is a brilliant picture, but the gentleman has not told us in what gallery he intends to place it. One little amendment which I have to offer, will, I should think, effectually dissipate the gentleman's objections, viz: that the tutor shall be liable for the costs. So, after all, it amounts simply to this. The law commands him to do certain things, and if he do not do them, he must suffer. The gentleman, I believe, intended to make a motion to lay the section on the table. I shall not interfere with him by making a long argument. I only wanted to show that the objections which have been urged do not apply. I am willing to strip the bill of all semblance of taxation and lawyers' fees. If we could pass a law to get rid of the lawyers altogether, it would be so much the better. It would be a consummation most devoutly to be wished; though I might then, with truth, say, "Othello's occupation's gone."

Mr. King—The gentleman has raised up a creation of the imagination with which to frighten us from our propriety. What effect would his motion to strike out have? We have already passed a section making it incumbent on tutors or curators to have these mortgages recorded by the 1st of April, 1854. Now here is a section providing for the manner of recordation, and the gentleman who has constituted himself the peculiar champion of minors, though I do not believe he is followed by a very large retinue of them, who has dreamt of oppression and fraud, and found them in what is a remedy for those very vices—he, I repeat, wishes to have this section stricken out. Now if we adopt his amendment, on the 1st of April next, the rights of minors all over the State will be stricken down at one fell swoop, and thus will be left without a remedy. I do not wish to do this. If the gentleman wishes it, I must dispute with him for the championship of those interesting creatures whom he has taken under his especial charge. If the gentleman will look at the records of his own parish, he will find that almost every mortgage is already recorded, and every honest tutor will rush forward to obey the requirements of this bill. If they do not, I wish I could impose a hundred fold the penalty on them. If a tutor is so callous, so false to his duty, so negligent of the sacred rights he has sworn to protect, he should be punished with extreme severity. This section is intended for the protection of minors If the tutor neglects his duty, the penalty will follow him. I had thought that as a matter of course the Courts would assess the costs on a tutor who does not fulfil his duty. But to make this sure I shall be happy to accept the amendment of the gentleman from Carroll (Mr. Short.)

Mr. Nicholls—The gentleman says that the section is intended for the protection of minors. If it be so it is such protection as vultures give to lambs.

The section was adopted.

The bill finally passed section by section.

THE MECHANIC'S AND TRADERS' BANK.

Mr. Palfrey submitted the following minority report:

The undersigned, member of the Committee on Banks and Banking, to which was referred the bill entitled

An act to extend the charter of the Mechanics' and Traders' Bank of New Orleans, dissenting from the majority of said committee in the report they have made on said bill, begs leave to report that, in common justice to this institution, which has been administered and conducted throughout its term of existence in a manner to furnish satisfactorily a safe and sound currency and liberal financial facilities to the commercial and agricultural interests, as well as from considerations of expediency, which should avoid a sudden withdrawal of a large amount of monied capital from the use of commerce in our State, recommend that such action be had in said bill as will enable said institution to wind up its business without causing embarrassment to itself in liquidating its affairs, or to the commercial community in calling in, too suddenly, payment due to the bank.

(Signed) W. T. PALFREY.

SENATE CHAMBER, April 21, 1853.

Mr. Clifton, from the Committee on Banks and Banking, made the following report:

Hon. W. W. FARMER, Lieutenant Governor:

In behalf of the Committee on Banks and Banking, to whom was referred

An act to extend the charter of the Mechanics' and Traders' Bank, the undersigned begs leave respectfully to report that, as the charter of said Bank expired on the 12th April last by limitation, and as no action of your committee could, consequently, affect the bill, they return it to the Senate without amendment or commment.

(Signed) C. W. CLIFTON, Chairman.

April 14, 1853.

Mr. Martin—I move that five hundred copies of the reports be printed. The object of the motion to recommit was to smother the bill. It was a parliamentary trick, and I want the people to know about it.

Five hundred copies of the reports were ordered to be printed.

Mr. Lacey introduced the following joint resolution:

Be it Resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That our Senators in Congress be instructed, and our Representatives be requested to use their influence and exertions to obtain an additional Post Office in the parish of Livingston, State of Louisiana, and to be located at or near the present residence of Robert Bruton.

Resolved, That a copy of these resolutions be forwarded by the Governor to each of our Senators and Representatives in Congress.

Mr. Martin—I move to strike out the word "instructed."

Mr. Mouton—I am opposed to the motion. I believe in the right of instruction.

Mr. Martin—That is the very reason that I make the motion. I do not believe in it. To instruct our Senators to do a thing is simply ridiculous.

The amendment was carried.

Mr. Rivers called up the following bill, entitled

An act for the completion of buildings in the Louisiana Penitentiary.

On motion to adopt the first section, which reads as follows:

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the sum of ten thousand dollars be, and the same is hereby appropiated for the completion of the now cell room in the Louisiana Penitentiary.

Some discussion ensued, but eventually the bill passed.

MESSAGE FROM THE HOUSE.

Mr. Eastin, special messenger from the House, requested the signature of the President to the following enrolled bills:

An act to reorganize the Police Jury of St. Landry.

An act to amend the several acts relative to the police and government of the town of Franklin, parish of St. Mary.

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And he requested the concurrence of the Senate to the following bills and resolution:

An act to reorganise free public schools in the State of Louisiana.

An act to regulate the election of District Attorneys, (the First Judicial District excepted.)

An act to emancipate George Milette.

An act to make operative the principles contained in article 28th of the Constitution.

An act to secure the collection and prompt payment of public monies.

An act to define more precisely the limits between the parishes of Orleans and St. Bernard.

An act to provide for the recording of brand-marks of cattle and other animals.

An act providing for the appropriation and reimbursement of monies paid on account of certain school land warrants sold for location in the South East Land District.

An act supplementary to an act entitled, "an act to provide for the expropriation of lands for railroad and other works of public utility—approved March 8, 1852."

An act for the relief of John Rains of the parish of Morehouse.

An act for the relief of the property banks in liquidation.

An act to provide for the performance of the duties of Parish Recorders in case of vacancy.

Resolution instructing our Senators and requesting our representatives in the next Congress to obtain the repeal of any regulation refusing admission to the Marine Hospitals of the United States of any seamen or other persons attacked by supposed incurable diseases.

And he informed the Senate that the House had concurred in, with an amendment,

An act for the relief of Emile La Sere, State Printer.

And that the House had concurred in an additional section to the substitute of the Senate to the House bill entitled;

An act for the relief of the holders of certificates of entry of land warrants issued by Richard Loucks, Register of the Land Office.

And that the House had concurred in the following Senate bills;

An act to create two additional Notaries Public in and for the parish of Morehouse.

And that the House refused to concur inthe amendments of the Senate to the House bill entitled:

An act relative to the Judiciary of the State, (the First Judicial District excepted.)

He requested the concurrence of the Senate in a bill entitled:

An act for the completion of buildings in the Louisiana Penitentiary.

MESSAGE TO THE HOUSE.

The special messenger of the Senate informed the House that the Senate had concurred in the following bills, entitled:

An act to emancipate Alexander Green.

An act to authorize Archibald Borron and Mary Murphy, his wife, to adopt a child named Mary Lucy Borron.

An act to give to the Mayor of the town of Hudson certain powers.

An act to prohibit municipal corporations in this State from levying a tax upon persons engaged in selling articles manufactured by themselves within this State—substitute for.

An act to Prevent the Common Council of the city of New Orleans from levying a tax upon persons engaged in selling their own manufactured articles.

An act to punish injuries to levees or embankments on any of the navigable rivers or waters of this State.

An Act of incorporation of the New Orleans, Red River and Texas Telegraph Company.

An act to incorporate Big Creek.

An act to authorize Rufus D. Kilgore and his wife, Sarah C. Kilgore, to adopt Robert Bliss Read, and to change his name to that of Robert Read Kilgore.

An act to emancipate Francois Nicholas.

An act to provide for the manner of canceling the bonds and mortgages given by parish Tax Collectors.

Also, a joint resolution tendering the thanks of the General Assembly to Captain Ricketts, U. S. Artillery, for firing salute in honor of the remains of ex-Governor Johnson.

Resolution requiring the State Engineer to make a thorough examination of the channels in Old River, between the mouth of Red River and the Mississippi river, and that of Grand Point, on Red River.

Resolution for the relief of Charity Hospital.

And he requested the concurrence of the House to the following bills of the Senate:

An act more effectually to carry into effect the provisions of an act entitled an act for the advancement of medical education in Louisiana—approved 21st March, 1850.

An Act for the relief of Mrs. Joseph DeBuclet, of the parish of St. Martin.

An act to incorporate Baton Rouge and Clinton Plank Road Company.

An act to prevent clerks of courts and their deputies from acting as auctioneers in certain cases.

SATURDAY, April 16, 1853.

Mr. Derbes, from the committee on claims, introduced an act for the Relief of Shadrack Brooks and David Sherly, and a report from said committee—which was laid over.

Mr. Short—The Senator from East Baton Rouge having been obliged to leave town, has requested me to introduce a bill, with a request that it be referred to the Judiciary committee, viz:

An act to regulate the practice in District Courts,

Which is referred to the Judiciary Committee.

Mr. Griffin—I am authorized by the Committee on Parochial Affairs to report favorably on the passage of the bill to provide for uniform representation in the parish of St. James for Police Jurors, &c.

The rules were suspended, and the bill read a third time and passed.

Mr. Wickliffe called up bill from the House—

An act to authorize the purchase of 250 copies of a revised edition of the Civil Code, Code of Practice and Louisiana reports, by Thomas Gibbs Morgan.

Mr. Mouton—I object to a suspension of the rules for a third reading of this bill, and would ask for an explanation of the necessity of the State incurring this expense.

Mr. Wickliffe—I will inform the Senator that there is not a copy of either of the named works in the State Library—that a new and revised edition is urgently called for, and that, in my opinion, the purchase is actually necessary.

Mr. Mouton withdrew his objection, and the bill passed.

Mr. King asked leave to introduce a report from Committee on Internal Improvement, and an act to erect public works at the mouth of Bayou Plaquemine, as a substitute.

Mr. Slack moved a dispensation of the rules for the purpose of taking substitute to a second reading.

Rules suspended.

Mr. Slack moved the adoption of section 1st.

Mr. Short—Although I do not live in the second district, I feel a deep interest in this matter, and cannot refrain from expressing my astonishment and regret at the introduction of a measure which, in my opinion, is a violation of the law appointing Swamp Land Commissioners, and also a violation of the law of Congress which made the fund arising from the sale of the lands donated by them, applicable to the purposes of leveeing and draining alone. The act now before the Senate is a commencement of a system of Legislation which I hoped had been abandoned. The act which has just passed both Houses establishing the Board of Swamp Land Commissioners, gives the power to the Governor to appoint one in each of the three districts into which the State is divided. This Board appoints an Engineer for each district, who are to make the necessary surveys, and ascertain the work necessary to be done. These Commissioners and the Engineers are authorized to determine what works come within the meaning of the works leveeing and draining, and a fund is put under

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their control to accomplish the purposes of that act. The bill now before the Senate is one which will interfere with the general levee system which has just been established, and will defeat the object of that act. The act of Congress provides that the proceeds arising from the sales of the sale of the swamp and overflowed lands shall be applied for no other purpose than leveeing and drainage. Does not the act now before the Senate provide for an application of these funds to an object not coming within the spirit or words of the grant? To build a breakwater at the mouth of a bayou, or a break-drift, which is to keep drift from coming in the mouth of a bayou, I do not believe has ever before been considered as coming within the meaning of leveeing or draining, and if it did, the Board of Swamp Land Commissioners and Engineers under the lêvee bill can decide on that matter, and carry out all works which do come within the meaning of that act.

I do hope, therefore, that the Senate will not go back to that system of special legislation by which appropriations were made first to this point and then to that point, when they had established a Board to carry out a system of leveeing and drainage, and had placed the swamp land fund under their control for that purpose.

You are breaking into the principle of the law of Congress, and I hope the bill will not pass.

Mr. Slack—I ask for the report of the Internal Improvement Committee to be read, which I think will remove many of the objections urged against the passage of this bill. It appears to me that if the honorable member from Madison and Carroll were made acquainted with the nature of the country where this improvement is proposed, he would withdraw his objections. I will inform the Senate that it is absolutely necessary to erect works at the mouth of this bayou, to prevent drift coming in, before any other work can be done towards either leveeing or draining. I have seen in one day a rise of two feet of water at this point, which overflowed a large district, and which was caused entirely by the accumulation of drift-wood in the mouth of the bayou The waters of the bayou are now four feet higher than in any other portion of the State, and until the raft is removed, there is no use of attempting the accomplishment of anything like leveeing. I think this bill is strictly within the meaning and spirit of the law, and that as a matter of right and justice, it ought to pass.

Mr. Griffin—I consider the bill now before the Senate unconstitutional, and will not vote for its passage If the swamp land fund can be applied to this purpose, it can be applied to dredging and ditching, or any other purpose foreign to leveeing and draining.

Mr. Nicholls—I consider this bill a proper application of the swamp land fund, and coming within the meaning of the grant. Many members of the Senate know that the mouth of this bayou is greatly enlarged, and that nearly all the drift coming down the Mississippi is drawn in, and forms a raft blocking up nearly all the streams leading to the Gulf, and obstructing navigation. Also, the lands in the neighborhood of the bayous have been overflowed four feet, and are from this cause constantly subject to a recurrence of this disaster; if this bill, which is for the purpose of removing this raft from the mouth of the bayou, and which is the acknowledged cause of these overflows—if it removes the water from the land, is it not draining? Does it not come within the law? If, sir, we cannot remove the cause of the overflow, we cannot drain; and if this be not draining, I know not the meaning of the term. No other method of draining can be devised to relieve that section of country than the removal of the raft accumulated at the mouth of the bayou.

Mr. Short—One word on the principle to be adopted in that bill, which has not been touched upon. The Board of Swamp Land Commissioners are the persons authorized by law to do the work contemplated in the bill now before the Senate. And what are you going to do? You are going to take the work from them which they are authorized by law to superintend, and send an Engineer from point to point over the State, in violation of a law made by your own body. And what, let me ask, is the meaning of the word draining? It is to remove water from land by the process of cutting ditches to lead the water to lower land. If you could find some way of turning the Mississippi or Ohio river on the other side of the Rocky mountains, it would be just as much drainage as the principle contended for by the gentlemen who have preceded me on this subject.

Mr. King—I think that this bill ought to pass. I think that drainage means anything that keeps water off from the land. Also, I think that the appropriation in this bill is a proper and legitimate use of the swamp land fund.

Mr. Short—I ask the gentleman if he has not established a Board of Swamp Land Commissioners to counsel in matters and undertakings of this nature? and are you not taking their duties from them? I do not agree with the Senator from Orleans that this is a legitimate use of the swamp land fund, and I move that the appropriation to carry out the objects of this bill be made out of the internal improvement fund, instead of the swamp land fund.

Mr. Todd—I move to lay the amendment on the table. I consider it unjust to take the fund for internal improvement for this purpose. I approve heartily of the bill and hope it will pass. I consider the principle correct—the act of removing the raft is an act of drainage and cannot in my opinion be viewed in any other light.

Mr. Palfrey—I do not think, sir, that the Legislature parted with all its power of legislating on leveeing and draining, when they created the Board of Swamp Land Commissioners. I approve of the bill, and think it comes within the meaning of the law. And, sir, from considerations of economy, I shall vote in favor of the original bill—as I consider it provides for the most speedy and cheapest method of draining that district of country.

Mr. Short's amendment was lost—and the original bill passed to second reading.

Mr Griffin called up bill to provide for deficiencies in appropriation for the year ending 31st March, 1853—stating that there was an omission in the bill of an appropriation for the Engineer Department. When on motion of Mr. Wickliffe the bill was referred to Finance Committee.

Mr. Rivers moved a suspension of the rules for the purpose of taking up the Citizens' Bank bill, which was carried. And on motion to read the bill a third time, by its title, the yeas and nays were called.

Mr. Mouton—I beg the Senate to excuse me from voting on this bill, having paired off with Mr. Kenner, who has left the city. I am, however, opposed to its passage, and would vote against it if Mr. Kenner was present. Excused, and the bill then passed.

Mr. McCay moved a suspension of the rules, to take up an act entitled An Act to provide for and regulate the office of Attorney General—which was carried.

Mr. Todd—This is a very important bill, and I have not yet seen or read it, and I wish time to examine and consider it before voting. I therefore move that it be printed and made the special order of the day for Tuesday next.

Mr. McCay—I think that Senators have had time enough to examine this bill, and the importance of its provisions makes it necessary to have prompt action upon it. I think the bill ought to pass now, and hope that the Senator will withdraw his motion to postpone.

Mr. Todd—I must insist on my motion to print and postpone the bill. Motion was lost.

On motion of Mr. McCay to adopt first section of the bill—

Mr. Mouton regretted that he was obliged to oppose the bill—that if the duties of the Attorney General were increased, by the fact of his being obliged to assume a portion of what had been the duties of the District Attorney of the parish of Orleans, his pay ought to be increased also, and the salary of the District Attorney decreased in the proportion that his duties were taken from him.

On motion to adopt 10th section of the bill—

Mr. Todd said—I move to strike out $3500 and insert $3000, as the salary of the Attorney. I think that $2500 would be right, but am willing to meet gentlemen's views halfway. I think that although the duties of the office were arduous, and the labor worth $3500—at a time like this when the State

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was nearly bankrupt, $3000 was enough. I think that economy in legislation is incumbent upon us, and that a beginning at reform should be made.

Mr. McCay—The amount proposed to give this officer is the same as was appropriated last year—$3500. Subsequently the Legislature reduced the amount to $1500, with a contingent fund of $500 at his disposal, making it $2000. I think that $3500 is only a fair compensation for his services, his duties being increased in the parish of Orleans. I can see no reason why the Attorney General should not attend to it in any part of the State, whenever and wherever the State may require his services, in the Federal courts. He appears onlywhen the amount in suit exceeds 2000. There is an average of about 60 criminal capital suits per annum in the parish of Orleans, in the prosecution of which the District Attorney stands alone; the Attorney General having no such duty to perform. Now I ask any member of the bar, any attorney on this floor, whether he would prosecute and attend to 60 criminal cases for less than $3500. I think that low salaries do not bring out talent, that no lawyer would give the close attention, the time, and the labor, necessary to insure success, for small pay as he would for good pay. I would not do it myself; nor do I believe it to be in the nature of man to do so. The labors of the District Attorney of the parish of Orleans are too great; and if the labors of the Attorney General are increased, his pay ought to be. And the amendment reducing the salary, I trust, will not pass.

Mr. Wickliffe—I was not disposed, at the first blush, to vote for this bill. I am not only not in favor of, but strongly opposed to exorbitant pay. But I now think that the bill is right and shall vote for retaining the salary at $3500.

Mr. Nicholls—I think that $3500 is little enough for the salary of the Attorney General of the State, and am willing to vote in support of my opinion.

Mr. Todd called for the yeas and nays on his amendment to strike out $3500 and insert $3000—which was lost—5 to 15.

After which the original bill passed.

The Senate then passed to the consideration of the order of the day An act relative to the Judiciary of the State—the First Judicial District excepted—returned from the House, the House not agreeing to the Senate's amendments.

Mr. Boatner moved that the Senate recede.

Mr. Mouton—I hope that the Senate will not recede; the object of the House is to make country judges receive $1000 per annum less than city judges. The same amount of talent and the same duties are required for the country as for the city, and I will never agree to such an unjust distinction.

Mr. Wickliffe—I do not see what possible good can ensue from insisting on these amendments, as it is well known they cannot pass the House.

Mr. Short—I think that the Senate ought not, and I hope that it will not, recede from its position. I can see no reason why a judge living in New Orleans, who is never obliged to leave home, nó bayous to swim, and not obliged to ruin his digestion with country circuit fare, who, in fact, lives better and performs his duties easier, should receive more pay than a man who has harder duty to perform and requiring equal talents. I can see no good reason for retrogading from my position, and mean to stand by it.

The question was then taken on receding, which was carried—11 to 11—the President giving the casting vote. The Senate was then informed that the House had concurred in the amendment for the relief of Emile LaSere, State Printer. And also asked the concurrence of the Senate in the amendment of the House, to correct the date, so as to read from 1st Monday in March, instead of 1st Monday in present month.

On motion of Mr. Short, the amendment of House was agreed to.

The following act, was returned by the House, having disagreed to Senate's amendment—entitled: "An act to organize District Courts in the parish and city of Morehouse;" in 14th section, the Senate struck out the words "except the First District Court, &c., &c.," which the House disagreed to and restored.

Mr. McCay—There are two points of objection to the Senate's receding from its position in this matter—the first is exclusive criminal jurisdiction, and the next in regard to the plea of jurisdiction. That suit shall not be dismissed—I oppose it because I think it might injure non-residents of New Orleans to be subject to be sued in New Orleans—and am opposed to it because it is iniquitous.

Mr. Short—I do not want to subject persons living in other parts of the State to be sued in New Orleans, and I think that the Senate should not recede from that portion of the amendment.

Mr McCay moved that the Senate do not recede, which was rejected to.

An amendment added to the bill, with the consent of the House, "that this act shall take effect from and after its passage," was adopted.

Mr. King moved that a committee of conference with the House, on the above bill, be appointed, which was carried.

The Chair appointed Messrs. King, McCay and Short.

An act entitled an act to regulate the election of District Attorney in the several judicial districts in the State, was then taken up under a suspension of the rules.

Bill passed—after striking out the words "except the First Judicial District"—adding a section, "that this bill shall take effect from and after its passage."

An act for the relief of Property Banks in liquidation, was taken up and read first time by title.

An act granting compensation to Chas. Fitz, Register of the Land Office of the parish of Orleans.

On motion of Mr. Wickliffe, the rules were suspended for a second reading.

Mr. Short—I would state to the gentleman that the Committee on Lands and Levees reported a bill some time since, granting to Mr. Fitz all the compensation to which they considered him entitled. The bill, I understand, was suppressed, and Mr. Fitz carried his claim to the House of Representatives, where this bill originated, giving him a larger sum than the Senate committee deem him entitled to. I therefore request that this bill be referred to the Committee on Lands and Levees. Referred.

An act granting pensions to the veterans of 1814 and '15.

On motion of Mr. Wickliffe, the rules were suspended for a second reading.

Mr. McCay—I would suggest the propriety of a due consideration of the merits of this bill. Its passage will require an appropriation of $40,000, and I think that so large on appropriation, at this period, requires the approval of some appropriate committee

On motion of Mr. Martin, the bill was referred to the Finance Committee.

An act to provide for the appointment of an Attorney or representative of the State in each Parish, was taken up and the rules suspended for a second reading; when,

On motion of Mr. Wickliffe, the bill was laid on the table by a unanimous vote.

Mr. McCay—I now give notice that on Monday I shall move a reconsideration of the bill regulating the salary of the District Judges.

On motion of Col. Short, the House bill No. 394, entitled an act granting an extension of time to actual settlers to make application and payment for lands, was taken up, passed and sent to the House.

SPECIAL ORDER OF THE DAY.

An act relative to mortgages and privileges; when

On motion of Mr. King, the consideration of the bill was postponed and made the special order of the day for Tuesday following.

An act to provide for the registry of voters in the city of New Orleans, was taken up.

Mr. Short—As the subject of this bill concerns the city of New Orleans alone, I move its reference to the New Orleans delegation.

Mr. Nichols—I am opposed to the reference of this bill to the New Orleans delegation. I think that the country is as much interested in honest voting as the city, and ought to have an equal voice in the consideration of this matter. I move, sir, that this

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bill be referred to the Judiciary Committee. Referred to said committee.

An act to divide the State into congressional Districts, was taken up; and on motion of Mr. Wicklife, the consideration of the bill was postponed until Monday following

Mr. King's bill, entitled an act to provide for the recording of mortgages in favor of minors and married women, was taken up and passed—title passed.

Mr. Wickliffe gave notice that on Monday he should move a reconsideration of the vote on the final passage of the bill.

An act to extend the charter of the Mechanics and Traders' Bank of New Orleans, was taken up.

Col. Short moved that the consideration of the bill be made the special order of the day for Wednesday following, with the report of the committee. Carried.

Col. Short—I am now, sir, prepared to state to the Senate, positively, that the Bank does not wish any more time than the first of July, and also that the Directors of the Bank have passed a resolution not to apply for a re-charter under any circumstances. I make this statement, hoping that it may relieve the fears of many gentlemen and induce them to vote with me.

On motion, the rules were suspended to take up the bill, when,

On motion of Col. Short, the further consideration of the bill was postponed until Wednesday next.

MONDAY, April 18th, 1853.

Mr. Wickliffe moved to make the bill for the registry of voters, (which had been made the order of the day for Wednesday next, under a misapprehension,) the order of the day for to-day.

Mr. Wickliffe, according to previous notice, moved for a reconsideration of the vote given on Saturday last, on a bill entitled—

An act to provide for the recording of mortgages in favor of minors and married women.

On motion it was reconsidered, and on motion of Mr. Nicholls, it was referred to a special committee of three, with instructions to report by Wednesday next.

The President appointed Messrs. Wickliffe, King and Kenner of said committee.

SPECIAL ORDER OF THE DAY—THE FREE BANKING BILL.

The following bill was taken up:

An act to establish a general system for Banking in the State of Louisiana.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That any person or association of persons, or corporation formed in compliance with the provisions of this act, may transact the business of banking in this State, and establish offices of discount, deposit and circulation for that purpose, upon the terms and conditions, and subject to all the liabilities and penalties herein prescribed.

SEC. 2. Be it further enacted, &c., That bankers and banking corporations carrying on the business of banking under this act, shall have power to discount bills, notes and other evidences of debt, to receive deposits, to buy and sell gold and silver bullion, foreign coins and bills of exchange; to lend money on real and personal security, and to exercise all incidental powers necessary to carry on said business.

But the aggregate amount of the capital stock of such banker or corporation shall not be less than one hundred thousand dollars.

SEC. 3. Be it further enacted, &c., That any number of persons more than five, associating themselves for the purpose of banking under this act, may constitute themselves a corporation, are hereby authorized to become a corporation, with power and authority—

1st. To have and enjoy succession by a corporate name, to be selected by themselves, for a period which shall be expressed and limited in the Articles of Association, provided, such period shall not exceed twenty years; and by that corporate name to sue and be sued, plead and be impleaded, appear, answer and prosecute, in any and all courts of justice, and elsewhere.

2d. To hold, receive, purchase and convey, by and under their corporate name, such property, real and personal, as may be indispensable to the objects of the association; Provided, That the real estate which such corporation may lawfully purchase, hold and convey, shall be, first, such as may be necessary for the proper transaction of their business; secondly, such as shall have been mortgaged to them in good faith, as security for loans; thirdly, such as shall be conveyed to them in satisfaction of debts previously contracted, bona fide, in the course of their business; and fourthly, such as they may purchase at sales, under judgments or mortgages held by themselves, or in which they may have an interest by being subrogated to rights according to article 2157 of the Civil Code But they shall not have power to hold any real estate acquired in any way, except such as may be required for the transaction of their business, for a longer time than five years.

3d. To make and use a corporate seal, to be described in the Articles of Association.

4th. To name and appoint such managers and directors to administer the affairs of the corporation as they may think necessary and proper; the number and style of such directors or managers being described in the Articles of Association, and to fix the compensation of all persons in their employment. All said managers and directors shall be citizens of the State.

5th. Make and ordain such by-laws for the proper management of the affairs of the corporation as may be necessary and proper, and in conformity with the provisions of law, the Articles of Association, and this act; and such by-laws to repeal, alter and amend at pleasure.

SEC 4. Be it further enacted, &c., That corporations under this act shall be organized by written articles of association, duly executed by a notarial act, and recorded in the office of the Recorder of Mortgages, or other officer exercising the functions of Recorder of Mortgages, at the place named in the act as the place of business, or domicil of the corporation. A certified copy of the same shall be deposited in the office of the Auditor of Public Accounts; the same shall also be published once a week for four weeks in the official journal of the State, and if the official journal of the State should not be a newspaper in the city of New Orleans, the said act shall also be published for the same time in at least one daily newspaper in the city of New Orleans, and also in a newspaper at the place named in the act as the place of business, if there be one published there. A duly certified copy of the record of such an act may be used as evidence for and against such corporations.

SEC 5. Be it further enacted, &c., That the act thus recorded and published shall contain and set forth under the signatures of the subscribers and associates, the name assumed to distinguish such banking company, and to be used in its dealings—the place where the banking business of such association is to be carried on, designating the particular parish and city or village in the State, the amount of the capital stock of such Banking Company, and the number of shares into which the same shall be divided; the names and places of residence of the share holders, and the number of shares held by each of them respectively, and the time when, and the manner in which payments on stock subscribed shall be made; the period at which such association shall comence, and the period of its duration; the number of its directors and managers and the mode of election, and the mode of liquidation at the end of the term.

The same may also provide for an increase of the capital, and of the number of associates, and for any modification, addition or alteration in the articles of association; Provided, that such increase, and every such modification, alteration or addition shall be submitted to a general meeting of the stockholders, held after thirty days' notice, and shall be approved by two-thirds of the amount of the capital stock, and every such increase, modification, alteration or addition shall be executed, recorded and published as provided in this section for the original articles.

SEC. 6. Be it further enacted, &c., That all stock subscribed to any banking company under this act, must be paid up in full, in specie, within twelve months after the said company shall commence business.

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SEC. 7. Be it further enacted, &c., That no loans by any banking company shall be made to any of its stockholders on a pledge of its own stock.

SEC. 8 Be it further enacted, &c., That the shares of the said banking companies shall be deemed to be personal property, and shall be transferrable upon the books of the same in such manner as the by-laws may direct; but no shareholder thereon shall be liable for its debts and contracts to a greater amount than the whole amount of his shares therein; unincorporated bankers shall be liable to the full amount of their obligations and contracts.

The liability as stockholder shall apply not only to such persons as appear by the books of the company to be such, but also to every equitable owner of stock, although the same may appear upon such books in the name of another person; and also to every person who shall have advanced the instalments or purchase money of any stock in the name of a person under twenty-one years of age, and while such person remains a minor; and also to every guardian or trustee who shall voluntarily invest funds in said stock; no trust funds shall be liable for the corporate debts, but the guardian or trustee shall be personally liable, until the person beneficially interested become competent to control and dispose of the same, and for sicty days thereafter. But when a guardian or trustee holds such stocks under a transfer from a third person, in good faith, or by posftive directions to make such investment, the person so transferring or giving directions, or his estate, if he be deceased, shall be responsible for the debts and liabilities chargeable on said stock.

SEC. 9. Be it further enacted, &c., That the stockholders of any banking company formed under this act shall be exonerated from any responsibility therefor in respect to any stock which shall have been duly transferred on the books of the association, in good faith, and without the intent to evade such responsibility, before default has been made by the company in the payment of its debts. The assignee in said case, shall succeed to the same responsibilities as though he had been owner of the stock at the time of contracting the debt or liability for which the stockholders are responsible, and the same rule of responsibility shall prevail in regard to all subsequent assignee.

SEC. 10. Be it further enacted, &c., That every Banking Company established under this act shall, on proof of any act of insolvency, or non-compliance with the conditions of this act, forfeit its corporate any of rights, and it shall be the duty of the district court of the district in which such corporation is situated, at the instance of any creditor or of the Auditor of Public Accounts, and on proof of the alleged facts, to the satisfaction of the said court, to decree such forfeiture and to appoint thereupon commissioners to effect the liquidation of the affairs of the said corporation—to convert into cash, as speedily as may be, under the direction of the court, all the assets of the corporation, including the sums that may have remained unpaid by stockholders upon their respective shares of the capital stock; and after providing according to article 120 of the Constitution, for any unpaid balance which may be due to the bill holders, to distribute the same, as now provided by law, in the case of insolvencies of individuals.

SEC. 11. Be it further enacted, &c., That the said Auditor of Public Accounts of this State is hereby authorized and directed to cause to be engraved and printed, in the best manner to guard against counterfeiting, such a quantity of circulating notes, in blank, of the different denominations, not less than five dollars each, which are authorized to be issued by the incorporated banks of the State, as he may from time to time deem necessary to carry into effect the provisions of this act; such blank circulating notes shall be countersigned by the said Auditor, and numbered and registered in his office, by and under his direction by persons appointed for that purpose, so that the notes of each denomination of such circulating notes issued to the same banker or banking company, shall be uniform. All such circulating notes, of every denomination, shall be stamped upon their face, "secured by pledge of public stocks." The form and devices of such circulating notes, may be selected by the bankers and banking companies, who may be entitled to receive them from the auditor, under the provisions of this act; but the Auditor shall prescribe a uniformity among all the notes engraved, in the device for receiving the signature of the Auditor, and the number herein described to be put upon such notes, by him or in his office.

SEC. 12. Be it further enacted, &c., That Banks and Banking Companies established under this act, upon legally assigning to, and depositing with the said Auditor, the bonds, or evidences of debt, of the United States, bonds of this State, or bonds of the consolidated debt of the city of New Orleans, authorized and secured by the thirty-seventh section of the act "to consolidate the city of New Orleans, and provide for the government and administration of all its affairs," approved February the twenty-third, eighteen hundred and fifty-two, and the fifth section of the act approved February the fifth, eighteen hundred and fifty-two, entitled, "an act supplementary to an act to consolidate city of New Orleans, and providing for the incorporation of the city of Lafayette with the city of New Orleans," shall be entitled to receive from the said Auditor, an equal amount of such circulating notes, in blank, of the denominations such as they may prefer, numbered, registered, countersigned, and stamped as aforesaid. But such public stocks shall always be, or made to be, equal to a stock of this State, bearing not less than six per cent interest; and it shall not be lawful for said Auditor to take such bonds at a rate above their par value or above their market value.

SEC. 13. Be it further enacted, &c., That the said auditor shall collect, at regular periods, the interest which shall accrue upon the bonds and stocks deposited with him, as security for the circulating notes, issued under the preceding section of this act, and shall pay over the same, on demand, to the parties from whom they were received, so long as the market price of said bonds does not fall below the rate at which they were taken by him. In the event of such a depreciation, the said auditer is authorised and directed to retain the said interest until the said securities shall recover their full value, as rated in their receipt on deposit, or until such further deposit shall be made as will fully make good the amount for which the circulating notes were issued. And the Auditor is further empowered, in case of such depreciation in the securities deposited, to require from the Banker or Banking Company, either an additional deposit of bonds, to make up fully the original security for the notes issued, or the return and surrender, by the parties depositing, of so much of the amount of circulation received from the Auditor as will make good the deficiency of security, produced by such a fall in the markot value of the said deposited securities, and on the failure of such Banker or Banking Company to comply with such demand, within twenty days after it shall be made, all the privileges acquired under this act shall be forfeited, and the Auditor shall immediately take the proper steps to cause the affairs of said defaulting Banker or Banking Company to be liquidated, as provided in cases of insolvency: Provided, that the said Banker or Banking Company shall have the right to appeal from the decision of the Auditor, within ten days, to the district court of the place where said Banker or Banking Company have their domicil, and the said court is hereby required to hear and determine the issue, in preference to all other cases, either in open court or in chambers, and the decision of the district court may be appealed from to the Supreme Court then in session, at such time as may be fixed by the district court, in order to have the same as speedily disposed of by the said Supreme Court as the interest of the parties and the public may require.

And provided further: That during the pendency of said appeal, all proceedings of said Banker or Banking Companies, as such, shall be suspended.

SEC. 14. Be it further enacted, &c., That all the securities deposited with the said Auditor under this act shall be held exclusively for the redemption of such circulating notes as have been issued thereupon, but he may, on application of the depositors, change and transfer them, on receiving the amount of securities of equivalent value receivable under this law, or on receiving and cancelling an equivalent amount of

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the circulating notes for which they were pledged or deposited. He may also receive and cancel any mutilated notes, and issue in exchange other circulating notes of a corresponding amount, but the notes thus received shall be recorded and preserved as vouchers, until the annual examination of the legislative committees.

SEC. 15. Be it further enacted, &c., That whenever said securities shall be assigned to, and deposited with the Auditor, in manner aforesaid, a full description of the same, signed by the said Auditor, and the parties as signing and depositing the same, shall be filed and recorded in the office of the said Auditor, and also in the office of the Treasurer of the State; and every change, transfer or substitution of the same shall be described, filed and recorded in the same manner. The securities shall be delivered to the Treasurer for safe keeping, on his receipt to the Auditor for the same; and every redelivery of the same to the Auditor for any of the purposes of this act, shall be made on a written order of the said Auditor, specifying the purposes for which they are required. Which order shall be filed and recorded in the Treasurer's office, with the Auditor's receipt for the securities or any portion of them delivered to him. A report from the Auditor of every sale and disposition of said securities, shall also be filed in the office of the said Treasurer.

SEC. 16 Be it further enacted, &c., That it shall not be lawful for the said Auditor to countersign bills for any Banker or Banking Company to an amount in the aggregate beyond the amount of stocks or bonds deposited, at their rate of value estimated under this law A violation of this provision shall subject the said Auditor, on conviction, to a fine of five thousand dollars, and imprisonment for ten years at hard labor.

SEC. 17. Be it further enacted, &c., That the plates, dies and materials procured by the Auditor, for the engraving and printing of the circulating notes, as directed by this act, shall remain in the custody and under the direction of said Auditor. The necessary expenses incident to the procuring of the said plates, dies and materials, the printing, numbering, countersigning and registering of the same, shall be paid by the respective Bankers and Banking Companies for whose use they were received, before the said notes shall be delivered by the Auditor; and the said Auditor is further authorized to charge and receive from every Banker and Banking Company such rate per cent as may be sufficient to defray his or their equitable proportion of the general expenses incident to the execution of this act.

SEC. 18. Be it further enacted, &c , That Bankers and Banking Companies, receiving such blank circulating notes from the Auditor, to execute and sign them in such manner as to make them obligatory in law as prommissory notes, payable to bearer on demand, and without interest, at the place of business of the said Bankers or Banking Companies, and not elsewhere, unless otherwise provided by this act, and may circulate and use the same as money, according to the usual course of banking business as defined in this act, and regulated by the laws and usages of the State All such circulating notes shall be signed by the Banker or Bankers and his or their Cashier, or by the President and Cashier of the Banking Company issuing them, and by no other person whatever for them.

Provided: That no individual firm or corporation, except the legally chartered banks now existing, shall issue and circulate as money any note except such as are authorized by this act, under a penalty of one thousand dollars, to be recovered with costs of suit, one half of such penalty for the use of any person who shall sue for the same, and prosecute the same to final judgment, before any court of competent jurisdiction, and the other half to be placed in the State Treasury

SEC. 19. Be it further enacted, &c., That in case the maker or makers of any notes, countersigned, numbered, registered and issued as aforesaid, shall, at any time within the usual hours of business, at the place where the same is made payable or redeemable, refuse or fail to pay or redeem the same on demand, in lawful money of the United States, the holder of such note may cause it, or so many of such notes as he may present, and of which default in payment is made, to be protested for non-payment; and the Auditor, on receiving and filing such protested note or notes, shall forthwith give notice to the makers of such notes to pay the same and all costs; and if he or they shall omit to do the same for three days after the service of such notice, the said Auditor shall thereupon give public notice, through the official journal of the State, and one other daily newspaper in the city of New Orleans, and if the official journal be not published in the city of New Orleans, in at least two daily journals published in the city of New Orleans, and also in the newspaper published at the place of business of the maker or makers of such notes, if out of the city of New Orleans—if there be one published there—that all the circulating notes issued by the maker or makers of said notes will be redeemed by him, out of the Trust Funds deposited in his hands.

SEC. 20. Be it further enacted, &c., That whenever a notice of Protest for non-payment of any note as described in the preceding section shall be lodged in the said District Court verified by the affidavit of the creditor, that the amount is still due and unpaid, the court shall forthwith issue a writ of sequestration and appoint a receiver to take charge of all the assets of said Banker or Banking Company, and place his seal upon the same to await the further action of this court, and the said Court shall forthwith also issue a rule requiring the Banking Company or Banker issuing said note to show cause within ten days why the said note or notes were not paid on presentation: and in case, on the hearing of said rule, said respondent should fail to show cause, it shall be the duty of the said Court to pronounce judgment of insolvency, and proceed to provide for the liquidation of the affairs of said Banker or Banking Company.

SEC. 21. Be it further enacted, &c., That no Banker or Banking Company shall after notice of protest, of his or their note as recited in the nineteenth section of this act, make any assignment, transfer, conveyance or sale of his or their property or assets; every such assignment, transfer, conveyance or sale shall be null and void, and every Banker, President, Director, Manager and officer assenting to such assignment, transfer, conveyance or sale of such property or assets, shall be personally liable in full, for all the debts of the company and may be adjudged guilty of a misdemeanor, punished on conviction by fine and imprisonment,

SEC. 22. Be it further enacted, &c., That the said Auditor immediately on giving the public notice required by the 18th section of this act, of the non-payment of any protested bill or notes issued under the authority of this act, he shall proceed to advertise for sale, at public auction in the city of New Orleans, the stocks or bonds deposited with him, by the maker or makers of said protested notes, and on the day of sale, which shall not be less than thirty days from such advertisement, and which advertisement shall have been published at least twice a week for four weeks in two daily newspapers printed in the city of New Orleans, cause the said securities to be sold for cash under his own supervision, and shall, after deducting the expenses of such advertisement and sale, apply the proceeds of said sale, to the redemption pro rata, of all the notes in circulation, whether protested or not protested, made and put into circulation by the maker or makers of such protested notes: Provided, that nothing in this act shall be considered as implying any pledge or undertaking on the part of the State for any payment beyond the faithful application of the said securities deposited with the Auditor.

SEC. 23. Be it further enacted, &c., That if the proceeds of the sale of the said securities should exceed the amount required to redeem and pay the circulating notes aforesaid in full, the Auditor shall pay over such excess into the general fund of the assets of said insolvent Banker or Banking Company, but if the proceeds of such sale should be insufficient to provide in full for the said circulating notes and he should declare a distribution pro rata thereupon, he shall forthwith furnish in writing to the commissioners or liquidators of said insolvent, a certificate in writing of the amount of said deficiency which said certificate shall be legal notice to them to receive out of any

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assets of such insolvents which may be or may come into their hands, an amount sufficient to provide for such deficiency, and he shall further furnish to every holder of any note or notes presented to him for redemption, and redeemed in part, a certificate of the amount unpaid on such note or notes, and such certificate shall entitle the holder to payment of the amount therein designated—in full out of the assets of the insolvents herein directed to be reserved—if the said assets should be sufficient to pay all the said notes, in full—or, rateably if they should not be sufficient—in preference to any other claims and debts whatever, except the costs of liquidation.

And should the proceeds of the sale of said securities be insufficient to redeem all the notes put in circulation by any corporation established by this act, then the stockholders of said corporation shall be liable for the full amount of all unredeemed notes in the ratio of stock which each one may own.

SEC. 24. Be it further enacted, &c., That the holder of any circulating note, which may have been protested for non-payment, shall be entitled to damages at the rate of twenty per cent. per annum, in lieu of interest, until final payment, payable out of the general fund of said insolvent party.

SEC. 25. Be it further enacted, &c., That Bankers and Banking Companies, doing business under this Act, shall be entitled to charge and receive discount at a rate, not greater than the maximum allowed by law, on conventional obligations; and their other contracts shall be regulated by the laws in regard to interest upon contracts between individuals.

SEC. 26. Be it further enacted, &c., That every Banker and Banking Company, doing business under this Act, is required, in addition to the securities for circulation, deposited with the Auditor, to have on hand, at all times, in specie, an amount equal to one third of all its or their other cash liabilities, and for the remaining two thirds of the same liabilities, an equal amount, in specie, specie funds, bills of exchange or discounted paper, maturing within ninety days, and not renewable.

SEC. 27. Be it further enacted, &c , That if at any time the said specie, and specie funds, and short paper, held by such Banker or Banking Company, should fall below the proportions to cash liabilities, prescribed in the preceding section, and shall remain so for a space of ten days, it shall not be lawful thereafter for such Banker or Banking Company to make any loan or discount whatever, until its or their position is re-established according to the terms of the said section. A violation of this provision shall be held to be an act of insolvency, and the Auditor shall cause the necessary steps to be taken for the liquidation of the affairs of such Banker or Banking Company, as in cases of insolvency, and every Director or Manager of a Banking Company, who may participate in, or assent to such a violation, shall become individually liable for all its debts and obligations.

SEC. 28. Be it further enacted, &c., That every Banker and Banking Company, out of the city of New Orleans, doing business under this Act, and issuing circulating notes, as herein authorized, may keep an office or designate an agency in the said city, for redemption of said notes. The appointment of such officer or agent shall be made in writing and filed with the Auditor, with the Board of Currency, and in the office of the Recorder of Mortgas in which the charter is filed; Provided, however, nothing herein contained shall be so construed as to authorize such Banker or Banking Company to refuse to redeem its notes at the counter of the principal bank, as contemplated by this act.

SEC. 29. Be it further enacted, &c., That the Board of Currency, as now established by law, or as it may be organized hereafter by law, shall supervise the execution of this Act, and possess all the powers, and perform all the duties which are conferred or imposed upon them by the laws in regard to incorporated Banks, or may be hereafter conferred or imposed upon them by law, in regard to incorporated or other banks. They may examine the affairs of Bankers and Banking Companies doing business under this act, whenever they may deem it necessary to do so, and shall require from them weekly statements, verified upon oath by every said Banker and his Cashier, or by the President and Cashier of every such Banking Company; which said weekly statement shall give the following particulars of the affairs of the Bank.

1st. Capital paid in.

2d. The amount of stocks deposited with the Auditor, with a list of the same, and the rate at which they were received for circulating notes.

3d. Amount of investments in real estate.

4th. Amount of investments in loans having longer than ninety days to run, distinguishing whether on mortgage or otherwise—loans on stocks and what stocks.

5th. Suspended debt and protested paper.

6th. All other assets not realizable in ninety days.

7th. Loans on paper maturing within ninety days.

8th. Exchange, domestic and foreign.

9th. Deposits.

10th. Circulation.

11th. Other cash liabilities.

12th. Specie and cash assets. Stating each item separately.

SEC. 30. Be it further enacted, &c., That the said statements shall be regularly filed in the office of the Board of Currency, and the statements so furnished on the last Saturday of every month, by the Bankers and Banking Companies doing business in the city of New Orleans, shall be signed by the Board of Currency and published in the official journal on the first Wednesday of each and every month. The Board of Currency shall prescribe for each Banker or Banking Company, doing business out of the city of New Orleans, a period within which their said weekly reports shall be furnished to the said board, and said monthly statement published by the Board of Currency shall include the last weekly statement duly received from every such banker or banking company.

SEC. 31. Be it further enacted, &c., That a list of the stockholders in every banking corporation doing business under this Act, verified by the oath of the President or Cashier, shall be furnished monthly to the Board of Currency, but need not be published with their monthly reports.

SEC. 32. Be it further enacted, &c., That the Legislature shall annually appoint a joint committee of the two Houses, whose duty it shall be to examine the securities deposited by Bankers and Banking Companies, together with all books and papers relating to the business of banking under this act: Also, to count all circulating bills which may have been returned by any banker or banking company, and after comparing them with the books, to cancel and destroy the same, giving the Auditor a sufficient certificate for the same; and, generally, to make such investigations as they may deem proper to enable them to report a true statement of the condition of the Banks operating under this law.

SEC. 33. Be it further enacted, &c., That any Banker, and any Director, Officer, Agent or Clerk of any Banker or Banking Company doing business under this act, who shall make false statements or entries in the books of such Banker or Banking Company or who shall exhibit false paper or practice wilful concealment of facts within his or their knowledge, with intent to deceive the Board of Currency or other persons having lawful authority to examine; or to deceive the public as to the condition of such Company; as also any person who shall, with a view to defraud any such Banker or Banking Company, knowingly draw or pay any check or checks, or be accessary to the drawing or paying of any check or checks, without funds in the said Company drawn upon or to the embezzlement of any of the money or assets of said Banker or Banking Company, by any clerk, officer or agent thereof shall be subject, on conviction, to imprisonment in the penitentiary of this State, for a term not less than one year or more than three years. And when any such false statements are made under oath, the person or persons shall be adjudged guilty of perjury and punished according to law.

SEC. 34. Be it further enacted, &c., That Banking Companies framed under this act, may be Banks of Discount and Deposit only, and are not required to be Banks of circulation; and such Banks may pay any of their obligations in specie, or in notes of the incorporated Banks of the city of New Orleans, or notes

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countersigned and secured by public stocks, under this act, at the option of the party receiving them.

SEC. 35. Be it further enacted, &c., That Bankers and Banking Companies doing business under this act, shall be taxed upon their capital stock, at the same rate as other personal property, under the laws of this State.

SEC. 36. Be it further enacted, &c., That whenever any Banker or Banking Company shall have redeemed 80 per cent. of its or their notes, and delivered to the Auditor a certificate of a deposit to the credit of the State Treasurer, in such Bank as the Auditor may approve, to an equal amount with the circulating notes still unredeemed, it shall be lawful for him to receive the same, and to give up all securities heretofore deposited by such Banker or Banking Company, for the redemption of circulating notes issued.

SEC. 37. Be it further enacted, &c., That such Banker or Banking Company, after having complied with the provisions of the thirty-sixth section of this act, may give notice once a fortnight, for one year, in the State paper, also in a paper publishad in the city of New Orleans, and in a paper published in the parish in which said Banker or Banking Company has its or their domicil, if any paper be published therein, that all the circulating notes issued, must be presented at the Auditor's office, within one year from the first publication of such notice, or that the funds deposited, will be given up to such Banker or Banking Company, and on receiving satisfactory proof of the giving of such notice for the time aforesaid, the Auditor shall surrender to said Banker or Banking Company, any funds which he may hold for the payment of the unredeemed notes.

Sec. 38. Be it further enacted, etc., That the Auditor of the State shall have the authority, with the approval of the Governor, to employ in his office, such additional clerk or clerks as he may deem necessary, in order to execute the duties imposed upon him by this act, and to pay such compensation therefor as he may deem sufficient—the same to be paid by a general assessment upon the Bankers and Banking companies for whom the services were performed.

SEC. 39. Be it further enacted, etc., That the salaries now established and the contingent expenses now allowed by law to the Board of Currency, shall be assessed upon all banks, subjected to their supervision, under this act, as well as upon the incorporated Banks, and paid in the same proportion and in the same manner.

SEC. 40. Be it further enacted, etc., That upon the decease of any Banker who has done business under this act, the funds, bonds, stocks, and securities deposited by him with the Auditor, shall not become assets until all the liabilities of said Banker under this act are discharged

And after twenty days notice by the Auditor to the legal representative or the heirs of said deceased and all the liabilities by him contracted should not be discharged.

The Auditor shall proceed to sell said securities in the mode declared in the twenty-second section of this act, and distribute the proceeds of said sale to redeem all the liabilities said deceased had contracted in his capacity as banker, and pay all costs incurred, and pay the overplus, if any, to the legal representatives or heirs of said deceased.

The bill was read section by section.

The eighth section being under consideration

Mr. Kenner said—I move to strike out the words "anincorporated banksers shall be liable to the full amount of their obligations and contracts." I do not see what difference there is whether banking be carried on by four or five persons or by one. They are each liable for the amount of their stock. But this section makes one individual who carries on the business by himself, liable to the full extent of his means; therefore, any one having $100,000 which he might wish to invest in banking, would associate with him three or four men of straw, in order to avoid the provisions of the act.

Mr. Wickliffe moved to amend so as to make the stockholders individually liable.

Mr. Kenner—If I consulted my own feelings, I should vote for the amendment. But I am satisfied that in the present state of public feeling, it would not be compatible with the views of the community, and would render the bill inoperative.

Mr. King—I think the Senator from Ascension does not correctly understand the meaning of the section. It is intended to operate against those persons who do not comply with the provisions of the bill, such as Jacob Barker and others in the city of New Orleans. I think, however, that the third section should be reconsidered, as it allows only more than five persons to form a corporation for banking purposes. I think with the gentleman from Ascension that we should permit any number of persons to enter into the business. I would, therefore, move a reconsideration of that section, in order that it may be amended so as to meet the views of the gentleman,

Mr. McCay—The first section of the bill says that any "person or association of persons" may transact the business of banking in this State.

This clearly permits any one present to transact such business on complying with the requisitions of the law. But the third section says that any number, more than five, may engage in the business. Does this prevent a less number?

Mr. Wickliffe—I move to make the share-holders personally responsible.

Mr. Short—This would entirely destroy the efficacy of the system. It is true that free banking does tend to change the features of our old system; but let us give it a fair chance. This cannot be done if we measure the liability of shareholders by a standard different from that which is applied under the old system.

Mr. Mouton—I agree fully with the Senator from West Feliciana, (Mr. Wickliffe.)

Mr. Wickliffe—I hear it said on all sides that free banking is going to make the people prosperous.—Why, sir, I have heard, ever since I was a boy that banks improve the condition of the community and make the people happy and prosperous. If these banks are going to do what it is said they will, why should we not make them liable? I never will vote for any system that does not make the stockholders liable in the same way as debtors in ordinary business transactions. Here we are going to permit banking on city scrip. We are told that it is impossible for that scrip to fall in value; that there is no possibility of loss on it. One gentlemen has described it as the safest basis that could be adopted. How then is it possible for banks established on such a basis to fail. They must deposit this security with the State.—Why should we then object to binding the stockholders *in solido*, if the security is so good. If we put that in, we shall have a good system.

Mr. King—Whether I am consistent or not, does not affect this measure. But I have not been inconsistent. I have said that if gentlemen expected to devise a system in which there would be no possibility of loss, they would be seeking too much. Such a system cannot be found any more than the philisopher's stone, and we would only waste our time were we to attempt to make such a one. But I did say that this is a better system than any we have had, and less likely to result in loss. I did say that New Orleans city bonds are a better security than the world ever saw before. Besides the moral obligation resting upon the city to pay, you have the force of a legislative enactment which makes it compulsory on her to do so. That statute is irrepealable by the city, and consequently she has no way of avoiding payment, even did she wish to do so. You have, then, both a perfect and imperfect obligation resting on the city. For these reasons her bonds are better than any security that could be offered. With all other stocks there is only a moral obligation to pay. There is no power that can compel it. When this subject was before the Senate the other day, the gentleman made a brave fight on it. I thought he would be content to rest on the laurels which he then gained. But I suppose he acts on the principle that a man who lives may always fight another day, even though defeated in the first encounter. The gentleman from Carroll (Mr. Short) has stated the case correctly in saying that to trammel the bill any more would render it inoperative. We have required full security; better security than is given by any bank now in operation in this State, and better than is demanded by

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any other system of this kind. In addition to requiring stocks to the full amount of circulation to be placed in the hands of the Auditor, the bill contains a very stringent provision as to the amount of specie which must be kept on hand. After this ample security, the gentleman requires that all the stockholders shall be liable *in solido*. Suppose I should subscribe five hundred or a thousand dollars to the stock of a bank, what liability would I not incur? On a business of a million dollars I would be liable for five million. Who would enter into banking, who would subscribe to the stock of a bank in the face of such an enormous liability. The gentleman himself would not do it. If we do not intend to tantalize the public, we will reject the proposition. I do not want to throw out a tub to the great popular whale; I wish to give the people what they desire.

Mr. Wickliffe—I have listened with anxiety to hear something which might be considered a tangible argument on the point in question; but so far from furnishing argument the gentleman only tells us that the amendment will defeat the bill. I think not. I do not see how it can if all be true that is urged in favor of the free banking system; if its panegyrists have depicted it correctly, if it be really that safe system of banking that has been asserted.

If, in the ordinary transactions of life, a man is liable to the full amount of his property, why should he cease to be so when he becomes a stockholder in a bank? Gentlemen say it will defeat their system. Are we, then, going to establish a system of swindling? If not, why do we fear to make stockholders liable? Is it because we fear the effects of mal-administration of these banking corporations? I go for making the stockholders responsible, and then we shall have a safe system.

Mr. Short—One point seems not to be sufficiently understood. It is the difference between this system and the old one in the security which they offer to note holders. So far as any contracts of discount and deposit are concerned, those who enter into them will do it under the same system as now, knowing that the shareholder is only liable to the amount of his stock. But it is in regard to the circulation that the most interest is felt. The public believes that the note holder must be better secured; that some safer system must be adopted to provide against fluctuations in the currency; such as was established by a late law in regard to the Bank of England, which separated the circulation from the deposits and discounts.

Mr. Mouton—The gentleman from New Orleans (Mr. King) says, that the substitute would defeat the free banking system. If so, I am not sorry for it. I think that the substitute ought to be adopted. The gentleman fears that its effect will be to throw a responsibility somewhere. We require full security to protect the note holder from loss, but we do not wish to throw any risk on the stockholder. If there is any fear that this will turn out to be a bad system, let the loss fall on those who associate themselves together to make money under it. It is better that any loss which may ensue should fall on the stockholders than on the honest third parties who contract with them. If there is no danger in the system, there can be no objection to the amendment. If there is danger in it, the loss ought to fall on the stockholders. Therefore, I am in favor of making them responsible *in solido*.

Mr. Kenner—I had no idea that a long discussion would arise on this subject. I am not one of those who think that free banking means abundance of money. We had all better get rid of that chimera as quickly as possible. But to come to the point. The system by which all the stockholders of a bank are made liable *in solido*, is copied from the Scotch law; but that is the only security that the law requires. Therefore, if you adopt it here, strike out all the other securities which you have incorporated into the bill. Strike out that part making it necessary to keep one-third specie constantly on hand. In fine, strike out all the other securities—all the other guarantees that the bill affords, and then, if you please, make the stockholders liable *in solido*. But do not adopt this Scotch system and add on the Yankee securities besides. That would be going too far. What debts can a bank incur? It may purchase property; but its power to do so is limited. Then it is indebted for its circulation. That is provided for by ample security. Then for its deposits. These three comprise all the debts that a bank can contract. We have provided for the purchase debt by limiting the power to buy. We do not wish to go further than this. How have we provided for the deposits? By compelling banks to keep constantly on hand, an amount of specie equal to one-third of the circulation, and one-third in bills maturing. Unless, therefore, we suppose that the banker himself is a robber and a swindler, there is no possibility of any injury to any one.

Mr. Short—I move that the section requiring every bank note to bear endorsement on its face, stating that it is secured by pledge of public stock, be so amended, that the class of stock be specified. Suppose the holder do not know the class of stock by which the note is secured, he will not feel so much confidence, nor can he be on his guard if any of the stock should give way in the market.

Mr. Kenner—It is to be supposed, that as these kinds of stock are received, one-third would be secured by each class.

Mr. McCay—It appears that this is provided for in the bill. The monthly statement, which must be published in the newspapers, will be as good a way as any of extending information to the public.

The twelfth section was taken up.

Mr. Short—I was opposed to incorporating the bonds of New Orleans into the bill as a basis for banking operations. I understand that the city has bonds out to the amount of $9,000,000. At least, her whole debt is about $7,500,000. I never can vote for a bill which has municipal bonds as a basis of circulation. There is some difference between the House and the Senate bill. The House bill contemplates the interference of the courts of justice, before the forfeiture on refusal to pay a note becomes final. The difference consists in this: The House bill says the note must be protested for non-payment. This evidently contemplates that the party must go before a notary, in order to go through the form; for when it says that a protest must be made without specifying the manner, it means that it must be done in the same way as a protest of notes of hand. Then six or eight days must elapse before the assets of the bank become liable. In the meantime, the bank may dispose of its assets, and leave the note holder to whistle for his money. This notary business costs two dollars, which is an object to poor people. Would it not be better to make the banker endorse his refusal on the note, and let that operate as a protest, and so put an end to this system of running to a notary?

Mr. King—I should prefer that this first protest be accompanied with all the forms and solemnities known to the law. The object is to give as much publicity as possible to the circumstance in order to prevent third parties being injured. I would make the protest as public as possible.

Section 24 was taken up.

Mr. King—The Senate had 12 per cent. in its bill. I think that is enough; as in case such a thing should happen, the Bank would not be solvent and therefore the damages would operate as an assessment on the depositors. If it came out of the Bank alone, I would be perfectly willing to make the damages as high as 50 per cent.; but, inasmuch as it will come out of innocent third parties, I think 20 per cent. is too high.

Mr. Short—I do not think we ought to contemplate the contingency of the insolvency of a bank.

The section was amended.

Section 34 was taken up.

Mr. Kenner—This has the same object as section 34 of the Senate bill, but is not as well expressed. Under the New York system banks of circulation were established, which were banks neither of discount or deposite. They kept their doors closed, and persons could not get access to the counter to get their bills cashed. This gave rise to a great quantity of bad paper. The Superintendent of the New York banks, in his recent report, called the attention of the Legislature to this evil and begged that it might be reformed so as to compel banks to be of deposite and discount as well as of circulation.

Mr. Kenner moved to strike out section 40.

Mr. McCay—It is necessary to have a provision of this kind. If the stock has to be inventoried and de-

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ivered over to the heirs, the note-holders will not be secured.

Mr. King—I am opposed to the section. It seems to me that when a man dies who owns a large amount of stock, it will dissolve the corporation *ipso facto*.

The section was stricken out.

A point of order here arose as to whether the bill had passed finally, or only on its 3d reading.

Mr. Wickliffe—I want to record my vote against this bill.

Mr. Kenner—We have adopted the bill section by section and are done with it so far as we have concurred with the House. I am sorry that the gentleman who has recorded his vote eleven or twelve times already cannot have an opportunity to record it a thirteenth.

Mr. Short—I think this bill is on its 3d reading. It is a new bill from the House and has not passed through the stages here that are required.

Mr. Nicholls—There are the same reasons for reading this bill three times here, as in the House where it originated—that is for the purpose of placing it fully before us. So far as we are concerned, this is an entirely new bill and it should go through all the forms and be subjected to all the tests that are imposed on a new bill.

Mr. Rivers—The principle of the thing is very easily understood. The House concurred in the Senate bill by substitute. It is therefore not a new bill; it is our bill amended, and all we have to do is to concur in the amendments of the House.

Mr. Wickliffe—There is nothing before the Senate to lead us to any such conclusion. The bill comes here as an original bill from the House, and consequently must go through three readings.

The bill passed—14 yeas and 7 nays.

The title was then put.

Mr. Nicholls moved to strike out "Free Banking," and insert "Free Shaving."

On motion of Mr. Taylor, the amendment was laid on the table.

THE REGISTRY LAW.

The bill for the registering of voters in the city of New Orleans came up.

Mr. Wickliffe moved to recommit the bill to the Judiciary Committee.

Mr. Nicholls—This is a bill which should be acted on at once. The Constitution makes it the duty of the Legislature to pass such a one at this session. The Judiciary Committee has already worked hard on this bill, and it has more before it now than it can attend to.

The motion to recommit was carried, with instructions to report on Wednesday next.

The bill to divide the State into Congressional Districts was taken up.

Mr. Todd—There has been a minority report prepared on this bill.

Mr. King—I should not like to see any pledge given that the minority report will be let in

Mr. Rivers—If we act on the bill now, we do it in the absence of the gentleman who has the minority report. If we do so, he has a right to have it spread on the minutes. I give notice that such a report has been prepared and will be laid before the Senate.

Mr. Short—When the bill was referred to the Committee, it was discussed fully. The question is, or should be, whether the Senate will adopt the majority report or that of the minority. But how can two ideas be compared when one is wanting; and how can we decide between two reports when one is absent?

Mr. Todd—When the bill was referred, the Senator from Jefferson (Mr. Burthe) and myself agreed on a report which I presume he has prepared. Out of courtesy to him I should like to have this subject postponed till Wednesday.

Mr. Nicholls—As I understand the subject, the object of referring the bill was that it might be discussed in committee, in order that the views of the committee, or its member, might be laid before the Senate. What do gentlemen propose to do? They wish to pass the bill immediately and give to the minority a right of explaining and justifying themselves afterwards. But the minority do not want simply to justify themselves. They have done nothing that needs justification. They wish their views to be placed before the Senate when they can have some effect. If we defer the bill till Wednesday the majority will still have power to pass it, and I suppose will do it, in spite of anything we can say. They can suspend the rules, or if not that, can take it up the next day, and pass it over our heads. It is all cut and dried, and we know it. They can then send it to the other house, where they have more than 20 majority: and who can doubt that it will pass there. All we ask is, that they hear us before they strike us.

Mr. Wickliffe—If gentlemen are so well convinced that they will have to swallow this bill on Wednesday, they might as will take it now I am opposed to postponing it any longer. It has already been postponed once and that is enough.

Mr. Todd—As the Senator from Jefferson, one of the Committee to which this bill was referred, is now absent, I hope that, in justice to him, the bill will not be passed without his being afforded an opportunity to place his views before the Senate.

Mr. Wickliffe—Does the gentleman think they would alter the case?

Mr, Todd—No doubt if the gentleman were to listen to the elaborate arguments of the report it would greatly influence the result.

The motion to postpone was lost.

The bill was then passed.

ELECTION OF PARISH TREASURERS.

Mr. Evans called up an act for the election of Parish Treasurers.

Mr. Wickliffe—I am not aware, sir, that the people of Louisiana have expressed, or that they even feel any desire to elect their Parish Treasurers. The office is not one of so much importance that the people feel anxious to make it subject to the exercise of their right of suffrage. In some of the richest parishes of the State, the fees do not amount to more than $300 a year, and scarcely a competent man can be found who is willing to take the office. Moreover, the people are surfeited with elections. They have enough of them already to occupy their spare time. If this bill pass, I wish my parish exempted from its operation. If we elect our Treasurers, is it natural to suppose that we can get a competent man for $300 a year? Why, it would require at least a thousand. The Police Juries now choose the Treasurers. No complaint is made of the system, and there is no reason why it should be changed.

A motion was made to postpone the further consideration of the bill to the third Monday of July.

Mr. Nicholls—If the motion do not prevail, I shall move to have my parish exempted from the operation of the bill. It is certainly not in accordance with the views of my constituents.

Mr. Short—In the mind of the Senator from West Feliciana, the principal objection to this bill seems to be that the office of Treasurer is not sufficiently respectable to authorize a person to canvass for it.

Mr. Wickliffe—I did not say so. I said the emoluments were not enough to induce a competent man to run.

Mr. Short—I differ with the gentleman in opinion on that point. I have always, in my parish, seen competition for that office among competent men, and I must confess that I have been surprised at it. Under the bill, respectable men will fill the office. The people will take an interest in it. There are great complaints in my section, that the school teachers, persons engaged in the respectable occupation of instructing youth, have to come or send here to get their accounts settled. One of the objects of the bill is to keep the school funds in the parishes where they belong.

Mr. Wickliffe—That is done by the school bill. It has no connection with this bill.

Mr. Short—There is no hardship involved in this bill. The people will take a greater interest in the office if they have the election of the officer. Are not the people sufficiently interested in the school fund to wish to keep it in responsible hands? The same objections that are urged now might be brought against the election of any other officers by the people. Are they capable of electing a Governor, a Chief Justice, a District Judge? If so, may they not cast their votes for a Parish Treasurer? That seems to be the objection—that they are not capable of electing a Treasurer.

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Mr. Wickliffe—I did not say so; I said the people of Louisiana were surfeited with elections.

Mr. Short—I suppose the people of Louisiana are found in the parishes of Louisiana. If they are surfeited let them take an emetic. But the principle has not been touched, that if they are capable of electing a Governor and other important officers, they are capable of electing parish treasurers. If there is anything in the argument that the people are surfeited with elections, it must apply to the whole principle. Why not let them elect parish treasurers? It is to be supposed that they will vote for competent men. Is there any objection to leaving it to them?

Mr. Wickliffe—I shall have but few remarks to make. I am surprised that the gentleman in the remarks he has made, should misquote me. (Mr. Short—I had no intention of doing so.) The argument I made cannot be construed against the right or capacity of the people to elect their own officers. What did I say? Why, simply that the emoluments of the office are so small that a suitable man can with difficulty be found to run. The gentleman speaks of the complaints of school teachers. Has this bill any connection with school teaching? Is there any complaint that the Police Juries do not perform their duties faithfully. He says the people feel an interest in having the School Fund in the hands of responsible parties. Are not the Police Juries responsible? Are they not interested in the matter? The gentleman pretends to think that I am opposed to the elective principle. He is mistaken. I have simply said that there is no complaint made against the Police Juries, and that the emoluments of the office of Parish Treasurer are so small that it would be difficult to induce a competent man to run for it. There is nothing in this that can be tortured into opposition to the principle of elections by the people. The gentleman says the people have been considered capable of electing a Governor and a Chief Justice, just as if I had denied it. But I believe they are sick of being called to intervene in such small affairs, particularly where they can safely delegate the power to others. If any gentleman says that his parish is dissatisfied with the present system, I will yield the point in regard to that parish.

Mr. Short—The bill came from the House where each parish is represented. For this reason I think it is entitled to some consideration.

Mr. Wickliffe—The gentleman has not replied to me. Will any gentleman say that his parish is tired of the present system?

Mr. Evans—My people would desire a change.

Mr. Todd—I am in favor of the bill. I am surprised that gentlemen who favor the elective principle should oppose it in this instance, simply because it is a small office.

Mr. Wickliffe—I state again, for the last time, that my objection is that competent men cannot be got to run.

Mr Todd—It makes no difference whether they canvass or not. The people are as competent as the Police Juries to select good officers, even if no one come forward to solicit their suffrages. The gentleman says there is no dissatisfaction with the present system. I think there is, and moreover it is the general desire that all these officers should be elected by the people.

After a few remarks, the bill was laid on the table.

REPORTS OF COMMITTEES.

Mr. Rivers, on behalf of the Committee on Lands and Levees, made the following report:

To the Honorable W. W. Farmer, President of the Senate.

The Committee on Lands and Levees, to whom was referred the report of the State Engineer in reference to the contemplated cut-off at Cole's Creek Point, in the parish of Tensas, having had the same under consideration, beg leave to report: That they deem the session now too far advanced to take any definite action on said report: but in view of the partial benefit that would be afforded to that region of country lying above, by making the said cut-off, compared with the certainty and extent of the injury that must of necessity result to the lands and levees below; in view of the numerous claims and applications for relief that would be pressed on the consideration of the Legislature by persons injured by said cut-off, added to the necessity they deem the State is under, whenever it can, to interpose timely and efficient aid to avert such calamities, your committee beg leave to return the report herewith, and ask its adoption by the Senate as the basis of such future action as the Legislature may think proper to take thereon.

Respectfully submitted,
D. L. RIVERS,
On behalf of Land and Levee Committee.

Mr. King, from the Committee on Internal Improvement, made the following report, and reported the following bill:

To the Honorable W. W. Farmer, President of the Senate:

The Committee on Internal Improvements, to whom was referred the memorial of the Hon. Samuel Ricker, chairman of the committee appointed by the Senate in the session of the year 1850, having, by the resolution, full power during the recess of the Legisture to act and collect information relative to the present laws regulating the making and repairing the Levees, the present system of draining throughout the State, and all matters connected therewith, and to suggest such amendments as they may think proper and advisable for the better protection from overflows by the river of the alluvial lands of the Mississippi, and the drainage of the same; and to report by bill or otherwise—beg leave to report that they have given such examination to the subject as their limited means of information would allow.

The Committee are of opinion that the chairman of the Senate Committee of 1850, exercised a very doubtful power in incurring the very heavy expenses for which claims have been presented against the State. But as that committee appears to have acted in good faith, it is but reasonable that the persons employed by them should have some compensation for the services rendered.

From a reference to the memorial, it will be seen that a large number of the claims have been altogether disallowed by the committee, and many of the claims have been greatly reduced.

The annexed is a list of the claims which the committee thought should be paid. For the payment of these claims the committee report the accompanying bill, the enactment of which they recommend.

(Signed) W. W. KING,
Chairman

LIST OF THE CLAIMS.

To reimburse Samuel Ricker for the disbursements made by him,	$787 85
Owners of steamer Persian, chartered for seven days,	800 00
Owners of steamer Creole, chartered for fourteen days,	1,200 00
C. J. Forshey, Civil Engineer,	1,500 00
Hugh Grant, Civil Engineer,	400 00
H. and N. G. Wallar, Civil Engineers,	350 00
Benj. Buisson, Civil Engineer,	75 00
Thos. Lafarelle, Civil Engineer,	200 00
Thos. J. Burke, copying documents in the State Library,	100 00
Henry Droz, do.,	100 00
Total,	$5,512 82

An act to provide for the payment of claims of services rendered to the State, under the employment of a committee appointed by the Senate in the year 1850, of which Hon. Samuel Ricker was chairman.

On motion, it was made the order of the day for Thursday next, the 21st inst.

MESSAGES TO THE HOUSE.

The messenger of the Senate requested the concurrence of the House to the bill entitled—

An act to appropriate a sum of money for the purpose of erecting works at the mouth of the Bayou Plaquemine.

The special messenger of the Senate informed the House that the Senate adhered to the amendment in the 14th section, disagreed to by the House; and that the Senate concurred in the additional section of the House; and that the Senate requested the appointment of a Comittee of Conference.

The Senate appointed on said committee Messrs. King, McCay, and Short.

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And he informed the House that the Senate insisted on the amendment to the bill relative to the Judiciary of the State—the First Judicial District excepted.

MESSAGE FROM THE HOUSE.

The special messenger from the House requested the concurrence of the Senate to the following bills:

An act to provide for the manner of giving the aid of the State to Railroad and Plank Road Companies.

An act relative to the election of Clerks of the District Courts—the Parish and City of Orleans excepted.

An act relative to the election of Sheriffs and Coroners.

An act to define the dividing line between the Parishes of Iberville and West Baton Rouge.

An act to refund to Joseph Walker a sum of money in the Treasury due him.

An act to incorporate the New Orleans Female Collegiate Institute.

An act to provide for the election of Parish Treasurers, and define the duties of the same.

An act authorizing the Auditor to cancel the bonds given to John T. Sterling and James A. McHatton, as Commissioners for the purchase of slaves and boats to be used in the internal improvement line of the State.

An act relative to the distribution of books and statutes.

An act relative to the duties and powers of the Police Juries of this State, and the constituted authorities of incorporated towns.

Resolution instructing the Secretary of State to notify delinquent returning officers of the late election for Judges, to make returns forthwith.

An act to amend the 10th section of an act to provide for the organization of corporations in this State; approved March 16, 1848.

An act to provide for the sale of the undivided half of a tract of land in the Parish of St. Landry, claimed by the State,

An act to amend and re-enact the 20th section of an act entitled an act to consolidate the city of New Orleans, and to provide for the government and administration of its affairs.

The special messenger from the Senate requested the signature of the Speaker to the following enrolled bill:

An act explanatory of an act entitled an act to provide for deficiencies of appropriations in criminal prosecutions up to the 31st of March, 1853.

And reported as signed by the President the following enrolled bill:

An act to refund to Henry Scott, of Catahoula, the proceeds of the sale of a runaway belonging to him.

And requested the concurrence of the Senate to the following bill:

An act to exempt the Parish of Catahoula from further taxation to build levees in the Parish of Madison.

TUESDAY, APRIL 19, 1853.

Mr. Kittridge called up—

An act to amend an act entitled an act relative to the Charity Hospital, approved the 21st March, 1850.

Mr. Palfrey—If the bill does not require every person over the age of ten years to give bond and security, I am incapable of understanding the English language.

Mr. Short—I move to lay the bill indefinitely on the table.

The motion was lost.

Mr. Derbes moved to refer the bill to a special committee.

Mr. Kittridge—There is no necessity to refer the bill again It has been already referred once. If gentlemen wish to form an opinion respecting the bill, let them examine it. It devises the only mode of supporting the Hospital. On consultaion with the Directors, we found, that by imposing this additional tax, we could support the Hospital without any further appropriations from the State. Almost all the inmates of the Hospital are foreigners, and as the institution is beneficial chiefly to them, there can be no peculiar hardship in passing the bill.

On motion of Mr. Derbes, the bill was postponed till to-morrow.

Mr. Boatner—In the early part of the session a committee was appointed to revise the digest, and perform other duties. One member of that committee has been absent some time, and I should think another member ought to be appointed in his place

The President appointed Mr. Todd on the committee.

Mr. Kenner, from the Finance Committee, to whom was referred—

An act providing for deficiencies of approbations for the year ending 31st March, 1853—reported favorably.

The bill passed.

Mr. Wickliffe moved a reconsideration of the vote on the bill giving the election of Parish Treasurer to the people, for the purpose of making an amendment giving to the Police Juries the right, as at present, of selecting the Parish Treasurer.

The motion to reconsider was carried.

On motion of Mr. Wickliffe, the bill was then laid on the table, subject to call.

A bill providing for surrounding the State House grounds with a iron fence was taken up.

Mr. Kenner—I think a picket fence ought to be substituted, as nothing less will suffice to keep the members in.

Mr. Boatner—I feel very much obliged to the gentleman for the allusion; but I can tell him, that when I undertake to retreat from the embraces of a miserable rotten bank, neither a picket nor an iron fence can keep me in.

Mr. Derbes—An iron fence would cost, at least, $40,000.

Mr. Kenner—When I made the suggestion, I did it because I thought it ought to be done. It was estimated last year that an iron railing would cost about $10,000. Now, sir, we have here a magnificent building, grand in design, elegant in architecture, and yet the grounds around it are enclosed by a common board fence. For us to make a picket fence would be no improvement. It would be hiding our light under a bushel. I am sure that no one would be willing to see our fine State House surrounded by a miserable picket fence. I would, however, be willing to make a proviso that the iron railing is not to cost more than $10,000.

Mr. Derbes—An iron fence in the city, not so large as will be required here, cost $35,000.

Mr. Mouton—If we commence by giving $15,000, when that is expended we shall have to give $15,000 more.

Mr. Boatner—According to that argument, we ought not to build any kind of an enclosure. I inserted "picket fence" in the bill, because I thought objections might be urged against anything more expensive. But I think it would be cheaper, in the end, to make an iron fence, as it will last longer, and not have to be repaired so often as one made of wood.

Mr. Kenner—I want to show our constituents that we are willing to put something besides a miserable wooden fence around the State House. Now the cows and other animals have full entrance and make a common pasturage of the grounds. Ladies can scarcely come to listen to our debates for fear of getting their dresses soiled. We certainly need a railing, and one more in consonsance with the character of the building than a common fence would be.

Mr. Mouton—I am not opposed to this motion because I am against enclosing the grounds, but because I think we cannot afford so large an outlay at present. I think the gentleman from Ascension will acknowledge this himself when he reflects on the bankrupt condition of the Treasury. When we get richer we can appropriate money to build iron fences But for present purposes, I think a picket fence sufficient to keep animals out and Senators in.

The amendment providing for an iron fence, to cost not more than $10,000 was carried.

Mr. Kenner—The Commissioners for building the State House were Messrs. Avery, Brashear, and Maunsel White. Most of the labor fell on Mr. Avery. In discharging his duties, he gave greater satisfaction than was ever before given in the erection of any public building in the United States. The care and labor which were imposed on him were immense, and

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became the subject of general remark. If he had been erecting a building for himself, he could not have bestowed more attention on it. As a matter of compliment to him, I move that his name be inserted as that of one of the Commissioners for this work.

The motion was carried, and the bill passed.

An act relative to the election of clerks of District Courts, (the parish and city of New Orleans excepted.)

Mr. Mouton—By this law the Clerks of Courts now existing, will continue in office till new Clerks are elected. Now under the old law, the parishes of Lafayette, Vermillion and Calcasieu composed the Fifteenth Judicial District of the State. The new law changes the number of the districts. Lafayette, instead of being in the fifteenth Judicial District, is now in the fourteenth. It appears to me that the clerk of the fifteenth district cannot act as clerk of the fourteenth, because the constitution says they shall be elected, and we have no right to make them act as clerks of these new courts.

Mr. Short—The Clerks are officers of parishes and not of districts. They are elected by the parishes. The 143d article of the constitution, I think, settles the difficulty. (Reads article.) The next is still more emphatic. (Reads.) The clerks elected under the new constitution will not be chosen till December. In the meanwhile, the existing order of things continues. For instance, take the clerk of the parish of Carroll, he is the clerk of the parish and not of the district; and as soon as a new clerk is elected, he steps into office. Till this occurs, the old clerk holds on under the article of the constitution which I have quoted. I do not see that there is any difficulty in the matter.

Mr. Palfrey—The objection of the Senator from Vermillion (Mr. Mouton) is a real, not an imaginary one. The clerk commissioned for the fourteenth district cannot act for the fifteenth. It would be a ridiculous incongruity. There is, however, a way to settle the matter. When the Judge is elected, he can be given power to appoint a clerk till the new ones are chosen.

Mr Mouton—These offices are extinguished by the operation of law the moment the new Judges are elected. They cease to exist because the government is reorganized. The constitution provides that they shall continue till the organization of the government, and no longer. Under the constitution of 1845, the clerks were elected, not as the gentleman from Carroll (Mr. Short) contends, for the parishes, but for the courts in the parishes. As soon as new courts are established, their office expires. The constitution says that a clerk shall be elected for each inferior court. The bill provides that we shall take the old clerks, and make them clerks of the new courts. This is a clear violation of the constitution, which says they shall be elected. The clerk in my district is commissioned for the fifteenth. That court is extinguished. It has no longer an existence. Can the clerk of that court serve as clerk of the fifteenth? I contend that he cannot, as the constitution says the clerks must be elected. The gentleman from Carroll relies on the 144th article of the constitution, which says that the old officers shall hold on till the organization of the government. Well, is the government not organized? The old courts have been extinguished, and the law cannot turn the clerks over to the new courts.

Mr. Short—The Senator misapprehends my construction of the article referred to. We have not created new courts. They stand as they did before. We have only in some cases altered the numbers and the parishes. Their jurisdiction remains the same. The only difference is that the Judge is appointed in a different manner. Then he was appointed by the Executive with the advice and consent of the Senate. Now he is elected by the people, and the district of country for which he is elected is defined by law. In some cases the parishes are the same; in others they are different. Tensas, Madison and Carroll formed the tenth district; now they are the ninth. The only difference is in the title of the district, and in the fact that the Judge is elected by the people. There is no change in reference to the clerk. The only point is: To what extent have we gone in organizing under the new constitution? First, we have provided for the election of Judges—that is one step. When we provide for electing clerks that will be another step. Till then, the difficulty is provided for by article 144 of the constitution. Till the organization is completed, things remain as by article 144. Take the clerk of any court, first, second or third, I care not which, he is entitled to hold on till his successor is elected. We have provided for an election on the third Monday of December We have the authority of the old and new constitutions that the courts are not completely reorganized till then. It has been suggested that the new Judges have power to appoint their clerks. Such a construction is not tenable. They have power to fill vacancies, not to make them. No vacancy can occur till the new clerk is elected, and the old one must hold on till then.

Mr. McCay—It strikes me that Art. 84 of the Constitution provides for this. I would suggest an amendment to the bill, providing that the present clerks should hold office until the new ones are elected. If there be a vacancy, this will provide for it. If not, then the amendment can do no harm.

Mr. Mouton—There is certainly a discrepancy in this bill. Suppose a clerk formerly in the 7th District, now in the 18th, what shall he style himself? How can he continue to act? His commission does not empower him to act as clerk of the 18th, and he has not been re-elected for that district.

Mr. Short—I do not see that there is any discrepancy. It makes no difference what the name of the district may be. A clerk of a court in Caddo parish, is a clerk for whatever district that parish may be placed in, till his successor is elected. I cannot see any ambiguity in this.

Mr. Mouton—I will state the question more plainly. Suppose in Madison parish a man is indicted for murder, and the clerk signs himself as clerk of that court for which he holds a commission. The attorney of the accused would move to quash the indictment on the ground of irregularity. He looks at the law, and finds he is clerk of the 14th, and not of the 15th.—would not this be good ground for quashing the indictment?

Mr. Short—All that makes no difference. Suppose the clerk finds his district divided, and his parish thrown from the 9th into the 10th. He is not evicted because the style of the court is changed, any more than the sheriff is. The office itself and its duties must be changed before the officer can be evicted. The idea that a mere change of the location of a mathematical line can affect the tenor of an office, must have sprung up with those novel ideas which supposes that the new Constitution is a revelation from Heaven; that it not only upsets everything past, but does everything for the future.

Mr. Mouton—The comparison with the sheriff is not in point. He is a purely parochial officer, which the clerk is not

Mr. Boatner—I have a profound respect for the opinions of the Senator from Carroll, and I must acknowledge that he generally comes to correct conclusions. But I must be guided by the dictates of my own reason in this case. The question, it appears to me is a very plain one. What evidence has a clerk of his right to his office? It is his commission as clerk of such a court, for such and such a parish or parishes. The law has made new districts, not previously recognized, and not known to the clerks in any parish.—Has a clerk who has been officiating as clerk of the 17th district, a right to officiate as clerk of the 18th? He certainly has not. The article of the Constitution has nothing to do with the case. It refers to officers whose offices are not changed. But the law has changed these offices. It creates new districts and new courts. I think it becomes the Legislature to make some provision for this case. A clerk can only act under one commission, and that cannot empower him to act as clerk of the 17th district, when he is clerk of the 18th. The reason of this is plain. I think with the Senator from Vermillion that we ought not to exchange our old lights for new with undue precipitancy. I do not want to tear up everything simply because it is old. But it is absolutely necessary that some provision should be made for this difficult case The Judges cannot appoint because there is no vacancy; and the Constitution says they may appoint when a vacancy occurs.

Mr. Short—I thank the Senator for the compliment

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he has done me the honor to utter in regard to me, as I presume it was intended as such. For my part I am willing to be guided by any lights, whether old or new. But it is human to err—*humanum est errare.* The difficulty in point in this case seems to be in the change of the boundaries and of the names of some of the districts. If the district be changed, all process issued from the court in that District, is issued under the title of that Court. The fact that the district has a new name is nothing The clerk is clerk of a court in and for a certain district. There is no inconvenience in the clerk issuing process for a court under one name, when he was elected as clerk of a court under another name. The change of name is the only change, and is the only incongruity.

Mr. McCay—Suppose a parish be divided.

Mr. Short—The gentleman ought not to suppose an extreme case, or one which has not happened.

Mr. McCay—It has happened. For instance where the parish of Jefferson was divided, part being attached to the parish of Orleans.

Mr. Short—That case could easily be provided for by letting the Clerk issue process from one Court under one title and from the other Court under another title.

Mr Mouton—When the bill comes up on its 3d reading. It is an important subject, and I am sure will be productive of incongruity and trouble which, I think, ought to be avoided.

Mr. McCay—I shall vote against the bill for the reasons which have already been assigned in opposition to it. The Senator from Carroll (Mr. Short) has assumed the whole point in question by assuming that the old Courts still exist. This Legislature has organized new Districts, and when the new Courts are organized the old Clerks must necessarily go out of office. Their office is vacant now, or at least will be as soon as the new Judges are elected.

Mr. Short—The Clerks will hold their office till new ones are elected, as there can be no complete organization till that time. There can be no organization till an election takes place, and there can be no disorganization till there is an organization. If we do not pass the bill we will stand on the old order of things.

Mr. Mouton—We will not be in that position, because then the Judges will have the power of appointment, as there will be a vacancy.

Mr. Short—I doubt that.

The yeas and nays being called, Mr. Mouton offered the following, which was spread on the journal:

My opinion is, that the offices of the several Clerks are vacated by the adoption of the new Constitution, and the new division of the State into new Judicial District Courts. That the Clerks of the new Courts must be elected, and that the Legislature has no power to constitute the old Clerks, or the present Clerks, the Clerks of the new Courts, or the Courts lately organized. C. H. MOUTON.

The bill then passed.

Mr. Nicholls—Having voted in the majority I move a reconsideration in order to let the Senator from St. Mary move an amendment.

The bill was reconsidered.

Mr. Palfrey offered an amendment, providing that the present Clerks shall remain in office till their successors are elected.

The amendment was adopted and the bill passed.

The bill for the regulation of mortgages and privileges, and to prevent Syndics, Executors, &c., from raising the same, was taken up.

Mr. King—I am prepared to vote for this bill now, but I am not particularly anxious to press it to-day. However, I will briefly explain its object. It is intended for the purpose of giving additional security to persons who lend money on mortgage, by increasing this security, cheapening the rate of interest, and making money more abundant; and raising the value of real estate. These will be the effects of the bill. The evils of the present system very much resemble those of the tacit mortgage system, and consequently this bill is of a similar character to the one in relation to that subject. It will operate in the same way, and is free from the objections urged against that bill. As an instance of the evils which it is intended to rectify, I will state a case: Some years ago, John Jacob Astor lent $60,000 to a person in New Orleans and took a first mortgage on his property as security. The person afterwards went into bankruptcy. A syndic was appointed. He was not as honest as he should have been. He raised the mortgage, pocketed the funds, and Astor lost his money. He of course informed everybody of the character of our laws in this respect, and a consequent loss on the part of foreign capitaliste was the result. Now in case of bankruptcy, a mortgage may be raised on the mere *ipse dixit* of a syndic, and the same in case of a man's death. There is no necessity for this. It is a well known fact that the real estate banks of Louisiana were in the habit of inserting a clause in their contracts by which Executors and Syndics were prevented from raising the mortgage in case of the death or insolvency of the person contracted with. The system worked well. Gentlemen need not be frightened by the imaginary notion that the bill will not work well in practice. Louisiana is the only State where such powers are placed in the hands of Executors and Syndics. The whole system is based on a false theory. When a man borrows money he gives certain rights to others. By a fiction of law, when he dies, or becomes insolvent, the property belonging to him only is carried into his succession and becomes liable for all expenses. It is within the experience of many that when the property of an insolvent is cumulated in this way, when the Syndic's commissions and lawyer's fees are paid, the man who had advanced funds, and thought himself secured by a mortgage, in the end grasped a shadow, and found his money gone to pay the expenses of a bankruptcy or a succession, when he, in fact, was the real beneficiary owner of the property. These are the evils which the bill is intended to remedy. After much study and reflection I found considerable difficulty in applying it to all cases. I finally made a bill by which the first general mortgage will not be interfered with by any general mortgage. I would have preferred to take entirely from Syndics the power of this kind which they now possess. But I could not frame a bill by which I could provide for certain cases where it is necessary for Syndics to have power to raise some mortgages in order to settle a succession. I have therefore drawn the bill so as to prevent Syndics and Executors from raising a first mortgage. Now if the bill pass I think it will raise the value of real estate in ninety-nine cases in a hundred. But if it only reach seventy-five in a hundred, it ought to recommend itself to the favorable consideration of the Senate.

Mr. Mouton. I should like to know whether the bill provides that in case of succession sales the mortgage follows the property into the hands of third parties.

Mr. King. Certainly, as in other States.

Mr. Short. The bill was reported from the Judiciary Committee, and I had no time to make a report of my own in relation to it, though it was a bill in which I could not concur. When it comes up, I shall take occasion to express my views on it.

Mr. King. I will state that the gentleman seemed to concur in the general object of the bill, though he thought it might embarrass the settlement of successions. But since then the bill has been remodeled, and is not the same one as that to which he expressed so much objection. If the gentleman will examine the bill, he will find that many alterations have been made in it—such as, I think, will relieve it from the objections urged against it.

On motion, the bill was made the order of the day for Thursday next.

Mr. McCay called up the bill to tax Insurance Companies for the benefit of the Fire Department of New Orleans.

The bill was taken up and passed.

The bill to fix the compensation of Jurors for the Parish of Orleans, was taken up.

Mr. Kenner moved to refer the bill to the Judiciary Committee.

Mr. Short. I am opposed to the motion. It is now late in the session; the Committee has had much to do, and it does not want this bill to be imposed on it now.

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Mr. Monton. I think it is the law now to pay jurors in Orleans $1 50, but no appropriation has been made to carry the law into effect.

Mr. Short. If we pay the jurors in the city by the State, we in the country must have ours paid by the State likewise.

Mr. King. I am opposed to the payment of jurors by the State, whether in the city or country. But if you wish yours in the country paid by the State, we ought to have ours paid in the same way.

The bill was referred to the Judiciary Committee.

REPORTS OF COMMITTEES.

Mr. Kenner, from the Finance Committee, to whom was referred

An act to allow to the several Tax Collectors in the city of New Orleans the amount deducted from their commissions on the collection of State licenses for the years 1850 and 1851, reported unfavorably, and recommend that the bill be laid on the table.

Mr. Taylor, from the Committee on Claims, to whom was referred

An act for the relief of the heirs of Patrick Flinn, a veteran of 1814 and '15, reported favorably.

And an act for the relief of Henry Forno, of the Parish of Orleans.

On motion, the rules were dispensed with, it was read the third time, and it was concurred in.

Mr. Neal, from the Special Committee, made the following report, which was read and adopted:

The Special Committee, to whom was referred

An act to improve the navigation of Sabine River, respectfully report:—

That the object of said act cannot be carried out by an appropriation of the funds designated in said act, for the reasons heretofore stated in the report made on this act upon its reference to the Committee on Lands and Levees.

The only fund that could be used for the purpose specified in the act, is the internal improvement fund, or it might be carried out by the internal improvement hands, and one of the boats under the charge of the State Engineer. We, therefore, recommend the passage of the following resolution:

Be it resolved, by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the State Engineer be, and is hereby, authorized to make a survey of the Sabine River, to ascertain what improvements can be made in the navigation thereof; and if, upon such survey, it be deemed practicable materially to improve the navigation thereof, to detail such portion of the internal improvement force to that point as he may deem necessary to carry out the work contemplated in this resolution; Provided, that the internal improvement force be not detached from any work now in progress.

On motion, the rules were dispensed with, it underwent its several readings, and it passed.

MESSAGE FROM THE HOUSE.

The special messenger of the House informed the Senate that the House had concurred in the following bills:

An act for the relief of J. Johnson, master of steamer Sydonia.

An act to emancipate Jane Mary, slave and daughter of Patsy, f. w. c.

An act to prevent the spread of contagious or infectious diseases by vessels arriving in the Atchafalaya Bay and its tributaries.

An act to provide for the trial of recused cases.

A joint resolution in relation to a Post Office in the parish of Livingston.

An act for the relief of Pierre Gellousseau, late School Superintendent of the Parish of Iberville.

And that the House has concurred with amendments to

An act to transfer certain school funds from the 3d to the 1st and 2d school districts in the Parish of St. Charles.

And the Speaker has appointed Messrs. Ranney, Sandidge, Day, Sterling, and Pearce, a committee of conference relative to

An act relative to the Judiciary of the State, the First Judicial District excepted.

And Messrs. King, of St. Landry, Wilson, Nixon, Wheat and Marks in relation to

An act to organize District Courts for the Parish and city of New Orleans.

MESSAGE TO THE HOUSE.

The special messenger of the Senate reported to the House the following bills concurred in by the Senate:

An act authorizing the Auditor to cancel the bonds given by John Y. Sterling and James A. McHatton as commissioners for the purchase of slaves and boats to be used in the internal improvement service of the State.

An act to change the name of George Ross of the Parish of Plaquemine.

An act to create an additional Justice of the Peace and Constable in and for the parish of St. Bernard.

And requested the concurrence of the House to the following bill of the Senate:

An act to provide for the uniform representation of the Parish of St. James in the Police Jury of said Parish.

And requested the signature of the Speaker to the following enrolled bill:

An act for the relief of Emile La Sere, State Printer.

And informed the House that the President had signed the following enrolled bill:

An act to amend and re-enact the 20th section of an act entitled an act to consolidate the city of New Orleans, and provide for the government and administration of its affairs.

And requested the concurrence of the House to the

Resolution in relation to an iron railing to be around the State House and its grounds.

And informed the House that the Senate concurred in the amendments of the House to the bill entitled

An act to incorporate the Grosse Tete and Baton Rouge Plank Road Company.

The special messenger of the House asked concurrence of the Senate to the following bills:

An act for the relief of H. Labat.

An act defining the boundaries of the Parish of Jefferson.

An act providing for the improvement of the Holmesville road.

An act to authorize the Recorder of the Parish of Morehouse to appoint a deputy.

An act authorizing Minor W Sherwin, of the Parish of Claiborne, to remove certain obstructions to the navigation of the bayou Dauchette, etc.

An act supplementary to an act entitled an act forming a Levee District, to be composed of the Parishes of Carroll, Madison and Catahoula, for the better protection of the same from inundation—passed March 18, 1852, amended March 25, 1853.

An act authorizing a survey of the shoals in the Ouachita river, near Harrisonburg.

An act to equalize representation in the Police Jury of the Parish of Jefferson.

An act to incorporate the town of Mount Lebanon.

An act to tax the insurance companies of the city of New Orleans for the benefit of the fire companies of that city

An act to provide for the organization of the militia of the State of Louisiana.

WEDNESDAY, April 20, 1853.

The bill defining the boundary line between the parishes of West Baton Rouge and Iberville, was taken up.

Mr. Slack—I move to lay the bill on the table indefinitely, and I beg the indulgence of the Senate for a short time, while I explain the reasons which induce me to make the motion. In the first place, the bill is of direct interest to my constituents. My position in reference to the matter, is rendered peculiarly delicate, from the fact that I represent two parishes, whose interests directly conflict under the bill. In order to understand the subject, it is necessary to refer to past legislation. The act of 1826 fixes the boundary between the two parishes in the following words:

SECTION 1. That from and after the passage of this act, the southern boundary line of the parish of West Baton Rouge shall be, and is hereby made to be a line

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drawn south-west from the present point of division between the parishes of West Baton Rouge and Iberville, to the Atchafalaya river.

SEC. 2. Be it further enacted, &c., That from and after the passage of this act, the Atchafalaya river, and the several water courses thereof, shall be, and is hereby made to be the western boundary line of the parish of West Baton Rouge.

This supplemental act was afterwards passed:

That an act entitled an act, to determine the southern and western boundary line of the parish of West Baton Rouge, approved on the eighth day of April, shall not go into operation until the end of the next session of the Legislature. Provided, however, that in the meantime the Commissioners appointed by the aforesaid act shall make, or cause survey to be made, agreeable to the provisions of said act, and report on the same to the next Legislature.

The present boundary is fixed under the provisions of that act. Before going farther, it is necessary to state, that the Atchafalaya and Mississippi run parallel with each other, at a distance of thirty miles apart. There are two settlements—Grosse Tete and ———. At that time, there was no connection between them and West Baton Rouge, though they were actually nearer to the centre of that parish than to the centre of Iberville. The inhabitants of these settlements petitioned for admission into Iberville. The petition was referred to a special committee, which made the following report:

Reference to journal of 1827.

"The committee to whom was referred the bill entitled 'An act to fix the boundary line between the parishes of Iberville and West Baton Rouge,' has the honor to report that they have examined the bill with great attention, and they find on the one hand, nature appears to have included the Bayou Grosse Tete within the parish of West Baton Rouge, but on the other hand, the impossibility of any communication between the settlement on Bayou Grosse Tete and the parish of West Baton Rouge, has induced them to recommend the adoption of the bill which accompanies this report, the whole of which is respectfully submitted."

The following is the act referred to in Committee report:

Be it enacted, &c., That Messrs. Wm. Joyce, Joseph Osillion, and Horsey P. Swindler be, and they are hereby appointed Commissioners for the purpose of ascertaining the practability of opening a road leading from Bayou Grosse Tete to the Parish of West Baton Rouge, at three miles distance from the Court House in said parish.

SEC. 2. Be it enacted, &c., That the aforesaid Commissioners shall be bound to make a report on that subject to the Legislature at its next session, wherein they shall estimate the probable cost of said road."

SEC. 3. Be it further enacted, &c., That, until the adoption of the report contemplated by this act, the settlements on Bayou Grosse Tete shall be included in the parish of Iberville.

SEC. 4. Be it further enacted, &c., That the act entitled an act to determine the Southern and Western boundaries of the Parish of West Baton Rouge, approved April 8, 1826, be, and the same are hereby repealed.

The report of the Committee was adopted, and the act accompanying it passed the Legislature.

I find in the Journal of 1828, that the Commissioners appointed under that act, presented a petition which was referred to a Committee. The Committee reported the following act:—That all that portion of territory situated between the Bayou Grosse Tete and Bayou Maringouin, is hereby made a part of the parish of Iberville; and all proprietors of land within the aforesaid space, shall be hereafter subject to all the public regulations of roads and levees, and to all other burdens in the same manner as if they had been included in this act, to which the present is a supplement; Provided, however, that no portion of the parish of Pointe Coupée shall be included in the provisions of this act.

SEC. 2. Be it further enacted, &c, That, until a good and practicable road be made between the settlements on the Bayou Grosse Tete and some point in the parish of West Baton Rouge, which shall not be more than three miles to the right or to the left of the Court House of the last mentioned parish, all such persons as are now or may hereafter be settled on the Bayou Grosse Tete, as above mentioned, shall continue to be within the limits and jurisdiction of the parish of Iberville.

SEC. 3. Be it further enacted, &c., That any acts or parts of acts contrary to the provisions of the present act be, and the same are hereby repealed.

This was an act passed in 1828. It was based on the report of the commissioners, and was a contract entered into between the Legislature and the parties interested. On the side of West Baton Rouge every effort has been made to comply with the terms of the contract. The Police Jury of the parish appropriated $1500, and at various times other appropriations were made, which, together with the private subscriptions amounted to $20,000. These efforts have been made by West Baton Rouge with a view of lessening her taxation by extending her territory. For us to interfere now would be in direct contravention of the 105th article of the constitution, which says that no expost facto law shall be passed, etc.

It seems to me that there has never been any real conflict of jurisdiction between the two parishes; that there has never been any difficulty in this matter; yet the bill presumes that, under the act of 1828, there will be some. While I am disposed to do everything that I can do consistently, for the parish of Iberville I am not willing to sacrifice the rights and interests of West Baton Rouge. I therefore move that the bill lie on the table in order to give West Baton Rouge an opportunity to maintain them. This cannot effect either parish injuriously. Iberville has possession of the territory now. That is nine-tenths of the contest. Let us then leave to the Courts to decide to which parish it will fall under the provisions of the act of 1828.

Mr. Short—That is a question which cannot be so easily settled by the Courts. As I understand the act the territory in question once belonged to West Baton Rouge. Because, however, from certain topographical peculiarities no communication could be had between this district and West Baton Rouge, the inhabitants petitioned to be added to Iberville, which was granted by the Legislature. Afterwards in accordance with the act of 1828, commissioners were appointed to lay off the road from the Mississippi to Grosse Tete, My vote on this question will be guided by the fact whether West Baton Rouge has complied with the provisions of the act referred to. As I understand the case, it is not contended that West Baton Rouge has complied with them. Has the road ever been built? The people do not like to have this thing in doubt forever. Till the road is built the district in dispute must, by the law, remain attached to Iberville. But the question is how long shall the subject remain unsettled? The people do not like to be kept in doubt.

It is said that subscriptions have already been made and money collected for the purpose of building the road. But that is not a part of the contract. The contract calls for a road on which people can travel at all times free of charge; not a plank road or a railroad, but one of those old-fashioned roads on which a man can travel from the Mississippi without being subjected to expense. West Baton Rouge has no right to deprive Iberville of the benefit of having this boundary question settled; she has no right to keep it in abeyance. The people wish to know on what they have to depend; what are the limits of their parish, and what will be their capacity.

Mr. Slack—The act does not specify any particular time within which the road is to be constructed, nor is any particulnr time to be understood from it. I wish it distinctly understood, that I represent both parishes equally, and that I have, in this matter, no partiality for either of them. What I wish, is, that, if West Baton Rouge has any claims, and I think she has, she may have an opportunity of establishing them. We are here to make laws, and not to decide on claims. Give West Baton Rouge the right and the privilege of fulfilling her contract. She may not be able to do it for years; but she may do it in sixty days. Do not cut us off from any opportunity of asserting our rights. In order to show what would be the effect of the bill, I will state that in 1844, the disputed teeritory—disputed here, but nowhere else—

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contained taxable property to the amount of $400,000, now it has increased to a million and a half. This is certainly worth contending for.

The bill was laid on the table indefinitely.

Mr. Kenner, without previous notice, asked and obtained leave to introduce

An act fixing the compensation of the Auditor of Public Accounts for the duties imposed on him by the free banking laws of this State.

Mr. Kenner—A word will suffice to explain the object of the bill. The free-banking bill imposes many new duties on the Auditor, and it is but fair that he should receive some increase of compensation commensurate with the augmentation of his labors. I do not propose that this should come out of the pockets of the people of the State of Louisiana, but out of the pockets of these corporations.

The bill passed.

REPORTS OF COMMITTEES.

Mr. Derbes, from the Committee on Claims, made the following report:

To the Hon. W. W. Farmer, Lieutenant-Governor and President of the Senate.

The Committee on Claims beg leave to report as follows:

B. C. Winfer, late Sheriff and State Tax Collector for the parish of Morehouse, has absconded from the State, owing a balance to the treasury of $1873 37. His securities, eighteen in number, now ask to be relieved from the payment of said sum. They allege that said Winfer never received that amount, as charged against him in the books of the Auditor of Public Accounts; that that deficit is made up of the amounts charged in the tax rolls to persons of notorious insolvency, from whom nothing could in any manner be collected, and from the amounts assessed upon lands claimed by absentees; which last species of property were not in reality the subject of taxation, as all being portions of the so-called Bastrop Grant, within the limits of which nearly the whole parish of Morehouse is included.

The undersigned consider that this is a proper subject to be left to the decision of courts of justice of this State, inasmuch as questions of fact only are therein involved, and inasmuch as your committee have had before them no other proofs than the allegations of parties interested, they beg leave to report adverse to said claim, and to be discharged from further consideration.

A. DERBES, Chairman.

Mr. Boatner, from the Joint Committee, made the following report:

To the Hon. W. W. Farmer, Lieutenant-Governor and President of the Senate.

The Joint Committee of the two Houses, on whom was imposed the duty of examining the consolidation and revision of the Statutes of the State, by Levi Pierce, Miles Taylor and William W. King, appointed for that purpose under the act of 20th December, 1848, and 21st March, 1850, beg leave to report, that the immense magnitude of the work before them has made it impossible for them to make a thorough and accurate examination of the subject. We find, however, that the matter has been before a committee appointed by a previous Legislature, and that committee recommended an appropriation of five thousand two hundred and fifty dollars. Your committee recommend the passage of an act which is herewith submitted, appropriating the aforesaid sum of money as a full and complete compensation to the aforesaid Commissioners.

BOATNER,
Chairman of Senate Committee.

Mr. Kittridge, from the Committee on Charitable Institutions, to whom was referred the petition from the Female Orphan Asylum of Baton Rouge, made the following report:

The Committee on Charitable Institutions would respectfully report, that they have duly considered the within petition, and unanimously concur in recommending the same appropriation as was given by the last Legislature for the support of this institution.

(Signed,) E. E. KITTRIDGE, Chairman.

On motion to take up a bill entitled—

An act to provide for the recording of mortgages in favor of minors and married women,

Mr. King called for the yeas and nays.

Messrs. Boatner, Burthe, Clifton, Derbes, Evans, Kemp, Kenner, Kittridge, King, Lacoste, Lauve, Lacey, Lewis, McCay, Palfrey, Patterson, Rivers, Short, Taylor and Todd—20 yeas;

And Messrs. Dupre, Griffin, Mouton, Neal and Nicholls—5 nays.

Consequently the bill was taken up.

Mr. King, from the special committee, made the following report, which was read:

To the Hon. W. W. Farmer, President of the Senate:

The special committee, to whom was referred the act to provide for recording the evidence of mortgages in favor of minors and married women, beg leave to report, that one of the committee, Mr. Kenner, suggested an amendment, the effect of which was to remove the penalty of nullity of the mortgage, if it should not be recorded.

The chairman was opposed to the amendment. Mr. Smith was opposed both to the amendment and to the bill. The committee, not having agreed upon any amendment, report the bill back to the Senate without amendment.

(Signed,) WM. W. KING, Chairman.

Mr. Kenner—I do not pretend that the report does not express the opinion of the gentleman from New Orleans, but it does not correctly represent the views of the other members. In the committee, there was a sort of triangular duel. The gentleman from Natchitoches shot at me, I shot at him, and the gentleman from New Orleans shot at me both. It seems to me, therefore, rather strange that the gentleman should report the bill back without amendment. If he persist in doing so, I shall offer a minority report, in order to bring before the Senate the amendment offered in committee.

Mr. Lewis introduced a bill authorizing riparian proprietors in towns to bring suit for the accretions on their lands.

Mr. Derbes moved to refer the bill to the Judiciary Committee.

Mr. Short—There is no necessity to refer the bill to the Judiciary Committee. It is now late in the session, and the committee has no time to consider the question.

Mr. King—It is true the bill is of an important character; but it is also extremely simple. It merely declares the rights of riparian proprietors in towns. In the rural districts, these are well defined and understood. In the city, on the contrary, they are involved in doubt. The towns need something of this kind, and they are entitled to it just as much as the rural districts. There are instances where town corporations have forced owners to give up a portion, in order to secure the remainder. The object of the bill is, among others, to remedy this state of things.

After a few remarks from other gentlemen, the bil was referred.

The bill to provide for the recordation of mortgages &c., came up.

The President remarked that each member of the Committee had made a report. One member reported an amendment to the bill.

Mr. King—I understand that one member of a committee cannot report an amendment; I believe it requires a majority to do so. I do not wish this bill to be thrown back on its second reading. That would be to procure its defeat. Those in favor of the amendment would fight against the bill in any event. Those opposed to the amendment would support the bill. I cannot, therefore, see any use in putting the bill back on its second reading.

The Secretary read the report.

Mr. Short—I now understand the position of affairs. The bill comes back in the same form as that in which it went to the Committee. One member suggests this thing, another that, the third something opposed to both the others. We then have the bill in the same shape as before. No amendment has been made by the Committee. The report of the majority is the report of the Committee. If they do not recommend any change, it comes back to us in the same shape as it left. The Committee, that is the majority of the Committee, has not recommended any amendment. This regulates the form in which the bill returns to us; but the minority, of course, had the right to make a minority report.

Mr. Mouton—I hope this bill will be put on its second reading, in order to permit amendment, even if

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the amendment recommended by one member of the Committee be not received. Gentlemen on the other side may think this so perfect a bill that amendment is superfluous; but others may differ with them in opinion on that point. I hope an opportunity for amendment will be given. I cannot see what harm can result from it. I think at least this small privilege ought to be granted to us. One member reports a bill. Another reports the bill with an amendment, and a third declares himself opposed to both. The bill therefore cannot be said to be reported back without amendment, as the majority is not in favor of the bill as it went to the Committee. The Chairman has no more right than any other member to report his opinion as that of the Committee. I hope gentlemen will not consider the bill so perfect that no amendment will improve it. I hope they will give us an opportunity of offering our suggestions in a tangible shape.

Mr. Kenner—The gentleman from Carroll, with his usual desire to be facetious—

Mr. Short—I did not wish to be so at the expense of the Committee; but when a gentleman gets up and tells us that he has been engaged in a triangular duel, he must admit that he places himself in a very funny position.

Mr. Kenner—I was proceeding to say that I show, that so far from attaching ridicule to the committee, he has only succeeded in throwing it on the Chairman and his report. What does he say? He attempts to show that, because the Senator from Natchitoches, (Mr. Smith,) voted with the Chairman against the amendment, therefore the amendment falls. But he also voted with me against the bill. Now the rule is as applicable one way as another. According to his argument, therefore, there is no report at all. The gentleman from Orleans has no right to report back the bill without amendment. I thought it was the understanding that the bill was to be reported with the amendment as offered by me, stating, at the same time, that the gentleman from Orleans was opposed to the amendment. I contend that my minority report is before the Senate.

Mr. Short—The gentleman has not met the issue as to whether the bill is on its second reading. I contend that it comes back as it went to the committee. As to the question of ridicule, I am willing to let the members of the Senate be the judges.

Mr. King—I should like to state my understanding of this matter. I understood the gentleman to say that we would report back the bill. When writing the report, I was at a loss what to say; but I do not see that I could have said more than I have. The bill certainly comes back without amendment. A minority has no power to report an amendment.

Now, sir, we have discussed this bill so often, that I look on further argument as useless. Yesterday, I gave notice in a full Senate that I was ready for any amendment. No one offered any, except the gentleman from Ascension, in committee, and his is of such a character that it would defeat the bill. The bill has already passed its second and third reading. It has been opened twice in order to give gentlemen a chance to offer amendments. Have they done it? Have they manifested a disposition to improve the bill, or to support it in any form whatsoever? If the bill is to be defeated, let the responsibility rest on those to whom it properly belongs. The question is very simple. Shall the bill pass now, or must it run the gauntlet of amendments, which, if adopted, will defeat it, and which, if rejected, can only have the effect of causing delay. It is now late in the session. We have but little time before us. To postpone the bill would be to defeat it. I hope the Senate will sustain what I am confident is the opinion of the Chair, that the bill comes back without amendment, and is not put back to its second reading.

DEATH OF THE VICE PRESIDENT.

Mr. Kenner—Mr. President, I rise to perform a most melancholy duty, in announcing to the Senate the death of one of our most distinguished citizens. After long suffering, he has at last departed this life, and sunk to that eternal rest which follows our earthly pilgrimage. He was not, it is true, one of our most shining lights; he was not one of those brilliant orators, whose matchless eloquence has thrown an imperishable lustre on the American name; but he was what is better—an honest man, a good citizen, and a faithful representative. It has not fallen to the lot of our people in these latter days, to mourn the loss of a man so universally beloved and esteemed for all those qualities which adorn humanity, as William R. King. Review his life—see him as a member of Congress from North Carolina, his native State; see him representing his country at the Court of the Russian Czar, and then as a Senator from Alabama; view him in all these capacities, discharging his duties with mingled ability and fidelity: and you cannot find an act which a patriot could wish to be blotted from the record of his life. This is a rare attribute in a public man; but it cannot be denied to our lamented Vice President

I do not intend, sir, to pass upon him a studied eulogium. Words of mine would be superfluous or inadequate to paint his character. I shall therefore only offer a resolution; not one of mere formality, but a resolution expressing the feelings of the Senate on this melancholy occasion.

And he submitted the following resolutions, which were unanimously adopted:

Resolutions of the Senate of the State of Louisiana:

Resolved, That this Senate has heard with feelings of the greatest regret, the death of the Hon. Wm. R. King, Vice President of the United States.

Resolved, That in the death of this distingnished statesman, the Republic has lost one of its worthiest and most cherished sons, a long tried and faithful counsellor in the public service, a citizen of devoted patriotism, and a man of rare virtues and of unblemished purity of public and private life, which had won for him the unbounded esteem and confidence of the country.

Resolved, That as a testimony of respect to his high official station, and of pride and affection for his personal excellence of character, the two Houses of the Legislature do now adjourn.

Resolved, That as a further mark of respect, the members of this body will wear the usual badge of mourning for thirty days.

MESSAGE FROM THE HOUSE.

Mr Easton, special messenger of the House, informed the Senate that the House had concurred in the following bills:

An act for the relief of the Charity Hospital.

An act to amend article 1264 of the Civil Code.

An act to amend an act for the expropriation of land by railroad and other corporations.

An act to provide for the removal of all cases now pending in the Supreme Court of the State under the Constitution of 1845 to the Supreme Court to be established under the new Constitution.

An act to authorize District Attorneys to recuse themselves in certain cases.

An act authorising proceedings *in rem* to recover loss or damage caused by any carelessness, neglect or want of skill in the direction or management of any steamboat, barge, flatboat, craft or raft.

And requested concurrence of the Senate to the following bills:

An act relative to public roads and highways.

An act supplementary to an act to divide the State into judicial districts—approved April 12th, 1853.

An act to amend an act No. 120, entitled an act to incorporate the town of Clinton—approved March 9, 1852.

An act to authorize the emancipation of certain slaves.

An act to redistrict the parish of Pointe Coupée, and to limit the number of the members of its police jury, and restrict their powers.

MESSAGE TO THE HOUSE.

An act to tax the insurance companies of the city of New Orleans for the benefit of the fire companies of that city.

An act to provide for deficiencies in appropriations for the year ending 31st March, 1853.

An act to incorporate the New Orleans Female Collegiate Institute.

An act relative to the election of sheriffs and coroners.

An act to recharter the New Orleans Chamber of Commerce.

An act to repeal on act entitled an act to appoint commissioners to lay out a road from Trinity to Whatley's Ferry, on Lake Catahoula.

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An act to change the name of Leonard M. Bradford to Harrison Bradford.

An act for the relief of Henry Forno, of the parish of Orleans.

An act relative to the elections of Clerks of the District Courts (the parish and city of Orleans excepted.)

An act concerning the city of New Orleans.

And that the Senate had concurred in a

Resolution instructing the Secretary of State to notify delinquent returning officers of the late election for judges to make returns forthwith.

And requested concurrence of the House to a

Resolution to communicate with the reporter of the recent Convention to frame a Constitution, and for other purposes.

THURSDAY, April 21st, 1853.

BILL RELATIVE TO JUDICIAL ADVERTISEMENTS.

An act relative to judicial advertisements.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in general assembly convened, That in all cases in which advertisements are required to be made in relation to judicial proceedings, or in the sale of property under judicial process, such advertisements shall be published in a newspaper printed in the parish in which such judicial proceedings are carried on, or in which such sale is to take place, and if there be no newspaper published in such parish, such advertisements shall be published by posting the same on the door of the court house and two other public places in different parts of said parish; provided, that it shall be the duty of the Sheriff or other officer publishing such advertisements, to publish the same in the English language only, except where the defendant in the judicial process, or the person directing the sale, shall request the said advertisement to be published in the French language also.

Sec. 2. Be it further enacted &c, That when there are two or more newspaper published in the parish where such proceedings are had, or such sale is to be made, the person directing the sale, or the defendant in the judicial process, shall have the right of selecting the newspaper in which said advertisement is to be made; provided, said selection be made within three days after the notice of such proceeding, or the seizure made under said process.

Sec. 3. Be it further enacted &c, That the cost of publishing advertisements required by law as herein before provided, shall not exceed the rate of one dollar for every hundred words for the first insertion, and at the rate of fifty cents for every subsequent insertion; provided, that in case the said advertisements cannot be published at the rates herein stipulated, they shall be published by posting the same on the door of the court house and two other public places in the parish wherein such publication is to be made.

Sec. 4. Be it further enacted, &c, That the 3d section of this act shall not apply to the city of New Orleans, and all laws contrary hereto are hereby repealed.

The above bill was taken up.

Mr. Mouton—I move to strike out the proviso under which advertisements may be published in French or English at the option of either party. There are some parishes in which the inhabitants speak little else than French, while there are others in which only English is spoken. and where the advertisements should be published in English only. There are others, also, where the character of the population is such as to require that publications be made in both languages. The object of the advertisement is to give information to the public as well as to benefit the parties.

Mr. Palfrey—To strick out the proviso wold defeat the bill.

Mr. Todd—I move to lay the motion on the table. There is nothing in the bill prohibiting the publishing of advertisements in French. They may be published in either language. We had better pass the bill without amendments.

Mr. Mouton—As I said before, the object of advertising is to give information to the public. In some parishes there is little else than French spoken. But if this were the case in only one, we should not disregard its rights. We all know that some times parties do not wish the time and day of sale known publicly, as they desire to buy in the property themselves. I say that it is only just that all classes of our population should have an oportunity of understanding the advertisements. This is all I ask and I hope the Senate will grant it.

Mr. Nicholls—The only reason the Committee reported this bill was because they wanted to have a general law passed. I offer an amendment excepting certain parishes.

On Mr. Nicholls's motion to strive out the following provisoat the end of the first section, Mr. Mouton called for the yeas and nays:

"And provided further, That this proviso shall not apply to the parishes of St. Landry, Calcasieu, Lafayette, Vermillion, St. Martin and St. Mary."

Messrs. Clifton, Dupre, Griffin, Kemp, Lacoste Lauve, Lacey. Lewis, McCay, Millard, Mouton, Neal, Nicholls, Palfrey, Short, Slack and Taylor—17 yeas.

And Messrs. Boatner, Evans, Kittridge, Patterson, Reeves and Todd—6 nays.

Consequently the proviso was adopted.

The first section was then adopted as amended.

On motion of Mr. McCay, the words "and if the defendant neglect to select them, the plaintiff shall have the right to do so," were inserted at the end of the 2d section, and the words, "the person directing the sale of," were striken out of the 2d section. The bill was then concurred in as amended.

MESSAGE TO THE HOUSE.

The special messenger of the Senate informed the House that the President of the Senate had signed the following enrolled bills:

An act to provide for and regulate the office of Attorney General.

An act for the relief of Henry Parrish and John Moore Norman, of the parish of Orleans.

An act to give to the Mayor of the town of Port Hudson certain powers.

And requested signature of the Speaker to the following enrolled bills of the Senate:

An act for the relief J. Johuson, master of steamer Sydonia.

And informed the House that the Senate had substituted the following entitled bill as a copy of the original bill, it having been mislaid in the House of Representatives.

An act to amend the second section of an act entitled an act providing for the subscription by parishes and municipal corporations of this State to the stock of corporations undertaking works of internal improvement, and for the payment and disposal of the stock so subscribed.

An act to emancipate Jane Mary, slave, and daughter of Patsy, f. w c.

And that the President of the Senate had signed the following enrolled bills of the House:

An act to incorporate the New Orleans, Jackson and Great Northern Railroad Company.

An act to authorize the purchase of a new edition of the Civil Code and Code of Practice, and a new edition of the Louisiana Reports.

An act to incorporate the New Orleans, Opelousas and Great Western Railroad Company.

An act to provide for the manner of giving the aid of the State to Railroad Companies.

And informed the House that the Senate had adopted the report of the Committee of Conference upon the the bill entitled—

An act relative to the judiciary fof the State, (the First Judicial District excepted)

An act for the relief of Ambroise Lacour, of the parish of Vermillion.

An act to provide for the payment of the persons appointed under the act of 20th December, 1848, and March 21st, 1850, to consolidate and revise the statutes.

And requested the concurrence of the House to the following bill:

An act to provide for the recording of mortgages in favor of minors and married women.

And that the Senate had concurred in the House amendment to

An act to authorise the Pontchartrain Railroad Company to construct a railroad to Mobile.

Mr. Derbes having reported the following bills as be-

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ing correctly enrolled, the messenger of the Senate reported them to the House, and asked the signature of the Speaker:

An act for the relief of the Charity Hospital.

An act to amend article 1264 of the Civil Code.

And requested concurrence of the Senate, also, to a Resolution to improve the navigation of the Sabine river.

And informed the House that the Senate had concurred in the following bills:

An act granting compensation to Charles Fitz of New Orleans.

An act to redistrict the parish of Pointe Coupée to diminish the number of the Police Jury, and to restrict their powers.

And the substitute for

An act, number 288, incorporating the stockholders of the New Orleans and Baton Rouge Railroad Company.

And requested concurrence to the following bills:

An act supplementary to an act to incorporate the New Orleans, Opelousas and Great Western Railroad Company.

An act to divide the State of Louisiana into Congressional Districts

Mr. Todd called up the bills for the improvement of Bayou Bartholomew and Bayou Bœuff.

Mr. Todd—I will state the objects of the bills. At various times bills have been passed authorizing improvement of these bayous; but the engineers have always been there at a season when their efforts did more harm than good. They generally went there during high water, when they could not pull out any snags. They could merely cut down trees, of which they let the stumps stand, thus injuring navigation of the rivers instead of improving it.

The bills passed.

REPORTS OF COMMITTEES—THE JUDICIARY.

The report of the Committee of Conference on the Judiciary bill was taken up.

Mr. Short—For my part, I should insist on the Senate adhering to its amendment. I am willing, indeed I am anxious, to encourage economy and reform; but I have no idea of economising and reforming in our section and not in another. Another reason is, that $3000 per annum is as little as can be got along with in accordance with that idea of respectability depending on the amount of salary, which was urged in the early part of the session. In other States we find that the State officers become so contemptible as to occasion a rush for the federal offices, which is entirely adverse to the dignity of the States, according to our ideas of State rights.

Mr. Boatner—As a member of the Committee, I voted with the majority, and I think I was right in doing so. I certainly admire the consistency of the gentleman. The great argument made use of is the difference between the city and country judges He had an opportunity of reducing salaries of the city judges. I made a motion with that object myself. He says the country judges earn three times as much. It is not so. When the Judiciary was first reorganized under the Constitution of 1845, the courts were compelled to hold four terms a year. Even then, persons, amply qualified, could be found to take them at $2500 per annum. Two of these terms were abolished at the instance of the lawyers. It was found that there was no necessity for them. The amount of business did not justify them. I am told by a gentleman who says, that in his district, there is more business than in any other in the State; that twice as much could be done. Yet gentlemen rise here, and ask for an increase of salaries, in the face of the fact that in the district where there is most business, twice as much could be done. In the city, we are told the judges earn their money. We are told that they sit nine months in the year. We have passed a law reducing the time to make judgments final only because we have been told that the courts have not enough to do to keep them employed.

The Senate receded from its amendment.

The following report from the Committee of Conference was read and adopted:

The Committee of Conference, to whom was referred the disagreement between the two Houses on the 14th section of an act entitled,

An act to organize District Courts for the parish and city of New Orleans, recommend that the Senate recede from its amendments so far as to retain all the words of the 14th section to the word "causes," at the beginning of the 12th line, stricking out the balance of the section; and that the House agree to the section thus amended, so that the section will read as follows:

Section 14. Be it further enacted, That all of the said District Courts organized under this act shall have and exercise concurrent jurisdiction of all civil cases whatever, which are not hereby specially referred to the particular jurisdiction of special courts, except the First District Court, the jurisdiction of which shall be confined exclusively to criminal cases.

Senate Committee—H. SHORT,
TOM, J. McCAY,
J. E. KING.

House Committee—J. W. NIXON,
C. B. WHEAT,
S. F. MARKS.

Mr. King submitted the following report, which was read:

To the Hon. W. W. Farmer, President of the Senate.

The undersigned, appointed a member of the Committee of Conference upon the subject of the disagreement of the two Houses, upon the bill organizing the Judiciary of the city of New Orleans, begs leave to present the following minority report:

The difference between the two Houses was in regard to the jurisdiction of the First District Court. The House of Representatives was in favor of making that Court one of criminal jurisdiction only—the Senate had passed the bill making it a court in which the criminal business should have a preference, but the Court should have a concurrent jurisdiction with the other courts in civil business.

A majority of the Committee of Conference were in favor of receding from the amendment of the Senate, giving the Court concurrent jurisdiction with the other courts.

The undersigned objected to this course, principally upon the ground that in the law now in force, the salary of the clerk of the Court, viz: fifteen hundred dollars per annum, was wholly inadequate. That the clerk of the Court was now paid principally by the civil business. If all civil business was taken from the Court, a salary for the clerk of the Court must be provided for by an appropriation.

That a clerk was indispensable for the organization of the Court. Without a clerk no business could be done in the Court. From the evidence before us, at least three persons were necessary to discharge the duties imposed upon the clerk of that Court. One person must be employed as minute clerk; one to issue subpœnas, attachments for witnesses, &c.; another to attend to making out records of appeal; that the salary at present allowed by law was insufficient to secure the services of competent persons to perform those duties. Without some provision, is, therefore of opinion that the Senate should not recede from the amendment to the House bill until some suitable salary for the clerk has been first fixed upon.

The idea of giving the Court jurisdiction of criminal cases only, is one of doubtful propriety, especially as the Judge of that Court has stated that he has ample time in which to try many civil cases in addition to the criminal business. It is certainly inexpedient to attempt to organize the Court without providing the necessary compensation for the clerk, who is an indispensable part of the Court. If no adequate compensation should be allowed the clerk, the Court could not proceed with its business. The whole criminal business of the city would, therefore, be made to depend upon the contingency of an adequate compensation being allowed by the Legislature to the clerk of the Court.

The undersigned is of opinion that, but for the adequate compensation of the clerk, the Court could not transact the important business assigned to that tribunal by law.

The organization of the Court was, therefore, incomplete and imperfect. It was suggested that the salary of the clerk might be provided for by a separate bill, which might fail, or that the salary might be so low that no competent person could be found to fill the place, in which case the organization of the Court would

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be incomplete. and the criminal business of the city, consequently, neglected. The undersigned is of opinion that the compensation of the clerk, who is an indispensable element in the organisation of the Court, should not be left to the uncertain contingency of the enactment of a separate bill fixing the amount of his salary.

The Joint Committee, as a condition of their agreement, should have reported a bill providing a suitable compensation to insure the indispensable services of a clerk of the Court.

(Signed,) WM. W. KING.

Mr. Mouton submitted the following minority report:

The undersigned of the select committee, appointed to examine the book entitled "The consolidation and Revision of the Statutes of the State of a general Nature," prepared by Messrs. Levi Pierce, Miles Taylor, and William W. King, beg leave to make this his minority report:

By an act of the Legislature, approved December 20th, 1848, the Governor was requested to appoint 3 commissioners to revise the Codes, and to consolidate and revise the Statutes of the State of a general nature, and to compile the Statutes of a local character. The sum of twelve thousand dollars was appropriated for the payment of these commissioners—but the act provides that the last payment could not be made without a certificate from the Speaker of the House of Representatives and the President of the Senate that the work has been approved by the Legislature. The confusion in which our laws are, renders a work of this description a very desirable object; how far this highly desirable object has been accomplished by the work published by the aforesaid commissioners, the undersigned will not undertake to say. Without pretending to be able to judge of the merit of this work, the undersigned will observe that, considering the limited time he had to examine the book it cannot be expected that he will report favorably on the same, and recommend its approval by the Legislature. But he deems it his duty to submit to the Senate the following facts, which may serve to govern its action upon this claim.

The act of December 20th, 1848, contemplated the revision of our Codes with the amendments placed immediately after the original text, as well as the consolidation of the Statutes It appears that a revision of the Codes was prepared by the commissioners, and was submitted to the General Assembly of the year 1850—but the undersigned has not seen this work; the publication of the same was dispensed with at the suggestion of the commissioners. See the report of said commissioners to the Legislature of 1850, and the report of the Hon. W. B. Philip, chairman of the select committee of the House, to whom the matter was referred.—Journals of the House of 1850, p. 145.

On inquiry made at the office of the Treasury, the undersigned found that the sum of eight thousand two hundred and fifty dollars has been paid to the aforesaid commissioners, leaving a balance of three thousand seven hundred and fifty dollars of the original appropriation of twelve thousand dollars.

The undersigned is of opinion that, under the act of 1848, this balance of the $12,000 cannot be paid before the General Assembly approves the work published by the aforesaid commissioners, and he cannot recommend the passage of any law authorising them to receive this balance before their work is approved by the Legislature.

All of which is respectfully submitted.

(Signed) C. H. MOUTON.

MESSAGE FROM THE HOUSE.

Mr. Kennedy, clerk of the House, asked concurrence of the Senate to the following bills:

An act to grant the aid of the State to the New Orleans, Jackson, and Great Northern Railroad Company, by a subscription to the stock thereof.

An act to grant the aid of the State to the Vicksburg, Shreveport and Texas Railroad Company by a subscription to the stock thereof.

An act to grant the aid of the State to the New Orleans, Opelousas and Great Western Railroad Company by subscription to the stock thereof.

Mr. Easten requested the concurrence of the Senate in the action of the House upon the Senate's amendments to

Anact to establish a general system of banking in the State of Louisiana.

SPECIAL ORDER OF THE DAY.

This being the day set apart for the consideration of the following bill, entitled

An act to amend an act entitled an act relative to the Charity Hospital—approved the 21st March, 1852, said bill was taken up.

Be it enacted by the Senate and House of Representatives of the State of Louisiana in general assembly convened, That the 2d and 3d sections of an act entitled an act relative to the Charity Hospital, approved 21st March, 1850, be amended and re-enacted, so as to read as follows:

Section 2. Every person not a citizen of the United States, and above the age of ten years, arriving and landing at any place within the limits of the State of Louisiana, from any place without the same, shall, in like manner, report himself or herself to any resident Hospital Commissioner, and give bond in the sum of one thousand dollars, with one or more joint and several solvent and sufficient securities, resident in the parish where such person may have landed, conditioned that the principal in such bond, shall not, at any time within five years from the date thereof, be, or become from any cause, chargeable or dangerous in any manner to the State, to its citizens, or to any charitable institution within its limits, unless such institution be voluntarily supported by foreigners, or citizens of foreign birth, and every person who shall refuse, or wilfully neglect, for twenty-four hours after his or her arrival and landing, to make report and give bond as by this section required, shall incur a penalty of fifty dollars; provided, that persons arriving and landing in the parishes of Plaquemines, St. Bernard, Orleans or Jefferson, shall report themselves in New Orleans, and furnish bond with security resident in the said city of New Orleans.

Section 3d to read thus: It shall be lawful for any person referred to in the foregoing section, who may be unable or unwilling to furnish bond as thereby required, to commute, therefor, by paying, within twenty-four hours after his or her arrival, the sum of two dollars and fifty cents.

Mr. Palfrey—I had supposed that when this bill should come up again, it would be stripped of those objectionable features which were alluded to when it was before the Senate previously. By this bill even children of tender years are compelled to give security. We all know that under our system of law these persons are not capable of contracting; they are supposed not to know the difference between right and wrong, yet we would compel them to give bond and security.

Mr. Kittridge—Whatever may be said of this bill, it is the concentration of the wisdom of several other States which have legislated on the same subject. When the Committee examined the Hospital they found that the present law worked well. Bonds are never required from these minors of whom the gentleman speaks. The tax is paid willingly, as it ought to be. It comes out of that class which is chiefly benefitted by the institution. In fact 17-18 of the persons admitted into the Hospital are emigrants. The existing law is amended by the bill in two particulars, first, persons over ten years of age instead of 14, are subjected to its operation, and second, the tax is increased fifty cents. In framing the bill our own experience and the wisdom of other States have been consulted. New York once attempted to secure the same result, in another way—by taxing the owners of vessels, the consignees, and passengers. She found that she could not do it in that way. $60,000 is raised now. Could we afford to give that amount from the general fund? If so, we had better abolish the whole law at once. This bill does not differ in principle from the law now in force, it varies only in degree. If we are not prepared to appropriate $60,000 or $70,000 we must pass the bill. If we pass the bill it will not only save us $14,000 or $15,000 this year, but hereafter also. We will be relieved from the necessity of making annual appropriations which tend to exhaust our already impoverished treasury.

Mr. Mouton—I will not cast my vote for any law which has a tendency to prevent emigration to any extent, into our State. On the contrary it is the interest of the State to encourage rather than to retard

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emigration. What does the law contemplate? It levies an indirect tax on foreigners coming into the State. I am not disposed to that indirectly which the law does not permit to be done directly. If I am not mistaken a resolution was recently passed requesting our Senators and Representatives to get a law passed allowing us to impose certain taxes for this very purpose. When we ask the reason for this we are told that it is unconstitutional for us to do it without the consent of Congress. The bill before us contemplates levying a tax on the foreigners of $2 50. We cannot do this directly, and so we try to do it indirectly by saying that they must give a bond. They are generally poor strangers in the country, without friends or even acquaintances. The State tells these foreigners "We ask of you to give a bond in the sum of one thousand dollars, but if you pay two dollars and a half we will let you off. This is doing the thing indirectly. If you cannot do it do it directly, do not do it at all. Moreover, as I have said, I shall not vote for any law which interferes with emigration.

Mr. Short—I do not wish to change the law if it operates as well as it is said it does. I see no necessity for changing it. I will not vote to extend the operation of a bill which I think absurd. The law will operate severely on those poor people who come to New Orleans from foreign countries. The State has provided them with the means of alleviation in sickness and distress to a greater extent than any other city has done. Not even London can vie with New Orleans in this respect. The gentleman tells us that the present law produces $60,000. Well then let it alone. Do not force children to give a bond which they cannot get, or pay a sum which they may not have.

Mr. Kittridge—I admit that the institution has received $60,000—that is $18,000 a year; but that is not enough. A larger sum is required. New buildings are necessary and must be erected. If we do not pass this bill we must appropriate a sufficient sum out of the general fund. Are gentlemen prepared to do that, when they know the exhausted condition of the Treasury? The giving of bonds is all humbug. I doubt if a single foreigner has ever been compelled to do it.

Mr. McCay moved to lay the bill on the table.

The motion was lost.

Mr. McCay moved to refer the bill to the Judiciary Committee.

Mr. Nicholls—I am opposed to the reference. It is now late in the session. To refer the bill would be equivalent to defeating it. It is absolutely necessary that we should support that Institution and this is the only feasable method.

Mr. McCay—I also think it necessary to support the Institution; but it is not necessary, in order to achieve that object, however desirable it may be, to pass an unconstitutional bill. We have proper committees to which we are in the habit of referring such subjects in order to get their opinions on delicate questions of this nature. If it is not right to refer this bill, why did the gentleman move to refer the tacit mortgage bill? This bill should be referred if only to get it properly amended. It has been acknowledged that the bill contains a device to get around a constitutional difficulty. I will never consent to that.

Mr. Palfrey—My position in regard to the bill has been misunderstood. I am opposed to the section which compels children over ten years of age to give bond.

Mr. Kittridge—If that were stricken out it would defeat the whole bill. There is no use in trying to levy this tax unless we ask a bond in the first place. There is no use in talking about unconstitutionality; that is a question which can be settled by the Courts. We must support this Institution. We must pass this bill or make a large appropriation.

Mr. Short—The question is not how much money we may be compelled to give, but whether we shall do a ridiculous thing.

Mr. Mouton—I should like to make a few more remarks on this subject. It is unbecoming in Louisiana to levy a tax on foreigners when we have reason to believe it to be unconstitutional. As I have stated, it is not more than a few days since we passed a resolution asking Congress to pass a law authorizing us to tax these people. If there is nothing unconstitutional in this bill, the Senate has taken a ridiculous position; because we do indirectly what we admit that, under the Constitution and laws of the United States, we have no right to do directly. We ask a poor man who comes a stranger to our shores, seeking an asylum from the oppression which prevails in his native land—we ask him to give a bond in a thousand dollars, or in default of furnishing it, to pay $2 50 to the Charity Hospital. This institution is called the Charity Hospital of Louisiana. By the act of 1852 we are making it not of Louisiana, but of all countries in the world. If we cannot support the institution ourselves, let us give it away—or abandon it, but not resort to subterfuges like this. I think the Senate ought not to pass the bill. I even think we ought to repeal the law of 1852, which has placed the State low enough. It is bad policy to adopt any measure which will check emigration, and my position as a representative on this floor precludes me from giving my sanction to any such law.

Mr. Short—The person must pay $2 50 or forfeit his bond. I have not examined the subject attentively, but I think it will be seen by Howard's reports that it has been decided in South Carolina that a State cannot exercise such a power

Mr. McCay—As a gentleman has said that 17-18ths of the admissions into the Charity Hospital are foreigners, I have procured information on the subject, which I will read to the Senate.

The number of admissions into the hospital has been—

From other States	7,559
Foreign countries	73,156
Louisiana	1,011
Unknown	704
	82,430

After a few words from other gentlemen the bill passed with an amendment.

The bill to grant a certain sum to the Medical College came up.

An amendment had been made by the House to insert the word indigent in place of meritorious.

Mr. Mouton—I object to the amendment. In many parishes there are young men who are not, strictly speaking, indigent, and who would not consent to ask aid from the State. They are, however, meritorious and deserving of assistance. The police juries, upon which devolves the duty of recommending students, would not recommend any who they might think could pay. They are the proper judges, as they have discretion in any case. At the same time we cannot expect that these youths or their parents should come and beg for assistance. A just and natural pride would prevent them from doing so.

Mr. Rivers—I think that the amendment covers the very objection urged by the gentleman.

Mr. Short—When a young man wishes to go to the college, the question would be in regard to his worthiness, not his poverty. But there might be meritorious, rich young men, perfectly able to pay, yet desirous of taking advantage of this law. Then a poor young man, meritorious as well as poor, might be deprived of admission because a rich one might want the endorsement of the police jury as being meritorious.

Mr. Mouton—I desire to do everything in my power to assist poor young men, but I am satisfied that the police jury always gives preference to the poor over the rich.

Mr. Todd—I can see no use of so much delicacy in the use of terms. Let us call things by their right names.

The Senate concurred in the amendment.

Mr. Beatner called up

An act to exempt the parish of Catahoula from further taxation to build levees in the parish of Madison. And

Mr. Short offered the following proviso:

Provided, That this act shall in no way affect the collection of the taxes levied on the said parishes, and that the Levee Commissioners in the parishes of Carroll and Madison, shall have the discretionary power of directing the Sheriffs of the said parishes of Caroll and Madison what amount of the taxes they shall collect under the act amendatory of the act entitled, &c.

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Mr. Short—I can state the whole subject in a few words. By the law of 1852 the Parishes of Madison, Catahoula and Carroll constituted themselves into a Levee District. Three Commissioners were appointed in each parish; many persons paid the tax, but others enjoined the collection of it, on the plea of unconstitutionality. This objection I think has been already answered in the report made to the Senate. A general system has been adopted. I do not think that this parish will have to be taxed any more. The only object of opposing the bill is that it might enable those persons who have enjoined to maintain their injunction. I have no objection to the section exempting Catahoula from further taxation, I am willing to let Catahoula out. But so far as the bill gives a pretext to those who have taken out injunctions, I cannot support it; all contracts under this bill can be paid by taxes levied already, provided these individuals have their injunctions dissolved and are made to pay what they ought to have paid long ago. Some persons have paid in advance and they should not be made to be the only ones to suffer.

Mr. Boatner—I have great respect for the legal opinion of the gentleman who has just spoken. But his fears are purely imaginary. He fears that some of his constituents will be sustained in a certain course. That issue is made up. The parties are ready for trial, and the judgment of the court cannot be affected by this bill. There is nodifficulty in the case. The gentleman says he is willing to exempt the bill from future taxation. When he reads the bill, he will find that is all we want. If the subject were left to the citizens of Catahoula, who are certainly the best judges of their own interests, there would not be five votes given in favor of retaining the law which the Senator now contends for. I will read a letter from one of the wealthiest planters on Tensas river, who would be benefitted by it if any one would. (Reads.) In regard to Roundaway Bayou, which is the only one that affects Catahoula, I will state that it is not closed, simply because it happens to have its mouth in Madison parish, which is not affected by it. Catahoula is compelled, by a majority vote of three parishes, to pay for building levees which are of no use to her. This is the real position of the case. Equity requires the passage of this bill. No doubt the gentleman, with that ingenuity which characterises him, could frame a better bill than this, but this one suits the people of Catahoula.

Mr. Short—I hope the Senator will understand my position. In the early part of the session, the representatives from Catahoula were anxious to obtain the repeal of the law making a levee district of the three parishes mentioned. The representatives of Carroll and Madison opposed it till a general law should be formed, when there could be no objection to letting Catahoula out for then Madison and Carroll, for the same reason, would wish to get out also. But they are willing to pay their shares of taxes as long it is necessary for self protection. They were also unwilling to let Catahoula out before that time, as any overflow that injures them, also injures her.

Mr. Boatner—I am opposed to the proviso offered by the gentleman because all that it contemplates is embraced in the bill which refers not to the taxpayers of Madison and Carroll, but only to those of Catahoula.

The proviso was rejected and the bill passed.

The bill to authorize married women to dispose of their dotal and paraphernal property, &c., was taken up.

Mr. Todd—There is no subject so confused as that which relates to the liabilities of married women. There are conflicting decisions on the subject which tend still more to embarrass it. In some cases persons have contracted with married women, and the Courts decided that they were not liable, so that the creditors have been defrauded. With intelligent men the credit of married women has been much impaired by this state of things. It is necessary that something should be done to rectify it.

Mr. Lacey—The bill is a good one. It alters no principle of our jurisprudence. I had a case in point myself which illustrates the evils complained of. A woman borrowed a sum of money and gave a special mortgage and a security. I could not prove in what manner the money had enured to her benefit, and though it had been lent to her, I could not recover. I ask to alter no principle—not to make wives liable for their husband's debts, but for their own. It will benefit married women by doing away with the uncertainly which now exists, in regard to their liabilities, and thus raising their credit. It interferes with no rights, and only does what is just and proper.

FRIDAY, April 22d, 1853.

BILL TO REGULATE MORTGAGES, PRIVILEGES, ETC.

The following bill, being the special order of the day, was taken up:

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That Syndics of insolvent estates, Executors, Curators, and Administrators of successions, and all other Administrators of estates or property appointed by judicial authority, shall no longer have the power of raising special mortgages or privileges, recorded against immovable property or slaves, except as hereafter set forth.

SEC. 2. Be it further enacted, etc., That if the person holding a special mortgage the privilege first in rank on the property, consent to the raising of such mortgage or privilege with a view to the sale of the property, then all the subsequent mortgages or privileges may be raised, as now provided by law, with the view of distributing the proceeds of the sale of the property according to the rank of the mortgages and privileges. If any person holding a special mortgage or privilege which is not the first in rank, consent to the raising of his mortgage or privilege, with a view to the sale of the property and distribution of the proceeds amongst the creditors according to the rank of their privileges or mortgages, then all the subsequent mortgages or privileges of inferior rank, shall be raised and the property sold, subject to all mortgages and privileges of superior rank. If the property sell for more than enough to pay the prior mortgages and superior privileges, the excess shall be divided amongst the inferior creditors, according to their rank and privilege. If the sum bid for the property at the sale does not exceed the amount of the prior mortgages and privileges then there will be no sale; and the property will continue to be administered for the benefit of the estate, until the prior privileges or mortgaged creditors subject it to the payment of their demands.

SEC. 3. Be it further enacted, etc., That if the mortgage recorded against any such estate or property, be a general one, and such estate or property be effected by special incumbrances of a higher rank, the person administering such estate or property, can only sell, subject to such incumbrances, applying nothing but the excess of the price over the prior special incumbrances, to the payment of the general mortgage.

SEC. 4. Be it further enacted, etc., That if the settlement of the aforesaid estate should be rendered impossible, or greatly embarrassed by the existence of a general mortgage, the Judge, if it be deemed necessary, may authorise the representative of such estates, to proceed to the sale of such property, and to raise such mortgages and all subsequent mortgages, whether general or special in the manner heretofore allowed by law, in order that the administration may be settled and the proceeds be distributed amongst the creditors, according to their respective rights.

SEC. 5. Be it further enacted, &c., That any person holding a mortgage or privilege may prevent the raising of his mortgage or privilege, in consequence of prior claimants having consented to the raising of their mortgages and privileges, by tendering to all such prior claimants the amount of their claims; in which event he shall be legally subrogated to their rights.

SEC. 6. Be it further enacted, &c., That if a person claims a privilege which the law does not require to be recorded, he will not be allowed to coerce the sale of the property affected by his privilege, to the prejudice of privileged or mortgaged claims, until he has notified all the mortgaged and privileged creditors, whose claims are recorded, of his desire to have his property sold, and not until they have refused or neglected to pay, or tender to him the amount of his claim, as provided for by the previous section of this act.

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SEC. 7. Be it further enacted &c., That whenever a party has a mortgage or privilege on, or interest in two funds for a debt, and another party has a mortgage or privilege on, or interest in one of such funds, for another debt, the latter shall have the right to compel the former to resort to the other fund, in the first instance, for satisfaction, if the course be necessary for the satisfaction of the claims of both parties, whenever it will not operate to the prejudice of the party entitled to the double fund.

SEC. 8. Be it further enacted, &c., That when a person holding a privilege or mortgage, recorded as before mentioned, against such estates as are contemplated by this act, refuses to consent to the sale of the property effected thereby, he may be compelled by summary process to discuss the property on which his rights exist, in order that the amount which may be due to him as an ordinary creditor may be ascertained.

If his demand be not due at the time, there shall be a rebate of interest, at the rate drawn by the debt, and if no rate be specified, at the rate of eight per cent.

SEC. 9. Be it further enacted, &c., That mortgaged privileged creditors of the estates mentioned in the first section of this act, shall be allowed to proceed against the property for their demands in any competent court, by making the representatives of said estates a party, in the same manner as if the deceased would have been were he living, or the insolvent would have been had he not failed; and if there be no representative in the estate, a curator ad hoc may be appointed to represent said estate.

Mr. King—I believe the Senate understands this bill. It is one, I need scarcely say, of great importance, and will, if passed, have the effect of making money more abundant.

Mr. Burthe—The gentleman told us before that the bill would prevent syndics, &c. from raising mortgages. It seems to me that the second section bears a different interpretation.

Mr. King—I should have been glad to prevent syndics from doing so in every instance, but owing to the peculiarities of our Louisiana law, we found it impossible to do so. We were obliged to give up some of our objects. But even as it is, the bill will be of great benefit. Scarcely one case in ten is covered by a general mortgage. The first special mortgage cannot be raised, and the creditor who has advanced on a first mortgage is sure of his money. We should be glad to extend this relief to all classes of mortgages; but if we had done so it would be found impossible to settle successions and insolvencies.

It has been the law of Louisiana ever since she had any law, that if, for instance, a man had a claim of $5000, and the property to which it attaches is sold by the sheriff for a subsequent claim, the sale is null unless the property brings more than $5000. If for instance, it sells for $7000, the purchaser pays $2000 to the sheriff, and takes the property, subject to the first claim of $5000. It is strange that this provision, having looked so well, the law should give to syndics the power of raising all mortgages. The best security becomes involved in uncertainty when a syndic can go to the mortgage office, and by a single line raise all mortgages. Louisiana is the only State where the property of an insolvent can be sold without reference to the mortgages existing on it. Every business man knows that the liability of a certain, to be converted into an uncertain security, is very injurious. While in England and New York property is security for almost its full cash value, in Louisiana it is scarcely any. I venture to say that the wealthiest planter in the State, possessed of an unincumbered property could not raise more than 5 per cent. on it. Why is this? It is on account of the tacit mortgage system, and the general insecurity of mortgages arising from the cause I have specified. This bill will have the effect of making money more abundant, and will enhance the value of real estate. I cannot imagine what injury it can produce, while blessings almost innumerable will flow from it. Examine the bill attentively. Do not read it as you would a newspaper or a romance, but peruse it with care; and I am sure your conclusions in regard to it will be favorable.

Mr. Nicholls—Did I understand the gentleman to say that scarcely one case in ten was covered by a general mortgage.

Mr. King—Yes.

Mr. Nicholls—I understand the great argument against tacit mortgages to be that they covered up so large a proportion of the property of the State.

Mr. Short—This is a bill to change the manner of settling successions and insolvencies. When a man dies every creditor is placed on a tableau, and they are then called together according to rank, and the estate divided against them. The settlement is very simple in cases of death of insolvency. The idea of this bill is not new to me I have seen it tried in a neighboring State, and I do not wish to see it adopted here.

Mr. Lacey—I think it is my duty as a senator to express some opinion on this point. I regret to see in many a disposition to approve certain measures, simply because they involve a change. For my part I am not wedded to the ancient law, merely because it is ancient. If I find it embarrassing I would sweep it away as a cobweb; I care not where or when it had its birth. When the tacit mortgage bill was before the Senate, the gentleman from Lafayette, and others, opposed it merely because it was a change from the established system. I am not surprised that the same argument should be used now. If the bill be calculated to benefit the State; if it will increase our resources and our prosperity, we ought to pass it without reference to the antiquity of the law or system which it attacks.

Mr. Mouton—The gentleman is mistaken when he says that I opposed the tacit mortgage bill simply because it was a change. I opposed it because I think the change a bad one; because the bill did not afford a full guarantee for the rights of minors. I have always been in favor of recording mortgages, and I would vote for a bill abolishing tacit mortgages in favor of married women.

Mr. Lacey—Why then did not the gentleman vote for the bill? He said that he was in favor of imposing the penalty, not on the minor but on the person representing him. Why such a provision would be as worthless as the paper on which it is written.—The gentleman says he is in favor of abolishing tacit mortgages, but he does not want to effect those now in existence. Why, sir, the gentleman might live through a long and useful life, and go down to to the grave with the honors of the State clustering thick upon him before such a bill could produce any appreciably beneficial effects. If I were in favor of a measure, I should be practically its friend. I wish to permit the expansion of the great interests of commerce and to break the trammels which now bind it. One gentleman has drawn for us an affecting picture of the State writhing beneath the iron heel of commerce; he has referred all our ills to commerce; commerce! and this because a necessary and beneficial change was proposed.

Mr. Nicholls—If the gentleman refers to me, I can tell him that I was opposed to a change in the system to which the people were accustomed unless a wiser and better plan were proposed. This was the change which I opposed.

Mr Lacey—There must then be some mistake. I thought that the mere facts of change was made one of the principle arguments against the bill. The tacit mortgage system, which allows a mortgage to be swept from the record, prays on the vitals of the State, diminishes the value of our property, destroys confidence in us and keeps out foreign capital. Are not these things the effects of the present system?—Who can deny it? It causes sales of mortgaged property at a heavy expense, and when the mortgagee thinks he is well secured, the death of the mortgager sweeps away his rights. Such is the system which I trust the present Legislature will obliterate from the statute book? What does this bill propose? When we look at it, we find equity and justice written on every line. We propose to secure the mortgage creditor in such a manner that death itself shall not interfere with his right. Is there injustice in this? Is there danger in it? The property banks operated in this way and no one complained of it. Is it not fair that when a mortgage is given, it shall not be raised till the debt is paid?

Mr. Short—That principle in the conduct of the

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property banks, was adopted for the benefit of the State and not of individuals.

Mr. Lacey—Very well—No evil effect resulted from it. The imagination can conjure up no valid obligation. We see, then, two conflicting principles; one weighing heavily on our property, and the other calculated, if adopted, to be of great benefit to the State, and to individuals, by inviting capital hither and enhancing the value of real property. At present a man may scarcely have recorded his mortgage, and left the office, when death or insolvency may rob him of his rights and his security. I hope this system will be changed, I hope the bill before the Senate will pass; it will be productive of immense benefit, and can do no harm.

Mr. Short—A word by way of explanation. I do not wish my position on this bill to be mixed up with my position on the tacit mortgage bill, I cannot confound the two together, unless they entirely assimilate. But I would have the gentleman to know that the long existence of a thing is no conclusive argument in in favor with me, though I must admit that it ought to have some weight. It is reasonable to suppose that a system would not remain in operation so long a time had it not some merit; something to commend it. In reference to my position on the tacit mortgage bill, I will say that I was in favor of it because I thought it would bring order out of chaos, but this bill acts in a contrary manner, it introduces confusion where before were simplicity and order. The very reason that induced me to go for the one is the reason that prompts me to go against the other. The principal object of the bill is to destroy, or alter the present simple manner of settling the estates of deceased persons and insolvents. At present there is a positive and certain system about which there can be no mistake.

But under this bill it is entirely a different thing. You are to call in two appraisers and they say when is the remaining interest of creditors after these incumbrances are paid off. Then if the amount of the sale does not exceed the amount of the prior mortgage it is null. You talk of taking property out of the market. If that is not doing it, I should like to know what is? It would give an opportunity for bringing in all manner of factitious and fraudulent claims, and thus prevent the ordinary creditors from getting their rights. I agree with gentlemen in regard to some of the demerits of the present system; but I do not think this bill will remedy them. I therefore order a substitute providing that instead of the Syndic selling the property, it be sold on the order of the Court by the Sheriff, &c.

Mr. King—I am happy that the views of gentlemen who have spoken correspond so nearly with my own. I am not surprised that a bill, the length of this one, is not thoroughly understood. Everything contained in the substitute is provided for in the bill. The only change it makes is that the Sheriff is to sell instead of the Syndic or Executor. We make the Syndic sell in the same manner as the Sheriff. The object the gentleman has in view is the same. Let me remind him of one difficulty in adopting the substitute. Suppose the first mortgage to be a general mortgage—he will find that he has not provided for that contingency. I do not think it judicious to make the proposed change in the bill. I think the system provided for in it is better. It is certainly cheaper, which is a great merit. I think the bill is a necessary one. Let me remind gentlemen of the case of Astor, which I alluded to before, where he lent a man $60,000 which were pocketed by a Syndic, who himself became insolvent, and thus Astor lost his money. Such occurrences cause capitalists to loose confidence in us. They will not send their money here to be invested on mortgage security. Thus real estate here is scarcely considered as security at all, while it ought to be the best, and enable a man to get money at the lowest rate. Every one knows the expense of an insolvency, that it is in proportion to the nominal amount of property. Though a man may be a hundred thousand dollars worse off than nothing, all the expenses come out of the mortgaged property. In my own practice I have known a mortgage creditor to loose all his claims by the exorbitant expenses. I cannot see what objection there can be to this bill. I cannot see how it will render succession cases more difficult. I do not see how the Syndics' sales can be embarrassed when they are made the same as Sheriff's sales. The gentleman from East Baton Rouge has referred to the Property Banks. I never heard that any embarrassment was occasioned by this system in that case, and if made general it would necessarily be productive of good effects.

Mr. Nicholls—I am opposed to the bill, not because it makes a change, but because that change is no improvement, and because it will impede the settlement of successions.

On motion of Mr. Lacey, to suspend the rules for the purpose of taking up the railroad bills, Mr. Clifton called for the yeas and nays.

Messrs. Dupre, Evans, Kemp, King, Lauve, Lacey, Lewis, McCay, Millard, Mouton, Neal, Nicholls, Palfrey, Patterson, Rivers, Short, Slack and Todd—18 yeas;

Messrs. Barthe, Derbes and Clifton—3 nays.

Consequently, the rules were suspended and the railroad bills were taken up and passed.

MESSAGE FROM THE HOUSE.

Mr. Easten, special messenger, requested the concurrence of the Senate to the following bills, entitled

An act to emancipate Robert Scott Pyburn, of the parish of East Baton Rouge.

An act to grant the aid of the State to the Grosse Tete and Baton Rouge Plankroad Company.

And he informed the Senate that the House had concurred with an amendment in a bill entitled

An act for the relief of Purvis and Dugue.

MESSAGE TO THE HOUSE.

The special messenger of the Senate requested the concurrence of the House to the following bills:

An act to enable married women to contract debts and mortgage their property.

An act authorizing Henry F. Bennett and wife to adopt Georgiana C. Kimball.

An act for the improvement of the navigation of Boeuf river.

An act for the improvement of the navigation of Bayou Bartholemew.

And he informed the House that the Senate had concurred in the following bills:

An act to enable Baptiste Dupeyre, or his legal representatives, to emancipate the slave Zoe, without removing her out of the State.

An act relative to judicial advertisements.

An act to provide for the performance of the duties of parish recorders in case of vacancy.

An act to exempt the parish of Catahoula from further taxation to build levees in the parishes of Madison and Carroll.

An act making appropriation out of the swamp land fund for the purpose of completing the Grand Levee in the parish of Point Coupee.

An act authorizing Minor W. Sherwin, of the parish of Claiborne, to remove certain obstructions to the navigation of Bayou Dauchitte, &c.

An act authorizing the improvement of certain streams in the parish of Bossier.

An act for the relief of H. Labat.

An act to authorize the recorder of the parish of Moorehouse to appoint a deputy.

An act to amend the act No. 120, entitled an act to incorporate the town of Clinton—approved March 9, 1852.

An act supplementary to an act entitled an act forming a levee district, to be composed of the parishes of Carroll, Madison and Catahoula, for the better protection of the same from inundation—passed March 18, 1852, and amended March 25, 1853.

And informed the House that the Senate had adjusted the report of the Committee of Conference, to whom was referred the disagreement of the two Houses on the 14th section of

An act entitled an act to organize District Courts for the parish and city of New Orleans.

And that the Senate had adopted the report of the Committee of Conference upon a bill entitled

An act relative to the Judiciary of the State (the First Judicial District excepted.)

And that the Senate had concurred, with amendments, to

An act relative to judicial advertisements.

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And requested the concurrence of the House to the following bills:

An act to grant the aid of the State to the New Orleans and Baton Rouge Railroad Company, by subscription to the stock thereof.

An act to grant the aid of the State to the Pontchartrain Railroad Company.

And that the Senate had concurred in the following bills:

An act to grant the aid of the State to the Vicksburg, Shreveport and Texas Railroad Company.

An act to grant the aid of the State to the New Orleans, Jackson and Great Northern Railroad Company.

An act to grant the aid of the State to the New Orleans, Opelousas and Great Western Railroad Company.

An act to grant the aid of the State to the Grosse Tete and Baton Rouge Plankroad Company.

An act to emancipate Robert Scott Pyburn, of the parish of East Baton Rouge.

MONDAY, April 25th, 1853.

Mr. McCay introduced a bill for the relief of the securities of William K Stiles.

Mr. McCay—I will as briefly as possible explain the object of this bill. In the year 1848 these gentlemen become securities for William K. Stiles, a State tax collector in the city of New Orleans. Stiles subsequently became a defaulter; the securities had repeatedly warned the Auditor that he must proceed against the principal, as they suspected that everything was not right. By law the Auditor is authorized on a defalcation, to proceed immediately against the principal and securities. This he did. The securities got out an injunction, which was confirmed by the court. The Auditor appealed—the case remained undecided for 18 months, when suddenly, without notice being given, without any attorney for the securities being present, the decision of the lower court was reversed, and the injunction dissolved. The object of this bill is only to quash the execution, and to give the sureties an opportunity of showing what defence they have.

Mr. Hodge—Is the object of the act to do away with the judgment?

Mr. McCay—No, only with the execution.

Mr. Hodge—I do not see how the parties are to derive any benefit from the bill unless it affects the judgment.

Mr. McCay—Do we, by quashing the execution, destroy any of the rights of the State? Not at all. The judgment was recorded at the time, and a mortgage remains on all the property of the securities.

Mr. Hodge—It seems to me that the bill would be equivalent to doing away with the judgment as it makes it inoperative, at least for the time being. It seems to me a better plan to submit the whole subject to the Legislature, and let it judge whether the parties are entitled to any relief. It is clearly unjust that they should seek to be relieved from the stringent rules of the law of 1847, and take advantage of the law of 1850. If by mistake their counsel were absent when the case came to trial, that was their fault. I am not willing to set aside the judgment unless it is erroneous. It would be the same thing as setting aside the execution.

Mr. Derbes—As I understood this case, the parties signed a bond for Mr. Stiles. He became a defaulter. Proceedings were taken against them. An injunction was granted and made perpetual. The auditor appealed and the injunction was dissolved. What would be the position of affairs if we pass the bill?

The case would simply be where it was before the Supreme Court rendered its decision. The only thing that the sureties ask, is to be permitted to go before the Courts and show their defence against the execution issued by the Auditor. The bill can not have the effect of destroying the mortgage existing against the property of the sureties. Of course that stands good.

The only thing they ask is to be allowed to make their defence before a Court.

Mr. McCay—I had thought of the plan suggested by the Senator from Caddo, but on reflection, I considered it better that the case should go before a Court. The bill merely provides that the parties shall have the right of going before a Court of Justice, to show what defence they have.

Mr. Mouton—I am not disposed to take advantage of an accident in order to oppress these gentlemen.

But the relief asked is for a very large amount. I agree rather with the Senator from Caddo; I am fearful that the bill may impair the rights which the State has against the sureties. The case it appears, was argued in the lower Court; it went up, and owing to negligence on the part of counsel, the judgement was reversed. I have no doubt the facts are as stated. But it is strange that any counsel should have neglected so important a case; a case involving $28,000.

The sureties have recousre against the counsel if they suffered from their negligence I am not prepared to vote now for this bill, though, as I have said, I do not want to take advantage of an accident.

Mr. Burthe—I am not prepared to vote on this bill. All the facts are merely hearsay. I have asked for the record and could not see it.

Mr. Lacoste—What harm can there be in granting to these persons a new trial. If the judgment be right the result will be the same; if not, they will be enabled to get their rights.

Mr. Hodge—That is all very true; but gentlemen forget this important consideration. The act of 1850 differs from the act of 1847 under which these proceedings were had. I do not think that they can justly ask to be exempted from the operation of the act of 1847, with reference to which the bond was made. I am willing to do anything that is right. I wish to do justice to all parties; but I am not willing to go as far as this. I feel it my duty to vote against the bill.

Mr. McCay—I did not suppose there would be any opposition to the bill The State will lose none of her rights by it. She has a judicial mortgage on all the property of the sureties, by the law under which the bond was made. The bill will merely give the gentlemen an opportunity to show their defence, which, I believe is a good one. They repeatedly warned the Auditor that the principal was spending the money of the State and requested him to call for the accounts which he neglected to do.

The bill passed.

The bill regulating mortgages and privileges was taken up and passed.

Mr. Hodge—I move a reconsideration of the vote just given. I think the bill involves too sudden a change in our jurisprudence and will be productive of more evil than good. As the gentleman who introduced the bill must be aware it is one of great importance. It affects the laws and the settled policy of Louisiana. From a cursory examination of the bill I am led to believe that, although it may do much good, it will certainly do much evil. I confess that it will draw into the State a large amount of capital; that it will give confidence to capitalists; but still I am not prepared to admit that it will be the best interests of Louisiana. While I am anxious to induce capital to come into the State, I am not willing to sacrifice the interests of Louisiana for the protection of foreign capitalists. I understand that the gentleman from New Orleans cited the instance of Mr. Astor, who loaned to a man a large amount of money; the man afterward becoming insolvent, and Astor being compelled to take the personal security of the syndic, and consequently lost his money.

While I admit that this particular case was a hard one, I do not see, that in consequence of it, we ought to change our system of law and put our mortgaged property entirely under the control of capitalists. If I understand the object of the bill, it is to enable parties who have made loans on real estate security to hold the real estate till the loan is discharged. What would be the effect of this? It would tie up all the property in the State till the foreign capitalists are paid. It is an acknowledged principle with me, that the debtor's property is the common pledge of all his creditors, and that when he becomes insolvent it should be divided equally. When he dies the same is the case, and the property is not held, for all time, in order that foreign capitalists may enjoy the interest. Suppose a man worth $300,000 goes into Wall st. and borrows $100,000 at 8 per cent. He becomes insolvent and has creditors equally as well entitled to be paid as the one in Wall street. You could not find any one who would buy the property and take the risk of

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the mortgage. What would then become of the property? Are you willing to sustain our insolvent laws? You cannot do it, and pass a law like this; because till the mortgage creditor either renounces his claim or chooses to exercise his rights of mortgage the property is tied up. This would be the effect of the bill. While I am willing to do any thing honorable to encourage the principle advocated by the gentleman from New Orleans, I am not willing that all the interests in the State should be made to bend to those of commerce. I am not willing by my vote, to sanction a law which does everything merely for the benefit of foreign capitalists. I told the same thing to a gentleman who made strong appeals to me on the subject. Reflect what is the policy of the laws of Louisiana. When I came here I found a radical difference existing on these subjects. By our votes we are to decide whether we will adhere to our old and long-settled policy, or adopt a new one. When a person dies, by a humane principle engrafted on the laws of Louisiana, those persons are protected, who thus become deprived of their natural protector, and are unable to protect themselves.

I do not wish to linger on this theme; it has already elicited sufficient debate. However, the property must be appraised, and it cannot be sold for less than its valuation. Was this a mere arbitrary provision of the law? No! on the contrary, it was intended to prevent the sacrifice of the property of those who was unable to take charge of their own affairs. As long as I am living it is supposed that I can pay if I contract a debt, but if I die, the law humanely provides that my property shall not be sold for less than its appraised value. This is a wise and human law, and I hope it will be maintained. I trust it will not be repealed. If you mortgage, your property, and die, a curator is appointed. He does not take an interest in it. The mortgagee comes and asks payment. The curator does not borrow money to pay it and so the property would be sacrified. I blush to say that the curator frequently goes into collusion with the creditor in order to make something for himself. I hope gentlemen will reflect; think that the gentleman from New Orleans himself will agree with me when he considers the subject maturely. These are my opinions in regard to the bill before the Senate They may not be entitled to much weight but such as they are I think myself bound to give expression to them.

Mr. King—This question has been discussed with great elaborateness. Argument has been exhausted before the Senator, who has last spoken, came into the field. The gentlemen speaks of mature reflection. If he had given the subject as much reflection as I have, his own reflection would have been much more mature. He thinks the bill involves a great departure from existing forms. He will find that the sales are to be made in the same manner as heretofore. The general policy of this bill is such as to produce the most beneficial effect. It will relieve the State of a great incubus which now hangs over it. It will increase the value of real estate, and accelerate that influx of capital which the gentleman himself acknowledges to be so desirable. In short its benefits are so vident that they scarcely need enumerating, and as they have already been sufficiently described, I shall not waste the time of the Senate by expatiating on them.

The motion to reconsider was lost.

Mr. Lewis introduced a bill for the emancipation of certain slaves and to permit them to remain in the State.

Mr. Martin—I shall not vote for the bill.

Mr. Lewis—These slaves are well known in New-Orleans. They belonged to an aged gentleman whom they served faithfully. When he died he bequeathed to them their liberty and some means, and asked that they be permitted to remain in the State. We have passed other bills of the same nature and I do not see why we shoul not pass this one.

Mr. Martin—I am opposed to the bill unless the provisions of the law of 1852, under which the slaves would be sent to Liberia, be applied to them.

The bill passed.

Mr. Lacey introduced a bill of the same nature.

Mr. Hodge—Several bills of this kind have passed already. I have been inclined to let them go through without opposition, but this is such a gross infraction that I can not vote for it. We have too many free negroes now in these State. In those States where there are a great number they cannot be tolerated. This should be a strong suggestion against our permitting the wholesale emancipations. I would prefer a general law. I know we have one now, but it is so stringent as to be virtually inoperative. That is the reason why we have so many applications for acts of this kind.

Mr. Lacey—I hope the gentleman will not oppose the bill. The lady who asks this favor is a person of high and unblemished character, and I know she would not seek it if it were not right. I am confident the negroes will never be a charge on the State, and that we incur no risk in permitting their emancipation.

Mr. Hodge—I withdraw my opposition.

Mr. Martin offered an amendment requiring a bond of $1000.

Mr. Lacey—I would have no objection to the amendment, were it not so late in the session that the bill, if amended, may not be reached.

Mr. Martin—This is the settled policy of the State. I never heard of slaves being emancipated without a bond being required.

Mr. Derbes—The gentleman from East Baton Rouge is doubtless right in his objection. There is good reason to believe that the bill, if amended here, would not be reached in the House, and would thereby be defeated. We ought not to jeopardize the success of the bill by insisting on the amendment.

Mr. Martin—The gentleman's remarks are based on the idea that all negroes of good character ought to be emancipated. There is no evidence that these slaves had rendered any extraordinary service to their owner. Nine out of every ten negroes in the State bear just as good a character.

The amendment was lost.

Mr. Burthe moved to amend by requiring a bond of $150.

Mr. Lacey—The same objection exists to this amendment. The bill, if amended at all, may not be reached in the House.

Mr. Burthe—I can tell the gentleman that a bill which passed here on Friday passed the House this morning

Mr. Hodge—The bill ought not to pass in its present shape, except in case of absolute necessity. The gentleman from Jefferson has told us that a bill which passed here on Friday, passed the House to day. No other bill of the kind has passed in this shape. Let the bill be amended even at the risk of defeat, and take its chance; otherwise a bad precedent might be set.

Mr. Lacey—I am not certain, but I think no bill of this kind has passed the Senate, requiring the negroes to give bond.

Mr. Martin—I move that the bill be referred to the Judiciary Committee in order to give the learned chairman time to find out what the law is.

Mr. Lacey—We certainly shall not go to the parish of Assumption for light.

The bill passed.

ORDER OF THE DAY.

The bill to amend the law in relation to the Charity Hospital was taken up.

Mr. Hodge—I wish to vote against this bill. I am opposed to an additional tax on foreigners

Mr. Millard—Objections have been made to this bill on the ground of unconstitutionality. I understand there have been decisions of the Supreme Court in favor of the law. Mr. Moise, who, I believe is the father of the present law, informs me that it is perfectly constitutional.

The bill passed.

The bill to organize a Board of Public Works was taken up.

Mr. Hodge—I should like to have the bill referred. The districts can be better formed in committee than in open Senate. The constitution requires that the districts be formed according to population. This can only be done by referring the bill to a committee. For instance, the Fourch District is very large, it runs from the Gulf to the Arkansas line. Now this is not fair, and I want to have justice done.

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Mr. Nicholls—The only reason that I am opposed to the bill is because I am firmly convinced that the Legislature intends to adjourn without acting either on the Registry law or this bill; two things which the constitution requires. There will be opposition in the House, and if it goes back it will fail. I believe it will fail in any event, but I want gentlemen to show their hands. This is the last week of the session, and if we intend to act on the bill, we should do it now. I should myself like to have a change made in it. My district contains a very large amount of overflowed lands. It requires attention, and that soon. It ought to be added to the Baton Rouge district, or if justice were done. to the Attakapas district either. I believe the division made in the constitution is much better and juster. I do not believe that the bill does justice. But I am not disposed to make political capital out of it. I should desire to have the divisions made with reference to the labor to be done. It strikes me that the clause with reference to population is unjust.—According to that division, New Orleans would form a district by herself. But as we must make the divisions in this way, we should take labor into consideration also. I desire the bill to do justice to all parts of the State; but as it is so late in the session—taking into consideration the manifest and open opposition to organizing this Board, I am convinced that if the bill is laid over, even for a day, the Legislature will adjourn without acting on it.

Mr. Hodge—I wish to show the Senate the great injustice done to my district on account of this bill making the districts correspond with the Congressional districts which were formed years ago. I am not however going to make a strenuous opposition. I shall come down gracefully. I suppose it is the object of the Democratic majority to form the districts so as to secure the election of their partisans To the victors belong the spoils. But we will teach them a lesson as we did last year in my district, when the people took a man who represented their feelings and wishes, in spite of gerrymandering.

Mr. King—This bill forms the districts on the same plan as that on which they were made by the whigs years ago. Last year they undertook to do the work over again, and gerrymandered the State beautifully. Now they want us to adopt their gerrymander.

After some further remarks the bill passed.

MESSAGE TO THE HOUSE.

The special messenger of the Senate requested the concurrence of the House to the following bills:

An act for the relief of Hugh Y. Waddell of the parish of Natchitoches.

An act to provide for the removal of certain public records from the Fourth District of the city of New Orleans to the Parish of Jefferson.

An act to manumit or emancipate Marie Melaney, slave of Moise Hebert, of the parish of St. Landry.

An act to regulate the holdings of the District Courts.

An act to prevent obstructions to navigable streams, bays and lakes within the State

And he informed the House that the Senate had concurred in the following bills:

An act to emancipate George Millette.

An act to regulate and define the duties of Parish Treasurer.

An Act to incorporate the Opelousas Fire Company.

An act relative to the election of Clerks of the District Courts for the parish and city of Jefferson.

An act to emancipate William, Desdemona, and Elizabeth Robertson, children of George Robertson, f. m. c. of the parish of East Baton Rouge.

An act to amend an act to provided for supplying the loss of the public records and other papers consumed by the burning of the Court House in the parish of Claiborne, on the 6th day of November, 1849,

And requested concurrence to

An act to regulate the holding of the District Courts.

An act to emancipate the slaves belonging to the estate of the late J. B. Cazus, of the parish of Orleans.

MESSAGE FROM THE HOUSE.

The special messenger from the House requested the concurreoce of the Senate to the following bills:

An act to amend and re-enact article 2700 of the Civil Code.

An act for the relief of Wm. Long.

An act to regulate the salary and contingent expenses of the State Engineer.

An act to authorize the construction of boats for the Internal Improvement Department of this State.

An act for the relief of B. L. Hodge of the parish of Caddo.

Resolution concerning a survey of bayou Plaquemine.

And he informed the Senate that the House had concurred in the following bills:

An act to provide for the payment of the persons appointed under the acts of 20th December, 1848, and March 21st, 1850, to consolidate and revise the statutes, &c.

And that the House had disagreed to the first amendment of the Senate, and concurred in the second amendment of the Senate to the bill entitled:

An act to regulate the terms of the District Courts, the parish of Orleans excepted.

And that the House had concurred in, by substitute, to

An act amending an act relative to the powers of Clerks of District Courts, the parishes of Orleans and Jefferson excepted—approved March 18th, 1852.

And concurred in the amendments of the Senate to the bill entitled

An act relative to Judicial Advertisements.

And concurred in with an amendment to the bill entitled

An act for the improvement of the navigation of Bœuf River.

And concurred in, with amendments, to the bill entitled

A resolution to improve the navigation of the Sabine River.

And concurred in, with amendment, to

An act for the improvement of the navigation of Bayou Bartholomew.

And he further informed the Senate that the House had concurred in the amendment of the Senate changing the terms of Court in the parish of Calcasieu.

And that the House had refused to concur in the amendment changing the terms of the Court in the Twelfth District, composed of Ouachita, Union, Morehouse and Jackson.

TUESDAY, April 26, 1853.

Mr. Lacey introduced a bill for the relief of certain persons who had irregularly purchased lands.

Mr. Lacey—A bill has already passed with this view, but it seems that the amount appropriated was insufficient. This is a bill to provide for the surplus. I ask for a dispensation of the rules in order to introduce it.

Mr. Rivers—It was supposed that the amount already appropriated was sufficient. I am not prepared to vote for this bill now.

Mr. Lacey—I am informed that it is not sufficient.

Mr. Martin—I move to refer the bill to the Committee on Lands.

Mr. Lacey—That would be equivalent to killing the bill. I hope it will not be done. We have already recognized the justice of these claims, and I do not see why we should make any distinctions.

Mr. Martin—The gentleman is no better judge of the amount necessary than the committee was. There will be plenty of time yet, and referring the bill will not be equal to killing it.

M. Lacey—I do not think there will be time. I hope the Senate will assent to his own bill. These parties cannot obtain relief in any other way as the Supreme Court has decided that they must look to the Legislature for it.

Mr. Marrin—I wish to know wether these parties have presented their claims to the Register and wether he has made a report. He was authorised by an act of the last Legislature to make publication calling on all persons having claims of this kind to come forward and make them known.

Mo. Rivers—What I want to know is wether these claims are included in the report of the Register.

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He reported some thing more than a thousand acres.

Mr. Slack—I hope the bill will be referred. I was on the committee myself. The chairman carefully examined the subject and said that the amount reported would be sufficient for all just claims. I do not mean to say that all just claims were provided for, but let these be examined in the same way as the others were.

Mr. Martin—The Senator from E. B. R. has not answered any question. Were these claims included in the report of the Register? He said that $3,000 was sufficient.

Mr. Lacey—I do not know anything about the Register.

Mr. Martin—Then I have no hesitation in saying this is a suspicious claim.

(Here the debate assumed an entirely personal character between Messrs. Martin and Lacey.)

The bill was finally referred.

Mr. Hodge called up a bill to relieve a person named William Shaw from the operation of the law of forced heirship.

Mr. Hodge—It is true, that the bill does not exempt a person from the operation of the general law of the State; but when I state the circumstances of the case, I am sure the Senate will not refuse to pass the bill. The father is an aged man. The forced heirs are all grown. Some died, leaving children. When the minors come of age they will be possessed of a considerable property. There are four of them. It is the desire of the old man to be exempted from the law of forced heirship, so as to put his grandchildren on a footing of equality.

Mr. King—Though I could not be persuaded to support this bill, I should certainly insist that the old man leave his property to his grandchildren, in whose behalf he solicits this exemption: for, *non constat*, when he gets the law passed, that he would not marry a young wife and leave all his property to her. Individually, I am opposed to this species of special legislation. I am opposed to interfering with what the law regards as vested rights. I do not wish to make these distinctions. I do not wish to exempt individuals from the operation of the general law. The law here and in other States differs. There may be discussion as to which is superior; but I avow my preference for our own law. But whatever opinions we may entertain, we ought to abide by the law which we have. No doubt there are a thousand persons in Louisiana who would like to make preferences among their children. If we pass this law, we shall have a swarm of applicants at the next session, and we will never know where to stop.

Mr. Lacey—As Chairman of the Judiciary Committee, I can state that, on the statements of the Senator from Caddo, I was willing to view this bill on its merits, and was willing to vote for it. I am willing to vote for it now.

Mr. Mouton. I regret that I cannot support the bill. I am not disposed to go against the settled policy of the State by any vote of mine. I am forced to vote against the bill, though it is local in its character.

The bill passed.

A bill to transfer the Deaf and Dumb Asylum to Opelousas, was taken up.

Mr. Mouton. This bill was reported as a substitute by a committee of which I was a member. In the year 1831 an appropriation was made, and an institution called Franklin College was established. The buildings are large, commodious, and well adapted to the purposes for which this bill designs them. Reasons of economy should prompt us to make use of them. The location is good; the place is healthy, and situated on the line of the Opelousas Railroad.

Mr. Lacey. I do not think it is good policy to remove the Asylum. The Superintendent tells me that it would not be judicious to remove it. We do not know whether the State has a good title to the buildings in Opelousas. At all events, I am informed a large outlay would be required to fit them for the purpose. I am informed by the Superintendent that he came here from Indiana with the express understanding that the Asylum was to be located at the seat of Government. Would it be just to ask Mr. Brown, the Superintendent who came from Indiana with this understanding, to give up his associations, who gave up a flourishing establishment there—would it be right to ask him to remove now to Opelousas? It would not be right. And are you going to do this, which is in opposition to our settled policy? Are you going to enter on an experimental policy? I hope not. I hope the small appropriation necessary will be made, and that this institution will be continued here at the seat of Government.

Mr. Millard. The title, on which the gentleman lays so much stress, is as good as that of any property belonging to the State. The whole question resolves itself into one of dollars and cents. The buildings already erected in Opelousas are large and salubrious. The location has the advantage of the Railroad, and is in all respects desirable.

Mr. Mouton—In answer to the gentleman from East Baton Rouge, I will state that the object is not to undo what the last Legislature did, but, on the contrary, to carry out its wishes. It is to prevent the expenditure of $20,000 more for buildings when we have them ready. They are large enough for 200 students. The question is not whether we shall please the Superintendent; it is, as the gentleman has said, a question of dollars and cents; whether we shall expend $25,000 more or transfer the Asylum to Opelousas. The Board can remain as now, if the members wish; if not, the Governor can appoint another. The object is only to carry out the wishes of the Legislature.

Mr. Millard—The buildings are new, but not having been used for two or three years, may need some repair; but the expense will be trifling.

The bill passed.

Mr. Hodge called up

An act relative to the duties and powers of the police juries of the State and the constituted authorities of incorporated towns.

Mr. Hodge—I have some remarks to make which will detain the Senate but a few moments. The bill is so correct in principle that I hope it will meet with no opposition. It is only incorporating into our parish system the principle enumerated in the 118th art. of the Constitution. If the Constitution makes it necessary for the State to provide means to meet its liabilities when they are incurred, the same thing should hold good in regard to the parishes and towns. The bill was at first voted down in the House, but after discussion it met with no opposition. Though the committee reported against the bill, yet after the report was made, Mr. McCay, a member of the committee, told me he was in favor of it. Mr. Rivers, also, when I explained it to him, told me he would not oppose the bill. The gentleman from New Orleans even assured me he should advocate it.

Mr. Patterson—I shall offer no opposition to the bill provided East Feliciana be excluded from its operation.

Mr. Hodge—If the gentleman insists, I will agree to that, though I should prefer a general law. I think it will peril the bill to amend it. But if I cannot get more, I should like it to be applied to my own parish. In the first bill New Orleans was excepted, but at the request of her representatives New Orleans was subsequently put in. Pass this bill, and corporations will hereafter be more careful how they run in debt. If they are forced to provide ways and means to meet their liabilities they will look before they leap. The principle of the bill is the same as that contained in the New Orleans consolidation bill, and in the 118th article of the Constitution. Its effect will be to make the bonds of our parishes and towns more valuable, and to raise their credit. The creditor will then have a guarantee that he will be paid.

The bill passed.

MESSAGE TO THE HOUSE.

The special messenger of the Senate requested the concurrence of the House to the following bills:

An act entitled an act to organize a Board of Public Works.

An act to emancipate the slave Eulalie, belonging to Amadee Landry, of the city of New Orleans.

And he informed the House that the Senate had concurred in the following bills:

An act supplementary to an act to divide the State into judicial districts—approved April 12th, 1858.

An act to amend an act entitled an act to increase the number of jurors in the parishes of St. Bernard

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and Plaquemines from forty-eight to seventy—approved March 11, 1852.

An act to provide for the sale of the undivided half of a tract of land in the parish of St. Landry, claimed by the State.

And concurred in with amendment to

An act to amend an act entitled an act relative to the Charity Hospital—approved the 21st March, 1850.

MESSAGE FROM THE HOUSE.

Mr. Easten informed the Senate that the Speaker had signed the following enrolled bills:

An act to enable the stockholders of the Iberville Female School Society to proceed to and effect a liquidation.

An act to repeal an act entitled an act to exempt the homestead of a householder from seizure and sale on execution, and also to exempt from execution, from seizure for rent, and from being garnisheed, certain personal property and effects, and the wages of labor, and compensation for professional and other services.

An act to authorize the Citizen's Bank of Louisiana to convert shares secured by mortgage into cash shares.

An act to incorporate the President and Fellows o Louisiana College.

An act to authorize District Attorneys to recuse themselves in certain cases.

An act authorizing proceedings in rem to recover loss or damage caused by any carlessness, neglect, went of skill in the direction or management of any steamboat, barge, flat boat, water craft or raft.

An act to authorize the Pontchartrain Railroad Company to construct a railroad to Mobile.

An act more effectually to carry into effect the provisions of an act entitled an act for the advancement of medical education in Louisiana—approved 21st March, 1850.

And he requested the signature of the President to the following enrolled bills:

An act supplementary to an act entitled an act granting an extension to actual settlers to make application, and proof and payment of the swamp and overflowed lands granted to the State of Louisiana by acts of Congress—approved March 16, 1853.

An act to authorize the Recorder of the Parish of Morehouse to appoint a deputy.

An act granting the aid of the State to the New Orleans, Jackson and Great Northern Railroad Company by a subscription to the stock thereof.

An act relative to the judiciary of the State, the First Judicial District excepted

An act to dispense with the inscription of Mortgages in favor of the commissioners of the Poydras legacy, in the parishes of West Baton Rouge and Pointe Coupee.

An act to redistrict the parish of Pointe Coupee, to diminish the number of its police jurors, and to restrict their powers.

An act supplementary to an act entitled an act forming a Levee District, to be composed of the parishes of Carroll, Madison and Catahoula, for the better protection of the same from inundation—passed March 1852, and amended March 25th, 1853.

An act to improve Big Creek.

An act to grant the aid of the State to the Vicksburg, Shreveport and Texas Railroad Company, by a subscription to the stock thereof.

An act to exempt the parish of Catahoula from further taxation to build levees in the parishes of Madison and Carroll.

An act to enable Baptiste Dupeyre, or his legal representatives, to emancipate the slave Zoe, without removing her out of the State.

An act to organize District Courts for the parish and city of New-Orleans.

An act to grant the aid of the State to the New-Orleans, Opelousas and Great Western Railroad Company by subscription to the stock thereof.

An act to provide for the manner of cancelling the bonds and mortgages given by the Parish Tax Collectors.

An act incorporating the stockholders of the New-Orleans and Baton Rouge Railroad Company.

An act authorizing Minor W. Sherwin, of the parish of Claiborne, to remove certain obstructions to the navigation of the bayou Dauchitte, &c.

An act to amend the 1st section of an act entitled an act relative to the corporation, police and government of the town of Shreveport—approved March 18, 1850.

An act for the relief of H Labat.

Resolution requiring the State Engineer to make a thorough examination of the channel in Old river, between the mouth of Red river and the Mississippi, and that of Grand Point, on Red river.

He informed the Senate that the House had concurred in the following bills:

An act to authorize the Church Wardens of the St. Louis Church of the city of New Orleans to dispose of certain property.

An act to emancipate John J. Croft.

An act to regulate the holding of the District Courts.

An act to amend the act entitled an act to incorporate the city of Jefferson—approved March 9th, 1850.

WEDNESDAY, April 27th, 1853.

Mr. Kenner asked a suspension of the rules, to enable him to introduce a bill to provide for counting the votes for Judges.

Mr. Kenner—We are now within two or three days of the end of the session. It is impossible to tell who are elected Judges of the Supreme Court. It is to provide for counting the votes that I offer this bill. If, as a gentleman says, a bill has been prepared, with this object, why does he not call it up?

Mr. King—I was told that a bill to that effect had passed the House.

ORDER OF THE DAY

The Registry bill was taken up. The following is the bill:

An act to provide for the registering of voters in the city of New Orleans, in pursuance of article 11 of the Constitution.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the Board of Aldermen of the city of New Orleans, on or before the second Monday of December, in each and every year, shall nominate and appoint three suitable and discreet persons, for each and every one of the four districts into which New Orleans is now divided, who shall reside in the districts for which they are respectively appointed, who shall be known as "the Board for the examination of the qualification of voters."

SEC. 2. Be it further enacted, &c., That the Board aforesaid in the several districts of the said city, shall immediately after their appointment, give public notice in the State paper, and in other prominent newspapers published in the city of New Orleans, that they will meet in their respective districts, in said city, on the second Monday of January next after their appointment, for the purpose of examining and deciding upon all applications of persons residing in the said city, for the registry of their names as qualified voters in the city of New Orleans; and in said notice, the said Board shall designate the places of their respective meetings.

SEC. 3. Be it further enacted, &c., That the several members of the Boards to be appointed as provided in the 1st section of this act, shall, before entering upon the discharge of the duties of their office, except that of giving notice as herein above prescribed, make oath as provided in article ninety of the Constitution; which oath may be administered by any Judge or Justice of the Peace in the aforesaid city of New Orleans; and having been subscribed by the members of the boards aforesaid, and signed by the Justice before whom such oath is taken, it shall be returned by the aforesaid boards of examination to the Board of Aldermen of the said city of New Orleans, with the lists of voters as hereafter set forth.

SEC. 4. Be it further enacted, &c., That it shall be the duty of the several boards for the examination of the qualification of voters to meet on the day, and at the respective places set forth in the notices published by them; and when so met, the said boards, having taken the oath above prescribed, shall examine into and decide upon all applications of persons residing in the city of New Orleans, to be admitted

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to the privileges of a voter, and the said boards shall continue in session for that purpose, and for the purposes hereinafter prescribed, from ten o'clock of the forenoon, until 6 o'clock of the afternoon of said day, if so long a time be necessary; and they may adjourn said meetings from day to day (Sundays not included,) until the objects of the meeting shall be accomplished.

SEC. 5. Be it further enacted, &c., That in case any person residing in the said city of New Orleans, claims to be a legal voter, and requires his name to be registered upon the lists of voters, and such person is not known by the board before which he may appear, to be a legal voter, or should his right to be recognized as a legal voter be challenged by any person whomsoever, it shall be the duty of the said board for the examination or the qualification of the voters, by and through any of the members thereof, to cause the person, so unknown to the board as a legal voter, or whose right is challenged as aforesaid, to make and subscribe the following oath, which shall be prepared for the purpose, and be returned, with the list of voters, as hereinafter provided for, to the First District Court of the city of New Orleans, to be carefully kept and preserved:

"I (A. B.) do solemnly swear or affirm that I am a citizen of the United States, (and if he be a naturalized citizen, he shall state in his oath the place at which he was naturalized;) that I have attained the age of twenty-one years; that I have resided in this State twelve months next preceding the election, and the last six months thereof, in the parish, and now residing in the city of New Orleans; and I do further solemnly swear, (or affirm) that since the adoption of the present Constitution, I being a citizen of this State, have not fought a duel, with deadly weapons, within this State nor out of it, with a citizen of this State, nor have I sent or accepted a challenge to fight a duel, with deadly weapons, with a citizen of this State, nor have I acted as a second in carrying a challenge, or acted, advised or assisted any person thus offending. So help me God!"

SEC. 6. Be it further enacted, &c., That should any person not be naturalized at the time of claiming to be registered as a voter, and should his right to be naturalized accrue, and he expect to be duly naturalized within one year from the time that such board first commenced its sitting, or should such person, at the time of applying, not have attained the age of twenty-one years, or have acquired the six and twelve months residence prescribed by the Constitution, and should the time for his majority be reached, or the period necessary to give him a legal residence, expire within one year from the time the board to which application is made, first commenced its sittings, then and in that event, the oath prescribed in the preceding section of this act, shall be varied to suit the facts; which oath, when taken, shall be returned in manner and form, as prescribed for the oath required for such preceding section; provided, however, that in all cases in which the party may make affidavit, as set forth in this section, it shall be the duty of the commissioners of any election, at the time such party offers to vote, to require of him the usual oath, provided by law, to be administered to voters, whose votes may be challenged.

SEC. 7. Be it further enacted, &c., That the respective boards aforesaid, when met for the purpose of examining into, and deciding upon the qualification of the voters, or to hear and determine challenges as hereinabove provided, shall not only hear the applicant in the manner and form prescribed, and in such cases as are provided for in sections 5 or 6 of this act, but they may, by and through any member thereof, examine witnesses under oath; and the applicant, when sworn as aforesaid, or any witnesses so examined, who shall be guilty of wilful and false swearing, shall be liable to the penalties of perjury.

SEC. 8. Be it further enacted, &c., That it shall furthermore be the duty of the said city of New Orleans, at the time of the meetings, and before closing the same, to keep a perfect and complete list of the names of all persons who reside in the said city, and who have been held and decreed by the several boards aforesaid to be qualified voters in the aforesaid city of New Orleans, together with the residence of such persons; to set forth upon the list aforesaid, all those who expect to become voters, according to the meaning and extent of section six of this act, together with their residence and the contingency upon their citizenship depends, to designate those whose right to vote has been challenged, the grounds for such challenge, and the decision of the board in the premises; and such statement of facts as will enable a future examination to be made as set forth in the succeeding section, and it shall furthermore be the duty of the said boards, to cause two copies of such lists, duly signed and certified by the members of such board, to be made, one of which the respective boards aforesaid, shall return forthwith to the office of the clerk of the District Court of New Orleans, and another to the Board of Aldermen of the said city of New Orleans, to be lodged in the office of the said clerks, and with the clerks or secretary of the said board, and to be kept filed and carefully preserved.

SEC. 9. Be it further enacted, &c., That if any person unknown to the respective Boards aforesaid, should be recognized as a voter, or the qualifications of any person claiming to be recognized as a legal voter, should be challenged, the name of such person should be placed on the list of voters; or should the name of any person whomsoever be rejected therefrom, any person or persons who may desire to have the matter inquired into, shall have the right at any time before the Board, which rendered the decision appealed from, is dissolved, to have the same referred to to any court of competent jurisdiction; which Court shall, as soon as may be, proceed by preference to examine into the decision of the Board in the premises, and render its opinion and decree therein, with the utmost promptitude and dispatch, with due regard to the merits of the question submitted; and the judgment of the Court when rendered, subject to the right of appeal, as may be provided by law, shall be the rule by which the commissioners of election shall be governed in the matter; and the lists returned to the Commissioners shall be considered, in that respect, as amended.

SEC. 10. Be it further enacted, &c., That the Board of Aldermen of the aforesaid city of New Orleans shall, within ——— days after the lists of voters are returned to such body, make out, or cause to be made out, a correct alphabetical list of all the voters returned by the several Boards for the examination of the qualification of voters, to the Board of Aldermen aforesaid, with the notes and remarks of the said Boards accompanying such lists; and which alphabetical list must be kept and preserved by the said Board of Aldermen; and it shall also be the duty of said Board of Aldermen to furnish the commissioner of election for each election precinct, as often as an election shall be held in any of the precincts of such city, and at the time of the opening of the polls, a certified copy of the alphabetical lists hereinabove required to be made; furthermore, to deposit a certified copy of such alphabetical lists in the office of the clerk to which the Board for examination of the qualifications of voters have returned their lists, as required in section eight of this act; and when the Board of Aldermen of the said city of New Orleans shall have so deposited in the office of the clerk aforesaid such alphabetical list, it shall not be added to, nor the name of any person stricken therefrom, unless by order of the Court, hereinabove provided for; and no person shall, during one year from the time the several Boards for examination of the qualifications of voters commence their sitting, be allowed to vote at any election whatever, unless the commissioners of election be satisfied of the identity of the person offering to vote and find his name returned on the alphabetical list above referred to.

SEC. 11. Be it further enacted, &c, That if any of the members of the Board of Aldermen of the city of New Orleans, or any of the several persons mentioned in this act, and who are charged therein with certain duties, shall wilfully neglect or refuse to perform any of the duties required as aforesaid, shall wilfully authorise or permit anything to be done in opposition to the true meaning and intent of this act, the said members of the said Board and all other persons whomsoever herein above referred to, shall severally, for each offence, forfeit a sum not less than ——— dollars, nor exceeding five hundred dollars—

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one-half thereof for the benefit of the State, and the other for the benefit of the informer, and, moreover, be condemned to pay the costs of prosecution; and the party offending shall also suffer imprisonment in the parish jail for a period not exceeding nor less than thirty days.

SEC 12 Be it further enacted, &c., That the several members of the Board of Examination shall, in consideration of the services contemplated by this act, receive the following compensation, to be paid out of the Treasury of the aforesaid city of New Orleans.

Mr. Palfrey—I move to strike out from the first section of the bill the words "second Monday of December," and insert "first Monday of June." My object in offering this amendment is to give time to the Board to prepare their lists for the election in November next.

The amendment was adopted.

Mr. Palfrey moved an amendment to the second section, providing for the meeting of the Board on the second Monday of October, instead of the second Monday of January. Adopted.

The bill passed to its second reading.

Mr. Hodge—I move to dispense with the rules and take the bill upon its third reading.

The motion was adopted.

Mr. Derbes—I am forced to vote for the bill, because the Constitution declares that it must be passed; not because I approve of it. I am convinced that it will deprive a large number of voters in New Orleans of the right of suffrage.

Mr. Lacey—I cannot vote for the bill now. I think the article in the Constitution was intended to guard against frauds between the time of registry and the time of election. The bill as amended cannot effect this. The time is too short—eight or nine months would be required.

Mr. Palfrey—The gentleman ought to have stated his objections when the amendments were before the Senate. He might then have induced the mover to withdraw them.

Mr. Mouton—I do not approve all the features of this bill, but as an article of the Constitution makes it imperative on us to pass something on the subject, and as no substitute is offered, I feel constrained to vote for it.

The bill passed.

Mr. Todd called up the bill for the improvement of Red River.

Mr. King—Why, sir, the bars are the only things that keep the water in the river. All the dredge boats in the world could not do that.

Mr Hodge—The gentleman is such an admirer of science that he ought to leave the Senate and devote himself to it. He may sneer at the bill, but I can tell him that it was drafted by one of the most distinguished and scientific men in the State—a gentleman who will probably be one of our State Engineers. I have observed in the Senate frequent sneers at North Louisiana when anything is proposed for the benefit of that section. We ask but little. We think this bill will benefit us, and we are willing to take the risk.

Mr. King—The gentleman has adopted a peculiar line of argument. He has mistaken personality for reason. I do admire science; and though I do not pretend to be profoundly versed, I think I can understand some of its principles. And, sir, if any feeling of miserable sectional jealousy, to which the gentleman has alluded, ever crossed my breast, I am ignorant of it. I wish to do full and equal justice to all sections of the State. I have the interest of the whole at heart. In respect to this bill I will say that I think it would be injurious to remove all the sand bars in Red River and the Ouachita. The system has been tested. In high water these bars are not useful, because then there is water enough. In low water when there is little, they keep it in Virginia tried this system without success in the Kanawha. She spent a million dollars in the undertaking without avail. We ought to learn something by experience. I say again that all the dredge boats in the world could not do what is proposed by the bill. I do not pretend to be a luminary of science; but I think science points to the truth of what I say.

Mr. Todd—I disagree with the gentleman. It is the first time I have heard that removing bars would result in an impediment to navigation. In the Ouachita there are but few bad bars, and they, being removed, would make it navigable from one end to the other. At all events we wish to try it.

Mr. Hodge—I have a few words more to say. Men of science frequently differ so much on these subjects as to leave the world in the dark. Mr. DeRussy spoke to me on this subject and approved the bill. He is a man of science. I believe the bill is also approved by the State Engineer. He certainly ought to be good authority, as the gentleman has complimented him highly on this floor. I am certain that Col. DeRussy expressed approval of the bill, and the gentleman cannot say that he is not a man of ability and science. I believe the State Engineer said the plan was practicable, and that Major Ranney said the same. It is not liable to the objections urged by the gentleman.

And let me say to the gentleman that if I spoke tartly, I could not help it. I do not wish to detract from his scientific reputation, acquired by his management of such subjects while here. But to return to the bill. I doubt whether the gentleman can tell what causes the bars in the Red and Ouachita rivers. They are produced by trees falling in, by which the water is turned off. From Shreveport to Alexandria, say 400 miles, there are many such obstructions. I have heard persons say that removing the falls at Alexandria would let the water run out, just as if that could affect the river to its source. The gentleman, however, seems to sustain that view. I have common sense enough to know that no such effect could be produced. If the bed of the river were an inclined plane creating a great velocity of current, the theory might be correct. But such is not the case. North Louisiana has sprung into existence as if by magic. Where was once the desert, now is to be seen the blooming garden. The gentleman has not known the difficulties and perils that beset the wanderer in the twilight of civilization, or he would not be so backward in supporting this bill.

I say again that North Louisiana is a new country; it is enterprising and prosperous; but in low water it is cut off from communication with the rest of the world. The consequence is, that in such seasons prices rise to a ruinous point. Flour, for instance, brings $15 a bl., while people in the city can get it for $5. The inhabitants ask to be relieved from this state of things. They ask that those bars which obstruct our navigation be removed, and facilities for commercial intercourse given to them. This bill is intended to effect that object. I hope the Senate will view it favorably.

Mr. Kenner. I do not want to take part in a scientific discussion, as it is well known that I am not a scientific man. I would ask the gentleman what science is? He does not answer. I am forced, therefore, to draw an unfavorable conclusion, and to take for granted that he does not know what science means. It is an easy matter, when one cannot answer a question, to stand on his dignity; but if he had been able, he would have answered. Now, what are we asked to do by this bill?

We are simply asked to give the use of one of our boats, for a certain purpose, which will not take a dollar from the treasury. The boat is merely to stir up the sand and let the current carry it away. This will give a free channel and open navigation. If our boats were not employed doing this in Red River, they would be doing it somewhere else. If we cannot do it all in a year, let us begin at the mouth and do as much as we can. The bars in Red River are getting to be a serious obstruction. They ought to be removed so as to give the people in that section the requisite facilities of communication. The best informed men, though probably not so scientific as the gentleman, say that the way to improve the navigation of the river, is by removing obstructions; by stirring up the sand and letting the current carry it off. The boat may be detained some time; probably during all the low water; but what does that amount to? As so little is asked, as no additional expense would be incurred, I think we ought to pass the bill.

Mr. King—It is not expense to which I object; but

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to the employment of our force in an impracticable enterprise; without surveys and without the opinion of proper persons. Now, as to the unfortunate use which has been made of the word science, I did not use it. The gentleman from Caddo first brought it up. I do not pretend to be a scientific man; but I do profess to be an admirer of science. I do not attempt to ornitiate vulgar prejudices by ridiculing science, of men of science. I cannot stoop so low as that. I should not be surprised if some one were to introduce a bill making it an indictable offence to use the word science in these halls.

Mr. Boatner—The objections of the gentleman are founded on a misapprehension as to the character of these streams. Science is a very good thing; but it sometimes comes into opposition with practical knowledge. Then the one must yield and the other prevail. I know the Ouachita river well. I have travelled it in skiffs and steamboats. There are only three bars to Monroe and removing them will not have the effect the gentleman fears. I hope the bill will pass. The gentleman from Caddo has justly depicted the inconvenience to which we are subjected during low water, and the enormous price we have to pay for necessary articles of consumption. I say, again, I hope the gentleman will withdraw his objections and let the bill pass.

The bill passed.

THURSDAY, April 28, 1853.

The Revenue bill was taken up.

Mr. Nicholls called for the yeas and nays on the final passage of the bill. He wished to vote against it.

The bill for the relief of the securities of William K. Stiles, again came up.

Mr. Nicholls. I object to the bill on principle.—These gentlemen were securities, and ought to be bound There would be no use of security at all, if at every session of the Legislature we step in and release the sureties. We might as well repeal all our security laws.

Mr. McCay. As I said before, the bill does not propose to do away with any security. That will remain just as perfect as at present. But the circumstances of the case seem to call on the Legislature to grant this favor. These gentlemen were security to the amount of $23,000 on the tax collector's bond. Under the law of 1848, the Auditor had authority to issue execution immediately against the sureties, without giving any opportunity for defence. The law required the tax collector to make a return within the first five days of every month, in default of which, execution was issued. The sureties got out an execution on the ground that the law was unconstitutional. They had previously notified the Auditor to make Stiles comply with the provisions of the law. The District Court decided in their favor, and made the injunction perpetual. The State appealed. The Attorney General frequently declared that he had no hope of obtaining a judgment. Nevertheless, one summer, in the month of June, the case was taken up and decided against the sureties.

Now, what is the object of the bill? It is to quash the execution of the Auditor, and let the case go to trial in such a way as to permit the sureties to show their defence. Does this involve a loss to the State? Not at all, because the mortgage on the land remains The mortgage resulting from the record of the bond is still in full force. We only want to give the sureties an opportunity to show their defence.

There is still another feature of this case. It is on record that the Supreme Court ordered the District Court to examine the question of fact. The contest seems to have been in regard to the power and right of the Auditor to issue execution. The facts show that the Auditor was notified in writing, and requested to exact the return which the law required within the first five days of every month. If this had been done, the defalcation would have been very small. If the liabilities of the sureties have been increased through the neglect of the Auditor, they ought to have an opportunity of showing what defence they have now, if they be not entirely released. I cannot think that the Senate will take advantage of a technicality in order to bind these parties. The security, by a technicality, might get an advantage; but surely a sovereign State should be above it. I, as an individual, might do it; but as a Senator, I cannot.—Individuals may plead prescription; we do not.

Take the case of a negro who had been imprisoned 20 years ago—and yet we granted relief. I ask you not in this case to take advantage of that fiction of law which says that an attorney must be in court, because his name is on the calendar. We may say that, in law, his absence was the fault of the sureties; but in fact, the attorney alone was to blame. In strict law, I admit that the State has a judgment; but the question is whether we ought to hold on to it because we have it?

Mr. Hodge—As I was a member of the special committee to which this bill was referred, and differed with the majority, I think it is my duty to state my reasons. I was in hopes that I should be able to present the decision of the Supreme Court, but as I am not, I will content myself with briefly stating the grounds. I read the decision a few days since in order to guide my course on this bill. It appears that in 1847 this person, W. K. Stiles, was appointed a Tax Collector and gave this bond. Under an act of 1847, the Auditor had the right on ascertaining, by striking a balance in his office, that any officer was a defaulter, to issue execution against such defaulting officer and his securities. It seems that Stiles was slow in making his returns. The Auditor issued execution. *Nulla bona* was returned. Execution was then issued against the sureties. They took out an injunction. So far as I recollect, the injunction was not opposed at the moment, because the execution had not been issued in time. The District Judge decided in favor of the sureties on the ground that the execution should have been issued against them and the Collector at the same time. The gentleman should not have spoken so much of technicalities when the sureties themselves escaped by means of a technicality. The District Judge spoke of the extraordinary and tremendous power which this law vested in the Auditor and expressed some doubt about its constitutionality. But, nevertheless, he decided the case on the technical point. From reading the decision of the Supreme Court, I have no dobut that full justice has been done. The decision is very long; but it seems to me that, on the facts, it is sufficient to satisfy the Senate that if there is any justice in the claims of the sureties, the Court would have decided in their favor. The opinion was delivered by Judge Preston, who was a kind-hearted man. He reviews at length the position of the District Judge and shows that it is untenable.

Mr. McCay—The gentleman will find that no counsel for the sureties appeared.

Mr. Hodge—The opinion does not state that the case was argued in Court, as the gentleman says. I have no doubt it was not. But, it appears to me it had been argued by brief. But I should vote against the bill if the Attorney had never said a word. It is not the duty of the State to furnish Attorneys to parties whom it is trying to make responsible.

I am sorry these gentlemen are on the bond; but I know the law, and I know the Auditor had power to do as he did. Now, they ask to be relieved from the operation of the law of 1847. That it was an extraordinary law I do not deny. The Collector was a defaulter. The only defence the securities set up was that the Auditor did not issue the execution in time. We have the opinion of the Supreme Court that he was not found to issue it at the same time as the execution against the Collector. That very question was decided by the Supreme Court

Mr. King—Suppose everything that has been said in regard to the legal liability of these gentlemen to be proven; shall we, like Shylock, exact the last penalty of the bond? Even if the law be as stated—though the parties do say that their rights were not secured before the Supreme Court, shall we now act the part of Shylock, and demand the last drop of blood? The sum is very large. It is $34,000, an amount the loss of which might bring desolation into many a family.

If there had been the slightest suspicion that these securities connived at, or benefited by the defalcation, then I would say go on. But from their high character, from the fact, that, like good citizens, they warned the Auditor of the danger, when that functionary

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slept on his post, no such suspicion can be entertained for a moment. This fact ought to have great weight. Take for granted the legal objections urged; yet when the securities come forward and ask for a very simple measure of relief, not for a discharge, but simply that the case be tried before a court of justice, how can we, in justice, refuse? This is not without precedent. We have, on several occasions, released the sureties of persons accused of serious crimes. It is within my personal knowledge that this man, Stiles, suffered a long imprisonment. Shall we now persecute innocent parties who had nothing to do with the crime? I remember a case bearing on this point When Morgan was Collector of the port of New Orleans, he became a defaulter to the amount of $100,000. The Government was satisfied that there was no evil intention on the part of the securities, and therefore granted them relief. This appears to be a good precedent. It is true the sum in this case is large; but that is only an additional reason why relief should be granted.

After a few more remarks the bill finally passed.

The bill restricting the jurisdiction of the Supreme Court in civil cases to questions of law, only was taken up.

Mr. Hodge—This bill was referred to the Judiciary Committee, and underwent a thorough examination. It was drawn up under the advice of an eminent lawyer, who has recently been elected to the Supreme Bench. I can safely say that nine-tenths of the bar of Louisiana are in favor of it. The principle of the bill was argued in the Convention, and failed being incorporated into the Constitution by only a small majority. It was thought better to leave the power discretionary with the Legislature. One objection to the present system is that it is found difficult for the judges to make themselves acquainted with the facts so as to decide with that certainty which is desirable. It is the opinion of every jurist in the State that the jurisdiction of the Supreme Court should be restricted to cases of law, and that the facts should be confined to juries. Their judgment, on the facts, should be final. While in civil cases, the Supreme Court is invested with the extraordinary power of reversing the verdict of juries, yet that power is denied to it in criminal cases. If it be better to give to the Supreme Court the power of revising questions of fact, and if it be true that juries are not to be trusted in civil cases, why should they be trusted in criminal cases? If it be important that the Supreme Court should have this power where the rights of property are concerned, should it not have it also where the life and liberty of the citizen are involved? No one can doubt that juries are more competent to decide on questions of fact. They see the witnesses; they observe his manner, and those indications from which inferences can be drawn. When the testimony is reduced to writing by the clerk, these safeguards, the Judges of the Supreme Court, have no opportunity of seeing the witnesses, and of observing his manner, which is, in many cases, an index to his credibility.

If we give to the Supreme Court the right of judging of questions of fact, we virtually do away with the trial by jury, because the testimony in writing would not be weighed with that certainty which attendant circumstances afford to a jury. In addition to this, the present system entails a heavy expense on parties litigant. There is almost always a large amount of irrelevant testimony which must all be taken down, and when a transcript is made, large fees are charged. If compelled to take down so much, the clerk must wait for some time before he can complete the task, and consequently much time is consumed. Not unfrequently, the Court is compelled to remain in session nine times as long as it would otherwise be. The bill is a good bill, it has undergone the scrutiny of able lawyers. If it do not work well, if it prove to be impracticable after a fair trial, it will be an easy matter to repeal it. I hope the Senate will pass it. It will save time and expense, and tend to make our decisions uniform, and that they will never be, as long as the Supreme Court has power to decide on questions of fact. It is a reflection on our juries to say that they are so incompetent, or so prejudiced, as not to be able to decide questions of fact properly.

Mr. Kittridge—I hope the bill will not pass. It would render it impossible in my section to get a decision. The case would come up fifty times, and the parties would incur more costs by the sending of these cases backwards and forwards than they are subjected to by the present system.

Mr. Hodge—Does the gentleman mean to say that the citizens in his section are so prejudiced as to be incompetent to render a verdict?

Mr. Short—I agree with the gentleman from Caddo that it is absolutely necessary to make some change in the law of Louisiana in this respect. I have myself seen some of the hardships resulting from the setting aside of the verdicts of juries in questions of fact. If the Supreme Court had the same lights before it there would be no difference. The Judges are more in the habit of giving legal opinions, and undoubtedly, have clearer notions of law, and therefore they might decide a case better. But the value of testimony frequently depends on the manner of a witness in giving it. If it were possible to file the witness on the record, or to furnish to the Supreme Court a copy of his countenance, with all its varying shades of expression, the Court would have the same lights as the jury But the testimony is all written out, and one part in writing is worth as much as another. The testimony of a bad witness can thus produce as strong an impression as the testimony of an honest witness with an honest countenance. Another argument in favor of the bill, is the time and expense it will enable us to gain. I shall support the bill.

Mr. Nicholls. I am opposed to the bill. Its adoption would amount almost to a denial of justice. It must be remembered that our whole system is different from that of the other States. The issues are so blended with each other, that it is almost impossible to separate them. It is almost impossible for justice to be done in civil cases before a jury. My experience leads me to the belief that if this bill pass, in many sections the costs will be augmented, and no good effect produced.

Mr. Kenner. I desire to mention one fact. In the Convention, this question was discussed with ability. Any gentleman who doubts, has only to read the report of the Judiciary Committee, of which Randal Hunt was chairman, and Messrs. Roselius, Richardson, &c., members. Every argument advanced by the gentleman, was laid before the Convention with a force and clearness which it is not disrespectful in me to say, was far superior to anything that has been said here, because time was taken to consider the question. It was not brought up at the end of the session, when members were anxious to get home. On the contrary, it was discussed when there was time for mature reflection.

Mr. Hodge. Did not the committee report in favor of the proposition?

Mr. Kenner. I can say that the report of Mr. Hunt passed unanimously, as offered. There may have been a minority report, but I recollect nothing of it. I merely state these facts to show that the subject has been discussed; and if I make no argument against it now, it is not because I am unwilling to detain the Senate; not because good arguments do not exist.

The bill was laid indefinitely on the table.

MESSAGES TO THE HOUSE.

The special messenger of the Senate informed the House that the Senate had concurred in the bills entitled

An act to refund to Joseph Walker a sum of money in the Treasury due to him.

An act to emancipate Joseph Ard and John F. Ard, minors, of the Parish of Washington.

An act to authorize and direct the State Engineer to clear from the channel of Red River and Ouachita River such sand-bars as obstruct their navigation.

An act to authorize Asahel Curtis to construct a turnpike road from Point Pleasant to Boeuff river.

An act granting certain powers to the Mayor of the city of Baton Rouge.

An act to provide for the recording brands, marks of cattle and other animals.

An act to amend the 3d section of an act entitled an act to authorize the owners of plantations and

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other lands to protect them from inundation; approved 18th March, 1852.

And concurred in with amendments to

An act to provide for the support of the Government of the State.

And that the Senate had concurred in the following bills:

An act to authorize the Auditor and Treasurer of the State to place certain school moneys to the credit of the parishes which are entitled to the same.

An act to regulate the salary and contingent expenses of the State Engineer.

An act relative to the safe keeping and preservation of the arms of the State in the public arsenals of New Orleans.

And he requested the concurrence of the House to the following bills:

An act making compensation to J. N. Carrigan, State Superintendent of Public Education.

An act for the relief of the securities of William K. Stiles.

An act relative to public advertisements.

And Mr. Derbes, from the Committee on Enrollments, having reported the following bills of the House as being correctly enrolled, which the special messenger immediately reported to the House as signed by the President of the Senate:

An act to regulate and define the duties of Parish Treasurer.

An act supplementary to an act to divide the State into judicial districts.

An act for the relief of Wm. Long.

An act to incorporate the town of Mount Lebanon.

An act concerning the city of New Orleans—title amended so as to read,

An act to extend the laws of the city of New Orleans over her present limits.

An act to emancipate Robert Scott Pyburn, of the parish of East Baton Rouge.

An act relative to the election of clerks of the District Courts for the parish and city of New Orleans.

An act to amend an act entitled an act to increase the number of jurors in the parishes of St. Bernard and Plaquemines from forty-eight to seventy—approved March 11, 1852.

An act to emancipate William, Desdemona and Elizabeth Robertson, children of George Robertson, f. m. c., of the parish of East Baton Rouge.

An act to provide for the sale of the undivided half of a tract of land in the parish of St. Landry, claimed by the State.

An act for the relief of B. L. Hodge, of the parish of Caddo.

Mr. Derbes, from the Committee on Enrollments, having reported the following bills as being correctly enrolled, the special messenger reported them to the House, and requested the signature of the speaker:

An act giving the police juries jurisdiction over wards, levees, roads and other public works.

An act for the improvement of the navigation of bayou Bartholomew.

An act to amend the act entitled an act to incorporate the city of Jefferson—approved March 9th, 1850, and

An act to incorporate the city of Jefferson—approved March 11, 1852.

An act to regulate the holding of District Courts.

An act to incorporate the Grosse Tete and Baton Rouge Plank Road Company.

And he informed the House that the Senate had concurred in the following bill:

An act to amend an act entitled an act providing for the organization of corporations in this State—approved 30th April, 1847.

The following communication from the Governor was received and read:

EXECUTIVE OFFICE,

BATON ROUGE, April 28, 1853.

To the Hon. the Senate of Louisiana:

I hereby transmit to you a copy of the letter of resignation of Mr. Pierre Soulé as Senator in Congress from the State of Louisiana.

Very respectfully, yours, &c.,

(Signed) P. O. HEBERT,

Governor of the State of Louisiana.

[COPY.]

WASHINGTON, April 11, 1853.

His Excellency P. O. Hebert,

Governor of the State of Louisiana:

SIR: Having this day accepted the appointment conferred on me by the President of Envoy Extraordinary and Minister Plenipotentiary of the United States to the Court of Spain, it becomes my duty to resign, and I now resign in your hands, the seat which Louisiana assigned me in the National Senate.

Deeply impressed with the obligations I am under to my beloved State for all of political importance I ever enjoyed, I withdraw from her service with unaffected regret, and ask leave to tender her, through you, my grateful acknowledgements for the favors she has bestowed on me, and my ardent wishes for her honor, prosperity and greatness.

With profound respect, your obedient servant,

(Signed) PIERRE SOULE.

JOINT SESSION.

The special messenger from the House informed the Senate that the House was now ready to receive the Senate in their hall for the purpose of going into an election for United States Senator.

The Senate proceeded to the hall of the House of Representatives.

The roll having been called, there appeared to be present seventy-eight members of the House of Representatives, and the following Senators answered to their names:

W W Farmer, Lieutenant Governor and President of the Senate; Boatner M, Burthe V, Clifton C W, Derbes A, Dupré A, Evans J R, Griffin W E, Hodge B L, Camp P H, Kenner D F, Kittridge E F, King W W, Lacoste C, Lauve N, Lacey G S, Lewis J L, Martin R C, McCay Th, Millard E M, Mouton C H, Neal Michel, Nicholas T C, Palfrey W T, Patterson W, Rivers D L, Short H, Slack C A, Taylor W R, Theriot A—29 Senators.

Mr. Marks nominated Hon. John Slidell, and

Mr. Burthe nominated Hon. T. G. Hunt as candidates for Senator of the United States Senate to fill the vacancy occasioned by the resignation of Hon. Pierre Soulé.

On counting out the votes given on joint ballot, the Hon. John Slidell received 70 votes; Hon T. G. Hunt received 37 votes.

The President of the Senate proclaimed the election of the Hon. John Slidell as Senator of the United States Senate for the unexpired term of the Hon. Pierre Soulé, resigned.

Mr. Kenner called up the following resolution:

Resolved, That the sum of five hundred dollars be paid to J. B. Walton, out of the contingent fund of the Senate, as compensation for his services in acting as Secretary at the opening session of the Senate. And that the sum of three hundred dollars, out of the contingent fund of the Senate be paid to Jules Cæsard, for acting as Assistant Secretary at the same time.

In reply to a question as to what were the services for which remuneration was asked—

Mr. Kenner said:

I cannot specify the particular services, but I know that it is the custom to grant a certain sum to officers of the Senate who have faithfully performed their duties. I can testify to the faithfulness with which they were performed in this instance, and I do not feel inclined to break the precedent.

Mr Mouton. I do not rise for the purpose of opposing this claim in particular, but I am determined not to sanction any claim for extra compensation. It may be the custom, but it is not a good one. Our salaries are fixed; they are known to the person when he takes the place. The argument that the duties of the office have been faithfully performed, is not a tenable one. Louisiana expects, as a matter of justice, that all her officers will be good and faithful. She appoints her officers with that understanding. It is not a good reason for giving extra compensation that an officer has done his duty; he must have performed extra labor. But the salary being fixed by law, and he knowing its amount at the time he accepts the office, he cannot, in justice, make a claim for any thing more These arguments are not intended to apply specially to the gentleman for whose benefit the

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resolution is introduced; they apply to all claims of the same character They are all wrong in principle. We might just as well vote extra compensation to our District Attorneys and Judges, because they have been good attorneys and judges. I hear the gentleman from Caddo ask how I voted on the bill increasing the salary of the Attorney General? That, sir, is not a parallel case; the principle is very different. If I did vote for the bill, it was not a vote in favor of extra compensation; it was not because the Attorney General had not performed his duties faithfully and well, but because extra labor had been imposed on him.

Yesterday a bill to increase the salary of the Surveyor General was introduced. I opposed it, because I believed it wrong to select particular officers for this thing; it might give cause of complaint to other officers and their friends, to whom a like favor has not been extended. I am in favor of a general bill to increase the salaries of all officers who are not paid enough.

Mr. Kenner. The gentleman lays great stress on extra compensation. This resolution says nothing about extra compensation. It is a remuneration for coming here and opening the Senate,

Mr. Hodge. There is another reason why the gentleman should receive this compensation. By the general appropriation bill of the last session, $2,000 was appropriated to pay his salary. This, of course, he lost. He came up here to open the session, lost his time, and interfered with his business arrangements.

After a few more remarks, the resolution was adopted.

A resolution was introduced by Mr. Millard, granting $500 extra pay to A. Levison, Assistant Secretary.

Mr. Kenner moved to insert $700 for Horatio Davis, which amendment was accepted.

Mr. Mouton. I regret that I am compelled to oppose this resolution; but if we give this to these officers, we shall have to give something to the other officers; we shall have to give extra pay to our clerks, translators, doorkeeper, sergeant-at-arms, &c. Are they not good and faithful officers? Why should they not also be remunerated? This thing would be an entering-wedge for giving away the money of the State with a liberal hand. I denounce this whole doctrine of extra compensation. If the salaries we pay are too small, let us increase them at the time, or for the future. We expect all servants of the State to do their duty faithfully; and this cannot, certainly, be urged as a just reason why they should receive extra pay. Look at the report of the last State Treasurer—a gentleman who stands high in his party; see what he says; how he denounces the practice. I myself have heard it denounced. I care not whether my course be approved or not, so long as I think I am right. I call for the yeas and nays, as I want to record my vote against the resolution, though the gentlemen are my own political friends.

After some further debate, the resolution was adopted.

Mr. Lewis called up the bill to increase the salary of the Clerk of the First District Court.

Mr. McCay—I will explain the nature and object of this bill. The salary of the clerk of this court has hitherto been $1500 a year. The court had concurrent jurisdiction with the others in civil cases. The fees arising from these cases added to the $1500, supported the clerk and the two deputies, whose services are absolutely necessary.—In addition to these he has to employ a minute clerk and a subpœna clerk. This Legislature has taken away the civil jurisdiction of the First District Court, consequently there are three individuals, the clerk and his two deputies, to be supported on $1500 a-year.—We took away the civil jurisdiction of the court for the reason that we thought it had as much as it could attend to. We ought to give, at least, $4000; $2500 for the clerk and $750 for each of his deputies. This would be a very moderate payment. If we do not give it, we shall destroy the efficiency of the court. I was opposed to withdrawing the civil jurisdiction from that court, because I knew the State would have to pay so much the more. I agree with Judge Larue, whose letter I have here, that no competent man can be found to do the duties of this office for the $1500 heretofore given. We must allow additional compensation.

Mr Mouton—I intend to vote against this bill.—When the Judiciary bill was first introduced New Orleans asked an additional court. That has been granted. She asked a salary of $3500 for her Judges. That too was given. When the bill for organizing the courts in the different parishes came up, I advocated $3000 for the salary of the judges. It was refused and the salaries cut down to $2500. Now a clerk in New Orleans asks $4000 a-year. A Clerk of Court! Will the Legislature give to a clerk in the city $4000 when it refused $3000 to the judges in the country? I voted against taking away the civil jurisdiction of the First District Court, because, I was informed, it could do the work. Gentlemen from Orleans differed on the subject. Had they been unanimous, they would have retained the civil jurisdiction which would have given the clerk the necessary time. In other parishes the clerks are supported by their respective parishes.

Mr. Derbes—The position I took was this: I was in favor of organizing the City Courts to suit the city members, and I went with the majority of the country members on the country Judiciary bill. I was against taking its civil jurisdiction from the 1st Disirict Court. In the Senate the city delegation was unanimous against it. The effect of not passing this bill will be, virtually to shut up the court. The clerk must have deputies, and if they receive a thousand dollars a-year what will remain for the clerk. You cannot get a competent man for less than $2000, and it is sound policy to pay it, besides giving sufficient for the employee. If you do not you will leave the court without a clerk.

Mr. McCay—If I do not mistake a bill passed this session giving to the parishes the fines and forfeitures for violations of the criminal law.

Mr. Kenner—I would ask the gentleman if the clerk does not get fees in criminal prosecutions.—Great stress has been laid on the fact that we have taken away the fees in civil cases; but does not the clerk get fees in criminal matters? I have been told that they amount to $4000 per annum.

Mr. Lewis—I was sheriff for six years, and as such was entitled to the fees in criminal cases, and I can assure the Senate that they did not amount to $20 a month.

Mr. Kenner—I know the kind-hearted nature of the gentleman, and that he would rather let a criminal off than press him for the fees. If the bill is so amended as to make the city pay this clerk in the same way as Ascension pays hers, I shall have no objection to it.

Mr. Hodge—As we have given to the parishes the fines and forfeitures in criminal cases, for this purpose, it is only just they should be so applied as to serve the purpose for which the donation was made.

Mr. Derbes—It is true that the country parishes pay their clerk, but their courts have both criminal and civil jurisdiction; if it were not for that they could not do it.

Mr. Kenner—The grounds I take are these. The Judge of the First District Court came here through his friends, and stated that he had enough to do; that for several days in the week he was necessarily idle. He wanted to be employed, and for that reason desired to retain his civil jurisdiction. We did not give him this civil jurisdiction, and now we are asked to give $4000 a year to a Court which already has not enough to do.

Mr. Derbes—I have always been against taking the civil jurisdiction away. It is true the fines and forfeitures in criminal cases have been given to the parishes; but who says they will amount to enough? Who says that the city ought to pay for State cases? Why should she be saddled with this expense?

Mr. Lewis—I can safely say that the fees in criminal cases will not amount to a hundred dollars a month.

Mr. Kenner—That is because they are not collected. But if we compel the city to pay this Clerk out of her own treasury, we shall not see any more the spectacle of picking up the first worthless fellow as straw-bail, which is now so common.

The bill finally passed with an amendment.

The bill from the House to divide the State into Congressional Districts, was called up.

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The Chair decided that as the bill was not in its order, a vote of two-thirds was required to take it up.

On motion the Senate went into executive session.

The doors being opened, the bill was again called up, and the President repeated his decision.

Mr McCay—I appeal from the decision of the Chair.

Mr. Kenner—Is this the course to be adopted? The gentleman appeals, and why? The President has decided in accordance with the spirit and letter of the 60th rule. The gentleman now proposes to appeal because he knows he has a majority, and can overrule the decision of the Chair.

Mr. Cay—It is the object of the majority to proceed with legislation. The rules are made for the protection of legislation. When they are made use of to obstruct legislation, and to interfere with the rights of the majority, we have a right to suspend them.

Mr. Martin—The gentleman seems to think ours a factious opposition, and is reading us a lecture about it. He should have thought of all that when he took refuge in a very disagreeable place, at a time when he could not stand up and defeat us, but took that method of doing it. The rules are made for the protection of the minority This proposition is an insult to you; (turning to the President.) A proper regard for your dignity should cause you to vacate that chair. I repeat that it is an outrage on you.

Mr. Nicholls—The question is plain and palpable. The majority know Sir, that your decision is right. Will they dare to say you have decided wrong, when they know you have decided right? There is independence enough in the Democratic party here to prevent the consummation of this outrage. I know some of them well, and I feel convinced they will never sanction it. I know there are some here who refused to break a quorum, and I do not think they will engage in these proceedings now.

Mr. Patterson—Yes; and as one who did not resort to that mesure, I ask you if you are willing to do now what you condemned then? You condemned members for obstructing legislation, and you are now attempting the same thing.

Mr. Nicholls—Our course may be factious, but it is within the rule; it is according to the rule laid down. We certainly shall never break a quorum, whatever may be the action of the majority.

Mr. Short—I have a few words to say on this subject. It appears to me that gentlemen are trifling with the public business. It is now about the close of the session, and they should not be found acting thus. They ought to be willing to meet the question in a manly way. If the bill is right let them go for it; if wrong, let them go against it. But why resort to measures of this kind in order to delay legislation. I appeal to senators to say whether this is a manly course; if it will sustain them before sensible people? Can they sustain themselves before their constituents, when they tell that they defeated this measure in such a way? I am willing to let the whole thing rest on principle. If the bill is wrong, defeat it; if right, it ought to be sustained. The motion of the Senator from New Orleans is right. Desperate diseases require desperate remedies; and if this requires it, I will go for it. Where the grounds of opposition are such as these, I would be willing to take them away; where, in despair, the enemy have recourse to poisoned arrows, I would make use of the same weapons. If they poison the waters they must expect to quaff them. I will throw back the same weapons that are directed against me. I have been disposed, from the beginning, to act honorably and straightforwardly in legislation. Those who resort to a course of this kind, in order to delay legislation, act in a manner unworthy of Louisianians. I have never impugned the motives of my fellow-democrats. I have acted with whigs when I thought them right. I appeal to the intelligent portion of that party to say whether they will persist in acting in this manner. I have observed, in politics, as in other departments of life, that "honesty is the best policy."

Mr. Kenner—I forgive the gentleman for that last sentence, "honesty is the best policy." I know that he acts generally in accordance with the dictates of good sense. I can answer for the whig party. We intend to defeat this bill, because it is honest policy to do so.

There is an old French maxim—"Who knows but one bell, hears but one sound." Gentlemen call out faction, faction, hoping to produce the impression that we are wrong, when they know that we are right. Now, what is the state of the case? Last year an apportionment law was passed by the Legislature. What do we see in it? We see the districts so divided, as to represent, as nearly as possible, the distinct interests of the State; the sugar, the cotton, the commercial and the grazing interests. We thought the districts ought to be homogenous in their character; so that, when a man rises in Congress from Louisiana, he can make a speech for his district. We gave a representative to Orleans. We made a sugar district, a cotton district, and, from necessity, a district combining the sugar, cotton and grazing interests. We divided them with reference, of course, to population, but not losing sight of the principle of giving every interest a representative. The democratic party came into power. It re-established the old districts. Every gentleman will understand me when I say that they divided the city of New Orleans, giving half to the sugar interest below.

Mr. Derbes—I rise to a point of order. Does the gentleman debate the point before the Senate?

Mr. Kenner—If I am not in order, I will stop. But I am satisfied the gentleman has too much honor to wish to prevent my discussing this question. If he is not willing to hear my argument the quicker the public know it, the better, and not talking for the sake of talking, or to kill time. I only wish to put myself and my party right before our constituents. As I was saying, the democratic measure cuts New Orleans in two, adding one portion to the sugar region below, and the other to Lafayette, and the sugar parishes above, thus losing sight of the great principle I have referred to, and making it necessary either for the commercial interest of New Orleans to swallow up the sugar interest, or the reserve. The bill passed. It entirely ignored members; in the rush for power the authors of the bill never thought of that part of the subject. The First Representative District would have a population of 65,000; the Second would have 120,000. See how they consulted numbers and interests; justice and equality. They say to the people in the First District, one of you is as good as two in the Second. It was intended as a ladder to help certain distinguished gentlemen to creep into Congress, regardless of anything like equality or justice. But even thus it was not bad enough for the lower House. In the old Fourth District, known as Morse's from the fact of that gentleman having represented it for six years, the people at last took an old man to represent them who was on the side of the laws and the Constitution. It was thought that he might get in again. What was to be done? Why, it was decided to take off St. Mary and St. Martin and add them, not to the lower District with 60,000 inhabitants, but to the upper District with 120,000. And, opposition to a measure like this is called factious. It is a bill of abominations sought to be defeated. We know the rules and how to interpret them; though the gentleman does rise in his place and with dignity, or indignation, call us factions. Thank God there is nothing factious in our conduct. I say to the whig party here, you are right. Stand to your position, and by the Eternal God, you cannot be condemned. Go home, tell your constituents what has happened, explain the position you took and they will approve your conduct. Stand firm, I repeat, for if you do not you are unworthy to be Senators of Louisiana. Stand firm; I tell you that you have right on your side; if you stand by your position you will be sustained. I will take my share of the responsibility.

Mr. Derbes—I voted for the resolution to adjourn to-morrow; but gentlemen did not tell us then it was their intention to oppose this bill. The gentleman says it is the intention of the majority to add St. Mary and St. Martin to the Second District. There is no one who is more violently opposed to that measure than I. The fact is this is, a factious oppsition

Mr. Martin. I would ask the gentleman if he did not leave the Senate and break a quorum on one oc-

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casion? That was making a more factious opposition than we can make by remaining in our seats.

Mr. Derbes. When the subject comes up for discussion, I will show the gentleman that I was right. I would do it again.

Mr. Kenner. I move to take up an important bill—the bill to count the votes for Judges of the Supreme Court.

The President. The gentleman is not in order.

Mr. Kenner. I appeal from the decision of the Chair, and shall proceed to advocate ——

The President. The merits of the bill are not before the Senate. The business now on hand is the point of order.

Mr. Kenner. I should like to know who can say what I am going to say, before I say it. Well, sir, according to rule 30 ——

Mr. Derbes. I should like to know if the gentleman is in order.

Mr. President. It is not in order to discuss the merits of the bill.

Mr. Kenner. I want to discuss its demerits. I want to show that the Chair is wrong. This bill provides that the Secretary of State, the Treasurer and Auditor shall proceed at a given time ——

Mr. Derbes. I am sorry, but I must call the gentleman to order. Till the Chair decides against me, I must insist on the point.

Mr. Kenner. The gentleman must make his point in writing; I do not understand what it is. Well, sir, as I was saying, according to the Constitution, the Secretary of State ——

Mr. Derbes. I call the gentleman to order again.

Mr. Kenner. I do not see how the gentleman can know what I am going to say. The moment the word 'Secretary of State' is out of my mouth, he calls me to order. Well, sir, the Secretary of State ——

Mr. Derbes. I call the gentleman to order.

Mr. Martin. Let the gentleman state his point in writing.

Mr. Derbes. I do not know how I am compelled to state my point of order in writing, when I refer to the matter itself.

Mr. Hodge moved an adjournment. Lost.

Mr. Mouton. I shall to-morrow give notice that I shall introduce a resolution to repeal the resolution to adjourn to-morrow, and to fix the adjournment for Thursday, the 4th.

Mr. Martin. The gentleman is out of order. The Senator from Ascension has the floor.

Mr. Kenner. As I was proceeding to say, when I was called to order, Art. 66 of the Constitution ——

Mr. Derbes. I call the gentleman to order. Art. 86 has nothing to do with the point of order.

Mr. Kenner. I am sorry the gentleman does not understand me. I did not mention article 86—it was 66. Does not this show that he does not understand the question? He calls me to order, when he does not know what I have been saying. Where is the faction now? On what side is the factious conduct? As I was saying, when I was so grossly misunderstood by the gentleman from New Orleans. Art. 66 says: (Reads.)—Well, sir, this bill says ——

Mr. Derbes. I am constrained to call the gentleman to order again. He has appealed to Democrats not to vote against the decision of the Chair. Is his conduct any different now?

Mr. Kenner. I assure the gentleman that I cannot show how wrong the Chair is, unless I go a little—not much, perhaps—into the merits of the question. I like to appeal from a lower to a higher tribunal.—If the gentleman is not satisfied, I move to adjourn.

Mr. Short—That was the gentleman's last word, was it, "to adjourn?"

Mr. Kenner—I made a motion to adjourn with the intention of resuming the floor to-morrow. It is a courtesy usually extended to members when fatigued with an argument which they have not concluded.

The motion to adjourn was lost.

Mr. Derbes—I move the previous question.

Mr. Martin—I move to adjourn till half-past nine to-morrow, and call the yeas and nays on the motion. Lost.

Mr. Hodge—I move to adjourn till half-past eight.

Mr. Short—I rise to a point of order. When a motion is made to adjourn, and is lost, is another motion of the same kind in order, unless other business has intervened?

Mr. Martin—Where is the rule? Read the rule.

Mr. Short—The rule is founded on the highest rule on earth—the rule of common sense.

Mr. Martin—Common sense does not govern here. The rules govern.

Mr. Short—I have seen that common sense has not governed here, but I hope to see it begin soon.

The motion to adjourn was lost.

Mr. Hodge—If in order, I move to take up the revenue bill.

Mr. McCay—That bill has already passed the Senate and become a law.

Mr. Hodge—Well, then, the general appropriation bill. That is the one I meant.

The motion was lost.

Mr. Hodge—I move to adjourn. Lost.

Mr. Derbes—I give notice that to-morrow I shall introduce a resolution to rescind rule — of the Senate.

On motion, the Senate went into executive session.

The doors being opened, Mr. Hodge moved an adjournment. Lost.

Mr. Derbes—I move to proceed with the regular business; because, as long as the gentleman is in doubt, I shall consider it my duty to remain in my seat. The consequence will be, that about a hundred bills will be left behind and not enrolled at the adjournment.

Mr. Hodge—I move to take up the general appropriation bill. We are trying to fight off a certain bill; they are trying to pass it. There are other important bills. Let us pass them now. This will be no concession on either side.

Mr. Derbes—Well, I give notice to the Senate that we shall pass this bill.

Mr. Hodge—We shall see.

Mr. Martin—I move to take up the general appropriation bill.

Mr. Boatner—I would inquire whether there is any such bill on the Secretary's table.

The Secretary—The general appropriation bill is not here There is a bill for the relief of the Treasurer of the State.

Mr. Martin—Well, that is the bill I mean.

The motion was lost.

Mr. Derbes—I move to proceed with the regular business.

Mr. Kenner—Before proceeding further, I contend that I have a right to move the rejection of a bill which was read this morning, and I do——

The Chair—The gentleman is not in order.

Mr. Kenner—I appeal from the decision of the Chair. The 38th rule says: (reads rule.) I think I am fully entitled to make the motion, and I cannot, without referring to article 66 of the Constitution, tell the reason why I appeal. Art. 66, says——

Mr. Derbes—I call the gentleman to order. I call his attention to rule 12. I have read it already; but it seems I have not been understood. I may succeed better this time (reads.)

Mr. Kenner—I call the gentleman's attention to the rule which says that exceptionable words shall be taken down in writing.

Mr. Martin—I do not understand the point of order. I want it written down.

Mr. Short—I do not understand the point of order to be in regard to exceptionable words. I hope the Senator would not use such.

Mr. Nicholls—I move an adjournment till to-morrow at nine o'clock. Lost,

The appeal of Mr. Kenner from the decision of the Chair was lost.

Mr. Nicholls—I move to take up the bill for the relief of the Treasury of the State.

The President—I now give notice that I will put frivolous motions, or motions which have been already decided.

Mr. Martin—The motion is not frivolous; it is not intended to be disrespectful to the Chair. We have no such intention. The bill is of great importance and ought to be passed without delay.

The motion was lost.

The bill to define the boundaries of the cemeteries in Canal street, New Orleans, came up in order.

A motion was made to adjourn. Lost.

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Mr. Martin moved to reject the bill.

Mr. Kenner moved to lay the motion on the table. Carried.

Mr. Martin—I ask a suspension of the rules, in order to take the bill on its 2d reading. I am in favor of it and wish to vote for it.

Mr. Kenner moved to lay the motion on the table. Carried.

Mr. Derbes—I move to take up the Congressional District bill, and call for the previous question.

Mr. Martin—I move an adjournment till 5 o'clock, in order to give the Secretary, Assistant Secretary, Reporter and other gentlemen attached to this body time to rest. Let us take that time to get our dinners and to rest, and then, if necessary, we can bring our beds here.

The motion was lost.

Mr. Derbes—I now insist on my motion, to take up the bill.

Mr. Kenner—I want to know the question—as a member of the Senate I have a right to know it

The President—The question is on the suspension of the rules.

Mr. Derbes—The Chair is mistaken. That was not my motion. I asked to take up the bill.

Mr. Kenner—I contend that the motion is not in order. We cannot take it up without a suspension of the rules.

The President—That is the decision of the Chair.

Mr. Short—I appeal from the decision of the Chair.

Mr. Kenner—Well, I ask that the question be put in writing, in order that we may know what we are voting on; that the Senator moves to take up a bill out of its regular order, that the President decided a dispensation of the rules to be necessary; and that a Senator appealed from the decision of the Chair. I want to see these facts placed on the record.

The Secretary read the question.

Mr. Kenner. I insist that it be said that the gentleman moved to take up the bill out of its regular order. It is not in its regular order; consequently it requires a vote of two-thirds to take it up. I want to place the President right on the record.

Mr Derbes. I did not move to take it up out of its regular order. I simply moved to take up the bill.

Mr. Kenner. I move to lay the appeal on the table. I will state at once to the gentlemen on the opposite side, that if they are determined to do this thing—to overturn a decision so palpable correct, so plain that a child can construe it, they can only do it in one way. The gentleman moved to take up the bill out of its regular order. The President decided it could not be done without a suspension of the rules which requires a vote of two-thirds. No gentleman on that side of the House can say the decision was not correct. I defy any gentleman to get up in his seat and say it was not correct. Now, if you are determined to vote in opposition to your judgments, there is no hope for us! We must bend to the yoke. If you are determined to do it, if you wish only to gratify the ambition of two or three persons who desire to go to Congress, why then you will vote to reverse the decision of the Chair. I repeat, no gentleman can say that decision was not correct. Now, to what will this course lead? I appeal to the sober second thought. I appeal to those who think before acting; and I am proud to know there are some such. I am proud to know there are two or three on the other side who have some regard for the right. I appeal to them to exercise their judgment. If they are determined to do this thing, then the rights of the minority are gone—they are not longer worth protecting, and the quicker they leave this floor the better. I do not wish to break a quorum. I am willing to show my submission to law, but I protest against this high-handed measure.

Mr. Derbes. The gentleman is very solicitous for the inviolability of the rules; but he has several times to-day knowingly violated them. He has spoken out of order when the President reminded him of it, and has persisted in doing it even after being called to order.

Mr. Kenner. I take issue with the gentleman on a point of fact. I say, as a man of honor, that I did not do anything I knew to be out of order. I have endeavored to keep my party in order. I have endeavored to keep them within the rules, because I know the rules are the only panoply on which they can rely for protection against the aggressive spirit of the majority. I thought the President did me injustice when he decided I was out of order. I could have shown I was in order had I been allowed to proceed.

Mr. Short. When the gentleman said that no man of honor or justice would act as the majority acts, he uses but a slender argument.

Mr. Kenner. I did not say so. I said the majority appeared to act as if regardless of the dictates of honor and justice.

Mr. Short—I understood the gentleman so; if I was in error I am glad of it. I acknowledge the force of the rules as well as he does; but the rules are under the control of a majority. When they are perverted from their legitimate uses, the majority which made, has a right to suspend or rescind them. We have now but a short time before us; we have many bills to pass. We should meet each other in a friendly spirit, and, under the circumstances, this kind of warfare is surprising. When we consented to adjourn, we knew we could pass this bill, and the minority knew it.

Mr. Martin—I ask the gentleman if there was any understanding?

Mr. Derbes—Yes, there was an understanding.

Mr. Kenner—Does the gentleman say there was an understanding?

Mr. Short—I do not know.

Mr. Kenner—Does he not know there was no such understanding?

Mr Short—I do not say there was an understanding to pass every bill before the Senate, but when we consented to shorten the time of the session, we did not suppose it would have been used for delaying instead of expediting business. We thought each bill would have been taken up on its merits, and considered without reference to other bills, or to technicalities of rule. All the complaint we have to make is of this kind of opposition; that this kind of warfare should be resorted to. There is a certain maxim that there are exceptions to all rules. It is unlawful to take life; but when it is taken in self-defence the act becomes justifiable by the laws of God and man. If gentlemen resort to a savage warfare, even under the rules they must expect to be met in the same way. There are circumstances which can justify setting aside the rules, particularly where a course of this kind has been adopted, when the day of adjournment was fixed in a friendly spirit.

Mr. Hodge—I will correct the gentleman right here, I will inform him that there was no such understanding so far as I am concerned.

Mr. Kenner—I will tell what did take place. When we were in the House engaged in electing a United States Senator, the Speaker called to me by name, and asked me if we would pass a resolution in the Senate to adjourn on Saturday. I answered "I am a Whig, and may be suspected of some ulterior motive if I attempted to get it done." But I said distinctly I would tell my own political friends who, I had no doubt would vote for the resolution. That is all. If the gentleman says there was any understanding I say it is not so. If there was an understanding with others I know nothing of it; I never heard of it. If there is any trick, lay it at the right door, accuse the Speaker of the House, do not accuse me.

Mr. Short—I did not say there was a positive understanding. There was none as far as I am concerned. I only say that when we consented to the adjournment, we expected the bills yet to pass would be taken up on their merits, and not fought off by a recource to rules which would prevent any action being had.

Mr. Kenner—No, but the gentleman said "as far as I am concerned." Is not that a hint that there was an understanding with some one?

Mr. Short—No one, except he be gifted with superhuman faculties, can tell what takes place in another man's mind. The good book says, "judge not others lest ye be judged." I therefore do not undertake to say what passed in the minds of other members. I did not say—though I am sometimes unhappy in making myself understood—that, as far as I know, there was no understanding. But I

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supposed the period of adjournment had been fixed in a friendly spirit, and that there was a disposition to get through business, and that there would be no resort to such tactics as have been adopted this morning. That is what I meant. I do not think exception can be taken to that. I thought we were to get through in a friendly spirit; that local bills were to be tested by their merits, and political ones by the strength of parties. If you had the power, do you suppose I would call the yeas and nays twenty times, move to go into executive session when we had nothing to do, and to adjourn when we had business on hand! When I condemn such acts as these I hope it will not be said that I do it with unworthy motives — I have appeals to Senators to go home to their constituents, and they would be sustained. But if I know the people—if a man were to go home and say that he had made motions to go into executive session, to adjourn, &c., and called the yeas and nays on every question merely to waste time in order to defeat a bill, he would not be sustained. Do the people understand this kind of legislation? When they understand that a majority has instituted certain rules in order to accelerate business; that those very rules have been resorted to in order to defeat and prevent action, and that I broke through them as I would break through a cobweb. I am confident I shall be maintained in doing it. That is the reason I go for the appeal.

Mr. Nicholls—Do I understand the gentleman to say that the question is on a recision of the rule?—There is no such question. The gentleman knows the decision of the Chair is right. The question now before us is whether that decision is correct, and whether it shall be sustained.

Mr. Short—When there is a power in the Senate to rescind the rules it makes no difference whether they be rescinded, or whether the decision of the Chair be reversed.

Mr. Nicholls—I want to know whether the gentleman says the decision of the Chair is right or wrong.

Mr. Short—TheChair may be governed by the written rules, and I by the necessity of the case. There is certainly a power in the Senate to rescind the rules.

Mr. Derbes—I have to say a few words of explanation, as a gentleman and a Senator. When I stated that there was an agreement, and was interrupted in a not very parliamentory manner, I was going to say that it was not with the Senator, who has since so strenuously denied it, but with another, whom I told that, should we adjourn to-morrow we could not get through. He said there was plenty of time; that we could get through all our business. Is not this bill among our business?

If it be true that we can finish all, and this is among it, ought it not to be done? If gentlemen persist in their opposition, they will only induce a delay which will present many bills from being enrolled. Of these there are about one hundred and fifty. I ask, was it not the gentleman from Ascension himself, who said we could get through all? I make this explanation because it is due to myself. I have endeavored to be courteous to all Senators, and I hope I shall never be otherwise.

Mr. Martin. I had no intention of impugning the gentleman's word; I only deny that there was any understanding on my part.

Mr. Derbes. The gentleman's explanation is satisfactory.

Mr. Hodge. I shall endeavor to show the fallacy of the arguments of the gentleman from Carroll As he seems to have become so conscientious, and that no doubt may be thrown on our motives, I wish to shw that he is wrong on the question of propriety. I will show the argument to be fallacious, that what is wrong on the record may, by a combination of circumstances, be made right. And I wish him to understand that it is not my desire to do violence to any thing that, by tacit agreement, I might have engaged to support. It is my wish that the rules be sustained. They are the expressions of our will at the beginning of the session. I do not say that no man of honor or justice would act as the majority are acting—but I ask, can any Senator violate his compact and agreement without doing violence to honor and justice? The rules are an agreement which Senators have entered into with each other; they are, in fact, a compact. I would as soon have thought that violence would have been done to the Constitution of Louisiana, as to this solemn compact. It is not for one of my limited fancy to picture the results of this act—the evils for which it will be a precedent; but let me tell them it will end in making the will of the majority of the moment to govern, without regard to the rights of the minority. I will refer to the case of the Mechanics' and Traders' bank bill. The gentlemen made motions to adjourn; to go into executive session; they called for the reading of bills on their first reading; and they did all these things in order to delay and defeat a particular bill—though the gentleman thinks it so horrible to go home and tell these things to one's constituents! But we knew they were not violating the compact. So far, they were acting in accordance with rule.

We did not wish to break the stipulation we had entered into with the minority by the adoption of the rules We sat patiently under the infliction, although we felt more interested in that measure than the gentleman can possibly feel in this. We felt that it interested the people in the city and the country; that it affected the prosperity of the State, whereas this is only a political question, and affects only the interests of a party. I acknowledge this rule, that at the beginning of the session, we agreed that no bill should be taken up out of its order without a vote of two-thirds. Gentlemen cannot deny that such was the agreement, and that the rules are the expression of the agreement. They cannot deny that the President decided the question correctly. There it stands in characters so large that he who runs may read. But the gentleman finds that the rules are not effective—in other words, they do not enable him to carry out his objects; they are not complete; they do not bind the enemy hand and foot, and therefore he will rescind them because he has the power. This is not my interpretation of the law of contract and agreement. We have entered into a certain compact with each other; we have made an agreement, and we have agreed not to repeal it except under certain conditions. These have not happened, yet the gentlemen wish to rescind the compact. Did you make it a part of the contract that if it should not suit you, you should have liberty to rescind it. I made no such contract, because I saw that such a case as this might happen, and that we might have to appeal to the agreement for protection.

Mr. Short—If the gentleman asks me I will tell him; when a motion to adjourn is made and lost, and then repeated immediately afterwards, that I made no such contract.

Mr. Hodge—The merest tyro in politics knows that such a course is very common. If he does not know it, he has not paid attention to the congressional debates. I have practised in courts of law, and there I have learned that if there were no rules, everything would be thrown in to disorder and chaos. You may violate the laws, you may violate the constitution, and when the morals of Louisiana are so loose that you violate your contracts, the courts are not worth the parchment which makes them. I could not go home and tell my constituents that I had violated my contract. I would as soon violate a law of the legislature. But I am not afraid to say that I voted for an adjournment; that I called for the yeas and nays; that I moved to go into Executive session, in order to defeat an unrighteous measure, because I would be sustained in it. But I feel with pride that I have violated no contract into which I entered. The rules of the Senate are law. The sense of justice which prompts an adherence to them is not earth-born, but heaven-born. I would as soon give way to those who wish to trample them under foot, as I would yield to the armed hand of tyranny and power, and no sooner.

The question, "shall the decision of the Chair be sustained," was then put, and the Senate refused to sustain the decision of the Chair.

Mr. Kenner—I now ask the Chair if it does not require a two-thirds vote to take up the bill.

The President—According to the decision of the Senate, only a majority is required.

Mr. Kenner—I ask the Secretary to read the 14th rule.

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The President—I wish it distinctly understood that my action now is not based on my own judgment, but on the decision of the Senate.

Mr. Kenner—I ask if this bill is not out of its regular order?

Mr. Short—We have rescinded that so far as it is applicable to this bill.

Mr. Kenner—I ask the Secretary to read the 60th rule.

The Secretary reads:

Mr. Kenner—That says that no rule can be rescinded or amended without at least one day's notice. Has the required notice been given? I ask the President if he can sit there and see this bill taken up out of its order in violation of the rules of the Senate.

The President—I had already decided that a vote of two-thirds was necessary. The Senate decided otherwise.

Mr. Kenner—Then a give notice for myself and those acting with me that we shall enter a protest against this action of the majority—this unheard of violation of the rules of the Senate; this monstrous outrage on right and justice

The question was then put on taking up the bill. Carried 16 to 10.

The President—According to the decision of the Senate the bill is before them.

Mr. Kenner—I appeal from the Senate to the chair. Will be sit in the chair and see this palpable violation of rule and our rights on this floor? He has the right to protect the rights of the minority when he sees them outraged. He ought not to see this thing done. He knows it is wrong; he knows itis an outrage, and he ought not to suffer it.

Mr. Patterson—The democratic party on this floor calls on the President to maintain his place and the dignity of his position.

Mr. Kenner—That is what we wish. We do not call on the President as a whig or a democrat; but we wish to place him on high ground; the ground of truth and justice. We wish him to protect the right of the minority, and then he will be acting in accordance with the dignity of his position.

The President—The Chair is determined not to be misunderstood in this matter. The Chair has decided that it is out of order to take up the bill without a vote of two thirds. The question has been decided by the Senate, against the Chair, and therefore, in accordance with that decision the bill is before it.

The vote was then taken on the bill.

Mr. Kenner—If I vote yes and give notice that I shall move a reconsideration to-morrow—will I be protected in my rights? I ask this in all defence as I feel convinced that gentlemen have now done an act which in their cooler moments they will not adhere to.

The President—The gentleman has right to give notice that he will move a reconsideration.

The bill then passed.

Mr. Kenner then gave notice that to-morrow he should move a reconsideration.

SATURDAY, April 30th, 1853.

The bill prescribing judgments after ten years, wa taken up.

Mr. King—Though I am too unwell to argue this question at length, I will briefly state the reasons which induce me to believe that it ought to be rejected by the Senate. In the first place, the bill is to take effect instanter. This is a great objection. It admits no appeal. This is a great injustice. It bars judgments which, perhaps, could not have been previously executed, and may effect existing rights to the extent of a million of dollars; it may ruin or seriously injure many who are now reposing in fancied security, not dreaming of such a law.

A bill to pay for levees, made since 1852, was taken up.

Mr. Martin—In my opinion this is a very proper measure.

Mr. Kenner—I disagree with the gentleman. He fixes in his own a period after which some parishes may receive benefit from the swamp land fund. We, who were sorely taxed in '51—we are not to have any thing. But those parishes which have made levees since '52 are to pay for them. This bill is made to embrace particular cases—it will benefit some sections, and not others which have just as valid claims. Why cannot it be made to benefit all?

The bill was laid on the table.

The bill to fix the salary of the Clerk of the District Court came back from the House with amendment striking out the amendment of the Senate making the salary of the Clerk payable from the fines and forfeitures.

Mr. Kenner—That is equal to annulling the amendment of the Senate altogether. It is equivalent to saying that the salary shall be paid out of the State Treasury. The fines and forfeitures amount to $50,000. They lie on the table of the Clerks of Courts and are never collected. One of the objects of this bill is to compel clerks and officers of Courts to do their duty by having these fines and forfeitures collected [illegible] because they go into the Treasury of the State not into the pocket of an individual, that [illegible] has hitherto been manifested in collecting [illegible]

Mr. Lewis—I beg pardon of the gentleman. The District Attorney has a large percentage

Mr. Kenner—Why, then, does he not

Mr. Hodge—I wish to explain the [illegible] vote I am about to give on the bill gentlemen from New Orleans that the [illegible] feitures are not enough, and that if we [illegible] amendment the Court may be left without [illegible] I am sorry that Orleans cannot pay for [illegible] ness as other parishes of the State do [illegible] circumstances I am willing we should be [illegible] year more; but when the question comes up [illegible] shall insist that they pay themselves. However, I am unwilling to incur the risk of leaving them without a Court, especially as part of the fines and forfeitures are paid to the Charity Hospital.

The amendment of the House was concurred in.

A bill concerning the Barataria and Lafourche Canal was taken up.

Mr. Martin—A contract has been made by which the State undertook to finish this work for the sum of $53,000. This bill appropriates $33,000 to complete the work. The Commissary has expended upwards of $300,000 on it already. It is a valuable work, and the State has the first lien on it.

Mr. Kittridge—I have another remark to make.—The State has already expended much money on the work, and if she do not finish it she will lose all she has invested. As far as completed it nets a profit of 4 per cent.

Mr. Martin—This is a contract. If we do not comply with its terms we lose what we have already paid out. That is the question for the gentleman who guards the Treasury so closely.

Mr. Mouton—I hope I do not guard it any more closely than the gentleman from Assumption; I hope I have no more interest in guarding the Treasury than he has. If it is so I am sorry for it. But I shall vote against his Barataria Canal concern; because I have heard of it, and nothing else for fourteen years, and my constituents are hostile to it.

The bill passed.

The bill to restrict the charge of Judges in criminal cases to an opinion on the law, was taken up.

Mr. Mouton—I am not prepared to vote for this bill. I do not see how a judge can make his charge to the jury without examining the facts

Mr. Short—That is the very evil to be remedied.—The judge may so repeat the evidence, in his charge to the jury, as to substitute the judgment of the Court, for the decision of the jury. The Senator thinks it would be difficult to make a charge without a statement of fact. There would be no difficlty. If the judge says, he believes so and so, from the testimony; if he says that from the facts this man could not have believed himself in danger, that he could not have acted in self defence; if he go over the testimony and from it deduce the law applicable in the case, he goes beyond his duty. It is an encroachment on the privileges of the jury.

Mr. Mouton Can he do so by the law now?

Mr. Short—Now he simply cannot tell the jury on which side the weight of testimony lies. That is the old English law. But if he recapitulate the testimony, and in that he says what the law is, he substitutes the judgment of the Court for the verdict of the jury, because the jury will almost alway take the opinion of the Court. This bill will act as a very good remedial statute and will obviate an evil.

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Mr. Nicholls—It cannot prevent a hypothetical statement of fact by the judge.

Mr. King—I am opposed to this bill. It will make the judge a mere menial officer and will impede the operations of justice. It will produce many mistrials and other inconveniencies. The judge is the guiding spirit, and he should not be degraded to a mere machine. The present system has been in vogue for centuries; our ancestors used it without complaining of it. The charge proposed will be disastrous to the administration of justice. We ought to let well enough alone. It is better to bear the ills we have than fly to those we know not of.

Mr. Short—I am surprised that so old a member of the bar should argue in such a manner. The gentleman says the result of the bill will be to cause many mistrials; that that judge is now ruling spirit. Why sir, that is the very best argument in favor of the bill. If the jury is to swallow down the opinion of the judge as if it were Gospel, if they were to be guided in all things by his ruling spirit, we might as well have no jury all. The gentleman has caused me to be in favor of the bill than I was before.

The bill passed.

The General appropriation bill was taken up.

Mr. Kenner. My opinion is, that a general appropriation bill should make appropriations for salaries already fixed by law; that in a general appropriation bill salaries cannot be increased. I wish to examine the record in order to see to what extent these changes have been made. If gentlemen wish to follow the act of 1852, I do not see why they cannot follow it all the way through. But by this bill we would be doing what is not contemplated by a general appropriation bill. It should only provide for salaries already determined by law. Now, sir, this bill was originally prepared by the Finance Committee, and every salary was provided for according to law. Every alteration from that, must have been made in the House. I contend that this is not a legitimate way to do the thing. If there be an increase made in the salaries, I shall move to refer the bill to the Finance Committee. I shall not do this in order to gain time; but I do not wish to countenance such a method of legislation. If we want to increase salaries, let us make a law for that purpose, and not slip it through in this way. That is not the object of a general appropriation bill.

A motion was made to strike out $2000, and insert $1500 as the salary of the Secretary of State.

Mr. Mouton. I think there is a law fixing the salary of the Secretary of State at $1500. I therefore conceive it to be my duty to vote for the salary as fixed by law.

The motion was lost.

The section appropriating $1,000 for the Clerk of the Secretary of State, was read.

Mr. Kenner. I should like to see the law for that. We have just given the Secretary of State an augmentation of salary of $500, and now we must give his clerk a thousand. Then, here is an appropriation for the "copying Clerk" of the Secretary of State, besides. I do not know what this means.

Mr. Mouton. I believe there is an old law which authorizes the Secretary of State to employ a person to copy all the acts of the Legislature for the printer. The amount appropriated is certainly little enough.

Mr. Kenner. If this is law, I should like to see it in the general appropriation bill of last year.

Mr. McCay. I think this can be explained. Last year the Secretary of State had a contingent fund of $2000. This year it has been cut down to $500. It has, therefore, been thought proper to allow this sum.

Mr. Kenner. This seems to be only a bill to increase salaries—not a general appropriation bill.

Mr. King. It amounts to the same thing as a separate bill for the same purpose. I wish it understood that I am in favor of increasing salaries.

Mr. Kenner. If this bill be really a bill to increase salaries, and not a general appropriation bill, I do not see why the Adjutant General has been overlooked. I move to increase his salary to $1000.

Mr. King. This subject has already been discussed in the House. I do not think the amendment could pass there.

Mr. Kenner. If we cannot alter a word in a bill—dot an i, or cross a t—without the consent of the other House, I do not see what use there is for the Senate of Louisiana. We had better go home, and save the State the expense of paying our salaries of four dollars a day.

Mr. Martin—It is no unusual thing to have Committees of Conference about the general appropriation bill on the last day of the session. These committees arrange matters in a few moments.

The item to pay arrearages of salary to the Clerk of the First District Court was taken up.

Mr. Kenner—This is the first time that claims have been allowed in a general appropriation bill without being previously decided on. The thing ought to be known, and I state it for the satisfaction of Senators. I do not think I can change their minds, but I want them to know the fact.

Mr. Derbes moved to insert $4500 for the Louisiana Legion and the Washington Battalion.

Mr. Derbes—I make this motion because I know I am right in doing it. These companies are always called on in time of danger. Their usefulness cannot be exaggerated; yet if the State do not come to their aid they will be broken up. They are subjected to very heavy expense amounting to $10 or $15 a year for each man. When the State comes to the relief of other associations I do not see why it should not assist these military companies which are of such vast benefit. In addition to their ordinary character, I may say that the Legion and the Battallion are organized as charitable institutions. Even with this grant the gratuity will not amount to $2 a head, which certainly is not a very large sum. It is needless for me to enumerate all the advantages which are derived from the presence of these organized military companies. In times of danger, when there is a mob, they are always called on and are ever ready to respond to the call. In case of insurrection or invasion they would be our only rallying point, and our only recourse. It is therefore not sound policy to let them be broken up.

Mr. Nicholls—I concur heartily in all that the gentleman has said. I think these will be two of the best items in the bill. The State should look with pride on these two corps. It should be our policy to encourage them, as to them in times of danger the citizen looks for protection. I shall move in addition an appropriation of $500, for the cannoniers of Donaldsonville, a fine corps, which is always mentioned with praise.

The amendments were adopted, and the bill passed.

Mr. Kenner offered the following protest:

The undersigned, believing that there was a flagrant violation of the rules of the Senate, by the action of the majority of this body on the bill under discussion on yesterday, to "Divide the State into Congressional Districts," beg leave to enter this, their protest on the Journal of the Senate, against the proceedings on that occasion.

In order to understand the extent of the injustice done to the rights of the minority on this occasion, it is necessary that the facts, as they transpired, should be set forth. Pending the reading of the orders of the day, a motion was made by Mr. Derbes of New Orleans to take up out of its regular order the bill "To divide the State into Congressional Districts," and to proceed to the discussion and passage of the same. The effect of this motion was to give this particular bill precedence over all the other bills on the Secretary's table.

The fourteenth rule of the Senate is in the following words: "No motion to call up a bill out of its regular order shall be allowed, unless by the consent of two-thires of the Senate present."

Under this rule, as plain in its language as it is unmistakable in its meaning, the President of the Senate, Lieutenant-Governor Farmer, decided that the motion of Mr. Derbes to take this bill out of its regular order, would require two-thirds of the votes present. The Senate proceeded to vote by ayes and noes, when it appeared that sixteen senators voted in favor of Mr. Derbes' motion, and ten senators voted against it. The requisite number of two-thirds not having been obtained, the President of the Senate decided that the motion of Mr. Derbes was lost. To this decision of the Chair, so consonant to the letter and spirit of the fourteenth rule, Mr. Short took exception and an appeal from the decision of the Chair.

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The Senate again voted by ayes and noes, on Mr. Short's appeal from the decision of the Chair, when it appeared that sixteen senators, viz., Messrs. Boatner, Clifton, Derbes, Evans, Griffin, Kemp, Lacey, Lacoste, Lewis, Millard, Mouton, McCay, Neal, Patterson, Short and Thériot, voted to reverse the decision of the Chair; and that ten senators, viz., Messrs. Dupré, Hodge, Kenner, Kittridge, Lauve, Martin, Nicholls, Palfrey, Slack and Taylor, voted to maintain that decision.

Consequently, the Senate, by this last vote, overruled the decision of the President, and decided that it did not require a two-thirds vote to take up a bill out of its regular order, in the face of the fact that the fourteenth rule expressly says that "no motion to take up a bill out of its regular order shall be allowed, unless by the consent of two-thirds of the Senate present."

The effect of this last vote was to suspend the fourteenth rule and enable a majority to take up and pass a bill exceedingly obnoxious to a large minority in this body, and that, too, in positive violation of the rules, which had been adopted by this very majority in the early part of the session, and which the minority in good faith had hoped would protect them from any arbitrary exercise of power by the majority.

We feel constrained to say, that so positive, open and palpable a violation of the rules of any legislative body does not exist in the annals of the legislation of our country. There exist no instances in either our Federal Congress or in our State Legislature, where a majority, in order to force a bill through the Legislature, have so totally disregarded the rules imposed upon themselves for their government.

Nor can it be said, that the Senate have an inherent right, at any time, or under all circumstances, to repeal their rules by a majority vote; for the sixteenth rule of the Senate is in these words: "Nor shall any rule of the Senate be suspended, except by a vote or at least two-thirds of the members present." Consequently, it was as impossible to suspend the fourteenth rule by a simple majority, as it was to take up a bill out of its regular order by a simple majority.

But the bill "to divide the State into Congressional Districts" needs be passed if not under the rules, then over them. This was done on yesterday by the Senate, and against this arbitrary exercise of power—this most palpable violation of our rules—we enter our most solemn protest.

We would beg leave, further, respectfully, to call to the minds of the majority the following words from the manual of Mr. Jefferson, on the importance of adhering to rules:

"Mr. Onslow, the ablest among the speakers of the House of Commons, used to say 'It was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of the administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power.'"

On these words of Speaker Onslow, Mr. Jefferson comments as follows:

"So far, the maxim is certainly true, and is founded in good sense; that, as it is always in the power of the majority, by thin numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power, are the forms and rules of proceedings, which have been adopted as they were found necessary from time to time, and are become the law of the House; by a strict adherence to which, the weaker party can only be protected from those irregularities and abuses which these forms were intended to check, and which the watonnesss of power is but too often apt to suggest to large and succeseful majorities.

"And whether these forms be in all cases the most rational, or not, is really not of so great importance. It is much more material that there should be a rule to go by, than what that rule is; that there may be a uniformity of proceeding in business, not subject to the caprice of the speaker, or captiousness of the members. It is very material that order, decency and regularity be preserved in a dignified public body."

With these remarks of Mr. Jefferson as a comment on the conduct of the majority on yesterday, we beg respectfully to sign, &c.

ARCH. DUPRE,	R. C. MARTIN,
N. LAUVE,	B. L. HODGE,
CHAS. A. SLACK,	W. T. PALFREY,
THOS. C. NICHOLLS,	E. E. KITTRIDGE,
WM. R. TAYLOR,	DUNCAN T. KENNER.

The Senate then took a recess.

On re-assembling several bills were passed, without debate.

The Secretary informed the House that the Senate had no further communication to make to the House of Representatives, and was now ready to adjourn sine die.

Mr. Boatner offered the following resolution, which underwent its several readings, and was adopted.

Resolved, That a joint committee of the two Houses, consisting of three members of the Senate and ——— members of the House, be appointed to wait on the Governor to inform him that the Legislature is now ready to adjourn sine die, and to inquire if he has any further communications to make to the Legislature.

The President appointed on that committee Messrs. Boatner, Nicholls and Hodge.

The Secretary requested the concurrence of the House therein.

By a message from the House, through their chief clerk, the Senate was informed of the concurrence of the House in the above resolution, and was also informed that the Speaker of the House had appointed of said committee, on the part of the House, Messrs. Heard, Sandidge, King, of St. Landry, Texada and Le Blanc.

On behalf of the joint committee appointed in accordance with the above resolution, Mr. Boatner reported that the committee had performed their duty, and that the Governor had no further communication to make to the Legislature.

By a message from the House, through their special messenger, the Senate was informed that the House had no further communication to make to the Senate, and was now ready to adjourn sine die.

The President of the Senate, Hon. W. W. Farmer, delivered the following valedictory address to the Senators:

GENTLEMEN: You have so repeatedly placed me under obligations of gratitude during your session, for not complaining of the errors of the Chair, that I must return you my thanks before we separate, for your leniency in overlooking them. For the resolution complimentary to the Chair, you have passed, I return you my thanks, though I feel that I merit, to a very limited extent, the compliment.

You are, after a protracted session, about returning to your constituents, to give an account of your stewardship. That it will be satisfactory, you have every reason to hope. Although frequent complaints have been indulged in, in many places, of the inaction of the present Legislature, I have no doubt that when your labors are collected in a volume, it will be found that but few Legislatures have ever passed more acts than the present, at a session of the same length. When the acts on the judiciary, schools, internal improvements, banks, swamp lands, militia, &c., which have been passed, are recollected and compared, none have excelled in importance of measures acted on. I repeat, therefore, that the represeneatives now about to deport to their homes, have every reason to expect the approbation of their constituents.

This night witnesses, for the last time in this hall, the assemblage of the first Senate under the Constitution of 1852. In a few moments you turn your steps homeward. God speed you thitherward in safety to the embraces of your expectant families, and the congratulations of friends.

In all human probability you may never all meet again. In view of this, I ask of you one favor in your parting, viz: should ill feelings exist between any of you, individually, forgive and forget them as political differences, and recollect each other in after years as friends—not enemies.

I pronounce the Senate adjourned sine die.

DURANT da PONTE, Reporter.

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LEGISLATURE

DE

L'ETAT DE LA LOUISIANE.

DÉBATS DU SÉNAT.

SESSION DE 1853.

NOUVELLE-ORLÉANS:
IMPRIMÉ PAR EMILE LA SÈRE, IMPRIMEUR D'ÉTAT.

1853.

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RAPPORTS OFFICIELS

DU

SENAT

DE

L'ÉTAT DE LA LOUISIANE.

MARDI, 25 janvier 1853.

Le Sénat s'assemble conformément à l'ajournement.

Après la lecture du journal, le rapport des directeurs de la Banque des Citoyens lui est soumis.

M. Kenner fait la motion qu'on se dispense de la lecture de ce rapport, attendu qu'il est très long et qu'il contient des chiffres et des statistiques qui ne peuvent être bien compris qu'après une lecture attentive ; mais puisque le rapport est relatif à une question qui est du plus grand intérêt pour une grande partie de ses constituants, il demande que 500 copies en soient imprimées à l'usage du Sénat.

Il fait aussi la motion qu'outre les comités permanents ordinaires que le Sénat a formés, il en soit créé un autre sous le titre de « Comité sur les Banques » et que le rapport soit soumis au dit comité.

ANNONCE DE BILLS A PRESENTER.

M. Clifton annonce un acte accordant l'appropriation d'une partie des fonds provenant de la vente des terres en marais à la reconstruction de la Grande Levée dans la paroisse de Pointe-Coupée.

M. McCay, un acte pour la révocation de la loi d'Exemption.

M. Evans, un acte pour l'émancipation de Judson Overton, mineur, de la paroisse de Bienville.

M. Short, un bill pour amender l'acte organisant un district de levée dans les paroisses de Madison, de Carroll et de Catahoula.

Un bill appropriant une partie des fonds provenant de la vente des terres à l'achèvement de la Levée à Point Lookout, dans la paroisse de Carroll.

M. Hodge, un acte relatif à la proscription des jugements.

Un acte pour annuler certaines entrées de terres faites en vertu de l'acte du 17 mars 1852, consignées prématurément aux bureaux des terres des Etats-Unis.

BILLS PRESENTES.

M. Lacey dit que conformément à l'annonce qu'il en a faite, il présentera maintenant plusieurs bills.

Pendant que le secrétaire s'occupe à les lire, M. Short se lève et dit qu'à son avis, les Sénateurs n'en apprendraient que bien peu sur l'objet de ces bills en les entendant seulement lire, et que le meilleur moyen à prendre serait de les référer aux comités auxquels ils reviennent. L'article 33me des réglements impose à l'officier présidant le Sénat le devoir de nommer des comités permanents dans les premier et second jours de la session. Il croit que ces bills devraient être référés à des comités spéciaux et qu'un rapport en doit être dressé ; alors seulement les membres du Sénat pourront s'en former une opinion correcte.

M. Wickliffe fait la remarque que la règle ordinaire est de lire d'abord les bills et de les référer ensuite.

M. Kenner pense que le Président n'a encore eu qu'à peine le temps de choisir les comités.

M. Short fait la motion que dispense soit faite des règles et que les bills soient lus une fois par leurs titres.

La motion prévaut et les bills sont lus par leurs titres.

M. Kenner demande la dispense des règles afin qu'il puisse présenter un bill pour que les sommes appartenant aux fonds des Ecoles publiques soient déposées au Trésor d'Etat au lieu d'être laissées comme elles le sont maintenant, sous le contrôle du Surintendant de l'éducation publique. Le bill autorise en même temps le Trésorier à payer des mandats tirés par le Surintendant en faveur des professeurs et comptrôlés par l'officier auquel ce droit appartient.

M. Kenner expose quel est son but en présentant ce bill. Il dit que dans le bill général d'appropriation de la dernière session, il se trouve une section susceptible d'être mal interprêtée et mal appliquée. En vertu de cette section une forte partie de l'argent appartenant au fonds des Ecoles est maintenant déposée à la Banque de Cité, sans aucune sécurité. et placée à l'ordre du Surintendant de l'éducation publique. La loi veut que des $240,000 composant le fonds des écoles, un quart doit être payé tous les trois mois au Surintendant d'Etat, et en vertu de cette loi, environ $60,000 sont maintenant à l'ordre du Col. Nicholas. L'argent devrait être déposé au Trésor d'Etat, et mon seul but, ajoute-t-il, en présentant ce bill est d'amener ce résultat et d'empêcher les difficultés auxquelles pourraient donner lieu une fausse interprétation de la loi de l'année dernière.

M. Wickliffe pense que l'interprétation de la loi dans le sens auquel M. Kenner vient de faire allusion est tout à fait fausse et qu'elle n'est pas celle que le Sénat avait intention de lui donner.

M. Kenner répond que la loi telle qu'elle est conçue, explique l'interprétation erronée à laquelle il a fait allusion. Il lit la section dont il s'agit et soutient qu'elle justifie la fausse interprétation qui en a été donnée, quoique ce n'eut jamais été celle que voulait lui prêter la législature.

M. Lacey demande si le surintendant d'Etat n'a donné aucune sécurité Il croit, si tel est le cas, que l'argent doit être déposé au Trésor de l'Etat.

M. King se lève pour demander une information. D'autres sénateurs, dit-il, sont plus familiers que je ne le suis avec les lois de cette nature et l'effet qu'elles peuvent avoir ; je désirerais apprendre d'eux quel serait l'effet de ce bill. C'est une simple information que je voudrais obtenir. Il me semble que d'après la phraséologie du bill, le surintendant de l'éducation publique n'est que simplement autorisé à tirer des mandats en faveur des professeurs. Je voudrais savoir si cet officier ne peut tirer de mandats d'aucune autre nature. S'il en est ainsi, je demande que la phraséologie de ce bill soit rendue plus explicite.

M. Kenner n'a aucune objection, si tel est le cas, à ce que la phraséologie du bill soit amendée de la manière qu'il plaira à ses collègues de lui suggérer.

Ordre du Jour.

La résolution accordant une gratification à J. B. Walton, secrétaire et à Jules Cassard, assistant secrétaire du Sénat est prise en considération, et, sur mo-

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tion de M. Griffin, déposée sur le bureau sujette à l'appel.

M. Kittridge présente une résolution conjointe recommandant à nos sénateurs et à nos représentants au Congrès de tenter tous leurs efforts pour obtenir que le gouvernement fasse enlever certaines obstructions qui se trouvent dans le Bayou Lafourche et qui y ont été placées par des personnes agissant sous l'autorité du gouvernement des Etats-Unis.

La dispense des règles est accordée, la résolution est lue trois fois, est acceptée puis envoyée à la Chambre.

Message de la Chambre.

M. Kennedy, greffier de la Chambre, informe le Sénat que la Chambre donne son concours à l'acte qui place le fonds des Ecoles dans le trésor de l'Etat.

Il demande en même temps le concours du Sénat au bill de la Chambre pourvoyant aux dépenses de l'Assemblée Générale.

Sur motion, la dispense des règles est votée, le bill est lu trois fois et adopté.

M. Rivers, annonce son intention de présenter un bill amendant l'acte maintenant en vigueur et qui a trait aux impressions de l'Etat.

Le Sénat entre ensuite en séance exécutive et immédiatement après, il s'ajourne.

MERCREDI, 26 janvier.

Le Sénat s'assemble conformément à l'ajournement, 26 sénateurs sont présents.

Après la lecture du journal, le président soumet au Sénat la liste des différents comités et le secrétaire en donne lecture comme suit :

Comité judiciaire—MM. Lacy, King, Short, Nicholls et Hodge.

Commerce et manufactures—MM. Derbès, Neal et Martin.

Relations fédérales—MM. McKay, Wickliffe et Burthe.

Pénitentiaire—MM. Lacoste, Short et Rivers.

Milice—MM. Lewis, Martin et Lacoste.

Finances—MM. Clifton, Kenner, McKey, Palfrey et Griffin.

Institutions charitables—MM. Patterson, Lacoste et Kittridge.

Amendemens à la Constitution—MM. Mouton, Lacy et Tood.

Affaires de paroisses—MM. Griffin, Hodge, Boatner, Taylor et Millard.

Terres et levées—MM. Short, Theriot, Millard, Rivers et Slace

Banques—MM. Kenner, Clifton, Lewis, Palfrey et Wickliffe.

Dépenses contingentes—MM Kemp, Burthe et Mouton.

Elections—MM. Boatner, Dupré et McKay.

Réclamations—MM. Millard, Taylor et Derbès.

Affaires non terminées—MM. Neal, Patterson et Slack.

Education—MM. Wickliffe, Lewis, Evans, Lauve et Smith.

Améliorations intérieures—MM. King, Griffin, Tood, Kittridge et Kemp.

M. Palfrey se lève et présente une résolution donnant des instructions à nos sénateurs et à nos représentants au Congrès, pour qu'ils emploient tous leurs moyens à l'effet d'obtenir une appropriation pour nettoyer et border des canaux dans la baie de Vermillon, d'Atchafalaya et de Côte Blanche et y placer des bouées; pour la construction d'un phare à Baccoon Point et pour transférer la douane du District de Têche, de Franklin, dans la paroisse Ste-Marie, à Petersonville, dans la même paroisse.

M. Palfrey dit, qu'avant de soumettre cette résolution au Sénat, il voudrait, s'il lui est permis de le faire, adresser quelques observations à ce sujet, attendu qu'il est d'une haute importance pour une grande partie de l'Etat.

L'Atchafalaya est le canal par lequel le commerce et les produits d'une des parties les plus riches et les plus fertiles de l'Etat parviennent jusqu'à la mer. D'après la loi des Etats-Unis, toute cette section est désignée sous le nom de District Têche. La douane de ce District est située dans la ville de Franklin, sur le bayou Têche. Le commerce de cette région est déjà grand et progresse rapidement tous les jours.

Le nombre des entrées et des sorties du port de Franklin, s'élève annuellement à 200 et les exportations de sucre s'élèvent de 30 à 25,000 boucauts. Mais sa prospérité est retardée et son commerce interrompu, par les difficultés de la navigation de la baie, qui est obstruée par les coquilles et autres obstacles. Les difficultés sont encore augmentées par le fait que les pilotes ont l'habitude d'arracher les poteaux qui marquent la ligne du chenal, ce qui laisse les navigateurs dans une perplexité et force les capitaines de vaisseaux qui entrent dans ces baies à payer un pilotage entier dont ils pourraient sans cela se dispenser.

Il est question de construire un chemin de fer qui traverserait l'Atchafalaya, à un point où s'élargissant de plus en plus il a presque les proportions d'un lac. Il n'y a pas le moindre doute que sous peu il ne s'élève à ce point une ville, qui deviendrait l'entrepôt de toute cette région et le point où serait embarqué une très grande quantité de produits.

La construction d'un phare à Baccoon Point, est aussi d'une absolue nécessité et réclame toute l'attention du Congrès. Baccoon Point est de la plus grande importance pour les navigateurs qui longent les côtes de la Louisiane, attendu que c'est le dernier point visible sur la ligne le plus généralement suivie pour se rendre de la Nouvelle-Orléans à Galveston. C'est en quelque sorte un second point de départ, pour les vaisseaux qui font ces voyages. Baccoon Point est aussi directement sur la ligne des vaisseaux allant de ces baies, que j'ai nommées plus haut, à la Nouvelle-Orléans ou à tout autre port.

D'après tous ces faits on verra que Baccoon Point est de la plus grande importance aux intérêts des navigateurs et nul ne peut contester la nécessité de ce phare.

Quant au transfert de la Douane du District de Têche, de Francklin à Pattersonville, M. Palfrey fera encore quelques observations. Comme il l'a dit déjà, le commerce et la navigation de ce port sont très étendus. C'est à Franklin qu'est maintenant située la Douane : les vaisseaux éprouvent souvent beaucoup de difficultés à y entrer, et les capitaines de navires sont souvent obligés d'aller jusqu'à 18 miles dans l'intérieur pour obtenir l'entrée et l'expédition de leurs navires.

Il est donc bien évident que Franklin est trop éloigné de la mer pour continuer d'être le port du District. Pattersonville est à 18 milles plus bas et tout près de la mer, c'est donc le meilleur emplacement pour la Douane. Il n'y a pas plus de raison à ce qu'elle reste à Franklin, qu'il n'y en aurait à ce que la Douane de la Nouvelle-Orléans fût située à Donaldsonville.

M. Palfrey demande la suspension des règlements et les deux dernières lectures du bill.

Ces réglemens sont donc suspendus. Le bill est lu une seconde, puis une troisième fois et est ensuite adopté.

Bills présentés.

M. Wickliffe—Un acte pour l'émancipation de Murdoch Marion Shaw. Lu deux fois par son titre et référé au comité judiciaire.

Un acte pour l'émancipation de Laure Anna Ruff—Référé au comité judiciaire.

M. Evans—Un acte pour l'émancipation de Judson S. Hoverton.

M. Derbes annonce son intention de présenter un bill autorisant les juges de paix à nommer des curateurs *ad lites* dans certains cas.

W. Griffin fait la motion que le comité sur les terres publiques et les levées soit augmenté de deux membres.

Le Sénat entre ensuite en séance exécutive et s'ajourne immédiatement après.

JEUDI, 27 Janvier, 1853.

Le Sénat s'assemble, conformément à l'ajournement.

Le Président nomme MM. Griffin et Kenner, comme membres du Comité sur les Terres publiques et les Levées.

Le Sénat reçoit un message de la Chambre, donnant avis que l'Orateur a signé le bill qui autorise le Gouverneur à employer un messager spécial, et demandant que le Président du Sénat appose sa signature

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an bill qui alloue $50,000 pour les dépenses de l'assemblée générale.

Lecture est faite du rapport suivant du surintendant:

Rapport du Surintendant de l'Education Publique.

Aux Honorables Membres de l'Assemblée Générale de l'Etat de la Louisiane

Il est de mon devoir de soumettre à la Législature un tableau de l'etat des écoles et des fonds qui leur sont alloués. L'acte de la dernière session a jeté beaucoup de confusion et d'embarras dans tout le système. En supprimant la place de surintendant de paroisse, et en reportant sur les directeurs de District la besogne qui était confiée à ce fonctionnaire, la loi a fait disparaitre les agents les plus utiles, et les a remplacés par d'autres qui sont complètement inconnus à ce département. Le premier devoir qu'en traçait la nouvelle loi était de connaitre quels étaient ces directeurs. Un temps considérable s'est écoulé avant que je pusse obtenir ces renseignements. Il n'y avait que les surintendants de paroisse qui pussent les fournir, et ces fonctionnaires, au grand déplaisir de plusieurs d'entr'eux, venaient d'être déplacés par la loi.

Des lettres leur ont été immédiatement adressées à tous, les renseignements demandés nous ont été transmis par la plupart; mais par suite des lenteurs et des irregularités de la malle ils ne nous sont arrivés que lentement, et nous avons eu à déplorer la perte d'un temps precieux. Si l'on ne s'était pas tellement hâté de mettre la loi en vigueur, si l'on avait laissé les surintendants achever l'année, pour laquelle ils avaient été nommés, les électeurs du District auraient pu aux élections de septembre,et en votant pour les directeurs,faire leur choix en vue des nouveaux et importants devoirs que ces fonctionnaires avaient à accomplir. Si l'on avait ainsi retardé l'action de cette loi, elle serait venue remplacer l'ancienne loi, sans secousse, sans lacune.

Nous pensons que si les surintendants avaient été maintenus dans leurs fonctions jusqu'à la fin de leur première année, on eût été plus à même de leur faire rendre leurs comptes. D'après l'interpretation donnée aux deux actes relatifs aux surintendants de paroisse, ceux qui étaient en fonctions au moment où ces actes ont été adoptés, ont été requis de rendre tous leurs comptes à ce bureau, ou de régler pour tout le montant dont ils avaient eu le maniement depuis leur dernière élection, le réglement pour le montant reçu antérieuremeni à cette époque, ayant eu lieu avec les recorders des paroisses. Les pièces à l'appui des comptes reglés ici ont été examinées avec soin, et l'on a rejete les articles qui ne sont pas autorisés par la loi. Tous ces documents sont en liasse dans ce bureau. Les comptes présentés pour construction, achat, loyer ou mobilier de maisons d'écoles, ont été rejetés, comme n'étant pas autorisés par la loi antérieure à l'acte de la dernière session. Nous sommes, cependant, très fondé à croire que l'argent des écoles publiques a été en différentes occasions employé à ces objets et que ces dépenses ont été allouees dans les réglements qui ont eu lieu avec les recorders.

La dernière loi a rendu si laborieuses les fonctions du Surintendant, le forçant à recevoir et à debourser les fonds des Ecoles, à tenir des comptes ouverts aux différents districts d'Ecoles, dont le nombre s'élève à sept ou huit cents, ainsi qu'à chacune des paroisses, qu'il était, peut-être physiquement impossible à un seul homme de faire toute la besogne. La Législature ayant tracé le travail qui etait a faire, sans avoir fait d'allocation pour l'emploi d'un commis ou les dépenses casuelles qui doivent nécessairement être encourues par un bureau tel que celui-ci, il fallait, de toute nécessité, ou appliquer une partie des fonds des écoles à ces dépenses, ou ne pas faire le travail ordonné par la loi. J'ai pensé que mon devoir me commandait l'emploi des moyens nécessaires à l'accomplissement de la volonté de la Législature. Il n'y avait aucun meuble dans mon bureau, pas un endroit où mettre les papiers en ordre ou en sûreté; il fallait acheter de nouveaux livres pour ouvrir les comptes nombreux et compliqués que la loi exige. Je me résolus à employer un commis, auquel j'accordai un salaire très faible, beaucoup trop faible pour décider un homme capable à accepter les devoirs de la place. Très peu versé dans l'art de la tenue des livres, et craignant à chaque instant de commettre des erreurs, qui sont si faciles lorsque l'on pas une grande habitude de la comptabilite, j'ai été tellement absorbé par un travail qui est plutôt du ressort de l'auditeur et du trésorier, que je n'ai pu donner l'attention convenable à ce qui constitue, à proprement dire, les devoirs de cette place. Malgré tout le soin et l'attention qu'il a été en mon pouvoir d'apporter à ce travail, des erreurs ont pu se glisser à mon insçu. Chargé d'un travail aussi laborieux que n'importe quel bureau de la maison d'Etat, ayant des frais de poste, de papéterie, d'impression, de mobilier, aussi considérables, les dépenses de ce bureau pour le seul salaire du commis et les dépenses casuelles n'excèderont pas de beaucoup, si elles excèdent, la moitié de ce qui est accordé à la plupart de ces bureaux pour les dépenses casuelles seulement. Je ne me suis pas dissimulé la responsabilité que j'encourais en faisant cet emploi d'une partie des fonds des écoles, sans y être expressément autorisé par la loi; mais il fallait, de toute nécessité, adopter cette mesure, sous peine de voir le système entier cesser de fonctionner. Il est bon d'ajouter que cette mesure n'a créé aucun embarras dans nos écoles, qu'on a fixé le *pro rata* intégral qui revenait à chaque district, que les mandats qui ont été tirés par leurs agents autorisés ont toujours été payés sans retard jusqu'à concurrence du montant pour lequel ils avaient le droit de tirer.

La dernière loi tout entière, en tant qu'elle a trait aux opérations fiscales de ce bureau demande une révision. Le paiement des sommes appartenant aux écoles devrait être confié aux officiers comptables régulièrement employés au Trésor Des commis parfaitement compétents et familiers avec la comptabilité sont employés dans ce département et ils répondent de leurs fautes ou erreurs par des sécurités qui sont pleinement satisfaisantes.

Mais une des plus importantes améliorations serait de renommer des Trésoriers de paroisse. Que le résultat demandé soit obtenu par le rétablissement des places de surintendants de paroisse, il importe peu. Je suis encore d'opinion que des surintendants de paroisse, soumis à de judicieuses restrictions, auraient un excellent effet sur l'avancement et le progrès de notre système d'Ecoles Publiques; je pense aussi que les devoirs de Tresorier de paroisse pourraient fort bien être rempli par les shérifs.

On pourrait leur faire retenir les taxes de capitation perçues par eux respectivement et payer des mandats à l'ordre des professeurs, approuvés et contrôlés ici, jusqu'à concurrence de la somme qu'ils auraient ainsi entre les mains. Ces mandats, entre les mains des shérifs, seraient comptés comme argent dans le Trésor. La portion au prorata qui revient à chaque paroisse sur les deux tiers du MILLGAX, collecté dans tout l'Etat pourrait fort bien aussi être établie par les shérifs. Tant de justes plaintes nous sont journellement adressées par les professeurs au sujet de la difficulté qu'ils éprouvent à obtenir leur salaire, et des frais que ces retards leur occasionnent, nous font un devoir de leur assurer toutes les facilités que comporte notre système actuel.

Vous recevrez, en même temps que ce rapport, un tableau indiquant les montants répartis entre chaque paroisse, les montants qui ont été payés et ceux qui ne l'ont pas été, et aussi le montant du fonds des Ecoles déposé à la Branche Banque de cette ville.

Vous recevrez aussi un tableau indiquant les montants payés au Trésor par les surintendants qui ont réglé leurs comptes à ce bureau.

Il parait d'après ce tableau qu'ils ont eu en mains de fortes sommes, alors même qu'on se plaignait le plus du manque d'argent pour le maintien des Ecoles Publiques. Tout cela aurait sans doute pu être évité, si l'on avait exigé d'eux des réglements de comptes à des époques rapprochées. Il est également certain que leurs devoirs auraient été plus fidelement remplis s'ils avaient eu à en répondre devant quelqu'un.

L'argent ainsi payé au Trésor a été la source de grands mécontentements de la part des professeurs et des directeurs. Ils voyaient que l'intention de la loi était qu'il fut mis au crédit des paroisses respectives et ils ne comprenaient pas pourquoi il ne leur serait pas paye tout de suite. Mais on s'aperçut que l'appropriation n'était pas suffisante pour répondre au but qui l'avait fait faire. Ne s'attendant pas sans doute à ce que les sommes à payer dussent être si considéra-

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bles, la Législature a pensé que l'appropriation du 29 janvier 1852 serait suffisante. Telle était ma propre opinion et voyant que l'appropriation était faite dans le but spécial de payer aux paroisses de l'Etat et à la ville de la Nouvelle-Orléans les sommes non encore payées et qui leur revenaient des collectes de l'année dernière, je ne doutai pas un seul instant qu'elle ne fut pleinement suffisante. Telle n'était pas cependant l'opinion de l'Auditeur ; mais l'Avocat-Général partageant la mienne, $11,294 24, seul reste de l'appropriation du 29 janvier 1852 qui n'eut pas encore été dépensé, furent reçues en à compte des sommes payées par l'ex surintendant de paroisse, à la date du 15 juillet. Cette appropriation s'élevait à cent trente-huit mille piastres ($138,000), et de cette somme, la répartition pour le quartier échu le 31 décembre 1851 et s'élevant à $38,820 41, devait nécessairement être payée ; mais beaucoup de paroisses n'ont jamais réclamé et n'ont rien reçu, cet arriéré leur est donc dû. Il est de la plus haute importance pour ces paroisses qui n'ont pas reçu ce qui leur était dû, ou à qui il est encore dû sur les sommes payees par les ex-surintendants qu'une appropriation soit faite au plus tôt, afin qu'elles puissent être payées. Dans l'acte du 18 mars, il m'a semblé voir qu'une injustice est faite, sans doute sans intention, aux différents districts. Il porte que l'argent payé au Trésor par les ex-surintendants doit être porté au crédit de chaque paroisse respectivement, tandis que d'après la teneur des actes précédents c'est aux districts qu'il doit être porté. S'il va aux paroisses, il sera également réparti entre les districts, et de la sorte les districts qui n'ont reçu qu'une partie de la somme qui leur revenait ou qui n'en ont rien reçu, sont mis sur le même pied que ceux qui ont reçu tout ce à quoi ils avaient droit. J'ai peine à croire que l'intention de la Législature ait jamais été telle et j'espère que cet acte sera amendé au moins dans cette partie.

Avant de terminer ce rapport, je présenterai quelques suggestions qui, à mon avis, aideront beaucoup à l'avancement et à l'efficacité des Ecoles publiques. Le grand nombre des Districts est d'abord une grave erreur : il en résulte que les sommes revenant à une paroisse sont divisées de telle sorte, que la compensation des professeurs n'est pas uniforme. Un but important, le plus important peut-être que nous devions nous imposer, est de donner de la dignité à la profession du professeur. Et pour y parvenir, le meilleur moyen est de faire que son salaire soit suffisant pour qu'il tienne à sa place, ce qui en même temps évite de continuels changements. Qu'on les choisisse avec plus de soin : il faudrait qu'un bureau, désigné sous le titre de « Bureau de l'Education, » fut composé dans chaque paroisse, dont le devoir serait d'examiner les professeurs et de leur accorder des certificats, s'ils sont jugés capables ; mais qu'il lui soit expressément défendu de donner un certificat à un professeur immoral, intempérant ou incapable. Un tel bureau pourrait fort bien être composé des professeurs les plus capables et les plus respectables de la paroisse, et il pourrait être requis d'avoir des assemblées à des époques précises, dans le but que j'ai indiqué plus haut. Nul, plus que les professeurs eux-mêmes, ne serait intéressé à voir expulser de la profession, les ignorants, les hommes immoraux et intempérants qui s'y trouvent maintenant et qui sont une honte pour elle.

Sans le moindre doute, le moyen le plus sûr de se procurer de bons professeurs est de créer une école normale. Il n'en existe pas une seule dans tous les Etats-Unis, et la seule qui se trouve sur ce continent est dans le Canada. On parle dans les termes les plus favorables des bons resultats quelle amène. Un professeur formé de la sorte est, dit-on, égal à deux qui n'ont pas joui des bienfaits d'une telle instruction. Les besoins de l'Etat ne justifieraient peut-être pas ni ne rendraient nécessaire les frais d'une institution spécialement et uniquement consacrée à ce but ; mais il ne peut exister de bonne raison pour laquelle ceux qui sont éduqués à Jackson, aux frais du peuple, où pour l instruction de qui l'Etat peut pourvoir à l'avenir par la création d'autres institutions, ne recevraient pas une instruction telle qu'ils fussent initiés à l'art de professeur. Une telle classe introduite annuellement dans le corps des professeurs donnerait bientôt aux Ecoles toute l'efficacité désirable ; le professorat deviendrait une profession respectable ; ce qui sauverait du temps aux jeunes gens qui suivent les cours, épargnerait l'argent de l'Etat et bénéficierait à la population toute entière. Quoique il n'existe aucune école normale aux Etats-Unis, il y a cependant plusieurs états où une partie de la jeunesse est éduquée en vue du professorat, et de la sorte elle paie à l'Etat les bienfaits qu'elle retire des institutions créées par lui. L'Etat de la Louisiane a fait jusqu'aujourd'hui et continuera sans doute de faire des appropriations très libérales à ses institutions pour l'instruction publique, il a le droit d'attendre qu'elles y répondent autant qu'elles le peuvent. L'état de la Virginie élève à son Université trente-deux jeunes gens qui se sont distingués, et qui par eux-mêmes ou par leurs parents ne pourraient subvenir aux frais de leur éducation, un est pris dans chaque district sénatorial ; ils suivent les cours pendant deux ans, après lesquels d'autres sont nommés qui, à leur tour, sont dispensés de tous frais de pension, de paiement aux professeurs ou à l'Université. En retour de ce qu'ils reçoivent de l'Etat, on attend d'eux qu'ils professeront dans quelque école particulière ou publique dans les limites de l'Etat, pendant au moins deux ans après qu'ils sont sortis de l'Université.

De tous les moyens employés pour l'avancement des Ecoles Publiques, il parait par les divers rapports sur l'éducation, publiés dans plusieurs autres Etats que le plus utile, le meilleure de tous, est la formation d'un institut destiné à former des professeurs. Les professeurs de chaque paroisse pourraient composer un semblable institut dont les assemblées se tiendraient à des époques fixes dans les limites de la paroisse, et qui s'entendraient sur les différents modes d'instruction et de discipline, et décideraient lequel est le meilleur. A ces assemblées des *lectures* sur l'éducation seraient faites par un ou plusieurs membres de leurs corps, ou par tout autre qui y serait invité, mais surtout par le surintendant de l'Etat, qui plus que jamais devrait être requis de visiter les Ecoles. Ces assemblées devraient être publiques et sans le moindre doute, elles ne sauraient manquer de produire ici, comme elles l'ont fait partout ailleurs, la plus heureuse influence non-seulement sur les professeurs eux-mêmes, mais sur la population de la paroisse au point de vue de la belle cause de l'éducation publique. Les bienfaits de pareilles associations s'accroîtraient encore si les différents instituts de paroisse envoyaient chacun un délégué à une assemblée centrale qui serait une fois par an tenue dans cette ville. Une délégation comme celle que je propose donnerait les informations les plus complètes et les plus correctes sur la situation et les besoins des différentes écoles par tout l'Etat. Si ces assemblées se tenaient pendant la session de la Législature, il en résulterait pour les écoles, aussi bien que pour les professeurs des avantages évidents, attendu que les plus capables d'entr'eux seraient probablement chosis pour se rendre à ces assemblées. Non seulement des lectures instructives pourraient être données par les membres de ce corps, mais aussi par les membres distingués qui composent ordinairement notre Législature.

Il est de la plus grande importance pour que les devoirs de cette place puissent être efficacement remplis qu'un commis capable soit employé, lequel aurait autorité d'agir comme assistant pendant les absences occasionnelles du surintendant de l'Etat.

Je regrette d'avoir à dire que bien peu de rapports sur les écoles ont été reçus par moi et ceux qui me sont parvenus à différentes dates ne me donnaient que des informations fort peu satisfaisantes. Je doute fort qu'à l'avenir on puisse compter avec certitude sur une plus grande régularité dans la réception de ces rapports. Peut-être si la moyenne des enfants qui assistent aux classes, et non le nombre total des résidents du district, était prise pour base de la répartition, l'envoi de ces rapports pourrait être plus sûr. Une telle base adoptée pour la répartition augmenterait très probablement le nombre des enfants qui assistent régulièrement aux écoles et empêcherait que sur le tableau des districts, le nombre des enfants résidents dans chaque district, et en âge d'assister aux classes, fut exagéré comme il l'est aujourd'hui.

Je vous transmets. ci joint l'opinion de l'avocat-général, relativement aux balances de compte payées au trésor, par les ex-surintendants de paroisse.

ROBERT CARTER NICHOLAS.
Surintendant des Ecoles Publiques de l'Etat.

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Noms des Paroisses.	Montant réparti en Mars.	Montant réparti en juin	Montant réparti en Septembre.	Montant réparti en Décembre.	Sommmes reçues en vertu de l'approp.	Sommes non reçues de l'appropria.
Assomption	351 12	941 64	686 28	2238 25	2587 33	1624 96
Ascension	191 18	512 71	373 67	1399 56	1839 18	1137 94
Avoyelles	217 58	583 51	725 27	1278 58	528 83	2273 11
Bossier	1509 01	476 72	347 44	1130 45	247 36	3216 26
Bienville	277 42	743 99	536 64	1312 89	216 72	2654 22
Claiborne	1744 92	916 27	667 79	989 38	1883 41	2434 95
Caddo	220 22	1448 92	850 21	948 42	1295 55	2172 22
Calcasieu	154 00	432 47	310 89	793 35	1526 19	64 58
Caldwell	106 48	285 56	293 74	468 47	296 30	857 95
Carroll	110 22	295 59	649 69	1101 06	1253 35	903 21
Catahoula	1293 67	619 79	724 94	464 00	1789 17	1363 83
Concordia	65 34	175 23	127 71	989 22	106 00	1252 50
De Soto	190 80	851 24	445 28	1356 17	732 32	2111 17
Est Baton Rouge	276 98	742 81	874 70	1832 79	3856 61	471 61
Est Féliciana	218 46	585 87	428 99	1745 79	1616 31	1960 78
Franklin	78 32	210 04	153 08	163 76	279 77	326 43
Iberville	171 82	1460 79	635 83	1115 13	845 90	2537 67
Jackson	208 56	559 82	407 64	1114 74	1088 54	1201 72
Jefferson	444 62	2381 47	1384 21	1228 09	5853 90	
Ville de Lafayette	717 86	1925 17	403 09	1500 98	4046 12	1500 98
Freeport	70 40	919 22	889 53	274 62	1146 74	906 04
Carrolton	69 30	79 65	737 55	227 70	992 60	121 60
Lafayette	220 00	590 00	430 00	1231 46	2526 26	
Lafourche Intérieur	342 76	919 22	718 53	2043 46	1490 72	2543 25
Thibodeauxville	29 70	79 65	58 05	62 10		
Livingston	216 48	403 56	294 12	801 87	735 82	980 21
Madison	334 78	166 97	121 69	866 72	726 56	763 60
Morehouse	120 78	321 91	236 07	808 34	653 12	833 98
Natchitoches	318 12	853 14	621 68	1764 49	921 97	2635 56
Orléans (rive droite)	75 90	375 61	162 35	456 83	413 80	656 83
Première Municipalité	1051 47	4489 20	2642 06	3547 28	8132 72	3547 28
Seconde "	1112 10	9639 67	7295 17	3437 39	17096 94	4437 39
Troisième "	1960 08	2156 07	2411 89	2466 82	6527 99	2465 82
Plaquemines	121 88	280 84	204 68	964 22	66 20	1096 42
Pointe Coupee	207 90	1557 55	466 35	1380 44	1773 64	1798 60
Rapides	398 14	1054 33	3301 74	1150 55	3042 28	2857 48
Sabine	204 60	543 39	399 90	1008 46	1152 50	1003 85
St Bernard	79 42	312 99	155 23	529 27	363 49	713 42
St Charles	114 38	156 94	58 52	623 49	359 29	584 04
St Hélène	226 58	656 29	514 83	602 84	516 37	1483 62
St Jacques	1203 94	576 43	1808 36	866 50	2177 36	1977 87
St Jean Baptiste	71 06	1208 11	302 72	868 80	1429 17	1021 52
St Landry	578 82	1552 29	1131 76	1210 72	653 06	4820 53
St Martin	282 24	758 15	1395 29	1057 43	2549 81	923 30
Ste Marie	196 90	1815 96	984 85	1800 28	1161 60	3636 41
St Tammany	156 42	457 84	351 74	905 19	787 00	1084 19
Tensas	2177 52	182 16	96 32	884 67	532 54	2728 13
Terrebonne	230 12	617 14	448 06	1506 61	1287 45	1514 48
Union	313 50	946 36	689 72	1665 48	1507 04	2108 06
Vermillion	168 08	413 00	328 52	851 44	828 98	432 06
Washington	149 16	415 36	302 72	765 27	941 34	691 17
Ouachita	138 60	371 70	270 90	908 61	654 87	1034 97
Ouest Baton Rouge	124 52	306 80	228 60	814 66	1049 55	420 03
Ouest Féliciana	1357 85	303 26	1221 02	637 16	2332 60	1496 69
Wind	.....	.....	.....	170 66	42 73	127 88

26 janvier 1863—Montant des dépôts dans la branche banque de Bâton-Rouge $80.260 33.

Les sommmes payées aux diverses paroisses des fonds reçusdes surintendants de Paroisse,ne sont pas compris dans le tableau ci-dessus.

Répartitions du 31 décembre 1861. non tirées par les surintendants de paroisse.

Paroisse de Carroll—Montant non tiré	.....	$2.946 45
" Est Feliciana,— "	.....	2.555 93
" Pointe Coupée— "	.....	2.325 49
" Sabine— "	.....	1.966 06
" Tensas— "	.....	295 48
" Vermillon— "	.....	1.162 00
" Ouest Féliciana— "	.....	1.529 30
		$12.780 71

Le rapport est sur motion envoyé au comité sur l'éducation publique, et le Sénat en ordonne l'impression à 200 exemplaires.

M. Wickliffe présente une résolution défendant qu'aucun comité ait le droit de nommer un secrétaire, sans y être autorisé par le Sénat.

M King présente un substitut, à l'effet d'xcepter de la règle le comité judiciaire, le comité des finances, le comité sur les améliorations intérieures et le comité sur les Lerées.

M. Wickliffe s'oppose au substitut. Il ne croit pas que les comités doivent avoir, de droit, la faculté de se nommer un secrétaire; mais lorsqu'un comité viendra demander un secrétaire au Sénat, par l'organe de son président, en alléguant que ce secrétaire lui est absolument nécessaire dans l'accomplissement de ses devoirs, le Sénat accordera toujours la demande. Il propose que le substitut soit déposé sur le bureau indéfiniment. La proposition est adoptée par 15 voix contre 14.

A la suite d'un débat de quelques instants, la résolution de M. Wickliffe est adoptée, après avoir reçu un amendement qui fixe à $4 par jour le salaire des secrétaires de comité.

Sur motion de M. King, il est résolu que le comité sur les améliorations intérieures, le comite judiciaire, le comite de finances, le comité sur les terres publiques et les levées, soient autorisés à nommer chacun un secrétaire, et que deux nouveaux membres soient adjoints au comite sur les améliorations intérieures.

Sur motion, M. Derbès est nommé du comité d'enrôlements, et M. Thériot du comité de commerce et d'agriculture.

IMPRESSIONS DE L'ETAT.

Conformément à l'annonce qui en avait été faite précedemment, M. Rivers présente un bill intitulé: « Acte à l'effet d'amender la troisième section d'un acte intitulé « Acte relatif aux impressions de l'Etat. »

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Le bill est lu deux fois et renvoyé au comité judiciaire.

M. Kenner présente les résolutions suivantes :

« Attendu qu'il appert des rapports transmis aux deux chambres de l'Assemblée Générale par l'auditeur et le trésorier de l'Etat, que les dépenses courantes de l'Etat excèdent les revenus ordinaires ; de sorte que chaque année amène un déficit de près de cent mille piastres qui, avec les ressources actuelles, ne peut se solder qu'au moyen de l'emprunt, attendu qu'une somme de $300,000, faisant partie de la dette proprement dite de l'Etat, sera exigible le 1er juin 1857 ou avant, et attendu que la prudence commande dans toutes les questions financières de se mettre en mesure pour le paiement d'une dette avant qu'elle soit exigible, et que si le paiement en doit être fait au moyen de la taxe, il est bon que la taxe soit répartie sur une série d'années, afin que le fardeau, ainsi divisé, soit moins lourd pour le peuple,

Il est résolu que le comité de finances du Sénat soit requis de présenter un bill ou plusieurs bills comprenant toutes les réductions qui pourront être faites dans le budget des dépenses de l'Etat, ainsi que telles réformes dans l'évaluation de l'assiette de l'impôt, la collecte des revenus, et l'élèvement du chiffre de l'impôt sur propriétés et licences qu'il sera nécessaire d'opérer pour faire face aux dépenses courantes et à la dette proprement dite de l'Etat.

M. Kenner fait la motion que l'action du réglement soit suspendue, que la résolution soit lue une seconde et une troisième fois, et qu'elle soit votée.

M. Wickliffe propose que la résolution soit renvoyée au comité de finances.

M. Kenner.—Lorsque je présentai cette résolution, je pensais que j'avais un devoir à remplir. Le temps est arrivé où il faut absolument faire quelque chose pour tirer l'Etat de la situation embarrassée où il se trouve. Si nous ne voulons voir arriver le moment, et cela dans un avenir prochain, où l'Etat donnera au monde le spectacle d'une banqueroute dont il lui sera à tout jamais impossible de se relever, il est de notre devoir de prendre les mesures nécessaires pour conjurer ce malheur. Le seul objet que je me propose en présentant cette résolution est de mettre l'Etat à même d'adopter des mesures énergiques qui puissent le préserver de cette banqueroute qui le menace.

M. Lacey demande des éclaircissements. Il désire savoir si l'effet de la résolution serait de forcer le Sénat à adopter n'importe quel bill présenté par le comité de finances, ou si le Sénat se réserve le droit d'adopter ou de rejeter les mesures proposées.

M. Kenner réplique que l'effet de cette résolution ne serait pas d'imposer au Sénat l'adoption du bill qui serait présenté par le comité.

M. McCay croit que cette question appartient exclusivement au Comite de Finances et il ne voit pas l'utilité de la résolution, à moins qu'elle ne soit présentée dans le but de perdre du temps à ne rien faire. Il est du devoir du Comité de Finances de prendre ces questions en considération et il ne doute pas qu'en temps et lieu ce comité ne fasse un rapport conforme aux vues de la résolution.

M. Kenner.—Je suis surpris que de semblables remarques puissent être faites par un sénateur dans cette enceinte. Après que mon nouveau collègue aura siégé deux ou trois mois ici il s'apercevra d'une chose qu'il ne sait pas encore, c'est que je suis aussi peu disposé que quelque autre membre que ce soit du Sénat à parler pour ne rien dire et en pure perte de temps.

Mon seul but, monsieur, en présentant cette résolution est, comme je l'ai déjà dit, de faire bien sentir au Sénat la nécessité d'adopter quelques mesures pour tirer l'Etat de l'embarras où il est. Le cas est là évident, palpable, devant nos yeux, l'Etat est à la veille d'une banqueroute. Il ne peut y avoir de doutes sur ce fait. Ici même, monsieur, dans les rues de cette ville, dans la capitale de l'Etat, nous voyons des juges de nos cours descendre du tribunal où ils administrafent la justice, pour escompter des mandats sur le trésor public afin de réaliser leur salaire. Lorsque nous voyons de telles choses se passer, peut-on s'étonner que nou devions rougir de la position que nous occupons ! Depuis bien des années les dépenses courantes de l'Etat excèdent ses revenus et de la sorte a eu lieu un déficit annuel que l'emprunt seul a pu couvrir. Nous avons emprunté et emprunté encore, nous avons payé intérêts sur intérêts jusqu'à ce qu'aujourd'hui pas un membre de cette assemblée ne peut dire à combien s'élève l'intérêt que nous payons. Mais indépendamment de cela, pour réduire, pour éteindre cet excès de nos dépenses nous nous sommes rendus coupables de mauvaise foi en empruntant aux différents fonds qui nous ont été alloués par le Congrès, tels que les fonds des Ecoles Publiques, les fonds de la vente des terres en marais &c. &c., sans accorder d'intérêt sans prendre aucune mesure pour le paiement. C'est pour remédier à cet état de choses et pour rétablir le crédit de l'Etat que j'ai présenté cette résolution, et on me repond en insinuant que je parle pour ne rien dire !

Si c'est le devoir du comité de finances de prendre en considération cette question, n'est-ce pas aussi le devoir du Sénat ?

J'ai dit tout à l'heure que nous avons à plusieurs reprises emprunté aux fonds dont il nous a été fait donation. En ce moment même, si je suis bien informé, une proposition est devant la Chambre d'emprunter $50,000 au fonds des terres en marais ; et savez-vous dans quel but ? pour nous payer, nous membres de l'Assemblée Générale ! J'insiste donc, monsieur, à dire que ce sujet réclame impérieusement la considération de la Chambre et je ne vois pas la convenance qu'il y aurait à le référer au comité de finances Le but de la resolution est de donner des instructions à un comité pour qu'il fasse une certaine chose, pourquoi donc la referer à ce comité pour qu'il en fasse un rapport ?

M. Kenner demande que les règles soient suspendues. Sa motion est acceptée et la resolution est adoptées Un seul sénateur, M. Hodge, vote contre elle.

M. Kennedy, greffier de la Chambre, annonce que l'orateur a signé le bill qui place dans le Trésor de l'Etat certains fonds appartenant aux Ecoles Publiques.

ANNONCE DE BILLS.

M. Wickliffe annonce son intention de présenter un bill faisant des appropriations aux différents districts d'école de toutes les sommes déposées au Trésor par les surintendants de paroisses, conformément aux sections 2 et 5 de l'acte de 1852 qui abolit la place des surintendants de paroisse.

M. Nichols.—Un acte pour la nomination de peseurs de sucre et de coton dans et pour la ville de la Nouvelle-Orléans.

M. Hodge annonce son intention de présenter un bill restreignant la juridiction de la Cour Suprême, dans les affaires civiles, à la question de droit seulement.

BILLS PRESENTES.

Conformément à l'annonce qu'il en avait faite, M. McCay présente un bill pour l'abrogation de la loi d'exemption.

Ce bill est référé au comité judiciaire.

M. Mouton.—Un acte pour l'émancipation de Susan Cittell, femme mineure du Dr Vincent Bouqui, de la paroisse de St-Landry.—Adopté.

M. Kittridge. — Un acte pour l'émancipation de Eliza Moran—Adopté.

M. Martin.—Une résolution requérant l'Ingénieur de l'Etat de faire enlever les obstacles qui se trouvent dans les bayous Pierre Pont et l'Ours—Adopté.

M. Short.—Une résolution demandant que le Trésorier de l'Etat soumette au Sénat, dans le plus bref délai possible, un tableau indiquant le total des sommes reçues au Trésor, et provenant du produit à cinq pour cent des terres publiques de l'Etat, en vertu de la 5me section de l'acte du Congrès, approuvé le 16 février 1811 (statuts révisés, page 19) quelles sommes provenant de ce fonds ont été payées pour des chemins ou des levées, quelles sommes ont été payées pour d'autres objets, et aussi un tableau des sommes payées pour des travaux d'améliorations intérieures depuis l'établissement du fond pour les améliorations intérieures en vertu de l'acte de 1833 (statuts révisés, page 327) en même temps que l'usage qui en a été fait, le montant des sommes payées pour les dépenses du bureau des commissaires pour les améliorations intérieures, antérieurement à lépoque à laquelle la direction des améliorations intérieures fut confiée à un ingénieur (statuts révisés, page 327, sections 3 et 8) ainsi que les dépenses annuelles pour l'administration de ce fonds, depuis la nomination d'un ingénieur—Adopté.

Un bill présenté par M. Palfrey, définissant les de-

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voirs des notaires hors de la ville de la Nouvelle-Orléans, est référé au comité judiciaire.

Le Sénat entre ensuite en séance exécutive et s'ajourne immédiatement après.

VENDREDI, 28 janvier 1853.

Immédiatement après la lecture des minutes, M. Mouton, du comité des dépenses casuelles, présente un rapport relatif à un compte de papeterie présenté par MM. Carson et Armstrong, pour achats faits par le sergent d'armes de la dernière session. Le comité fait un rapport contre le paiement intégral du dompte ($900.)

A la suite d'une courte discussion, la question est renvoyée au comité, avec faculté laissée au comité d'agir comme il le jugera convenable.

M. Mouton présente une résolution défendant au sergent d'armes de faire aucun achat pour l'usage du Sénat, sans y avoir été autorisé par le comité.

La résolution est adoptée.

Compagnie du Télégraphe de la Nouvelle-Orléans et de la Rivière-Rouge.

M. Lacey rappelle qu'il y a quelques jours il a présenté un bill à l'effet d'accorder une charte d'incorporation à la Compagnie du Télégraphe de la Nouvelle-Orléans et de la Rivière-Rouge. Lorsqu'il a présenté ce bill, il ne l'avait pas lu avec attention. Plus tard il s'est aperçu que la rédaction du bill ne rend pas l'idée de l'auteur. Il demande donc la permission de retirer le bill, afin d'y faire les corrections nécessaires.

Cette permission est accordée.

MESSAGE DE LA CHAMBRE.

M. Reinhart, greffier-assistant de la Chambre, fait savoir au Sénat que M. E. Solomon a été nommé greffier en chef de la Chambre, par intérim, pour remplacer M. Kennedy qui a obtenu un congé.

M. Griffin, d'un comité spécial, rapporte qu'il a examiné le compte des dépenses casuelles du trésorier et qu'il l'a trouvé correct.

La résolution de M. Martin, défendant d'introduire des vins ou des boissons fortes dans les antichambres de la salle du Sénat, est mise en discussion.

M. Martin en demande l'adoption.

M. Wickliffe dit qu'il est heureux d'avoir l'occasion d'exprimer son assentiment aux principes émis par la resolution, bien que, dans son opinion, cette résolution soit inutile cette année. Il est persuadé que le comité sur les dépenses casuelles est inflexiblement opposé à ce que l'on consomme ainsi, aux frais du trésor de l'Etat, des vins et des liqueurs, abus qui se continue depuis quelque temps et qu'il est résolu à ne faire aucune appropriation pour le paiement de semblables dépenses. L'année dernière surtout, il y avait lieu à l'adoption d'une semblable résolution, ainsi qu'il va le faire sentir en présentant le rapport du comité sur les dépenses casuelles pour la dernière session, duquel document il appert qu'il a été payé à

E. J. Hart & Co., pour divers,	505 90
B. B. Hart, " "	593 75
H. W. Bell & Co., " "	200 00
Hiriard (commis), pour dépenses casuelles,	150 00
Hart & Co, pour lampes, chandelles, &c.,	394 65
Bonnecaze, pour chandelles, verres, &c,	122 30
Total,	$1,966 60

Par ce tableau, le Sénat comprendra la necessité de la résolution qui a été presentée. Non qu'elle doive avoir aucun effet à cette session; car, comme il l'a déjà dit, le comité sur les dépenses casuelles n'acceptera pas de comptes pour liqueurs, et en cela il approuve la détermination qu'il a prise; mais parce qu'il est nécessaire qu'il soit établi un précédent pour l'avenir.

D'après le tableau qu'il vient de lire, le Sénat verra que plus de $1,900 ont été dépensées l'année dernière, et dans ce total est compris le compte des liqueurs. Il ne dit pas que $1,900 aient été dépensées pour liqueurs seulement; il dit que les comptes de liqueurs sont compris dans ce total et puisque le comité n'a pas séparé les différents items, il ne lui est pas possible à lui de le faire. Il ne peut donc par conséquent établir exactement le montant qui a été payé pour les liqueurs en particulier, mais les sénateurs peuvent se faire, par eux-mêmes, une idée de la somme qui a dû être payée de la sorte, par cette législature de réductions et de réforme. A cette session qui vient de commencer la résolution proposée n'aurait aucune utilité pratique, puisque le comité ne consentira à aucune dépense de cette nature; mais il est convenable que le peuple sache ce qui a été fait à la dernière session. Il espère que la résolution sera adoptée.

M. Burthe, dit que le sénateur qui vient de parler commet une erreur. Qu'il est venu à lui (M. Burthe) comme président du comité sur les dépenses casuelles à la dernière session du Sénat, et l'a prié de lui indiquer quelles sommes avaient été dépensées en liqueurs. Que lui (M. Burthe), a répondu qu'il ne pouvait pas le faire, mais qu'il a referé M. Wickliffe aux titres sous lesquels étaient inscrites ces dépenses; qu'en les consultant il pouvait obtenir les informations qu'il demandait. Si mon collègue, ajoute-t-il, avait pris la peine de se rendre au bureau et d'examiner les comptes, il aurait pu facilement s'assurer au juste de la somme qui a été dépensée en liqueurs.

Je voterai néanmoins en faveur de la résolution présentée par le sénateur de l'Assomption, parceque mon avis est qu'il est temps que le cabinet du coin soit enfin fermé.

M. Wickliffe fait la remarque qu'il n'a nullement affirmé que la somme entière de $1900 ait été dépensée en liqueurs seulement ; il a seulement dit que le montant payé pour les liqueurs était compris dans ce total

M. Barthe—Il est vrai que ce montant est compris dans ce total, mais il est loin de le composer seul.

M. Lacoste est opposé à la résolution. Il ne pense pas que les dépenses de liqueurs faites par les sénateurs doivent être payées par l'Etat ; mais en même temps, il ne croit pas qu'on doive priver les sénateurs individuellement du droit d'avoir des liqueurs pour leur usage particulier. Une autre raison pour laquelle il s'oppose à la résolution est que les buveurs d'eau ne sont jamais bons.

M. Derbès présente un substitut par lequel le comité sur les dépenses casuelles est requis de ne rien accorder pour frais de vins et de liqueurs.

M. Mouton dit qu'il ne voit pas l'utilité de ce substitut, attendu que le comité tout entier est oppose à ce qu'il ne soit rien accordé pour frais de vins et de liqueurs et rien ne pourrait l'affermir davantage dans l'inflexible résolution qu'il a prise.

M. Martin fait la proposition de déposer le substitut sur le bureau et demande que sa motion soit mise aux voix.

M. Kenner déclare qu'il ne pourra voter pour le dépôt sur le bureau, attendu que ce serait consacrer en principe qu'il désire que le comité paie des comptes de cette nature.

M. Martin retire sa motion à l'effet de prendre le vote du Sénat.

M. Derbès fait en son nom la proposition retirée par M. Martin.

Le vote est pris et la motion du dépôt sur le bureau est rejetée.

M. Martin propose un amendement défendant au sergent d'armes de laisser introduire des liqueurs fortes.

M. Griffin pense qu'une semblable résolution aurait un effet nuisible sur les sénateurs attaqués de dyspepsie.

M. Martin déclare qu'il est disposé à faire subir à sa résolution un autre amendement qui permettra à tout senateur de se soustraire à la règle, en faisant inscrire son nom dans le journal, et de lui donner, la faculté d'avoir, cette formalité une fois remplie, une bouteille de liqueur forte dans son pupitre.

L'amendement de M. Martin est deposé sur le bureau.

La motion est faite d'adopter le substitut.

M. Kenner espère que le Sénat, après y avoir réfléchi, n'adoptera pas la résolution ; attendu que ce serait un manque d'égards pour les membres du comité, qui ont declare qu'ils n'alloueraient aucun compte pour liqueurs fortes.

Le substitut est adopté par 20 voix contre 10.

BILLS PRESENTÉS.

M. Lacoste.— Un acte pour autoriser William Bridges et Elizabeth McRien, sa femme, à adopter Minerova Jane Campbell.—Adopté.

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M. Derbès.—Un acte pour amender la 3me section d'un acte intitulé « Acte relatif à la vente d'une partie des terres marécageuses et des terres submergées qui ont été accordées à l'Etat par les actes du Congrès approuvés, l'un, le 2 de mars 1849 et l'autre le 28 de septembre 1850, et relatif à l'emploi du produit de cette vente.»—Renvoyé au comité judiciaire.

M. Shart.—Un acte intitule « Acte pour confirmer la vente des terres, situées sur le Raccourci.»—Adopté.

BILLS VENANT DE LA CHAMBRE.

M. Solomon demande que le Sénat donne son concours a un acte relatif à un emprunt, dans le but de payer les dépenses de l'Etat.—Renvoyé au comité de finances.

Il demande aussi son concours à une résolution requérant nos représentants et enjoignant à nos sénateurs au Congrès de faire leurs efforts pour obtenir l'établissement d'une malle hebdomadaire entre Winnsborough et le point de traverse de la Rivière-aux-Bœufs, à la traverse de Columbia.—Adopté.

Aussi, un acte créant une appropriation des sommes payées au trésor de l'Etat, par les surintendants de paroisse des écoles publiques.—Référé au comité sur l'éducation publique.

M. Solomon rapporte que la Chambre à donné son concours aux résolutions du Sénat, ayant pour but de faire enlever les obstructions qui se trouvent dans le bayou Lafourche.

MESSAGE DU GOUVERNEUR.

Sur motion de M. Wickliffe, le message du gouverneur est mis à l'ordre du jour, pour vendredi, et la Chambre ordonne que ce message et les documents y annexés soient imprimés et tirés à 5000 exemplaires.

BILLS APPROUVÉS.

Le messager spécial du gouverneur donne avis au Sénat que le gouverneur a signé le bill relatif au versement de certains fonds des écoles dans le trésor de l'Etat et la résolution autorisant le gouverneur à nommer un messager officiel.

Le président du Sénat adjoint MM. Dupré et Evans au comite sur les améliorations intérieures.

Le Sénat se réunit en séance exécutive et s'ajourne immédiatement, après l'ouverture des portes.

LUNDI, 31 janvier 1853.

Le Sénat s'assemble conformément à l'ajournement. 23 sénateurs sont présents.

ANNONCÉ DE BILLS.

M. Todd.—Un acte relatif à la décision des causes dans les cas de récusation.

M. Burthe.—Un acte pour autoriser Antoine Garantier et Adelaïde Banère, sa femme, de la paroisse de Jefferson, à adopter Edward Pierre Louis, fils de Geneviève Bounère.

M. Lacey présente une résolution faisant une allocation de $300 pour ports de lettres, attendu que le maître de poste a signifié qu'autrement il ne délivrerait plus de lettres, qu'il a eu à payer lui-même les frais de port de la dernière session. Cette résolution est adoptée.

M. Wickliffe, du comité sur l'éducation publique fait un rapport en faveur du bill allouant aux écoles publiques les sommes versées dans le Trésor par les surintendants de paroisse, en vertu de la loi approuvée le 18 mars 1852.

Sur motion, l'action du réglement est suspendue, et le bill est adopté.

Sur motion de M. Lacey, son rapport sur les dépenses casuelles du bureau des Ecoles Publiques est référé au comité auquel appartient cette question.

Le président soumet au Sénat la communication suivante, transmise par le Secrétaire d'Etat.

BUREAU DU SECRETAIRE D'ETAT.

BATON-ROUGE, 31 janvier 1853.

A l'honorable W. W. Farmer, Président du Sénat.

Monsieur,

Conformément à une résolution adoptée par le Sénat et à moi transmise le 28 du courant, je soumets le tableau suivant, indiquant le nombre et la nature des corporations autres que les corporations religieuses, scientiques et littéraires et qui ont été organisées en vertu des actes de 1847 et 1848, et montrant le capital de chacune d'elles et l'époque de leur organisation.

EPOQUE DE L'ORGANISATION.		Montant du capital nombre illimité d'actions. pas moindre que 100 actions à $25 par action.
23 nov. 1848.	Cie du théâtre de Lafayette.	
21 Mai 1849.	Compagnie d'assurance mutuelle sur la vie et contre l'incendie.....	$200,000
6 Juin 1849.	Compagnie d'assurance des Marchands.....	200,000
21 Juillet 1849.	Compagnie d'assurance mutuelle du Crescent.....	200,000
15 Nov. 1849.	Compagnie d'assurance des Marchands et Habitans...	200,000
1 Juillet 1850.	Southern Mutual Life Insurance Compagny of Louisiana.....	200,000
10 Janv. 1851.	Cie du chemin de fer des Attakapas et du Mississipi...	200,000
30 Avril 1851.	Cie du chemin de fer de Lafayette et du lac Pontchartrain	250,000
2 Août 1852.	Pelican Dry Dock Cie., amendement.....	75,000

Votre obeissant serviteur,

A. S. HERRON,
Secrétaire d'Etat.

Sur motion de M. Nichols est nommé du comité pour les améliorations intérieures, en remplacement de M. Dupré, qui est dispensé d'en faire partie.

M. Wickliffe.—Un acte incorporant la compagnie du Télegraphe de la Nouvelle-Orléans, de la Rivière Rouge et de l'Ouest, avec ses branches.

Un acte pour l'organisation et le règlement du département du trésor.

Acte pour l'organisation et le règlement du département du secrétaire d'Etat.

Un acte definissant la place et les devoirs de l'avocat-général.

Un acte pour l'organisation et le règlement du bureau du surintindant de l'education publique.

Tous référés au comité judiciaire.

Un acte accordant une extension de temps pour les demandes et paiemens des terres en marais ou inondées dans la paroisse de Livingston.

Un acte établissant un dépôt général pour les esclaves marrons et prescrivant la manière dont il doit en être disposé.

Un acte autorisant l'émission d'un writ de *mandamus* contre les juris de police et les corporations municipales.

Un acte autorisant le maire et le bureau des notables (selectmen) de la ville de Bâton-Rouge à diviser cette ville en deux districts d'élection.

Un acte règlant la place et les devoirs du commissaire des Cours.

M. Griffin.—Un acte pour l'établissement d'un séminaire d'instruction dans la paroisse des Rapides.—Référé au comité sur l'éducation publique.

Le Sénat entre ensuite en session exécutive et s'ajourne aussitôt l'ouverture des portes.

MARDI, 1er février 1853.

Le Sénat s'assemble conformément à l'ajournement; 25 sénateurs sont présents.

Immédiatement après la lecture des minutes, M. Martin demande que, conformément à l'usage qui a été suivi jusqu'ici, le Sénat élise un président intérimaire. La motion est adoptée.

M. Martin propose M. Wickliffe.

Aucun autre nom n'étant mis en avant, M. Wickliffe est élu à l'unanimité.

M. Clifton, du comité des finances, auquel avait été renvoyé le bill autorisant le Gouverneur à emprunter $100,000 pour subvenir aux dépenses de l'Etat, fait un rapport favorable et demande que le bill soit mis à la discussion.

Le bill est mis devant la Chambre, lu une seconde et une troisième fois, et adopté sans discussion.

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BILLS PRESENTÉS.

M. Millard.—Acte pour autoriser le Recorder de la paroisse de St-Landry à nommer un collecteur des taxes de l'Etat pour les années 1851 et 1852.

M. Mouton.— Acte pour venir au secours de Alexander McDonald, de la paroisse de Vermillon.

Acte pour venir au secours de Pierre Onézime Broussard.

M. Derbès.—Acte pour venir au secours de Thomas J. Burke.

Acte ayant pour but d'abroger l'acte pour exempter de la taxe certaines propriétés appartenant à la Banque Commerciale de la Nouvelle-Orléans.

Acte pour accorder une charte d'incorporation aux Président et membres du Collège de la Louisiane.

Acte accordant une juridiction au gouvernement fédéral sur toute partie de rue où de chemin passant à travers l'emplacement que le gouvernement général se propose d'obtenir pour l'établissement d'un chantier de construction navale.

BILLS ET RESOLUTIONS PRESENTÉS.

M. Martin.—Résolution pour que le Sénat procède mercredi, 9 février, à la classification des catégories de Sénateurs.—Adoptée.

M. Lacey.—Acte relatif à l'éducation de jeunes gens aux frais de l'Etat dans les différents collèges universités et maisons d'éducation.—Renvoyé au comité d'éducation.

M. Burthe.—Acte pour autoriser Antoine Carantier et sa femme Adélaïde Bonnere, à adopter Edward Pierre Louis, fils de Geneviève Bonnere.—Renvoyé au comité judiciaire.

M. Wickliffe.—Résolution requérant le comité de la milice à rapporter un bill pour venir au secours des vétérans de 1814 et 1815.

Un rapport transmis par le register du bureau des terres est soumis au Sénat.

Sur motion de M. Lacey, ce rapport est renvoyé au comité des terres et des levées, et l'impression en est ordonnée à 500 exemplaires.

MESSAGE DE LA CHAMBRE.

Bills auxquels la Chambre a donné son concours :

Acte pour émanciper Susanne Little, avec des amendements.

Acte pour émanciper Judson J. Howerton.

Le greffier de la Chambre demande aussi le concours du Sénat pour les bills suivants :

Acte pour venir au secours de Thomas D. Nix.

Acte pour allouer une certaine somme pour salaires d'assesseurs pour les taxes de l'année 1852.

Après s'être formé en séance exécutive, le Sénat s'ajourne.

MERCREDI, 2 février 1853.

Le Sénat s'assemble, conformément à l'ajournement.

Aussitôt après la lecture du journal, M. Clifton du comité de finances auquel a été référé le bill appropriant une certaine somme d'argent au paiement des assesseurs de taxes pour l'année 1852, fait un rapport favorable avec quelques amendements par lesquels l'appropriation est réduite.

Le bill décrète que les somme pour les paiements seront prises des fonds dont les assesseurs sont eux-mêmes respectivement collecteurs.

M. Rivers désirerait savoir pourquoi cet argent serait pris des fonds spécifiés dans le bill.

M. Clifton dit que cette question est tout entière de celles que règle la loi. Il croit que le bill est rédigé dans toutes les formes ordinaires et le sénateur de l'Ascension peut dire lui-même s'il n'en est pas ainsi.

M. Kenner dit que les collecteurs du fonds général doivent être payés de ce fonds lui-même, et les collecteurs des fonds spéciaux doivent l'être de chacun de ces fonds respectivement.

Le rapport du comité est adopté et le bill passe.

M. Clifton, du même comité, rapporte un bill pour venir au secours de Thomas C. Dickham, shérif de la paroisse de Washington.

Il explique l'objet du bill, lequel est de payer au shérif les commissions qui lui sont dues, conformement à la loi; lesquelles commissions, avec le montant des collectes faites par lui, ont été déposées entre les mains de l'auditeur, quoique postérieurement au terme prescrit par la loi. Il n'est pas en défaut puisqu'il a payé jusqu'au dernier sou de la somme qu'il a collectée.

M. Hodge, dit qu'en principe il est opposé à tout bill de la nature de celui qui vient d'être présenté. La loi exige impérativement que les collecteurs fassent versement de leurs collectes à de certaines époques. Elle exige des officiers publics de certains devoirs qui devraient être remplis. Mais aussi longtemps que la Législature leur viendra en aide, lorsqu'ils auront manqué à leurs obligations, ils ne se conformeront jamais aux exigences de la loi. En conséquence, et pour le principe seulement, il demandera l'enrégistrement de son vote contre ce bill et il demande l'appel nominal sur son adoption.

M. Boatner fait la remarque que si son collègue connaissait bien toutes les circonstances de l'affaire, il ne ferait pas opposition au bill. Le principe que défend M. Hodge est parfaitement correct. Mais les circonstances qui se rattachent à cette affaire sont telles, qu'elles en doivent faire une exception. Il n'y a pas eu de la faute de la personne en faveur de laquelle le bill demande secours, si le versement n'a pas eu lieu à temps, c'est une modification introduite dans la loi qui en a été la cause. Sous l'empire de la loi qui était en vigueur l'année dernière, les collecteurs avaient donné sécurité pour le paiement de leurs collectes avant le 31 décembre de chaque année. Une loi subséquente, passée à la dernière session de la Législature, a changé l'époque de ses versements et l'a fixée au 1er décembre au lieu du 31. Plusieurs collecteurs n'ont pas pu cette année se conformer à la nouvelle loi, et ils ont agi en toute conformité à leurs cautions et aux obligations contractées par eux, quoiqu'ils n'aient fait leurs paiements qu'un peu après le 1er décembre, terme fixé par la loi. Ils ne sont en défaut pour aucune somme.

M. Burthe corrobore le rapport du sénateur de Caldwell.

M. Hodge dit que si les circonstances sont telles, il retirera sa motion et votera en faveur du bill.

Le bill est alors adopté.

Le même membre, du même comité, présente un rapport favorable au bill pour venir au secours de G. C. Nix, collecteur de taxes d'Etat pour la paroisse de Catahoula, et aussi un rapport favorable au bill pour venir au secours de l'ex-shérif de la paroisse des Rapides.

Les deux bills sont adoptés.

M. Kenner, du comité des banques et maisons de banque, présente un rapport accompagné d'un bill par lequel les qualifications requises pour être nommé directeur de la Banque des Citoyens, sont changées par un amendement à la 17me section de la charte, de telle sorte que toutes personnes qui sont citoyens de l'Etat et possèdent à l'époque de l'élection 50 actions du fonds capital de la Compagnie, deviennent éligibles. Le bill doit être mis en vigueur lorsqu'il aura été accepté par une majorité des directeurs, en nombre et en actions.

Le bill est lu une fois et référé.

M. Lacey, de la part du comité judiciaire, présente un rapport défavorable à plusieurs bills pour l'émancipation de mineurs. Le comité ne croit pas qu'il soit convenable d'encourager une législation exceptionnelle de cette nature, et il ne voit rien dans les cas qui lui ont été référés qui justifie une déviation de la règle.

Sur motion de M. Griffin, le rapport est déposé sur le bureau, sujet à l'appel.

M. Palfroy présente un bill faisant une appropriation pour le paiement de la balance due par la dernière Convention d'Etat.

M. Palfrey explique qu'une appropriation de $25,000 a été faite pour défrayer les dépenses de la convention ; mais cette appropriation a été épuisée quelque temps avant l'ajournement de la convention. Avec toute l'économie possible, car en économisant le temps elle économisait l'argent, la convention n'a pu se tenir dans les limites de l'appropriation. Il devient donc nécessaire d'effectuer un emprunt au nom de l'Etat.

L'obligation contractée s'élevait à $7,000 et le montant total du déficit laissé par la convention est de plus de $8,000. C'est pour faire face à cet arriéré encore dû, qu'il présente ce bill.

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M. Burthe désire savoir si l'intention du sénateur est que le bill soit adopte immédiatement ou s'il préfère qu'il soit référé à un comite.

M. Palfrey croit que l'urgence et que la nature de la dette exigent la passation immédiate de ce bill.

M. Slack présente une résolution enjoignant à l'ingénieur de l'Etat de faire le relevé du Bayou Plaquemines et de faire un rapport sur la convenance qu'il y aurait à construire des travaux à l'embouchure du dit bayou dans le but d'empêcher que le bois de dérive n'y puisse pénétrer.

M. Short désire savoir si cela occasionnera aucune dépense du fonds des améliorations intérieures.

M. Martin répond que non.

M. Slack dit que des travaux de la nature de ceux auxquels il est fait allusion dans la résolution ont été déjà faits une fois à l'embouchure du Bayou Plaquemines ; mais il y a plusieurs années qu'ils ont été détruits par le feu. Depuis lors de grands inconvénient et de graves dommages aux propriétés ont été occasionnés par la destruction de ces travaux. La résolution suggère seulement de quelle importance il serait qu'ils fussent reconstruits et que de la sorte les inconvénients actuels fussent évités. Le bois de dérive qui entre dans le bayou s'accumule en très grande quantité et obstrue l'écoulement de l'eau dans le golfe. Il en résulte presque tous les ans de désastreuses inondations.

Comme la résolution n'a en vue rien de plus qu'un simple rapport de l'Ingénieur de l'Etat sur la convenance qu'il y aurait à refaire les travaux en question, il espère qu'elle sera adoptée.

M. Short pense que ce travail exigera que certaines sommes soient tirées des fonds alloués aux améliorations intérieures. Dans cette partie de l'Etat qu'il représente, on a beaucoup entendu parler des fonds consacrés aux améliorations intérieures, mais jamais un sou n'en est parvenu jusque là. Les Sénateurs ne devront donc pas être étonnés si les constituants montrent une curiosité assez excusable dans l'examen de ce sujet, et s'ils désirent avoir aussi quelques unes des miettes qui tombent en si grande abondance dans d'autres parties de l'Etat. Les Sénateurs doivent donc, il le répète, leur pardonner de désirer savoir l'emploi que l'on fait de cet intéressant crédit ouvert aux améliorations intérieures, dont pas un sou ne s'est jamais montré dans sa localite. Ses constituants ont entendu parler d'allocations faites au Bayou Plaquemines et au Bayou tel et tel, mais c'est là tout ce qu'ils en ont su. Ils desirent savoir au plus tôt ce que tout cela coûte.

M. Slack dit que c'est précisément dans ce but qu'il a presenté cette resolution.

L'objet qu'elle se propose est d'arriver à la connaissance du montant que coûteraient les travaux proposés.

M. Short fait observer que s'il ne s'agit que du salaire ordinaire de l'Ingénieur de l'Etat, il ne fera aucune opposition, mais que si ces travaux doivent empieter sur les fonds destinés aux améliorations intérieures, il n'y consentira pas.

M. Martin explique que la résolution n'a nullement pour but de toucher à ces fonds. Elle requiert simplement l'Ingénieur de l'Etat de faire un travail qui rentre strictement dans ses attributions.

La résolution est définitivement adoptée.

Election d'un Sénateur pour les Etats-Unis.

M. Griffin présente une résolution conjointe à l'effet de procéder à l'élection d'un Sénateur au Congrès, vendredi prochain, en remplacement de M. S. W. Downs, dont le terme expire.

M. Martin demande si le Sénateur a annoncé son intention de présenter cette résolution. Le réglement exige que cette annonce soit faite, et il insistera sur l'application du réglement.

M. Griffin ne connait l'existence d'aucun réglement pareil.

M. Martin réplique qu'une résolution conjointe est de la même nature qu'un bill. Le Sénateur devrait connaître les réglements aussi bien que lui-même. Ces réglemens exigent l'annonce préalable, et il s'oppose à ce que la résolution soit présentée de cette manière.

Le président décide que la résolution n'est pas à l'ordre.

M. Griffin désire que le règlement en question lui soit indiqué. Il n'en connaît pas l'existence.

M. Martin dit que le président a déja décidé que la résolution n'est pas à l'ordre et il s'oppose à la présentation de la résolution, quant à présent.

M. Griffin annonce alors qu'il présentera les résolution demain.

M. Hodge présente une résolution requérant l'ingénieur d'Etat d'examiner s'il est nécessaire et possible de faire un canal à écluses, près des chûtes de la Rivière Rouge à Alexandrie, de faire disparaitre ces chûtes ou de les rendre moins rapides, de calculer le cout probable des traveaux nécessaires à cette fin et de faire son rapport sur le tout.

La résolution est adoptée.

M. Palfrey demande et obtient la permission de présenter un bill intitulé : "Acte pour autoriser les opérations de Banque dans l'Etat de la Louisiane, et il fait la motion que cet acte soit renvoyé au comité des Banques.

M. Palfrey dit que le bill qu'il présente est en tout semblable à un bill qui est maintenant devant l'autre chambre, ayant pour objet l'établissement des institutions connues sous le nom de « Free Banks », et qu'en faisant cette motion, son but est de donner au comité des banques le temps d'étudier, avec le soin et l'attention que le sujet demande, le bill qu'il soumet à la considération du Sénat. C'est un sujet qui embrasse d'importantes questions sur les finances, et le système de banques, et l'influence du bill qui sera adopté, pernicieuse ou salutaire, sera immense sur la circulation du pays. Il ne voudrait pas que l'on inférât de ce qu'il présente ce bill qu'il désire le voir adopter ou qu'il s'engage à l'appuyer. Il n'a pas encore examiné le sujet avec assez d'attention pour dire qu'elle sera sa ligne de conduite à cet égard. C'est pour que les dispositions de ce bill puissent, sans perdre de temps, être mûrement étudiées par le comité des Banques, qu'il fait sa motion, laquelle consiste à renvoyer le bill à ce comité.

Sur motion de M. Palfrey, le bill est lu deux fois et renvoyé au comité des banques.

M. McCay annonce qu'il a l'intention de présenter un bill dans le but de canceller certains bons émis par des officiers publics, et ayant pour objet la radiation d'hypothèques résultant de l'inscription des dits bons.

Le même membre présente une résolution ayant pour objet la nomination d'un comité réuni, chargé d'examiner les livres du Trésorier.

BILLS RENVOYES A DES COMITES

M. Mouton.—Acte pour venir au secours de Piere Onézéime Broussard ancien surintendant de la paroisse de Vermillon,—Comite judiciaire.

Acte pour venir au secours de Alexander McDonald, résidant à l aparoisse de Vermillon—Comité des réclamations.

ORDRE DU JOUR.

Une résolution demandant un bureau de poste aux *établissements français* dans la paroisse de Livingston est adoptée.

Sur motion de M. Short, cette partie du rapport du register du bureau des terres publiques est renvoyée au comité judiciaire.

Sur motion, le Sénat s'ajourne.

JEUDI, 3 février 1853.

Le Sénat se réunit conformément à l'ajournement.

Après la lecture du journal M. Kenner demande et obtient la permission de présenter sans avis préalable le bill suivant :

« Acte pour interdire la circulation de petits billets. »

Section 1re.—Il est décrété par le Sénat et la Chambredes Représentants réunis en Assemblée Générale,

Qu'à dater de la promulgation de cet acte, il ne sera plus permis à aucun individu ni à aucune association d'individus autorisés ou non autorisés à faire des opérations de banque, non plus qu'à aucune corporation politique ou autre dans les limites de la Louisiane, de de créer, émettre ou faire émettre, de payer ou recevoir en paiement aucune lettre de crédit, billet de banque ou billet à ordre ou autre papier destiné à la circulation comme représentatif d'espèces, d'un montant ou d'une dénomination moindre que cinq piastres.

Section 2me.—Il est de plus décrété, etc. Qu'aucun individu ou aucune association d'individus ou aucune corporation politique ou autre qui contreviendra aux

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dispositions du présent acte, sera passible, pour chaque contravention, de la somme de dix piastres recouvrable avec les frais d'instance au nom et pour le bénéfice de toute personne qui intentera et suivra l'action en recouvrement jusqu'à jugement définitif pardevant toute Cour de juridiction compétente.

Section 3me.—Il est de plus décrété, &c., que la pénalité décrétée par la 2me section de cet acte ne sera pas recouvrable avant six mois, à dater de la promulgation de cet acte, d'aucun individus ou association d'individus autres que ceux qui émettront ou feront émettre les dits petits billets, qui donneront ou recevront en paiement aucun des billets dont la circulation est défendue par la première section de cet acte.

Le bill a été référé au comité sur les Banques.

M. Griffin, ayant la parole, déclare qu'il se lève afin d'obtenir des informations sur un certain sujet. Il avait été, dit-il, nommé, par le président du Sénat, membre du comité des améliorations intérieures, et s'était rendu à la réunion de ce comité à l'heure fixée, et qu'à cette réunion une élection d'un commis de ce comité avait été faite, et que M. Coco avait été élu par une majorité des membres. Il avait compris que l'on avait pris exception de ce fait du comité, et par conséquent il désirait être informé, quant au droit du comité, de nommer son propre commis.

M. King dit qu'il avait l'intention d'appeler, en temps opportun, l'attention du Sénat sur ce fait, et qu'à cet effet il avait rédigé un rapport des actes du comité à cette séance, et qu'il allait lire ce rapport afin que les sénateurs sussent exactement ce qui s'était passé à cette séance.

Il a donc lu le rapport suivant :

Le président du comité des améliorations intérieures, en son propre nom, demande à soumettre le rapport suivant :

Le sujet sur lequel je demande à appeler l'attention du Sénat, est exposé dans la copie suivante des délibérations du dit comité.

Comité des Améliorations intérieures.

Séance du 2 de février.

Tous les membres du comité sont présents.

M. King, président, annonce au comité qu'il a nommé, le 28 de janvier, M. Louis Castren, greffier du comité ; que cette nomination lui a paru nécessaire.

M. Griffin fait la motion suivante :

Je fais la proposition que M. Bienvenu Coco soit élu greffier du comité des améliorations intérieures,

Le président décide que la motion n'est pas à l'ordre, attendu, qu'en vertu de la résolution qui vient d'être adoptée par le Sénat, aucun comité ne doit avoir le droit d'employer plus d'un commis ; que M. Louis Castera a été nommé par le président, le 28 du mois dernier, greffier du comité, qu'il remplit actuellement ces fonctions ; qu'aussi longtemps qu'il n'a pas été déplacé il n'y a pas de vacance, et qu'il ne saurait y avoir d'autre greffier élu.

M. Griffin appelle de la décision du Président et l'appel est maintenu.

Avant que l'on mît aux voix la proposition de procéder à l'élection d'un commis, M. Griffin proposa d'amander sa motion en désignant M. Coco comme greffier du comité.

A ce moment, je lus au comité le procès-verbal des délibérations et y appelai l'attention des membres, je compris qu'ils en reconnaissaient l'exactitude.

Je signifiai alors au comité que je protesterais contre toute action postérieure du comité sur cette question et que je ferais mon rapport au Sénat et lui demanderai de décider la question, sur quoi je me retirai. Je dirai de plus qu'en nommant M. Castera j'agis conformément à ce que j'ai compris avoir été l'usage invariablement suivi en pareilles matières par les deux branches de la Législature.

Il m'a paru que le président du comité avait jusqu'ici toujours choisi le greffier du comité, et qu'une élection de greffier par un comité était une chose jusqu'ici inconnue.

Dans ces circonstances, j'ai cru qu'il était de mon devoir d'en référer au Sénat pour qu'il décide si j'ai transgressé les pouvoirs qui appartiennent en propre aux fonctions de président.

Soumis respectueusement,
W Wm. KING.

M. Griffin prétend que le rapport qui vient d'être lu ne peut être reçu comme le rapport du Comité. Il se peut que ce soit le rapport du président, mais ce n'est pas le rapport du Comité. Il lit alors le rapport suivant de la majorité des membres du comité.

Conformément à un avis préalable, le Comité des améliorations intérieures s'assemble le 2 de février 1853. Sont présents les membres suivants, MM. King, Griffin, Todd, Kittridge, Kemp, Evans et Nicholls. Le Comité se trouvant organisé et prêt à commencer ses travaux, le président M. King, donne avis au Comité qu'il a nommé M. Louis Castera, greffier du Comité.

M. Griffin fait alors la motion que M. Bienvenu Coco soit élu greffier du Comité des améliorations intérieures.

M. Kittridge seconde la motion.

Le Président décide que la motion n'est pas à l'ordre.

Sur quoi M. Griffin appelle de la décision du président, et, le président ayant posé la question : la décision du président sera-t-elle maintenue ? MM. King, Kemp, Evans votèrent dans l'affirmative et MM. Nicholls, Todd, Kittridge et Griffin dans la négative. L'appel ayant été maintenu, et le résultat du vote proclamé, M. King se retire sans mettre aux voix la résolution originaire. M. Nicholls, appuyé par M. Kittridge, désigne M. Kemp comme président intérimaire du Comité.

M. Kemp ayant pris le fauteuil, la motion originaire présentée par M. Griffin est mise aux voix.— Sur quoi MM. Nicholls, Todd, Kittridge, Griffin, votent pour M. Coco, et MM, Evans et Kemp, sont dispensés de voter.

Le president annonce alors que M. Coco est dûment élu greffier du comité.

Sur motion le comité s'ajourne.

Signé : P. H. KEMP,
Président intérimaire.

M. Wickliff, déclare qu'il a écouté avec beaucoup d'attention les deux rapports qui ont été présentés l'un, par le président du comité des améliorations intérieures, l'autre par le sénateur des Avoyelles, qui a cherché par-là à se tirer du mauvais pas où il s'était jeté.

M. Griffin.—Pardonnez-moi, monsieur, le rapport que j'ai présenté n'est pas mon rapport ; c'est celui du comité, c'est à ce titre que je le présente. Je ne le soumets pas comme une justification de ma conduite. Je suis simplement l'organe par lequel le comité fait connaître au Sénat le resultat de ses travaux.

M. Wickliffe.—Alors, monsieur, le rapport aurait dû être présenté et lu par le président intérimaire du comité.

M. Kemp.—Mais, puisque le sénateur le désire, je changerai l'expression dont je me suis servi. Je dirai donc que j'ai écouté avec beaucoup d'attention les deux rapports qui ont été présentés, l'un par le président du comité, et l'autre, par le sénateur des Avoyelles, au nom de la majorité et dans le but de justifier sa propre conduite. Dans ces deux rapports, je vois que le président du comite des améliorations intérieures, s'appuyant sur un droit établi, a nommé un greffier, que le sénateur des Avoyelles et d'autres membres du comité désiraient voir nommé une autre personne, et qu'après la nomination d'un greffier par le président du comité, le sénateur des Avoyelles, d'accord avec les membres du côté opposé a fait procéder à l'election d'un autre greffier, en violation d'un usage établi et d'une résolution expresse du Sénat, qui déclare qu'aucun comité n'aura pas plus d'un greffier. Le président du comité a agi d'une manière régulière, il s'est tenu dans les limites de son droit et il est du devoir du Sénat de le soutenir.

M. Hodge desire présenter quelques observations à ce sujet. Il y a au fond du débat une question sérieuse. Il s'agit de décider si les comités ont le droit de nommer leur propre greffier, où si le président a le droit de faire la nomination contrairement aux vœux formellement exprimés de la majorité du comité. La question ne peut plus, à son avis, être débattue. Elle a déjà été résolu par le Sénat. Le représentant lui même (M. Hodge) a précédemment présenté une résolution permettant aux présidents de comité de nommer des greffiers chaque fois que, dans leur opinion,

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les circonstances l'exigeraient. Cette résolution a été repoussée ; et le Sénat a, par là, refusé expressément le pouvoir réclamé par le comité des améliorations intérieures.

M. Griffin exprime son adhésion aux observations présentées par le sénateur de De Soto.

M. Wickliffe pense qu'il y a erreur. Il ne se rappelle pas qu'on ait jamais agi sur une pareille résolution.

M. King croit que le sénateur fait confusion. Il demande la lecture de cette partie du journal qui a trait au sujet.

Le sénateur lit la partie en question.

M. Rivers, croit qu'un débat déjà bien inutilement long, a eu lieu sur cette question, et tout annonce qu'il se prolongera indéfiniment encore si l'on n'y met un terme. Il offre donc, pour tout concilier, une résolution qui réfère toute la question à un comité avec instructions de choisir ses propres commis.

M. Rivers retire plus tard cette résolution.

M. Wickliffe présente une resolution qu'il retire ensuite, laquelle autorise le comité à nommer ses commis lorsqu'il y aura unanimité entre ceux qui le composent.

Une discussion de quelques instants a lieu; après quoi M. King se lève et dit qu'en faisant la nomination à laquelle s'est opposée une partie des membres du comité, il n'avait pas agi inconsidérément. Membre tout nouveau, il a cherché avant de se décider à faire aucune nomination, à obtenir toutes les informations qui pouvaient satisfaire son esprit à ce sujet, et il avait agi, non d'après ses propres idées, mais en s'éclairant de l'experience des autres. Au nombre de ceux avec lesquels je me suis consulté, dit-il, se trouve le sénateur de l'Ascension. Ce sénateur m'a dit que le droit de nommer les commis des comités, appartenait, d'après la coutume, au président de chaque comité. Plus tard, il est encore venu à moi et dans une conversation que nous avons eue à ce sujet, il m'a dit, qu'à sa connaissance, jamais difficulté de cette nature n'avait eu lieu entre un comité et son président, et qu'en conséquence il ne pouvait me dire quelle était la coutume en pareille occurrence. J'ai aussi consulté M. Moise, M. J. E. King et plusieurs autres anciens membres de la Législature dans les deux Chambres et dans les deux partis, et tous exprimèrent la même opinion que, d'après la coutume établie, les présidents des comités nommaient toujours les commis. Tous les présidents de ce corps ont nommé leurs propres commis, dans cette session. Je suis moi-même membre d'un autre comité dont tous les membres, d'un cummun accord, ont concédé au president le droit de nomination. Le président du comité de finances a nommé le commis de ce comité. Le président du comité des terres et levées en a fait de même; et pour faire voir comment les choses ont eu lieu je vais lire le mandat d'élection donné dans cette occasion :

« J'ai nommé M. Edwin Floyd, commis du comité des terres et levées.

» H. Short, président. »

M. Floyd a agi depuis en vertu de cette nomination, et c'est encore en vertu d'elle qu'il attend son salaire de commis.

En nommant M. Castera, j'ai agi de la même manière que tous les autres présidents. Je n'ai fait qu'exercer un droit qui leur a toujours été concédé. Si le Sénat désirait les en dépouiller, il aurait dû le faire par l'introduction de quelque règlement ou de quelque résolution exprimant bien son intention; mais dans les circonstances actuelles, je ne désire pas être accusé par le Sénat d'avoir outre-passé mes pouvoirs, et cette accusation existerait de fait si la nomination que j'ai faite n'est pas reconnue.

M. Wickliffe présente la résolution suivante :

Résolu que l'action du président du Comité des Améliorations Intérieures dans la nomination qu'il a faite d'un commis était en tout conforme à l'usage établi dans le Sénat.

M. Griffin dit qu'il ne comprend pas très bien la résolution qui vient d'être présentée, et du reste il doute que celui qui l'a offerte la comprenne lui-même.

M. Wickliffe répond qu'il n'a pas l'habitude de voter sans savoir ce qu'il fait ou de présenter des résolutions qu'il ne comprend pas. Lorsqu'il aurait besoin d'être éclairé sur ce point ou sur tout autre par le sénateur des Avoyelles, il ne manquerait pas de s'adresser à lui.

M. Todd dit qu'étant membre du Comité des Améliorations Intérieures, il jugeait nécessaire de présenter son opinion sur la question qui se débattait.

On avait nié que le président eut agi conformément à ce qui s'est fait jusqu'ici en nommant un secrétaire du comité. Même en admettant cette doctrine, l'usage ne fait pas loi. Mais il craignait qu'après avoir examiné la chose, on ne découvrit que l'usage qui lui donnait ce droit exigeait aussi que la nomination se fit avec le concours des membres du Comité et après les avoir consultés.

Il est peut-être d'habitude que le président présente un candidat à cet égard; et si le comité ratifie ce choix d'une manière expresse ou par son silence, alors cette personne a le droit d'être regardée comme secrétaire ; la nomination n'etant valable qu'après cette ratification. Mais si le comité réuni se décide à élire son secrétaire, alors il repousse le choix de son président dont il annulle le pouvoir sur ce point. Et notre président s'est à tel point écarté de l'usage établi qu'il est le premier qui ait tenté de nommer un secrétaire contre l'opinion de la majorité d'un comité.

Il n'y a pas de droit mieux établi que celui d'un comité de nommer son secrétaire. On est même d'accord pour dire qu'un comite a le droit de nommer son président, bien que ce président soit nommé par le président du Sénat. S'il en est ainsi, comment peut-on nier que le comité n'a pas le droit de nommer son secrétaire. Les pouvoirs du comité en faisant une nomination pareille sont les mêmes que ceux du Sénat. C'est par convenance que le président du Sénat peut nommer les divers comités, mais le Sénat, s'il le juge à propos, peut lui enlever ce droit pour l'exercer lui-même, ainsi que nous avons eu dernièrement l'occasion de le voir.

Donner à un comité le droit de choisir son secrétaire serait établir un odieux principe. Cela serait dire qu'il a été établi d'une manière isolée et lorsque la doctrine démocratique n'avait pas le dessus a une époque ou la majorité ferait la loi et soumettrait pourtant un comité a la tyrannie d'un homme.

Bien que le motif que nous discutons soit peu important, le principe qui le domine vaut la peine d'occuper le Sénat.

En faisant ces observations et dans la part qu'il a prise dans la discussion, il protestait de son intention de ne blesser en aucune façon le président du comité. La préférence que ce dernier a accordée et que l'orateur signale n'est pas un motif pour manquer d'égards à l'honorable président.

La motion étant faite par M. Rivers de déposer toutes les résolutions sur le bureau, le vote est comme suit :

Oui.—MM. Burthe, Griffin, Hodge, Kenner, Kittridge, Lauve, Nichols, Palfrey, Rivers, Slack, Smith, Taylor, Todd.—13.

Non.—MM. Boatner, Clifton, Derbès, Evans Kemp, King, Lacey, McCay, Mouton, Patterson, Short, Theriot, Wickliffe.—Total, 13.

Les oui et les non étant du nombre égal, le vote du président a fait rejeter la question.

La question portant ensuite sur les résolutions mêmes, M. Lacey propose d'y substituer les suivantes :

Il est résolu que le Sénat donne son concours à l'acte du president du comité des améliorations.

Cette proposition a été accepté par M. Wickliffe.

M. Kenner se lève pour presenter une observation. Le sénateur de la Nouvelle-Orléans a, dans ses observations, fait allusion à lui (M. Kenner) et comme le sénateur semble être sous l'influence d'une erreur, il se croit tenu de donner, au sujet de ce qui s'est passé, des explications satisfaisantes. Il y a quelque temps le president du Comité des Améliorations Intérieures vint le trouver et lui demanda s'il pensait que les présidents des différents comités avaient le pouvoir de nommer des commis. Il répondit qu'il pensait que la coutume du Sénat était de reconnaître, par déference pour les presidents, les nominations de commis qu'ils auraient pu faire. Plus tard, cependant, il avait été trouver le sénateur et lui avait dit qu'à sa connaissance il ne s'était jamais présenté un cas où, sur cette question, le comite et le président fussent divisés. Quant à lui il avait été nommé président du Comité des Banques, dans lequel la majorité des membres lui

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est opposée en politique. Dans ces circonstances, il avait immédiatement exprimé sa résolution de laisser à ces messieurs tout pouvoir de nommer le greffier, attendu qu'il considérait que, bien que par déférence le Sénat eût jusqu'ici approuvé les nominations faites par les présidents des comites et que ce fût pour ainsi dire un usage établi, il pensait qu'il serait inconvenant à lui de profiter de la position qu'il ne tenait que du bon plaisir et de la courtoisie du comité, pour faire une nomination contraire à ce qu'il savait être les vœux de la majorité des membres. Telle est la substance de ce qui s'est passé entre le président du Comité des Améliorations Intérieures et moi.

M. King se lève pour présenter des explications en sens contraire. Il dit qu'il ne s'était nullement mépris sur la nature des rapports qui ont eu lieu entre le Sénateur et lui. Le langage du Sénateur ne se rapportait pas à lui (M. King), mais à lui-même, attendu qu'il avait été nommé d'un comité dont la majorité lui est opposée en politique. Quant à lui il a nommé un commis suivant ce qu'il comprend être l'usage du Sénat ; et il a fait cette nomination avant que le Comité se fût réuni et avant qu'il eût aucune chance de savoir qu'elle était son opinion ou son désir. Il avait nommé un greffier en croyant faire pour le mieux, et parce qu'il pensait qu'il en avait le droit. S'il avait ce droit, le Comité n'avait aucun droit de faire ensuite une election, attendu que le Sénat avait expressement déclaré qu'aucun comité n'aurait pas plus d'un greffier.

M. Griffin propose de remplacer le substitut de M. Lacey par le substitut suivant :

Resolu que le comité des améliorations intérieures en élisant un commis avait le droit d'en agir ainsi.

M. Derbès demande la question préalable sur le substitut. La question préalable est adoptée par le vote suivant.

Oui. — MM. Boatner, Clifton, Derbès, Evans, Griffin, Kittridge, King, Lacoste, Lacey, Mc Coy, Mouton, Neal, Palfrey, Patterson, Short, Taylor, Thériot, Wickliffe.—Total, 19.

Non.—MM. Hodge, Kenner, Lauve, Nichols, Rivers, Slack, Smith, Todd.—Total, 8.

Le substitut de M. Griffin est alors mis aux voix, et le résultat est ainsi que suit :

Oui.—MM. Barthe, Clifton, Griffin, Hodge, Kenner, Kittridge, Lauve, Nichols, Palfrey, Rivers, Slack, Smith, Taylor, Todd.—Total, 14.

Non.—MM. Boatner, Derbès, Evans, King, Lacoste, Lacey, McCay, Mouton, Patterson, Short, Thériot et Wickliffe.—Total, 12.

M. Mouton fait observer qu'au moment où la question préalable a été demandée, il allait faire remarquer qu'il serait intéressant de rechercher combien d'argent cette discussion avait déjà coûté. Il en a fait le calcul pendant qu'il écoutait le débat, et il a trouvé qu'elle coûtait déjà au bon peuple de la Louisiane un peu plus de $53. Il pense qu'il est bien temps d'en finir.

M. King offre sa démission de président du comité des améliorations intérieures.

M. Kenner espère que le sénateur voudra bien retirer sa démission. Il pense qu'après réflexion, le sénateur ne persistera pas à se démettre de ses fonctions, attendu qu'il est certain que le comité, en agissant comme il l'a fait, n'a entendu nullement manquer aux égards qu'il doit au sénateur. A coup sûr on ne pourrait trouver aucune personne plus capable de remplir la place de président, aucune dont l'aptitude parfaite à ces hautes fonctions soit plus complètement appreciee.

M. Lacoste dit qu'il pense que M. King a raison de se démettre de ses fonctions, après le manque de respect dont le Sénat, de propos délibéré, s'est rendu coupable envers lui.

M. Kenner répète qu'il est persuadé que le comité n'avait aucune intention blessante pour son président. S'il pensait qu'un seul membre de ce comité eût eu la moindre idee de ce genre, il demanderait de réconsidérer le vote par lequel le substitut de M. Griffin a été adopté.

M. Todd espère que le président gardera ses fonctions. Pour sa part, il ne voulait certainement rien faire qui pût le blesser, et il croit qu'une pareille intention était loin de la pensée de ses collègues.

M. Nichols présente quelques observations dans le même sens.

M. King dit qu'il persistera dans sa détermination. Sa dignité l'empêche de conserver les fonctions de président du comité, lorsque le Sénat a refusé de ratifier ses actes en cette qualité, actes conformes à un usage antérieur. Ces messieurs peuvent dire qu'ils n'avaient aucune intention blessante, que tout ce qu'ils ont dit ou fait doit être pris dans le même sens que Pickwick l'eût pris ; quant à lui il ne saurait faire de pareilles distinctions. Il regarde les actes du comité comme une censure virtuelle de sa conduite, et comme impliquant qu'il avait transgressé ses pouvoirs. Il ne consentira pas à conserver sa position de président sous le coup d'une pareille censure.

M. Clifton prie le sénateur de retirer un moment sa démission pour qu'il puisse demander une reconsidération.

M. King y consent.

M. Clifton qui avait voté dans l'affirmative, demande une reconsidération du vote par lequel le substitut de M. Griffin avait été adopté.

La reconsidération est mise aux voix et le résultat est ainsi que suit :

Oui.— MM. Boatner, Clifton, Derbès, Evans, King, Lacoste, Lacey, McCay, Mouton, Patterson, Short, Thériot, Wickliff.—13.

Non.—MM. Barthe, Griffin, Hodge, Kenner, Kittridge, Lauve, Nichols, Palfrey, Rivers, Slack, Smith, Taylor, Todd.—13.

Le président vote dans l'affirmative et la motion de reconsideration est emportee.

Le substitut de M. Griffin est remis devant la chambre,

M. Wickliffe en demande le dépôt sur le bureau.

M. Short dit que jusqu'ici, le malheur a voulu qu'il n'ait pas pu expliquer sa manière d'envisager la question. D'abord il a pensé qu'on ne devait pas permettre que ce sujet prît le temps de la Chambre ; mais la question avait donné naissance à un debat intéressant auquel il eût désiré prendre part. Il n'a pu le faire par suite de la demande de la question préalable, manœuvre parlementaire qu'il n'avait jamais bien comprise jusqu'ici, c'est ce qui l'a empêché de parler jusqu'à ce moment. Dans la décision de cette question nous n'avons à recevoir aucune impression du passé; on a dit qu'on ne pouvait trouver l'exemple d'un cas semblable ni dans l'histoire ni dans aucun livre. Puisqu'il en est ainsi, espérons que ce qui se passera ici ne sera pas de nature à créer une facheuse impression dans le peuple. Pour sa part, il est d'avis que, même si le président avait le droit de nommer le greffier, il aurait dû hésiter à exercer ce droit contrairement aux vœux de la majorite du comité.

En pareil cas, il ne saurait y avoir harmonie entre les membres du comite, et le spectacle qu'il présenterait serait celui d'une voiture attelée de deux chevaux qui tireraient de toutes leurs forces en sens inverse. Néanmoins il lui semble que laissant de côté la question de droit, la simple courtoisie avait jusqu'aujourd'hui fait un devoir de laisser au président le choix des comis du comité. S'il y a là une question de courtoisie, ne doit elle pas être réglée suivant les règles de la courtoisie, les plus puissantes qui puissent être invoquées dans cette circonstance. Il votera donc pour que le Sénat soutienne l'action du président.

L'appel nominal est fait alors, sur motion de M. Wickliffe, de déposer sur le bureau le substitut de M. Griffin, et il résulte comme suit : 13 oui, 13 non. Le président vote dans l'affirmative, et conséquemment la motion de deposer est emportee.

M. Lacey demande l'adoption de son substitut.

M. Todd demande qu'il soit amendé par l'insertion des mots : «quoique cette nomination fût en opposition avec le desir de la majorité du comité.»

M. Wickliffe demande qu'il soit suramendé par l'addition des mots : "laquelle opposition n'a été connue du président qu'après qu'il eût fait la nomination.»

M. Hodge demande pourquoi deux membres additionnels ont été ajoutes au comité.

M. Wickliffe répond que le représentant qui adresse cette question a fait voir déjà qu'il sait mieux que lui (M. W.) les choses qui se passent derrière le rideau.

Quant à moi, ajoute-t-il, je ne sais rien de cette augmentation et n'ai rien à y voir

M. Lacey prend la parole.—L'action du président, en nommant un commis, dit-il, était bien certaine-

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ment en parfait accord avec la coutume établie. L'exercice de ce droit a toujours été concédé au président, et le Sénat ne peut pas, ne doit pas répudier ses actes lorsqu'ils sont d'accord avec la coutume. Quant à la question soulevée par les amendements, elle n'a aucun rapport avec celle qui nous occupe. Il est impossible que le Sénat pense à discuter quelles peuvent avoir été les vues du comité sur une question de cette nature. Je voterai donc contre ces amendements et tous les autres qui pourront être présentés, jusqu'à ce j'aie obtenu que le vote soit pris sur la première résolution que j'ai soumise.

M. Kenner dit qu'en votant sur ces amendements, le Sénat vote sur une question de fait et non de théorie. Chaque sénateur doit donc être dirigé dans le vote qu'il donnera, par la connaissance des faits sur lesquels repose cette affaire.

M. Wickliffe dit que le sénateur de l'Ascension devrait se souvenir que dans sa propre affaire, «lorsqu'il avait fait abandon de son privilège de nommer un commis, il [M. K.] l'avait fait parce qu'il avait été nommé président d'un comité dont la majorité ne partageait pas ses opinions politiques, et que par conséquent il ne devait pas faire lui-même une nomination qu'il savait devoir être mal reçue par les autres membres du comité. Mais l'affaire du président des améliorations intérieures est bien différente. Il n'avait, lui, aucune raison de supposer qu'en exerçant lui-même son droit de nomination, il déplairait au comité.

Pour sa part, il ne consentira pas par son vote à ce qu'une résolution de blâme soit adoptée contre le président d'un comité qui n'a fait qu'exercer un juste droit toujours reconnu par le Sénat jusqu'aujourd'hui. Si le fait d'avoir nommé un commis en opposition directe au désir connu et exprimé du comité avait été porté à la connaissance du président, il aurait voté bien différemmment ; mais dans les circonstances actuelles il est certainement pour qu'on soutienne le président.

M. Kenner dit encore que la question contenue dans ces amendements qu'on propose à la Chambre, est tout simplement une question de fait. La question de courtoisie n'a rien à y faire et pourtant il demande, lui, lequel était le moins courtois, d'un comité qui nomme un commis contre le vœu de son président ou du président qui persiste à le conserver contre le vœu de la majorité du comité ? Mais sa demande reste sans réponse. Il voudrait obtenir quelques renseignements avant de donner son vote. Comment des sénateurs peuvent-ils voter sur une question de fait s'ils ignorent quels sont ces faits ? Il demande donc si la majorité du comité était opposée à la nomination faite par le président.

M. Hodge répond que la majorité y était opposée.

M. Mouton dit que toute l'affaire se trouve en détail dans le rapport du comité et dans celui du président.

L'appel nominal est alors fait sur l'amendement de M. Wickliffe, et le résultat est comme suit : 24 oui, 2 non (MM. Burthe et Griffin ayant voté dans la négative) l'amendement est donc adoptée.

M. Lacey demande alors que l'amendement de M. Todd, tel qu'il a été amendé, soit déposé sur le bureau.

M. Griffin demande l'appel nominal, lequel résulte comme suit :

Oui.—MM. Boatner, Clifton, Derbès, Evans, King, Lacoste, Lacey, McKay, Mouton, Neal, Patterson, Short, Theriot; Wickliff.—14.

Non.—MM. Burthe, Griffin Hodge, Kenner, Kittridge, Lauve, Nicols, Palfrey, Rivers, Slack, Smith, Taylor, Todd.—13.

En conséquence, l'amendement tel qu'il a été amendé est déposé sur le bureau.

M. Lacey fait la motion que son substitut soit adopté.

M. Kenner demande qu'il soit amendé par l'insertion des mots «par courtoisie.»

M. Boatner demande qu'il soit encore amendé par l'insertion des mots «sans qu'il revienne aucun blâme aux autres membres du comité».

Ces amendements sont adoptés et la résolution passe enfin dans la forme suivante :

Résolu, que le Sénat concourt, par courtoisie, à la décision du président du comité des améliorations intérieures dans la nomination qu'il a faite d'un commis, mais sans attacher aucun blâme aux autres membres du comité.

RESOLUTIONS ET BILLS PRESENTES.

M. Hodge, un acte pour changer le nom de James H. Shotwell en celui de Andrew Lawson Jr.

M. Lacey, une résolution enjoignant au comité judiciaire de rapporter un bill ou plusieurs bills pour l'organisation du système judiciaire de l'Etat.—Adoptée.

Un acte divisant l'Etat en districts judiciaires suprêmes, comme il est ordonné par l'article 64 de la Constitution.

M. Thériot, un acte pour émanciper Angeline, Victorine Blanchard, mineure, femme de A. W. Warren. —Référé au comité judiciaire.

ANNONCE DE BILLS.

M. Burthe, un acte pour rappeler un acte pourvoyant à la création d'un asile pour les veuves et les enfants des personnes décédées.

Sur motion le Sénat s'ajourne.

VENDREDI, 4 février 1853.

Le Sénat s'assemble, conformément à l'ajournement.

Sur motion de M. Derbès, M. Horatio Davis, secrétaire du Sénat, obtient un congé, et sur motion de M. King, M. Ste-Colombe Davis est nommé secrétaire *pro-tem* du Sénat, et prête le serment d'office.

Le secrétaire *pro-tem* va informer la Chambre que le Sénat a accordé un congé à M. Horatio Davis, son secrétaire, et qu'il a nommé M. Ste-Colombe Davis, secrétaire *pro tem.*

Il informe aussi la Chambre, que le Senat a donné son concours aux actes suivants :

Un acte pour venir au secours de Harrel McNiel, ex-collecteur de taxes pour la paroisse de Rapides.

Un acte pour venir au secours de Thomas C. Bickman, shérif de la paroisse de Washington.

Un acte pour venir au secours de Thomas D. Nix, collecteur de taxes de l'Etat pour la paroisse de Catahoula.

Et aussi, du concours du Sénat, avec amendements, à un bill faisant une appropriation d'une certaine somme d'argent, pour le paiement des assesseurs de taxes pour l'année 1852. Le Sénat demande le concours de la Chambre aux amendements qu'il a faits au bill.

Le secrétaire demande, en même temps, le concours de la Chambre aux bills et résolutions qui suivent :

Une résolution requérant nos représentants et enjoignant à nos sénateurs au Congrès, d'user de tous leurs efforts pour obtenir l'établissement d'un bureau de poste dans les établissements français de la paroisse de Livingston.

Un acte faisant une appropriation pour le paiement de l'arriéré dû pour les dépenses de la dernière Convention d'Etat.

Une résolution enjoignant à l'ingénieur d'Etat de faire un relevé des chûtes de la Rivière Rouge, et lui donnant quelques autres instructions.

Une résolution enjoignant à l'ingénieur d'Etat de faire un relevé de l'embouchure du Bayou Plaquemines, et d'en faire un rapport.

Sur motion de M. McKay, la résolution conjointe nommant des comités pour examiner les livres du trésorier, est déposée indéfiniment sur le bureau, et la résolution conjointe suivante, émanant de la Chambre des Représentants est prise en considération,

Sur motion de M. McKay, les règles sont suspendues et la résolution suivante est adoptée.

Résolu par la Chambre des Représentants, sauf le concours du Sénat, qu'un comité conjoint composé de cinq membres de la Chambre et de trois du Sénat, soit nommé à l'effet d'examiner les livres du trésorier.

Les membres nommés par la Chambre étaient MM. Brenn, Ventiss, Douglas, White et McMurdo.

Le président nomme de la part du Sénat, MM. McCay, Burthe et Wickliffe.

M. Derbès présente la résolution suivante :

Résolu qu'un comité, composé de trois membres pour le Sénat, soit désigné par le président, lequel devra entrer en conférence avec un comité semblable nommé par la Chambre, pour examiner la librairie de l'Etat, et faire un rapport sur la situation de cette

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institution. Les règles sont suspendues et le président nomme de ce comité, MM. Derbès, King et Barthe.

Annonce de Bills.

M. Neal, un acte pour améliorer la navigation de la rivière Sabine.

M. McCay, un acte pour amender un acte intitulé : un acte pour organiser des Cours de District dans la paroisse et la ville de la Nouvelle-Orléans.

M. Theriot, un acte pour transférer la maison de Cour, le bureau du recorder et les documents qui y sont déposés, de la rive droite à la rive gauche de la rivière Nessi, dans la paroisse de St-Jacques.

M. McCay demande et obtient l'autorisation de présenter, sans annonce préalable, un bill intitulé : « Acte pour autoriser le cancellement des fonds fournis par les officiers publics. »

Sur motion les règles sont suspendues et M. Millard, du comité des réclamations, présente un rapport favorable à la réclamation de L. H. Latille, pour salaire comme témoin ; et soumet un bill en conséquence.

M. Wickliffe dit qu'il existe un acte qui pourvoit à ce que chaque paroisse paie ses propres témoins. Il ne voit pas de bonnes raisons pour lesquelles une exception speciale serait faite dans ce cas, et à moins qu'il ne lui en soit présenté de satisfaisantes, il s'opposera à ce bill.

M. Millard répond qu'en 1841, année pendant laquelle ces engagements furent contractés, une loi toute différente était en vigueur, en vertu de laquelle l'Etat, et non les paroisses, payait les témoins. Le bill a été présenté, mais l'auditeur a refusé d'accepter le compte.

M. Wickliffe, dit que si le comité a examiné avec soin la question, et s'il est arrivé à une opinion bien arrêtée, qu'alors il ne s'opposera pas à l'adoption du bill.

M. Hodge désire que le bill soit mis de côté jusqu'à ce que les sénateurs puissent obtenir plus d'informations qu'ils n'en ont à ce sujet.

M. Griffin, fait remarquer que l'auditeur a refusé d'accepter le compte seulement parce qu'aucune appropriation n'avait été faite à ce sujet.

M. Derbès, dit que le comité a fait un examen approfondi du sujet, et qu'il a vu que l'Etat en 1841, payait les témoins ; c'est alors qu'ont été rendus les services qui ont motivé la présentation de ce bill. La raison qui a fait refuser à l'auditeur d'approuver ces comptes c'est, dit-il, que la dette a été prescrite.

M. Hodge dit qu'il a appris que le refus n'est basé que sur le fait qu'il n'y avait aucune somme affectée à ce paiement. Le sénateur des Avoyelles lui a dit que cette affectation de fonds aurait lieu. Lorsqu'il existe des lois générales qui règles les questions de ce genre, il ne voit pas pourquoi des lois exceptionnelles seraient faites. Il ne fera aucune motion au sujet des bills, mais il désire qu'il soit consigné, qu'il a voté contre. Tout ce qu'il demande est le temps nécessaire pour y examiner la question, pour être sûr d'être dans le vrai.

Il a pris sa place au Sénat avec la résolution de ne voter sur aucun bill sans en comprendre l'objet. Si les sénateurs jugent à propos d'emporter d'assaut les questions ils le feront sans la participation de son vote. Le sénateur des Avoyelles a dit que la seule raison du refus de l'Auditeur d'approuver le compte était l'absence d'une affectation de fonds à ce sujet; d'autres ont donné pour raison que la dette était prescrite. Si tel est le fait, cette raison suffirait peut-être pour le faire voter contre le bill. La prescription est une présomption de paiement. C'est là le principe théorique de la loi et c'est toujours considéré comme un bon moyen de défense à opposer à une reclamation. Il ne pense pas que la Législature doive se donner le tracas d'avoir continuellement devant elle de petites réclamations de cette sorte, dix ou douze ans après leur échéance. Si ses collègues désirent s'exposer à cet ennui, rien de mieux; mais quant à lui, il ne veut pas qu'il en soit ainsi et il désire avoir devant lui le temps nécessaire pour examiner la question à fond afin de ne pas voter en aveugle.

Après un débat de quelques instants, le bill est adopté.

M. Griffin présente une pétition de plusieurs citoyens des Avoyelles, demandant une affectation de fonds pour construire des levées et endoguer certains bayous dans cette paroisse.

Sur motion, cette pétition est lue et renvoyée au comité des levées et débarcadères.

M. Griffin, conformément à l'avis préalable qu'il en avait donné, présente la résolution suivante qui subit sa première lecture.

Résolu que l'assemblée générale se réunira dans le lieu des séances de la Chambre, vendredi prochain, 11 courant, à midi, pour y procéder à l'élection d'un sénateur au Congrès des Etats-Unis, laquelle élection a pour objet de remplir la vacance qui aura lieu le 4 de mars prochain, par l'expiration du terme de l'honorable S. W. Downs.

M. Wickliffe demande que cette résolution soit renvoyée au comite judiciaire. Dans son opinion, toute question d'un caractère légal doit être renvoyée au comité dont relèvent spécialement ces questions. Il pense que l'opinion du comité judiciaire sur cette matière doit être recherchée : car cette question est une de celles qui sont le plus particulièrement du ressort de ce comité. Il doit être requis de faire un examen approfondi de la question, et de présenter son rapport sur les moyens qui paraîtront fondés pour contester à M. Benjamin son siége au Congrès. Personne dans le Sénat ne peut objecter à cette proposition ; elle est faite de bonne foi, sans arrière-pensée, et il ne peut exister de doute sur la capacité des membres du comité, non plus que sur la possibilité qui existe pour eux de présenter un rapport avant le jour désigné pour la discussion de la question. Il espère que ses collègues voteront en faveur du renvoi.

M. Griffin dit qu'il a été entendu, entre M. Kittridge, Martin, d'autres Sénateurs, et lui-même, que la question ne serait pas soumise à la chambre avant Jeudi. Il désire qu'elle soit mise à l'ordre du jour spécial pour cette séance.

M. Wickliffe n'a pas d'objection à amender sa proposition de manière à ce que la résolution soit mise à l'ordre du jour spécial pour jeudi, mais il est tenu d'insister sur sa motion de renvoi au comité judiciaire. Il pense que cette mesure préliminaire est parfaitement legitime et convenable. Pour sa part il ne demande qu'une chose c'est que la discussion revête une forme palpable : il désire que ceux de ses collègues qui sont d'avis de procéder à une élection de Sénateur, veuillent bien déduire les motifs de leur opposition à l'élection qui a déjà eu lieu ; et certainement aucun d'eux ne peut avoir d'ojection à entendre à ce sujet un rapport du comité judiciaire. Le question à résoudre est d'un caractère purement légal et peut par consequent être parfaitement renvoyée au comité judiciaire. Ce rapport une fois soumis au Senat, ne liera ce corps dans aucun cas par ses conclusions. Chaque Sénateur conserve son entière liberté pour agir, ainsi que le lui dictera son jugement, mais il est hors de doute que le renvoi au comité désigné est convenable et necessaire.

M. Lacey dit que dans son opinion, le Sénat n'a aucun droit de forcer le comité à lui soumettre un rapport et il considère en conséquence le renvoi propose comme inutile et inopportun. Le Sénat à le droit de demander à un comité si son opinion est favorable ou contraire à une proposition donnée, et peut parfaitement reclamer de lui une opinion légale sur tout sujet de législation, mais il ne peut aller jusqu'à demander un rapport sur un sujet de cette nature. Je comprends le but d'un comité, le Sénateur ne le comprend certainement pas.

M. Wickliffe fait observer que s'il ne comprend pas le but d'un comité, il ne sait pas qui peut le comprendre. Pourquoi le Sénat a-t-il des comités, si ce n'est pour présenter leur rapport sur tous les sujets qui leur sont soumis. C'est là le but principal pour lequel ils ont été créés. Le sujet qui occupe le Senat est un de ceux qui méritent l'attention speciale du comité et il désire le renvoi afin que la lumière soit répandue pour éclaircir l'obscurité dans laquelle il est plongé.

M. Rivers pense qu'attendu la grande divergence d'opinion qui existe sur la question il est bon de demander à ce sujet l'opinion du comité judiciaire.

M. Mouton est en faveur du renvoi de la résolution au comité judiciaire, afin d'être éclairé par les motifs que ce comité pourra présenter. Quant à lui, il dit en toute liberté qu'il serait heureux de pouvoir éliminer M. Benjamin, s'il pouvait le faire sans blesser aucun droit ; mais il ne consentira jamais à prêter la main à cette tentative si elle implique violation du droit ou de la justice. Il désire donc voir la question renvoyée au

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comité et il connait certains des membres qui le composent qui désirent aussi connaître l'expression de son opinion.

M Short fait remarquer qu'il est membre du comité judiciaire et qu'en cette qualité il appuie le renvoi. Il n'hésitera pas à exprimer son opinion soit comme sénateur soit comme membre du comité. Si le renvoi est ordonné il fera plus que de se prononcer pour ou contre la résolution.

Il rendra compte de tous les faits et de tout ce qui a eu lieu jusqu'ici en y comprenant les actes de la dernière legislature qui a élu M. Benjamin. Si le comité trouvait que la question entraîne la solution d'un point de droit constitutionnel, il n'a aucun doute que le comité ne soumettrait consciencieusement au Sénat son opinion, quelqu'elle soit, à cet égard. En formant et en soumettant leur opinion, il désire avoir le concours des lumières de ses collègues qui ne peuvent lui être que d'un grand secours pour arriver à une juste décision.

En l'entendant exprimer le désir de voir la résolution renvoyée au comité, on pourra peut être penser qu'il est jaloux de voir la question tomber entre les mains d'un comité dont il fait partie lui-même: mais il est prêt à encourir toute responsabilité à cet égard, attendu qu'il est d'avis que dans une question aussi grave, l'opinion du comité, pris comme corps, doit être mise devant le Sénat. Dans une question de ce genre les motifs sur lesquels tout homme compte pour justifier sa conduite aux yeux de ses constituants doivent être consignés aux archives du pays.

M. Wickliffe insiste encore sur le renvoi à un comité. Le sénateur des Avoyelles a présenté une résolution et a demandé qu'elle fût spécialement mise à l'ordre pour un jour désigné. Il demande que le Sénat donne son concours à la motion qu'il a faite. Suivant la coutume établie, et persuadé comme il l'est ainsi que beaucoup d'autres, qu'il serait convenable que cela fût fait, il a demandé que la résolution fût référée au comité judiciaire.

Le sénateur des Avoyelles réclame maintenant la précédence pour sa motion. Cela n'est pas juste. Une motion de référer a toujours la précédence, et si elle est emportée, elle n'empêche pas la motion du sénateur. Il n'y a pas de raison pour laquelle le comité n'examinerait pas la question et n'en ferait pas un rapport avant le jour fixé. Il espère donc qu'il en sera fait ainsi, quelque desireux qu'il soit d'obtenir des éclaircissements à ce sujet. Il voudrait avoir l'opinion du comité judiciaire, car il en espère tous les éclaircissements qu'il croit si nécessaires.

M. Griffin dit qu'il a la plus haute considération pour le président du comité, et l'importance qu'il attache à cette opinion fait qu'il désire s'en éclairer avant de donner son vote. Il ne peut consentir à référer la résolution au comité judiciaire, lorsque le président de ce comité a déclaré son opposition à ce qu'il en fût ainsi disposé.

M. Wickliffe n'a nullement l'intention de manquer au respect qu'il doit au président, en insistant sur le renvoi. Au contraire, il a la plus haute opinion de ses lumières et de ses connaissances solides, et il ne doute pas qu'il ne fît un rapport fort remarquable si la question arrivait devant lui. Mais cette question est grave. Elle implique la solution d'un point légal et d'un point constitutionnel d'une grande importance, et le Sénat a le droit de demander un rapport du comité sur ce point. L'opinion du comité serait d'un grand poids, elle mettrait les sénateurs à même de décider en connaissance de cause, et il ne voit pas pourquoi aucun des membres de ce comite se montrerait peu disposé à présenter un rapport.

M. Lacey fait observer qu'il sait parfaitement que le sénateur de Féliciana n'est animé d'aucun sentiment blessant pour lui, en insistant comme il le fait. Il sait que les motifs qui font agir le sénateur sont d'une nature toute différente. Pour sa part, il déclare tout d'abord qu'il n'a aucun désir d'éluder son opinion et il exprimera son opinion sans plus tarder pour que le Sénat puisse comprendre sa position. Il croit que l'élection du sénateur, faite l'année dernière par la Législature est illégale et qu'il est du devoir de cette Législature de procéder à une élection comme s'il n'en avait pas été faite. Il pense que l'élection de M. Benjamin est nulle et comme non avenue, attendu que la loi en vertu de laquelle elle a été faite, la loi de 1846, etait contraire à la Constitution de 1845. Lorsque le moment opportun sera arrivé, lorsque le sujet se présentera devant le Sénat, sous une forme plus palpable, il soumettra plus au long les raisons et les motifs qui l'ont amené à cette opinion. Il a la plus haute opinion de M. Benjamin ;le fait est qu'il n'est pas d'homme qui personnellement il désirât plus voir tenir un siége au Sénat des Etats-Unis. Il lui est pénible que ce soit M. Benjamin qui se trouve dans cette position et qu'il soit forcé de prendre cette attitude vis-à-vis de lui. Mais jamais de sa vie il ne sacrifiera son sentiment du juste et de l'injuste, et ce qu'il considère son devoir sous la Constitution et les lois à aucune considération d'une nature personnelle ou privée. Il n'a aucune objection à faire à un rapport sur cette question, lorsqu'elle leur sera soumise, mais il doute beaucoup que le senateur de Feliciana puisse jamais être convaincu par aucun argument qui puisse lui être présenté. Il croit que la motion de renvoi est parfaitement inutile et n'a pour but que d'embarrasser la simple résolution qui avait été presentée par le sénateur des Avoyelles. S'il est oppose à la motion, ce n'est pas qu'il désire éluder la question, car, lorsqu'elle arrivera, il votera pour qu'il soit procédé à une élection de senateur.

M. Wickliffe dit qu'il est vrai que son opinion est arrêtée sur cette question, mais il est un de ces hommes faciles à convaincre. Si son vote pouvait priver M. Benjamin de son siége et qu'il n'y vit point d'empêchements dans la loi et la Constitution, il donnerait ce voté avec le plus grand plaisir, comme pourraient le témoigner les membres de l'opposition dans le Sénat qui le connaissent. Son attachement pour M. Benjamin est loin d'être aussi fort que celui du membre d'Est-Baton-Rouge, au contraire, il ne pretend être influencé par aucun sentiment de cette nature. Mais il pense que dans une question de cette nature les sénateurs doivent voter conformément à leur propre jugement.

M. Griffin dit qu'il ne s'attendait à rencontrer aucune opposition à sa motion. Cette opposition est arrivée comme un nuage qui surgit dans un ciel serein. Il avait été entendu entre le général Martin, d'autres membres et lui-même, que la question serait renvoyée jusqu'à jeudi, et en consequence il présenta la motion de la mettre à l'ordre du jour spécial pour cette séance. Il était généralement entendu que ce serait la marche suivie.

M. Wickliffe fait observer que le Sénateur et lui diffèrent grandement quant à l'existence d'une pareille convention. Le Senateur n'a aucun droit acquipour la motion ; il ne peut réclamer pour elle la priorité sur une motion de renvoi. Le Sénateur dit que l'opposition est arrivée comme un nuage. M. Wicliffe espère qu'un rayon de lumière éclatrera bientôt le nuage qui semble suspendu au-dessus de la tête du Sénateur.

M. Hodge dit qu'il ne comprend pas précisément l'état de la question. La motion de dispenser du réglement n'a pas encore été décidée. Le Sénateur de Feliciana a formellement déclaré qu'à moins que le Sénateur des Avoyelles n'acceptât son amendement renvoyant la résolution au comité judiciaire il demanderait l'appel nominal sur la motion de dispenser des règlements. Il comprend que le Sénateur n'a pas accepté l'amendement, et les Sénateurs ont certainement le droit de voter sur la motion de dispenser.

M. Griffin dit que la motion était de dispenser des réglements sur la motion de placer ses résolutions à l'ordre du jour spécial de Jeudi prochain. Le Sénateur de Féliciana désire renvoyer la question au comité judiciaire, mais il ne peut consentir à accepter la motion comme amendement, à moins qu'on ne décide d'abord sa propre motion.

M. Wickliffe dit que tous les Sénateurs savent et le président sait qu'il était opposé à la motion de dispenser des réglements, à moins qu'on n'agît sur sa motion de renvoi comme amendement.

M Griffin—Je pourrais faire une motion de mettre la résolution à l'ordre spécial du jour pour la séance de vendredi prochain, sans une dispense des règles.

M. Wickliffe—C'est vrai, mais cela ne me priverait pas de mon droit de demander le renvoi.

M. Griffin—J'avais le droit de présenter la résolution sans la suspension des règlements.

Le président décide ce point dans la négative.

Sur motion de M. Griffin, les règlements sont alors suspendus.

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M. Griffin—Ma résolution est-elle maintenant devant le Sénat ?

Le président—Oui, monsieur.

M. Wickliffe—Quel est le jour spécifié dans la résolution ?

M. Griffin—Jeudi est le jour fixé.

M. Wickliffe—Monsieur le secrétaire, veuilles lire la résolution.

Le secrétaire lit la résolution qui porte vendredi.

M. Wickliffe—Le sénateur veut-il faire la motion d'amender sa résolution ?

M. Griffin.—Oui, monsieur, si on le désire.

M. Wickliffe.—Oh non ! je désire seulement que le sénateur fasse la motion.

M. Griffin Alors va pour vendredi. Je n'ai pas d'objection.

La motion de renvoyer jusqu'à vendredi est mise aux voix, et le résultat est ainsi que suit : 18 non et 5 oui.

Ont voté dans l'affirmative : MM. Griffin, Kittridge, Lacey, Millard, Neal.—5.

Ont voté dans la négative : MM. Clifton, Derbès, Evans, Hodge, Kemp, King, Lauve, McCay, Mouton, Nichols, Palfrey, Rivers, Short, Slack. Taylor, Thério, Todd et Wickliffe..

M. Wickliffe fait la motion de renvoyer au comité judiciaire. Si on fait quelqu'objection il demandera l'appel nominal.

M. Griffin.—Je fais objection. Que l'appel nominal ait lieu.

M. Short.—La motion fixe-t-elle un jour pour le rapport du comité.

M. Wickliffe.—Qu'il rapporte lorsqu'il le jugera convenable.—Mais, après tout, j'amenderai en insérant jeudi.

M. King ne voit aucune raison qui motive le renvoi au comite judiciaire. C'est une question purement politique et il ne voit pas ce que le comité judiciaire a à y voir.

M. Wickliffe regrette que le sénateur n'ait pas été présent lorsque la discussion a eu lieu, car alors sans doute il se serait fait une opinion toute différente. Cette question n'est nullement une question politique.

L'appel nominal ayant été fait sur la motion de référer, résulte comme suit :—

Oui—MM. Clifton, Derbès, Evans, Hodge, Kemp, Kittridge, Lauve, McCay, Millard, Mouton, Nicholls, Palfrey, Rivers, Short, Slack, Taylor, Thériot. Todd et Wickliffe—11. Non: MM. Griffin, King, Lacey et Neal—4.

La motion l'emporte et la résolution est référée.

Sur motion le SÉNAT ajourne à lundi 11 heures A M.

LUNDI, 7 février 1853.

Le Sénat se réunit conformément à l'ajournement.

Aussitôt après la lecture du journal, le greffier lit un message par lequel le gouverneur donne avis aux membres qu'il a mis sa signature à la résolution qui enjoint à nos sénateurs et requiert nos représentants au Congrès de faire leurs efforts pour obtenir une affectation de fonds à certains travaux d'améliorations dans la baie de Côte Blanche, Vermillion et Atchafalaya, et aussi à la résolution qui a pour but de faire disparaître certaines obstructions existant dans le Bayou Lafourche.

Le président soumet aussi le rapport suivant de la Compagnie du Canal de Barataria et Lafourche, lequel est lu.

Tableau des affaires de la Compagnie du Canal de Lafourche et de Barataria.

Comptant - - - - - - - - - - -		$ 128 27
Esclaves, estimation, - - - - - - -		" 13,000
Canaux do, - - - - - - -		"300,000
Terres de la Cie, do, - - - - - -		" 5,000
Machines, bateaux, matériels, - - -		" 7,000
Péages reçus aux écluses du fleuve Mississipi, de janvier 1852 à janvier 1853,	$10,091 06	
Autres capitaux,	1,006 32	
	$11,097 38	
Fonds payés, - - - - - - - - - -		$223,500 00
Dettes, - - - - - - - - - - -		" 12,387
Dépenses de la Compagnie à dater du commencement de la Compagnie,	$367,644 79	
Dépenses de jan 1852 à ce jour,	10,969 11	
Balance en crédit de caisse,	128 27	
	$11,097 38	

Rapports des Comités.

M. Lacey, du comité judiciaire, fait un rapport contre le bill autorisant les juges de paix à nommer en certains cas des curateurs AUX CAUSES.

M. Derbès dit qu'il aurait désiré entendre quelqu'argument à l'appui du rapport du comité. Il demande donc que le rapport soit déposé sur le bureau, sujet à l'appel.

M. Lacey fait un rapport sur le bill organisant et régularisant le département du secrétaire-d'Etat. Ce rapport est en faveur de l'ensemble du bill, sauf la 3me section, à laquelle le rapport propose un substitut.

Le même sénateur présente aussi des rapports en faveur des bills suivants : 1o Un bill pour organiser et régulariser le département du trésorier, sauf la troisième section à laquelle il propose un substitut.

2o Un acte à l'effet d'autoriser le maire et les échevins de la ville de Bâton-Rouge à diviser cette ville en deux arrondissements électoraux.

3o Un acte autorisant Antoine Garantier et Adélaïde Bonnère, sa femme, à adopter Edouard Pierre Louis, fils de Geneviève Bonnère.

M. Short, au nom de la majorité du comité judiciaire, auquel avait été renvoyé le bill ayant pour but d'étendre le droit de préemption accordé à certaines personnes établies sur les terres marécageuses des paroisses de Livingston et d'Est-Bâton-Rouge, soumet le rapport suivant :

Les soussignés, membres du comité auquel a été renvoyé le bill ayant pour objet d'étendre le droit de préemption accordé à des personnes établies sur les terres marécageuses des paroisses de Livingston et d'Est-Bâton-Rouge, soumettent respectueusement le rapport suivant :

Par la seconde section de l'acte de 1852, le droit de préemption fut accordé à telles personnes qui avaient fait des établissements sur les terres marécageuses concédées à l'Etat par actes du Congrès ; ce droit était subordonné à la condition que lesdites personnes présenteraient leur requête à cet effet et effectueraient le paiement exigé dans les douze mois à partir de l'adoption de l'acte

Le bill soumis propose d'étendre à douze mois de plus le terme fixé par l'acte de 1852, quant aux personnes établies sur lesdites terres dans lesdites paroisses.

Bien que, par la nature du bill, le sujet rentre plus spécialement dans les attributions du comité des terres publiques et levées, cependant le comité auquel a été fait le renvoi, n'hésite pas à en présenter un rapport condamnant en pareille matière le principe d'une législation partielle, pour une ou deux paroisses, attendu que ce précédent conduirait probablement à l'adoption de bills pour chacune des paroisses qui se trouvent renfermer des terres de cette nature, et que par là nous n'aurions fait qu'accroître la confusion qui existe déjà dans les questions relatives aux choix d'emplacements et aux inscriptions de terres.

Pour prévenir ce mal, il ne dôit être passé aucun bill qui n'établisse une règle uniforme s'étendant à toutes les terres concédées à l'Etat.

Par ce moyen nous simplifierons l'économie du Bureau des Terres ; le système en sera plus aisément compris, et le département fonctionnera à peu de frais.

La seconde section de l'acte de 1852, qui accorde ce droit de préemption permet de présenter la requête et d'effectuer le paiement exigé jusqu'au 17 de mars 1853.

Les soussignés, membres du comité, ne pensent pas devoir, en ce moment, présenter un rapport en faveur d'un bill général ayant pour but d'étendre l'exercice du droit de préemption ; attendu qu'ils ont compris qu'un bill doit être présenté ayant pour but de suspendre la vente des terres marécageuses, jusqu'à ce que l'arpentage des différentes townships ait été achevé et que lesdites terres aient été préalablement mises en vente publique.

Ce cas échéant, les personnes désignées par la seconde section de l'acte de 1852, pourront devenir l'objet d'une disposition spéciale, s'il est jugé nécessaire, question sur laquelle les soussignés ne sont pas disposés à se prononcer, ne pensant pas qu'elle soit, à proprement dire, du ressort de ce comité.

Signé, H. SHORT,
W. W. KING,
THS. C. NICHOLLS,
BENJ. HODGE.

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M. Lacey, du même comité, présente le rapport suivant :

A l'honorable Sénat de l'Etat de la Louisiane.

Le soussigné, membre du comité auquel a été renvoye l'examen d'un acte intitulé « Acte pour étendre le délai dans lequel la requête devra être présentée et le paiement devra être fait par les personnes établies sur les terres marécageuses et inondées des paroisses de Livingston et d'Est-Bâton-Rouge, » présente le rapport suivant :

Les terres comprises dans l'acte soumis ont reçu des établissements comme terres publiques des Etats-Unis ; c'est depuis la formation de ces établissements que les dites terres ont été concédées par le gouvernement général à l'Etat de la Louisiane par actes du Congrès, approuvés le 2 mars 1849 et le 28 septembre 1852. Aux termes d'un acte de la Législature, approuvé le 17 mars 1852, les personnes établies sur les dites terres furent tenues de présenter leur requête et d'effectuer leur paiement pour l'obtention des terres occupées par elles, dans l'année à partir du 17 mars 1852, sous peine de se voir déchues des droits et privilèges accordés aux premiers fondateurs d'établissements.

Il paraît que les personnes en vue desquelles a été présenté le bill qui est soumis au comité n'ont que très peu de ressources pécuniaires ; qu'elles ne peuvent compter que sur leur industrie et les produits de la terre sur laquelle elles se sont établies pour être à même de faire face au paiement du prix de cette même terre; qu'il leur a fallu consacrer tant de temps à défricher leurs terres, à les rendre propres à la culture à tâcher de faire des routes ou plutôt des chemins pour y arriver, qu'ils n'ont pu encore réaliser les premiers fonds nécessaires au paiement de leur propriété et en définitive que le refus d'accorder la faveur qui fait l'objet du bill aura pour résultat d'expulser l'honnête, le courageux travailleur de la terre qu'il avait acquise à la sueur de son front, pour la jeter aux mains de la spéculation.

Pour ces raisons le soussigné prie instamment et respectueusement votre honorable corps d'adopter le bill dont il est question

G S. LACEY, Chairman.

Sur motion de M. Lacey, les réglements sont suspendus et les résolutions émanant de la Chambre et dont le but est d'enjoindre à nos sénateurs et de requérir nos représentants au Congrès de faire tous leurs efforts pour obtenir l'établissement d'une malle quotidienne entre la Nouvelle-Orléans, Bâton-Rouge et Bayou Sara sont appelées et adoptées.

ANNONCES DE BILLS.

M. Hodge.—Acte fixant les appointements des juges de la Cour Suprême.

M. Lacey.—Acte divisant l'Etat en quatre Districts Judiciaires conformément à l'article 64 de la Constitution.

M. Lewis.— Acte amendant l'acte d'incorporation de l'Association des orphelins Catholiques de la Nlle-Orléans.

BILLS ADOPTÉS.

Acte pour changer le nom de James Shotwell en celui de Andrew Lawson Jr.

Acte pour émanciper Angeline Victorine Blanchard, mineure, épouse de A W. Warren.

Les résolutions suivantes, envoyées par les Etats du Connecticut, de l'Indiana et du Vermont, sont lues et renvoyées au Comité des Relations Etrangères.

ETAT DU CONNETICUT.
DEPARTEMENT EXECUTIF.
30 Juillet 1852.

Monsieur

J'ai l'honneur de vous transmettre les résolutions ci-annexées, adoptées par l'Assemblée Générale de cet Etat à sa session du mois de Mai dernier.

Je suis, monsieur, avec respect votre dévoué serviteur.

(Signé) JNO H. SEYMOUR.

A son excellence le Gouverneur de la Louisiane.

ETAT DU CONNECTICUT.
ASSEMBLEE GENERALE.
Session de Mai 1852.

Résolu par cette Assemblée : Que l'union des Etats-Unis et la Constitution, en vertu de laquelle le gouvernement fédéral est administré, ont été le résultat d'un esprit de compromis et de concessions mutuelles des intérêts et sentiments du peuple des différentes sections du pays, et qu'il est du devoir de tout bon citoyen de continuer à exercer maintenant, le même esprit de compromis et de concessions en cas de différence d'intérêts et d'opinion, afin de conserver, pour eux et leur postérité, les bienfaits résultant de cette union et de ce gouvernement qui tient non seulement entre ses mains le bonheur futur et la prospérité du peuple de ce pays ; mais aussi en grande partie l'avenir des libertés civiles et religieuses, et du système de gouvernement libre dans tout le monde.

Résolu, Que dans un gouvernement comme celui-ci, dans lequel tous les pouvoirs politiques émanent du peuple, par qui sont nommés les gouvernants et les législateurs et envers lequel il sont responsables, il est du devoir de tout citoyen de se soumettre à toutes les lois décrétées par ses représentans, jusqu'à ce que ces mêmes lois aient été déclarées inconstitutionnelles par le tribunal qui en a le droit.

Résolu, Que la série de mesures connue sous la dénomination de mesures de compromis, adoptée par le dernier Congrès, disposant définitivement et pacifiquement d'une quantité de questions, qui avaient troublé le pays, embarrassé le gouvernement et la Législature nationale, et sérieusement menacé l'existence de l'Union, a été adoptée d'une manière sage et équitable ; et que la dite série de mesures a l'approbation pleine et entière de cette assemblée.

Résolu, que l'acte intitulé "Fugitive Slave Law" est, dans l'opinion de cette assemblée, conforme aux clauses de la Constitution, ne contenant que les détails nécessaires pour mettre à exécution les clauses de cet instrument;et qu'il est du devoir de tous les bons citoyens de soutenir, par tous les moyens légaux, l'exécution du dit acte.

Résolu, que Son Excellence le Gouverneur soit requis de transmettre une copie de ces résolutions au Président des Etats Unis, au Gouverneur de chacun des Etats de l'Union, et à chacun de nos Sénateurs et Représentants au Congrès.

Sénat, 23 juin 1852
(Signé) L. B. BRADLEY,
Secrétaire.

Chambre des Représentants 28 juin 1852.
(Signé) G. W. SAYLES,
Assistant greffier.

Bureau du Secrétaire d'Etat,
HARTFORD, 24 juillet 1852.

Je certifie par le présent, que ce qui précède, est une copie conforme à l'original, déposé à ce bureau.

(Signé) JNO P. C. MATTHER,
Secretaire d'Etat

ETAT DE L'INDIANA.

DANS L'ANNÉE MIL HUIT CENT CINQUANTE DEUX.

RÉSOLUTION CONJOINTE

Sur la traite des noirs et le projet de les coloniser.

Attendu que des considérations philanthropiques et même patriotiques demandent un effort sérieux afin de supprimer la traîte des noirs si longtemps reprochée au monde chrétien, et attendu que les efforts dignes de louanges tentés jusqu'à présent à cet effet ont été impuissants;

C'est pourquoi :

Il est résolu par l'Assemblée Générale de l'Etat de l'Indiana, que la dite assemblée est d'avis que d'autres moyens plus efficaces devraient être adoptés pour cela. Il est de plus résolu, Que la dite assemblee croit qu'il est du devoir du gouvernement des Etats Unis d'Amérique, comme première nation du monde de proclamer et de maintenir la cause de la liberté civile et religieuse, d'améliorer partout le genre humain, par tous les moyens légaux, et de se servir de toute sa puissance pour écraser cette révoltante piraterie.

Il est de plus résolu ; La raison nous le dit et l'expérience nous le prouve, que cette injustice, commise par notre race contre toutes les lois divines, ne peut être renversé à coup sûr, qu'en élevant sous notre protection sur les côtes d'Afrique des états républicains, pour y établir la race noire libre des Etats-Unis et qu'il est du devoir du Congrès des Etats-Unis et de la législature de chaque Etat de l'Union, de passer telles lois, ayant pour but un système général de colonisation, non seulement, afin de supprimer le commerce des noirs, mais aussi pour séparer autant que possible, sur ce continent, la race blanche de la noire, en expédiant à nos frais où bon leur semblera, toutes les personnes de couleur demeurant aux Etats-Unis, en venant à leur appui pendant un temps raisonnable ; par là compenser les torts et l'op-

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pression d'une race injuste, et nous soulageant en même temps du tracas d'une population qui, quoi que demeurant au milieu de nous, ne peut-être d'aucune utilité politique ou sociale, et par cela même, pouvant devenir dans les Etats où ils résident une source de charges et de contrariétés, et être une cause de d'irritation et de mauvais voisinage entre les Etats eux-mêmes.

Il est de plus résolu; Qu'il soit recommandé à nos sénateurs au Congrès, et que nos représentants soient invités à faire leurs efforts pour qu'il soit passé par le Congrès des lois à cet effet, et que tous les Etats de l'Union soient priés d'y coopérer par la passation de semblables lois et pour l'exécution des dits projets.

Il est de plus résolu. Que le gouverneur soit invité à envoyer une copie de ces résolutions à tous les sénateurs du Congrès des Etats-Unis, aux gouverneurs des différents Etats de l'Union et aux principaux chefs des sociétés de colonisation des Etats-Unis, et qu'il soit de plus invite à ouvrir une correspondance, avec toute société qu'il jugera convenable, et toute personne s'occupant de ce projet, afin d'en tirer des informations sur ce sujet et principalement pour obtenir des plans calculés pour la réussite de ce projet.

Il est de plus requis de soumettre à la prochaine session de l'assemblée générale, les dites informations et telles recommandations qui y auraient rapport et qui aurait la colonisation pour but.

(Signé) JOHN DAVID,
Orateur dh la Chambre des Représentants.
(Signé) JAMES H. LAURE,
Président du Sénat.

Approuvé le 4 mars 1852.
(Signé) J. A. WRIGHT.

ETAT DE L'INDIANA.

Je soussigné Charles H.Test, secrétaire d'Etat pour le dit Etat, certifie que ce qui précède est une vraie, pleine et entière copie d'un acte enrôlé maintenant parmi les dossiers de mon bureau. En foi de quoi j'y ai apposé ma signature et le sceau de l'Etat de l'Indiana, à Indianapolis, Ce 8 mars 1852. A. D.
(Signé) CHARLES H TEST,
Secrétaire d'Etat

ETAT DU VERMONT.
DEPARTEMENT EXECUTIF.

Son Excellence le Gouverneur de la Louisiane.

Monsieur,

J'ai l'honneur de vous transmettre les résolutions ci-annexées, relativement aux vues pacifiques récemment adoptées par l'Assemblée Générale de cet Etat, afin que Votre Excellence puisse les soumettre à la Législature de l'Etat, à la tête duquel vous vous trouvez.

J'ai l'honneur d'être avec le plus profond respect, votre dévoué serviteur,

(Signé) CH. N. WILLIAMS.
Par le Gouverneur
(Signé) R. F. ANDREWS,
Secretaire.

RESOLUTIONS POUR LA PROMOTION DE LA PAIX.

1o Résolu, par le Sénat et la Chambre des Représentants, Que nos Sénateurs et Représentants au Congrès soient requis de soumettre dans le plus bref délai, à la considération de leurs Chambres respectives, la convenance d'une résolution conjointe, requérant le Président des Etats-Unis, de proposer à toutes les nations avec lesquelles nous entretenons des relations diplomatiques, l'établissement d'un bureau chargé de régler toutes les réclamations et les différends internationaux.

2o Résola que le gouverneur est requis de transmettre une copie de ces résolutions au Président des Etats-Unis, et à l'exécutif de chacun des Etats de l'Union, invitant ces derniers à soumettre les dites résolutions devant leurs législatures respectives et à requérir leur coopération.

ETAT DU VERMONT

BUREAU DU SECRETAIRE D'ETAT.
Montpellier 14 Novembre 1850.

Je certifie par le présent que ce qui précède est une copie conforme des résolutions adoptées par l'Assemblée Générale de cet Etat, et déposées à ce bureau.
[Signé] FERRAND F. MERRIL.
Secrétaire d'Etat,

Sur motion le Sénat s'ajourne.

MARDI, 8 février 1853.

Le Sénat s'assemble à l'heure ordinaire.

M. Millard, du comité des réclamations, présente un rapport contre le bill pour venir au secours de M. Alex. McDonald.

M. Mouton dit : qu'attendu qu'il pense que le comité s'est soigneusement enquis à ce sujet, il ne présentera aucune objection.

M. Millard dit qu'en examinant la question, le comité des réclamations a vu que la paroisse de Vermillon avait, pendant les deux dernières années, reçu tout le montant auquel elle avait droit en vertu de la loi, et s'il en est rien dû à cette personne, le comité est d'avis que sans aucun doute la paroisse consentira à le lui payer elle-même.

M. Short, de la part de la majorité du comité judiciaire, lit le rapport suivant sur la résolution, ordonnant qu'il soit procédé à l'élection d'un sénateur des Etats-Unis.

Rapport de la majorité du comité judiciaire sur la résolution conjointe ordonnant qu'il soit procédé à l'election d'un sénateur des Etats-Unis.

Au président et aux membres du Sénat de l'Etat de la Louisiane.

Les soussignés, membres du comité auquel a été référé la résolution conjointe relative à l'élection d'un sénateur des Etats-Unis, rapportent respectueusement :

Qu'ils ne trouvent aucune loi ou aucun article constitutionnel qui puisse autoriser le Sénat à se réunir à la Chambre des Représentants, dans le but indiqué par la résolution, et, en peu de mots, ils exposeront les bases sur lesquelles s'appuient leurs conclusions.

Ils pensent qu'il est du devoir de tous ceux qui exercent des pouvoirs ou législatifs, ou exécutifs, ou judiciaires : 1o De s'informer s'ils ont le droit d'agir ainsi qu'il est proposé, et 2o, au cas où ils auraient ce pouvoir de le faire, si le moment est arrivé où ils peuvent l'exercer conformément aux lois et à la Constitution.

La proposition étant faite que le Sénat se réunisse à l'autre branche de l'assemblée générale, pour procéder à l'élection d'un sénateur des Etats-Unis, la première question que l'on doive se poser est donc : « Avons-nous les pouvoirs nécessaires pour le faire ?

« Secondement. Le terme au bout duquel ces pouvoirs peuvent être constitutionnellement exercé est-il arrivé ? »

Ce corps, organisé comme il l'est, tient toute son autorité de la Constitution de 1852 et des lois de l'Etat qui ne sont pas incompatibles avec la dite Constitution.

"*Qu'il soit de plus décrété* que le premier lundi qui suivra la première réunion de la législature à la session commençant dans l'année pendant laquelle expire le terme d'un ou de plusieurs sénateurs, choisis pour représenter cet Etat au Congrès des Etats Unis d'Amérique, ou dans le cas ou il n'y aurait pas dans cette année de session de la législature, alors dans l'année suivante les deux chambres se réuniront à la salle des déliberations de la chambre des représentants et y procèderont au choix d'un sénateur ou de sénateurs pour représenter l'Etat au Congrès des Etats Unis d'Amérique en remplacement du sénateur ou des sénateurs dont la place est vacante. Et la personne ou les personnes qui recevront le plus grand nombre de votes sera ou seront déclarés dûment élus sénateur ou sénateurs pourvu que le nombre de voix reçu par elle ou par elles constitue une majorité de tous les membres présents. »

« Approuvé le 13 février 1846. »

Cet acte n'a jamais été rappelé, au moins en ce qui concerne les actes de la législature ordinaire, et cette année-ci ne peut être celle pendant laquelle une élection régulière doit être faite pour remplir le terme commençant à l'expiration du terme de l'Honorable Pierre Soulé.

Il faut donc admettre que l'assemblée générale actuelle, qui tient ses pouvoirs de la constitution de 1852 doit procéder à une élection régulière d'un sénateur des Etats Unis en remplacement de l'Honorable S. W. Downs dont le terme expire le 4 de mars prochain.

Puisqu'il n'y a rien dans l'acte qui précède qui soit incompatible avec la Constitution de 1852, la Constitution n'ayant pas désigné l'année pendant laquelle une élection régulière doit être faite, l'assemblée gé-

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nérale actuelle pourrait procéder à ladite élection, pourvu qu'aucune élection n'eût été faite pour remplir la vacance qui commencera le 4 de mars prochain. Mais une élection a été faite en janvier 4852 par l'assemblée générale qui était alors en session, et l'honorable J. P. Benjamin, a été élu pour remplir ce terme.

Cela nous mène à la question :

1o L'élection qui a eu lieu alors était elle conforme à la Constitution de 1845 et à la seconde section, citée plus haut, de l'acte de 1846 ? Et si l'élection qui a eu lieu alors, est considérée *valide* par les lois et la Constitution *alors* en force, cette élection a-t-elle été mise de côté et rendue nulle par l'adoption de la Constitution de 1852, qui a ordonné une réunion de l'assemblée générale dans l'année pendant laquelle elle ne pouvait pas être régulièrement convoquée d'après la Constitution de 1845 ?

La Constitution de 1812 ne pourvoyait en aucune manière au temps, au lieu, ou à la forme, d'après laquelle devait être faite l'élection de sénateur des Etats-Unis. Elle ordonnait des réunions annuelles de la Législature et à des époques antérieures au 4 mars, de sorte que l'élection régulière de sénateur pouvait être fixée par la Législature pour l'année même pendant laquelle la vacance avait lieu.

L'article 1er, section 4 de la Constitution des Etats-Unis, dit :

1o Le temps, le lieu, et la manière d'élire des sénateurs et des représentants seront prescrits dans chaque Etat par la Législature : Mais le Congrès peut en tout temps, changer par une loi, tous ces réglements, excepté celui qui a trait au lieu où se fera l'élection de sénateur.

L'article 34 dit :

« Dans l'année pendant laquelle une élection régulière de sénateur des Etats-Unis devra être faite, les membres de l'assemblée générale se réuniront dans la salle des séances de la Chambre des Représentants, le premier lundi après la réunion de la Législature, et procédera à la dite élection. »

Par cet article de la constitution, le Sénat qui est une des branches de l'assemblée générale, possède, sans aucun doute le pouvoir qui lui est accordé de se réunir à l'autre branche dans le but indiqué par la résolution, lorsque le temps est venu où ce pouvoir peut être légalement et constitutionnellement exercé.

Cela nous conduit à la seconde partie de la question: le temps où ce pouvoir peut être exercé est il arrivé ?

Le fait que cette résolution a été présentée fait présupposer *que cette année* est celle dans laquelle doit avoir lieu l'élection d'un sénateur des Etats Unis ou qu'il y a une vacance au Sénat qui requiert que l'assemblée générale de cet Etat y pourvoie. Ces deux conditions existent-elles en fait ? Jusqu'à présent on ne conteste pas qu'en fait il y ait une vacance. Le terme de l'honorable Pierre Soulé n'expire que le 4 mars 1855 et le terme de l'honorable S. W. Downs, n'expire que le 4 mars 1853. Si donc le sénat est requis de se réunir à l'autre branche de l'assemblée générale pour procéder à l'élection d'un sénateur des Etats Unis, on doit admettre que cette année-ci est celle pendant laquelle une élection régulière peut être légalement faite pour le terme qui commencera à l'expiration du terme de M. Soulé ou celui qui commence à l'expiration du terme de l'Hon S. W. Downs.

La section 2 de l'acte de 1846 dit :

En vertu des pouvoirs ainsi conférés à la Législature réunie en vertu de la Constitution de 1812, elle passa l'acte suivant :

Section 1re. "Résolu que le second lundi de janvier prochain, précédant l'expiration du terme au bout du quel un sénateur ou des sénateurs pour représenter cet Etat au Congrès des Etats-Unis, sera choisi où devra l'être, si la Législature de cet Etat est alors en session, et si elle ne l'est pas alors, huit jours après qu'un quorum des deux chambres, se sera réuni au lieu où la Législature tient ses sessions, les deux chambres se réuniront dans la salle des séances de la Chambre des représentants et y procéderont par ballots réunis, à l'élection d'un sénateur ou de sénateurs pour représenter cet Etat au Congrès des Etats-Unis, &c., &c."

Cet acte resta en force jusqu'au 13 février 1846, et était la loi conformément à laquelle la Législature choisissait l'époque, le lieu et la manière pour l'élection des sénateurs, aussi longtemps qu'elle se réunit sous la Constitution de 1812.

L'article 35 de la Constitution de 1845, dit :

" Dans l'année pennant laquelle devra avoir lieu l'élection d'un sénateur des Etats-Unis, les membres de l'assemblée générale se réuniront dans la salle des éances de la Chambre des Représentants, le premier lundi qui suivra la réunion de la Législature et procéderont à la dite élection."

Cet article de la Constitution n'enlevait aucunement à la Législature le pouvoir de désigner l'année pendant laquelle doit avoir lieu l'élection de sénateur des Etats-Unis. Mais *dans l'année pendant laquelle elle doit être faite conformément à la loi*, (et la Législature avait le droit de fixer l'année conformément à la 4me section de l'article 1er de la Constitution des Etats-Unis) les membres de l'Assemblée Générale sont requis de « se réunir dans la salle des séances de la Chambre des Représentants le premier lundi qui suivra la réunion de la Législature, et procéderont à l'élection. »

Par la Constitution de 1845, article 5, l'Assemblée est requise de se réunir tous les deux ans, le troisième lundi de janvier après l'élection ; mais la première session de la Législature, en vertu de l'article 153, devait être ouverte le second lundi de février 1846. Mais plus tard, aucune session régulière ne pouvait être tenue sous la Constitution de 1845, excepté dans les cas prévus par la seconde section.

L'Etat de la Louisiane se trouva alors dans une ère toute nouvelle d'existence, et il fallut pourvoir aux exigences que réclamaient les changements introduits dans loi organique. Voyant qu'on ne pouvait se réunir *tous les ans* et que le terme régulier de sénateur des Etats-Unis devait nécessairement expirer dans l'année, pendant laquelle il n'y avait pas de session régulière conformément à la Constitution, on remplaça la section 1re de l'acte de 1812, par la 1re section de l'acte de 1846, conçu en ces termes :

« Résolu, etc., etc., que la première section de l'acte intitulé : « Acte prescrivant le temps, le lieu et la manière dont doivent être faites les élections de sénateurs pour représenter cet Etat au Sénat des Etats-Unis d'Amérique, » approuvé le 1er septembre 1812 est et demeure par la présente abrogée. »

La première section de l'acte de 1812 ayant cessé d'être applicable et de présenter une règle qui pût diriger la Législature dans l'élection d'un sénateur, on établit la règle consignée dans la 2me section de l'acte de 1846, précitée, en vertu de laquelle, lorsqu'il y a une session commençant dans l'année où expirent les fonctions d'un sénateur, l'Assemblée Générale peut procéder à une élection cette année. Mais si ces fonctions expirent dans l'année suivante, pendant laquelle il ne peut y avoir de session sous l'empire de la Constitution, la loi alors veut que l'election ait lieu avant l'année dans laquelle ces fonctions expirent. C'est en vertu de cette règle que M. Benjamin fut élu en janvier 1852, qu'il fut reconnu duement élu sénateur des Etats-Unis pour six ans, à partir du 4 mars 1853. Cet acte est l'œuvre du peuple de la Louisiane, agissant par l'organe de l'Assemblée Générale, réunie sous l'empire de la Constitution de 1845 ; et suivant en tout point la règle qui a été posée, en vue de cet acte même, dans la seconde section de l'acte de 1846.

Si l'élection de M. Benjamin ainsi accomplie, est contestée, elle ne peut l'être que sur le motif :

1o. Qu'elle est nulle et l'était à l'époque où elle eût lieu, en vertu de quelque disposition de la Constitution des Etats-Unis, de l'Etat, ou de quelque loi existant à l'époque où l'élection eut lieu, ou que le changement qui s'est opéré dans le gouvernement par l'adoption de la Constitution de 1852 l'a frappée de nullité, ou enfin, que M. Benjamin n'a pas les qualités ou capacités requises par la 3me section du premier article de la Constitution des Etats-Unis, ainsi conçue :

« Nul ne sera sénateur s'il n'a atteint l'âge de trente ans, s'il n'a été neuf ans citoyen des Etats-Unis, et si, au moment de son élection, il n'habitait l'Etat pour lequel il a été choisi. »

Nous n'avons pas la preuve que M. Benjamin soit dans aucun des cas d'exclusion posés par cette section; et le fait de son élection est par elle-même, en l'absence de toute preuve contraire, une présomption qu'il possède les qualités requises par la Constitution. Et que l'on ne s'y méprenne point, les soussignés sont loin de concéder que l'Assemblée Générale actuelle

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peut se poser juge de cette question, car la 5me section de l'article 1er de la Constitution des Etats-Unis déclare que chacune des chambres sera juge de l'élection, du certificat et de l'éligibilité de ses membres.

Nous passons donc aux deux autres motifs de nullité :

1o. Au point de vue de la Constitution des Etats-Unis, l'élection est-elle nulle aux termes d'aucune de ses clauses. L'article 3, section 1ère de la Constitution des Etats-Unis déclare que « le Sénat des Etats-Unis sera composé de deux sénateurs de chacun des Etats, choisis par la Législature des dix Etats pour un terme de dix ans, et chaque sénateur aura droit à un vote. » Le Sénat des Etats-Unis est un des trois grands pouvoirs du gouvernement fédéral, la dignité de sénateur est un des éléments qui entrent dans la composition de ce corps, son existence ou sa non existance n'entre pour rien dans l'organisation particulière du gouvernement de l'Etat. Ce ne sont point des fonctions créées par le gouvernement de l'Etat. Elles ne résultent pas, elles ne dépendent point d'aucun changement qui peut survenir dans la loi organique de l'Etat. Aussi longtemps que l'Etat existe, quelle que soit la forme de la Constitution intérieure, aussi longtemps qu'il fait partie de l'Union, c'est un devoir, c'est un droit pour la Législature de l'Etat de choisir ses sénateurs et de déterminer à quelle époque, en quel lieu et de quelle manière ce choix devra se faire. C'est ce qu'a fait l'Etat de la Louisiane, et c'est conformément aux dispositions de la seconde section de 1846 qu'il a élu M. Benjamin.

Jusqu'ici, rien dans la Constitution des Etats-Unis, qui puisse invalider l'élection de M. Benjamin, et comme il n'y a point conflit entre l'acte de 1846 et la Constitution de 1845, et que M. Benjamin a été élu conformément à la règle posée par cet acte, les soussignés sont arrivés à la conclusion, irréfutable à leur avis, que l'élection de M. Benjamin a été faite conformément aux dispositions de la loi alors existante.— Nous voici conduits à la dernière partie de cet examen. Y avait-il aucun pouvoir dans l'Etat de la Louisiane capable d'annuler cette élection après qu'elle eût en lieu ? Personne ne prétendra, nous le supposons du moins, que sous l'empire de la Constitution, de 1845, il fut au pouvoir d'aucune assemblée générale d'invalider cette élection.

Il a été avancé cependant que, attendu que sous la Constitution de 1845, le gouverneur eût pu convoquer l'assemblée générale aux termes de l'art. 54, la législature de 1852 a fait acte d'usurpation en s'attribuant le droit de voter à cette époque.

Il est vrai que le gouverneur, en vertu de l'article 54, «peut, dans des occasions extraordinaires, convoque l'assemblée générale, » mais les soussignés se demandent comment ce pouvoir discrétionnaire qu'il sera loisible au gouverneur d'exercer ou de ne pas exercer, pourrait paralyser l'exercice d'un droit conféré à la Législature par la Constitution des Etats-Unis, même en supposant que l'élection d'un sénateur au Sénat des Etats-Unis, soit comprise dans la signification des termes « occasions extraordinaires, » dont se sert l'article 54. Il ne semble pas aux soussignés qu'il pût venir à l'idée ni du gouverneur ni de la Législature. avant ou après la session de 1852, de considérer comme une chose extraordinaire que les fonctions d'un sénateur aux Etats-Unis dussent expirer le 3 de mars 1853 ; un événement qui se reproduit à des époques fixes ne peut être regardé comme une occasion extraordinaire. La Législature en prévision de l'événement auquel il fallait pourvoir, agit en conséquence, sans croire, nous le pensons, qu'elle empiétat sur le pouvoir discrétionnaire du gouverneur, qui pouvait, voudrait ou devrait, que savons-nous, convoquer la Législature en 1853, pour pourvoir à un événement extraordinaire.

De plus, à l'époque ou l'élection eut lieu, aucune loi n'avait été adoptée par la Législature, soumettant au peuple de la Louisiane la question de la réorganisation de l'Etat sous une nouvelle Constitution, on n'avait fixé, on n'avait en vue aucune époque à laquelle une nouvelle Constitution dût être adoptée ou commencer à fonctionner.

Et les lettres de creance de M. Benjamin n'étant point données conditionnellement, son droit n'étant point subordonné à l'adoption d'une Constitution en 1853, ne dépendent pas de l'existence d'une majorité disposée à annuler son élection, les soussignés ont peine à concevoir comment le changement opéré par la Constitution pourrait affecter un droit requis. Si sa dignité de senateur était de création d'Etat, résultait de l'organisation de l'Etat, ces fonctions pourraient se ressentir de tout changement survenu dans le gouvernement intérieur. Mais l'acte par lequel l'Assemblée-Générale a élu M. Benjamin étant indépendant de l'organisation de l'Etat, les soussignés ne voient pas comment l'assemblée de 1853 peut abroger un acte accompli par l'assemblée générale de 1852. Les soussignés sont d'opinion que de quelque manière que l'on envisage la question, l'assemblée générale ne peut prétendre au droit d'élire maintenant un sénateur, attendu qu'il n'y a pas de siége vacant, ou plutôt que la vacance qui avait eu lieu a été remplie conformément aux lois existantes. Le changement qu'a opéré la Constitution est destiné à avoir effet dans l'avenir, mais ne peut anéantir ce qui a été fait sous l'ancienne Constitution.

Et les soussignés soumettent respectueusement au Sénat les motifs qui précèdent comme militant contre l'adoption des résolutions soumises au comité.

H. SHORT,
B. L. HODGE,
THOS. C. NICHOLLS.

M. Lacey lit ensuite le rapport de la minorité du comité. Ce rapport exprime simplement une entière opposition aux vues et aux conclusions de la majorité du comité.

Rapport de la minorité.

A l'honorable Sénat de l'Etat de la Louisiane.

Les soussignés, membres du comité judiciaire, auquel a été référé l'examen de la résolution conjointe ayant pour objet l'élection d'un sénateur au Congrès, demande à soumettre le rapport suivant :

Les soussignés ne supposaient pas que le rapport de la majorité du comité judiciaire aurait été présenté aujourd'hui au Sénat, et ils se sont vus forcés de profiter de la lecture de ce rapport pour préparer le leur.

Les soussignés se voient contraints de déclarer qu'ils ne peuvent donner leur assentiment au rapport de la majorité du comité, ne pouvant adopter ni les arguments ni les conclusions du dit rapport, et recommandent l'adoption de la résolution conjointe renvoyée au comité.

GEO. S. LACEY,
WM. W. KING.

M. Wickliffe fait la motion que 5000 copies de ce rapport soient imprimées en français.

M. Lacey—Combien a-t-il été ordonné de copies du Message du Gouverneur ?

M. Wickliffe—5000, Monsieur.

M. Lacey—Je ne vois pas la nécessité de faire imprimer autant de copies de ce rapport. Y a-t-il aucun autre comité dont le rapport ait été imprimé à un aussi grand nombre d'exemplaires ?

M. Wickliffe—Oui, Monsieur, il y a eu 5000 copies imprimées du rapport de M. Griffin, du comité des améliorations intérieures.

M. Martin—Entre ce rapport et le Message du Gouverneur, il y a une grande différence au point de vue de l'importance.

M. Lacey—Je m'oppose, Monsieur, à ce qu'il soit imprimé un si grand nombre de copies de ce rapport. En ce moment où la rage d'économie est si grande, je ne vois pas pourquoi tant d'argent serait dépensé pour ce rapport seulement. Je suis disposé à voter pour qu'on en imprime un nombre raisonnable d'exemplaires ; mais, selon moi, 5000, c'est beaucoup trop.

M. Wickliffe—L'impression de 5,000 copies ne coûtera que peu de chose de plus que l'impression de 2,500.

M. Lacey retire sa motion.

La motion d'imprimer 5,000 copies du rapport, dont 2,500 en anglais et 2,500 en français, est alors emportée.

M. King, du comité des améliorations intérieures, lit un rapport déclarant que le comité a trouvé un grand nombre de documents importants des autres sessions de la Législature, et demandant qu'ils soient imprimés pour l'usage du Sénat.

M Martin dit qu'il est formellement opposé à l'impression de ces documents. Il présume que de ce nombre est le rapport de M. Ricker. Ce rapport ne serait jamais lu parce qu'on ne pourrait jamais décider

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les sénateurs à en écouter la lecture. Et l'entendre serait pour le Sénat une perte de temps d'un jour au moins.

M. King dit que le comité a mis le plus grand soin à choisir les documents qui lui ont semblé être de quelque intérêt public, et que tous ceux qu'il a choisis, une fois mis ensemble, ne font pas plus de 121 pages, d'écriture très courante. Ce qui n'est pas plus long que beaucoup de brefs d'avocats. Même s'ils étaient plus longs, s'ils l'étaient trop, ce serait encore là une raison pour qu'ils fussent imprimés, afin que chaque sénateur pût en prendre connaissance par lui-même.

M. Nicholls exprime l'espoir qu'il ne sera pas fait d'objection à l'impression de ces documents. Ils sont absolument nécessaires pour l'information des membres mêmes du comité. Lui personnellement n'a pas la moindre connaissance de ce qui a été déjà fait par les comités précédents ou des rapports qu'ils ont présentés. Il doit avouer que quoique membre du comite, il ignore entièrement quelles questions peuvent être soumis à son examen. Il est entré à ce comité sans avoir la moindre idée de ce qu'il y avait à faire et sans aucun moyen de se procurer les informations nécessaires. L'impression de ces documents est absolument nécessaire et il espère qu'elle sera ordonnée.

ÉLECTION D'UN SÉNATEUR DES ETATS-UNIS.

M. Lacey demande si la résolution conjointe ordonnant qu'il soit procédé à l'élection d'un sénateur des Etats-Unis n'a pas été mise à l'ordre du jour pour jeudi.

Plusieurs sénateurs répondent que non.

M. Lacey dit que quelque grand que soit le respect qu'il professe pour les sénateurs qui viennent de lui répondre, il aimerait cependant à recevoir une information un peu plus certaine. Il voudrait que l'on consulte le journal et il répète sa question « la résolution n'a-t-elle pas été mise à l'ordre du jour pour jeudi ? Il est, lui, sous l'impression qu'elle l'a été. Il a compris que le sénateur des Avoyelles qui est maintenant absent, avait dit qu'il avait été entendu entre lui et plusieurs autres sénateurs, lorsque dernièrement cette question était devant le Sénat, qu'elle ne serait pas agitée avant jeudi et il croyait qu'elle avait été mise à l'ordre du jour spécial pour ce jour-là.

M. Martin explique que la convention faite entre le sénateur des Avoyelles était d'une nature toute personnelle et que le Sénat n'avait aucunement à s'en occuper. Le sénateur était seulement convenu avec lui qu'il ne ramènerait pas la question avant jeudi, jour où les sénateurs qui étaient alors absents seraient de retour.

M. Wickliffe pense qu'il serait plus convenable que la question fut ajournée jusqu'à ce que le rapport fut imprimé et soumis au Senat. Alors il serait parfaitement disposé à ce qu'on fixât un jour, mais jusque-là il demande à s'éclairer des lumières que le comité judiciaire a jetées sur cette question.

Le secrétaire lit la partie du journal où il est consigné que la motion de fixer un jour avait été perdue.

Après quelques conversations particulières, M. Lacey dit qu'il est disposé à accepter l'autorité du journal et il fait maintenant la motion que l'examen de cette question soit fixé à jeudi prochain.

M. Wickliffe s'oppose à ce que la résolution soit présentée de cette manière : il croit qu'elle doit rester déposée sur le bureau, conformément aux réglements.

M. Lacey ne voit pas pourquoi la résolution serait sujette à la formalité de rester déposée sur le bureau conformément aux règlements.

M. King dit qu'il ne désire pas entrer dans une discussion de cette question, mais il croit qu'elle intervient beaucoup trop dans les devoirs ordinaires de la Législature.

Elle devrait être décidée une fois pour toutes, afin de couper court aux interminables et inutiles discussions auxquelles elle donnera lieu.

M. Wickliffe ne désire pas que la question soit mise de côté. Il est convenable au contraire qu'il en soit disposé le plus tôt possible. Mais le Sénat aura pour cela tout le temps nécessaire après que le rapport aura été imprimé. Il se peut qu'il convienne à un sénateur de parler sur cette question jeudi prochain, mais il se peut aussi que d'autres n'aient pas le desir de l'entendre. Quant à lui il désire attendre que ces documents soient imprimés. Il désire les avoir tous deux pour en comparer les raisonnements et les conclusions, afin de voir s'il y a entre eux quelque conflit important. Quel mal peut-il y avoir à cela ? Lui, personnellement ne s'est pas beaucoup occupé de cette question ; elle ne lui a pas causé d'insomnies, elle n'a pas empêché qu'il accomplit tous ses devoirs législatifs. Il espère qu'il en sera de même du sénateur de la Nouvelle-Orléans, et qu'il n'abandonnera pas ses fonctions de président du comité des améliorations intérieures, pas plus qu'il ne l'aurait fait, si semblable question n'avait pas été devant le Sénat.

Après quelques remarques peu importantes faites par différents sénateurs, la résolution de M. Lacey est adoptée.

Bills référés.

M. Thériot.—Un acte relatif au transfert du siége de la cour de la paroisse Saint-Jacques. Référé au comité des paroisses.

Annonce de bills.

Un bill adjoignant une partie de la paroisse de Winn, à la paroisse de Natchitoches.

Ordre du jour.

Une résolution requérant le comité des banques et maisons de banque de prendre des informations et de faire un rapport sur la condition des banques incorporées de la Nouvelle-Orléans.—Adoptée

Un acte pour autoriser les juges de paix à nommer dans certains cas des curateurs *ad litem*.—Renvoyé au comité.

Un acte changeant les qualifications requises des directeurs de la Banque des Citoyens.—Adopté, et sur motion de M. Wickliffe, cet acte est pris une seconde fois en considération.

Bills et Résolutions adoptés par les deux Chambres.

M. Kennedy, commis de la Chambre, informe le Sénat que la Chambre a donné son concours à un acte confirmant la vente des terres sur le raccourci Cut Off.

Une résolution relative à l'établissement d'un bureau de poste aux établissements français de la paroisse de Livington.

Il demande aussi le concours du Sénat à plusieurs bills et résolutions.

Puis, sur motion, le Sénat s'ajourne.

Mercredi, 9 fev. 1853.

Le Sénat s'assemble conformément à l'ajournement.

Bills et résolutions présentés.

M. Short, une résolution conjointe demandant une réunion du comité judiciaire des deux chambres pour définir les districts, ainsi que la juridiction des Cours de Discrict et autres Cours inférieures, afin qu'une élection puisse avoir lieu à l'époque assignée pour l'élection des juges de la Cour Suprême.—Adoptée.

M. Lewis.—Une résolution ordonnant le paiement des dépenses faites par le comité qui s'est rendu auprès du gouverneur Hébert, pour la cérémonie de l'inauguration.—Adopté.

M. Todd.—Un acte pour la construction d'un pont sur le bayou Little Bonne Idée, dans la paroisse de Morehouse.—Référé au comité sur les ameliorations intérieures.

M. Millard.—Une résolution dispensant Jérôme Tourné de la Nouvelle-Orléans de toutes autres obligations pécuniaires pour certains bonds forfaits par lui.—Adoptée.

Rapports des comités.

M. Lacey, du comité judiciaire, présente un rapport favorable au bill qui définit les devoirs des notaires hors des limites de la ville de la Nouvelle-Orléans.

Bills référés.

M. Palfrey—Un acte relatif aux pouvoirs des greffiers des Cours de District.—Référé au comité judiciaire.

Vétérans de 1814 et 1815.

M. Lewis, du comité sur les milices, présente un rapport favorable à l'acte faisant une appropriation pour le paiement des pensions dues aux vétérans de la guerre de 1814-15.

M. Kenner dit qu'il est disposé à voter en faveur d'un bill de cette nature, mais qu'avant de le faire il désirerait savoir au juste quelle somme serait suffisante pour payer tous les arriérés dûs de cette manière. En vue de cela, il croit que le bill devrait être déposé quelque temps afin que les sénateurs pussent prendre des informations.

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Il va exposer en quelques mots l'état actuel de la question.

La dernière législature a passé un bill faisant une appropriation de $15,000 pour venir au secours des personnes qui reçoivent des pensions pour services rendus pendant la guerre de 1814 & 15. La loi portait que :—" Toute personne ayant combattu dans les rangs de l'armée pendant cette guerre et pouvant prouver ses services et le fait qu'elle est dans le besoin, devant un bureau composé du gouverneur, de l'auditeur et du trésorier aura droit à recevoir une pension de $8 par mois. "

En vertu de cette loi, un bien plus grand nombre de personnes que la Législature n'avait pensé d'abord présentèrent leurs réclamations. Il faudrait au moins $50,000 au lieu de $15,000 pour acquitter ces réclamations.

On propose maintenant une appropriation de $5,000 pour payer les arriérages. Si le Sénat y consent, il vaudrait certainement mieux que l'on pourvut une fois pour toutes à la somme entière qui pourra être nécessaire que de faire une appropriation suffisante seulement pour solder une faible partie des arréages dûs. Ce serait, ajoute-t-il, une goutte d'eau dans la mer.

M. Wickliffe dit qu'il se souvient très-bien de cet acte auquel fait allusion le sénateur de l'Ascension. A la dernière session il a fait tout ce qui était en son pouvoir pour empêcher qu'il ne fut adopté parce qu'il pensait que la loi était bien mieux telle qu'elle était premièrement rédigée. La loi précédente exigenit des pensionnés de prouver les détails de leurs réclamation, dans une pétition adressée à la Législature, et demandant des secours. Alors la pétition était prise en considération séparément et les titres individuels du petitionnaire étaient discutés. Mais la dernière Législature a adopté un système tout différent et nous devons le faire exécuter. Dans sa paroisse, à lui, il y a deux personnes, et il a appris du sénateur de la Nouvelle-Orléans que dans ce District, il y en a un bien plus grand nombre, qui ont droit à ces secours. Elles s'étaient imaginées que les $15,000 qui ont été affectées seraient suffisantes, et ne s'attendant pas au flot de pétitionnaires qui s'est tout-à-coup présenté, elles ne s'étaient pas pressées, comme beaucoup d'autres, d'accourir ici et de réclamer ce qui leur était dû en vertu de cette loi. Lorsque plus tard elles se ront présentées, la somme affectée était épuisée et il leur fallut renoncer à l'espoir de secours que leur avait inspirés l'action de la dernière Législature.

Il est donc désireux de voir adopter ce bill. Les exemples qu'il a cités ne sont pas les seuls.

Il sait qu'il existe plusieurs vétérans, dont une bonne partie souffre des besoins les plus indispensables qui auraient droit à faire des reclamations. La somme proposée dans le bill n'est pas très grande, à peine sera-t-elle suffisante, pour payer les arrérages et si, comme l'a dit le sénateur avant lui, ce n'est qu'une goutte d'eau dans la mer, pourquoi donc ne pas l'accorder tout de suite ?

M. King dit qu'il éprouve une grande répugnance à exprimer aucune opposition au système de pensions qui a été adopté par la législature. Mais il doit avouer que lorsqu'il considère la condition où se trouve l'Etat avec un trésor épuisé, à la veille d'une banqueroute, il éprouve quelque inquiètude à un moment comme celui-ci.

Il serait disposé à donner son appui à un bill de cette nature, mais il voudrait aussi avoir du temps pour prendre des informations. Il désirerait que le bill fut de nouveau référé afin que les sénateurs eussent le temps de mieux étudier la question. Le sénateur de l'Ascension a dit que le montant nécessaire serait $50,000, ce qui certes constitue une très forte somme. Il fait donc la motion que le bill soit referé au comité sur les réclamations.

M. Wickliffe est d'avis que la proposition faite par le sénateur de la Nouvelle-Orléans est des plus extraordinaires. Ce bill a été référé au Comité de Milice qui en a fait un rapport favorable. Le sénateur voudrait maintenant que de ce comité il fut référé à un autre. Pense-t-il que le Comité de Milice n'a pas donné à cette question toute l'attention qu'elle exigeait ? S'imagine-t-il que le comité n'est pas compétent pour examiner cette question et en faire un rapport ? S'il ne le pense pas pourquoi donc alors se donner l'apparence du manque de courtoisie qu'impliquerait le fait de retirer ce bill des mains du comité auquel il avait été référé ?

M. King répond qu'il ne voit pas trop ce que le comité de milice a à voir dans des questions d'argent. C'est tout une question de piastres et de sous, et comme telle, elle aurait dû être tout d'abord référée ou au comité de finances ou au comité sur les reclamations.

M. Kenner désire soumettre quelques observations avant qu'il soit disposé en dernier lieu de cette question. Il l'a attentivement étudiée et il croit qu'après qu'il aura expliqué les vraies circonstances de l'affaire, les sénateurs se joindront à lui pour demander que le bill soit de nouveau referé pour quelque temps. Lui personnellement est parfaitement disposé à faire tout ce qui sera possible pour venir au secours des vétérans qui ont combattu pour l'Union et pour l'Etat dans la guerre de 1814 et 15 toutes les fois que le besoin les placera dans la nécessité de le solliciter. Il votera avec plaisir en faveur d'une loi qui leur soit avantageuse. C'est pour cette raison qu'il désire que le bill soit référé de nouveau afin que l'on ait le temps de préparer un amendement qui pourvoie à toute la somme rendue nécessaire par l'acte de l'année dernière.

Dans le but de faire voir au Senat quels sont les résultats de cet acte et quelle somme serait nécessaire pour qu'il pût être rempli, il va lire le passage suivant relatif à ce sujet et tiré du rapport de l'Auditeur de l'Etat :

« A propos de la suggestion que j'ai faite dans la première partie de ce rapport relativement à la loi de pension adopté à la dernière session de la Législature, je dirai que la somme de $15,000 affectée pour l'année 1852, en vertu de l'acte passe alors, a été épuisée dans les premiers six mois, de sorte que le second terme des pensionnés n'a pu être payé. Il faudrait, pour le faire, une somme au moins égale, sans compter dix ou quinze mille piastres de plus pour satisfaire aux réclamations déclarées bonnes par l'acte No. 220, que rejet maintenant le bureau des pensions. Il faudrait donc en tout $50,000 par an pour répondre à toutes les réclamations qui seront faites. L'acte donne le droit de pension à toute personne qui a rendu des services militaires en 1814 et 15 et fait du serment prêté par le réclamant et par deux autres témoins une preuve suffisante du titre à une pension. »

Nous avons passé un acte affectant $15,000 à l'accomplissement de la loi qui accorde une pension de $8 par mois à toutes personnes qui ont rendu des services militaires pendant la guerre de 1814 et 15. Puis nous avons vu que la somme affectée n'était pas suffisante et qu'il s'en fallait d'au moins $50,000 qu'elle pût l'être. Cette somme entière sera nécessaire pour repondre à toutes les reclamations dont nous avons maintenant connaissance. Si le Sénat est decidé à persister dans ce système de pensions, il ne doit pas accorder l'argent necessaire par petits à-comptes tels que serait la somme proposée dans le bill qui est maintenant soumis à notre considération. Il serait donc plus convenable de referer de nouveau le bill, afin qu'on ait le temps de mûrir un plan par lequel on puisse une fois pour toutes pourvoir à tout ce qui peut etre necessaire.

Le sénateur qui m'a précédé, a dit que dans sa paroisse il connait deux respectables vieillards qui ne sont pas accourus ici pour toucher leur pension aussitôt après la passation de la loi de pension par la dernière Legislature. J'admire ces deux vieillards, ils ont vole au secours de l'Etat à l'heure du péril, ils devraient être recompenses de leurs services. Et pourquoi pensé-je qu'ils doivent être payes ? Parce que parmi mes constituants je connais onze personnes qui sont placées exactement dans la même position. Elles non plus ne se sont pas pressées, elles ne sont pas accourues ici pour recevoir leur argent aussitôt que le bill a été passé, et pourtant elles ont droit à une part de l'appropriation tout aussi bien que les deux constituants du sénateur de West-Feliciana.

Puisque la somme proposée dans le bill n'est pas suffisante pour répondre aux réclamations présentées, il désire ou que la somme soit augmentée de manière à ce qu'elle puisse satisfaire tous les réclamants ou que le système de pensions soit entièrement aboli d'une fois.

Avant de terminer, il doit dire qu'il a attentivement écouté les remarques faites par le sénateur de la Nouvelle-Orléans, et qu'il les a trouvées parfaite-

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ment justes et convenables. Il est lui-même d'opinion que le fait de référer le bill au comité des réclamations serait des plus inconvenants puisque c'est tout une question de piastres de sous à laquelle ce comité n'a rien à faire. A bien considérer, cette question n'appartient pas au comité de milices, elle appartient au comité de finances ou au comité sur les réclamations.

M. Lacey. dit, que si la question est simplement une question de temps, que si le Sénat désire que l'occasion lui fut offerte encore de presenter des amendements, il accédera au désir exprime par le sénateur; mais que si le but est de retirer le bill des mains du comité auquel il avait été référé pour le confier à un autre, il s'y opposera de toutes ses forces. Il ne voit pas qu'il y ait lieu à un plus long examen que celui qui a déjà été fait de cette question, et ce fut a qui, par courtoisie envers le comité de milice, s'opposerait à ce que le bill fut référé à un autre comité.

S'il s'agissait tout simplement d'une demande de pension pour tels ou tels, ce ne serait peut-être pas sans hésitation qu'il accéderait à la demande. Quelque soit son désir d'apaiser des estomacs affamés, de soulager les souffrances en venant en aide à ces vétérans de 1815, brisés par les fatigues de la guerre, il réfléchirait avant de se lancer dans une pareille voie. Mais s'il prend comme point de départ la législation de 1852, quelle est la situation dans laquelle il se trouve placé ? La Législature de cette année a passé une loi affectant une somme de $15,000 aux vétérans de 1815. Entendait-elle faire une promesse et y manquer ? Offrir des pensions et puis les refuser ? A-t-elle prétendu dire à ces glorieux débris de la guerre de 1815, ces vétérans qui ont expose leurs jours pour la défense de l'Etat, venez et les secours ne vous feront point faute, il sera pourvu à vos besoins, l'Etat vous prendra sous son égide: a-t-elle prétendu leur tenir ce langage et puis fermer sur eux les portes du trésor ? Qu'elle est donc la position dans laquelle le placent la législation de 1852, et les conséquences légitimes de cette législation ?

La bonne foi exige que les dispositions de la loi adoptée l'année dernière reçoivent leur plein effet. Si la proposition du sénateur de la paroisse d'Ascension n'est faite que dans le but d'obtenir le temps nécessaire à l'examen de la question, il ne s'y opposera pas ; mais si le but est de transférer le bill d'un comité à un autre, il se verra contraint de combattre la proposition. En n'envisageant que le fond de la question, il se voit contraint de donner tout leur effet aux dispositions de l'acte de 1852, qui a solennellement assuré une pension aux vétérants de 1815.

M. Martin fait observer que quant à lui, président du comité de la milice, il ne se trouvera pas blessé si le bill est renvoyé au comité de finances.

M. Lacey déclare que si le président du comité de la milice n'a aucune objection à la marche proposée, il n'y fera certainement point opposition.

Le bill est renvoyé au comité de finances.

Conformément à l'avis préalable qui en a été donné, M. Kenner presente un bill dans le but d'affecter une certaine somme comme indemnité aux électeurs présidentiels—Adopté.

ORDRE DU JOUR.

CLASSIFICATION DES SENATEURS.

Sur motion de M. Mouton, le Sénat procède par la voie du sort, à la classification des sénateurs en vertu de l'article 17 de la Constitution.

Le résultat est ainsi que suit :

Première classe, dont les fonctions expirent dans deux ans—MM. Derbes, Kenner, Kemp, Lewis, Martin, Millard, Mouton, Neal, Palfrey, Patterson, Smith, Short, Slack, Taylor, Todd et Wickliffe.

Deuxième classe, dont les fonctions expirent dans quatre ans—MM. Boatner, Burthe, Clifton, Dupré, Evans, Griffin, Hodge, Kittridge, King, Lacoste, Lacey, Lauve, McCay, Nicholls, Rivers, Theriot.

M. Short demande et obtient la permission de présenter un bill dans le but de pourvoir à la vente d'une partie des terres marécageuses et inondées concédées à l'Etat par actes du Congrès, approuvés le 2 mars 1849 et le 28 septembre 1850 et régler l'emploi du produit de la vente.

La motion étant faite de renvoyer le bill au comité des terres publiques et levées,

M. Short dit qu'il est opposé au renvoi, parce que l'un des effets les plus importants que se propose le bill serait anéanti par le fait même de ce renvoi. Il va expliquer le but que se propose le bill. Dans la chambre basse, le comité des terres publiques et levées est saisi en ce moment d'un bill dont l'objet est d'adopter un plan général pour protéger toutes les terres alluviales de la Louisiane qui sont sujettes aux inondations. En vertu de ce bill, une commission qui devra être nommée plus tard, devra faire une classification de ces terres. Après cette classification, il pourra être fait une émission de certificats, (scrips) représentant la valeur des terres et répondant à la classification faite par les commissaires ; le produit de ces certificats, devra être consacré à l'érection de levées. Ce plan mettrait à notre disposition un fonds permanent pour la construction des levées. Or, aussitôt qu'il a été connu que la législature avait l'intention de passer un bill à cet effet, une grande partie des terres qui présentaient le plus de valeur a été choisie et accaparée par la spéculation. De cette façon tandis que le bill en était encore à la première des phases par lesquels il doit passer, ou a spéculer sur l'action présumée de la Législature, on s'est emparé des meilleures terres et compromis, quant à présent, l'exécution d'une des mesures les plus importantes que se propose la Législature. Le but de ce bill est de réduire en système la question des levées et des terres publiques, de créer un fonds spécial, à l'aide soit d'une émission de certificats, soit d'nu emprunt reposant sur les terres. Il croit que la Législature doit empêcher l'ajournement d'un pareil projet. En ce moment les meilleures terres sont rapidement enlevées et dans quel but ? Parce que l'on voit que la Législature a le dessein d'adopter un système qui mette à même de créer un fonds spécial, avec cette rapidité dans le coup d'œil que possèdent les spéculateurs, ils ont bien vite discerne la valeur des terres et se sont jetés sur les meilleures ; et au moment où le système commencera à fonctionner le spéculateur sera en possession. Aussitôt que la classification ser commencée, on verra que toutes les meilleures terres sont aux mains de ces personnes. C'est dans le but de déjouer ces manœuvres, c'est pour que les comités des terres publiques et des levées dans les deux chambres puissent, en se consultant, prendre des mesures capables de renverser les obstacles que les spéculateurs pourraient opposer à l'adoption du système, qu'il a présenté ce bill et qu'il en combat le renvoi. Il veut que le fonds précieux dont il espère voir la création ne soit pas enlevé à l'Etat par ces hommes à l'œil perçant, avant même que l'Etat ait pu jouir de la vue de ce fonds.

M. Griffin, dit qu'il désirerait savoir quel serait l'effet de ce bill relativement aux habitants qui désirent s'inscrire pour des terres situées dans la profondeur de leurs propriétés et qui leur sont nécessaires pour les besoins de l'agriculture. Il lui semble que le bill prononcerait contre eux une sorte d'exclusion, attendu qu'il est probable qu'ils n'iraient pas dans les marais, au milieu des moustiques et des crocodilles, pour creer le genre d'établissement requis par le bill. Il combattra le bill.

M. Hodge fait observer qu'il a un substitut à présenter qui recevra, il l'espère, l'assentiment du sénateur lequel a présenté le bill. Les Etats-Unis ont fait donation à l'Etat des terres en question par actes du Congrès de 1849 et 1850. Après l'adoption de ces actes et avant que les listes eussent été achevées et expédiées au bureau général des terres, plusieurs personnes se sont inscrites au bureau des terres des Etats-Unis pour une partie de ces terres. Le commissaire du bureau général des terres décida subséquemment que les inscriptions prises après la passation des actes de 1849 et 1850 étaient nulles, attendu que ces inscriptions avaient suivi l'abandon que les Etats-Unis avaient fait à la Louisiane de tous leurs droits à ces terres. Plus tard, sous l'empire des lois de l'Etat, d'autres personnes se présentèrent et se firent inscrire pour les mêmes terres. Le Register permet de prendre de pareilles inscriptions, s'appuyant sur une opinion de l'Avocat Général. Cette opinion vient d'être soumise au Sénat ; elle accompagne un rapport présenté par le Register du bureau des terres. Il pense que les choses étant ainsi, le mieux serait de fermer le bureau des terres, pour prévenir les manœuvres qui ont lieu à la faveur de l'opinion de l'Avocat Général. Le substitut qu'il présente atteindra ce but.

M. Lacey pense que le sénateur de De Soto ferait mieux de ne pas insister sur son substitut. Le Regis-

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ter du bureau des terres a tout dernièrement apporté au comité judiciaire des pièces importantes sur cette question qu'il a reçues de Washington. Ces pièces sont encore à examiner. Par suite d'un mal-entendu, les rapports du Register du bureau des terres, dont l'impression avait été ordonnée, n'a pas encore été soumis au Sénat. Les rapports ont été imprimés, mais ont été, par erreur, distribués dans l'autre chambre. Il n'y a pas lieu à présenter le substitut, attendu que toutes les mesures que requiert l'état des choses peuvent entrer dans le bill originaire. Il espère que le sénateur n'insistera pas sur son substitut, vu que les sénateurs n'ont pas encore eu le temps d'examiner ces rapports. Il espère que le Sénat statuera sur le bill sans avoir égard au substitut.

M. Hodge pensait qu'après avoir informé le sénateur qu'il avait eu sous les yeux le rapport de l'enregistreur des terres et l'opinion de l'avocat-général, son honorable collègue n'insisterait plus pour ce qu'on retirât le substitut.

Le Register dit que, dans les circonstances dont il a été parlé, il ne peut pas refuser de recevoir les inscriptions de terres. L'orateur demande au sénateur s'il trouve que cela soit juste, et s'il n'est pas d'opinion que les personnes qui, de bonne foi, sous l'empire de nos lois, prennent des inscriptions de terres, doivent avoir la préséance. C'est pour empêcher des conflits de ce genre, c'est pour venir en aide à différents citoyens de son District que l'action de l'enregistreur a mis dans l'embarras, que M. Hodge a offert ce substitut.

Il croit que d'autres embarras surviendront encore, si le bureau des terres n'est pas fermé : il y a dans cette ville bon nombre de personnes qui y sont venues, afin de se procurer de semblables inscriptions. Il est donc d'opinion qu'il serait prudent de fermer le bureau des terres. Le seul résultat qu'il attende de cette mesure, est d'empêcher la vente d'autres warrants à d'autres individus qu'aux exploitateurs actuels.

L'avocat-général a commis une erreur dans le sens qu'il a donné à la loi, et l'enregistreur général a déjà dépassé la limite de ses devoirs, en permettant, ainsi qu'il l'a fait, des inscriptions de terres L'enregistreur est évidemment disposé à reconnaître la validité de ces inscriptions, parce qu'en cela il est soutenu par l'opinion de l'avocat-général. Quand à M Hodge, il ne sacrifierait pas le sentiment de son devoir à des prévention populaires, et il ne consentira pas à défendre une législation établie expressément pour le bénéfice d'hommes qui, sans titre, s'adjugent la propriété des terres publiques (squatters).

M. Short dit qu'il serait facile de présenter le sujet en question d'une telle façon, sous une forme telle, que le sénateur de De Soto n'y aurait plus d'objection. Si la loi telle qu'on la présente n'a pas une lettre et un esprit satisfaisants, il est disposé à lui donner des modifications qui puissent en assurer l'adoption immédiate. Un acte de la dernière Législature a pris des dispositions relatives aux individus qui se sont inscrits pour des terres au bureau général. Le secrétaire de l'intérieur a décidé que les inspections des terres, faites au bureau général, postérieurement à la passation des actes de 1849 et 1850, sont nulles et sans effet, car elles ont été obtenues après que les Etats-Unis eurent déjà disposé des titres.

A la dernière session, la Législature a voté une loi disposant qu'on se ferait rembourser au bureau général des terres, l'argent reçu là pour les dites inscriptions. Si la Louisiane rentre dans ce débours, qu'en résultera-t-il ? Elle ne peut pas prendre tout à la fois argent et terres. Le Congrès a aussi devant lui un acte décrétant qu'on remboursera à la Louisiane tout l'argent encaissé au bureau général des terres, pour les inscriptions prises après l'adoption des actes de 1849 et 1850.

Cela devrait convenir à mon honorable collègue. continue M. Short, et s'il ne s'en contente point. qu'il offre un amendement au bill.

Le sénateur s'est trompé s'il a pensé que M. Short a présenté ce bill pour le seul bénéfice de ceux qui occupent les terres publiques. Ses constituants, et bien d'autres personnes demeurant sur les terres marécageuses et continuellement exposées à tous les dangers de l'inondation en tireraient les plus grands avantages. L'orateur a un autre but, c'est d'arracher les dites terres aux spéculateurs, jusqu'à ce que l'on puisse les remblayer, les exhausser. De cette façon ces terres deviendraient habitables pour ceux qui s'y sont fixés. Tel est l'objet que M. Short a en vue : il ne pense nullement, ainsi qu'on l'a annoncé, à favoriser les possesseurs sans titres.

M. King désire offrir un amendement au substitut: il débarrassera le bill de tous les détails qui rencontrent de l'opposition. Le bill ainsi que le substitut ont une seule et même tendance : c'est d'arrêter la fureur des spéculations en terres publiques.

Le substitut décrète la fermeture du bureau des terres et la suspension de toutes ses opérations. L'honorable sénateur est d'avis que ce substitut pourrait être du goût de tout le monde, si on ajoutait seulement une ligne disant que «les préempteurs ne perdraient aucun de leurs droits, par suite de cette suspension.» Il offre donc l'amendement suivant au substitut :

«Pourvu que les dispositions de ce bill ne soient pas appliquées aux privilèges de préemption que garantit la seconde section de l'acte cité plus haut.»

H. Hodge accepte l'amendement.

Le substitut est voté sous cette forme :

Il est résolu, etc , Que l'enregisteur du bureau des Terres, le Trésorier, et le Receveur des Fonds Publics sont requis de ne plus vendre de «warrants» conformément à l'acte du 17 mars 1852, pourvu toutefois que les dispositions de ce bill, ne soient pas appliquées aux privilèges de préemption que garantit la seconde section de l'acte cité plus haut.»

MESSAGE DE LA CHAMBRE.

M. Kennedy, greffier de la chambre, demande au Sénat d'adopter avec la Chambre un «Acte pour venir en aide à la Banque de l'Union, et pour opérer le réglement définitif de ses affaires.»

Sur motion, le Sénat s'ajourne.

JEUDI, 10 février 1853.

Le Sénat s'assemble, conformément à l'ajournement.

L'hon. W. W. Farmer, lieutenant-gouverneur, occupe le fauteuil.

Le secrétaire va demander le concours de la Chambre aux résolutions et aux bills suivants :

Un acte autorisant le maire et le Bureau des Aldermen à diviser la ville de Bâton-Rouge en deux districts électoraux, et indiquant la manière dont les élections devront être conduites.

Un acte pour l'émancipation de Murdoch Warren Shaw.

Un acte changeant les qualifications requises des Directeurs de la Banque des Citoyens de la Louisiane.

Un acte pour l'emancipation d'Angélique Victorine Blanchard, mineure, épouse de A. N. Warren.

Un acte changeant le nom de James H. H. Hotwell, en celui de Andrew Sausen Jr.

Un acte changeant le titre de l'Association Catholique de la Nouvelle-Orléans, pour venir au secours des orphelins.

Un acte amendant l'acte pourvoyant à la vente d'une partie des terres en marais ou inondées, accordées à l'Etat en vertu des actes du Congrès, approuvés le 2 de mars 1849 et le 28 septembre 1850, et pour faire une appropriation du produit des dites ventes.

Un acte créant une appropriation pour payer les dépenses de l'élection presidentielle; et aussi une résolution enjoignant au comité judiciaire du Sénat et à celui de la Chambre des Représentants de définir les districts et la juridiction des Cours de District et autres Cours inférieures; et pourvoyant aussi à d'autres objets.

Une résolution pour venir en aide à Jérôme Tourné.

Le secrétaire informe en même temps la Chambre que le Sénat a donné son concours à la résolution enjoignant au comité permanent sur les banques et maisons de banque, de s'enquérir de la condition des banques incorporées de la ville de la Nouvelle-Orléans, et de faire un rapport à ce sujet.

Il demande aussi que l'Orateur de la Chambre appose sa signature au bill amendé intitulé: « Acte pour émanciper Susanne Little, mineure, épouse du docteur Vincent Boagné, de la paroisse de St-Landry.

Et il informe la Chambre que le Président du Sénat a signé la résolution amendée, provenant de la Chambre, enjoignant à nos sénateurs et requérant nos représentants au Congrès de faire tous leurs efforts pour obtenir l'établissement d'une malle journalière,

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entre la Nouvelle-Orléans, Bâton-Rouge et le Bayou-Sarah.

Les sénateurs suivants donnent avis qu'ils présenteront demain, ou un autre jour, les bills ci-après désignés :

M. McCay—Un acte pour venir au secours de Parvis Dugué, de la paroisse de Jefferson.

M. Nichols—Un acte pour émanciper Alcide Gensolelin. Et,

Un acte pour venir au secours de Mme Joseph de Buclet.

M. Mouton—Un acte révoquant une partie de la 4me section d'un acte intitulé : « Acte pour expliquer certains articles du Code civil, maintenant en vigueur dans cet Etat, » approuvé le 1er avril 1826, et pour remettre en vigueur et amender l'article 305 du Code civil de la Louisiane.

M. Lewis—Un acte pour incorporer la compagnie connue sous le titre de « South Western Industrial Fair Company.

M. Derbès—Un acte révoquant un acte intitulé : « Acte accordant, dans tous les cas, un appel du jugement des Juges de Paix dans la ville de la Nouvelle Orléans » et amendant la 16me section d'un acte « déterminant la juridiction et le nombre des Juges de Paix qui doivent être élus dans la paroisse et la ville de la Nouvelle-Orléans. » Approuvé le 1er juin 1846.

M. Mouton, conformément à l'annonce qu'il en a faite, présente :

Un acte pourvoyant à ce que les successions soient plus promptement et plus facilement administrées et réglées dans cet Etat.

Sur motion, les règles sont suspendues, l'acte subit ses deux premières lectures et est référé au comité judiciaire.

M. Kenner, du comité sur les banques et maisons de banque, auquel avait été référé un acte empêchant la circulation des petits billets, fait un rapport favorable; mais suggère des amendements audit acte.

ORDRE DU JOUR. — 3me LECTURE.

Un acte intitulé : « Acte amendant un acte intitulé « Acte organisant un district de levées comprenant les paroisses de Carroll, Madison et Catahoula, afin que lesdites paroisses soient mieux protégées contre les inondations, est lu une seconde fois et adopté.

ORDRE SPECIAL DU JOUR.

Il est midi. La résolution suivante est prise en considération et subit sa seconde lecture :

Résolu que l'Assemblée générale se réunira dans la salle des séances de la Chambre des Représentants vendredi prochain, 11 du courant, à midi, dans le but de procéder à l'élection d'un sénateur au Congrès des Etats-Unis, pour remplir la vacance qui aura lieu à partir du 4 mars prochain à l'expiration du terme de l'Hon. Solomon W. Downs.

M. Lacey se lève et prononce le discours suivant :

M. Lacey—Lorsque le sénateur des Avoyelles a présenté la resolution dont le sénat est maintenant saisi, le sénateur de Ouest Féliciana a demandé qu'elle fut référée au comité judiciaire. Je m'y suis opposé, pensant que cette résolution avait un caractère politique. Elle ne nécessitait pas d'enquête sur aucune question qui put être examinée par d'autre corps que le Sénat lui-même. Je craignais que le renvoi demandé ne fut qu'un moyen délatoire, crainte qui, je l'avoue n'a point été justifiée. Je désirais en outre voir le sénat disposer de cette résolution sans être prédisposé pour ou contre sous l'influence d'un rapport. Je me félicite M. le président qu'aujourd'hui que le sujet est soumis à notre discussion et que nous puissions nous préparer à régler sa destinée par un vote définitif.

J'entends dire qu'en soutenant cette résolution je jouerai le rôle d'un homme de parti, et qu'on m'accusera de tenter de faire entrer de force un membre démocrate au Sénat des Etats Unis en violation de la loi, et sans respect pour les droits acquis de M. Benjamin Je demanderai à mes honorables collègues du Sénat, s'il y a nécessité de renforcer le parti démocratique au Sénat ? si notre majorité y est douteuse, si le président élu, dans un moment critique n'est pas certain de son concours. Oui, sans doute, il doit l'être ! lorsque cet homme, frappé par l'infortune, se sera éloigné de la fosse où repose inanimé, le corps défiguré de son fils bien-aimé, lorsqu'il aura essuyé ses larmes brûlantes que provoquent la blessure faite à son cœur, lorsque les devoirs de la haute position qu'il doit remplir auront fait taire les cris de sa douleur, de sa tristesse, de son infortune, il trouvera de la part du corps honorable, au sein duquel je m'efforce d'envoyer un représentant de cet Etat, un concours au niveau de toutes les circonstances. Il y trouvera la prépondérance, la force nécessaire pour sortenir toutes les mesures proposées par son cabinet. En quoi servirait donc la tendence qu'on n'impute ? Mes honorables collègues considéreront, j'en ai la conviction, cette accusation injuste, peu généreuse et peu bienveillante.

On me dit aussi que cette résolution est d'avance frappée d'insuccès, que ceux qui la soutiennent sortiront du débat en déroute et épouvantés. L'opposition est forte, je le reconnais; nous y rencontrerons réuni contre nous, la force entière des sénateurs whigs soutenus, je regrette de le dire, par une partie de nos amis politiques. Unis comme nous le sommes, il eut mieux valu s'adresser à notre jugement que de faire appel à nos craintes. Nous tiendrons tête à l'orage grondant en fureur autour de nous. Et, si enfin, nous devons être faibles et sans force, vaincus par une puissance irrésistible, ce sera le fait de la fatalité et non de notre volonté.

Avant d'exposer au Sénat mes vues sur l'illégalité et l'inconstitutionnalité de l'élection de l'honorable J. P. Benjamin, je crois convenable, de rappeler les objections soulevées contre l'adoption de la résolution que nous discutons. Ces objections, ont au premier abord une apparence assez spécieuse ; mais en les examinant de près, avec réflexion, leur force s'évanouie comme le brouillard du matin, aux premiers rayons du soleil levant. Passons en revue ces objections.

On soutient d'abord que M. Benjamin étant déjà élu par une précédente Législature et en possession de sa commission, la Législature ne peut pas procéder à l'élection d'un sénateur des Etat-Unis, et que le seul corps qui a droit de connaître de la validité de cetre élection est le Sénat des Etats-Unis. Je n'ai jamais vu cette doctrine poussée aussi loin qu'on prétend le faire à cette occasion.

Si M. Benjamin a été élu en violation de la loi organique de l'Etat, l'acte de la Législature d'où cette commission découle, et cette commission elle-même, n'ont pas plus de valeur que la feuille de papier sur laquelle elle est écrite ; elle n'a point de force obligatoire. Elle ne confère aucun droit à l'élu, elle constitue enfin une complète et absolue nullité. Une commission obtenue en violation de la Constitution ne saurait protéger celui qui en est porteur, même après avoir pris son siège. Et celle qui serait obtenue en violation seulement de la loi ne saurait conférer un droit meilleur aussi longtemps que l'élu n'a point été assermenté, et n'a point commencé l'exercice des fonctions dont il se prétend revêtu. La Législature a le droit de procéder à une seconde élection avant que la nullité de la première soit déclarée. Cette question a été définitivement réglée en 1831 par le Sénat des Etats Unis, au sujet des réclamations opposées de MM. Robbins et Potter de l'Etat de Rhode Island. M. Clay soutenait que le Sénat des Etats Unis ne pouvait procéder à examiner, les qualifications M. Potter sans avoir au préalable refusé à M. Robbins le droit de siéger. Et cependant le Sénat des Etats Unis nomma un comité pour examiner la réclamation de M. Potter, choisi à la seconde élection. C'est là la reconnaissance complète par un Sénat whig du droit qu'à la Legislature de procéder à une seconde élection avant que la nullité de la première soit déclarée par le Sénat des Etats Unis. Nous devons donc en conclure que si M. Benjamin est élu en violation de la Constitution ou de la loi, il reste soumis à l'action de la Législature, et le pouvoir qui l'a revêtu de la robe sénatoriale peut la lui enlever.

On dit encore que les honorables sénateurs qui représentent aujourd'hui l'Etat au sénat des Etats-Unis ont été élus comme l'a été M. Benjamin et qu'il est nécessaire de confirmer les droits de celui-ci pour rendre valables les droits des premiers. Supposons M. le président, que si MM. Soulé et Downs aient été tous deux élus en violation de la constitution et de la loi, (point que je ne crois pas nécessaire d'examiner). Ce fait nous autoriserait-il à sauter à pieds joints par dessus la loi organique et à tourner le dos à la loi que nous avons solennellement juré de maintenir. Quant à moi je ne me rangerai jamais à l'opinoin qui consiste

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à soutenir que deux torts constituent un droit, et jamais je ne la partagerais.

Cela me mène à examiner l'inconstitutionnalité et l'illegalité de l'élection de l'honorable J. P. Benjamin, et je m'efforcerai de satisfaire à cet égard cette honorable assemblée. J'établirai au mieux de mes humbles et faibles moyens :

1o. Que l'acte de 1846 sur lequel s'appuie M. Benjamin pour établir son titre au Sénat des Etats-Unis est " inconstitutionnel. "

2o. Que s'il est constitutionnel, il n'autoriait pas la législature à procéder à l'élection.

3o. Que s'il autorisait l'élection celle-ci était incomplète et imparfaite et ne pouvait devenir définitive que dans le cas ou la législature n'aurait pas tenu de session cette année.

Je soutiens donc M. le président que l'acte de 1846 viole la constitution, et pour l'établir, j'appelle l'attention des sénateurs sur les considérations suivantes.

Les auteurs de la constitution de 1846 par les mots *élection régulière* ont eu en vue une élection faite dans l'année pendant laquelle expire le terme régulier des fonctions des sénateurs. L'acte de 1846 fixe dans certains cas cette élection à l'année précédente. Il y a là contradiction entre la loi organique et le statut de 1846 qui, en conséquence, est inconstitutionnelle.

Mais les auteurs de la constitution de 1846 en faisant usage à l'article 36 des mots *élection régulière*, ont ils entendu celle qui doit avoir lieu dans l'année où expire le terme régulier des fonctions de sénateur? Pour répondre sainement à cette question, nous ne devons pas nous contenter de l'examiner au point de vue que nous nous créons nous-mêmes. Remontons à l'époque où cet article était discuté par la convention, nous devons nous éclairer des lumières de cet honorable corps. Il est évident que les auteurs de la constitution ont par les mots *élection régulière*, ont eu en vue celle faite dans l'année pendant laquelle expire le termer égulier des fonctions des sénateur. C'est évident, par ce que :

1o Telle a été la règle invariable dans cet Etat, depuis trente-deux ans, depuis le moment où la Louisiane revêtit le manteau de la souveraineté. et fut admise comme un Etat dans cette glorieuse confédération, jusqu'à l'époque où fut adopté l'article 37 de la Constitution de 1845, il n'y a pas eu d'autre règle suivie ; cette règle a été consacrée par la poussière de trente années ; elle est restée ferme et immuable pendant cette longue période, et pouvons-nous nn moment supposer que les fondateurs de la loi organique, en se servant des mots «élection régulière» entendait autre chose que de continuer cette règle qui a grandi et s'est affermie à mesure que l'Etat grandissait et s'affermissait.

De plus, une chose qui fait voir d'une manière évidente que telle était l'intention des fondateurs de la Constitution, c'est que par-là, ils mettaient le peuple à même de placer sur le siège sénatorial un homme dont l'opinion politique réfléterait le sentiment populaire. C'est là un immense, un inestimable privilége, et l'on doit rejeter toute interprétation de la loi organique, ou des statuts de l'Etat, qui tendrait à priver le peuple du droit d'exclure directement ou indirectement des fonctions publiques des hommes dont l'opinion politique serait directement opposé au vœu du peuple, tel qu'il aurait été exprimé à l'élection populaire. Je ne puis donc m'empêcher pour les raisons que j'ai énumérés plus haut, de conclure que notre interprétation des mots «élection populaire» est juste et qu'elle était dans l'intention de ces hommes sages qui les mirent dans la constitution.

On répond cependant que les mots «élection régulière» signifie une élection dont l'objet est de remplir une vacance survenue à l'expiration régulière des fonctions et qui a eu lieu conformément aux règles drescrites par la Législature. Cet argument pose en principe que la Législature a le droit de fixer l'époque à laquelle l'élection doit avoir lieu, et que l'election, lorsqu'elle a été ainsi fixée devient par là même une élection régulière.

La tendance pernicieuse de cette interprétation montre combien elle est erronée ; car si la Législature peut fixer l'époque qu'il lui plaît, il n'y a pas de limite quant au temps, et elle peut faire que l'élection d'un sénateur ait lieu cinq ans avant que la vacance survienne. Que dis-je ? non seulement la Législature peut placer l'élection à cinq années avant l'expiration du temps de service régulier, mais une législature subséquente peut détruire la règle et s'arrêter à toute autre époque et tout autre mode d'élection également absurde. Pouvons-nous donner aux mots «élection régulière» une interprétation qui produirait un état de choses si déplorable ? Ne faut-il pas plutôt conclure que par ces mots ont doit entendre une élection survenant dans l'année où le temps de service expire ? Telle a dû nécessairement être l'intention des auteurs de la Constitution.

Ayant montré que par les mots "à élection régulière" les auteurs de la loi organique avaient en vue celle qui aurait lieu dans l'année où les fonctions sénatoriales devaient régulièrement expirer ; ayant de plus démontré la tendance pernicieuse de l'interprétation contraire, je demanderai au Sénat quelle est l'année dans laquelle, aux termes du statut de 1846, devrait avoir lieu l'élection. Je réponds : dans l'année précédente. Il y a donc conflit positif entre la Constitution de 1845 et la loi de 1846—et conséquemment cette dernière est inconstitutionnelle, nulle et sans effet.

Cependant on soutient que l'article 37 de la Constitution des Etats Unis donne à la Législature le droit de prescrire à quelle époque, en quel lieu et de quelle manière l'élection sénatoriale devra se faire ; et que s'appuyant sur la Constitution des Etats Unis, l'acte de la Législature qui prescrit à quelle époque et de quelle manière l'élection doit se faire, domine les dispositions même expresses de la Constitution de l'Etat. Cet argument me semble faux. Il est vrai que l'article de la Constitution auquel il est fait allusion déclare que la Législature réglera les questions de temps, de lieu &c, relatives à l'élection ; mais cet article loin de donner ce droit exclusivement à la Législature, avait en vue (et c'est un fait évident par lui-même) que toute législation ayant trait à cet objet fut subordonnée à la Constitution. Que deviendrait la souveraineté des Etats, que deviendrait le principe si vanté des drois des Etats, si la Constitution des Etats Unis pouvait mettre un acte législatif au-dessus de la loi organique de l'Etat ? Je ne m'arrêterai pas sur les déplorables conséquences d'un principe aussi faux et aussi dangereux, s'il était une fois admis.

J'arrive au second point que j'ai soumis à l'examen du Sénat, et vais, en quelques mots, démontrer que, en supposant que l'acte de 1846 soit constitutionnel, cet acte n'autorisait pas la Législature de 1852 à procéder à l'élection.

Je dois avouer que cet acte me semble non-seulement inintelligible, mais même absurde. Il veut que la Législature règle ses actes sur une éventualité qui est cachée dans le sein d'un avenir invisible, que ses actes dépendent d'une condition qui ne peut être connue à l'époque ou la Législature doit les accomplir. Mais peu m'importe ce tissu d'absurdités ! Je prendrai le statut tel qu'il est, et tirerai mes arguments de ses propres dispositions.

Le statut de 1846, veut qu'une élection de sénateur ait lieu dans l'année qui précède celle dans laquelle survient une expiration régulière de fonctions sénatoriales. Mais cela, seulement au cas où il n'y a pas de session de la Législature dans l'année où ces fonctions expirent. L'éventualité, la condition dont dépendait le droit de la Législature d'élire dans l'année précédente était l'absence d'une session dans l'année de l'expiration régulière des fonctions sénatoriales ; voici une session tenue dans l'année où expirent ces fonctions, et conséquemment, l'éventualité ne s'étant pas réalisée, la Législature aux termes même de l'acte de 1846, n'était pas autorisée à procéder à une élection dans l'année 1852. Il est inutile de me répondre qu'aucune session pour cette année n'était dans les prévisions des lois en vigueur à l'époque de l'élection de M. Benjamin. L'acte de 1846 ne parle pas d'un événement prévu, mais d'un simple fait, d'une session ou plutôt de l'absence de session de la Législature.

Mais je puis faire la part large à mes adversaires. Je puis admettre que l'acte de 1846 n'était pas une violation de la constitution de l'année qui l'avait précédé ; bien plus que l'election de M. Benjamin était autorisé par les dispositions de cet acte, sur quoi donc alors nous appuyer ? Je réponds : sur le point le plus fort de la thèse que nous soutenons, un point qui n'a pas été attaqué et qui ne saurait être enlevé par les Honorables sénateurs, qui combattent la résolution présentée par nous. Voici ce point : l'élection

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était de sa nature incomplète, imparfaite ; la validité de cette élection dépendait de l'absence de toute session de la législature pendant cette année. A ce point de vue, nous donnons force à la loi de 1846 en tant qu'elle permet une élection dans l'année précédente, et nous ne détruisons pas le véritable sens et la véritable intention du statut qui exige qu'une élection ait lieu dans l'année où expirent régulièrement les fonctions sénatoriales. Par ce moyen, nous rétablissons l'harmonie dans cette branche de notre législation et il n'y a plus de discordance entre les différentes parties.

Mais, M. le président, j'abuse du temps du Sénat, et il me faut conclure.

Avant de le faire, je demanderai aux sénateurs : quel danger y a-t-il à soumettre cette question controversée au Sénat des Etats-Unis ? Si M. Benjamin est légalement élu, ce corps honorable ne le dépouillera pas de droits acquis, mais lui permettra d'occuper la haute position dont ses brillantes qualités le rendent si digne. Cette question présente-t-elle un doute ? Si le doute existe, et je dois avouer que j'en ai beaucoup pour ma part, qui doit profiter de ce doute ? Quant à moi, je suis disposé à donner au parti démocratique le bénéfice de ce doute. J'ai toujours été un membre fidèle de ce parti ; c'est le parti qui m'a élevé à la position honorable que j'occupe, c'est ce parti qui reflète le sentiment politique du peuple de cet Etat. J'ai marché avec lui au temps de sa prospérité ; il aura le bénéfice de mes doutes et de mon appui à l'heure de l'adversité.

Mais j'en ai assez dit, M. le président. Quand je me dirigeai vers l'autel du sénat, quand je plaçai ma main sur les pages resplendissantes du livre de Dieu, j'accomplis un acte solenuel, un acte significatif et d'une haute importance. Je jurai de maintenir la constitution et les lois, et ce serment, j'y serai fidèle, sans m'inquiéter des conséquences qui pourraient en advenir.

Je pense que l'élection de M. Benjamin n'est pas fondée en loi, et mon opinion étant telle, que je doive être englouti ou doive surnager vivre ou mourir, survivre ou périr, je vote pour la résolution.

M. Short se lève et dit : M. le Président et MM. les sénateurs c'est un fait connu de quelques membres de cette Chambre, connu du moins de ceux avec les quels j'ai l'avantage d'être en rapport, que, dès le principe, je me suis opposé à l'idée qui a donné naissance à la résolution dont est saisi le Sénat en ce moment. Je regrette que cette question ait été soulevée par un parti qui a toujours commandé mon respect, un parti qui, depuis l'établissement de notre république jusqu'à nosjours a prétendu ne reconnaître pour guide que les principes.

M. Wickliffe—La mesure n'a pour elle qu'une fraction du parti.

M. Short—Une fraction du part; oui, ce n'est qu'une fraction cette fois-ci. Mais j'aimerais à n'avoir pas à me séparer de mes amis politiques. Je regrette, pour un autre motif, de voir la tentative qui nous occupe en ce moment; ce motif m'est personnel et je demande que le Sénat me permette de m'y arrêter quelques instants. Depuis un certain nombre d'années, j'ai toujours occupé comme simple citoyen, une assez bonne position dans cette partie de l'Etat à laquelle j'appartiens. Je regrette que ce soit en ma qualité de sénateur que, pour la première fois, je me voie obligé de différer à quelques egards de mes amis politiques. On a dit, et probablement le bruit en est venu jusqu'à mes constituants, que je m'étais posé à l'encontre de la Constitution. En lisant les journaux, j'ai vu, qu'en compagnie des Mouton, des Wickliffe, des Boatner, des McCay, Short lui-même, Short, du nord de la Louisiane, qui avait toujours combattu de toute la force de son bras pour la defeuse des principes démocratiques, s'était mis en révolte ouverte contre la Constitution et était passé, armes et bagages, dans le camp whig. Je regrette d'avoir ete forcé de prendre la position que j'occupe, mais je suis aise de l'occasion qui s'offre à moi de soumettre mes vues sur cette question. Il m'est pénible de différer d'un parti avec lequel j'ai toujours marché; ce n'est qu'avec peine que je me sépare d'anciens amis, sur quelque question que ce soit. Mais, quand je vois une proposition pareille, quand il s'agit non point de ce que la Législature doit ou ne doit pas faire dans l'accomplissement des fonctions qui lui sont assignées dans la Constitution, mais d'une mesure que je considère comme un coup mortel porté aux principes fondamentaux du Gouvernement, je m'inquiète peu de savoir si je marche avec des whigs ou des démocrates : je suis contraint de m'y opposer.

Je fais ce que je ferais, si l'ennemi venait à attaquer le pays. Tous alors nous irions combattre sous le même drapeau, et, après la bataille, chacun de nous retournerait aux vieux compagnons avec lesquels il avait jusque-là vécu. Envisageant la question comme je l'envisage, je demanderais quelle est la base sur laquelle repose notre Constitution ? Je considère que toute Constitution et toute loi passée en vertu de la Constutution reposent sur l'élection par le peuple, tenue à l'époque et de la manière établies par la loi. Suis-je dans le vrai ? Tout notre édifice politique n'a-t-il pas pour base le caractère sacré que nous attribuons à tout ce qui sort de l'urne électorale. J'ai assisté depuis mon enfance à bien des luttes passionnées, au milieu desquelles des masses d'hommes, le Nord, le Sud, l'Est et l'Ouest, étaient emportés comme les vagues de l'Océan, lorsque les vents se jouent sur les flots.

Eh bien, aussitôt les votes dépouillés, c'était comme «l'huile répandue sur les eaux troublées,» et nous recevions la manifestation et la volonté populaire comme un décret de la destinée. Tout américain respecte les décrets sortis de l'urne électorale. Jamais jusqu'ici, je n'ai vu la tentative faite de traiter le résultat d'une élection comme nul, de mettre de côté l'élection comme si elle n'avait jamais existé. Dès le principe, j'avais décidé que je combattrais cette mesure ; quelque faible que puisse être mon bras, bien que ma voix puisse n'avoir pas plus de force que la dernière vibration d'un écho, j'ai résolu de m'opposer à ce projet. Vous pouvez me rayer du parti democratique, si tel est votre plaisir, mais je retournerai devant mes constituants avec la conscience d'avoir accompli les devoirs auxquels j'étais tenu envers eux.

J'arrive à la question telle qu'elle a été posée par l'honorable sénateur d'Est-Baton-Rouge, M. Lacey. J'ai admiré l'urbanité charmante que le sénateur a apportée dans l'examen de cette question. J'espère ne pas rester au-dessous de lui en fait de politesse et de bonhomie. Le sénateur a dit qu'il ne pouvait adhérer aux conclusions du rapport qui a été soumis au Sénat. En collaboration avec deux sénateurs qui siègent de l'autre côté du Sénat et qui se trouvent faire partie du comité, j'ai réuni en un tout et soumis au Sénat les raisons et les conclusions auxquelles nous nous étions arrêtés ; nous avons prétendu que le Sénat n'avait de par la Constitution, ni le pouvoir ni le droit de procéder à une élection. J'espère que le fait d'avoir eu des rapports avec deux whigs, rapports de collègue à collègue, comme membres du même comité, j'espère, dis-je, que ce fait ne sera pas pour moi une cause de déchéance dans l'opinion de mes amis les démocrates. Je puis declarer que ces deux whigs sont d'assez beaux échantillons de la jeunesse américaine ; mais pourra-t-on jamais les reconnaître comme faisant partie de ce que l'on appelle la «Jeune Amérique,» c'est ce que je ne puis dire ; je l'espète toutefois.

Nous avons présenté au sénat, dans notre rapport les conclusions auxquelles nous sommes arrivés relativement à la résolution Ces conclusions sont-elles justes ? c'est au sénat à le décider. Ce que je demande, c'est qu'en répondant à cette question on le fasse avec franchise. Je ne prétends pas être infaillible. Il est dans la nature humaine de se tromper. Tout ce que je veux, c'est un examen consciencieux ; c'est que l'on réponde de bonne foi aux arguments que présente le rapport. Le sénateur d'Est Bâton-Rouge a-t-il répondu à nos arguments.

Le sénateur pose en fait, dès le début, que l'élection de M. Benjamin est nulle, conclusion à laquelle n'est jamais arrivé le comité. Il pose en fait, dis-je que l'élection est nulle en d'autres termes qu'il n'y a pas eu d'élection. Il cite des autorités pour démontrer que nous sommes tenus de procéder à une élection. Ce n'est pas ainsi que la question a été posée par le comité. C'est là la base sur laquelle repose toute son argumentation. Ceci me remet en mémoire une anecdote du général Putman. Il avait sous lui un jeune officier qui se vantait beaucoup de son habileté dans la science des fortifications. Pendant une absence du général il en éleva une dans toutes les règles de l'art;

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et lui d'admirer son ouvrage. Lorsque le général revint, le jeune officier voulut lui faire voir son chef-d'œuvre. Le général l'examina en homme de bon sens.; puis dit au jeune officier que la construction lui semblait admirable, qu'il n'avait qu'un reproche à y faire. «Grand Dieu, dit l'officier, qu'est-ce donc ?» «Eh bien, dit le vieux général, la fortification n'est pas à sa place, l'ennemi ne viendra jamais de ce côté.»

Mais, avant de déclarer qu'il n'y pas eu d'élection, et que, l'élection n'ayant das ou lieu, conséquemment nous devons en avoir une, il faudrait d'abord établir que cette élection n'a pas eu lieu. Est-ce là le fait ? S'il en est ainsi, rien ne s'oppose à une élection.—Une chose nulle est une chose qui n'existe pas. D'un autre côté il admet qu'une élection a eu lieu et pour échapper aux conséquences de cette admission, il prétend que l'acte de 1846 est inconstitutionnel. N'est-ce pas là le fond du discours du sénateur Eh bien ! monsieur, qu'entendons-nous par un acte inconstitutionnel. C'est un acte législatif qui est expressément prohibé par la constitution ou qui ne peut cadrer avec elle. Un acte ne peut être inconstitutionnel que par l'une ou l'autre de ces causes. J'arrive à ce petit embarras que le sénateur a trouvé sur son chemin et qu'il a tourné si adroitement. Voici comment il s'y est pris. La constitution de 1812 ne dit point à quelle époque, en quel lieu de quelle manière la législature devra élire un Sénateur des Etats-Unis? me trompé-je sur ce point ? La question qu'il faut se poser ensuite est celle-ci : où reside le pouvoir de déclarer à quelle époque, en quel lieu et de quelle manière doit se faire l'élection. Le premier article de la quatrième section de la constitution des Etats-Unis dit que ce pouvoir appartient aux législatures des différents etats. La première législature qui se réunit sous la constitution de 1812, passa une loi en vertu de laquelle la législature était tenue de se réunir à une époque déterminee dans l'année ou expireraient les fonctions d'un sénateur, et de proceder à l'élection de son successeur. Cette élection devait précéder le 4 de mars. La constitution de 1812 a fait place à celle de 1845. Qu'est devenue l'ancienne constitution lorsque la nouvelle a été adoptée ? Que prétendez-vous en faire ? Allez-vous après l'avoir embaumee, vous y cramponner encore ? Voulez-vous faire un hideux accouplement de ce corps plein de vie et de cette vieille carcasse qui avait été jetée à la voierie. Quand la nouvelle constitution a commencé de vivre, l'ancienne a fini d'exister. Mais il est encore une autre vieillerie qu'il nous faut conserver. Le sénateur nous dit que la loi de 1812 a servi de règle pendant 33 ans, et, ajoute-t-il, elle a été conservée si longtemps "allez-vous abandonner cette vieille relique, qui nous a eté d'un si bon usage ? Au nom du ciel, ne vous défaites pas de ce miroir fidèle de la volonté populaire ". Si la constitution de 1812 a été tuée et enterrée par la constitution de 1845, devez-vous donner plus d'efficacité, plus de puissance à la vieille loi ? Allez-vous l'attacher à la constitution de 1845, allez-vous lui donner une consécration telle que vous ne pourrez jamais vous en débarrasser ?

Mais j'ai le dessein de ne laisser aucune échappatoire sur cette partie scabreuse de la route que le sénateur a si lestement parcourue. Le sénateur prétend que la Constitution de 1845, bien entendue, a voulu s'incorporer l'acte de 1812. Je declare que je ne vois rien de pareil dans l'acte de 1845. Le sénateur entend que la loi de 1812 qui exige que l'élection d'un Sénateur des Etats Unis ait lieu dans l'année où se présente une vacance est implicitement incorporée dans la Constitution de 1845, et que par consequent l'article 37 de cette Constitution voulait que la même règle subsistât. La consequence inévitable de son discours est que l'élection sénatoriale ne pourrait avoir lieu dans aucune autre année et que par l'article 37 de la Constitution de 1845, la loi de 1812 s'est trouvée embaumée et consacrée, si bien qu'il n'était plus possible à aucune législature subséquente de la modifier ou de la rappeler. Pour montrer que sa conclusion est correcte, il doit prouver d'abord que ses prémices sont justes. Toute conclusion doit nécessairement s'appuyer sur deux prémices. Le sénateur, voyant que sa conclusion ne repose que sur un pied, cherche à la tirer de cette position embarrassante, et pour cela il fait entrer le statut de 1812 dans la Constitution de 1845. C'est une simple assertion du sénateur. Ainsi voilà un point bien établi.

Pendant que je suis sur ce point, le sénateur me permettra de faire allusion à ce qui s'est passé dans une assemblée primaire, tenue dans la ville de la Nouvelle-Orleans depuis le commencement de cette session. J'ai beaucoup de respect pour ces assemblées primaires. C'est la reserve sur laquelle nous nous replions quand nous nous trouvons aux prises avec l'ennemi. Elles sont l'expression de la volonte populaire. Il est beaucoup d'hommes qui n'ont d'existence politique que par elles. Mais je veux montrer comment certaines personnes en sont venues à adopter l'opinion que je combats à l'aide de ce procédé, qui consiste à se répéter si souvent une chose qu'on finit par la regarder comme un fait, tandis qu'on n'y était arrivé qu'en torturant la logique et le bon sens.

Ici M. Short lit un extrait d'un discours prononcé par M. T. J. Durant et rapporté dans le *True Delta* du 3 fevrier. Dans ce discours M. Durant soutenait qu'aux termes de la Constitution de 1845, ainsi qu'aux termes de celle de 1852, l'élection de M. Benjamin était nulle, et cela nonobstant l'acte de 1846.

Ces assertions ont été si souvent répétées qu'on est parvenu à les faire avaler sans examen à certaines personnes, et qu'on leur a fait prendre des billivesées pour des faits et des principes constitutionnels. Le sénateur a déclaré dès son début qu'il ne citerait aucune autorité à l'appui de son opinion, qu'il n'emprunterait pour le guider dans sa route que les lumières de la raison. La conclusion à laquelle est arrivé le sénateur, que l'élection ne peut avoir lieu que dans l'année de la vacance, suppose nécessairement que l'acte de 1812 est incorporé dans la Constitution de 1845.

Est-ce sur cette assertion, dénuée de preuves, que vous allez annuler un acte solennel de la Législature et vous précipiter tête baissée, dans une nouvelle élection.—Le sénateur dit que la Constitution de 1845 doit être interprêtée d'après l'intention de ses auteurs, elle doit être interprêtee selon l'intention présumée de ceux qui l'ont faite.

M. Short cite ensuite des commentaires de Story sur la constitution, vol. 1, page 389, les passages suivants :

«Chaque membre ne prenant nécessairement avis que de lui-même, et tout jugement basé sur l'opinion des autres ne pouvait et ne devait pas faire loi. On sait qu'au sein des differentes conventions d'Etat une variété d'opinions s'était produite à l'infini, tant sur l'interpretation des différentes parties de la constitution, que sur la somme des pouvoirs qu'elle conférait; on sait aussi qu'elles ont gardé un silence absolu sur plusieurs objections qui depuis lors ont eté soulevées que d'autres objections qui leur avaient alors semblé d'une importance majeure ont été depuis abandonnées. Tout cela donne du poids à cette opinion.

«Le texte et le texte seul a été adopté par le peuple, et ce serait professer une doctrine bien étrange que de donner à aucun des commentaires qui ont été faits à l'epoque et à plus forte raison,à aucun de ceux qui ont été faits depuis, alors que l'opinion publique et le sentiment populaire sont entrés dans une nouvelle phase, la valeur de l'autorité suffisante pour enchaîner d'une manière absolue le sens du texte de la constitution ou pour se substituer à son interprétation juste et naturelle.

«L'interprétation donnée par les contemporains est bonne pour fournir une élucidation et une confirmation du texte, pour expliquer une phrase douteuse ou éclairer une clause obscure et l'autorité qui doit s'attacher à cette interprétation s'accroît en raison du caractère d'homogénéité et d'universalité qu'elle présente, et en raison aussi des talents et de la capacité reconnus de ceux qui l'ont donnée. Mais ces interprétations ne peuvent jamais annuler le texte ou en altérer le sens évident, en restreindre ou étendre les limites véritables et naturelles.»

Règle d'interprétation posée par Jefferson.

«Quelle règle est celle là, qui prescrit qu'une clause spéciale soit interprétée en faveur des Etats, s'il est possible, (non s'il est raisonnable) simplement parce qu'elle concerne ses citoyens et celà, sans avoir égard au sens ou à l'objet de cette clause particulière ?

La seconde règle, est l'obligation où l'on est dans toute question d'interprétation de remonter à l'époque où la Constitution a été adoptée, de garder en mémoire l'esprit des débats, et de se conformer au sens probable du texte tel qu'il a été adopté, sans

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chercher celui qui peut en être exprimé ou qui peut être inventé pour le continuer.

Ne voit on pas le caractère vague et incohérent de cette règle ? Qui de nous peut savoir ce qu'on a pensé de chacune des clauses de la Constitution à l'époque de son adoption ? Dans un grand nombre de cas, les débats imprimés ne rendent aucun compte des interprétations, et quand on en trouve, on y rencontre différentes personnes professant des doctrines opposées.»

On voit donc par l'autorité que je viens de citer que toutes les règles d'interprétation sur lesquelles s'appuie le sénateur, lui manquent en même temps. Celle-ci est la vraie interprétation. L'article 37 de la Constitution prescrivait seulement de quelle manière devrait être faite l'élection dans l'année pendant laquelle une élection régulière doit avoir lieu. Cet article n'enlève pas à la Législature le pouvoir de fixer l'année pendant laquelle une élection doit avoir lieu. Mais quelle est cette année ? La Constitution de 1845 fixe-t-elle l'année pendant laquelle une élection doit avoir lieu ? Non ! elle ne le fait pas. Si l'acte de 1812 est incorporé dans la Constitution, alors, je dirai que l'élection doit avoir lieu dans l'année designée par cet acte. Mais que signifie l'expression « une élection régulière » dans cet article 37 de la Constitution de 1845 ? Est-ce pour remplir un terme inachevé ? Non ! c'est pour le terme entier de six années.

L'acte de 1846 indique la manière dont l'élection doit être faite. L'action prise sous cette loi a toujours été uniforme et jamais aucune bonne raison n'a été donnée qui puisse mettre en doute la constitutionalité de cet acte. Le grand Hampden lui-même, dont la logique si subtile, si adroite, a, si je puis employer l'expression, pris d'assaut la Cour de cette paroisse, et fut sur le point de faire crouler une des ailes du Capitole, n'a jamais pu établir ce point. Il semble que le peuple de la Louisiane, en adoptant la Constitution de 1845, s'est placé dans une position ridicule, si cette Constitution, en ordonnant une chose, a laissé subsister des contradictions qui la rendent impossible.

Mais comment se tire-t-il du mauvais pas où il s'est placé ? Il dit que le mot «il y ait,» qui se trouve dans l'acte de 1846, est très ambigu par ce que la Législature doit faire l'élection, pourvu «qu'il n'y ait» pas de session pendant l'année dans laquelle expirent les fonctions d'un sénateur. Il demande s'il n'est pas absurde que la Législature s'occupe une année d'avance de ce qui peut arriver dans l'avenir, et qu'elle pourvoie à une contingence qu'il n'est pas possible de prévoir. Mais il tranche d'un coup ce nouveau nœud Gordien. «Oh ! dit-il, il faut que la Législature cherche loin dans l'avenir avant de rien faire.» Moyen admirable en vérité ! Oui, certes elle a dû chercher bien loin. C'était le devoir de la Législature de 1852 de chercher bien loin dans l'avenir, si loin qu'elle pût découvrir qu'une nouvelle Constitution serait un jour rédigée ! Elle aurait du voir jusqu'au germe d'où est sorti la plante.

O vous, législateurs de 1852, pourquoi donc n'avez vous pas fait ainsi qu'il vous en est maintenant donné avis ! Pourquoi, portant vos regards sur tout l'Etat, de la Nouvelle-Orléans à la Rivière-Rouge et à Madison, le long des bayous et des terres alluviales, n'avez-vous pas vu qu'il se préparait une nouvelle Constitution ? Vous auriez dû voir se former le germe et grandir les bourgeons qui, avant le 4 de mars 1853, devaient s'épanouir en un superbe bouquet sous la forme d'une Constitution nouvelle et toute parfaite. Non seulement cette Constitution là, mais une Constitution devait être faite qui pourvut non-seulement à tous les actes nécessaires à son existence; mais, bien plus, qui annihilât tout ce qui avait été fait avant son adoption. C'est là une glorieuse découverte dans ce siècle de progrès. J'ai essayé de suivre ce progrès, et je dois reconnaître que je m'en suis senti incapable !

J'arrive maintenant au premier argument de l'honorable préopinant, mais je dois auparavent m'arrêter un instant à la différence qu'il prétend trouver entre le texte français et le texte anglais de l'acte de 1846. D'après le texte anglais, dit-il, « l'élection d'un sénateur des Etats Unis aura lieu dans l'année où expirent les fonctions d'un sénateur, ou, s'il n'y a pas de session dans cette année là, alors dans l'annee précédente.» Mais la Législature a prévu que sous l'ancienne Constitution, il ne pouvait y avoir de session le 3me lundi de l'année 1853. Cela est un fait établi, et qu'on ne peut contester. Il est vrai que le Gouverneur a le pouvoir discrétionnaire de convoquer une session extraordinaire de la Législature. Mais quelle est la raison donnée ? Il faut que ce soit une occasion extraordinaire. Si c'est un fait extraordinaire que les fonctions de Solomon W. Downs, comme sénateur des Etats Unis, devaient expirer le 3 de mars 1853, alors il aurait fallu laisser le tout au Gouverneur, et c'est lui qui aurait dû convoquer la legislature à l'effet de pourvoir à cet évènement extraordinaire qui après tout est aussi prévu, aussi certain que les dates d'un almanac.

Si le législateur arrive à cette conclusion, alors je dois admettre que la Législature aurait mieux fait de ne pas s'occuper de cette question. La différence entre le texte anglais et le texte français est celle-ci « le texte anglais dit que la Législature fera une chose dans l'année pendant laquelle elle peut être faite le texte français requiert que cette même chose soit faite un an plus tard, lorsque la Législature ne peut plus la faire. J'ai entendu bien des naivetés, en voilà une qui certes surpasse tout ce que j'avais jamais imaginé.

J'arrive maintenaut au dernier argument du sénateur. Il dit que l'article 34 de la nouvelle Constitution, requérant qu'une élection ait lieu à n'importe quelle session de la Législature tenue pendant l'année dans laquelle survient une vacance, est obligatoire. Même en admettant la constitutionnalité de l'acte de 1846, il avance comme argument que les lettres de créance de M. Benjamin ne constituent qu'un mandat incomplet. Je ne connais pas de loi qui justifie semblable conclusion. Voici, je crois, la seule vraie interprétation. Si une place donnée par l'Etat est changée par une modification de la loi organique les fonctions attachées à cette place sont aussi changées. Mais si un acte accompli, si un titre créé sont parfaits pour un certain terme, à l'époque où ils ont été créés, alors aucun changement dans la loi organique ne peut avoir d'effet sur cette place à moins que cette place ne soit expressément comprise dans le changement de la loi organique elle-même. Le droit accordé à un sénateur des Etats-Unis prenant son siége dans l'une des deux Chambres du gouvernement général, ne peut être affecté par aucun changement dans la loi organique de l'Etat puisque sa place ne résulte pas et ne dépend pas d'une organisation d'Etat.

Le sénateur dans les observations qu'il a présentées a fait un appel aux droits des Etats et à leur souveraineté. J'ai mis moi-même toute mon intelligence toutes les ressources de mon esprit à essayer à comprendre ce que l'on peut vouloir dire par ce mot : le droit des Etats. La signification que je lui prête, moi, est celle,ci : le droit des Etats consiste en ce que cette action, sous sans la Constitution fédérale ou sous une Constitution d'Etat, soit limitée aux pouvoirs que confère chacune d'elles, et d'après l'interprétation la plus stricte, de manière que l'une n'empiète pas sur l'autre.

Mais lorsqu'une chose, légalement irrévocable, telle que l'élection d'un sénateur des Etats-Unis est faite conformément aux lois de l'Etat, s'avancer alors et dire qu'elle doit être mise de côté par ce qu'elle n'est pas conforme au vœu populaire du jour, cela, je crois n'est pas ce que l'on doit entendre par droits d'Etat. Un tel droit n'est jamais résulté d'aucune des Constitutions de cet Etat ; il n'est pas la conséquence des principes démocratiques. Si la majorité d'aujourd'hui met de côté les actes de la majorité d'hier, et sous des prétextes tels que ceux qui nous sons présentés, alors, monsieur, je dois dire que nous sommes arrivés à un point où je regrette et déplore de voir cet Etat. Si vous voulez changer la nature de votre gouvernement et qu'à une Constitution bâsée sur le respect que tout citoyen Américain a toujours pour la décision du scrutin, vous substituiez un régime de *pronunciamentos* et d'*émeutes* sous lequel le gouvernement d'aujourd'hui tombe et disparaisse devant les barricades de la nuit et les rassemblements du jour, je ne désire plus rester ici.

Quels changements ont été opérés dans l'Etat de la Louisiane par la constitution de 1852 ? Le peuple n'est-il pas toujours le même. Dans la partie où je réside, je puis assurer qu'il n'a pas changé. Je vois depuis l'adoptien de la nouvelle constitution, les mêmes

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amis, les mêmes figures de connaissance que je rencontrais, et j'arrive à cette conclusion que l'Etat est aujourd'hui exactement comme il était sous la constitution de 1845.

Il est vrai qu'il y a eu réorganisation dans le gouvernement, qu'il y a eu queques changements dans la loi organique, mais soutiendrez-vous pour cela que tous les droits autrefois existants ont été mis de côté ou abolis ! S'il en était ainsi vous feriez de la chevaleresque et magnanime Louisiane quelque chose comme ces insectes qui passent d'une existence à l'autre et qui ne se souviennent plus à la seconde ce qu'ils ont fait dans la première.

Il est encore une chose que nous ne devons pas oublier : si nous empêchons que la tentative que l'on fait ici ne réussisse, nous empêcherons à tout jamais pour l'avenir, qu'une législature ne tente de rendre nul ce qui aura été fait par une législature précédente.

S'il était hors de doute qu'aucune élection n'a eu lieu, alors nous pourrions en faire une. Mais tel n'est pas le fait. On nous demande seulement de défaire une chose qui a été légalement faite.

Le sénateur dit qu'il ne résulterait aucun mal de la nouvelle élection que nous ferions et que parconséquent nous devrions y procéder.

En vertu de ce principe, vous pourriez élire tous les ans de nouveaux sénateurs, leur donner des lettres de créances et les laisser parcourir tout le pays comme sénateurs de la Louisiane. Ils pourraient dire,il est vrai, qu'ils n'ont pas occupé leur siége comme tels, mais qu'importe, s'ils tiennent leur mandat de la législature. Ces mandats se multiplieraient à l'infini, et la seule chose qui pourrait nous embarrasser dans ce cas serait de trouver le temps pour les écrire et la place pour les consigner Les sénateurs eux-mêmes ne trouveraient pas où se rendre et où siéger ; mais encore une fois qu'importe !

Dès l'instant où cette question a été présentée au Sénat, je m'y suis opposé et jusqu'au bout je continuerai à le faire.

Annuler un acte aussi important que celui d'une élection faite par une Législature, sous le prétexte que nous en avons le droit d'après la dernière expression du vœu populaire, donnerait lieu aux plus dangereuses conséquences. Ce serait nous placer comme législateurs dans la même position où nous sommes, nous qui habitons des districts sujets aux inondations : — d'abord vient l'écrevisse qui perce un petit trou dans la levée, puis la lame qui agrandit le trou, puis la crevasse que ne pouvaient plus combattre ou arrêter toutes les forces humaines. Ce qui a lieu dans le monde physique, a souvent lieu aussi dans le monde moral, politique et religieux : le premier coup porté contre la loi, peut être suivi d'un second, puis d'un troisième, si bien que ce qu'un seul n'aurait pu faire, est pourtant à la longue accompli par tous, et la loi succombe. Je suis donc fermement, inébranlablement résolu à m'opposer à la première tentative qui pourrait donner lieu à de semblables conséquences.

M. Wickliffe prend la parole et dit :

Monsieur le président. L'horloge m'avertit suffisamment de l'heure avancée à laquelle je me lève de mon siége pour prendre part à ce débat. Il me faut cependant réclamer l'indulgence du Sénat pour le temps que j'occuperai en soumettant quelques observations qui ont pour but de bien définir ma position. Je regrette que mon ami, le sénateur de Madison, n'ait eu plus de considération pour moi dans cette circonstance. J'avais espéré qu'il m'aurait laissé quelque chose à quoi répondre mais il a complétement démoli les arguments du sénatenr d'Est Baton-Rouge et ne lui a laissé aucune position qu'il puisse occuper. Dans cette situation où irai-je ? Que dirai-je ? Dois-je m'adresser au rapport de la minorite du comité judiciaire ? Mais je n'y trouve rien qu'un parti pris de ne pas s'accorder avec la majorité du même comité. Mais ces messieurs n'ont avancé aucun argument qui les soutienne dans leur position. Où sont leurs raisons ? Pourquoi ne sont-elles pas données ? Ce ne peut pas être que le temps leur ait manqué, ainsi qu'ils l'insinuent dans leur rapport. Ils ont eu la résolution entre les mains pendant cinq jours ; ainsi donc ils n'ont aucune raison de se plaindre d'un manque de temps. Le sénateur d'Est Baton Rouge dit qu'il a considéré la résolution comme étant d'un caractère tout à fait politique. Je diffère entièrement d'opinion avec lui sur ce point. L'honorable membre peut envisager cette résolution avec des préventions politiques, quant à moi je ne le puis ni ne le veux. La question est tout à fait une question de constitutionnalité et de légalité. Elle implique les droits légaux et constitutionnels d'un sénateur de la Louisiane qui a été dûment élu, ainsi que l'on en convient, et qui tient du Gouverneur sa commission scellée du grand sceau de l'Etat.

Je nie aussi que la motion de référer la résolution au comité judiciaire ait été faite dans le but de gagner du temps et de différer le moment d'une action définitive sur la question. Cette motion a été faite afin que la question put se présenter entière et franche, afin que je pusse revenir parmi mes commettants et leur dire : Voici la question qui a été soulevée, voici les raisons pour lesquelles on a contesté le droit de J. P. Benjamin de siéger au Sénat des Etats-Unis. J'ai cru un moment que j'allais être excommunié du parti démocrate par le sénateur d'Est-Bâton-Rouge, pour avoir pris cette position. Il y a longtemps que je suis democrate, et si je me connais bien, tous mes instincts sont démocratiques. Mais l'honorable membre semble croire que parce que les whigs votent avec moi, sur cette question, je suis allé à eux. Il est rare que les whigs votent avec moi, et je suis convaincu que pour cette fois leur vote est du bon côté puisqu'il est avec le mien.

Je n'ai pas le moindre désir de mettre en doute la démocratie de mon collègue, car lui et moi avons bien souvent combattu, l'un près de l'autre, pour en maintenir les principes. Je me souviendrai que pendant la campagne de 1851, lorsque je trouvai une opposition à laquelle je ne m'attendais pas, je pressai mes amis démocrates de voter le ticket démocrate, parce que nous étions obligés par la Constitution de 1845 et la loi de 1846 d'élire un sénateur au Congrès pendant la session de la Législature qui devait prochainement se réunir. Le sénateur d'Est-Bâton-Rouge fit la même chose, à une assemblée politique tenue dans cette paroisse même, il fit ressortir aux yeux des démocrates le nécessité d'agir de concert, attendu que nous étions obligés à la session alors prochaine de nommer un sénateur au Congrès, en remplacement de l'honorable S. W. Downs. D'où vient le changement qui s'est manifesté en lui ? Est-ce l'esprit de Hampden qui a opéré cette soudaine conversion ?

Mais l'honorable sénateur est allé plus loin. Il dit qu'on l'a accusé de se laisser influencer par ses sentiments de parti en soutenant la résolution en débat. Par qui donc est-il accusé ? Ce n'est certes pas par moi ni par personne autre, que je sache. Ce ne peut être que par sa propre conscience. Et je crois qun le sénateur est bon démocrate.

Le Sénateur a dit que nous sommes obligés de soutenir la Constitution de l'Etat, oui sans doute nous y sommes obligés. Mais n'avons-nous pas aussi le même devoir envers la Constitution des Etats Unis ? Le jugement que lui et moi, et vous, M. le Président avons prêté est celui-ci « Je jure solennellement de soutenir la Constitution des Etats Unis, etc.» Cette Constitution porte que l'époque, le lieu et le mode d'élection des Sénateurs au Congrès sera laissée exclusivement au contrôle de la Législature de chaque Etat respectivemrnt. L'époque pour nous n'a-t-elle pas été fixée par la loi de 1846 ? Une élection n'a-t-elle pas eu lieu en vertu de cet acte ? Le Sénateur admet cela. Qu'a-t-on fait ? La Législature à sa première session tenue après l'adoption de la Constitution de 1845 passa la loi connue sous le titre de l'acte de 1846. N'était-ce pas conforme aux dispositions de la Constitution de l'Etat et de celle des Etats Unis. Sous l'empire de cet acte, deux Sénateurs, le nombre auquel nous avons droit, S. W. Downs et Pierre Soulé ont été élus, et, l'an dernier, la Législature, conformément, au même acte a élu M. J. P. Benjamin comme successeur à M. Downs, dont les fonctions expirent le 3 mars 1853. Mais le Sénateur a essayé comme Thomas J. Durant, d'incorporer l'acte de 1812 dans la Constitution de 1845 et celle de 1852. Ce dernier, j'entends M. Thomas J. Durant, était candidat devant la dernière Convention démocratique pour la place d'avocat général. Heureusement pour lui-même et pour le parti, sa candidature a échoué, car son discours rapporté par le True Delta démontre son entière inaptitude pour le haut emploi auquel il aspirait.

Le sénateur, dans son discours, s'est référé à des précédents et il montra ce livre (un livre d'élection contestées), avec un tel air que j'ai cru vraiment que

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ce livre contenait quelque chose d'important en faveur de la position qu'il prenait sur cette question. Mais il n'y a dans le cas qu'il a cité rien d'analogue à la question que nous discutons.

Il me reste à apprendre qu'il existait un interrègne à l'époque où M. Benjamin a été élu, ou que l'Etat n'avait alors ni gouverneur ni législature. M. Durant invoque le langage tenu par Clay et Wright afin d'étayer sa position, voyons jusqu'à quel point ce langage lui est favorable. Dans l'affaire de Potter contre Robbins la position prise par M. Clay était que le sénateur élu en premier lieu devait prêter le serment d'office et prendre son siége attendu qu'il avait ses lettres de créance en bonne forme et que la constitution des Etat-Unis donnait droit au Rhode Island ainsi qu'aux autres états à deux sénateurs.

Que dit Silas Wright sur l'autorité duquel le sénateur s'appuie avec tant de force ; je cite :

« M. Wright, de New-York, regrette beaucoup de voir se présenter une pareille question devant le Sénat.— Il ignore presque entièrement la nature de l'affaire et des lois particulières qui régissent l'Etat du Rhode-Island. Il désirerait savoir s'il est appelé à se prononcer sur une mesure préliminaire ou définitive, sur la convenance qu'il y avait à élire ou sur l'élection de l'une ou l'autre des contestants. Il doit avouer que la conduite de la Législature du Rhode-Island lui paraît extraordinaire: Elle envoie au Sénat des Etats-Unis un sénateur qui, aux termes du certificat dont il est porteur, est déclaré dûment élu et à une session subséquente cette Législature envoie nn autre senateur, déclarant la première élection par elle-même nulle et non avenue. La Législature du Rhode-Island avait-elle ce droit.—Pouvait-elle statuer d'*aucune manière* sur cette question ? N'avait-elle pas au contraire par le simple fait de l'élection de M. Robbins référé la question à un tribunal plus élevé au Sénat des Etats-Unis, qui était à cette heure seule compétent pour la décider. Il dit encore une fois qu'il ignore entièrement les mérites de la question.— Il n'a jamais vu la loi du Rhode-Island et exprime l'espoir qu'il ne sera pas appelé à donner son vote avant d'avoir obtenu tous les renseignements nécessaires. Il conclut en faisant la motion que toute la question soit référée à un comité d'enquête.»

Pourquoi donc le sénateur n'a-t-il pas représenté correctement la position de Silas Wright ? pourquoi s'est-il référé au rapport de la minorité fait par Silas Wright. Mais s'il avait bien compris ce rapport il n'y eut rien trouvé qui vint à l'appui de la position qu'il a prise.

M. Lacey,—L'honorable sénateur voudrait-il bien lire un peu plus loin ?—Il trouverait un passage dans le discours de M. Ewing qui laisse supposer que les observations de M. Wright n'avaient pas été correctement interprétées.

M. Wickliffe—Je vais lire Mais ceci est le discours prononcé au moment où les lettres de créance ont été présentées. (M. Wickliffe lit alors quelques passages du discours de M. Ewing et les extraits qui suivent du rapport dü comité.)

RAPPORT DU COMITE.

EXTRAITS.

«En exerçant ce devoir, l'Etat agit dans sa plus haute capacité souveraine et les causes qui rendraient nulle l'élection d'un sénateur doivent être telles qu'elles entraineraient aussi la nullité de toutes les lois passées par le corps qui aurait choisi le sénateur.

D'autres causes peuvent exister qui rendraient l'élection susceptible d'être *annulée* et ces causes sont énumérées dans la constitution audelà de laquelle le sénat ne peut interposer son autorité afin de troubler ou de contrôler les pouvoirs souverains des Etats, pouvoirs dont la constitution des Etats Unis a investi leurs législatures respectives.

«Votre comité ayant égard à ces règles, telles qu'elles sont applicables à toutes les élections contestees dans le Sénat, procède à en faire l'application à l'affaire soumise à sa considération.

Il est admis que le membre siégeant, Asher Robbins, possède toutes les conditions d'éligibilité requises par la Constitution des Etats-Unis pour être admis comme sénateur au Congrès et que sa commission comme tel est en bonne forme, selon les lois et les usages du Rhode-Island. Ces points étant accordés, la seule question qui reste à décider est celle-ci : Le corps délibérant par lequel il a été choisi était-il la Législature du Rhode-Island, ou bien n'était-ce qu'un assemblage de citoyens sans autorité pour passer des lois, prescrire ce qui est juste et défendre ce qui est injuste au peuple de l'Etat ? Les deux contestants paraissent d'accord pour placer sur ce terrain la question de leur droit à un siége au Sénat.

L'époque à laquelle l'élection a eu lieu, la manière dont elle a été conduite, ont été strictement conformes aux lois du Rhode-Island. Les deux Chambres se sont réunies en grand comité, conformément à la loi, à la session précédant immédiatement l'expiration du terme de service d'Asher Robbins, alors sénateur au Congrès, et l'élurent pour un autre terme de six années, à commencer du 3 mars 1833, et alors le grand comité réuni à cet effet se dissout. Le choix a été fait par la Législature de l'Etat, dont les lois sont reconnues valides et obligatoires dans tout l'Etat. Elles commandent et reçoivent obéissance de la part du peuple. Nulle objection n'est faite ni ne peut être faite, soit au temps, soit au modo de l'élection. Le sénateur élu réunit toutes les conditions d'éligibilité requises par la Constitution, et sa commission ou ses lettres de créance lui ont été remises en bonne forme et par lui présentées au Sénat. Votre comité considère que c'est là un droit acquis dont les obligations et les effets ne peuvent être attaqués par aucune Législature subsequente. Cette Législature avait encore moins le droit de procéder à l'election d'un autre sénateur avant que le siége du sénateur élu en premier lieu eût été déclaré vacant par une decision solennelle du Sénat des Etats-Unis. Entretenant les opinions ci-dessus énoncées sur le sujet qui lui a été référé, votre comité recommande l'adoption de la résolution suivante :

Résolu qu'Asher Robbins étant dûment et constitutionnellement élu sénateur au Congrès pour l'Etat de Rhode Island, a droit à son siégé au Sénat mais on prétend que nous avons droit de procéder à une élection, attendu que M. Benjamin n'a encore ni prêté le serment ni pris son siège.—Je laisse à ces messieurs le soin de faire accorder leur proposition avec celle du rapport qu'ils envoyaient comme autorité. (M. Wickliffe lit alors le passage suivant extrait du rapport de la minorité fait par Silas Wright.)

« M. Potter a-t-il donc été validement élu sénateur des Etats-Unis?—On ne conteste pas que le corps délibérant qui l'a élu constituait la législature de cet Etat, mais en touchant ce point la majorité du comité exprime son opinion que cette législature n'avait aucune autorité pour procéder à l'élection d'un autre sénateur jusqn'à ce que le siège du sénateur élu en premier lieu ait été déclaré vacant par une décision solennelle du Sénat des Etats-Unis. Si nous parlons au point de vue légal et constitutionnel, il y avait un sénateur élu et cette opinion est sans contredit correcte, car on ne prétendra pas que la législature d'aucun état ait le droit de déclarer vacant le siège d'un sénateur au Congrès.—Ou en termes plus explicites et plus intelligibles «Si l'élection de M. Robbins était susceptible d'être annulee seulement, et non pas absolument nulle, une législature subséquente n'avait aucun droit d'agir avant que le siège eut été rendu vacant par une décision du Sénat. Mais si, comme le soussigné en a déjà exprimé l'opinion l'élection de M. Robbins n'a pas été faite par la législature de l'Etat, alors cette election n'était pas seulement annullable mais absolument nulle ; ce n'était pas une élection aux termes de la constitution et la place était vacante depuis l'expiration de son terme en mars 1848. Si le Sénat adopte ces conclusions, le soussigné ne voit aucune raison sur laquelle on puisse s'appuyer pour prétendre qu'une législature constitutionnellement organisée dans l'Etat de Rhode Island n'avait pas le droit de pourvoir à cette vacance, ou que l'élection de M. Potter faite par une semblable législature en octobre 1833 n'est pas valide.

La résolution présentée par la majorité du comité était en ces termes :

« Résolu qu'Asher Robbins, étant dûment et constitutionnellement élu sénateur au Congrès pour l'Etat de Rhode-Island, a droit à son siége au Sénat "

La question, étant mise aux voix, est décidée dans l'affirmative par le vôte suivant :

Oui MM. Bell, Bibb, Calhoun, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Kent Knight, Leigh, McKean, Mangum, Naudain, Poindexter Porter, Preston, Selsbee, Smith, Southard,

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Sprague, Swift, Tipton, Tomlison, Waggaman, Webster.— 27.

Non—MM. Benton, Brown, Forsyth, Grundy, Hill, Kane, King de l'Alabama, King de la Georgie, Linn, Morris, Robinson, Shepley, Tallmadge, White, Wilkins, Wright—16.

De sorte que M. Robbins a été maintenu dans son siége.

Résolu que ledit Elisha R. Potter, considérant les circonstances de cette affaire, doit recevoir le montant alloué par la loi aux membres du Congrès pour ses frais de voyage (mileage), en se rendant de sa résidence, dans l'Etat du Rhode-Island, au Capitole; ainsi qu'en s'en retournant et aussi à la rémunération quotidienne (per diem) d'un membre du Congrès, pour le temps pendant lequel il est resté à Washington, attendant la décision du Sénat relativement au siége contesté par lui et occupé par l'honorable A. Robbins; et que le comité judiciaire reçoive instruction de préparer un bill ou une résolution à cet effet.

Décidé dans l'affirmative, par 24 voix contre 22.

Le sénateur a invoqué les droits des Etats dans l'examen de cette question. Il est inutile à moi de dire au sénateur que je suis du parti du droit des Etats (State Rights) et je suis raffermi dans l'opinion que j'ai adoptée par l'autorité de John C. Calhoun. Quel rôle a-t-il joué dans l'affaire à laquelle il a été fait allusion? Le sénateur n'a-t-il pas lu son discours? Ne sait-il pas l'attitude qu'il a prise lorsque le sénateur du Rhode-Island présenta ses lettres de créance, que cette attitude fut identiquement celle que nous défendons aujourd'hui. Le sénateur peut essayer de me rayer du parti démocratique; s'il arrive à ses fins, il m'en délogera en compagnie de John C. Calhoun. Eh bien! monsieur le président, M. J. P. Benjamin n'a-t-il pas ses lettres de créance? Le sénateur ne sait-il pas qu'une résolution adoptée collectivement par les deux Chambres; après l'élection de M. Benjamin a autorisé le Gouverneur à lui donner ses lettres de créance. Que veut donc faire le sénateur? Ce qu'il veut, c'est que le parti démocratique et l'Etat se placent dans une position fausse et peu honorable à mon avis, en envoyant trois sénateurs au Congrès, tandis que la Constitution des Etats-Unis, à laquelle nous avons tous prêté serment, n'en accorde que deux.

L'affaire que le Sénateur a invoquée fournit les raisons, les arguments les plus forts contre la thèse que soutient le Sénateur, et en faveur de l'opinion qui maintient que la Législature n'a pas le droit d'examiner la validité de l'élection de M. Benjamin. Nous n'avons plus rien à y voir. La décision de cette question appartient exclusivement et en dernier ressort au Congrès des Etats Unis. Et quelle a été la décision du Congrès dans l'affaire que le Sénateur a citée? Il a décidé que celui qui est porteur des lettres de créances a droit à siéger, que Asher Robbins, ayant été dûment et constitutionnellement élu Sénateur au Congrès pour l'Etat de Rhode Island, il avait droit à siéger dans le Sénat. Clay, dont le Sénateur invoque l'autorité, a élevé la voix en faveur d'une doctrine qui avait reçu la consécration du temps et des principes constitutionnels, quelle a été la conséquence? Asher Robbins fut admis à prêter serment, et un commis fut nommé pour faire l'investigation sur cette qustion. Le Sénateur semble croire que la nomination de ce comité peut avoir quelqu'influence sur la question qui nous est soumise. Ne sait-il pas que toutes les élections contestées sont renvoyées à des comités? Quel fut le rapport de ce comité? Que l'election de M. Robbins était d'accord avec la Constitution et les lois de l'Etat de Rhode Island, et que nulle législation subséquente ne pouvait le priver de son droit de siéger au Sénat. Parmi les noms de ceux qui votèrent en faveur du rapport du comité, je vois ceux de MM. Robb, Calhoun, Poindexter, Preston et Porter, sénateur pour notre propre Etat. Quel est l'homme connaissant Porter qui prétendrait dire, comme l'a fait entendre le sénateur, que sa conduite a été influencée par des considérations ou des préjugés de parti. Le sénateur dit que le vote, en cette occasion, fut un acte politique?—Non, ce vote fut donné par des sénateurs des Etats-Unis qui avaient prêté serment. Quels étaient ces senateurs? C'étaient MM. Bell, Bidd, Calhoun, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Kent, Knight, Lee, McKean, Mangum, Worden, Poindexter, Porter, Preston, Silsbee, Smith, Southard, Sprague, Sweft, Tifton, Tomlinson, Waggaman et Webster.—27 oui contre 16 non

J'arrive maintenant à la dernière partie de l'exemple que l on nous a cité. Cet individu, Elisha Potter, réclamait du Sénat le *mileage* et le *per diem*, et quoiqu'il fût soutenu bien plus que nous ne ne pourrions jamais soutenir quelqu'un qui réclamerait le siége de M. Benjamin, sa demande ne lui fût accordée qu'à une majorité de deux votes seulement.

N'est-ce pas là un exemple bien plus fort que tous ceux que nous pourrions présenter? La Législature du Rhode-Island n'a-t-elle pas déclaré parfaitement nulle et non-avenue l'élection qui avait eu lieu précédemment? et pourtant le Sénat refusa presque le mileage même au sénateur qu'elle avait nommé.

Quant à moi, comme représentant de mes commettants, je ne consentirai jamais à placer le parti démocrate dans la fausse position d'envoyer au sénateur à Washington pour lui voir fermer les portes du sénat. Je n'oserais plus regarder mes commettants en face et leur dire que je croyais bien faire. Je ne pourrais jamais leur dire que j'obéissais au mandat de la constitution et des lois, si je votais autrement que j'ai l'intention de voter sur cette question. Non jamais on n'obtiendra de moi de participer à cette manœuvre. Je votorai contre, ainsi que je l'ai résolu dès le début. Dans le principe, j'ai pris position à côté de MM. Mouton, Short et deux ou trois autres esprits hardis. Le sénat me pardonnera de les avoir nommés. Nous étions faibles et en petit nombre au commencement, mais je suis heureux de voir que les pensées ont été mûries et que le vote de l'autre chambre a donné aujourd'hui le coup de mort à cette mesure. Je suis maintenant persuadé que le parti démocrate occupera sa véritable position dans les archives historiques du pays.

Sur la motion de M. Griffin d'adopter la résolution, M. Wickliffe demande l'appel nominal, lequel résulte comme suit:

Oui: MM. Boatner, Derbes, Griffin, Kemp, King, Lacey, Lewis, McCay, Mullard, Neal—10.

Non: MM. Clifton, Evans, Hodge, Kenner, Kittridge, Martin, Mouton, Nicholls, Palfrey, Patterson, Rivers, Short, Smith, Taylor, Theriot, Todd et Wickliffe—17.

La résolution est donc rejetée.

Sur motion, le Sénat s'ajourne.

VENDREDI, 11 février 1853.

Le Sénat s'assemble conformément à l'ajournement

Les affaires du matin sont d'abord agitées et terminées; puis M. Clifton présente le bill suivant qui pourvoit à l'affectation d'une certaine somme du fonds des terres en marais pour terminer la grande levée dans la paroisse de Pointe-Coupée.

Acte pour approprier une certaine somme tirée du produit des terres marécageuses à l'effet de finir la reconstruction de la grande levée dans la paroisse Pointe-Coupee.

Attendu que l'achévement de la reconstruction de la Grande Levée de la paroisse Pointe-Coupée est absolument nécessaire pour protéger près d'un tiers de l'Etat de la Louisiane contre une inondation annuelle,

SECT. 1re.— Il est résolu par le Sénat et la Chambre des Représentants de l'Etat de la Louisiane, réunis en Assemblée Générale, que la somme de trente-six mille piastres soit tirée du revenu des terres marecageuses données à l'Etat par le Congrès, à l'effet de compléter la reconstruction de la dite Grande Levée.

SECT. 2me.— Il est de plus résolu &c, que les messieurs dont les noms suivent; savoir: James B. Harris, Robert McRea et le colonel Charles Morgan soient et demeurent nommés du bureau des commissaires chargés de surveiller l'exécution du dit ouvrage.

SECT. 3me.—Il est de plus résolu &c., qu'il sera du devoir des dits commissaires ou de la majorité des dits commissaires d'offrir et d'accorder le dit ouvrage par varde cubique au plus bas adjudicataire à tel temps de l'année presente qu'ils jugeront nécessaire, et en donnant au moins trente jours d'avis dans au moins une gazette des villes de Vicksburg, Natches, Nouvelle-Orléans et dans celle de la paroisse Pointe-Coupée.

SECT. 4me.— Il est de plus résolu &c., qu'il sera aussi du devoir des dits commissaires de tracer le dit ouvrage, de le recevoir du contracteur ou des contracteurs à mesure qu'il avancera, et quand ils donneront reçu d'une partie de cet ouvrage ou de son entier, ils devront spécifier dans le dit

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reçu ; la somme à payer pour cet objet au contracteur ou aux contracteurs du dit ouvrage ainsi reçu; et le dit reçu sera pris comme certificat par l'auditeur des comptes publics, qui sur ce certificat donnera son mandat sur le trésorier de l'Ftat, qui devra payer les dits mandats jusqu'à ce que la levee soit finie ou que la dite somme de trente-six mille piastres soit épuisée.

Sect. 5.—Il est de plus résolu qu'en cas de mort, de refus de servir, de résignation ou absence de l'Etat, de ces commissaires, il sera du devoir du juri de police de la paroisse de la Pointe-Coupée de remplir la vacance ainsi occasionnée.

M. Clifton explique le but de ce bill qui est de réparer ou de terminer la grande levée qui est maintenant dans la condition la plus dangereuse.

M. Rivers demande que la prise en considération de ce bill soit ajournée à quelques jours jusqu'à ce que tous les membres du Sénat soient présents. Beaucoup de membres sont absents et peut-être s'opposeraient-ils à ce bill. Il n'est pas juste que le bill soit *insinué* pendant leur absence.

M. Clifton fait nbserver que le cas est nécessaire, urgent.

M. Rivers demande si les nouvelles qui ont annoncé l'état déplorable où se trouvent cette levée ont été reçues depuis le départ de ces membres.

M. Clifton répond que les nouvelles ont été reçues aujourd'hui.

MM. Rivers, Short et McCay font quelques observations contre le bill et MM. King, Clifton et Nicholls en faveur du bill, puis la question préalable est demandée et emportée.

Le bill passe.

Sur motion le Sénat s'ajourne.

Lundi 14 février 1853.

L'appel nominal est fait ; il n'y a pas de quorum, le Sénat s'ajourne donc à demain à 11 heures.

Mardi 15 février 1853.

Conformément à une résolution conjointe le Sénat s'ajourne à Mercredi, 23 février à 11 heures A M.

Mercredi 23 février 1853.

Le Sénat s'assemble conformement à l'ajournement.

Bill approuvé.

Un message du gouverneur est reçu, lequel annonce que ce magistrat a approuvé l'acte pour l'émancipation de Susan Litell.

Message à la Chambre.

La démission de M. Mouton comme membre du comité des dépenses casuelles est présentée par lui et acceptée.

Le secrétaire va demander le concours de la Chambre aux actes suivants :

Acte pour l'émancipation de Judson L. Hower ton.

Acte pour l'émancipation de Laura Anna Robb, épouse de Perry Dorman.

Acte définissant les devoirs des notaires publics hors de la ville de la Nouvelle-Orléans.

Un acte relatif au transfert du siége de la Cour de Justice de la paroisse de St-Jean-Baptiste

Un acte pour l'émancipation de Alcide Gonzaline.

Un acte créant une affectation d'une partie du fonds des terres en marais dans le but de compléter la construction de la Grande-Levée dans la paroisse de Pointe-Coupée.

Le secrétaire informe aussi la Chambre que le Sénat a donné son concours aux résolutions et bills suivants :

Un acte pour venir au secours des enfants mineurs de John Sulser, décédé.

Un bill enjoignant au comité sur les institutions charitables, de s'informer des affaires de ces institutions.

Bills présentés.

M. King.—Un acte autorisant des procédures *in rem* pour recouvrer toutes pertes ou dommages causées par négligence ou incapacité dans la direction ou la conduite de tout steamboat, ferry, chalant ou autres embarcations.

Un acte autorisant des procédures pour forcer les débiteurs par jugement à faire connaître leurs propriétés.—Référé au comité judiciaire.

M. Martin.—Un acte pour incorporer les sociétés des bâtisses, de prêt mutuel et des fonds capitalisés.

M. Lacey.—Un acte relatif aux avocats de District dans tout l'Etat de la Louisiane, à l'exception de la paroisse d'Orléans.

Un acte pour diviser l'Etat de la Louisiane en quatre Districts judiciaires suprêmes pour l'élection des Juges Associés de la Cour Suprême.

Un acte pourvoyant à l'élection du juge président, de quatre juges associés et les juges de district de l'Etat de la Louisiane, hors de la paroisse d'Orléans.

Un acte pour amender un acte intitulé : "Acte pour empêcher que les esclaves puissent obtenir sans le consentement de leur maître des liqueurs spiritueuses et enivrantes."

Et plusieurs autres bills.

M. Lacey dit qu'il y a devant le comité judiciaire un très grand nombre de bills qui devraient être imprimés. Il demande donc que l'impression en soit ordonnée.

M. Wickliffe dit qu'il est contre la coutume établie que des bills soient imprimés avant qu'ils n'aient été rapportés, à moins qu'ils ne fussent de la plus haute importance. S'il y a deux ou trois bills qui se contrarient, le comité judiciaire devrait faire choix de celui qui est le meilleur et faire au Sénat un rapport à ce sujet.

M. Lacey répond que ces bills sont tous d'un caractère très important. Ces bills venaient de la Chambre des représentants et avaient été référés à ce comité. Il est presque impossible au comité de les prendre tous en considération à moins qu'ils ne soient imprimés.

L'impression est donc ordonnée.

Le bill de M. Kenner prohibant l'émission et la mise à circulation de petits billets par des particuliers est pris en consideration.

M. Short présente un amendement prohibant l'émission par des particuliers de billets d'aucune dénomination. Il dit que d'après la manière dont il comprend le bill, il n'empêche pas l'émission de billets de plus de cinq piastres par les particuliers à qui il plairait de les mettre en circulation. Lui, désire priver entièrement de ce droit les particuliers. C'est pour cette raison qu'il a présenté son amendement d'après lequel aucun individu, à moins qu'il n'y soit autorisé par une loi générale ou par une loi spéciale, n'aura le droit d'émettre de papier-monnaie.

M. Kenner dit que le but de son bill est de mettre un terme à la mise en circulation de « chiffons » comme on désigne vulgairement ces mauvais petits billets. La loi générale qui sera sans doute passée à cette session de la Législature contient un article qui répond parfaitement bien au but que se propose le sénateur. Il ne croit donc pas nécessaire d'adopter l'amendement puisque son effet serait d'embarrasser le bill.

M. Short.—Ne me trompè-je pas en comprenant, d'après ce que je viens d'entendre, que le bill auquel le sénateur fait allusion contient un article qui défend aux particuliers d'émettre des billets d'une dénomination plus grande que cinq piastres.

M. Kenner.—Vous ne vous trompez pas, monsieur.

M. Short.—Alors, je retire mon amendement.

J'ignorais que tels fussent la nature et le caractère de ce bill.

Le Sénat s'ajourne.

Jeudi, 24 février.

La communication suivante de la Société des Artisans de la ville de la Nouvelle-Oriéans est soumise au Sénat et subit une lecture.

M. Lacey demande que, par courtoisie, le Sénat vote des remercîment à ces messieurs qui ont pris la peine d'envoyer les dimensions de leur local, et il fait la motion que cette communication soit deposée indéfiniment sur le bureau.

M. Martin dit qu'il considère que la motion du sénateur est entièrement, discourtoise et qu'elle ne doit pas être adoptée. Il est d'avis que cette communication doit être déposée indéfiniment sur le bureau sujette à l'appel et non indéfiniment

M. Lacey.—Loin de moi la pensée de manquer de de courtoisie envers ceux qui ont transmis cette communication au Sénat. Mon seul desir est de voir décider une fois cette question. Je voudrais mettre un terme à la longue et inutile agitation à laquelle cette question a donné lieu. Je suis convaincu qu'à cette session, du moins, on n'essayera pas de transférer le siége du gouvernement, et il est parfaitement inutile

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de perdre un plus long temps à ce sujet. Si le Sénat pense qu'il y a manque de courtoisie dans la motion que j'ai faite, de déposer indéfiniment sur le bureau cette communication, je suis prêt à la retirer. Je crois qu'il est nécessaire de mettre un terme à cette agitation. Je ne suppose pas que le Sénat ait jamais pensé à transférer pendant cette session le siege du gouvernement dans la ville de la Nouvelle-Orléans.

M. Martin ne partage pas l'opinion du sénateur dans ce qu'il a avancé en dernier lieu. Il s'est donné la peine de s'informer du sentiment et des vues des sénateurs sur cette question, et il croit être certain que la majorité est en faveur du transfert du siége du gouvernement : il ne croit pas cependant qu'on puisse sur cette mesure réunir une majorité constitutionnelle. Il pense que la motion du sénateur d'Est Bâton-Rouge de déposer indéfiniment sur le bureau cette communication des Artisans manque de toute courtoisie et qu'elle devrait être retirée.

M. Derbès.—Monsieur, je fais la motion que cette communication soit référée à un comité spécial.

M. Lacey.—Alors, monsieur, j'insiste sur ma motion, de déposer indéfiniment sur le bureau cette communication.

M Martin.—Si le but du sénateur est seulement d'obtenir un vote d'épreuve sur cette question, il peut l'obtenir bien mieux en présentant une motion dans laquelle son intention soit indiquée Mais il me semble, et je le répète, que la motion qu'il a faite manque de courtoisie.

M. Lacey dit qu'il insistera sur sa motion. Il répète qu'il n'a eu aucunement l'intention de se montrer discourtois envers ces messieurs. Il insiste sur sa motion pour obtenir un vote d'épreuve ; mais il ne présente pas de résolution spéciale contre la mesure proposée. Il ne veut pas se placer dans une position aussi absurde.

M. Martin dit que semblable question n'est pas maintenant devant le Sénat.

M. Short pense que la motion du Sénateur peut être rédigée différemment et de telle sorte qu'elle marque un peu plus de respect envers les personnes qui ont soumis au Sénat cette communication, puisqu'elles se sont données de la peine pour faire ce qu'elles croyaient devoir servir au bien être et à la commodité de la Législature. Elles ne se sont pas contentées d'offrir tout simplement ce qui était à leur disposition; elles ont pris la peine de mesurer les salles et de nous envoyer les dimensions afin que nous vissions bien que leur intention n'était pas d'entasser les membres de la Législature dans un espace insuffisant. Il pense que cela mérite bien qu'on se montre un peu plus courtois envers elles qu'on ne le serait en les remerciant seulement de leur peine, et en déposant indéfiniment sur le bureau la communication qu'ils ont adressée, sans même la prendre en considération. Le Sénateur a dit que par sa motion il n'avait aucunement eu l'intention de manquer de respect à ces personnes. De quelque manière qu'il veuille interpréter les termes de sa motion, la langue doit nous servir à exprimer nos idées et celle qui résulte clairement de sa motion, c'est qu'il veut dire aux auteurs de cette communication qu'ils se sont mêlés d'une affaire qui ne les regardait pas et qu'à l'avenir ils feront mieux de s'occuper des leurs.

M. Wickliffe espère que le Sénateur d'Est Baton Rouge retirera sa motion et qu'il laissera adopter celle du Sénateur de la Nouvelle-Orléans. Il désire mettre un terme à l'agitation soulevée par cette question, et il croit qu'il n'y a pas de chance de faire adopter une résolution ayant pour but le transfert du siège du gouvernement. Mais les auteurs de cette communication ont sans doute été mûs des meilleures intentions et ils ont du rendre service à la Législature en mesurant leur local et en en transmettant les dimensions au Sénat. Lui même est prêt à voter contre toute proposition qui serait faite de transférer le siège du gouvernement ; mais il en est d'autres qui pensent différemment et qui appuiraien la proposition. Le mieux serait donc de référer cette communication à un comité spécial.

M. Lacey dit qu'il n'a fait cette motion que pour obtenir un vote d'epreuve et mettre un terme a toute agitation ultérieure. J'ai dit clairement que je n'avais pas eu l'intention d'être discourtois et, puisque le sénateur de Madison est d'avis que « la langue nous est donnée pour exprimer nos pensées, » je désire être bien entendu par lui, lorsque je répète que je voulais, au contraire, être très courtois. J'ai la plus grande estime, la plus haute considération pour ce corps si digne, si important, si utile des artisans de la Nouvelle-Orléans, et rien ne saurait être plus éloigné de ma pensée que de dire ou faire quoi que ce fût qui pût les blesser. J'ai dit mon but en faisant cette motion ; j'ai terminé, et je puis la retirer maintenant.

M. Short dit qu'il n'a pas le moindre doute que l'intention du sénateur n'était pas de se montrer discourtois, mais son langage était de nature à être interprèté dans un sens que lui-même n'avait pas voulu lui donner.

M. Lacey. — Le sénateur est démocrate, il souffrira donc que je ne cherche plus à faire prévaloir que ma seconde intention conçue après réflexion.

M. King présente une pétition de la compagnie du moulin à riz de la Louisiane (Louisiana Rice Mill) demandant qu'il lui soit accordé une charte et l'usage d'une partie des terres en marais, pour la culture du riz pendant un certain temps ; la question principale est une concession de terres. Il fait la motion que cette pétition soit référée au comité des améliorations.

Après quelques remarques faites par divers sénateurs, M. King retire sa motion.

M. Wickliffe pense que la pétition devait être plutôt référée au comité judiciaire, attendu qu'elle embrasse une question de loi très importante. Il doute fort que les terres publiques puissent être affectées à un but semblable. L'acte de donation précise les objets auxquels ces terres doivent être destinées, et il croit que la mesure proposée serait en violation de cet acte.

M. King répond que sans doute le sénateur ne comprend pas le but que se proposent les pétitionnaires.

M, Wickliffe dit qu'il croit comprendre que le but de cette pétition est d'obtenir environ vingt mille acres des terres publiques pour un espace de quelques années et le privilége de les acheter plus tard, si les pétitionnaires le desiraient, au prix de $1 25 cts par acre.

Il ne doute pas qu'il n'y ait dans l'Etat des centaines de personnes qui voulussent obtenir semblable concession, si elle pouvait leur être accordées. Il le répète, la question embrasse un point de loi, très important, lequel consiste à savoir si la Législature a le droit d'affecter les terres publiques à aucun autre usage que celui qui est spécifié dans l'acte de donation. S'il ne se trompe pas, le bill propose d'accorder à une compagnie une quantité considérable de terres publiques, ou l'usufruit des dites terres dans le but de s'y livrer à la culture du riz.

Il désirerait avoir à ce sujet l'opinion du comité judiciaire.

M. Kenner—La Constitution prévoit et décide cette question de telle sorte, qu'il ne peut exister aucun doute. Cependant je n'ai aucune objection à ce que la pétition soit référée, car je suis bien convaincu que les pétitionnaires n'obtiendront jamais ce qu'ils demandent.

M. King dit que la proposition n'est pas d'appliquer ces terres publiques à autre autre usage que celui qui est spécifié dans l'acte de donation. La compagnie désirerait seulement obtenir certaines terres du fond et qui ne sont pas maintenant en culture, et d'en faire usage de telle sorte que, plus tard, elles fussent rendues propres à être cultivées. Ce n'est donc pas ce que pense le sénateur, c'est tout simplement donner de la valeur à ces terres. Il est de la plus grande importance pour l'Etat de favoriser la culture du riz, une des branches les plus importantes de l'agriculture et à laquelle le sol et le climat de la Louisiane sont le plus convenables. Si la Législature a le pouvoir d'accorder le «droit de préemption» aux premiers occupants, elle a certes le droit de faire ce que je propose dans ce bill. S'il est possible d'accorder aux pétitionnaires ces terres, rien ne saurait être plus désirable pour l'Etat que de voir ce plan réalisé, et nos marais si pauvres, si misérables, convertis en champs fertiles, en florissantes prairies où s'établirait une population heureuse, active et industrieuse.

Le débat se continua quelque temps, puis la petition et le bill sont référés au comité sur l'agriculture, le commerce et les manufactures.

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ORDRE DE JOUR.

Le bill organisant le département du trésor est pris en consideration.

M. Martin pense que ce bill est superflu, attendu qu'il existe déjà un acte qui pourvoit au même but. Il fait donc la motion qu'il soit référé au Comité de Finances.

M. Lacey explique que l'objet de ce bill est d'organiser le département du trésor par un acte de cette Législature, et de mettre ainsi fin aux doutes de beaucoup de personnes qui croient que la nouvelle Constitution a aboli toutes les places existantes sous l'ancienne. Il désire donc embrasser tous les départements de l'Etat dans une série de bills, afin qu'il ne reste plus la moindre incertitude à ce sujet.

M. Martin—Considérant ces doutes auxquels fait allusion le Sénateur, je crois qu'il est convenable de référer le bill.

M. Lacey dit qu'il n'a aucune objection à cela.

Le bill relatif à l'éducation de la jeunesse aux frais de l'Etat, est pris en considération et discuté.

(Le Comité sur l'Education, auquel il avait été référé, a rapporté défavorablement.)

M. Wickliffe expose les raisons qui ont porté le comité à rapporter défavorablement. Il dit que le comité est arrivé à la conclusion que lorsque l'Etat accorde les bienfaits d'une éducation puplique, il ne le fait pas avec l'intention de les contraindre plus tard et de les forcer à adopter une profession plutôt qu'une autre.

Le bill propose qu'après avoir complété leurs études, les élèves de ces institutions s'engagent à embrasser pendant un certain temps la profession de professeurs. L'opinion du comité est que, (ils doivent être laissés en toute liberté de ne consulter que leurs inclinations, et qu'ils ne soient pas forcés à se coucher sous une nécessité qui, le plus souvent, contrariérait leur vocation). Ce sont là les objections que le comité élève contre ce bill ; néanmoins, si le Sénat désire l'adoption du bill, il ne s'y opposera pas.

M. Lacey expose son but. Il a eu plusieurs conversations avec M. Nicolas, ex-surintendant de l'éducation publique de l'Etat, et c'est de lui qu'il tient les suggestions qu'il a insérées dans son bill. Mr. Nicolas lui a exposé les grands avantages qui ont résulte pour d'autres Etats de l'etablissement du système de l'Ecole normale. Mais comme, pour diverses raisons, ce système ne peut être établi ici, nos efforts doivent tendre à obtenir, autant que possible, des résultats équivalants, si les circonstances le permettent.

Maintenant, monsieur, est-il injuste qu'un enfant élevé dans cette institution, et qui y a joui des bienfaits d'une éducation libérale, soit contraint à consacrer plus tard une partie (quelque longue qu'elle soit!) de son temps au service de l'Etat? Il n'y a certes là aucune imposition, il n'y a rien d'anti-démocratique ! N'est ce pas là, réaliser le système des écoles normales ? Le but de ce bill n'est-il pas louable ? Tous l'ont accepté comme tel. La seule objection qui ait été élevée, est celle-ci : est-il juste d'exiger de qui que ce soit, qu'il embrasse la profession de professeur ? Les personnes de qui on voudrait l'exiger, l'Etat leur a conféré d'immenses bienfaits ! Ils sont entretenus, éduqués à ses frais ; leur esprit est façonné au moule des hautes instructions dont l'Etat fait encore les frais ! Il est donc important qu'il reçoive quelque chose en retour; qu'ils donnent à d'autres, en son nom, ce qu'ils lui doivent, et qu'à leur tour ils dirigent la jeunesse future dans cette voie où l'Etat les a fait conduire à ses frais. Les objections contre ce bill n'ont aucun fondement, et ce qu'il réclame n'est pas une exigence trop forte. Ce bill, comme l'a dit avec raison un membre, dont l'attention s'est longtemps arrêtée sur cette question, ce bill, «propose seulement d'exiger de ceux qui ont reçu d'immenses bienfaits de l'Etat de lui en donner une faible partie en retour.» Et après tout, qu'exigeons-nous ? leur parole. J'espère donc que ce bill, dont les résultats, doivent être si avantageux pour l'Etat, ne sera pas rejeté par suite des objections élevées par le comité.

M. Lacoste voudrait savoir si, en vertu de ce bill, ces personnes sont tenues d'embrasser la profession de professeur, même contre leur désir.

M. Kenner demande que le secrétaire donne lecture du dit bill.

Cette motion est adoptée.

M. Kenner dit qu'il voterait à coup sûr en faveur du bill, s'il subissait quelques altérations. Le principe sur lequel il roule est bon. Malgré l'extrême besoin que nous avons de bons professeurs, dans cet Etat, le nombre de ceux qui comprennent leur profession est comparativement fort limité. Cette proposition n'a rien de nouveau. Le même principe a été consacré par tous les Etats où fonctionne le système des Ecoles Publiques. Il l'a été non-seulement par les Etats en particulier, mais aussi par les Etats-Unis. Le gouvernement général a établi une institution à West-Point, dans laquelle des jeunes gens sont élevés aux frais du gouvernement, avec l'engagement implicite qu'ils entreront dans l'armée et se consacreront au service du pays. Il en est de même des jeunes gens qui doivent devenir plus tard officiers de marine. Il y a une institution appelée "école navale" où ils sont élevés, sous la condition tacite qu'ils entreront ensuite dans la marine. Ce n'est donc pas imposer une trop dure condition. Aujourd'hui nous éprouvons une grande pénurie de professeurs, nous le proclamons au loin. Nous les envoyons chercher dans toute l'Union et nous les invitons à venir parmi nous pour nous aider à l'éducation de la jeunesse Louisianaise. Efforçons-nous donc par tous les moyens de les faire naître dans l'Etat. La Louisiane est aujourd'hui en fait d'éducation ce que la France est en fait de marine. La France dépense des millions pour la construction de vaisseaux; elle en possède plusieurs centaines d'armés, construits sur les meilleurs modèles, parfaitement équipés et dans un ordre excellent; mais il est un élément essentiel de la marine qui lui manque, et que tous ses efforts ne pourront parvenir à créer. La France manque de marins et sans marins il ne peut y avoir de marine. Il en appelle à ses collègues et leur demande ce qui se passe dans leurs paroisses respectives, dans quelle condition est l'éducation publique partout dans l'Etat ? Le but du système aujourd'hui adopté était surtout de se procurer de bons professeurs, mais il a été impossible de trouver des hommes compétants pour suivre cette profession, à cause de l'exiguité du salaire accordé.

Jusqu'à présent nous n'avons rien fait pour réaliser notre système d'éducation publique. Nous ne pourrions, il est vrai dépenser plus que nous n'avons fait. Nous n'aurions pas l'argent nécessaire, mais il faut absolument faire en sorte de nous assurer de bons professeurs. La proposition renfermée dans la loi est donc bonne. Il peut répéter avec le membre d'Est-Bâton-Rouge, il n'y a rien d'anti-republicain, rien d'anti-démocratique dans ce bill ! Et en le répétant, il espère qu'il n'a pas fait usage de cette expression dans aucune acception de parti.

Si le sénat ne résout pas par quelque chose de pratique cette question, ainsi que le bill l'a en vue. Le système public d'éducation s'en ira bientot en fumée.

Il souhaite que le bill soit adopté malgré l'opposition du comité d'éducation, mais cependant demande que le mot *indigent* soit effacé partout où il se trouve.

M. Lacey est heureux de voir que le bill a reçu l'aide puissant du sénateur de l'Ascension. Il espère voir les membres du comité d'éducation revenir sur leur opposition et voter pour l'adoption définitive du bill. Il espère voir tout le Sénat unanime sur ce point. La proposition qui a rencontré de l'opposition n'est pas nouvelle, ce n'est pas une création de son cerveau. Ce n'est autre chose que ce qui est mis en pratique pour les écoles normales, si florissantes dans les Etats du Nord et au Canada. Si la Chambre l'adopte, les professeurs pourront former une génération éclairée par une éducation libérale. Il espère donc que le bill sera adopté.

M. Short demande si l'Etat aura à fonder une école pour chaque professeur.

M. Lacey dit qu'il est prêt à engager sa parole et à affirmer qu'il est prêt à la tenir en disant qu'il est disposé à remplir sa tâche comme professeur.

Il est prêt à faire ce qui sera exigé de lui. Sa promesse sera enrégistrée, et l'engagement qu'il prend sera rempli.

Sur motion de M. Kenner, le bill est renvoyé de nouveau au comité.

VENDREDI, 25 février.

M. Kittridge présente un bill, ayant pour objet d'accorder certains privilèges sur la récolte pendante.

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M. Burthe propose que le bill soit renvoyé au comité judiciaire. L'objet du bill est d'une grande importance, et les sénateurs doivent avoir le loisir de l'étudier avant d'être appelés à donner leurs votes sur la question qu'elle pose.

M. Kittridge dit qu'il est vrai que le bill est d'une grande importance pour les cultivateurs du sol, cependant il est d'une nature extrêmement simple. Il ne porte aucune atteinte aux droit acquis, et il n'y a aucune nécessité à le renvoyer au comité.

Mr. Burthe espère que l'on n'insistera pas sur l'adoption immédiate du Bill, que l'on accordera aux Sénateurs le temps de la réflection. Il doit avouer que la présentation de ce bill l'a pris par surprise, et il n'est pas préparé à voter immédiatement sur cette question.

M. Palfrey appuie la motion de renvoyer au comité. La question est trop importante pour permettre de la résoudre avec précipitation

M. Kittridge n'objecte pas au renvoi. Il propose que le bill soit mis à l'ordre du jour pour demain.

M Lacey dit qu'il sera impossible au comité judiciaire de faire un rapport demain.

Ce comité a été chargé d'une telle masse d'affaires qu'il lui est impossible d'examiner le bill et de présenter un rapport demain. Il propose de le mettre à l'ordre du jour pour un des jours de la semaine prochaine.

M. Burthe n'a pas fait sa motion dans l'intention que le rapport fût présenté demain Le comité doit avoir tout le loisir d'étudier la question et ne doit être tenu de faire un rapport qu'après s'être bien préparé.

M. Short fait observer qu'il est vrai que le bill n'a pour objet que de faire peser le privilege sur des objets qui en sont maintenant exempts, mais il créerait beaucoup d'embarras aux shériffs. Quand la saisie s'applique à la récolte pendante, elle produit un conflit entre les créanciers existants et le marchand.

Le bill est finalement renvoyé au Comité Judiciaire et mis à l'ordre du jour de jeudi prochain.

M. Martin présente une résolution enjoignant au Comité Judiciaire de préparer un bill qui défende à tout officier de l'Etat d'occuper plus d'une place salariée et qui ordonne que les commissions de tous les officiers qui remplissent deux places soient annulées.

M. Martin explique l'objet de la résolution. Elle s'applique principalement aux greffiers de cour qui ont des commissions d'encanteur —Sous la loi judiciaire de 1846 ils étaient autorisés à donner des licenses à d'autres personnes pour faire des ventes. Cet état de choses a pour but de créer le cumul et de donner aux greffiers un avantage illgitime en leur permettants d'empêcher d'autres perennes d'exercer les fonctions d'encanteur. Son but est qu'il soit enjoint au comité Judiciaire de préparer et de rapporter un bill qui soit de nature à mettre un terme à cet abus, à cette violation directe de l'article 122 de la Constitution.

Le bill pour venir en aide à.... est appelé à la discussion.

M. McCay dit que, selon sa manière d'entendre le rapport, la somme a été payee plus d'une année après qu'elle fût due. Si les membres veulent recourir au rapport du trésorier et l'examiner attentivement, ils seront fort surpris. Ils verront que plus de $60,000 de commission ont été remboursées de cette manière, et que le montant est plus grand cette année que dans aucune année précédente. En quelques cas, ses commissions qui remontaient jusqu'à l'année 1847 ont été payées. Il doit y avoir quelque part quelque avis qui produise cet état de choses. Lorsque quelques jours seulement se sont écoulés entre l'époque du paiement et celle ou l'argent était dû, il ne voit pas d'objection à payer les commissions; mais quand six mois ou une année se sont passés, il y est tout opposé.

M. Derbès demande que le bill soit de nouveau renvoyé au comité.

M. Wickliffe propose qu'il soit déposé sur le bureau sujet à l'appel, attendu que M. Boatner, qui est bien informé des circonstances de l'affaire, est absent.

M. Derbès fait observer qu'il est membre du comité qui a rapporté en faveur de la réclamation, et il avait pensé qu'elle était en tout semblable à celles qui avaient été approuvées par le Sénat. Il désirerait que le bill fat renvoyé de nouveau au comité, parce qu'il ne veut pas se placer dans une fausse position devant le Sénat.

M. McCay demande la lecture du rapport.

Le secrétaire lit le rapport, après quoi le bill est déposé sur le bureau sujet à l'appel.

M. Rivers demande que le bill requérant nos représentants et enjoignant à nos sénateurs du Congrès de faire tous leurs efforts pour obtenir une concession des lacs à eaux basses (shallow lakes), soit pris en considération.

M. Rivers ajoute que, vu la grande accumulation de bois de dérive qui obstrue le cours de la Rivière Rouge, les eaux inondent annuellement une grande partie des terres environnantes, lesquelles sont enregistrées au bureau des terres comme lacs à eaux basses. Les eaux de ces lacs sont excessivement basses, et la navigation y est impossible. En vertu des actes du Congrès, l'embarras serait enlevé et le pays environnant serait desseché; et alors il pourrait être amené à un état tel que la culture en devint possible. Le but de ce bill est d'enjoindre au secrétaire de l'intérieur de faire faire un relevé de ces terres et de les enregistrer comme terres en marais. Autrement des prétentious opposées pourraient être élevées à la propriété de ces lacs puisque lorsqu'ils auront été desséchés, ils peuvent être enregistrés comme terres hautes.

Le bill est pris en considération et adopté.

SAMEDI. 26 février 1853.

Compagnies pour la construction de Rail Roads.

M. King présente un bill amendant la seconde section de l'acte de 1847 qui limite l'existence des compagnies formées sous l'empire de cette loi à 25 ans.

M. King fait remarquer que son amendement a pour but d'affranchir les compagnies pour la construction de rail road des restrictions imposées par cette section, en étendant le temps de leur existence à 50 ans. Il désire s'assurer du sentiment du sénat à cet égard. Il est d'opinion que le terme de 25 ans est beaucoup trop court pour de pareilles compagnies, et en même temps il est opposé à la perpétuité des chartes.

M. Short établit, comme M. King, l'objet du bill. Le seul changement que propose le bill est de donner à ces compagnies une plus longue existence, des privilèges plus durables qu'elles n'en peuvent avoir sous l'empire des actes de 1847 et de 1848. Je ne vois pas pourquoi, dit-il, une compagnie de chemin de fer qui doit être d'un avantage réel pour l'Etat n'aurait pas une plus longue existence. Si elle venait à encourir une forfaiture par quelqu'un de ses actes, si elle se suicidait elle-même, le cas serait différent. Mais je désire prolonger l'existence de ces compagnies, c'est à dire leur capacité de poursuivre et d'être poursuivies en justice, par là, donner de la confiance aux capitalistes dont les fonds sont sollicités pour des entreprises de ce genre, et leur assurer un emploi avantageux de leurs capitaux. Il peut s'écouler dix ou quinze ans avant qu'ils puissent retirer du capital qu'ils ont engagé un intérêt qui leur prouve qu'ils ont fait une bonne affaire. Mon but donc est d'appeler l'attension du sénat à l'exception que le bill introduirait dans la seconde section de l'acte de 1847 en faveur des compagnies de chemin de fer. Si, avant l'expiration du terme de 25 ans, on vient à découvrir un autre mode de transport plus économique, plus expéditif que les chemins de fer, si les ballons peuvent être utilisés, et que l'on puisse traverser les airs sans toucher à la terre ferme, rien de mieux, l'existence d'une compagnie de chemin de fer ne sera point un obstacle à cette nouvelle conquête. Mais, tant que les chemins de fer seront utiles et avantageux, tant qu'ils pourront donner un profit, il faut leur permettre de vivre et de conserver leurs privilèges d'incorporation, réservant, toutefois, à la législature, le pouvoir de les limiter et d'empêcher le monopole.

M. King pense que l'objet du bill n'est pas suffisamment compris. Il lira la section de l'acte que le bill se propose d'amender

M. King lit la section de l'acte en question et l'amendement qu'il propose.

On me demande comment on pourra déterminer la suffisance de l'indemnité. Je réponds qu'on y arrivera en prenant l'opinion d'hommes compétents, en soumettant la question aux tribunaux, et par mille autres moyens. La décision de pareils points pourrait être transportée des cours d'Etat aux cours des Etats-Unis. Ces compagnies sont des societés privées. Leur propriété est d'une nature tout aussi particulière que celle d'un individu. Beaucoup de personnes

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s'imaginent qu'à l'expiration de la charte d'une compagnie son droit de posséder s'évanouit C'est une erreur. La compagnie, en pareil cas, cesse d'exister comme corporation, elle perd le droit de poursuivre et d'être poursuivie en justice. Ses propriétés ne sont pas confisquées au profit de l'Etat quand elle finit d'exister, et l'Etat n'a pas plus le droit de l'exproprier, qu'il n'a le droit de vous enlever votre maison. Il ne peut le faire qu'en donnant l'indemnité exigée par la Constitution, et qui doit être équivalante à la perte de la propriété. Mais je pense que le peuple a toujours ce droit restreint d'expropriation et qu'il faut l'exercer chaque fois que l'intérêt de l'Etat l'exige C'est pour cette raison que j'ai inséré cette disposition dans le bill; sans elle, un pareil acte ne pourrait jamais être accompli que par une convention du peuple, exerçant tout les pouvoirs de l'Etat dans la plénitude de sa souveraineté.

J'ai donc inséré cette clause pour qu'il ne fût pas nécessaire d'avoir recours à ce moyen extraordinaire. Je ne crois pas qu'aucune ligne présentant quelque utilite ait a en souffrir. Si elle est utile, l'Etat ne songera jamais à l'exproprier. Mais si elle venait à n'être qu'un embarras, alors l'Etat aura le droit d'expropriation droit qui, en pareilles circonstances, devrait être exercé de telle sorte que nous pussions être au plus tôt débarrassés d'une chose nuisible en elle-même. Je vais dire en quelques mots les raisons qui, dans mon opinion s'opposent à la perpétuité des corporations. La generation d'aujourd'hui ne doit pas enchaîner les générations futures pendant des siècles. L'homme n'est pas infaillible. Il est sujet à erreur. Il n'est pas une seule de nos opinions, pas une position prise par nous au sujet de laquelle nous puissions dire : j'ai incontestablement raison. Nous ne pouvons espérer que nos décisions seront finales, qu'elles lieront la postérité à tout jamais. Nous n'avons donc pas le droit de faire des lois de nature a empêcher les législatures qui nous succéderont de corriger nos erreurs, ou de porter remède au mal que nous avons créé. Mais je n'ai pas le moindre desir d'entraver ces projets d'amélioration intérieure, qu'il est du devoir de tout officier de l'Etat d'encourager. Si l'on peut prouver que le bill froisse en rien les principes de la justice, qu'il peut arrêter l'exécution de travaux importants pour le public, je suis parfaitement disposé à le modifier de quelque manière que ce soit, et de faire toutes les concessions qui pourront être demandées. Mais c'est en vain que vous parlerez de ces grands projets, de ce chemin de fer du Pacifique, s'étendant du Mississipi aux rivages de la Californie, de ce chemin de fer des Opelousas, allant se rallier aux bouches du Rio-Grande, c'est en vain que vous parlerez de tout celà, que vous vous bercerez de ces rêves : tant que le recueil de vos lois proclamera que vous ne donnerez aux compagnies qu'une existence de vingt-cinq ans, on comprendra que vous êtes opposés à tous ces projets, et, qu'en paroles, vous pouvez vous montré zélés partisans, de pareilles entreprises, mais, qu'au fond, vous n'avez jamais désiré les voir réussir.

Je serais bien aise de connaître l'opinion du Sénat sur le sujet important qui nous occupe. J'ai sur moi un bill important, et je suis incertain de la forme sous lequel je dois le présenter. Je desire savoir si cette charte sera perpétuelle, si nous sommes disposés à renoncer à conserver aucun pouvoir sur les compagnies de cette espèce, ou si nous entendons conserver un pouvoir de révision après le terme de 50 ans.

M. Wickliffe désire appeler l'attention du sénateur de la Nouvelle-Orléans sur les dispositions de la loi sur les corporations maintenant en existence. Il est contraire aux chartes à perpetuité, et votera certainement contre toute proposition qui tendrait à les accorder. Il pense que le bill doit être imprimé.

M. Hodge saisit cette occasion pour exprimer sa pensée en contradiction avec l'opinou émise par les sénateurs de la Nouvelle-Orléans et de West-Féliciana, et de démontrer le peu de solidité des raisonnements à l'aide desquelles ces messieurs ont entendu prouver que les compagnies du rail-road doivent être limitées à 50 ans. Si cependant le bill doit être imprime, il ne fatiguera pas en ce moment le Sénat de ses remarques, Il désire toutefois qu'il soit bien établi qu'il désire voir se réaliser le plan général des améliorations intérieures de l'Etat, et qu'il n'est nullement effrayé par ces cris : « Au monopole » qui font tant d'effet sur certaines personnes. Lorsque viendra le moment de discuter ces bills, il sera contraire à toute limite imposée aux compagnies de rails-roads, ayant pris naissance en vertu de la loi générale ou de lois particulière. Il est indispensable de donner à ces compagnies une existence plus longue que celle accordée par l'acte de 1847; sans cette coedition, les capitalistes ne seraient pas disposés, selon lui, à investir leurs capitaux dans ces compagnies. Ils ne courraient pas le risque de spéculations de cette sorte, alors qu'une partie importante du temps concédé devrait être employé à démontrer que la compagnie serait profitable. Il n'est pas d'avis de maintenir la section qui donne à l'état le droit d'exproprier de leurs propriétés, les compagnies de rails-roads après le terme de 50 ans. C'est inutile à dire, car la Constitution a reglé cette matière. (L'orateur donne lecture de l'article qui s'y rapporte.) Si donc il est jamais de l'intérêt de l'Etat d'exproprier les compagnies de rail-road, il a le pouvoir de le faire en payant une juste compensation.

M. Wickliffe n'a aucune objection à la position que le sénateur qui l'a précédé a jugé à propos de prendre. Il voit avec plaisir que les cris : « Au monopole ! » ne l'effrayent pas, mais lui-même n'en est pas effrayé davantage. S'il est appelé à voter sur cette question, son vote sera toujours contraire à la concession d'une charte perpétuelle. Il n'entend effrayer ni le sénateur de Caddo, ni aucun autre, mais seulement exprimer son opinion, ses intentions comme l'a fait le préopinant.

M. Short ignore pourquoi le sénateur de la Nouvelle Orléans montre tant d'empressement à disposer actuellement de ce bill. Il désire, quant à lui, donner à ses collègues l'opportunité d'exprimer leurs vues à ce sujet. Il désire connaître leur opinion sur la question du temps d'existence à accorder aux compagnies, et suppose le même désir au sénateur qui a rapporté le bill. Celui-ci ne doit pas s'occuper de la propriété des compagnies. Il peut seulement déterminer le terme de leur existence comme corporation. Il y a là deux choses très distinctes, le temps d'un côté. et de l'autre les propriétés accumulées pendant l'existence d'une compagnie. Celles-ci ne peuvent être touchées, à moins qu'elles n'aient été engendrées par l'acte d'in corporation lui-même.

Quant à lui il desire connaître ce qu'on entend faire au sujet de cette question des améliorations intérieures. Il s'est jusqu'ici abstenu de rien dire à ce sujet, bien qu'il y portat autant d'intérêt qu'aucun autre membre du Sénat. Il a entendu parler de beaucoup de choses qui se préparent, de différents projets qui s'élaborent, mais il voudrait voir quelque chose se réaliser, il désire voir le rail road construit, la locomotive en mouvement portant sur le marché son frêt de coton et de sucre et son sifflet retentissant dans les bois. Nous sommes ici reunis pour que ces choses se réalisent aujourd'hui. N'est ce pas ce désir qui seul a donné naissance à la nouvelle constitution ? N'est ce pas le besoin des améliorations intérieures, et peut-être aussi le désir de voir donner quelques facilités aux banques qui ont amené la convocation de la convention ? Chacun sait que ce sont là ces causes qui ont déterminé l'appel de cette dernière et l'enfantement de la constitution, Il espère donc que ses collègues se sont réunis pour realiser ces projets d'une manière pratique. Il espère que ceux de ses collègues qui sont opposés à accroitre la durée de l'existence des compagnie présenteront quelque moyen pratique pour satisfaire aux désirs de leurs constituants Quelques hommes croient que deux ou trois personnes réunies sous forme de compagnie presentent un grand danger de nature à faire sauter l'Etat. Quant à lui, telle n'est pas sa pensée, bien qu'il aie vu le temps où l'Etat etait annulé par les compagnies de banque. Il ne doit pas craindre de voir se concentrer dans les compagnies de rail road des capitaux assez considerables pour rendre ces compagnies dangereuses. Ce que ses commettants redoutent, c'est de ne pas voir les chars parcourir effectivement les rail roads. Ils craignent que les capitalistes n'osent pas investir leur capital dans ces entreprises en pensant que le privilége des compagnies pourrait être éteint, avant la venue des profits. Il désire donner confiance aux capitalistes, il sait qu'ils sont en général timides, et que leur timidité est en proportion du capital qu'ils possèdent. Notre devoir par conséquent est de leur donner toutes les facilités possibles et de ne pas les priver des fruits légiti-

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mes que le capital pourra produire. Et pourquoi les capitalistes ne sont-ils pas venus jusqu'à présent à notre aide ? parce que nous n'avons pas jeté de fondations pour eux et parce qu'ils n'ont pas confiance dans la durée des entreprises auxquelles ils pourraient contribuer. Son espoir est que ces craintes vagues et indéterminées ne pèseront pas assez dans la balance pour empêcher de jeter de solides fondations sur lesquelles les capitalistes viendront bâtir à notre appel nous aider des moyens dont ils disposent et nous permettent de voir le chenal de fer soufflant à travers les marais de Madison et les balles de coton empilées sur de véritables chars de rail roads.

M. Wickliffe veut laisser le préopinant se contenter à son aise de la vue de son cheval de fer, mais il ne voit pas de motif qui s'oppose à ce que le bill soit imprimé et mis à l'ordre du jour de mercredi prochain. C'est un sujet de grande importance, que l'on doit traiter sans précipitation.

Le bill est mis à l'ordre du jour spécial de mercredi prochain.

Abolition du Bureau des Travaux Publics,

M. King annonce arriver à une autre résolution de grande importance, celle qui a pour but d'abolir le bureau des travaux publics. Il la présente comme une question d'épreuve et il désire que le Sénat ne diffère pas au delà de lundi sa prise en considération. Il va cependant expliquer, dès à présent, son objet. Jusqu'aujourd'hui le comité des améliorations intérieure n'a pu produire aucun bill ou produire devant le Sénat aucun système général. Cela tient à ce que le bureau des travaux publics lui enleverait tout le pouvoir des mains et rendrait ses efforts inutiles. Une forte majorité de la Législature est, suivant lui, d'avis d'abolir cette partie de la Constitution qui traite de l'organisation de ce bureau, et jusqu'à ce que ce soit accompli les comités ne peuvent rien faire de pratique et d'utile. Personne ne se soucie de préparer un bill qui doit renfermer un vice inhérent qui doit rendre nulle son opération, et de le préparer pour mettre en opération une clause de la Constitution presque universellement condamnée. Quand à lui il a complètement renoncé d'arriver à un résultat pratique sous l'empire de cette disposition de la Constitution. Mais si quelque mesure peut être prise, elle ne pourra qu'être inapplicable et embarrassante. Quant à lui, sa conviction arrêtée, son opinion préconçue, sont contraires à cette disposition. Si cependant l'opinion de la Législature est favorable à l'existence du bureau des travaux publics, et si elle désire essayer son action, il consent à faire l'essaie qu'on lui imposera bien qu'il en comprenne l'inutilité. La Constitution permet d'abolir le bureau des travaux publics par un vote des 3/5. Il pense que cette proportion au moins de la Législature actuelle est favorable à cette abolition.

M. McCay lit les articles de la Constitution qui traitent de l'établissement du bureau:

Art. 130. Il y aura un Bureau des Travaux Publics, lequel se composera de quatre commissaires. L'Etat sera divisé par la Législature en quatre districts comprenant, autant que possible, un nombre égal d'électeurs: les votants de chacun de ces districts éliront chacun un commissaire pour une période de quatre années. Deux commissaires, désignés par le sort, sur les quatre qui seront d'abord élus, devront se retirer à l'expiration de la seconde année.

Art. 131. L'Assemblée Générale, à sa première session après l'adoption de cette Constitution, devra pourvoir à l'élection et à la rétribution des commissaires ainsi qu'à l'organisation du Bureau. Les commissaires qui seront d'abord élus se réuniront au jour fixé par la loi et tireront au sort pour déterminer l'ordre dans lequel expirera leur mandat.

Art. 132. Les commissaires exerceront une surveillance active et constante sur tous les travaux publics où l'Etat est intéressé, hormis ceux qui sont executés par des compagnies d'actionnaires. Ils communiqueront de temps à autre à l'Assemblée Générale leurs vues sur les travaux publics, et suggéreront les mesures qu'ils croiront les plus propres à réaliser avantageusement le but auquel sont destinées les terres inondées que les Etats-Unis ont concédées à cet Etat. Ils nommeront tous les officiers nécessaires aux travaux publics et exerceront tous autres devoirs qui leur seront imposés par la loi.

Art. 133. Les commissaires pourront être destitués par le vote de la majorité de tous les membres élus à chaque Chambre de l'Assemblée Générale; le motif de la destitution devra être inscrit au journal de chaque Chambre.

Art. 134. L'Assemblée Générale aura le pouvoir, moyennant le concours des trois cinquièmes des membres élus à chaque Chambre, d'abolir le Bureau des Travaux Publics, quand elle jugera que ce Bureau n'est plus nécessaire.

Ce bureau n'est pas encore établi, conséquemment ce bill a pour but d'abolir ce qui n'existe pas encore.

Le dernier article accorde à l'Assemblée Générale le pouvoir d'abolir le Bureau; mais cela veut certainement dire qu'elle ne pourra le faire qu'après que le Board aura été créé. Les termes de la Constitution ont évidemment cette signification et aucune autre. Si l'on admet d'autres suppositions ou d'autres interprétations, ce serait, il me semble, vouloir abolir ce qui n'existe pas—ce qui serait une absurdité. Cet article de la Constitution est un ordre pour la création d'un Bureau de Travaux Publics et nous devons nous y soumettre. Jusqu'à ce que nous en ayions fait l'essai et que nous ayions reconnu par expérience que ce n'est pas là une amélioration de l'ancien système sous lequel a longtemps gémi l'Etat, je donnerai mon vote dans le sens que je viens d'expliquer.

M. Short dit qu'il a le plus grand intérêt à cette question. Il s'occupe maintenant d'un rapport au sujet des Terres Publiques de l'Etat, lequel fournira une base sur laquelle pourra être établi un plan qui pourvoie à ce que le fonds provenant de la vente des terres en marais puisse être employé soit par scripts soit autrement, conformément à un système uniforme. Il a le plus grand intérêt à l'établissement de ce Bureau de Travaux publics et il partage l'opinion émise par le sénateur de la Nlle-Orléans qui a pris la parole avant lui, à savoir :—que nous ne pouvons pas abolir ce qui n'existe pas.

Le dictionnaire de Webster donne au mot abolir la signification suivante :— Mettre un terme à, effacer, annuler.— Si l'illustre auteur de ce dictionnaire avait vécu de nos jours, il croirait que sa définition n'est pas correcte et qu'il aurait dû ajouter « que l'on peut abolir une chose qui n'existe pas. »

Je dois dire que si cette interprétation est correcte l'article qui nous occupe est le plus remarquable de cette Constitution si remarquable !

Qu'il me soit permis maintenant de dire quelques mots des questions constitutionnelles qui entrent dans cette question générale. La Convention qui a fait la Constitution actuelle de cet Etat se réunit comme pouvoir souverain. Nous n'avons pas ce même pouvoir, et dans notre capacité législative nous sommes l'œuvre de la Constitution en vertu de laquelle nous occupons ce poste. Nous avons les pouvoirs conférés à un avocat par celui qui l'emploie. Mais dire que nous pouvons être indépendants, abolir les pouvoirs qui nous sont accordés, nous en arroger d'autres et refuser de faire ce qui nous est expressement ordonné est contraire au plus simple sens commun. L'interprétation que quelques sénateurs cherchent à donner à la Constitution n'a pas de fondement sérieux.

Il désire donc que le comité soit requis de présenter un rapport qui n'abolisse pas le Bureau de Travaux Publics ; mais qui l'organise au contraire. Alors ce fonds si important des terres en marais, ce fonds auquel certaines personnes ont tant d'intérêt que d'un seul coup elles en prennent pour la somme de $36,000, sera réglé et il pourra en être disposé.

Je ne désire pas inculper en aucune manière l'honorable sénateur [M. King] qui a présenté la résolution ; mais je la considère comme un cheval de Troie destiné à cacher le fonds des terres en marais, pour qu'il puisse être ensuite répandu. Je l'ai déjà dit, j'ai le plus grand intérêt dans cette question et je désire l'adoption de quelque système général de levées par lequel la Louisiane puisse être protégée contre les crevasses et les inondations qui trop souvent lui causent un tort considérable.

M. Lacey.—Si les arguments avancés par le sénateur de la Nouvelle-Orléans [M. McCay] relativement aux objections constitutionnelles qui s'élèvent contre cette résolution sont corrects, s'ils sont vrais, alors nous ne devons pas l'adopter. Mais je suis assez porté à croire que ces arguments ne sont pas bons. En concluant sur cette question, je m'efforcerai de le faire comme dans une occasion récente, lorsque le Sénat a

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eu à discuter une question constitutionnelle. Je l'essaierai pour arriver à la vraie interprétation.

M. Wickliffe.—A quelle question le sénateur fait-il allusion ?

M. Lacey.—A la question comprise dans la résolution ordonnant de procéder à l'élection d'un sénateur au Sénat des Etats-Unis.

M. Wickliffe.—J'avais cependant cru comprendre que le sénateur avait soutenu qu'aucune question constitutionnelle n'était comprise dans cette résolution.

Mr. Lacey. Si le Sénateur a entendu mes argumens sur cette question la, s'il en a lu le rapport imprimé et n'a pas vu, que je la prenais au point de vue Constitutionnel, il a alors essayé de répondre à une chose qu'il n'avait pas le moins du monde comprise.

L'article de la Constitution sur lequel ceux qui sont opposés à la resolution appuieut leurs arguments déclare, que le bureau des travaux publics peut être aboli par un vote des trois cinquièmes des membres de la Législature, lorsque ce corps jugera qu'il n'est plus nécessaire. Il me semble donc que nous devons d'abord composer ce bureau et le mettre en operation avant que nos puissions l'abolir. Mais peut on supposer, que si les 3/5 de la Législature sont opposés à ce bureau, si dans la même proportion ce corps considère que ce bureau est inutile peut-être même dangereux, peut on supposer, dis je, que la loi ait voulu nous forcer à le créer d'abord, à le composer seulement pour l'abolir immédiatament après ?

Il est évident que telle n'a pas eté l'intention de ceux qui ont fait la Constitution. Mais Monsieur, si les 3/5 de la Législature sont opposés à ce bureau, ils ont le pouvoir d'empecher qu'il ne soit créé. Mieux vaut donc, discuter cette question au point de vue de l'utilité. Mais je sais que la résolution elle même est injudicieuse en ce moment loin que le Sénat doive enjoindre au Comité de faire un rapport, demandant l'abolition du bureau des travaux publics, je crois qu'il est plus convenable, que le Comité expose devant le Sénat les raisons qui l'ont porté à recommander le plan indiqué dans la résolution. Le Comité a certainement eu ses raisons pour cela, et il peut les dire au Sénat, car sans le moindre doute il doit avoir longuement et soigneusement étudié la question. Il lui est bien plus facile de dire, les raisons qui l'ont influencé qu'à nous donner des instructions au sujet d'une question, qu'on ne peut esperer que nous connaissions aussi bien que lui. Pour l'obtenir je présenterai donc une résolution.

Mr. Lacey lit alors sa résolution.

Je considère que la question des améliorations intérieures est la plus importante dont la Législature puisse s'occuper. Elle est pour la Louisiane une question de prospérité ou de ruine. Je ne suis donc pas disposé à agir à la hate sur ce que je juge être si important, ni rien décider sans que le Comité nous ait donné les informations qu'il possède. Mais je dois ajouter, que loin de penser qu'il puisse être prêt à le faire lundi, je voudrais qu'on lui accorde plus de temps, jusqu'à Mardi par exemple.

M. Wickliffe fait observer, qu'une discussion importante doit avoir lieu ce jour là

M. McCay demande qu'on se dispense des règles.

M. Martin s'appose à cette motion. Nous ne devons pas, dit il, agir à la hate sur une question aussi importante que celle-ci, surtout lorsqu'il y si peu de membres presents au Sénat. La Convention qui a inséré dans la Constitution un article qui ordonne l'établissement d'un bureau des travaux publics, était un corps composé d'hommes sages. Il était plus nombreux que ce corps dont nous faisons partie, et devait par consequent présenter collectivement plus de sagesse que nous n'en avons ici.

Quant à l'opinion émise par le Sénateur de la Nouvelle Orléans [Mr. King] qu'une forte majorité de la Législature est opposée à la création de ce bureau, je dois dire que c'est la première fois que je l'entends exprimer. Le Sénateur à demandé si telle n'était pas l'opinion générale et on lui a répondu, qu'on l'ignorait. Il a dit que quelques uns d'entre nous pensaient que ce bureau etait inutile, que peut-être même il serait nuisible. Pour moi personnellement je n'étais pas compris dans ce mot "nous". Mon opinion est loin d'être telle, et avant que l'on agisse sur cette résolution, je désire que le Sénat soit au complet. Je n'aimerais pas la voir adopter en si grande hate.

M. Rivers. Le Sénateur de la Nouvelle Orléans [Mr. King] a dit, qu'il présentait la résolution comme une épreuve par laquelle il put reconnaitre si les 3/5 du Senat étaient opposés à ce bureau des travaux publics, afin qu'il fut dispensé de la peine de rédiger un rapport qui ne serait pas soutenu par une majorité constitutionelle. J'avais compris par l'art. 134 de la Constitution, que le bureau pouvait être aboli; mais comment le Sénateur pourrait-il ne pas s'arrêter aux articles 130 et 131, qui disent, "qu'il sera établi un bureau des travaux publics, lequel sera composé de quatre commissionnaires. L'état s'en a divisé par la Législature en quatre districts", et — "l'Assemblée Générale, à la première session que sera tenue après l'adoption de cette Constitution procédera à l'élection et à la composition des membres de ce bureau et à son organisation.

La création de ce bureau est ainsi prévue et il y est parfaitement pourvu. La Législature est tenue, de prendre des mesures à cette session pour organiser ce bureau. C'est alors seulement que nous aurons reconnu, que le bureau ne repond pas aux vues que nous nous proposons et à celles qui ont présidé à la rédaction de cet article de la Constitution; c'est alors seulement, dis-je, que nous sommes investis du pouvoir de l'établir.

M. King dit que son intention, que son désir a été d'appeler la sérieuse attention de tous les membres du Sénat sur cette question, et il espère que tous en comprennent la haute importance. On m'a blâmé d'avoir présenté cette résolution, mais je ne crois pas que ce blâme soit le moins du monde juste. Je désire que la question soit décidée une fois. Il n'existe en mon esprit aucune espèce de doute quant à la question de constitutionalité, et je me flatte de pouvoir convaincre le Sénat que la position que j'occupe est la seule bonne et la seule vraie. Si le bureau existe, nous avons évidemment le droit de l'abolir; mais s'il n'existe pas nous avons ce droit en tout temps, aujourd'hui comme plus tard.

J'aurais beaucoup à dire au sujet de l'impossibilité qu'il y aurait à mettre en pratique ce système d'améliorations intérieures; et n'y eût-il pas d'autre objection celle là est fatale. Le bureau doit être composé de quatre membres. Il pourrait arriver, et cette éventualité doit être regardée comme très probable, que le bureau fut également divisé au point de vue politique, c'est-à-dire composé de deux whigs et deux démocrates. Dans ce cas, animés de sentiments différents, avec des vues opposées, comment pourraient-ils jamais arriver à une conclusion ? Ils seraient deux contre deux et personne entre eux pour faire pencher la balance d'un côté ou de l'autre. Certes ce n'est pas là ce qui convient pour l'exécution des grands projets d'améliorations intérieures que nous espérons réaliser. Je remercie les senateurs qui se sont fait entendre d'avoir bien voulu exprimer leur opinion à ce sujet. Pour moi je n'ai pas l'ombre d'un doute que ce système puisse être mis en pratique, et que la Législature n'ait tout pouvoir en vertu de la Constitution de l'abolir entièrement.

M. Martin désire s'informer de ce que le comité à l'intention de faire.

M. Lacey fait la remarque, que si le président du comité des améliorations intérieures dit qu'il ne peut autrement arriver à son but, et si le comité ne désire pas dire ses raisons pour désirer l'abolition du bureau des travaux publics, il retirera le substitut qu'il a presenté. Tout ce que je demande, ce sont des informations, ce sont des lumières. Je ne désire pas voter sans connaître parfaitement la question.

M. King dit que le comité regarde comme impossibles la creation et l'effet de ce bureau : mais quant aux différentes raisons par lesquelles les membres ont éte guidés, il n'entreprendra pas de les dire.

M. Lacey retire alors son substitut et la prise en considération de la résolution est ajournée à lundi.

LUNDI, 28 février 1853.

M. Kittridge présente un bill ayant pour objet d'autoriser les habitants de Terrebonne à lever une taxe sur les esclaves et sur les propriétés foncières pour la construction d'un rail-road.

M. Kittridge demande une dispense des règles et que le bill soit mis à la discussion.

M. Martin est opposé à la suspension du réglement. Il est un des représentans de Terrebonne, et ses com-

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mettants ne lui ont donné aucune instruction à ce sujet.

M. Kittridge lit un procès-verbal des délibérations du Juri de Police de Terrebonne en faveur de la mesure qui fait l'objet du bill, et il explique la nature et les dispositions du bill.

M. Martin —Monsieur le président. Je suis opposé à une suspension des règlements dans le but de discuter le bill ; mais si ce point est décidé contre moi, j'aurai quelques observations à présenter pour expliquer ma position relativement à la mesure proposée.

La motion à l'effet de suspendre l'effet du réglement est rejetée.

M. Kenner présente un bill pour venir en aide à l'arpenteur-général. Il fait savoir que, par la loi, le traitement de l'arpenteur général est fixé à $600 par an, mais, l'année dernière, par suite d'une erreur, on a omis, dans la loi du budget général, d'autoriser le paiement de son traitement. Comme la Constitution défend qu'aucune somme d'argent ne soit tirée du trésor sans une affectation spéciale, cet officier public a toujours continué depuis à remplir les devoirs d'arpenteur-général, mais il n'a reçu que $150 pour le premier trimestre de l'année. La somme a été payée parce que l'auditeur supposait que le bill du budget général avait pourvu au paiement du salaire de l'arpenteur-général. Ce bill ne fixe pas le salaire, il met en œuvre simplement la disposition de la Constitution qui déclare qu'aucune somme d'argent ne sera payée si ce n'est en vertu d'une affectation spéciale. Le bill pourvoit au paiement de deux années de salaire, pour l'année 1852 et l'année 1853, ce qui est dû pour l'année 1853 devant être payé immédiatement.

M. Boatner pense que l'arpenteur-général n'a droit qu'à $1,050 au lieu de $1,200, qui est porté sur le bill.

M. Kenner répond que le bill porte $1,200 afin de légaliser le paiement de $150 pour le premier trimestre.

Le bill est adopté.

M. McCay demande l'appel d'un bill déjà adopté par la Chambre et dont l'objet est de rappeler la section du bill fixant le budget général, qui déclare que le surplus des fonds appartenant aux Ecoles doit être versé dans le trésor qui lui tient compte d'un intérêt de 6 pour cent par an.

M. Short a appris que sous l'empire de la section 16 de l'acte relatif aux livres des Ecoles, de grandes ventes ont eu lieu. Il désire savoir si l'Etat doit être affranchi du paiement des intérêts sur le produit de ces ventes.

M. Kenner explique que le montant actuellement au crédit de la caisse des Ecoles et provenant de la taxe annuelle et d'autres sources s'élève à $230,000. La somme accordée par la Législature à la caisse des Ecoles est $240,000. L'objet du bill est d'empêcher que les $40,000 d'excédant ne soient transférées de la caisse des Ecoles au trésor général, et d'affranchir l'Etat du paiement de l'intérêt, au moins jusqu'à ce qu'on ait pu faire une loi général à ce sujet.

M. McCay pense qu'il ne peut y avoir aucune objection raisonnable à ce bill. L'état actuel de nos finances est tel que nous devons empêcher que le trésor général n'emprunte aux fonds spéciaux. Le bill n'a pas d'autre objet. Il met un terme à ce système d'emprunt et maintient dans la caisse spéciale des écoles les fonds qui lui appartiennent en propre.

M. Short n'a pas d'objection au bill s'il ne doit pas soustraire l'Etat à l'obligation de payer les intérêts.

M. Kenner dit que cette loi ne s'occupe point des fonds provenant de la vente des terres, mais seulement de ceux qui résultent d'un excédant de taxe.

ABOLITION DU BUREAU DES TRAVAUX PUBLICS.

La résolution enjoignant au comité des améliorations intérieures de présenter un bill à l'effet d'abolir le bureau des travaux publics est appelée.

M. Martin fait la motion de déposer la résolution sur le bureau, puis la retire quelques instants après.

M. King dit qu'il est surpris de voir se manifester une tendance à trancher cette question d'une manière aussi sommaire et sans discussion,

Que, dans la dernière luttte, les deux grands partis se sont emparés de la question des améliorations intérieures et l'ont placée en tête de leur programme. Des deux côtés, les candidats rivalisaient de zèle; c'était à qui se montrerait le plus fortement attaché aux améliorations intérieures de l'Etat.—Nous nous sommes réunis ici, sous les yeux du public, qui se préoccupe vivement de la manière dont nous allons traiter cette question des améliorations intérieures.—Les espérances que le peuple a eu le droit de conserver seront-elles réalisées ? c'est là un point qui dépend du sort réservé à la résolution dont il s'agit. Pour ces raisons, il espère que les sénateurs apporteront à l'examen de la question cette attention que son importance réclame.

La résolution a été combattue sur le motif que la Législature ne pouvait constitutionnellement abolir le bureau des travaux publics établi par la Constitution. Avant d'arriver à la question constitutionnelle, il examinera d'abord s'il serait à souhaiter que le bureau fût aboli. Si cette mesure n'est point à désirer, il sera inutile de discuter la question constitutionnelle. Si tout portait à désirer que le bureau fût aboli, s'il était nuisible aux intérêts du public, alors il espère que les sénateurs se rangeront de son avis, à moins que la Constitution ne contînt un ordre et qu'elle ne leur fît une obligation de voter contre la Constitution.

Il va montrer que l'on doit désirer de voir le bureau aboli

En premier lieu il croit que le bureau est un agent tout-à-fait impropre à exécuter les améliorations publiques de l'Etat.

Il consiste en quatre membres pris par voie d'élection, dans quatre districts différents de l'Etat, ayant chacun une voix. Ils peuvent être et probablement seront souvent divisés également. Il pense qu'un pareil bureau est incapable de rien faire et de rien établir. Comme corps negatif il pourrait être bon, mais il ne pourra jamais être d'aucune utilité comme corps actif.

Imaginez ce corps chargé de construire une maison. Deux sont en faveur de certains matériaux, leurs deux collègues en préfèrent d'autres. Ce partage se reproduit en faveur de deux plans différents, de deux styles d'architecture. Et pendant ce temps la besogne ne fera pas un pas. Dans un pareil état de choses les murs ne s'élèveraient jamais de terre.

On peut répondre qu'il nous est loisible de créer un sur-arbitre. Si nous le pouvions, l'objection ne pourrait plus se soutenir. Mais, malheureusement, la Constitution s'oppose à la création d'un sur-arbitre. C'est le bureau qui doit accomplir tous les devoirs qui lui sont dévolus. Prenez par exemple le pouvoir de nommer tous les officiers employés aux travaux publics, pouvoirs donnés par l'art 132, si les membres du bureau étaient également divisés au sujet d'une nomination, et qu'un sur-arbitre fût appelé à décider entre eux, la nomination serait, en réalité, le fait du sur-arbitre et non du bureau. Ce serait-là une violation palpable de la Constitution. De même pour tous les autres devoirs assignés au bureau et qui seraient accomplis par un sur-arbitre. L'existence d'un sur-arbitre est donc impossible et inconstitutionnelle.

Dans l'absence d'un sur-arbitre, le bureau devient un agent incapable d'effectuer les améliorations intérieures. Rendons la chose frappante. Nous avons le droit de supposer, que dis-je ? il est probable que, les membres devant être élus par districts, le bureau sera composé de deux whigs et de deux démocrates. Le premier acte qu'ils auraient à accomplir, serait la nomination des officiers chargés de conclure les travaux publics. Ce serait-là la pomme de discorde. Le bureau se diviserait en deux partis, dont chacun soutiendrait ses amis et ses adhérents politiques. Qui céderait, qui triompherait ? A en juger par l'acharnement des luttes de partis, c'est là une question qui n'arriverait jamais à une solution. Ainsi cette grande question des améliorations intérieures se trouverait arrêtée au premier pas.

Les mêmes difficultés se reproduiraient à chaque instant.

Mais s'ils étaient assez heureux pour échapper aux luttes politiques, ils viendraient se heurter à des rivalités sectionnelles qui seraient fatales à l'action du bureau.

Et s'ils pouvaient se soustraire à ces deux dangers, d'autres se présenteraient, ayant leur source dans les différences que mettent entre les hommes la différence de leur organisation intellectuelle, de leur éducation, de leurs préventions personnelles et de leurs préférences.

L'éducation peut porter un homme à préférer tel système ou telle chose ; elle portera un autre à combattre ce système ou cette chose.

Les préventions, les préférences particulières peu-

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vent engager à faire passer une levée autour de l'habitation de tel individu ou de la faire passer à travers les terres de tel autre de la façon la plus vexatoire.

Mais supposez que le bureau s'élève au-dessus de toutes les causes d'erreur et de discussion, M. King soutient que ce bureau sera encore inutile.

Les devoirs assignés aux commissaires par la Constitution, le sont à tous collectivement et non pas à chacun d'eux individuellement.

Ce ne sont pas les hommes, c'est le bureau qui agit. Comment donc agira-t-il ? La Constitution exige qu'ils exercent un contrôle actif sur les travaux publics. Peut-on croire que le bureau va voyager et surveiller les travaux publics ? Pour sa part, il pense qu'il ne se hasarde pas beaucoup en disant que, d'abord, ce serait impossible ; ensuite qu'en supposant même que ce fût possible, le bureau ne remplirait jamais cette partie des devoirs qui lui sont tracés. Le bureau se réunirait probablement de loin en loin, à Bâton-Rouge, autour d'une table ; avec de bons cigarres et une bouteille de vin ; ils arriveraient à la sage conclusion que ce que la Législature a ordonné doit être exécuté et tous adresseraient des ordres nécessaires aux officiers inférieurs. Les relevés nécessaires les constructions, le contrôle effectif des travaux publics, tout cela serait accompli par les ingénieurs et les autres officiers nommés par les commissaires Mieux vaut pour l'Etat employer directement les ingénieurs et se dispenser du bureau.

Une autre objection à ce bureau, c'est qu'il exercerait un pouvoir qui empiéterait sur la puissance souveraine et législative du gouvernement.

Quelque mauvaises que seraient les nominations faites par eux, il n'y aurait aucun moyen pour l'Etat de s'en débarrasser, à moins d'abolir le bureau lui-même par un vote des trois cinquièmes des deux chambres. Il serait affligé de voir la Législature privée d'une partie si importante de ses pouvoirs.

Il considère que le bureau est non seulement impossible et inutile, mais qu'il serait fort coûteux. Il occasionnerait des dépenses qui ne s'élèveraient pas à moins de douze ou quinze mille piastres par an, sans profit correspondant En face de ces objections, il pense, qu'à moins que la constitution ne fasse un devoir impérieux de conserver le bureau, les Sénateurs doivent s'unir à lui pour tâcher de l'abolir.

Mais quelques Sénateurs ont prétendu que bien que ce bureau ne pût fonctionner, nous ne pourrions l'abolir par un vote des trois-cinquièmes, en vertu de l'article 134 de la Constitution.

L'article est ainsi conçu :

" ART. 134 L'assemblée générale aura le pouvoir, moyennant le concours des trois cinquièmes des membres élus à chaque chambre, d'abolir le bureau des Travaux Publics, quand elle jugera que ce bureau n'est plus nécessaire. "

Ce langage lui paraît clair, sans équivoque et suffisamment intelligible pour en autoriser l'abolition immédiate par le vote exigé.

On soutient que bien que les trois-cinquièmes de la Législature aient le droit d'abolir le bureau, ils ne peuvent le faire, avant qu'un acte ait été passé pour le mettre en opération ; que nous devons d'abord faire l'épreuve du système avant de pouvoir l'abolir. Ce langage ne s'appuie pas sur l'article 134 de la constitution. Si les membres de la Convention qui adoptèrent cet article l'avaient ainsi entendu, il eût été aussi facile pour eux d'exprimer cette idée que d'employer le langage dont il se sont servis.—Le fait que ce langage n'a pas été employé par eux est suffisant pour prouver que telle n'était pas leur intention.

Mais on avance que nous ne pouvons abolir ce qui est encore à créer, que le bureau n'étant pas en opération ne peut être aboli. M. King répond à ces arguments qu'il est clair d'après l'article 134 que, si le bureau a été établi par la constitution, la Législature peut l'abolir par un vote des trois-cinquièmes. Il pense qu'il est également certain que si le bureau doit être établi par la Législature, il est au pouvoir de la Législature de l'abolir. Que le pouvoir de créer renferme le pouvoir d'abolir, de telle sorte que ces messieurs peuvent prendre l'un ou l'autre côté du dilemme. Que l'on envisage la question sous l'une ou l'autre face —le droit de la Législature d'abolir le bureau est hors de question.

Mais il soutient que le bureau est clairement établi par la constitution. Le langage de l'article 160 de la constitution s'exprime ainsi : "Il y aura un bureau des travaux publics. Ce langage est aussi significatif que celui qui est employé pour établir l'existence des différentes branches du gouvernement, le département législatif, l'exécutif et le judiciaire. Par ce qu'il est du devoir de la Législature de pourvoir à l'élection et à l'entrée en place des personnes qui doivent composer ces différents départements, il serait aussi juste de soutenir que ces départements n'existent pas tant que la Législature ne les a pas établis, ou en d'autres termes, ne les a pas créés.

Il considère que le bureau est créé par la Constitution. Les devoirs que la Législature a plus tard à accomplir, c'est-à-dire de pourvoir à l'élection des personnes qui doivent composer le bureau, sont d'une nature administrative. La législature, en accomplissant ces devoirs en vertu de la Constitution, ne ferait que mettre en mouvement une machine déja construite. En envisageant ainsi la question, on ne peut contester à la Législature le droit d'abolir le bureau.

C'eût été une idée fort extraordinaire de la part des auteurs de la Constitution, s'ils avaient declaré à la Législature, qu'avant d'abolir le bureau, elle devait d'abord faire la vaine cérémonie de....

Ici M. Martin interrompt l'orateur et fait la remarque que le bureau ne peut pas être aboli avant qu'il ne soit en opération, excepte par un amendement a la Constitution, adopte de la manière prescrite par la Constitution pour les amendements.

M. King répond que, quoique les articles de la Constitution qui créent ce bureau puissent être amendés suivant le mode habituel, cependant l'article 134 a été adopté expressément en vue de ce bureau et pourvoit à un autre mode plus simple par lequel ce bureau peut être aboli, à savoir : par un vote des trois cinquièmes des membres de l'assemblée générale.

Evidemment, les auteurs de la Constitution n'avaient pas très grande confiance en leur œuvre, et comme effrayés par le monstre qu'ils avaient mis au jour, ils ont présenté ce moyen si simple de s'en débarrasser.

L'histoire de ce bureau était bien devinée. La proposition de le créer avait été faite à la Législature qui a precédé la Convention, et avait éprouvé une défaite complète.

M. Martin dit qu'il a été membre de la Législature à laquelle l'orateur fait allusion, et que M. King se trompe lorsqu'il assure que la proposition fut repoussée à une presque unanimité de votes Elle n'a été rejetée qu'a une très faible majorité.

M. King répond que dans le journal de cette session on trouvera la vraie histoire du sort éprouvé par cette résolution, si toutefois il est personne qui veuille se donner la peine de l'examiner ; et qu'on y trouvera aussi un rapport très habilement rédigé par le comité des améliorations intérieures contre l'établissement de ce bureau,

M. King dit ensuite qu'il est évidemment au pouvoir de la Législature d'abolir ce bureau par un vote des trois cinquièmes, et il ajoute que son expérience et ses études professionnelles le confirment encore plus dans cette opinion.

Il dit qu'on lui a souvent demandé quel système il proposerait de substituer. Il éprouve quelque difficulté à répondre à cette question, parce qu'il ignore jusqu'à quel point l'Etat a l'intention d'aider à ces améliorations intérieures. Pour mieux faire comprendre l'embarras où il se trouve, il va présenter la supposition suivante : Si un individu se rendait à Cincinnati ou à Pittsburg auprès d'un manufacturier de machines à vapeur, et qu'il y fit la commande d'un bateau à vapeur, sans spécifier la force qu'il doit avoir, les dimensions qui doivent lui être données; supposer que le manufacturier construisît une machine assez grande pour l'Eclipse, par exemple, et que le bateau pour lequel elle aurait été commandée se trouvât n'être pas plus grand qu'un de ces bateaux sur lesquels on traverse le fleuve; ou que même il fut si petit, que le poids seul de la machine dût le faire couler, tout le monde ne se récrierait-il pas contre semblable manière de faire les choses?

A moins que je ne sache, dit-il, quel système d'améliorations intérieures l'Etat a l'intention de mettre en opération, je ne puis me charger de construire à coup sûr une machine dans l'appréhension où je serais qu'elle ne fût trop forte ou trop lourde et ne pût pas être portée. Tel serait inévitablement le cas si j.

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construisais une machine dans la prévision que nos améliorations intérieures seront activement, vigoureusement soutenues, et qu'au lieu de cela l'Etat ne me donnât pour recevoir ma machine qu'un bateau de pêcheurs ou une pirogue.

En pareille circonstance je suis donc en faveur d'une organisation telle de notre machine, qu'elle pût être ou agrandie ou diminuée suivant que l'exigera l'intérêt public. Je voudrais que, comme aux trains de chemins de fer, on pût ou ajouter ou retrancher des chars suivant le plus ou moins d'importance et d'activité des affaires.

Si le Sénat veut me prêter quelques minutes de plus d'attention, je dirai quelques mots des trois systèmes qui sont proposés pour nos améliorations intérieures à l'avenir.

L'un a été désigné ainsi: «Système des Arkansas» C'est celui qui, jusqu'à présent, semble réunir le plus de suffrages. Il propose :

De construire des levées au moyen des terres publiques ; en d'autres mots, de payer les frais de ces levées en scrips de terres. A première vue tout le monde fut frappé de ce plan qui semblait si bien conçu ; mais en l'examinant de plus près, je ne doute pas qu'on y trouve cet inconvénient : c'est qu'il faudra à toute force vendre ces terres à quelque prix que ce soit.

C'est une loi du commerce que lorsque le marché excède la demande, le prix doit baisser. Cela est vrai aussi pour la vente de terres et à plus forte raison pour la vente de terres qui ne donnent aucun profit. Cette même proposition est souvent formulée en des termes différents, à savoir: «forcer la demande, c'est baisser le prix.»

La demande des terres publiques appartenant à l'Etat est, si nous prenons pour base le passé, d'environ cent mille piastres par an qui, dépensées sur une ligne de quinze cents milles de levées, seraient une vraie bagatelle, une goutte d'eau dans la mer. Quiconque serait chargé de ces travaux devrait s'attendre à dépenser au moins cinq cent mille piastres par an, autrement ceux qu'il ferait construire ne produiraient aucun avantage visible.

Eh bien, monsieur, supposons que des commissaires nommés par l'Etat offrent des contrats pour l'érection de levées, évaluées au comptant, cinq cent mille piastres. Ils demanderaient qu'il leur fut soumis des propositions au plus bas prix par yarde cubique pour les terrassements, payables en scrips de terres évalués à une piastre et vingt-cinq sous l'acre. Comme il y aura probablement des demandes pour environ cent mille piastres de terres, il est possible que les contrats soient faits pour environ ce montant, c'est-à-dire au comptant à vingt sous par yarde cubique. Cela épuiserait le produit de toutes les terres à une piastre et quart par acre, et l'on ne trouverait plus personne qui voulut construire les levées au comptant et voulut accepter en paiement des terres à une piastre et quart par acre. Pour les prochaines levées évaluées encore à cent mille piastres, les contrats seront probablement de quarante sous par yarde cubique, payables en scrips de terres. Les suivantes seraient à soixante sous par yarde cubique, puis à quatre-vingts ou cent sous par yarde, le prix des levées augmentant toujours jusqu'à ce que toutes les terres publiques aussent été écoulées pour les frais des premières années, et sans qu'aucun travail bien important ait été accompli. De cette manière notre magnifique domaine serait vite épuisé, et les avantages qui nous reviendraient de notre sacrifice ne seraient ni satisfaisants ni permanents.

Je voudrais être certain que ce système pût réussir, mais ma raison me force à le condamner.

Une autre proposition est celle-ci: de continuer le système qui est maintenant en vigueur et qui consiste à vendre les terres à une piastre et quart par acre, et à appliquer le produit de cette vente, à mesure qu'elle se fait, à la construction des levées. Ce système nous donnerait probablement, pendant cinq ou six ans, un revenu annuel de soixante-quinze ou cent mille piastres. Après ce temps, les meilleures terres ayant été peu à peu vendues tous les ans, il ne resterait probablement plus de terres qui fussent de quelque valeur, et le revenu que nous puisons à cette source serait épuisé. Les terres qui resteraient à l'Etat n'auraient de valeur pour personne, si ce n'est pour ceux qui, par des entrées précédentes sur les livres, se sont assuré la clef des établissements et des plantations qui pourraient y être établis.

Le faible revenu sur lequel on pourrait compter par cette source, ne serait pas suffisant pour effectuer la moindre amélioration dans la condition des levées.

Ce système présente encore un désagrement qui est celui-ci: là où les terres ont été améliorées et leur valeur augmentée par conséquent de beaucoup, le bénéfice en reviendrait aux spéculateurs au lieu d'enrichir l'Etat. Je ne vois rien dans ce système qui puisse faire espérer la réalisation de tout ce que le peuple a le droit d'attendre de nos améliorations intérieures.

S'il m'était permis, je suggérerais un système qui a toute mon approbation et que je crois de nature à répondre à toutes les exigences présentes. C'est d'emprunter, en donnant garantie sur les terres publiques, une somme suffisante une fois pour construire les levées nécessaires à notre protection, et de payer cet emprunt par le produit de la vente des terres après que les Levées auront été achevées. Pour mettre à exécution ce système, il serait nécessaire de suspendre la vente des terres jusqu'après le temps où les levées seraient construites, et jusqu'à ce que la confiance publique eût sanctionné les mesures prises pour sa protection. Si ce plan est adopté, l'Etat bénéficiera lui-même de l'augmentation de valeur des terres; et des terres qui aujourd'hui n'ont aucune valeur, pourraient d'ici là valoir cinq ou dix piastres par acre.

Je crains par tout ce que j'ai vu et entendu autour de moi que ce plan ne soit pas reçu avec la faveur qu'il mérite. Je sais la répugnance qu'ont beaucoup de personnes à voir l'Etat s'engager dans une dette quelle qu'elle soit. J'ai toujours eu moi-même et j'ai souvent exprimé la même répugnance à voir l'Etat contracter de grandes obligations. Mais je considère que si jamais circonstances ont exigé qu'un Etat contractât une dette, ce sont certes celles où se trouve aujourd'hui la Louisiane

Le Delta du Nil n'est pas aussi étendu que le Delta du Mississipi, et cependant il est des époques mentionnées dans l'histoire, où ce Delta contenait une population de 15millions d'âmes. Il n'y a pas une seule époque rapportée dans l'histoire, à laquelle la population de ce Delta n'ait pas été de plus de deux millions. Ici, la vallée du Mississipi, à l'exclusion de la ville de la Nouvelle-Orléans, ne contient pas une population de plus de 200 mille âmes. Rendre fertiles les terres de ce Delta, transformer les marais en champ fertiles où habitera une population active et industrieuse est un des projets les plus beaux, les plus grands qui aient jamais été conçus; et, réaliser ce but, c'est réaliser l'entreprise la plus importante à laquelle se soient jamais appliqués l'intelligence et l'industrie humaines. Un ingénieur de talent qui a examiné toute la ligne de nos levées a fait un rapport, dans lequel il déclare que des levées, assurant une complète sécurité, peuvent être construites de la ligne des Arkansas au Golfe du Mexique pour une somme de moins de quinze cent mille piastres. C'est là vraiment une somme insignifiante comparée à l'importance et à la grandeur de l'entreprise. Personne ici doute-t-il que le fonds de la vente des terres ne soit suffisant pour couvrir l'emprunt que je propose? Je n'ai entendu aucun Sénateur exprimer une opinion qui fut contraire à celle-ci, à savoir: que les terres publiques de l'état, une fois affranchies des dangers de l'inondation, ne vaillent beaucoup plus que la somme nécessaire pour en assurer l'entière protection. Je crois que par leurs ventes on peut compter en toute surcté sur huit ou même dix millions, somme suffisante non seulement pour payer l'emprunt proposé, mais même pour conserver à tout jamais les Levées en un parfait état. Il n'y a pas de terres au monde supérieures à nos terres en marais; nulles qui soient plus propres à nourrir et à entretenir une population nombreuse; nulles qui comme les nôtres, présentent un conduit naturel, un magnifique canal à chaque porte pour ainsi dire.

Mettons nous donc à l'œuvre! construisons des Levées larges et hautes, hautes comme des montagnes s'il est nécessaire! posons d'insurmontables barrières au courroux des flots, afin que chaque citoyen, chaque planteur puisse dormir tranquille et que ses songes ne soient pas troublés par de sombres images de désolation et de ravages! Nous ferons de la Louisiane alors l'état le plus riche, le plus grand, le plus populeux de toute l'Union!

Je voudrais pouvoir mieux faire comprendre aux

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membres du Sénat qui m'écoutent, l'immense importance de cette question; je voudrais que tous réunis cherchassent un plan qui assurât à tout jamais la gloire et la prospérité de notre Etat !

Quant à la résolution d'abolir le bureau des travaux publics, je crois qu'elle est necessaire pour écarter de notrechemin un obstacle qui se dresseraitdevant nous dans tout système d'améliorations intérieures que nous pourrions adopter. J'espère donc, que les Sénateurs se joindront à moi dans les efforts que je fais pour débarasser l'Etat de ce fardeau, qui peut devenir si nuisible à ses plus chers intérêts !

M. Martin dit avoir quelques remarques à faire à ce sujet. Il n'a ni l'éloquence ni les talents de l'orateur qui dans son discours multiple, semble avoir abordé tous les sujets de législation. M. King, a fait porter ses remarques sur tout, excepté sur le point constitutionnel, seul en discussion devant le Sénat Il désire autant que le sénateur de la Nouvelle-Orléans, voir des fosses creusées et des levées construites, mais il a juré d'accomplir une chose déterminée, d'organiser le bureau des travaux publics; et si sa voix est écoutée ce sera fait. Il insiste sur la motion de référer la question au comité judiciaire avec instruction de présenter son rapport.

L'art. 130 de la Constitution s'exprime ainsi : « Il y aura un bureau des travaux publics, lequel se composera de quatre commissaires. » et l'art. 131 : « L'Assemblée Générale, à sa première session, après l'adoption de cette Constitution, devra pourvoir à l'élection des commissaires ainsi qu'à l'organisation du bureau. »

C'est cette disposition constitutionnelle que le sénateur d'Orléans propose de mettre à néant par un acte législatif. Quant à lui (M. Martin) il soutient que c'est un droit que n'a pas le Sénat, et, qu'à cet égard l'art. 141 le soutient dans cette position. Si le sénateur désire voir la Constitution amendée, qu'il le fasse en suivant les règles qu'à cet effet elle prescrit.

L'art. 130 dit « Il y aura un bureau des travaux publics » Tout dans cette discussion se résume donc à dire « ce bureau doit exister de par la Constitution. » Mais l'article suivant s'occupe de l'organisation de ce bureau, qui évidemment ne peut exister sans être organisé, et cependant le sénateur veut detruire ce qui n'existe pas encore, et propose en outre pour amender la Constitution une voie plus courte que celle qu'elle a tracée : A savoir par simple action législative.

M. Mc Cay.—Il n'y a là autre chose qu'une question d'interprétation de la Constitution, et nous devons pour interpréter nos devoirs, consulter les simples règles d'interprétations.

Une des plus simples et des plus ordinaires commande d'embrasser dans une seule interprétation les articles et les lois différents qui règlent un sujet. On doit s'efforcer de leur donner à tous le même sens et éviter autant que possible tout conflit et toute divergence. Qu'il me lise ces articles et essaye de déduire de là l'esprit de la Constitution. Le premier dit qu'il y aura un bureau des travaux publics, ce bureau existe-t-il ? Et pourrait-il exister, si la Législature s'ajournait sans régler le mode d'élection des commissaires, sans organiser le bureau ? Le préopinant dirait-il que oui ? Qu'il dise aussi alors où ce bureau siège, quels sont ses membres ? Le deuxième article est plus impératif encore. Il dit que l'Assemblée Générale à sa première session prendra des mesures pour l'organisation du bureau, et pour la nomination et la rétribution des quatre commissaires. Ce mandat a-t-il été rempli ? S'est on occupé de l'élection et de la rétribution des commissaires ? Et quand bien même elle serait vraie la proposition du sénateur :— « que la Législature peut à sa première session abolir le bureau des travaux publics par un vote des 3/5 ; » toujours est-il que la Législature manque à son devoir tel qu'il est tracé par la Constitution.

Quant à moi, le pouvoir que définit l'article 134 signifie qu'à tout événement il faut faire essai de ce bureau. Les dissertations du sénateur sur l'effet de ce système ne sont pas à leur place. Ce n'est pas là la question qui doit nous occuper. Ce n'est pas à nous de juger si la convention a eu tort ou raison en ordonnant la création de ce bureau; nous sommes ici uniquement pour exécuter sans détours le mandat qui nous est donné par la constitution. Les exemples que le sénateur a tiré de l'Eclipse et du ferry-boat sont bien choisis, mais je me borne à lui demander s'il est d'avis que nous pouvons renoncer à ce que demande la constitution et si nous devons abandonner le chemin qui nous est tracé dans l'espoir d'en découvrir un autre qui nous est inconnu.

De par la constitution, le devoir de cette Législature est d'organiser le bureau des travaux publics, d'essayer son utilité. L'interprétation que le sénateur donne à l'article 132 est fausse. Je n'y vois rien qui s'oppose à la nomination d'un tiers opinant, c'est-à-dire un officier qui décide les questions sur lesquelles bureau peut être également partagé. La grande difficulté repose, d'après ce sénateur, dans ce fait, que le bureau doit être composé de quatre membres, c'est-à-dire d'un nombre pair. Il pense aussi que l'opposition des intérêts et de l'esprit politique et sectionnel détrairn l'harmonie et enfantern, je suppose cela, des désordres permanents. Encore n'y a-t-il rien qui s'oppose à désigner une personne qui décide dans des cas spéciaux. Le bureau n'a pas le contrôle exclusif des améliorations intérieures. En le créant la Législature ne s'y soumet pas et ne perd aucun des droits et des pouvoirs qui lui sont propres. Elle peut légalement exercer son influence et son contrôle ou nommer quelqu'un pour le faire.

L'article de la constitution qui traite de l'établissement de ce bureau est pour moi de la même nature que celui de l'article 11 qui ordonne l'adoption d'une loi d'enrégistrement. Il est enjoint à la législature de le faire, mais elle n'a pas encore agi. Il n'y a entre les deux que cette différence ; la même majorité qui adopte la loi d'enrégistrement est suffisante pour la rappeler, mais quant au bureau des travaux publics la convention a voulu le protéger contre les fluctuation de l'opinion publique et a ordonné qu'une majorité des trois-cinquièmes de la législatue sera nécessaire pour l'abolir.

Pour ces motifs mon devoir m'ordonne d'être contraire à la résolution présentée.

M. Lacey dit que la résolution comprend deux questions : D'abord, la Législature a-t-elle le droit constitutionnel d'abolir à cette session le bureau des travaux publics ? puis, cette mesure est-elle bonne en elle-même ? Avant d'arriver à cette seconde question, il faut nécessairement résoudre la première ; avant de voir si la mesure est utile, il est indispensable que les Sénateurs s'assurent que la Constitution leur permet de prononcer à cette session l'abolition du bureau.

Relativement à la question constitutionnelle, je dois dire que je ne puis être de l'avis du sénateur de la Nouvelle-Orléans qui a parlé le dernier. Il me paraît evident que le Bureau des travaux Publics a été créé et établi par la Constitution. L'art. 130 dit : Il y aura un Bureau des Travaux Publics, composé de cinq commissaires. Il me paraît clair et il doit paraître clair à tous les yeux, selon moi, que si les auteurs de la Constitution avaient voulu laisser à la Législature le soin de *donner la vie* au Bureau, ils eussent employé le mot créer au lieu de l'expression contenue dans l'art 130, expression semblable à celle qui est employée à propos de la branche exécutive de la Législature et du pouvoir judiciaire. Concluons donc que la Convention n'a point voulu donner à la Législature le pouvoir de créer le Bureau ; mais qu'elle le crée elle-même, qu'elle l'a mis au jour de son propre fait. Elle n'a fait que conférer à la Législature le droit de pourvoir à la composition du Bureau ; ce n'est là qu'une fonction administrative qu'elle lui a assignée. La Constitution, émane, on l'admettra, d'un pouvoir supérieur à la Législature. L'existence du Bureau est l'œuvre de la Constitution et ne dépend en aucune façon de l'action éventuelle de la Législature. J'admets que les termes de la Constitution eussent pu être plus explicites; mais je trouve que le sens en est suffisamment clair, et que nous en pouvons tirer avec certitude la conclusion que le Bureau des Travaux Publics a pris naissance du moment où le peuple a adopté l'art. 130 de la Constitution. Mais on insiste et l'on dit qu'avant qu'une chose soit abolie, il faut qu'elle soit créée. Mais nous pouvons nous refuser à créer ; nous en avons certainement le droit. Le sénateur de la Nouvelle-Orléans (M. McCay) pense que nous sommes tenus d'établir ce Bureau Mais quand trois cinquièmes de la Législature sont opposés à ce Bureau, tel qu'il est indiqué par la Constitution, quand trois cinquièmes pensent qu'il ne pourra fonctionner,

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qu'il n'en peut résulter que du mal, peut-on supposer que nous sommes obligés de l'établir dans le seul but de le renverser ; que nous devons lui donner la vie seulement pour le détruire?

M. Martin dit qu'il ne sache pas que les trois cinquièmes de la Législature soient opposés à ce Bureau. Le sénateur prend pour concédés des faits qui sont loin d'être positifs.

M. Lacey.—Est-ce la première fois que le sénateur entend avancer ce fait?

M. Martin.—Le sénateur est le premier que j'aie entendu alléguer le fait. Il ne peut baser son raisonnement sur un état de choses qui n'existe pas.

M. Lacey.—Je ne demande pas mieux que de démontrer au sénateur qu'en supposant que les trois cinquièmes de la Législature ne soient pas opposés à ce Bureau, j'ai le droit d'admettre que tel est le fait, et de prendre cette supposition comme base d'un raisonnement. Rien de plus commun que ce mode d'argumentation. Est-ce là une chose que le sénateur ignorait

Je le répète donc, M. le président, je suppose que trois cinquièmes de la Législature soient hostiles à ce Bureau. Eh bien, je dis que la Constitution ne peut rendre obligatoire une vaine cérémonie; ne peut nous astreindre à passer des lois pour organiser ce bureau, quand notre intention bien arrêtée est de détruire, immédiatement après, notre propre ouvrage, à l'aide de cette disposition de la Constitution qui nous en donne le droit. Si le Bureau est un agent si impropre à l'exécution des grands travaux que le peuple appelle de ses vœux, s'il est si impopulaire qu'une grande majorité de la Législature lui soit hostile, si, par son organisation, il ne doit que ralentir la marche des améliorations intérieures, est-il raisonnable de supposer que nous sommes tenus de fonder un pareil Bureau et de le maintenir, pendant une année; (car je présume que nous ne pourrions défaire, à cette session, l'ouvrage de nos propres mains,) de le maintenir, dis-je, pendant un an, simplement pour l'abolir lorsque nous nous réunirons de nouveau. Une pareille idée est absurde. Tel peut être la lettre de la loi, mais tel, à coup sûr, n'en est pas l'esprit; telle n'en est pas l'intention. Le sens de la Constitution est évidemment que, si les trois-cinquièmes de la Législature sont d'avis que le Bureau ne peut fonctionner, que son existence ne peut être utile, qu'elle doit être nuisible au contraire, ils peuvent se refuser à l'organiser. Telle est la manière dont j'envisage la question. Je suis forcé d'avouer à la conclusion que nous avons le pouvoir d'abolir le Bureau, parce que ce Bureau a été créé du fait même de la Constitution. Cependant je ne suis pas encore disposé à voter pour qu'il soit aboli. Il faut auparavant que je sois plus éclairé sur la question ou que le comité des améliorations présente un rapport plus circonstancié.

M. Martin—Je ne puis me ranger de l'avis de ces messieurs. Il faut, je le répète, donner la vie à ce Bureau avant de songer à l'abolir. Malgré la haute opinion que j'ai de la capacité des membres qui composent le comité des améliorations intérieures, ma confiance en leurs lumières ne va pas jusqu'à me faire sacrifier mes convictions à leurs opinions.

M. King, dit que comme la question constitutionnelle semble être la pierre d'achoppement pour quelques sénateurs, il désire voir la résolution renvoyée de nouveau au comité des améliorations intérieures,

M. Kenner—Je n'ai pas l'intention de faire un examen approfondi de la question ou de faire une réplique dans les formes, aux observations qui ont été présentées. Je serai aussi bref que possible. La Législature, à mon avis, a le droit de rappeler, par un vote des trois cinquièmes, la clause de la Constitution qui établit le Bureau des Travaux Publics. Voici le langage de la Constitution: «Il y aura un Bureau des Travaux Publics.» Entre ces termes et ceux qui établissent la place de gouverneur ou créent toute autre fonction, il n'y a aucune différence dans la Constitution. Mais lorsque je viens à me demander s'il est bon d'abolir le Bureau des Travaux Publics, alors se s'offre une question sur laquelle des doutes se présentent à mon esprit. Qu'allons-nous faire? Dans quel but nous sommes-nous réunis ici? Nous avons une grande mission à accomplir. Quelle est-elle? Nous avons à organiser un Bureau d'améliorations intérieures.

Jusqu'ici nous n'avons qu'un ingénieur civil nommé par le Gouverneur avec le consentement du Sénat. On lui a livré la surintendance de nos améliorations intérieures. Par conséquent, c'est la Législature qui, en fait, élit le bureau des travaux publics.—Et à quoi revient ce système.—Les membres émanent de sources différentes; ils représentent par conséquent des idées, des intérêts différents, selon la différence des localités; l'un veut faire fouiller tel bayou, l'autre réparer telle levée, un autre demande qu'on lui bâtisse un pont. Qu'arrive-t-il? La Législature s'assemble; un membre se lève et demande qu'il soit enjoint à l'ingénieur civil de se rendre à tel ou tel bayou et de le fouiller. Je donne mon vote à sa proposition à la condition qu'il vote en faveur d'une proposition de la même nature que j'ai à présenter.—Bien entendu que je suis convaincu d'avance que la mesure ne serait pas proposée si elle n'était pas nécessaire; c'est pourquoi je l'appuie Qu'en résulte-t-il? Que l'on consulte l'ingénieur civil et l'on verra qu'on lui a donné de la besogne pour 15 ans. Mais sous l'empire de ce système, qui se trouve être bureau des travaux publics? Tout simplement les deux chambres de la Législature. A coup sûr dans ces deux assemblées il peut se trouver des hommes de talents des hommes éclairés; mais ces hommes n'ont pas été élus pour leurs connaissances en fait d'améliorations intérieures, ils l'ont été parce qu'ils étaient whigs ou démocrates.

Mais, monsieur le président, on jette les hauts cris et l'on dit: «Vous arrêtez le char des améliorations intérieures.» Où se trouve-t-il, ce char? Qui l'a vu? Prenez le rapport de l'ingénieur; examinez-le, et puis dites où est ce char que vous nous accusez de vouloir arrêter. Ce soir, ce n'est rien de plus, rien de moins que 106 nègres et trois vieux bateaux à vapeur. Veuillez écouter un peu ce que dit le rapport de l'ingénieur de l'Etat.

Le rapport de mon prédécesseur que je vous transmets fournira un état complet des opérations de cette branche du service publié jusqu'au 1er décembre, époque à laquelle j'entrai en fonctions, et trouvai que les forces dont l'Etat pouvait disposer consistaient en 96 nègres réunis sur le seul pont de Lockfort et activement employés aux écluses des canaux de Barataria et de Lafourche. Il avait été nécessaire de les appeler tous sur ce point par suite de la difficulté de s'y procurer des travailleurs blanc et de la nécessité absolue de terminer avant le montage des eaux, les premiers murs et les portes les plus rapprochées du Bayou Lafourche.

» J'ai trouvé les bateaux dans la condition suivante: l'Agnes No 2 était à l'ancre près de l'embouchure du Bayou Lafourche ayant à bord le capitaine M. Mc Halton, laissé là, pour le surveiller, et quatre travailleurs appartenant à l'Etat. Ce bateau est très vieux, c'est certainement le plus ancien de tous ceux qui sont employés. Une partie de sa coque date de onze ans. Ce bateau est maintenant pourri en plusieurs endroits et demande une active surveillance pour être maintenu à flot. Il est pour ainsi dire hors de service. »

Le général Walker est au même endroit, à la charge du capitaine Blakstone, avec trois des travailleurs appartenant à l'Etat. Ce bateau ne présente aucune condition de sureté ; ses bordages de fond sont en très mauvais état de l'avant à l'arrière.

«Le Florida, mouillé à Tigerville, dans le Bayou Black avec trois travailleurs de l'Etat à bord a une excellente coque ; mais par suite de l'inefficacité de certaines pièces de sa machine, il ne peut rendre que peu de service. On pourrait en faire un bateau de bon usage en faisant une forte dépense.»

«Les forces totales de l'Etat consistent donc en 106 nègres, et, sur ce nombre, il y en a au moins deux trop vieux ou trop maladifs, pour être d'une grande utilité. Il y en a aussi une quinzaine qui travaillent depuis plusieurs années, sont assez vieux, mais peuvent encore rendre quelque service.»

Vous avez là le système aujourd'hui en vigueur.

M. Lacey—Tel n'est pas mon système.

M. Kenner—Je pense à ce que le sénateur (M. King) propose. Certes, ce sénateur est un avocat distingué, mais je vais lui prouver qu'en fait de levées, son savoir est à peu près équivalant à celui que je possède en fait de jurisprudence. Il a parlé de la popularité du système de l'Arkansas, en admettant en même temps l'inefficacité de ce système. Eh bien! M. l'orateur, il n'y a pour ainsi dire, pas un seul planteur intelligent dans l'Etat qui ne sache que le système de l'Arkansas s'il était appliqué ici, ne pourrait

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fonctionner avec avantage. Mais ceci soit dit entre parenthèses. Je ne m'adresse pas à ces messieurs de la ville ou aux avocats qui certainement ont de profondes connaissances sur d'autres matières,, mais qui ne possèdent probablement de notions sur les améliorations intérieures que celles qui sont relatives au pesage des tuyaux à gaz et des *curb-stones* et au recurage de sales ruisseaux. J'en appelle aux membres de la campagne et je leur demande s'ils ont jamais su que rien d'important ait été exécuté par les 106 nègres et les trois vieux bateaux qui composent aujourd'hui les forces de l'Etat. Je ne prétends pas dire que l'ingénieur n'a pas rempli ses devoirs, mais le système actuel a produit si peu de bien, et en promet si peu pour l'avenir, que rien ne peut justifier la persistance que l'on met à le soutenir. C'est là un fait constaté depuis plusieurs années. A la dernière législature on a tenté d'abolir le système actuel et d'établir un bureau des travaux publics. Cette tentative pour quelques raisons qu'il est inutile de mentionner, a avorté. La convention s'est alors réunie. Qu'avait-elle à faire ? On proclamait unanimement que le système actuel était défectueux. Quinze ou vingt ans d'expérience en avait démontré l'inefficacité ; il était évident qu'il fallait substituer quelque chose de nouveau.

La Législature avait sur les améliorations intérieures un pouvoir qu'il fallait lui enlever, attendu qu'aucun de ses membres n'était élu en vue de cet objet. C'est là le motif qui a fait établir le bureau des travaux publics. On dit que des préventions locales, que l'esprit de sectionnalité exercera une influence sur ce bureau et empêchera l'harmonie de ses délibérations. Se méfierait-on du peuple ? Le croit-on incompétent pour élire des hommes appelés à remplir des fonctions spéciales ? N'exerce-t-il pas son choix pour les autres branches du gouvernement ? Eh quoi, monsieur le président, nous sommes sur le point d'élire nos juges (les fonctions judiciaires exigent plus que toutes les autres de l'indépendance), et nous ne pourrions pas nous fier au peuple lorsqu'il s'agit de nommer les membres du bureau des travaux publics ? Tout ce que nous demandons, c'est l'abandon du système actuel où l'on voit chacun se précipiter dans la mêlée et tirer à soi autant qu'il peut ; nous demandons que ces intérêts soient remis entre les mains de quatre hommes dont l'unique devoir sera de s'occuper des améliorations intérieures.

Il n'est point de question qui intéresse le peuple de la Basse Louisiane plus que celle de l'emploi des fonds spéciaux des levées. Si nous adoptons le système de l'Arkansas dont a parlé le sénateur, la Basse Louisiane deviendra un marais inhabitable, tandis que la Haute Louisiane sera cultivée et fleurie comme un jardin. Tel sera le résultat où nous aura conduits l'adoption d'un système erroné.

Passons au système proposé par le sénateur de la Nouvelle-Orléans (M. King). Je dois dire que j'ignore en quoi il consiste. Le sait-il lui-même ? Le connaissez-vous, M. le président ? Où est son bill ? Je ne voterai certainement pas l'abolition d'un système établi par la Constitution, sur un simple *ipse dixit* d'aucun des membres du Sénat, sur le discours d'un homme surtout, quand, sur cette question, cet homme est un avocat. Eh quoi, monsieur l'orateur, un membre nous a dit qu'avec ce système chaque homme aurait un canal à sa porte.

M. King—Je n'a pas dit cela, j'ai dit que maintenant nos bayous et nos rivières forment comme un canal qui coule devant chaque porte.

M. Kenner—Alors, monsieur, il propose et soutient un système immense de Levées Peut être, je ne pourrai répéter les éloquentes paroles du sénateur; du moins je puis rappeler en substance les remarques qu'il a faites. Il est en faveur d'un immense système de Levées, fussent-elles hautes comme des montagnes, par lequel les eaux du Mississippi seraient contenues dans son lit, et ne porteraient plus à l'avenir le ravage et la désolation sur les terres si fertiles qui s'étendent le long de son cours. Mais où devons nous prendre l'argent nécessaire pour construire ces Levées ? Un Sénateur, à ma gauche, dit: (« il faut l'emprunter !») Emprunter, monsieur, est un mot que je déteste. Si vous comptez bâtir vos Levées, en empruntant de l'argent que ne nous envoyez vous une fois aux capitalistes de l'Europe, comme bûcherons et comme manœuvres ? Et même si vous le faisiez, la dépense serait parfaitement inutile.

Nos Levées actuelles sont assez bonnes. Elles n'ont pas besoin d'être améliorées. Le seul danger qu'elles présentent c'est qu'elles se cavent ; que l'eau les mine et que plus tard la crevasse se déclare. Autant vaudrait essayer d'arrêter le cours du soleil comme autre fois Josué, que de vouloir empêcher au prix de quelque somme d'argent que ce soit ce travail incessant de l'eau contre nos Levées.

Je répète, monsieur, que les avocats comprennent peu notre système de Levées. Les planteurs, qui tous les jours s'entretiennent de cette question dont l'importance pour eux est si grande, qui l'examinent, qui l'étudient sur toutes ses faces et à tous les points de vue possibles, savent bien que nos Levées sont aussi bonnes maintenant, qu'on puisse jamais les faire. Je le dis encore, je ne puis voter pour l'abolition du bureau des travaux publics, jusqu'à ce que je sache bien ce que l'on a l'intention d'y substituer. Si le Sénateur veut se placer à son bureau, mettre ses vues par écrit, les insérer dans un bill, je voterai avec lui si je reconnais que son bill présente la moindre amélioration.

Dans le principe, j'étais opposé à cet article de la Constitution; et dans la Convention, je m'y serais opposé si j'avais eu le droit de vote. Mais, puisque cet article a été incorporé dans la Constitution, puisque le moyen qu'il prescrit est si grandement supérieur à tous les anciens systèmes; je suis decidé à le soutenir aussi longtemps qu'il ne nous sera rien présenté de plus efficace, de meilleur que celui-là.

Je ne desire pas plus long temps occuper l'attention du Sénat; je voudrais seulement ajouter quelques observations en réponse au senateur qui s'est fait entendre le dernier. Il avoue que les avocats ne s'entendent guère aux questions d'améliorations intérieures e aux systèmes de levées, à moins qu'ils ne vivent à la campagne ou sur les bords du fleuve. Je veux cependant supposer que le fait seul que l'on est avocat ne rend pas un homme inhabile à juger de ces questions. Je veux admettre aussi que le sénateur à qui je réponds soit un peu, beaucoup même, en avance des autres. Eh bien, j'ai attentivement examiné les rapports qui ont été présentés à la Législature ; je suis allé au sein des différents comités, j'y ai trouvé du talent, de la science en theorie, accumulés là depuis trois ans. J'y ai trouvé des relevés de toutes sortes, des statistiques de profondeur, de mesures, enfin tout ce qu'on peut imaginer dans ce genre, et pourtant au milieu de toute cette masse d'informations je n'ai rien trouvé qui pût être mis en pratique ou rédigé en système. Dans la partie du pays où je réside les vieux planteurs qui ont pour les guider l'expérience de longues années (et l'expérience, messieurs, en apprend beaucoup plus que toutes les sciences réunies), les vieux planteurs, dis-je, apprennent ce qu'ils savent en observant la crue et la baisse du fleuve en en etudiant l'effet sur nos levées. Lorsqu'ils s'aperçoivent qu'une de ces *montagnes* va ceder, ils regardent les marques sur les arbres et ils savent par là l'étendue et la hauteur des travaux qui doivent être faits.

Mon seul but en prenant la parole a été que le Sénat dispose maintenant, aujourd'hui même, de cette résolution.

Il existe parmi les avocats une différence d'opinions quant au pouvoir que possède la Législature, en vertu de la Constitution, d'abolir le Bureau des Travaux Publics. J'ignore quelle etait l'opinion de la Convention; mais ce que je sais, c'est que la Constitution qui contient cet article a été soumise au peuple qui l'a approuvée. La signification de cet article doit être cherchée dans les termes mêmes de la Constitution.

Je ne desire voir introduire dans cette question aucun sentiment de jalousie ou de mauvais vouloir, aucun esprit de sectionnalite. Les effets d'une inondation dans les paroisses les plus éloignées se font sentir jusque dans la Nouvelle-Orléans, comme la prospérité de la ville beneficie aux paroisses les plus éloignées. Je voudrais voir régner la plus grande harmonie et, s'il est possible, je voudrais qu'au lieu de discussions et de débats il y eût parmi nous unanimité A mon sens, le but de la convention a été de mettre un terme à l'ancien état de choses, au «votez pour mon bayou je voterai pour le votre.» La création de ce Bureau n'entrait pas dans mes idées, mais puisque c'est la Convention qui l'a établi après de longues délibérations et de longs travaux, je suis disposé à en faire loyalement et franchement l'épreuve.

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M. King.—Je remercie le sénateur de l'Ascension d'avoir bien voulu exprimer ses vues relativement au pouvoir de la Législature, d'abolir le bureau des travaux publics ; mais je suis bien peiné du caractère de personnalité blessante qu'il a donné à ses observations. Il m'a accusé vertement de n'avoir aucune connaissance de la question sur laquelle je viens d'exprimer mes vues devant le Sénat ; il m'a dit que je ne pouvais rien savoir au sujet d'améliorations intérieures, parce que la profession que j'exerce n'est pas la même que celle de quelques-uns des sénateurs qui siègent ici.

Et maintenant, monsieur le président, si ce détail peut être agréable au sénateur, je lui dirai que je suis tout autant un planteur qu'un avocat, quoique peut-être je me targue moins que d'autres de ces titres. Mais plus encore que cela, le poste même que j'occupe a donné lieu à des attaques, comme si l'on ne pouvait rien attendre de bon de Nazareth ; il m'a été dit qu'un sénateur de la Nouvelle-Orléans ne peut rien savoir au sujet des améliorations intérieures, en dehors du cercle éternellement le même de la pose des tuyaux du gaz et du nettoyage des fossés bourbeux de la ville ! On m'a accusé d'ignorance, on a voulu ridiculiser un projet dont je n'avais tracé qu'imparfaitement l'esquisse. On m'a accusé encore de favoriser le système des Arkansas, en même temps qu'on m'accusait dans la même phrase d'y être opposé !

Ce système, Monsieur, n'est pas le mien, et je ne le recommande aucunement. J'ai dit seulement ce que je savais être un fait, à savoir : que de tous les systèmes qui ont été proposés, c'est celui qui réunit le plus de suffrages. Les termes mêmes dont je me suis servi ont été dénaturés. Ce que je voulais dire que *métaphoriquement* a été pris *à la lettre*, et la *figure* que j'employais a été traduite en un *exposé de faits*. Je n'ai pas dit, comme l'a donné à entendre le sénateur, que je désirais voir construire des levées aussi hautes que des montagnes ; j'ai simplement fait la remarque que sous le système que je proposais, nous pourrions construire des levées aussi hautes que des montagnes, s'il était nécessaire, depuis la ligne des Arkansas jusqu'au golfe du Mexique, afin de contenir les eaux du Mississippi dans leur lit naturel et d'empêcher qu'elles ne viennent jusqu'aux portes de nos planteurs.

En terminant, je dois dire que mon opinion est qu'il existe quelque different au sujet de la question constitutionnelle suivante, à savoir : si la question toute entière ne devrait pas être plustôt référée de nouveau au comité des amcliorations intérieures avec instruction de présenter un substitut.

M Lacey.—Je désirerais aussi qu'un rapport fut fait par le sénateur de la Nouvelle-Orléans, sur les différentes raisons qui l'ont induit à penser que le bureau des travaux publics devait être aboli. Le sénateur s'est longtemps appesanti sur cette question ; il a prouvé (ou il a cru le faire) qu'il était dangereux, nuisible même de créer ce bureau ; il a démontré que ce serait là donner lieu, immédiatement à des discussions politiques d'un caractère tout sectionnel ; que ce projet serait dispendieux, impraticable, et serait plutôt un obstacle qu'un progrès à nos améliorations intérieures.

Pour moi, je ne soutiens aucunement le système actuel, comme voudrait le faire entendre le sénateur de l'Ascension. Je suis loin de defendre le système « des 106 nègres et du vieux bateau l'*Agnès*, » sur lequel a insisté en termes si emphatiques mon honorable collègue. Je ne veux en aucune manière être tenu responsable de ce système. C'est tout récemment seulement que je fais partie de cet honorable corps et comme le sénateur de l'Ascension, je n'ai pas l'honneur d'avoir été ici depuis plusieurs années. Ce système ridicule, absurde, odieux, doit donc plutôt lui être attribué qu'à moi. Je ne soutiens pas du tout ce système. Mon concours est acquis au plan auquel a fait allusion le sénateur de la Nouvelle-Orléans (M King) que je crois comprendre.

Mais soit que le Sénat adopte le système de l'Arkansas ou tout autre, mon désir est d'écarter les obstacles qui, aujourd'hui, arrêtent « le charf » des améliorations intérieures. Et, lorsque je dis ce mot, je n'entend pas parler du vieux bateau l'*Agnès*, mais du char que les amis politiques du sénateur de l'Ascension (M. Kenner) ont construit dans la convention et ont ensuite abandonné à la direction du parti démocrate.

Comme la question constitutionnelle a été discutée, je dirai que j'ai la plus grande confiance dans l'opinion du sénateur (M. Kenner) sur un point de droit, bien qu'il ait pensé que des avocats étaient incompétents en fait de digues et de levées.

Je répète que, dans mon opinion cette législature a le pouvoir d'abolir le bureau des travaux publics, parce que ce pouvoir est expressément concédé par un des articles de la constitution, et parce que ce bureau existe bien reellement maintenant, bien que les membres n'en aient pas été élus.

M. Mc Cay. Je prie l'orateur de répondre à une question. En supposant que la Législature ajourne sans s'occuper de l'élection des membres du bureau, celui-ci serait-il en exsstence ; et si tel est le cas, où sera-t-il ?

M. Lacey. Mais je vais plus loin encore. Je dirai que, même si le bureau n'est pas en existence, que même s'il n'était pas créé par la constitution, il n'y aurait pas de nécessité à l'établir si nous sommes déterminés à l'abolir immédiatement après. Certainement la constitution n'exige pas que nous perdions aussi follement notre temps. Si les trois-cinquièmes de la Législature sont opposés à l'existence du bureau, ils peuvent constitutionnellement se refuser à l'organiser. L'existence du bureau dépend des idées et des desirs de cette proportion des membres de la Législature.

J'espère donc que les Senateurs abandonneront ces objections constitutionnelles et resteront convaincus qu'ils ont le pouvoir d'abolir le bureau des travaux publics ; et que, s'ils arrivent à cette conclusion, ils doivent le faire sans délai. En même temps ils pourront se réunir au comité et réclamer un système meilleur et qui permette d'exécuter nos grandes idées et nos grands projets d'ameliorations intérieures.

M. Kenner —Je désire parler un moment sur une question personnelle. Le Sénateur de la Nouvelle-Orleans, (M King) a dit qu'il regrettait le caractère de personnalité qu'a pris ce debat. Quant à moi telle n'a jamais été mon intention. J'ai, au contraire, exprimé l opinion la plus haute, la plus flatteuse sur le Sénateur comme juriconsulte et comme avocat. Je sais, ou au moins, je suppose que sa vie a été consacrée à l'étude des livres et à l'exercice de sa profession.

Je pense, par conséquent que la seule source où il a puise des connaissances sur les améliorations intérieures, consiste dans les observations qu'il a faites sur la pose des tuyeaux de gaz et des *earb. stones* et sur le nettoyage des ruisseaux, en allant et venant de son bureau a la cour.

Je prie mes collègues de remarquer avec quelle bienveillance j'avais traité le sénateur quand il s'est levé et a prononcé ce discours en *quatre points* dans lequel il m'accuse de l'avoir attaqué personnellement et dans lequel il s'est présenté en martyr. Chacun sait combien cette position est faite pour attirer les sympathies d'une audience. Je lui ai permis de continuer, je ne l'ai pas interrompu ; bien au contraire, je l'ai ecouté et je l'ai laisse prendre tout l'avantage qui devait en résulter pour lui ; tandis que j'aurais pu, dès son debut, prendre la parole et nier que j'eusse fait aucune allusion personnelle. Cela aurait mis un terme a la question. Mais j'ai preferé laisser le sénateur parler à son aise, et recueillir le bénéfice qui pouvait en résulter pour lui.

Après ces réflexions, j'espère que le sénateur ne dira pas que mes remarques avaient un caractère de personnalité à son égard.

En réponse au senateur de Madison (M. Short,) je dois dire que je suis aussi opposé qu'il l'est lui-même a l'esprit de sectionnalite en pareilles matières. Pour moi, le système de levées est d'une importance vitale pour la prospérité de l'Etat ; mais quand je vois des senateurs sans expérience sur cette matière la discuter en homme qui la possèdent à fond, je dois dire que je me prends à craindre qu'on n'adopte quelque mesure qui entraine un résultat fatal. J'ai dit que mon espoir était de ne pas voir adopter des mesures à l'aide desquelles la basse Louisiane serait convertie en un marais inhabitable, et la haute Louisiane en un jardin fertile. Voilà ce que j'ai dit, et certes il n'y a rien là qui soit dicté par l'esprit de sectionnalité.

Un autre sénateur (M Lacey) m'a rendu responsable de notre système de «bateaux vermoulus.» Ne sait-il donc pas que j'ai siégé pendant plusieurs années dans ce sénat, et que j'ai fait partie de ceux qui ont fait des pieds et des mains, et cela sans succès, quoique j'aie déployé toute l'énergie dont j'étais capa-

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ble. Et voilà que le sénateur me rend responsable de ce système, et prétend en faire retomber sur moi le blâme.

M. McCay.—Le sénateur d'Est Bâton Rouge (M. Lacey) n'a pas répondu à la question que je lui avais posée. Je désire savoir si, dans le cas où la Législature s'ajournerait sans organiser le bureau des travaux publics, ce bureau aurait une existence.

M. Lacey.—Le bureau aurait une existence constitutionnelle, et ce serait une fiction légale séparée et distincte des personnes qui doivent être élues pour rendre cette existence effective. Comme l'enfant dans le sein de sa mère, il aurait la vie, mais ne posséderait aucun pouvoir pour agir ; il posséderait les faibles mouvements d'un être vivant qui n'a pas encore vu le jour.

La résolution est de nouveau référée au comité des améliorations intérieures.

M. Short présente un bill relatif à l'organisation du judiciaire.

M. Wickliffe désire savoir si le bill est l'œuvre propre du sénateur ou s'il émane du comité. Le sénateur en réclame-t-il la paternité ?

M. Short dit qu'il ne sait rien de cette paternité.—Il ignore même que les bills viennent au monde de cette manière. Il sait seulement que quelque chose de semblable a passé à la Chambre, et que cela cadre mieux avec ses propres vues qu'aucun autre système qu'il ait été à même d'observer jusqu'à présent.—Il a voulu y appeler l'attention du Sénat, c'est là toute la paternité qu'il veuille admettre.

M. Wickliffe retire toute objection à l'introduction du bill.

M. Short présente plusieurs autres bills relatifs au judiciaire.

M. Wickliffe désire savoir si aucun temps a été fixé pour la prise en considération des bills du comité.

M. Lacey dit que tous les bills seront bientôt complétes

M. Wickliffe dit qu'il est charmé d'apprendre que le comité a l'intention de faire un rapport sur ce sujet.

Bill du recensement.

Mr Derbès fait la motion de prendre en considération le bill du recensement.

M. Griffin propose que toute cette matière soit référée à un comité composé des membres de la Nouvelle-Orléans.

M. Rivers dit qu'il espère qu'on n'adoptera pas pour ce bill la marche qu'on a déjà suivie.

M. Derbès espère bien que oui.—Ces messieurs de l'opposition avaient été les premiers à faire de ce sujet une affaire de parti, et après cela en avaient accusé les démocrates. Mais nous avons de bonnes raisons pour justifier la marche que nous avons suivie. Sous l'empire du bill, dans sa forme actuelle, la ville n'aurait jamais une entière représentation à la Législature. Si quelques sénateurs pensent que nous sommes influencés par des considérations de parti dans le changement que nous nous proposons, je leur dirai que dans les quatre districts de la ville il y a trois recorders democrates et un whig et la même proportion d'assesseurs.—Quel benéfice tirerait le parti de la substitution des assesseurs aux recorders. Les assesseurs, s'ils étaient assignés, feraient de l'argent de cette affaire au moyen d'assistants, tandis que le peuple sait que les recorders ne peuvent rien recevoir. Telles sont quelques-une des raisons qui nous déterminent à demander que le pouvoir de faire le recensement soit confié plutôt qu'aux recorders et aux assesseurs et à leurs deputés.

M. Wickliffe votera pour la motion du sénateur des Avoyelles, si celui-ci veut l'amender de manière à ce que le sujet soit référé à un comité spécial de trois membres, mais il objecte à un comité composé exclusivent de la délégation de la Nouvelle-Orléans.

M. Griffin accepte l'amendement et la motion est adoptée.

Le Président nomme MM. King Mc Cay et Burthe pour composer le comité.

Ordre du jour.

Le bill pour amender l'acte de 1846 relatif aux corporations, est appelé.

L'impression en est ordonnée.

M. Wicliffe fait la motion de mettre ce bill à l'ordre spécial du jour pour vendredi prochain, attendu qu'il ne pourrait être pris en considération avant d'être imprimé.

M. King dit qu'il serait inutile de faire imprimer le bill vu qu'il a l'intention de demander qu'on en efface une partie, ce qui laisserait la loi telle qu'elle existe.

M. Wicliffe ne voit pas pourquoi le bill ne serait pas imprimé, et pourquoi le Sénat serait obligé de le discuter maintenant parce que le préopinant à l'intention d'y proposer un amendement—Le bill pourrait avoir quelque chose de bon et le Sénat désirerait avoir l'occasion de l'examiner en détail.

M. King dit que la raison pour laquelle il a l'intention de faire la motion dont il a parlé, c'est qu'il s'est convaincu que la loi générale couvre toutes les dispositions du bill et que par conséquent celui-ci est inutile.

M. Wickliffe pensait aussi, lorsque le bill a été présenté par son auteur qu'il était inutile.-Néanmoins il préférerait le voir renvoyer à un comité.

Le bill est définitivement ajourné.

Le bill pour organiser le Département du secrétaire d'Etat est pris en considération.

M. Martin dit que la même objection existe contre ce bill que contre les autres d'une même nature—ils sont tous inutiles. Il existe des lois sur ces matières et il n'est pas nécessaire de surcharger nos codes de nouveaux décrets.

M. Lacey donne à l'égard de ce bill la même explication qu'à l'egard des autres. Ils sont tous présentés par excès de précaution afin de faire disparaître les doutes qui existent dans l'esprit d'un grand nombre de personnes quant à l'efficacité des lois actuelles sous l'empire de la nouvelle Constitution.—Il vaut mieux dit-il être du côté le plus sûr, et il a été soutenu par le comité judiciaire en rédigeant et en présentant ces bills.—On suppose généralement, ajoute-t-il, qu'en vertu d'un des articles de la nouvelle Constitution toutes les places puqliques de l'Etat sont vacantes.

M. Wickliffe désirerait savoir à quel article de la Constitution son collègue fait allusion.—Est ce à celui ci (il lit l'article.)

M. Lacey—Oui Monsieur.

M. Wickliffe dit qu'il comprend parfaitement le sens de l'article mais que néanmoins, il votera pour le bill.

M. Martin ne voit pas qu'il y ait le moindre sujet de doute. La place de secrétaire d'Etat est une place constitutionnelle, l'auteur du bill a déjà consenti à ce qu'il fut référé au comité de Finances, et ce comité a fait un rapport adverse. Quant à lui (M. Martin) il ne désire pas voir référer ce bill au comité dont M. Raney est rapporteur par ce qu'il suit que la question est préjugée par ce dernier. Il ne peut donc pas pour le moment suggérer aucun comité convenable à qui référer ce bill Il est dit-il naturellement un homme prudent mais il a éprouré qu'un excès de prudence est quelque fois plus nuisible qu'utile.

M. King est opposé au bill comme étant inutile et superflu.

M. Lacey dit qu'il faut cependant pourvoir au dépouillement des votes et aux retours d'élection de ces officiers—Il faudrait adopter au moins cette partie du bill.

M. Martin n'y voit aucune raison. Une élection a eu lieu en décembre dernier, et les officiers de l'Etat ont été élus. Il croit que les lois actuelles pourvoient suffisamment au dépouillement des votes et aux retours à faire des résultats.

M. Lacey—Le préopinant se trompe : il n'y a pas de loi sur ces matières.

M. Martin—Comment donc et par quelle autorite l'a-t-on fait dans cette circonstance ?

M. Lacey—L'élection a eu lieu, et nous en avons accepté les resultats sans aucune autorité légale. Je désire maintenant suppléer à cette omission.

M. Martin—Si le sénateur ne veut pas autre chose que faire passer sa section du bill, qui pourvoit au dépouillement des votes, je retire mes objections.

ELECTION DE L'IMPRIMEUR D'ETAT.

Le bill pour amender l'acte de 1846, relatif à l'élection d'un imprimeur d'Etat, est ensuite pris en considération.

M. Lacey explique le but du Comité Judiciaire en présentant le bill et l'amendement. Par l'acte de 1846, un imprimeur d'Etat doit être élu à chaque session regulière de la Législature, et par le même acte

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l'imprimeur doit rester en fonctions pendant deux ans Conformément à cet acte, la Législature à sa présente session a élu un imprimeur qui doit rester en fonction pendant deux ans. D'après le bill présenté par le sénateur de Concordia [M. Rivers,] l'imprimeur ne resterait en fonctions que pendant l'une des deux années, pour lesquelles il a été constitutionnellement et également élu. L'amendement proposé par le comité fixe la prochaine élection à la session de 1855, et les élections subséquentes de deux en deux ans. Quant à l'opportunité d'élire, en 1855, un imprimeur pour deux ans, le comité ne prétend pas s'engager sur ce point ; mais comme il a trouvé une loi en force, en vertu de laquelle, le présent imprimeur a été élu, qui ordonne en même temps qu'un imprimeur sera élu à chaque session régulière, le comité s'est cru obligé de rectifier cette contradiction et de faire disparaître cette absurdité de nos Codes.

M. Martin dit qu'il lui semble que si ce bill est adopté, ce serait dans le fait élire un imprimeur pour la prochaine Législature. Il lui semble que la présente Législature devrait à celle qui doit lui succéder autant d'égards et considération qu'elle même en a reçu de celle qui l'a précédée

M. Rivers dit que le but de son bill est de rendre la loi conforme à la Constitution. Sous l'empire de l'ancienne loi, l'imprimeur était élu pour deux ans. Les sessions de la Législature étaient alors biennales Le bill présenté par lui (M Rivers) a pour effet de faire expirer le terme d'office de l'imprimeur, avec celui de la Législature qui l'a nommé, de manière que chaque Législature nommera son propre imprimeur. Si M. La Sère, par son élection sous l'empire de la loi de 1846, est en possession d'un droit acquis, de remplir son emploi pendant deux ans, il en est de même de M. Weisse qui a été élu l'an dernier, en vertu de la même loi. Il a été heureux d'entendre de la part de M. Lacey même qu'un pareil droit peut exister. S'il insiste sur ce principe, il doit admettre aussi que M. Weisse a un droit acquis pour deux ans ; il a été élu de la même manière que M. La Sère, en vertu de la même loi, et, si M. La Sère a un droit acquis à l'emploi pour l'année prochaine, M. Weisse en a aussi un pour cette année.

M. Lacey—Lorsque la présente législature, au début de la session, a élu un imprimeur d'Etat pour le terme de deux ans, elle l'a investi d'un droit acquis a cet emploi pour ce laps de temps, et la personne élue a par conséquent le droit d'occuper la place pendant deux ans. Tout acte ayant pour but de le dépouiller de ce droit serait inconstitutionnel et nul ; conséquemment le comité a cru de son devoir de recommander la passation d'un acte qui confirmerait le droit de l'imprimeur acquis en vertu de la loi, en vertu de laquelle il a été nommé, d'occuper la place pendant deux ans D'après la loi, telle qu'elle existe, la prochaine législature pourrait nommer un autre imprimeur et nous en aurions alors deux. L'officier actuellement en fonctions a le droit d'occuper la place pendant deux ans, et celui qui serait élu l'année prochaine aurait droit à la place en vertu de son élection. Si l'amendement du sénateur de Concordia [M Rivers] est adopté, nous aurons deux imprimeurs d'Etat. Le bill n'a pas été introduit dans un but politique, mais afin de parer à la difficulté qui existe actuellement. Ce bill pourvoit à ce que la prochaine élection d'imprimeur d'Etat aura lieu en 1855, époque à laquelle le terme d'office de M. La Sère aura cessé. Le sénat pourra rendre l'élection annuelle ou biennale à son choix. Le bill rapporté par le comité est nécessaire afin d'empêcher la confusion, de détruire la possibilité d'avoir à la fois deux imprimeurs. et afin d'assurer à l'imprimeur actuel son terme légal de deux ans.

M. Martin—L'imprimeur actuel a été élu en vertu de la même loi que son prédécesseur. La loi exigeait qu'une élection eut lieu à chaque session régulière de la législature. La présente législature n'a pas plus de droit d'imposer un imprimeur à celle qui doit lui succéder que celle qui l'a précédée n'avait le droit de lui en imposer un à elle-même.

M. King—La question qui se présente est de savoir si la session actuelle est une session régulière. Si cela est, nous étions obligés par la loi de 1846 de nommer un imprimeur— Maintenant se présente la question de savoir pour quel terme l'imprimeur élu conservera sa place. La réponse à cette question se trouve dans la loi qui dit que l'imprimeur sera élu pour deux ans.

M. Rivers—La prochaine session serait-elle une session régulière ?

M. King—Oui, monsieur.

M. Rivers—Alors, d'après le même principe, nous serons obligés l'année prochaine de nommer un autre imprimeur.

M. King—Le bill n'a pas d'autre but que d'obvier à cette difficulté.

M. Rivers—Les préopinants disent que, parceque la loi de 1846 fixe à deux ans la durée des fonctions de l'imprimeur d'Etat, M. La Sère continuera ses fonctions pendant la première session de la prochaine législature. Mais M. Weisse a aussi été élu à une session régulière de la législature en vertu de la même loi; conséquemment il est actuellement imprimeur de l'Etat, si le principe avancé par ces messieurs de l'opposition est correct. Il doit avoir à la place un droit acquis que la législature n'a pu ignorer ni détruire.

M. King dit qu'il répondra avec plaisir à l'argument du préopinant. L'erreur qu'il commet consiste à supposer qu'il puisse exister un contrat entre l'Etat et ses officiers. Nous avons vu élire un gouverneur et des officiers nouveaux pour prendre la place des anciens, et nous avons vu ceux-ci, dont le terme d'office n'était pas expiré, céder la place aux autres. Si ces anciens officiers avaient eu un droit acquis, la nouvelle Constitution elle-même n'aurait pu autoriser ce qui s'est fait. Ils eussent été protégés dans leurs droits par la Constitution des Etats-Unis qui dit que les obligations résultant des contrats ne peuvent être violées. Mais il n'existe rien de tel qu'un contrat entre l'Etat et ses officiers. La nouvelle Constitution a pour ainsi dire donné congé à l'imprimeur d'Etat en faisant de la présente session une session régulière, d'après le même principe qui a rendu vacante la place du gouverneur Walker.

M. Rivers—Le sénateur pense-t-il que cet acte serait obligatoire pour la prochaine Législature ?

M. King—Comme toute nos lois celle-ci serait sujette à être modifiée ou rappelée. Mais il n'en peut résulter aucun mal.

M. Kenner—Si la prochaine Législature peut rappeler la loi, pourquoi ne pas lui laisser élire son propre imprimeur. Chacun sait que cette Législature n'a pas eu l'intention d'élire un imprimeur pour deux ans. Je me rappelle parfaitement que, lorsque l'élection fut faite, l'officier présidant le Sénat annonça que M. La Sère avait été élu imprimeur d'Etat pour deux ans; sur la représentation qui lui fut faite de son erreur, il se reprit immédiatement, et annonça tout simplement que M. La Sère avait été élu imprimeur d'Etat.

Maintenant, si ces messieurs admettent que, sous l'empire de la loi actuelle, ils ne peuvent garder M. La Sère en place pour deux ans, pourquoi ne pas le déclarer ? S'ils pouvaient ainsi le garder, il n'y aurait aucune nécessité pour ce bill. Mais ils savent très-bien qu'ils ne peuvent pas le faire avec la loi telle qu'elle est. S'ils croient qu'ils le peuvent, eh bien alors, qu'ils fassent la motion de déposer ce bill sur le bureau, et ils atteindront leur but. Mais, que veulent-ils faire ? Je vais vous le dire. Ils veulent lier la prochaine Législature en lui imposant leur propre imprimeur. Ils veulent maintenir M. La Sère en place pour deux ans, lorsqu'il n'a été élu que pour un an.

M King—Le préopinant nous a demandé quel est notre but. Mais il me semble qu'il est évident. Nous voulons faire disparaître de la loi une absurdité flagrante. La loi de 1846, actuellement en vigueur, dit qu'un imprimeur d'Etat sera élu à chaque session régulière de la Législature, et, en même temps, elle dit qu'il tiendra la place pendant deux ans Le sénateur rapporte correctement ce qui s'est passé lorsque M. La Sère a été élu à cette session. D'abord, il a été proclamé élu pour deux ans, puis, tout simplement élu. Par conséquent, il est élu pour le terme légal et constitutionnel. Quel est ce terme légal ? Evidemment deux ans d'après la loi. Ayant ainsi expliqué notre but, je demande la question préalable.

M Rivers—Voilà certainement quelque chose de très aimable de la part du sénateur qui vient de parler.

M. King.—A la demande de plusieurs collègues, je retire ma motion pour la question préalable.

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M. Rivers.—Le bill proposé par moi a été référé au comité judicaire. Ce comité, par l'organe de son président, fait un rapport favorable ; puis, tout à coup, une lumière nouvelle se fait pour ce même président; une nouvelle idée lui vient. Il découvre subitement que le bill ne lui convient pas, et le fait référer de nouveau Le but du bill était de donner à la prochaine Législature le pouvoir, comme elle avait le droit, d'élire un imprimeur. Dans le cours ordinaire des choses, la prochaine Législature pouvait différer d'opinion avec la présente, sur qui conviendrait mieux comme imprimeur d'Etat. Elle pourrait préférer quelqu'un de la campagne, et, quant à lui (M. Rivers), il est disposé à laisser à la prochaine Législature son libre arbitre sur cette matière. L'amendement du comité lui enlève ce pouvoir et impose l'imprimeur de la Législature actuelle à celle qui doit lui succéder. J'en appelle aux membres démocrates de la campagne ; sont-ils disposés à se soumettre à cette restriction? S'ils le sont, alors qu'il en soit ainsi, car ils ont le pouvoir entre leurs mains.

M. Martin.—Le bill primitif proposait tout simplement que chaque Législature aurait le droit de nommer son propre imprimeur, ainsi que le veut l'esprit de la loi.

M. Short.—Avant que la question soit mise aux voix, j'aimerais à dire quelques mots sur ce sujet. Lorsque le présent imprimeur d'Etat a été élu, il a dû l'être pour quelque terme spécifié. Ce terme est fixé par la loi en vertu de laquelle il a été élu. La loi dit que l'imprimeur sera élu pour deux ans; conséquemment l'imprimeur actuel a été élu pour ce temps. Cet officier l'a ainsi cru lui même ; il a fourni son cautionnement de remplir ses devoirs conformément aux dispositions de cette loi et pour le temps fixé par elle, et ses droits ne peuvent être atteints par aucun acte de l'assemblée générale. J'en suis venu à conclure que chaque corps législatif a le droit de choisir ses propres officiers. La présente Législature ayant été créée par la nouvelles Constitution, a nécessairement ce droit, et les officiers de la dernière Législature doivent partager le sort de tous les anciens officiers. Ils ont été déplacés par l'adoption de la nouvelle Constitution, et bien des questions embarrassantes surgissent d'un changement de loi fondamentale. On prend souvent une loi pour un contrat, et un contrat pour une loi.—Ceci est purement une question de droit.—Sous la Constitution de 1845, l'assemblée générale se réunissait une fois tous les deux ans. Un grand changement politique, en outre, pouvait survenir dans ces deux années. La prochaine Législature pourrait désirer nommer ses propres officiers, et elle en aurait le droit. La Législature, sous la Constitution de 1845, était un corps ayant une existence continue. Ce corps a été annihilé par l'adoption de la Constitution de 1852. Cette Législature-ci n'expire pas cette année, quoique les membres de l'une de ses branches finissent leurs fonctions. Où est donc la nécessité de déplacer M. La Sère à la prochaine session ? Les mêmes raisons existent-elles dans ce cas-ci que dans celui de M. Weisse ? Au contraire, la position de M. Weisse est bien différente. Le corps qui l'avait nommé a cessé d'exister par l'adoption de la nouvelle Constitution. Mais voici un nouvel officier sous l'empire de la Constitution de 1852. Les membres de la Chambre sont nommés pour deux ans, et, parmi les sénateurs, il y en a de nommés pour deux, et d'autres pour quatre ans.

M. Wickliffe.—Le sénateur se rappellera que lui et moi cessons nos fonctions en novembre prochain.

M. Short.—Le sénateur n'a pas besoin de me rafraîchir la mémoire sur ce point ; je me souviens très bien que le terme le plus court m'est échu.

Etant arrivé à la conclusion que cette Législature avait le droit de nommer un imprimeur, il se présente la question de savoir pour quel terme avait-elle ce droit ? Etait-ce pour un ou deux ans ; évidemment pour deux ans, le terme fixé par la loi.

Et qu'y a-t-il en cela de si blâmable, et qui puisse justifier les observations qui ont été faites par les sénateurs du parti opposé ? Si j'avais cru que M. Weisse eût le droit de conserver son emploi; je n'eusse jamais consenti à une nouvelle élection. Mais l'imprimeur actuel a, comme je l'ai dit, fourni un cautionnement pour la fidèle exécution de ses devoirs pendant le temps pour lequel il a été élu. Si un changement s'opère dans la composition de la prochaine Législature—quoique j'espère que nous ne changerons pas aussi rapidement que les couleurs de l'arc-en-ciel—si la majorité de la Législature appartient au parti opposé, et qu'il lui plaise de déplacer l'imprimeur, seulement parce qu'elle en aurait le pouvoir, elle commettrait un acte d'injustice.

M. Martin.—Où est la nécessité de passer ce bill ?

M. Short.—Où est la nécessité de le rejeter. Si nous laissons subsister la loi dans sa teneur actuelle, nous verrons continuellement le terme de service d'un imprimeur empiéter sur celui d'un autre, puisque la loi dit à chaque session régulière un imprimeur sera nommé qui gardera la place pendant deux ans.

M. Martin.—La première session n'est-elle pas une session régulière ?

M. Short.—Oui, et la loi dit qu'une élection aura lieu à chaque session régulière de sorte qu'après deux ans, nous aurions deux imprimeurs d'Etat.—Je désire faire disparaître cette absurdité de la loi.

M. Todd demande lecture du bill.

Le secrétaire en donne lecture.

M. Todd.—Les Sénateurs de la Nouvelle-Orléans et de Carroll (MM. King et Short), voudraient nous faire croire que ce bill a pour but de rendre les choses conformes à la loi et à la Constitution; je crois dire que je diffère d'opinion avec eux. Ce bill n'est pas conforme à la Constitution actuelle; l'acte de 1846 a été passé lorsque les sessions de la Législature étaient biennales maintenant qu'elles sont annuelles, et par analogie, nous devrions croire que tous les ans, c'est à dire à chaque session régulière, un nouvel imprimeur d'Etat doit être élu

Le sénateur de Carroll [M. Short], a dit aussi que M. Weisse a cessé d'occuper la place parce que la Législature qui l'avait élu était dissoute, et que M. La Sère doit être maintenu, parce que cette Législature-ci ne se dissout pas. Mais elle se dissout. Est-ce que tous les membres de la Chambre et une partie des membres du Sénat ne finissent pas leur terme cette année même ? Il n'y a pas plus de raison pour l'imprimeur que pour tout autre officier de rester en fonctions pendant deux ans. Il serait injuste et discourtois envers la prochaine Législature de lui imposer un imprimeur de notre choix. Le sénateur admet que la prochaine Législature pourra rappeler cette loi si elle passe. Pourquoi donc passer une loi illusoire J'espère que l'amendement proposé par le sénateur de Concordia [M. Rivers], sera adopté.

M, King—Le préopinant semble supposer que parce que la prochaine Législature peut rappeler la loi nous ne devrions pas la passer. Voilà un argument bien fallacieux. D'après ce principe, nous ferions tout aussi bien de plier bagage et de nous en retourner chez nous, parce que chaque acte que nous passerons qui ne contient pas un contrat est susceptible d'être rappelé—Puisque je me suis levé, j'en profiterai pour expliquer les raisons qui m'ont decidé à demander, il y a quelques instants, la question préalable.—Un sénateur a fait la motion de déposer sur le bureau le substitut du comité. Une pareille motion ne coupe-t-elle pas court au débat, aussi bien que la question préalable.

J'ai donc pensé que je pouvais avec la même convenance demander la question préalable et je ne crois pas, vu les circonstances, avoir été si peu aimable. Les sénateurs peuvent proposer cinquante amendements qui seront tous rejetés et nous en viendrons enfin à la question principale. Je n'ai pas eu l'intention de manquer de courtoisie envers mes collègues. Je voulais seulement économiser le temps du Sénat. J'espère que messieurs les sénateurs apprécieront ce que je viens de dire, et n'essaieront pas d'embarrasser notre marche en proposant des amendements inutiles.

M. Kenner—C'est-à-dire en bon anglais que nous membres de l'opposition, ne devons faire aucune objection à ce qui sera proposé par vous, parceque nous sommes en minorité.

M. King—Vous avez été les premiers à vous servir du baillon, et nous avons cru pouvoir user de représailles.

M. Kenner fait la motion de déposer tout le sujet sur le bureau.

M. Martin appelle l'attention du sénat sur ce que dit le manuel de Jefferson concernant la question préalable [ici M. Martin lit un extrait du manuel de Jefferson dans lequel il est dit que la question préalable a

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pour but d'arrêter un débat qui prend un cours personnel ou contraire aux intérêts de l'Etat.]

Je suppose, a-t-on dit-il, que l'Etat ne souffrirait pas d'aucun amendement que nous pourrions proposer au bill en discussion ou d'aucun argument que nous pourrions avancer, quoique les intérêts de M. LaSère pourraient très bien en souffrir. Je crois que j'ai eu raison lorsque j'ai qualifié la motion comme étant l'exercice d'une force brutale.

M. Kenner fait la motion d'effacer 1855 et d'insérer 1854, comme époque à laquelle serait fixée l'élection d'un imprimeur d'Etat, de manière à laisser à la prochaine Législature la chance de nommer son propre imprimeur. Il dit qu'il est opposé à ce qu'on impose quoique ce soit à une Législature future.

Le sénateur d'Orléans [M. King] dit que la loi peut être rappelée; à quoi servirait de la passer? Si les whigs ont une majorité l'année prochaine, le sénateur peut être sûr qu'ils ne manqueront pas de rappeler la loi, lorsque le terme d'office de l'imprimeur serait expiré. Mais si les démocrates se maintiennent au pouvoir, ils trouveront un imprimeur tout fait. Les démocrates ne sont-ils pas disposés à s'en fier à leurs amis? Il ne pense pas obtenir de réponse à cette question dans l'enceinte de cette Chambre, mais il s'adresse, dit-il, à un echo du dehors, à une puissance plus grande que celle du sénateur distingué de la Nouvelle-Orleans, qui a pris l'initiative dans cette matière.

M. Wickliffe soulève un point d'ordre. La question contenue dans l'amendement du sénateur de l'Ascension a déjà été decidée par un vote du Sénat sur la motion d'amender le bill en fixant l'élection à la prochaine session.

M. Rivers.—Je ne puis croire que le sénateur parle sérieusement.

M Wickliffe.—Certainement que je parle sérieusement.—La question n'a-t-elle pas été décidée; l'amendement proposé par le sénateur de l'Assomption ne consistait-il pas à renvoyer l'élection à la prochaine session? — Cette session n'arrive-t-elle pas en 1854. La motion du sénateur de l'Ascension ne revient-elle pas à la même chose? Je ne veux pas voir ainsi consumer le temps du Sénat en votes oiseux sur les mêmes questions.

Le président décide que l'amendement est à l'ordre.

L'appel nominal, étant demandé, l'amendement est rejeté, et le bill passe à sa troisième lecture.

AJOURNEMENT.

La résolution de M. Martin à l'effet d'ajourner *sine die* est appelée. Sur motion de M. McCay, la prise en consideration de cette résolution est renvoyée au 4me jeudi de mars.

JEUDI, 3 mars 1853.

M. Rivers fait savoir qu'il s'est adressé au surintendant des écoles publiques à l'effet d'obtenir certains renseignemens, mais que ce fonctionnaire a refusé de les lui donner. C'est là un département auquel tous les sénateurs ont continuellement à faire, et si le surintendant refuse de donner les renseignemens qu'on lui demande, il faut l'y contraindre. En conséquence, il présente une résolution enjoignant au surintendant de l'éducation publique de soumettre au Senat un état des divers montants auxquels ont droit les différentes écoles de district de la paroisse Concordia dans le fonds général des écoles.

La résolution est adoptée.

M. Théveret, du comité de commerce, présente un rapport sur la pétition de la compagnie des moulins à riz de la Louisiane.

M. King, du comité des améliorations intérieures, présente un rapport.

Le bill à l'effet d'accorder aux personnes qui se sont établies sur les terres marécageuses des paroisses de Livingston et d'Est-Bâton-Rouge une extension de temps pour le paiement de ces terres, vient devant le Sénat.

M. Short dit que pour les raisons contenues dans le rapport qui a été précédemment mis sous les yeux du Sénat, il s'opposera à l'adoption du bill. Un bill a été passé au Sénat — aussi à la Chambre basse, à ce qu'il croit, mais il ne peut l'assurer — qui a pour objet de clore les opérations du Bureau des terres publiques.

M. Martin.—Le sénateur se trompe. Les influences du dehors ont empêché l'adoption du bill.

M. Short.—Que le bill ait passé à la Chambre ou non, je crois fournir des raisons qui suffisent pour nous faire rejeter aujourd'hui ou à n'importe quelle époque, le projet qui nous est soumis.

On m'accordera, je pense, que nous ne sommes autorisés à disposer des terres marécageuses qu'en vue des objets pour lesquelles ces terres ont été concédées à l'Etat. Ces objets sont la construction de levées et le dessèchement des terres. Or, donner un droit de préemption et accorder un crédit de douze mois pour le paiement de ces terres, c'est aller beaucoup trop loin en fait de libéralité. Nous avons déjà accordé une extension de douze mois à ceux qui étaient incapables de payer; on ne peut prétendre à un nouveau sursis. Je suis opposé à ce sursis pour une autre raison. Il contrarierait le plan que j'ai l'intention de proposer et qui consisterait à appliquer le produit de la vente des terres marécageuses à l'érection de levées. Nous remplirions ainsi l'objet pour lequel la concession de ces terres a été faite. Il est très important d'adopter quelque plan de cette nature à la session actuelle. J'expliquerai mon plan en quelques mots. Les terres devront être arpentées, classées et mises en vente. Le produit de ces ventes devra être appliqué à la construction de levées. Il y a en ce moment 9,300,000 acres de ces terres qui restent à vendre. Supposez que 500,000 acres soient annuellement mis en vente, et qu'en usant d'économie on puisse appliquer chaque année une somme de $500,000 aux travaux de levées. Nous aurons ainsi retiré des eaux et mis dans le marché une plus grande quantité de terres en même temps que nous aurons augmenté la valeur des terres en général. Ce plan nous fourni le moyen de tirer le plus grand parti de ces terres.

Je vous le demande, voulez-vous, par une législation partielle que vous établirez pour telle ou telle paroisse, gaspiller toutes ces terres? Aussitôt que nous aurons adopté cet acte, attendez-vous à en voir présenter un autre pour accorder un sursis dans une autre paroisse, de même pour une troisième, jusqu'à ce que nous ne sachions plus où nous arrêter. Il faut se rappeler aussi que ces droits de préemption reposent toujours sur les meilleures terres; que les préempteurs font invariablement le meilleur choix qu'ils peuvent. Ainsi nous perdrions toute chance de former un fonds utile pour la construction des levées.

Les plus grands obstacles à la prospérité de cet Etat viennent des inondations. Il nous faut dépenser de l'argent d'abord pour la grande levée, puis pour d'autres levées, et les fonds se trouvent épuisés. Après tout cela on nous demande d'étendre les droits de préemption en faveur d'hommes qui ont pris les meilleures terres et n'ont laissé à l'Etat pour construire les levées que les terres les plus pauvres, opération qui ressemble à celle d'enlever la crème et de ne laisser que le petit lait. J'espère que tous les sénateurs repousseront une législation partielle telle que l'on nous propose. J'espère que, pour les raisons contenues dans le rapport, le bill ne sera pas adopté.

M. Lacey est surpris de voir tant d'opposition soulevée par une proposition aussi juste, aussi équitable que celle qui fait l'objet du bill. On n'a avancé aucun argument contre la convenance qu'il y aurait à accorder le sursis demandé.— Les détenteurs de ces terres sont dans une impossibilité absolue de payer en ce moment. La seule question est celle-ci: La Louisiane veut-elle agir comme un créancier intelligent, accorder à ces pauvres gens quelque temps pour payer la terre sur laquelle ils vivent, ou préférera-t-elle le rôle de Shylock? exigera-t-elle la dernière goutte de sang, l'execution du contrat dans ce qu'il a de plus rigoureux, chasser ces malheureux de la maison et de la terre qu'ils occupent et les livrer à des spéculateurs avides et rapaces? Telle est la question, quelque effort que l'on fasse pour la déguiser.

Il soumettra le bill sans plus d'observations et en confiera le sort à la générosité, à l'indulgence du Sénat.

M. Hodge dit qu'en sa qualité de membre du comité auquel ce bill a été renvoyé, et qui a fait un rapport défavorable, il donnera les motifs qui l'ont dirigé. Le bill fait plus que de proposer des amendements à l'acte de 1852 qui accordait un crédit d'une année aux personnes établies sur les terres publiques qui s'étaient fait inscrire, avant le 17 de mars de cette année, en tant que les paroisses d'Est-Bâton-Rouge et de Livingston étaient concernées. Or, en examinant la

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seconde section de cet acte l'on verra que la proposition du sénateur a pour but de soustraire à la règle posée par l'acte de 1852 certaines paroisses que le sénateur a l'honneur de représenter, et d'ajouter pour ces personnes, une année au sursis qui a déjà été accordé. En d'autres termes, il veut que le paiement du prix de ces terres ne soit exigible que le 17 mars 1854, au lieu de l'être le 17 mars 1852. La raison qu'il avance c'est que, si la Louisiane s'y refusait, elle agirait en créancier impitoyable, qu'elle renouvellerait Shylock, en exigeant l'accomplissement rigoureux du contrat. Peut-on lui reprocher d'être impitoyable, lorsqu'elle a déjà accordé un crédit d'une année auquel ces hommes n'avaient aucun droit ? Pourquoi les paroisses de Livingston et d'Est-Bâton-Rouge seraient-elles traitées plus favorablement qu'aucune autre paroisse de l'Etat ? De quel droit le sénateur réclame-t-il pour elles des avantages dont ne jouissent pas les autres paroisses ? Pourquoi seraient-elles l'objet d'une faveur spéciale ? Peut-être l'honorable sénateur ne demande-t-il pas mieux que d'effacer le nom de ces deux paroisses et d'étendre la proposition à tout l'Etat.— La question se réduit donc à savoir, s'il est juste et convenable d'accorder deux années de crédit au lieu d'une aux personnes qui se sont établies sur les terres marécageuses. Mais, je suis, dit M. Hodge, opposé à cette nouvelle extension. L'acte de 1852 accorde un credit d'une année. L'acte du Congrès exige que le produit de ces terres soit appliqué à un système général de levées. Ces fonds ne sauraient être distraits de cet objet spécial.—Ce n'est qu'en leur conservant cette destination particulière que nous pourrons réaliser nos vastes plans d'améliorations intérieures. Mais si l'honorable sénateur insiste sur l'adoption de ce bill, je proposerai d'effacer les noms des paroisses de Livingston et d'Est-Bâton-Rouge, attendu que, dans mon opinion, mes constituants ont autant de droits aux libéralités du Sénat que ceux des sénateurs d'Est-Bâton-Rouge et de Livingston.

M. Wickliffe a écouté avec la plus grande attention les objections que l'on a fait valoir contre le bill, et il pense qu'elles se réduiront à bien peu. Il n'a rien entendu dans tout ce qui a été avancé contre le bill, qui fut de nature à faire repousser la demande qui est présentée. Le montant dont il s'agit est peu de chose pour l'Etat. L'encaissement peut en être retardé pendant un espace de temps sans que ce retard arrête l'établissement d'un système général de Levées. Cette faible somme ajouterait bien peu au fond spécial des terres et levées, tandis qu'elle serait d'une immense importance pour ces pauvres gens ; le paiement immédiat, c'est les soumettre à d'énormes sacrifices. Pour sa part, c'est de grand cœur qu'il votera en faveur du bill.

M. Hodge désire expliquer les raisons qui l'ont porté à s'opposer au bill. C'est le principe qu'il combat: le bill propose d'étendre d'un an ou deux le terme au bout duquel ceux qui occupent ou exploitent des terres en marais dans les paroisses d'Est Baton Rouge et de Livingston devront les payer. Si, conformément aux recommandations de ce bill, nous étendons ce terme d'une année, ne pouvons-nous aussi l'étendre de cinq ans ?

On a avancé cet argument :—que cette extension du terme serait à l'avantage de certaines personnes ! Si notre but en passant des lois est d'avantager en particulier tel ou tel citoyen, où nous arrêterons-nous dans cette voie ? Si nous faisons des lois pour avantager telle ou telle classe de nos citoyens, toutes les fois que la demande nous en est faite ; si nous accordons un crédit additionnel d'un an ou deux seulement parce que cette extension de temps serait avantageuse à ceux en faveur de qui elle est faite, pourquoi ne pas dire une fois que nous devons donner cent acres de terre à chaque pauvre de l'Etat ou leur donner toute autre chose qu'ils pourraient demander ?

Je le répète, je suis opposé au principe établi par ce bill Je ne vois pas en vertu de quelle règle aucune partie de notre population aurait plus de droit qu'une autre à des faveurs de ce genre. L'Etat est possesseur de propriétés et si l'on fait un emprunt sur ses terres, on pourrait tout aussi bien, d'après ce principe, emprunter sur les ouvriers, sur les bateaux de l'Etat. Cet emprunt ne serait pas autre chose que ce que l'on fait aujourd'hui en demandant un plus long terme pour payer ces terres.

Si nous adoptons une fois ce principe, si nous établissons un précédent aussi dangereux, qui peut dire à quoi nous serons plus tard amenés !

M. Hodge fait alors la motion d'effacer les mots:—«dans les paroisses de Livingston et d'Est Bâton Rouge »

M. Wickliffe dit qu'il s'opposera à cet amendement.

M. Rivers fait la remarque que le seul effet de l'amendement sera d'accorder cette extension additionnelle à tous ceux qui occupent des terres publiques dans tout l'Etat.

M. Lacey—Le sénateur soutiendrait-il un bill général ?

Plusieurs membres répondent oui !

Quelques sénateurs prennent tour-à-tour la parole.

Après eux, M. Hodge se lève encore et dit que si ce bill doit être adopté, il désire que l'Etat tout entier voie bien la position prise par l'autre côté du Sénat, il veut dire par la majorité des sénateurs. Si le sénateur de Livingston et d'Est-Bâton-Rouge est déterminé à n'appuyer en particulier que les prétentions de ces deux seules paroisses, lui, (M. Hodge) s'y opposera de toutes ses forces. Il ajoute : je ne puis consentir à l'adoption d'une mesure qui ne bénéficierait qu'aux seules paroisses du sénateur

M. Wickliffe—Si le sénateur avait observé plus attentativement, il aurait vu que du côté du Sénat où il se trouve plusieurs membres ont voté en faveur de ce qu'il semble, lui, considérer comme le nec-plus-ultra de l'injustice; il aurait vu que l'intention et que le désir de faire adopter ce bill ne sont pas, comme il le dit, limités à nous seuls.

M Hodge—J'ai dit : «à la majorité des sénateurs.»

M. Wickliffe—De ce côté-ci du Sénat.

M Hodge—J'avais dit d'abord «de l'autre coté du Sénat;» mais je me suis repris et j'ai dit «la majorité des sénateurs »

M Short—J'ai de fortes objections contre ce bill, même avec l'amendement proposé. Celles que j'avais d'abord contre le bill ont été encore augmentees par l'amendement qui en fait encore plus sortir les funestes dispositions.

Le bill proposait d'abord d'appliquer une partie du fonds des levées à un autre usage qu'à celui auquel il est destiné ou plutôt d'en réduire le montant pendant un certain temps. L'amendement aurait un bien plus mauvais effet encore. Je suis opposé à tout système en vertu duquel le produit de la vente des terres publiques serait affecté à aucun autre usage qu'à la construction des levées, et employé dans un but politique et en vue d'élections.

Le bill passe enfin avec l'amendement.

M. Martin fait la motion de prendre en considération le bill autorisant les citoyens de la paroisse de Terrebonne à se taxer eux-mêmes pour les améliorations intérieures.

M. Martin.—Je suis maintenant et j'ai toujours été opposé a ce que la Législature prit aucune action au sujet de ce bill, pour cette raison : que j'apprends du représentant de Terrebonne qu'il y a quelques jours, il a présenté à la Chambre un mémoire du jury de police relativement à cette même question qui fait l'objet du bill, et que ce mémoire a été référé à un comité.

Les circonstances étant telles, je crois que c'est de la part des sénateurs du district dont la paroisse de Terrebonne forme une partie, un acte discourtois envers le représentant direct des intérêts de la paroisse de Terrebonne, que de chercher à obtenir que le Sénat agisse le premier sur un bill de cette nature. Le membre de la Chambre basse, délégué par la paroisse de Terrebonne, doit être par nous considéré comme le représentant direct et fidèle des intérêts et des vœux de ses constituants.

Je suis encore informé par le même représentant que, dans son opinion, ce mémoire du jury de police n'est pas l'expression du vœu de ses constituants, et qu'il a pris la résolution de se rendre de nouveau au milieu d'eux dans le but d'avoir des indications précises à ce sujet. J'ai l'intime conviction que ce représentant ne faillira pas à son devoir.

Je ne suis pas sûr que le peuple de cette paroisse veuille ainsi se taxer lui-même ; au contraire, je doute fort qu'une majorité des contribuables de Terrebonne soit de l'avis du jury de police. Le jury de police n'a pas soumis au peuple de cette paroisse la question de

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taxation pour la construction de chemins de fer. Je désire être bien sûr que le vœu de la majorité des contribuables de Terrebonne soit que ce bill devienne loi. Jusqu'à ce que j'en sois sûr je ne puis voter dans ce sens.

Mon opinion étant que les seuls biens qui bénéficient de la construction des chemins de fer sont les propriétés foncières, je suis d'avis que ces propriétés seules doivent être taxées pour les améliorations intérieures.

Je me flatte de déployer toujous dans cet honorable corps le même sèle pour les intérêts de mes constituants, et je crois pouvoir le faire tout aussi bien que mon collègue. Mais, en même temps, que je suis disposé à deployer toute l'activité, tout le zèle possibles, je ne perdrai jamais de vue les égards que je dois aux membres de la Chambre basse, représentant une paroisse du District qui m'a nommé.

Pour ces raisons, je demande donc du Sénat de ne prendre maintenant aucune determination au sujet de ce bill ; mais de le déposer sur le bureau sujet à l'appel, alors seulement que le représentant de la paroisse de Terrebonne aura eu le temps de prendre toutes les informations qu'il désire, et qu'il ait pu s'assurer du vœu de la majorité de ses constituants, et alors seulement que j'aurai eu moi-même le temps d'obtenir des informations.

M. Kittridge—Je vais expliquer le but de cet amendement. En premier lieu, monsieur, le rail road du Nord des Opelousas parcourt une partie de cette paroisse de Terrebonne, et une loi générale autorise l'imposition d'une taxe sur les proprietés foncières seulement, pourvu qu'une majorité du vote populaire se prononce en faveur de cette mesure. L'amendement qu'on nous propose ne change rien, n'ôte rien, n'ajoute rien au principe exposé dans cette loi, c'est-à-dire le droit accordé à une majorité de taxer, la minorité aussi bien qu'elle-même.

Il ne s'en suit pas du tout que le peuple de Terrebonne s'imposera aucune taxe pour les améliorations intérieures, si l'amendement est adopté par la Législature. Mais on considère que la loi actuelle est injuste et oppressive et l'on desire qu'elle soit changée.

On me demandera peut-être qui veut ce changement ? Qui ? les propriétaires d'esclaves eux-mêmes. Au nombre des membres du juri de police qui a rédigé ces résolutions et a demandé cet amendement, je vois quatre de nos plus riches planteurs et plusieurs autres très influents.

Ces planteurs resident dans différentes parties de la paroisse ; on ne dira donc pas que ce n'est qu'une expression partielle de l'opinion publique.

En corrobation de l'opinion exprimee par le peuple de Terrebonne que la loi actuelle est injuste et oppressive, je citerai la paroisse de Lafourche-Intérieure où la question de taxation a été soumise en novembre dernier au vote populaire. Le vote en faveur de la taxation a été de cinquante dans la paroisse toute entière; devinez-vous pourquoi ? Parce qu'on considérait qu'il était injuste de taxer les petits propriétaires de terres, tandis qu'une immense quantité de propriétés consistant en nègres, appartenant aux plus riches propriétaires, n'étaient pas taxées.

M. le président. — Pour moi je suis d'avis qu'ils avaient raison Mais l'on me répète que ce sont les terres surtout qui profitent et augmentent en valeur par l'établissement de chemins de fer.

Je dois dire encore que je ne saurais partager cet avis. Sans doute les terres augmentent en valeur, mais l'avantage est beaucoup plus considérable pour les terres qui sont bien cultivées et travaillées par un grand nombre de nègres. C'est en transportant au marché le produit du travail de ses nègres qu'un propriétaire accroit la valeur de sa propriété. M. le président, j'ai eu moi-même quelque experience de cette question dans cette même paroisse de Terrebonne. J'étais co-propriétaire d'une sucrerie et le prix du transport d'un boucaut de sucre à la Nouvelle-Orléans, était de $3 1|4 à $3 1|2 par boucaut.

Je suppose maintenant que les citoyens de cette paroisse se décident à souscrire pour la construction d'un chemin de fer et qu'ils obtiennent le transport de leur sucre à la Nouvelle-Orléans, à $1|2 par boucaut. Alors, monsieur, sur une récolte de 500 boucauts de sucre, il y aurait une économie de $1,000.

Pour ces raisons, M. le président, je suis d'avis que nous devons autoriser la paroisse de Terrebonne à faire elle-même l'assessement des propriétés taxables pour les souscriptions aux chemins de fer ou autres améliorations intérieures, si, dans leur sagesse, ils jugent convenable de le faire.

M. King fait la remarque que le bill n'est pas rédigé dans la forme constitutionnelle, attendu qu'il ne cite pas en entier la section de l'acte antérieur qu'il propose d'amender.

M. Wickliffe ne pense pas que le bill soit devant le Sénat pour être discuté maintenant et que par conséquent le débat est hors de saison.

M. Martin dit que son seul but en appelant ce bill était d'en faire ajourner la prise en considération. Il désire être présent lorsque cela aura lieu, et comme il est forcé de s'absenter pour quelques jours, il voudrait être sûr que le bill ne sera pas discuté pendant son absence. Mon collègue, ajoute-t-il, prétend représenter la paroisse de Terrebonne en opposition à celui qui en est le représentant direct. Je représente tout aussi bien que mon collègue cette paroisse. Je connais tout aussi bien que lui les intérêts de la paroisse de Terrebonne et je ferai tout ce qui est en mon pouvoir pour les protéger et les défendre.

M. Kittridge. — Le sénateur semble croire que je n'ai pas le droit de parler au nom des citoyens de Terrebonne. Il devrait cependant savoir qu'ils ont voté pour moi et en très grand nombre.

M. Martin. — Je n'ai rien dit de pareil.

LES COURS DANS LA PAROISSE D'ORLEANS

Le bill pourvoyant à l'établissement des Cours de District dans la paroisse d'Orléans est pris en considération.

M. Wickliffe fait la motion de l'amender en effaçant le chiffre 6 et en lui substituant le chiffre 5 pour le nombre des Cours qui devront être établies.

M. McCay dit que sous la Constitution de 1845, cinq Cours ont été établies dans la paroisse d'Orléans et l'on n'a pas trouvé que ce nombre fut trop grand pour l'immense quantité d'affaires qui y sont continuellement portées. Depuis lors la ville de Lafayette a été annexée et cette annexion a nécessairement ajouté aux affaires règulières de ces Cours toutes celles qui peuvent surgir au milieu d'une population de 15,000 âmes. Si ces messieurs pouvaient être quelques semaines seulement à la Nouvelle-Orléans et qu'ils pussent voir par eux-mêmes quelle immense quantité d'affaires sont continuellement devant ces Cours, s'ils les voyaient par eux-mêmes au milieu de l'été, après un terme excessivement laborieux, ils arriveraient bien certainement à la conclusion que la tâche est déjà trop forte et ils ne penseraient plus à la surcharger encore, ils ne penseraient plus à ajouter encore à la tâche de juges déjà accablés, épuisés.

La ville de Lafayette est maintenant annexée à la Nouvelle-Orléans. Le nombre ordinaire des affaires dans cette dernière ville était de 1,000 par an et cela est à ajouter à la juridiction des Cours de la Nouvelle-Orléans. Mes collègues comprendront enfin, je l'espère, qu'une 6me Cour est absolument indispensable pour ce surcroit d'affaires.

M. Wickliffe dit que les circonstances étant telles et en consideration des explications données par le Sénateur de la Nouvelle-Orléans, il n'insistera plus sur son amendement. Néanmoins il pense toujours que toutes les affaires de la paroisse d'Orléans pourraient être décidées par cinq juges. Je ne vois pas, ajoute-t-il, pourquoi nous en nommerions six. Nous devons toujours chercher à diminuer le plus possible nos dépenses, et chacun sait que déjà les dépenses du département judiciaire sont énormes. Je voudrais diminuer les dépenses de l'Etat et c'est pourquoi j'avais fait la motion de ne nommer que cinq juges au lieu de six.

M. King dit que la paroisse d'Orléans ne demandait pas une augmentation du nombre des Cours; tout ce qu'elle désire obtenir c'est ce que la loi a déjà accordé. Personne n'ignore que jusqu'aujourd'hui les Cours y étaient forcées de siéger presque continuellement. Deux étaient en session pendant l'année entière et les autres n'avaient qu'un court recès pendant l'été. Si vous ajoutez à leur besogne déjà écrasante le surcroit que doit nécessairement apporter l'annexion d'une ville qui compte 15,000 habitans, si vous faites passer encore devant ces cinq Cours toutes les affaires qui peuvent survenir au milieu de cette population, et qui au dire du sénateur qui représente directement le quatrième district s'élèvent à environ

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mille par an, ce serait assurément surcharger le char de la justice et en entraver la marche. Je ne pense pas que l'on désire ce résultat. J'espère donc qu'on accordera à la paroisse d'Orléans ce que les personnes qui y résident savent être indispensable pour ses intérêts et pour la prompte et sûre administration de la justice.

M. McCay dit qu'il a quelques observations à présenter. Il désire informer le Sénat que les 19|20mes des affaires décidées par les cours du 3me District judiciaire seraient rejetées sur les cours de la paroisse d'Orléans, par l'annexion de Lafayette. Une sixième Cour est donc absolument indispensable, et, en la demandant, la paroisse d'Orléans ne demande rien d'exorbitant; elle ne demande rien que ce qui a déjà existé, rien que ce que l'acte de consolidation a rendu absolument indispensable. Il espère que de même que les membres de la ville sont disposés à accéder à tout ce que suggéreront les sénateurs de la campagne relativement à l'organisation du département judiciaire dans les paroisses; de même ces derniers doivent se montrer aussi bien disposés envers les sénateurs de la ville et marcher avec eux, lorsque ceux-ci proposent ce qui n'est que juste et raisonnable.

M. Burthe désire informer le sénateur d'Ouest-Feliciana [M. Wickliffe], que 300 affaires criminelles seulement ont été portées de Jefferson. Le nombre des affaires civiles a été nécessairement beaucoup plus grand. Comment tout ce travail additionnel peut-il être fait si ce n'est par une augmentation du nombre des juges. Il ne croit pas que toutes les affaires d'Orléans puissent être décidées par moins de six Cours.

M. Wickliffe dit qu'il retirera volontiers son amendement.

M. Hodge—Monsieur l'Orateur, je renouvelle l'amendement. Je désire que l'on comprenne bien que je n'ai aucune prévention contre la Nouvelle-Orléans. Au contraire, je désire aider, autant qu'il est en mon pouvoir, à sa prospérité. Mais, on ne peut s'y tromper, le peuple a signifié d'une manière évidente qu'il veut qu'à l'avenir l'administration de la justice soit plus économique. Lors donc qu'on me demande mon concours à une mesure qui est de nature à augmenter les dépenses de l'Etat, je veux que l'on me démontre la nécessité absolue de cette mesure. Vous avez déjà cinq Cours dans la paroisse d'Orléans, et maintenant vous en demandez six, tandis qu'il n'y aura que ce nombre pour tout le reste de l'Etat, d'après le projet qui est devant le Sénat. Les Cours de District pour la paroisse d'Orléans, coûtent déjà $21,000; les Cours pour tout le reste de l'Etat coûtent à peu près la même somme; de sorte que la paroisse d'Orléans doit avoir, à elle seule, autant d'importance que toutes les autres paroisses réunies. Il est vrai qu'une grande partie des affaires de Lafayette doivent maintenant échoir aux Cours de la Nouvelle-Orléans; mais je crois que les cinq Cours de cette ville peuvent suffire à cet accroissement de besogne. Je ne voterai certainement pas pour une sixième Cour, tant que l'on ne m'aura pas prouvé qu'elle est d'une absolue nécessité. Pourquoi ne nous a-t-on pas fourni la preuve de cette nécessité? Jusqu'à présent on s'est contenté de nous dire que les juges des Cours de la Nouvelle-Orléans ont plus de besogne qu'ils n'en peuvent faire. Je ne crains pas de dire que dans mon District, le dix-septième District judiciaire, on dépêche plus d'affaires que dans aucune Cour de District de la Nouvelle-Orléans, en exceptant toutefois la Cour du Premier District, présidée par le juge Larue.

Eh! quoi donc, M. le président, mes collègues ignorent-ils que le peuple a manifesté la volonté de voir les dépenses réduites? Ne savent-ils pas que c'est ce désir qui a été l'une des principales causes qui ont fait convoquer une convention chargée de remanier notre charte constitutionnelle? Ne savent-ils pas que d'un bout à l'autre de l'Etat, et pendant des années on n'a, pour ainsi dire, entendu qu'un seul cri: «économie, réductions!» Ignorent-ils que le système judiciaire, tel qu'il existe aujourd'hui, est une plaie, et que le peuple demande que l'on allége le fardeau que ce système fait peser sur lui; et, s'ils savent tout cela, s'ils connaissent le désir du peuple de voir établir un système économique, comment donc peuvent-ils nous recommander une mesure dont l'effet immédiat serait d'augmenter les dépenses et conséquemment les taxes. Pourquoi ne nous montre-t-il pas le dossier, la liste des affaires qui sont enrégistrées sur les livres des différentes Cours de la Nouvelle-Orléans? Je répète, monsieur l'Orateur, que, dans mon opinion, les juges des Cour de la Nouvelle-Orléans n'ont pas plus de besogne qu'ils ne peuvent en faire. Dernièrement j'étais à la Nouvelle-Orléans, et, pendant mon séjour dans cette ville, j'ai fait des recherches à ce sujet pour pouvoir juger en connaissance de cause, au cas où il se présenterait une proposition semblable à celle qui nous occupe. Il est résulté pour moi de ces recherches, que les affaires légales avaient beaucoup diminuées à la Nouvelle-Orléans, et que les frais perçus cette année étaient à-peu-près la moitié de ce qu'ils avaient été, il y a quelques années. Je le répète, monsieur, je veux avoir la preuve qu'il n'y a urgence à créer une sixième Cour. Je veux connaître le nombre des affaires dans chaque cour; mais, si mes collégues veulent en venir aux preuves, avant de décider la question, je suis sûr qu'ils verront qu'il y a plus d'affaires dans la Cour du 17me District Judiciaire que dans aucune des Cours de la Nouvelle-Orléans, à l'exception d'une seule.

M. McCay—Combien d'affaires le juge de cette cour a-t-il eu en une année?

M. Hodge—Je ne puis dire au juste; mais je sais que, pour la paroisse de Caddo seule, il en a eu 750, et il y a quatre autres paroisses dans son ressort. Il faut qu'il voyage à travers de quatre paroisses, qu'il siége dans chacune d'elles, de cette sorte que tout son temps est pris.

Les Cours à la Nouvelle-Orléans ouvrent à 10 heures et ajournent à 3. Dans les campagnes, la Cour s'ouvre de meilleure heure, et souvent siége jusqu'à une heure avancée de la nuit. Je termine en répétant que si l'on veut nous faire adopter une mesure dont l'effet est d'augmenter les dépenses, les partisans de la mesure doivent établir, par des preuves irrécusables, que le besoin dn cette mesure se fait impérieusement sentir.

M. King—J'espère que je puis satisfaire mon collègue quant aux renseignements qu'il demande, pourvu toutefois qu'il veuille s'en rapporter au témoignage universel des membres de la ville. Peut-être ce témoignage ne sera-t-il pas considéré suffisant par mon collègue? Peut-être exigera-t-il que nous soyons assermentés avant qu'il reçoive notre témoignage. Quant à moi, je ne ferai pas à l'honorable Sénateur l'injure d'exiger de lui un serment comme garantie de sa véracité, lorsqu'il nous dit qu'il y a eu, en une année, 750 affaires enrégistrées dans la paroisse de Caddo, quoique ce nombre me semble bien considérable, mais passons. Nous avons dit aux membres de la campagne: établissez vos Cours comme vous l'entendez, et nous vous donnerons notre appui. Quant à la Nouvelle-Orléans, elle ne demande que ce qu'elle a toujours eu; tout ce qu'elle demande, c'est que le nombre de ses cours ne soit pas réduit. Quand elle borne là ses prétentions, quand elle ne songe pas à contrarier nos vues, je ne vois pas comment vous pourriez hésiter à accéder à sa demande. Quelques membres semblent penser que nous voulons faire augmenter le nombre de nos Cours. C'est-là une erreur. Nous ne demanderons qu'à garder le nombre que nous avons toujours eu. Sous un nom différent, la sixième Cour ne fera que remplacer la Cour qui existait à Lafayette avant l'acte de Consolidation. Les dix-neuf-vingtièmes des affaires de cette cour sont fournis par la Nouvelle-Orléans, et mes collègues n'exigent pas un certificat....

M. Hodge—L'honorable sénateur se trompe étrangement sur le sens de mes paroles. Je n'ai jamais voulu faire entendre que je mets en doute la parole des membres de la ville, je faisais remarquer que jusqu'à présent on n'avait pas donné le chiffre précis des affaires enregistrées dans les Cours de la Nouvelle Orléans. Je n'ai certainement pas songé à me rendre coupable d'un manque de convenance tel que l'honorable sénateur semble me reprocher.

M. King—Je suis heureux d'entendre cette explication de la bouche du sénateur.

M. Hodge—J'ai compris que le sénateur de la Nouvelle Orléans, (M. McCay) avait avancé que les affaires qui sont aujourd'hui du ressort de la Cour de Lafayette retomberaient, pour les dix-neuf vingtièmes, sur les Cours de la Nouvelle-Orléans, et que le nombre des affaires dans cette Cour s'élève à 1000 par an.

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Mais je n'ai pas encore appris le nombre des affaires dans les cinq Cours de la Nouvelle Orléans. Voilà ce que j'ai voulu dire.

M. King—Si l'honorable sénateur désirait des renseignements sur ce point. il ne pouvait s'adresser à deux personnes plus capables de lui en donner que le général Lewis, qui a été pendant plusieurs années shérif de la paroisse d'Orléans, et moi-même, je suis sûr que le général Lewis dira avec moi que dans l'une de ses Cours le nombre des affaires s'élève à 1200 par an et qu'il n'en est pas une où il soit beaucoup au-dessous de 1000. Elles ont toutes une juridiction concurrente ; mais dans quelques-unes, certaines catégories d'affaires ont un rang de préférence sur le registre. De cette manière les affaires sont divisées à peu près également entre les différentes Cours, à l'exception de la première Cour de District qui a un peu moins d'affaires civiles mais qui en a encore un grand nombre. La personne dont le sénateur de Caddo tient que les affaires judiciaires ont diminué a voulu probablement dire que la profession était moins lucrative, non pas que le nombre des affaires était moindre. Elles ont diminué, quant au montant en litige, mais non quant au nombre. Cette décroissance est dûe à ce fait, que, la crise de 37 et de 38, a produit un nombre considérable de procès, une foule d'affaires de faillite considérables, qui, jusqu'à ces derniers temps, n'étaient pas encore épuisées. Cependant les affaires de cette nature sont maintenant terminées. Je déduis de mes propres observations que le nombre des affaires s'est accru, bien que les montants en dispute aient, sans aucun doute, diminué Mais les affaires peu considérables sont autant de trop que celles qui le sont plus, et réclament de la part de la Cour une attention tout aussi grande.

M. Hodge—Je demande au sénateur quel est le tems pendant lequel les Cours de la Nouvelle Orléans sont dans l'habitude de siéger.

M. King—Elles siégent de six heures à trois, excepté dans le cas d'affaires soumises au juri. Elles siegent alors, jusqu'à une heure très avancée de la soirée. Le juge Reynolds siége très souvent toute l'après-diner. Pendant l'été ces Cours s'ouvrent à neuf heures et ajournent à trois.

Eh bien,monsieur,lorsque nous démontrons que dans la ville de la Nouvelle-Orléans seule, il se plaide plus de deux fois autant d'affaires que dans tout le reste de l'Etat, quand nous montrons que les juges ont déjà devant eux autant de besogne qu'ils peuvent en faire, et qu'on veut leur imposer un surcroît d'à-peu-près mille affaires venant de Lafayette, nous pensons démontrer la nécessité de l'établisssement de cette cour de District. Le sénat connait la proportion de la taxe payée par la Nouvelle Orléans. Ce n'est pas tout-à-fait, mais c'est presque la moitié de la taxe totale de l'Etat, quarante pour cent comme dit le sénateur de Concordia. Je le dis aussi, messieurs, et cependant vous voulez nous refuser ce qui est absolument nécessaire et ce qui n'élèvera pas les dépenses de notre système judiciaire au-delà de $21,000 par an.

M. Wickliffe.—Suivant l'arithmétique de Pike: quatre fois six font vingt-quatre, et les salaires de six juges à $4,000 chacun feront $24,000.

M. King.—Le bill propose un salaire de $3,500.

M. Wickliffe lit un passage d'un bill qui propose $4,000. Il fait observer que d'après ce bill il n'y aurait que huit districts pour tout l'Etat, en dehors de la Nouvelle-Orléans.

M. King —Le Sénateur se trompe de bill. Ce n'est pas celui que je soutiens. Il dit que la proposition est de donner seulement huit juges de district à la Campagne. Si telle est la proposition, la faute n'en est point à la délégation de la ville. Nous avons toujours dit aux membres de la campagne : " Agissez comme vous l'entendrez relativement à l'établissement du judiciaire dans les campagnes, tout ce que vous proposerez de raisonnable, nous l'accepterons. " Nous savons seulement que nous payons la plus grande partie des salaires. On a proposé vingt-sept juges de district, on demande actuellement une Cour des preuves pour chaque paroisse. Et nous, monsieur, nous ne demandons pas de Cour des Preuves, nous ne demandons pas d'autres cours que celles que nous possédons déjà, si nous basions nos réclamations sur l'importance des affaires de la ville, nous pourrions demander une part beaucoup plus considérable, mais nous ne le faisons pas, et toute l'augmentation que nous réclamons est un leger accroissement de salaire pour le juge de la Sixième Cour. En pareilles circonstances, nous sommes il me semble, très modérés dans nos désirs, en remarquant surtout que le bill a été rapporté par le comité pendant l'absence des membres qui composent la délégation de la Nouvelle-Orléans.

M. Hodge.—Le Comite Judiciaire n'a jamais présenté de rapport favorable à la création de six cours de District à la Nouvelle-Orléans.

M. King.—Le Sénateur d'Est Baton Rouge veut-il bien préciser les faits.

M. Lacey.—Le rapport du comité judiciaire est sur le bureau du secrétaire. Il est en faveur d'une sixième cour.

M. King.—Je dois croire que le bill imprimé est celui que le comité a rapporté. Ce bill a été préparé par le barreau de la Nouvelle-Orléans qui l'a unanimement approuvé. Comme l'expression de l'opinion publique, comme l'expression des vœux d'une partie de la communauté plus particulièrement interressée à la question, ce bill a certainement droit au respect des membres de la campagne. S'ils étaient aussi unanimes à propos d'une mesure spéciale, il faudrait qu'il contint, pour provoquer notre opposition, quelque disposition bien contraire aux interêts de la Nouvelle-Orléans. J'espère qu'il n'y a pas ici de disposition à traiter la Nlle-Orléans en étrangère à notre sol, ou à lui refuser ce que ses intérêts réclament. Cette mesure est pour elle d'une indispensable nécessité, et j'espère qu'elle ne sera pas rejetée. Si les Sénateurs de la campagne présentent quelque projet avec une semblable unanimité, je serais le dernier à m'y opposer.

M. Wickliffe.—Avant que le senateur ne reprenne son siège, je voudrais lui poser une question.

Il dit que la paroisse d'Orléans paie 40 pour cent de taxes....

M. King.—J'ai avancé ce fait d'après l'autorité du sénateur de Concordia (M. Rivers).

M. Wicliffe.—La proportion est réellement un peu moindre. Je désirerais que le sénateur mit en regard ce que la ville paie et ce qu'elle reçoit.

M. King.—Je ne suis pas prêt maintenant à satisfaire sur ce point mon collègue.

M. McCay.—Je pense que le sénateur, M. Hodge, ne désire pas trouver de preuves en faveur de cette mesure. Pour moi, personnellement, j'ai tout lieu de penser que dans les campagnes les juges ne siègent pas huit mois dans l'année. Ils n'ont bien certainement pas autant à faire que les juges de la ville. La population n'est pas considérable dans les districts des campagnes, et la quantité des procès ne peut pas y être aussi grande qu'en ville. En conséquence, pour ce qui concerne le nombre des affaires et l'étendue de la population, je n'ai aucune objection à soutenir la comparaison avec ce 17me district qu'on nous présente comme si redoutable. Quant au nombre des affaires à la Cour commerciale, je ne suis pas assez heureux pour pouvoir presenter au sénateur un certificat qui le satisfasse ; mais, d'après les renseignements qui viennent du greffier, je puis les estimer à 1,300.

Dans la seconde Cour, les affaires des preuves ont la préférence, et pour les affaires ordinaires cette Cour a juridiction concurrente. Je ne sais pas le nombre des affaires qui s'y enregistrent, mais je puis dire, qu'appelé par mes affaires à m'y trouver souvent, je n'ai pour ainsi dire jamais vu le juge Lee hors de son siège.

La cinquième Cour est présidée par le juge Buchanan, qui règle plus d'affaires et les décide correctement, plus qu'aucun autre juge de la Nouvelle-Orléans. Mais voyez donc, Monsieur, les Cours de la Nouvelle-Orléans occupées huit mois de l'année, tandis qu'elles ne le sont que quatre à la campagne. Ajoutez à cela les ordres interlocutoires, les affaires où s'exerce la récusation pendant les quatre mois d'été. Considérez en outre les 300 affaires criminelles et les mille affaires civiles qui prennent naissance à Lafayette, et vous pourrez vous faire une idée du travail que nos juges auront à accomplir. Nous n'avons pas, il est vrai, des certificats à l'appui de tout cela ; mais nous savons que le barreau tout entier de la Nouvelle-Orléans, M. J. P. Benjamin en tête, reconnait la nécessité de six Cours et en demande la création à la Législature.

C'est là une chose qui touche l'intérêt, non pas de

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la ville seule, mais de l'Etat tout entier. Que quelqu'un des sénateurs aille à la ville pour trouver une affaire de faillite ou une affaire quelconque, qu'elle soit, où la trouvera-t-il ? Si c'est une affaire de Cour des Preuves, il s'adressera à la Cour où ce genre d'affaires a droit à une préférence ; s'il s'agit d'une affaire de faillite, ce sera à une autre ; si c'est une affaire criminelle, il se présentera à la première Cour ; si c'est une affaire commerciale, ce sera à la Quatrième. Il est donc clair que tout homme qui a des rapports d'affaires avec la Nouvelle-Orléans, a intérêt au système adopté pour l'organisation de son droit judiciaire. Je ne prétends pas dire que les juges y siégent depuis le point du jour jusqu'à la nuit close, mais je dis qu'ils y siègent pendant un temps raisonnable, depuis dix heures jusqu'à trois, et plus longtemps pendant le tiers de l'année.

Et maintenant, Monsieur, si c'est là une matière qui interesse l'Etat tout entier ; si le barreau tout entier en réclame l'accomplissement et en declare l'indispensable nécessité, je ne crains pas de dire que le sénateur est malvenu à demander un misérable certificat qu'on ne doit pas nous attendre à avoir constamment en poche, afin de convaincre le sénateur de l'utilité de cette loi.

Je soutiens, Monsieur, que six Cours sont aujourd'hui necessaires dans la paroisse d'Orléans. Car, sur 1700 cas autrefois plaidés devant les tribunaux de cette paroisse, il n'en reste que six cents ; le reste a été porté devant les Cours de la Nouvelle-Orléans, et en outre, les 19|20 de 300 affaires criminelles ont été ajoutés à la liste des affaires de la Première Cour de District.

De là la nécessité d'une sixième Cour.

Je me souviens, à ce propos, de ce qui se passa à la dernière Convention. La paroisse de Jefferson fut séparée du district sénatorial auquel elle appartenait autrefois, et unie à la ville de la Nouvelle-Orléans. Mais, chose étrange, il ne fut fait à la representation sénatoriale de la Nouvelle-Orléans aucune addition correspondant à cet accroissement de population. Le district, qui perdit en population, ne subit aucune diminution dans sa représentation ; le district, dont la population fut accrue, ne gagna point en representation, bien que la population fut plus nombreuse dans la portion détachée que dans tout le reste du district. On semble penser qu'en demandant cette sixième Cour c'est un gain que nous voulons faire. Loin de là. D'après la loi qui est sous mes yeux, il y avait dix-sept Cours : Jefferson constituait le troisième judiciaire ; la Nouvelle-Orléans, avec ses cinq Cours, formait le premier. Cette sixième Cour ne constituerait pas un accroissement, car la plus grande partie de Jefferson a été incorporée à la Nouvelle-Orléans par l'acte de consolidation.

Je suis autant que n'importe qui en faveur d'un système de réduction et d'economie dans l'administration des affaires publiques; mais que l'on y réflechisse. Le sénateur de Concordia a dit que la ville paie 40 pour cent de la taxe totale. Il a raison. Un des bills propose d'etablir pour les campagnes un nombre de juges proportionnel à la quantité pour laquelle elles sont taxées. Je n'ai pas le désir de réduire les traitements des juges de la campagne ou d'augmenter ceux des juges de la ville, simplement parce qu'ils sont de la ville. Si les juges des campagnes ont plus à faire, donnez-leur des salaires plus élevés ; donnez-leur $3,500, $4,000 : mais ces messieurs demandent beaucoup plus que nous. Ils veulent avoir un juge par chaque paroisse.

M. Hodge.—Ce n'est pas moi qui veux cela.

M. McCay. — Je parle d'un bill qui le propose ; sans cela la depense totale du judiciaire s'elèverait à $55,000. dont $21,000 s'appliquerait à la ville et le reste aux campagnes. En procédant sur la base des contributions, il serait impossible de concevoir une proposition plus équitable.

J'espère que sur cette question les sénateurs ne vont pas se diviser en sénateurs de la campagne et en sénateurs de la ville. J'espère qu'ils la discuteront comme sénateurs de l'Etat de la Louisiane, et qu'ils n'exigeront point un certificat pour prouver la verite de toutes les assertions qui pourront être produites. Quant à moi, je ne suis point dans l'habitude de voyager avec un certificat dans ma poche. Remettons-nous en à la parole les uns des autres ; je suis prêt à ajouter foi à tout ce que pourra avancer le sénateur du dix-septième district ; mais qu'on ne dise pas ici telle paroisse paie tant et telle autre paroisse paie tant.

M. Wickliffe — Je ne suis pas celui qui a jeté la première pierre. Le sénateur dit que cette proposition est équitablement basée sur le montant des taxes payées par chaque section. Et quoi, monsieur, les allocations faites l'année dernière à la ville se sont élevées à $69,000, et aujourd'hui la ville s'écrie : « Nous payons une grande partie de la taxe et en conséquence nous devons obtenir ce que nous demandons. »

M. King. — Notre demande n'est pas basée là-dessus, mais bien sur la nécessité.

M. Wickliffe. — Je suis heureux d'entendre le sénateur se retracter.

M. Hodge. — Je suis peiné de voir que le sénateur, M. McCay, ne puisse rien trouver de mieux à exprimer que son irritation à propos d'une petite remarque qu'il m'est arrivé de faire dans le cours des debats. Quand ce sénateur me connaîtra mieux, il verra que je suis incapable de rien dire intentionnellement qui soit contraire à la courtoisie due à un collègue. Il est evident qu'il s'est entièrement mépris sur les remarques que j'ai faites à cette occasion et qu'il les a mal interprêtées. Je voulais seulement connaître le chiffre des affaires entrées dans les differentes Cours. J'ai prete une oreille attentive aux remarques des sénateurs qui me sont opposes, je n'ai pas acquis encore les renseignements que je desirais. Si les sénateurs avaient prêté la même attention, ils auraient reconnu que la question d'economie sur lesquelles je me suis principalement arrêté n'a point encore ete abordee. Les senateurs peuvent sourire d'incrédulité. Mais en affirmant que je n'avais aucune intention bleasante, j'ai fait tout ce que je croyais necessaire, et je ne ferai rien de plus. S'ils ne sont pas satisfaits j en suis désole, c'est à ces messieurs a agir comme ils l'entendront.

Je répète maintenant ce que j'ai dit précédemment. Je ne vois pas de raison pour établir une sixième cour de district dans la paroisse d'Orléans. Je n'ai rien entendu qui fut de nature à me convaincre que les juges ne peuvent suffire à la besogne. Au contraire, je crois qu'ils peuvent très bien expedier toutes les affaires qui leur sont soumises. En présence de ce fait je ne puis consentir à appuyer aucune mesure qui a pour effet d'augmenter vos depenses, au moment où leur reduction est impérieusement demandee par le peuple de l'Etat. Qu'on me demontre cependant la necessité de la mesure, et je la soutiendrai. Mais je sais que les juges ne siegent pas toute la journee à la Nouvelle Orléans. Dans mon district, je sais qu'ils siegent souvent très tard pendant la nuit, et que pendant quatre mois de l'année, pour ne pas dire cinq, désireux que je suis de me limiter au chiffre le plus bas, le juge a à voyager dans les paroisses de Bossier et de Claiborne, et dans les autres qui composent le District, qu'il est obligé de le faire quatre fois l'an, allant à cheval, sur de mauvais chemins, à travers un pays sauvage et non defriche, traversant des marais, des lagons et des prairies. Eh bien, monsieur, je dis sans crainte d'être dementi par les faits, que les juges de la ville n'ont pas autant de travail que ceux de la campagne. J'en appelle aux registres des Cours, et, si les senateurs le desirent, ils peuvent produire en preuve les certificats des greffiers. Mais examinons combien d'heures siégent les juges de la Nouvelle Orléans. C'est là la veritable pierre de touche. Nous savons tous qu'il y a des affaires de peu d'importance que les juges peuvent décider au nombre de trente ou quarante dans un jour et qu'il y en a d'autres qui peuvent leur demander une semaine. Il en résulte que le nombre des affaires decidees n'est pas une bonne base d'appreciation du travail des juges. La base véritable est le nombre d'heures pendant lesquelles le juge reste sur son siége. Je ne suis pas opposé à vos Cours Mes remarques n'ont été faites avec aucune intention offensante ; j'ai protesté de cela assez souvent, et je le fais pour la dernière fois.

Vous êtes venus comme représentans de la ville de la Nouvelle-Orléans. Vous êtes venus pour représenter l'intérêt de vos constituants, et vous le faites parfaitement, mais vous semblez croire que quand cela est accompli, vous n'avez plus rien à faire, que l'intérêt de la campagne est tout-à-fait etranger à celui de la ville. Je pense avec le Sénateur de la Nlle-Orléans, (M. Mc Cay) que nous devons agir comme Sénateur

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de la Louisiane, et non dans l'intérêt particulier d'une section, et je me flatte que personne dans cette enceinte n'est plus que moi dégagé de l'esprit sectionnel. Quand j'ai été en ville, j'ai pris des informations sur ce sujet, et j'ai formé mon opinion en conséquence. Je désirai connaître le nombre d'affaires qui sont portées devant les cours de la Nlle-Orléans, espérant qu'on ne dirait pas ici : " passez-nous la casse et nous vous passerons le séné. " Oh non ! nous ne pouvons ainsi diviser nos intérêts, nous devons réunir nos efforts et travailler en commun.—Essayez cinq juges cette année, et voyez si ce nombre peut vous suffire. Si vous revenez à la session prochaine nous dire que ce nombre de cours n'est pas suffisant pour expédier vos affaires, nous vous en donnerons une de plus.

M. Lacey.—Je pense, Monsieur le Président, que nous devrions décider cette question sans être mus par des considérations sectionnelles. Je ne puis penser qu'il soit nécessaire de calculer la proportion de taxes payée par chaque paroisse ou par chaque section particulière de l'Etat. Cette considération n'a rien à faire avec la question qui nous occupe. Quant à moi je suis disposé à donner à la ville de la Nouvelle-Orléans autant de juges que ses interêts le demandent et à augmenter leur salaire de manière à assurer le concours des hommes de talent. Je diffère d'opinion à ce sujet avec le Sénateur de Caddo, (M. Hodge). Je ne pense pas que notre principal désir doive être de diminuer les dépenses du judiciaire et de le faire reposer sur la base la plus économique. Ce que nous devons vouloir d'abord, c'est d'assurer une prompte terminaison des affaires plaidées devant nos cours, et, dans ce cas particulier, je diffère d'opinion avec le Sénateur. Je crois que les interêts de la Nlle-Orléans réclament six juges. Celà m'est démontré par les résolutions unanimement adoptées par le barreau tout entier de la Nouvelle-Orléans, et aussi bien par ceux de ses membres qui tiennent le premier rang que par ceux qui sont dans une position inférieure. Quand je vois cette disposition de la part d'une population qui paie une grande partie de nos taxes, et qui doit elle-même contribuer à l'augmentation de dépenses resultant d'une autre cour, je ne puis faire autrement que de conclure que c'est nécessaire. Pourrais-je agir autrement ? Lorsque tout le barreau de la ville déclare unanimement que c'est nécessaire, puis-je refuser de le croire ? Non. Ce sont les meilleurs juges de la question. Je suis donc d'avis de donner à la paroisse d'Orléans tout ce que propose le bill maintenant soumis au Sénat.

Les senateurs de la Nouvelle-Orléans m'ont dit que c'était nécessaire, le barreau m'en a dit autant. Je suis, par conséquent, obligé de croire que six Cours sont indispensables pour l'expédition des affaires legales de la ville. Quant à moi, c'est là une évidence qui vaut bien le certificat demandé par le sénateur de Caddo [M. Hodge.]

M. Hodge—Ce n'est pas vrai.

M. Lacey—J'entends ce qu'a demandé le sénateur, Puisqu'il est si méticuleux, je dirais la chose que le sénateur a demandée. Lorsque le bill était devant la Chambre, les opinions furent partagées. L'un des membres pensait que cinq Cours étaient suffisantes. J'étais, avec d'autres, d'une opinion différente. J'appuyai en conséquence la proposition de six Cours. Pour m'éclairer sur ce sujet, j'envoyai une dépêche à MM. Benjamin et Micou. Je n'ai pas reçu la reponse de ces messieurs; mais je me suis adressé à M. Hiestand, président du comité judiciaire, qui m'a fourni des renseignements qui me suffisent. En une année 1,276 affaires ont été entrées dans la Première Cour de District. Quelle est la Cour qui peut suffire à 1,276 affaires par an, si ce n'est peut-être celle devant laquelle plaide le sénateur de Caddo ? Dans la Seconde le chiffre est de 819, dans la Troisième 1,004, dans la Quatrième 890, dans la Cinquième 1,014. En supposant que les Cours siégent chaque jour, excepte le dimanche, il faut qu'elles décident trois affaires par jour, pour expédier en une année les affaires de la Cour qui en compte le moins. Une affaire ne consiste pas simplement dans la question du fond. Quand on réfléchit aux exceptions, sur différentes questions évidentes qui surgissent dans une affaire, on doit convenir que c'est beaucoup de decider trois affaires par jour. L'acte de consolidation de la ville a jeté sur la Nouvelle-Orléans un surcroit de population de 26,000; c'est dans le ressort de la Nouvelle-Orléans que doivent se porter les affaires correspondant à cette population. En face de ce surcroit d'affaires, vous refusez d'augmenter le nombre de nos juges, déjà écrasés de travail ! Il est possible que nos Cours ajournent quelque fois à 3 heures, mais combien de fois siégent-elles à une heure avancée de la soirée ? et il y a compensation. Mais les régistres sont là, et leur témoignage ne peut être refuté.

Monsieur l'Orateur, je ne me laisse avaugler par aucun sentiment. Je vois la Nouvelle-Orléans du même œil qu'aucune autre partie de l'Etat, et je ne me laisserai jamais entrainer par des préocupations de localité.

M. Wickliffe—Le sénateur veut-il dire que je subis cette influence?

M. Lacey—Mon langage est clair. Je dis que je ne le suis pas. Si le sénateur pense qu'il l'est, il peut s'appliquer mes paroles. Je ne suis pas responsable de l'application qui peut en être faite.

M. Wickliffe—Je n'ai qu'une chose à dire ; c'est que quand j'entends un sénateur proclamer si haut son indépendance, je ne puis m'empêcher géneralement de la soupçonner.

M. Lacey—Ce soupçon n'est pas moins fondé que les mille autres auxquels est en proie l'esprit du sénateur. Cependant, je dois dire que je ne pense pas que mes paroles puissent s'appliquer ni au sénateur de Caddo, ni à celui d'Ouest Féliciana. Je les crois tous deux animés de sentiments patriotiques, je crois que tous deux veulent le bien de l'Etat.

M. Hodge—Je suis heureux d'avoir eu les renseignements que je désirais. Il en résulte que le nombre moyen des affaires dans chaque Cour de la Nlle-Orléans ne s'élève pas annuellement à 1000. Je sais que l'on dit qu'il leur reste peu de temps libre; mais le nombre d'affaires décidées chaque jour par eux est, en moyenne, seulement trois Quelques affaires, je le sais occupent une semaine ; mais j'en ai vu décider 40 en un jour. Aussi je crois que le surcroit d'affaires provenant de Lafayette, peut-être sans inconvénient, réparti entre les différentes Cours de la Nelle-Orléans.

M. Burthe—Que ferez-vous des affaires criminelles.

M. Hodge—On les donnera à la Cour criminelle. A propos de M. Micou, dont on a parlé, je dirai que dernièrement j'étais à son bureau, et que là je rencontrai un jeune avocat, M. Lacey, je crois, qui me dit que la profession était moins lucrative de près de moitié. J'ai vu ce fait signalé dernièrement dans les papiers publics, comme offrant un symptôme d'amélioration pour la ville. Mes collègues peuvent l'avoir vu et remarque comme moi. J'insiste donc sur mon amendement.

M. McCay—Le sénateur a-t-il dit qu'il avait causé de ce sujet avec un membre distingué du barreau ?

M. Hodge—Je n'ai pas dit cela. J'ai dit que j'avais causé avec M. Lacey. Ils est probablement aussi bien en mesure que tout autre de donner de bons renseignements.

La discussion se poursuit sans offrir d'intérêt, après quoi le Sénat s'ajourne.

VENDREDI, 4 mars.

M. Derbès, du comité spécial auquel avait été référée la communication de Newton Richards et autres, lit un rapport. Il pense que la session est trop avancée pour que la Legislature tranche cette question, mais qu'il serait bon de soumettre au peuple la question du transfert du siége du gouvernement comme amendement à la question. Le comité a préparé à cet effet un bill qui est annexe au rapport.

M. Lacey présente sur la même question un rapport au nom de la minorité.

M. King présente le mémoire de M. Jacob Barker au sujet du bill qui prohibe la circulation de petits billets. Il en propose le renvoi au comité des banques.

M. Wickliffe s'oppose au renvoi.

M. Palfrey dit que le comité est déjà en possession de tous les renseignemens relatifs à ce sujet qui pourraient être fournis par le mémoire, et qu'il ne voit pas la nécessité d'imposer au comite ce surcroit de travail. Il fait la motion de déposer le mémoire sur le bureau.

M. King. — Je ne voudrais pas que l'on croie que, j'endosse tout ce qui est contenu dans le mémoire ; mais je pense que nous devons le traiter avec déférence. C'est la pétition d'un homme qui croit qu'un

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certain acte, maintenant devant la Législature, est de nature à lui porter préjudice, et comme ces matières sont du ressort du comité des banques, je ne vois pas comment on pourrait se refuser à lui renvoyer le mémoire. Je crois qu'il est de notre devoir de prendre en considération la pétition de tout individu qui se prétend lié par l'effet de nos actes. La pétition contient certaines idées fort judicieuses, et j'espère que le sénateur de Ste-Mary voudra bien retirer sa motion de dépôt.

M. Palfrey.—Le comité est déjà en possession de tous les faits relatifs à la question, et un bill a déjà été passé à ce sujet. Le comité doit aussi présenter bientôt une loi générale qui pourvoiera à l'extinction de cette circulation, qui est considérée comme un des fléaux du jour. Néanmoins, je retirerai ma motion.

M. Wickliffe—Je la présenterai en mon nom. L'honorable sénateur dit que le mémoire contient quelques idées judicieuses. Mais ce mémoire n'a rien à apprendre au comité. Ce comité a devant lui une loi générale sur la question des banquee libres, qui sera bientôt présentée. M. Jacob Barker ne pourra pas trouver sa place dans le système établi par cette loi. Pour qu'il pût le faire, il lui faudrait quelque chose de plus que cette vieille réputation sans tache que M Barker prétend être la seule condition necessaire pour faire la banque. Ce n'est pas manquer de déférence envers M. Barker que de déposer son mémoire sur le bureau, c'est déclarer tout simplement que le comité n'a pas besoin de nouveaux éclaircissements sur cette question.

Le mémoire est déposé sur le bureau.

QUESTION JUDICIAIRE.

Le rapport du Comité Judiciaire, organisant le système judiciaire pour l'Etat, la paroisse d'Orléans exceptée, est présenté au Sénat.

M. Hodge.—Je saisirai cette occasion d'expliquer mes vues à ce sujet. Je crois, monsieur l'Orateur, que le peuple de cet Etat désire, à l'heure qu'il est, l'établissement de Cours des Preuves. Le seul moyen de satisfaire à ce vœu, c'est d'étendre les districts de manière qu'il n'y en ait que sept ou neuf dans l'Etat, non compris la paroisse d'Orléans. De cette façon, on pourra établir une Cour des Preuves pour chaque paroisse. Les juges de ces cours devraient, selon moi, être payés des fonds des paroisses elles-mêmes, ce qui donnerait le moyen de proportionner le traitement à la besogne. Il y a des paroisses étendues où la place serait fort laborieuse : Ce serait aux juris de paroisse à rétribuer les juges en consequence. Comme la besogne est plus ou moins grande selon les paroisses, il ne serait pas juste que les traitements fussent uniformes. Dans quelques paroisses, le nombre des affaires s'élèverait à 1000 ou 1200 par an, et tout le temps du juge se trouverait pris; dans d'autres, elles n'atteindraient pas le dixième ou le vingtième de ce nombre. Le salaire, pour être équitable, devrait varier dans la même proportion. Je crois ne pas me tromper en disant que ce système a été adopté par l'Etat du Mississipi et qu'on s'en est généralement bien trouvé. Les juges de comté y sont payés par les comtes, et ce sont les habitants de chaque comté qui fixent le montant du salaire, qui est payé à l'aide d'une taxe perçue dans chaque comté.—De cette manière, chaque comté supporte les frais de sa cour; et le trésor de l'Etat se trouve soulagé d'une grande portion des depenses du judiciaire. Avec sept districts, non compris la Nouvelle-Orléans, les frais du judiciaire ne s'éleveraient en tout qu'à environ 45,000 ou 50,000 piastres.

De plus, monsieur l'orateur, nous pourrions donner aux greffiers dans les campagnes, les fonctions de recorders de paroisse. Leurs places deviendraient alors fort lucratives. Par là nous diminuerions considérablement les charges qui pèsent sur le peuple. Car le même individu, se trouvant à la fois recorder et greffier, pourra se contenter de la moitie des droits qui sont aujourd'hui perçus par les greffiers.—Une raison qui milite puissamment en faveur de l'établissement de Cours des Preuves, c'est que le peuple le demande. L'une des causes qui ont amené l'adoption de la convention a été le besoin d'un changement dans le système actuel qui, de l'aveu général, fonctionnait mal. On sentait la necessité absolue d'une place qui fournit les moyens d'accélérer la liquidation et l'administration des successions, si lentes sous le système actuel, système pire que celui des juges des paroisses, qui était devenu, à juste titre, si odieux. Le fait est qu'il est impossible à une cour de donner à toutes les affaires le degré d'attention convenable, lorsque sa juridiction embrasse toutes les questions civiles. Mais, lorsque chaque paroisse est pourvue d'une cour des preuves la tâche est comparativement facile. L'intérêt de l'Etat reclame la creation d'une cour de ce genre. Si nous avons 28 districts comme il est proposé par l'un des bills il nous faudra donner aux juges $2,500 ou $3,000 chacun ce qui créerait une dépense beaucoup trop forte. De plus il faudra pourvoir à l'établissement d'avocats de district, et il nous serait impossible de décider un avocat qui se respecte à accepter cette place avec les faibles traitements que nous pourrions offrir Je crois, monsieur, que les quatre-vingt-dix-neuf centièmes du peuple de la Louisiane sont en faveur des cours des Preuves, c'est ce qui me fait appuyer le système.

ORDRE DU JOUR.

QUESTION JUDICIAIRE.

Le bill organisant les Cours de District dans la paroisse d'Orléans est pris en consideration.

M. Wickliffe fait la motion de l'amender en substituant $3,000 à $3,500.

M. Wickliffe. — La raison pour laquelle je propose cet amendement est que je désire diminuer les dépenses du judiciaire. Dira-t-on que $3,000 ne sont pas suffisantes lorsqu'il y aura six juges. Je dis, monsieur, qu'à $3,000 nous pouvons avoir des juges du plus grand talent.

M. King. — J'en appelle à la justice du Sénat. La justice, voilà tout ce que nous demandons. Les salaires qui doivent être payes dans la ville de la Nouvelle-Orléans ont été l'occasion de nombreux debats législatifs ; et pourtant je vois qu'invariablement le salaire des juges de la ville a été plus élevé que celui des juges de paroisses.

Dans le principe le plus faible salaire accordé aux juges fut de $5,000 par an, et le juge Maurian, je crois, recevait $7,500. Plus tard, ils furent réduits à $4,000, et depuis, par des réductions successives, ils ont été amenés, bien moins parce que la raison le prescrivait, que parce que les majorites entre les mains desquelles était la question, l'ont voulu ainsi, ils ont, dis-je, été reduits à $3,500. Nous ne demandons donc aucune augmentation. Je dois dire cependant que, selon moi, $3,500 sont un bien faible salaire pour un juge à la Nouvelle-Orléans. J'ai cru qu'on nous accorderait ce chiffre parce qu'il était juste.

Je pensais qu'il était bien entendu que nous ne demandions aucune augmentation soit du nombre des juges, soit de leurs salaires ; tout ce que nous demandons c'est que les choses restent comme elles sont. Mon collegue a dit qu'aucun sénateur ne peut soutenir que $3,000 ne soient pas suffisantes pour nous assurer les services d'hommes de talent. Je suis surpris que pareille assertion vienne de lui et certes je ne m'y attendais pas. Personne n'ignore qu'un avocat qui a une nombreuse clientelle, bien établie, ne l'abandonnera pas pour une somme aussi mesquine, et ce serait folie que l'attendre de lui. Nous, membres de la ville, nous sommes abstenus d'exprimer aucune opinion au sujet de ce qui convenait le mieux pour les paroisses ; nous nous sommes reposés entièrement sur nos collègues des paroisses du soin de tout arranger comme ils le jugeraient convenable. S'ils demandent $3,000, nous leur accorderons, s'ils demandent $3,500, eh bien, nous les leur accorderons aussi. Mais quand il s'agit de la ville, où nous savons que 3,500 est un salaire trop faible, qu'ils aient au moins quelque égard pour l'opinion que nous émettons.

Voulez-vous réduire tellement le salaire des juges que la place devienne une dérision? J'espère que vous ne voudrez pas nous pousser à cela. Nous savons qu'à la Nouvelle Orléans 3,500 piastres sont à peine suffisantes pour subvenir à tous les besoins de la vie, nous savons qu'un homme qui a de la famille, quelque économiquement qu'il vive, dépense au moins cette somme. Les circonstances étant telles, à quoi voulez-vous prétendre ? Prenez un homme de talent et d'études, qui soit un ornement pour sa profession, et qui puisse le devenir pour le tribunal où il siégera, faites en un juge : qu'arrivera-t-il ? Il faudra qu'il travaille pendant presque toute l'année, n'ayant un recès que de deux ou trois semaines au plus, qu'il soit constam-

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ment occupé à juger, à écrire des décisions, à lancer des ordres, qu'il travaille de mois en mois comme un mercenaire, comme une bête de somme, qu'il renonce à tout espoir de fortune, à toute ambition pour l'avenir, et pour tout cela il recevra quoi ? la plus maigre des pitances.

Tel est, le tableau fidèle de ce que serait la vie d'un juge à la Nouvelle Orléans. J'espère sincèrement que le sénat ne perdra pas de vue ces considérations et qu'il accordera le salaire que nous demandons. Même aujourd'hui le salaire est si faible que deux de nos juges ont refusé de se porter candidats à une réélection.

M. Wickliffe—Qui ?

M. King—Le juge Kennedy et le juge Buchanan, qui maintenant sont candidats à la Cour Suprême. Les salaires sont maintenant réduits à un point tel qu'au delà il nous sera impossible de nous procurer des juges capables.

M. Mouton—Combien sont-ils payés maintenant.

M. King—3,500 piastres.

M. Wickliffe—A la manière dont avait préludé le sénateur, à son air d'inquiétude, j'ai cru que j'avais commis une monstruosité en demandant qu'on substituât 3,000 à 3,500 piastres. Le sénateur dit qu'on ne demande aucune augmentation : moi je soutiens que oui, M. le président. On demande six juges au lieu de cinq, tandis que plusieurs d'entre nous ne demandent que 9 juges pour les paroisses.

Mais le sénateur n'a pas répondu à ce que j'ai dit, que $3000 sont un salaire suffisant. Il dit que ces juges ont une rude besogne, qu'ils travaillent tous les jours. N'a-t-il pas entendu ce qu'on a dit :—qu'ils siégeaient de 9 à 3 heures? Ne sait-il pas que sous l'empire de ce nouveau bill, ils n'auront à siéger que six mois dans l'année. Si les juges de la Nouvelle-Orléans veulent dépêcher les affaires aussi promptement que les juges des paroisses, ils peuvent terminer en six mois.

Le sénateur dit que $3000 ne sont pas suffisantes. Je crois cependant lui avoir entendu dire qu'en ce moment nous avons les meilleurs juges qu'il soit possible d'avoir.

M. King—Non, monsieur.

M. Wickliffe—Eh bien, alors, que nos juges étaient un ornement pour le pays. Que propose-t-on maintenant ! $3000 par an, pour trois affaires par jour. Que le sénateur fasse lui-même son calcul. Il dit que cette somme n'est pas suffisante pour payer les dépenses ordinaires de la vie. La vie est-elle donc si chère à la Nouvelle-Orléans ? Est-il personne dans les paroisses qui ne puisse vivre amplement avec cela. Nous voyons là des juges qui travaillent du matin au soir, qui vont d'une paroisse à l'autre et remplissent les plus rudes travaux. En est-il de même à la Nouvelle-Orléans. J'ose affirmer qu'en moyenne, les juges n'y siégent pas plus de deux heures pendant toute l'année. Je ne vois aucune raison pour qu'on leur accorde $3,500.

M. Derbès—Le sénateur semble oublier un fait important, que les juges sont maintenant éligibles par le peuple. Les élections populaires causent toujours de grands frais aux candidats dans les villes. Il faut se faire annoncer, il faut faire des frais d'impression, souscrire a tout ce qu'on leur demande ; car s'ils ne le font pas, ils sont ruinés. Tous ces inconvénients se répètent à chaque élection par le peuple. Je ne veux pas dire qu'ils achètent des votes, aucun candidat ne pourrait avoir recours à semblable ressource ; mais il est des conséquences auxquelles les soumet leur position, il est des dettes qu'il faut contracter et payer.

M. Wickliffe —Jusqu'aujourd'hui je ne savais pas que nous fussions ici faisant des lois pour aider à la réelection de personne. Je croyais que notre seul but était d'établir un judiciaire indépendant et j'ai présenté mon amendement parce que je pensais que trois mille piastres étaient suffisantes. En réponse aux arguments du sénateur, je dirai la conviction que j'ai que si un juge remplit convenablement son devoir, il n'a besoin d'aucun autre secours que cette recommandation. Cette opinion est basée sur le fait que dans le Mississipi, Etat radicalement démocrate, le juge Starkey, whig, a toujours été élu. La question, telle qu'elle nous est proposée, est simplement celle-ci : On voudrait que nous payions des juges, non seulement pour les services par eux rendus dans la magistrature, mais aussi pour qu'ils puissent faire les frais d'une réelection.

Je le répète, monsieur, je croyais que nous n'étions ici que pour établir un système indépendant de législation, je croyais que c'est un principe démocratique que des juges nommés par le peuple seront aussi capables, aussi indépendants que des juges nommés par l'Exécutif. Après les explications données par le sénateur de la Nouvelle-Orléans, je tiens plus que jamais à mon amendement.

M. Mouton.—Je n'ai nullement l'intention de faire un discours sur cette question, mais je demande seulement pour quelques instants l'attention du Sénat pendant que je vais soumettre quelques observations. Je pense, avec le sénateur qui vient de reprendre son siége, que notre but doit être d'établir un judiciaire indépendant ; c'est pour cette raison que je suis disposé à voter aux juges de la ville un salaire d'au moins $3,000. Pous nous assurer des juges indépendants, il est indispensable que nous leur payions un salaire en rapport avec la besogne qu'ils ont à remplir. Je ne connais pas les devoirs qu'ont à remplir les juges de la Nouvelle-Orléans, mais je sais quels sont ceux des juges de la campagne et s'ils sont les mêmes, je n'hésite pas à dire et à répéter que $3,500 ne sont pas trop. On ne peut espérer que de bons avocats, que des hommes qui sont l'ornement de leur profession, consentent à l'abandonner pour une aussi faible somme que $3,000.

Les dépenses des juges de la ville doivent nécessairement être plus fortes que celles des juges de la campagne. Ils ont à payer des loyers plus élevés, à acheter tous les jours leurs provisions, tandis qu'à la campagne les juges n'ont pas ces dépenses. Je partage l'opinion du sénateur qui s'est fait entendre le premier sur cette question (M. King), que si nous diminuons les salaires, nous ne pourrons pas obtenir que des hommes de talent consentent à siéger dans nos Cours. Ce résultat est cependant le premier, le plus important que nous devions nous proposer. Je ne crois pas que $3,500 soient trop et je voterai pour cette somme.

M. Hodge—Avant que le Sénat aille aux voix, je désirerais exposer les raisons qui ont déterminé mon vote. Je suis obligé de voter contre l'amendement, parce que, selon moi, si la place est bien remplie, $3,500 ne sont pas un salaire trop élevé. Le but qu'a en vue le sénateur d'Ouest-Féliciana [M. Wickliffe], dans son desir de réduire les dépenses, serait cependant atteint par la création de cinq Cours pour la Nouvelle-Orléans, au lieu de six. J'espère donc que l'un des membres qui ont voté pour le nombre six demandera une reconsidération de la question.

La motion d'effacer $3,500 et d'y substituer $3,000 est perdue.

M. Palfrey demande la reconsidération de la section du bill. La motion est rejetée.

M. King propose un amendement.

M. Hodge présente un PROVISO à l'effet de laisser le traitement du juge de la Seconde Cour de District à la charge du trésor de la ville. Il dit :

« Les raisons qui me décident à présenter ce PROVISO sont celles que j'ai exprimées ce matin. Je vois que la Seconde Cour de District correspond à une Cour des Preuves et, pour cette raison, je pense que le salaire devrait être payé par le trésor de la ville. Si les membres de la Nouvelle-Orléans le désirent, je ne demande pas mieux que d'y voir établir une Cour des Preuves, et que le traitement du juge soit payé par la ville. Si ce système est adopté, il est juste et convenable que la Nouvelle-Orléans fasse les frais de son propre juge des Preuves. Je crois que c'est le seul système juste et praticable; en conséquence je présente le proviso.

M. King.—La proposition du sénateur créerait cette anomalie : la Nouvelle-Orléans aura à supporter le traitement de son juge, tandis que si le bill du sénateur venait à être rejeté, les juges dans le reste de l'Etat seraient aux frais du trésor de l'Etat ; étrange résultat auquel, je pense, le sénateur ne voudrait pas nous conduire.

M. Hodge.—Si le Sénat n'adopte pas le système dans son ensemble, le proviso pourra être effacé.

M. Wickliffe propose d'ajourner la discussion sur le bill

M. King.—Je ne vois pas de raison qui puisse militer contre un pareil bill, je ne vois pas non plus pourquoi nous ajournerions ainsi les affaires ; si la discussion du bill est ajournée, il n'y aura que bien peu de temps laissé entre la passation du bill et l'élection.

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M. Wickliffe.—J'oserai dire qu'il n'y a personne ici qui soit plus disposé que le sénateur à renvoyer les affaires, lorsqu'il y trouve sa convenance. Je n'ai pas envie de voter dans les ténèbres. Je veux savoir quel sera le système adopté pour les campagnes. Je pense que le peuple demande une réforme et un système plus économique, et jusqu'à ce qu'un système ait été arrêté pour les campagnes, je ne veux, par aucun de mes actes, me mettre à la merci de la délégation de la ville.

M. McCay.—Je voterai pour le renvoi par les motifs qui ont été avancés par le sénateur. Je veux voir adopter un système général, et j'ai une confiance illimitée dans les sénateurs de la campagne. Je pense qu'il nous accorderont tout ce qui est juste.

Le Sénat s'ajourne après quelques débats ultérieurs.

MARDI 1er MARS.

Le bill incorporant l'Association des vétérans de couleur de la Nouvelle-Orléans, est appelé.

M. Short dit qu'il espère que le bill sera renvoyé. Il désire avoir du temps pour l'examiner attentivement. Il a la plus grande estime pour ces vieux braves, quelle que soit leur couleur, qui ont exposé leur vie pour défendre leur pays; mais avant de créer une corporation telle que celle-ci, qui pourrait avoir une influence dangereuse, le Sénat doit hésiter et s'assurer qu'aucun mal ne saurait en résulter. Il pense que la question devrait être renvoyée de nouveau au comité.

M. Martin ne voit pas l'objection que l'on peut avoir au bill. Il permet l'existence de cette association simplement pour des objets de charité. A quel comité le sénateur entend-il que le bill doit être renvoyé ?

M. Short.—Au comité des corporations.

M. Martin.—Le bill a déjà été renvoyé au comité de la milice. Ce comité a rapporté en faveur du bill, et je crois que ce comité est aussi capable qu'aucun autre d'arriver à une décision correcte. Je suis propriétaire d'esclaves moi-même, et je ne vois aucun danger à accorder une charte d'incorporation à ces hommes de couleur qui ont combattu pour notre pays, et c'est un plaisir pour moi aussi bien qu'un devoir, d'accéder à leur demande.

M. Short ne doute pas que le comité de la milice et que le sénateur de l'Assomption ne soient parfaitement capables de former une juste opinion sur ce sujet comme sur n'importe quel autre, quelque grave qu'il soit. L'opinion du sénateur est d'un grand poids pour lui ; car il est propriétaire d'esclaves, et, comme tel, il est de son intérêt de veiller d'un œil jaloux à toutes les mesures qui se rattachent à la question de l'esclavage. Son seul désir est que la discussion du bill soit ajournée pendant quelque temps pour donner au Sénat le temps d'y réfléchir. Si alors on arrive à la conclusion qu'il est prudent de permettre des associations de cette nature, la loi fournit un moyen de l'établir. Les parties intéressées peuvent s'appliquer les dispositions de la loi générale qui existe actuellement. Mais il pense que c'est la première fois qu'une charte d'incorporation pour une pareille association a été demandée dans un état du Sud.

M. Lewis dit que les noms qui sont au bas de la pétition appartiennent à des hommes qui lui sont tous connus. Ce sont tous des hommes âgés, qui ont bien servi leur pays. Il n'en reste plus que de rares débris et ils demandent simplement que la Législature leur permette de former une association ayant pour objet l'assistance mutuelle, de s'associer pour le peu de temps qui leur reste à vivre. Si les sénateurs désirent de plus amples renseignements sur ce sujet, il n'a pas d'objection à ce que le bill soit déposé pour quelque temps sur le bureau ; mais il ne voit aucune raison qui doive faire rejeter la demande des pétitionnaires. Ils jouissent du respect de la population au milieu de laquelle ils vivent ; ils ont toujours été traités avec déférence, ont paru dans plusieurs solennités publiques, et sont plutôt des objets de vénération que de suspicion.

M. Hodge espère que le sénateur de la Nouvelle-Orléans (M. Lewis) voudra bien expliquer l'objet du bill. Il a entendu parler d'un but de bienfaisance, mais il n'en résulte pas une nécessité d'incorporer en association ces vieux soldats, ces vétérans mutilés par les combats, car c'est là, pense le sénateur, la phrase d'usage.

M. King fait remarquer que plus d'une fois il a eu l'occasion d'appeler l'attention du Sénat, sur le mal qu'il y avait à accorder des chartes spéciales dans les cas où la loi générale est applicable. La loi générale indique la manière d'établir une corporation aussi bien que nous pourrions le faire. Cette loi a été adoptée justement dans le but de prévenir les demandes du genre de celles qui nous occupent. Nous devrions éviter de passer de pareils bills ne fût-ce que pour une raison d'économie. Chacun de ces bills avant de passer à travers les diverses épreuves qu'il aurait à subir, coûterait probablement $500, tandis que les parties intéressées pourrait aller devant un notaire et avoir toute leur affaire réglée pour deux piastres et demie.

Le bill pour venir au secours de est mis devant le Sénat.

M. Hodge combat le bill. Si nous admettons un pareil système de législation, Dieu sait où nous nous arrêterons. Dans l'opinion de l'orateur la Legislature n'a pas le droit de faire ces libéralités. On peut dire qu'un précédent existe en faveur de la proposition. Cet argument n'a pas de poids pour lui. Un précédent, n'est autre chose que la preuve qu'une affaire a été examinée et décidée par un tribunal compétent; mais qui peut dire que, quand un président viole la loi, viole la Constitution, nous devons nous y conformer ? Un pareil précédent ne serait pas un précédent pour nous. On doit le condamner, le rejeter, au lieu de perpétuer le mal. Il doit prémunir sérieusement le Sénat contre ce genre de législation, qui s'est glissé parmi nous. Il les adjure de ne pas se laisser entraîner à faire des allocations de ce genre, au mépris de la Constitution de l'Etat. Il déclare aujourd'hui qu'il votera toujours pour les propositions de ce genre, qu'il croit contraires à la Constitution. Il ne regarde pas un précédent formé par la Législature de 1840, comme devant nécessairement faire autorité pour la Législature de 1853. Parce que la Législature a eu tort, ce n'est pas une raison pour que nous ayons une foule de demandes également mal fondées. Il n'est pas d'humeur à encourager les prétentions de tout solliteur qui viendra implorer la charité de l'Etat. Mais on répondra avec indignation que cette personne n'a pas demandé la charité ! Alors elle n'a aucun titre à ce qu'elle demande.

L'Etat n'y est tenu ni légalement ni moralement, et l'on n'a aucun droit de le demander si ce n'est à titre de donation charitable Je m'opposerai donc à ce bill et je fais la motion qu'il soit déposé indéfiniment sur le bureau.

La motion est adoptée.

ORDRE DU JOUR.

BILL DE RECENSEMENT.

Le bill de la Chambre pourvoyant à la manière dont devra être fait le recensement de l'Etat est pris en considération.

Un amendement est proposé exceptant de ce bill la paroisse d'Orléans.

M. Derbès dit que la raison pour laquelle cet amendement est demandé est que les assesseurs à la Nouvelle-Orléans ont déjà trop de besogne; que par conséquent ils ne pourraient pas faire convenablement l'ouvrage et de plus ils se plaignent que leur salaire est trop modique.

M. Kenner dit que le grand nombre de personnes dont le recensement devra être pris dans la ville rendra le salaire suffisant. Loin d'être trop faible, il y aurait au contraire de bonnes raisons pour qu'on le réduisit maintenant dans la ville de la Nouvelle où en une heure de promenade à pied on rencontre plus de monde que dans une course d'une heure à cheval dans les paroisses. Que dis-je, d'une heure ? d'une semaine peut-être.

La discussion continue quelque temps, puis la section qui autorise les assesseurs à faire le recensement dans tout l'Etat est adoptée.

M. McCay demande une reconsidération.

M. Kenner dit que s'il y a dans ce bill quelque intention cachée dont tous les membres n'aient pas connaissance, il espère qu'on en fera franchement la déclaration. Une chose est certaine, c'est que les assesseurs ont à remplir un devoir important. Il est aussi de plus haute importance pour la Nouvelle-Orléans que le recensement soit fait au commencement du printemps lorsqu'il y a une population complète. J'espère donc

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que les membres de la ville comprendront combien il serait impolitique de s'opposer à la prompte passation de ce bill. Les assesseurs sont nommés par le peuple dans le but de se rendre de maison en maison et de dresser un tableau d'assessement de toutes les propriétés. Pour cette raison, ils doivent plus qu'aucun autre officier, être en rapport d'intimité ou du moins de connaissance avec la plus grande partie de la population. Pourquoi donc quelques membres hesitent-ils alors à s'en rapporter aux assesseurs ?

Qu'ils ne soient plus chargés alors du recensement et que leur tache soit assignée aux juges de paix, aux juges inférieurs, car les recorders ne sont rien que cela. Un des sénateurs de la Nouvelle-Orléans a dit qu'il n'y a que trois assesseurs pour la ville et que ce nombre n'est pas suffisant pour la besogne qu'il y a à faire. Ne sait-il pas qu'en vertu de ce bill ils sont autorisés à se donner des assistants ? Si aucun d'eux est trop vieux ou incapable de faire l'ouvrage qui lui est assigné par le bill (et je crois avoir compris qu'un d'entre ceux qui sont ici s'est représenté comme tel) il peut se nommer des députés qui feront l'ouvrage pour lui. Il peut en prendre autant qu'il lui plaira, pourvu que le salaire n'excède pas 2 sous par tête. Je le répète, il doit y avoir quelque intention cachée sous cette opposition que l'on fait au bill.

M. McCay dit qu'il ne voit pas qu'elle objection on pourrait avoir à confier cette tâche aux recorders. Ils sont bien connus par toute la Nouvelle-Orléans, et ont été choisis par le peuple comme bons et fidèles serviteurs, aussi bien que les assesseurs. Je ne veux pas dire que parce que ces officiers sont nommés par le peuple ils soient plus capables que d'autres de faire le recensement. Moi, par exemple, je suis sûr de nommer un aussi bon portier que le Sénat lui-même pourrait en choisir un. Je ne veux pas dire non plus que les recorders, parce qu'ils sont des juges inférieurs, soient moins capables que d'autres. Ce sont des hommes respectables et intelligents, inférieurs à personne quoique peut-être on puisse sourire à leur titre de juges inférieurs, et le peuple ne pourra jamais souffrir, si c'est à eux qu'est déféré le soin de faire le recensement.

M Hodge, j'apprends que sous la Constitution de 1845, les assesseurs ont fait le recensement de la ville de la Nouvelle-Orléans. Il n'y avait alors que trois assesseurs et ils ont trouvé moyen de faire seuls tout l'ouvrage, sans même se faire aider de députés, ainsi que les assesseurs actuels y sont autorisés par ce bill. Pour plusieurs raisons, c'est à ces officiers qu'on doit confier le soin de faire le recensement. Plus que personne ils doivent connaître la population et être connus par elle. Ils voient presque tout ce qu'il y a de monde en ville, du moins tous ceux qui sont âgés de 21 ans, et qui sont électeurs ainsi que tous les propriétaires. Plus que personne ils peuvent donc faire le recensement. Le bill n'impose pas plus de travail aux assesseurs qu'ils n'en avaient en 1847.

J'ai dit déjà que sous la loi de 1847 ces officiers ont fait seuls toute la besogne qui leur était assignée. Pourquoi changerait-on ce système aujourd'hui ? Pourquoi attribuer aux recorders ce qui a toujours été fait par les assesseurs ? On ne peut pas dire que les recorders soient ou plus intelligents ou plus capables que les assesseurs, qu'ils connaissent plus de monde, en un mot qu'ils peuvent mieux remplir cette tâche. Il y a quatre recorders et trois assesseurs seulement; mais la loi autorise ces derniers à s'adjoindre des députés.

Je ne vois rien qui motive le changement qu'on nous propose ; j'espère donc que l'amendement ne sera pas adopté.

M. McCay dit qu'il a déjà conversé avec deux assesseurs sur cette question et tous les deux lui ont dit qu'il leur est impossible de faire ce travail.

M. Kenner—Si la demande de réconsidération est entendue et adoptee, je proposerai un amendement portant que le peuple devra élire les officiers chargés de faire le recensement. Nous verrions alors quel est le but de ceux qui insistent tant aujourd'hui sur cette question.

Lorsqu'ils ont besoin des suffrages du peuple, ils l'appellent «cher peuple» et maintenant ils veulent ôter aux assesseurs nommés par lui, le privilège de faire le recensement pour le donner à des juges ou à des recorders. Je le répète en toute sincérité, le fait que les assesseurs sont nommés par le peuple autorise la législature à avoir en eux assez de confiance pour s'en remettre à eux du soin de faire le recensement. Si le but qu'on se propose est de donner des emplois aux favoris de quatre ou cinq juges, je voudrais qu'on le dise hautement. Mais il est evident que l'on veut leur donner une occasion de gagner de l'argent. Pour moi je ne puis ni ne veux approuver jamais pareille manière d'agir.

La section est prise de nouveau en considération.

M. McCay présente un substitut autorisant le recorder de chaque district à nommer deux personnes capables pour faire le recensement.

M. Lacey fait la motion de référer la section et le substitut à un comité composé de la délégation de la Nouvelle Orléans.

M. Kenner fait la motion qu'ils soient référés à un comité général du Sénat. Il répète sa question : qu'est-ce donc que l'on désire ?

M. Lacey insiste pour que la décision de cette question soit laissée à la delégation de la Nouvlle-Orléans.

M. Palfrey pense que le mieux est de référer le tout au peuple qui fera connaître sa decision par la voie du scrutin.

M. Kenner désire que le sénateur d'Est-Bâton-Rouge (M. Lacey) dise une fois pour toutes s'il désire que le pouvoir de faire le recensement soit ôté aux assesseurs et donné aux recorders. Est-ce bien de le faire quand les assesseurs ont été élus par le peuple qui, par là, a exprime toute la confiance qu'il avait en eux ?

M. Derbès dit que ce ne serait pas la première fois que la Législature aurait accordé aux recorders des pouvoirs en dehors du cercle ordinaire de leurs attributions. Ils sont autorisés par exemple à corriger les erreurs qui peuvent exister sur les tableaux d'assessement. Les recorders, aussi bien que les assesseurs sont élus par le peuple qui a témoigné de la sorte sa confiance en eux. Il peut être vrai qu'ils ne soient que des juges très inférieurs ; mais il faut probablement plus de votes pour élire un d'entre eux qu'il n'en a fallu pour elire le senateur de l'Ascension.

M. Hodge.—Je ne sanctionnerai jamais par mon vote la différence qu'établirait entre la ville et la campagne le substitut propose par le sénateur de la Nlle-Orléans (M. McCay) je ne vois pas de bonne raison pour laquelle elle serait établie. Je vois que par l'acte de 1847, le recensement fait en vertu de l'ancienne Constitution l'a été par les assesseurs. On ne disait pas alors qu'ils n'étaient pas capables, qu'ils ne pouvaient pas faire ce travail— loin de là ils l'ont fait et jamais aucune plainte ne s'est élevée. Aucun sénateur n'a donné de raisons satisfaisantes pour que nous changions maintenant ce système ; aucun d'eux ne m'a convaincu qu'il fallut dépouiller les assesseurs pour investir les recorders du pouvoir de faire le recensement. Nous n'avons pas de recorders a la campagne ; mais nous avons des assesseurs. Ils font notre recensement, pourquoi ne feraient-ils pas tout aussi bien le vôtre ? Sont-ils moins capables dans un endroit que dans un autre ? Pourquoi le bill ferait-il une exception spéciale en faveur de la ville de la Nlle-Orléans ? Pourquoi faire ainsi des lois uniquement favorables à la paroisse d'Orléans ? Je ne suis aucunement jaloux de la ville :—au contraire, je vois avec plaisir son accroissement de prospérité ; mais je ne vois pas pour quelle raison ce qui convient à la campagne ne conviendrait pas à la ville. M. le président que l'on cherche avec attention, que l'on consulte nos annales et je défie qu'on trouve un seul exemple d'une exeption pareille à celle qu'on propose aujourd'hui.

Ceux qui ont le plus insisté sur cette question n'ont pas osé dire que les assesseurs ne sont pas capables. Ils n'ont pas osé jeter cette assertion à la face du peuple qui a nommé ces officiers. Les assesseurs ont fait ce travail en 1847 ; mais on dit qu'ils ne le peuvent pas maintenant, et l'on feint de ne pas nous entendre lorsque nous répétons qu'ils ont le droit de se nommer des assistants.

Monsieur le Président, je soupçonne qu'il y a quelque chose de caché là dessous. Si ce sont des intérêts particuliers qui portent certains Sénateurs à agir de la sorte, qu'ils le disent ouvertement. Que les membres de la campagne sachent bien une fois pour toutes qu'ils doivent se soumettre à une législation spéciale qui leur est imposée dans un but politique. S'il en est ainsi, qu'on le dise donc.

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Il est temps, monsieur, que nous mettions un terme à ce système ; que la ville se tienne pour satisfaite d'être mise sur ce pied d'égalité avec la campagne, qu'elle accepte la même législation. Je consens à tout ce qui doit augmenter la prospérité de la ville ; mais je ne me soumettrai pas plus longtemps à ces eternelles exceptions en faveur de la paroisse d'Orléans.

M. Short.—J'ignore quelles raisons ont porté le Sénateur de la Nlle-Orléans, (M. Mc Cay) à présenter ce substitut. J'ai voté en faveur de la réconsidération parce que je croyais que le Sénateur de la Nlle-Orléans, connaissant l'opinion et les devoirs du peuple de la Nouvelle-Orléans, et bien au fait des circonstances, présenterait quelque chose de mieux. Il a voté ainsi pour connaître les raisons qui ont influence le Sénateur de la Nouvelle-Orléans. Si quelques Sénateurs pensent qu'il y a quelque chose de caché sous ce projet, je puis assurer, pour ce qui me concerne, qu'il n'y a absolument rien. Je n'ai connaissance de rien au delà de ce que j'ai dit.

On nous a imputé aussi des motifs politiques. De cela aussi, je ne sais absolument rien. Je ne suis pas le mouvement des partis. Je n'ai jamais été qu'une fois à une convention de parti. Tous ceux qui me connaissent savent qu'en aucune circonstance je ne donnerais jamais un vote que je ne puisse motiver d'une manière satisfaisante. Je voterai pour que la question fut référée à un Comité, mais s'il est présenté aucun substitut qui ne soit pas bâsé sur des bonnes raisons je m'y opposerai.

M. Hodge explique les raisons qui l'on porté à parler de cette question comme d'une manœuvre de parti. J'avais vu que lorsque le vote a été pris, les deux partis ont été divises entièrement. J'avais vu aussi que le parti dont je suis membre était en faveur de la section, telle qu'elle existait d'abord et tel qu'il avait été envoyé de la Chambre, et s'etait opposé presque unanimement à ce qu'on fit aucune exception en faveur de la paroisse d'Orléans, sur la motion de réconsidération, les deux partis se sont encore partagés. Toutes ces choses m'ont fait penser et dire ce que j'ai avancé. Voyez les votes, voyez le procès verbal et vous verrez que la lutte a toujours été de parti à parti.

M. Martin dit qu'il ne voit pas quel but politique pourrait être accompli par là. Les recorders sont tous démocrates, les assesseurs sont aussi démocrates, consequemment on ne gagnera rien à faire passer ce pouvoir des mains des uns a celles des autres. Le bill de consolidation adopté à la dernière session de la Législature a donné au peuple l'élection des assesseurs. On ne fit point de cette élection une question de parti. Il pense avec le sénateur d'Est Bâton-Rouge, qu'il ne doit exister aucune rivalité entre la ville et les campagnes. Ces deux sections de l'Etat devraient se prêter un mutuel secours.

M. Rivers.—Si le Senateur d'Est Bâton Rouge insiste sur sa motion de renvoi, il proposera de renvoyer la question à un comité du Sénat tout entier. Il dira prochainement son opinion sur ce qui se passe. Il approuve sincèrement les observations présentées par le Sénateur de Caddo. Il pense qu'on cherche à établir une distinction dangereuse entre la ville et la campagne. Le Sénateur (M. Hodge) a montré qu'en 1847 les assesseurs avaient été chargés du recensement. Pourquoi ne seraient-ils pas aussi compétents aujourd'hui ? Il faut qu'il y ait au fond de tout ceci un but politique. Les Sénateurs de la campagne devraient surveiller ces mouvements avec méfiance. Si la ville réussit aujourd'hui à lui faire adopter des mesures dictées par des interêts politiques, lorsqu'elle aura obtenu le transfert du gouvernement, elle la fera voter pour des interêts locaux.

M. Lenner.—Le Comité (la délégation de la Nlle-Orléans) pourra-t-il faire un rapport demain ?

M. McCay dit que, quant à lui, il ne fera pas de rapport jusqu'à ce qu'il ait eu les renseignemens statistiques nécessaires, qui doivent venir de la Nouvelle-Orléans.

M. Kenner est peiné de voir que le sénateur a présenté une motion sans avoir les renseignements voulus.

M. Rivers insiste sur sa motion de renvoyer le sujet au Comité du Sénat tout entier, et demande que la question soit mise aux voix.

La question est mise aux voix et la proposition est rejetée.

M. Rivers.—Voici, monsieur l'Orateur, ce que le Sénat vient de décider : Que le Sénat tout entier, y compris la délegation de la Nouvelle-Orléans, n'est pas capable de decider cette question aussi bien que la delegation de la Nouvelle-Orléans seule.

M. Derbès dit qu'il n'en est pas ainsi : c'est la coutume générale, comme le senateur le sait, de renvoyer les differentes questions aux comités qui, dans l'opinion du Sénat, étaient le plus à même de les examiner. Le sénateur a dit aussi que nous voulions faire de cette question une question de parti. C'est encore là une erreur. Ce sont, au contraire, ses amis politiques qui sont dans l'habitude de faire de tout une question de parti en votant comme un seul homme, et puis ils renvoient au parti démocratique ce reproche. Ce n'est pas la première fois que ce fait s'est produit. Cette marche a été suivie déjà plusieurs fois quand il y avait des doutes parmi les démocrates mais quand il n'en existait pas parmi les whigs.

M. Barthe présente un substitut qui met à l'élection du peuple la nomination des officiers chargés de faire le recensement.

M. McCay est prêt à discuter la question maintenant.

M. Kenner pensait que le sénateur avait besoin d'envoyer à la Nouvelle-Orléans pour avoir les papiers nécessaires et faire venir certaines personnes qu'il devait consulter.

M. Hodge.—Je voudrais savoir pourquoi les sénateurs de la Nouvelle-Orléans pensent que les assesseurs ne sont pas capables de faire le recensement ?

M. Derbès en donnera la raison. C'est parce qu'ils ne peuvent pas s'occuper de ce travail. Son collègue a dit que plusieurs d'entre eux ont positivement refusé de le faire.

M. Hodge dit qu'il n'a pas compris que le sénateur eut avance ce fait.

M. Derbès dit qu'il croit que le sénateur (M. McCay) l'a assuré, s'il s'est trompé il le déclarera pour son propre compte.

M. Martin dit que les sénateurs semblent avoir oublié l'existence de cette partie du bill qui fait un devoir aux assesseurs de faire ce travail, sous peine de dommages considérables.

M. Derbès dit qu'il y a une autre raison pour ne pas donner ce pouvoir aux assesseurs. Ils se plaignent que le salaire qui leur est accordé est tout-à-fait insuffisant. Il se soucient fort peu de la place, mais s'ils doivent nommer des assistants, ils se réserveront certainement une partie des profits. Ils paieront aux assistants un cent par tête et empocheront le reste. La même objection n'existe pas quant aux recorders.

M. McCay demande que le substitut de M. Barthe soit déposé sur le bureau.

Il dit que, s'il était du comité, il tâcherait de présenter dans le rapport des raisons telles qu'elles décideraient le sénat tout entier à voter pour le substitut. Il s'est convaincu qu'il valait mieux confier ce pouvoir à d'autres officiers. D'abord il avait pensé au conseil général ; ensuite on lui a dit que les recorders étaient les personnes les mieux placées pour remplir ces fonctions. Il s'est rendu à cet avis parce qu'il pense que les recorders connaissent mieux la ville, et peuvent mieux faire le travail. S'il avait le temps, il pourrait donner de bonnes raisons pour prouver que les assesseurs ne peuvent faire le travail.

M. Hodge a encore quelques observations à présenter sur ce sujet. Si le Sénat decide que ce pouvoir doit être enlevé aux assesseurs et donné aux recorders, il n'élèvera jamais sa voix contre aucune demande qui sera faite par la Nouvelle-Orléans, à moins que la demande ne porte atteinte aux droits de ses commettants, parce qu'il sera convaincu que la ville peut obtenir tout ce qu'elle demande, et que toute opposition serait vaine. En 1847, comme il l'a déjà dit, les assesseurs ont fait le recensement et cela sans être aidés. La ville a-t-elle, dans l'intervalle, pris un accroissement tel, la population a-t-elle tellement augmenté que ces officiers ne puissent pas faire aujourd'hui ce qu'ils ont fait alors ? Les sénateurs qui lui sont oppose n'ont donné aucune raison pour motiver cette mesure, et ils ne peuvent espérer que les membres des campagnes sacrifieront un principe pour leur plaire.

M. Short propose de déposer sur le bureau le substitut et tous les amendements.

La motion est adopté, après quoi la section primiti-

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ve est adoptée. M Griffin annonce immédiatement qu'il demandera une reconsidération.

M. Lacey demande l'ajournement.

M. Martin demande que le secrétaire inscrive sur le journal qu'à 3 heures moins 2 minutes une motion d'ajournement a été présentée.

Après quelques observations, le Sénat s'ajourne.

VENDREDI, 11 MARS 1853.

Le bill amendant l'acte de 1849 relatif aux corporations est mis devant le Sénat.

M. King.—Le principal changement qui soit introduit par ce bill, tel qu'il est rapporté par le comité, consiste en ceci, que les compagnies télegraphiques jouiront des mêmes droits d'expropriation que les autres compagnies incorporees.

M. Mouton.— Je voudrais que l'on fit subir au bill un amendement qui donnât aux propriétaires lésés par l'exercice des pouvoirs d'une compagnie, le droit de poursuivre cette compagnie dans leur propre paroisse, sans les forcer à porter leur action loin de leur domicile.

Le bill est adopté avec cet amendement.

Le bill ayant pour objet de réduire les frais de certaines annonces judiciaires, &c., est mis devant la chambre.

M. Martin.—L'objet de ce bill est de placer toutes les annonces sur un pied égal en reduisant le coût des annonces pour ventes de succession, et les mettant au même taux que les ventes de shérif.

M. King.—J'espère que ce bill ne passera pas en ce moment. Il opérerait un grand changement dans notre législation, et je suis peu disposé a l'adopter à la hâte, et avant de m'être convaincu que ce changement est commandé par la nécessité. Je ne puis, quant à présent, dire si je suis pour ou contre ce bill. La question des annonces judiciaires est très importante, et jespère que le Sénat ne la decidera pas sans y avoir donné une attention particulière. Je désirerais que le bill fût imprimé et mis sous les yeux du Sénat.

M. Martin.—Je connais parfaitement les motifs secrets qui dirigent le sénateur dans l'opposition qu'il fait au bill. Je sais fort bien qu'un officier du Sénat, qui ferait beaucoup mieux de donner tout son temps aux devoirs de sa place, a pris un vif intérêt au sort de ce bill, et a cherché à le tuer. Monsieur l'orateur, je ne vois pas le motif du grand intérêt qui est manifeste par cette personne. Ce bill n'est pas une attaque dirigée contre le *Courrier*, et il ne peut porter atteinte aux intérêts de M. La Sère.

M. King.—Je suis surpris des paroles du sénateur. Jespère que le senateur ne suppose pas, chaque fois qu'il voit se lever un de ses collègues, que l'on machine quelque trahison contre ses amis politiques. Quant à moi, je ne subis aucune influence secrète, ma motion d'ordonner l'impression du bill était basée sur la conviction de l'immense importance qu'il doit avoir.

M. Martin.—Comme je l'ai déjà dit, je ne veux point attaquer M. La Sère, je ne veux lui faire aucun tort. Je désire seulement faire disparaître ce que chacun sait et reconnait.

M. Lacey.—Je suis convaincu que le sénateur de l'Assomption n'est pas dirigé par les motifs qu'il a cru nécessaire de repudier, que son seul désir est de remédier a un mal qui existe dans son opinion. Mais le senateur de la Nouvelle-Orléans (M. King) l'a dit, il n'y a guère de sujet plus important que celui des annonces judiciaires. Aussi, j'espère que le bill sera imprimé et déposé sur les bureaux, afin qu'il puisse être soumis à l'examen des sénateurs. J'ai a la main un bill sur le même sujet, je désirerais qu'il fût aussi imprimé et mis sous les yeux du Sénat. Je n'attribue aucun motif secret au sénateur de l'Assomption et j'espère qu'il n'en verra aucun dans les efforts que nous faisons pour obtenir l'impression d'un bill de cette nature, avant que le Sénat en décide.

M. Martin.—On m'a attribué un motif auquel je suis entièrement étranger. Ma seule intention était de censurer la conduite d'un officier du Senat qui cherche à influencer nos déliberations, au lieu de se renfermer dans l'accomplissement de ses devoirs.

BILL DE PREEMPTION.

Le bill ayant pour but d'étendre le terme de paiement imposé à certains préempteurs pour l'acquisition de certaines terres, est renvoyé par la Chambre avec refus de concours.

M. Lacey fait la motion de nommer un comité de conférence.

M. Hodge.—Mon opinion est que le bill accorde déjà plus de temps aux preempteurs qu'ils n'en sauraient reclamer. Nous avons été aussi loin que nous le pouvions; maintenant des questions plus importantes réclament nos soins. Je crois que le Sénat ne consentira jamais à rien de plus qu'une extension du terme de paiement. Plutôt que de consentir à rien de plus, je demanderai que le bill soit déposé sur le bureau. J'ai entendu les raisons données en faveur de la mesure, mais aucune ne m'a convaincu qu'elle eût aucune importance, même pour les personnes directement intéressées. Je puis pareillement, je crois, fournir une raison de quelque importance. La Chambre, c'est evident pour moi, voudra absolument qu'on établisse une nouvelle catégorie de préempteurs. Quel sera l'effet de cette disposition, si nous y accédons ? Sous l'empire de la loi de 1852, ou a emis des certificats de terre pour un million d'acres ; ces certificats ont été écoulés. Si nous creons cette nouvelle classe de préempteurs, je demande si les detenteurs de certificats, sous l'empire de la loi de 1852, n'auront pas le droit de localiser leurs certificats sur des terres pour lesquelles les nouveaux préempteurs se seraient fait inscrire. Pouvons-nous dire que nous mettrons une vaste catégorie de terre en dehors du droit de localisation conferé par ces certificats. Dans mon opinion, les détenteurs de ces certificats ont le droit de prendre n'importe quelle partie des terres marécageuses. Ces terres ont été garanties par l'Etat, et aucune loi ne peut maintenant priver les détenteurs de certificats sous l'empire de la loi de 1852 du droit de se les approprier.

Je répète que des questions d'une bien plus grande importance sollicitent l'attention de la Législature. J'insiste donc sur une motion de dépôt.

Cette motion est repoussée.

Sur motion de M. Boatner, le bill de la Chambre pourvoyant à l'organisation des Ecoles Publiques est mis devant le Sénat.

M. King fait la motion que le bill soit renvoyé au comite d'éducation.

M. Wickliffe.—Je suis opposé au renvoi. Le sénateur n'a cessé de se montrer hostile à toute législation spéciale; et aujourd'hui il semble s'en déclarer le chaud partisan, surtout lorsqu'il s'agit de soustraire la ville et la paroisse de Jefferson à l'action de la loi générale sur les écoles. Si le sénateur de Jefferson, (M. Barthe) était ici, il pourrait nous donner quelque bonne raison à l'appui du bill. Mais je ne vois pas pourquoi on manifeste tant d'empressement pendant son absence.

M. Boatner.—Je n'avais pas idée de l'immense importance du principe qui semble être au fond de ce bill, lorsque je l'ai demandé. Je l'ai demandé à la requête du representant de Jefferson qui est venu me dire que le bill était d'une nature tout-à-fait locale, et que les particularites qu'il presente n'ont été introduites que pour la commodite des habitants de sa paroisse. Mais ce que je sais maintenant du bill suffit pour me faire voir qu'il met en jeu un principe d'une grande importance et, conséquemment, je n'en reclamerai pas l'adoption immédiate.

Le bill est renvoyé au Comité d'Education.

Le bill prohibant l'émission de petits billets est renvoyé par le Sénat avec un amendement.

Mr. Wickliffe. Le Bill devient une derision avec l'amendement de la Chambre. Notre but en passant ce bill était de prévenir la circulation de petits billets, qu'ils fussent émis dans l'Etat ou hors de l'Etat. A l'aide de cet amendement on peut jeter dans la circulation autant de ces billets que l'on veut pourvu qu'on ait soin de les émettre en dehors des limites de l'Etat. Dans mon opinion, l'amendement enlève au Bill toute son efficacité.

Mr. King.—Je ne comprends pas ainsi l'amendement.

Mr Wickliffe.—Je ne sais pas qu'elle était l'intention de la chambre en adoptant cet amendement, mais comme je l'ai déjà dit, il aura pour effet d'empêcher le Bill d'atteindre le but qu'il se proposait. Le but était de prévenir la mise en circulation de petits billets dans l'Etat de la Louisiane, mais, sous l'empire de ce Bill, tel qu'il existe actuellement, M. Jacob Barker, ou

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n'importe qui, peut aller dans un autre Etat, y établir une agence et inonder l'Etat de petits billets.

Mr. Short.— L'amendement ne consiste que dans une simple transposition de mots opérée dans l'une des sections du Bill ; mais peu importe la forme, quel est l'effet du changement ? Le but que se proposait le Sénat était de délivrer l'Etat du fléau d'une circulation en petits billets ; c'est dans ce but que ce Bill a été adopté. Depuis cette époque, nous avons reçu un mémoire dont l'auteur nous faisait connaître ses vues sur la question des Banques et des opérations de banque. Cet auteur, un citoyen distingué de la Nouvelle Orléans, avait pris la tâche d'éclairer le Sénat sur ces questions importantes. On nous représenta cependant que le Sénat était déjà en possession de tous les renseignements nécessaires sur ces questions, et conséquemment nous ne jugeâmes pas nécessaire de donner suite au mémoire. Maintenant nous arrive de la Chambre cet amendement qui détruit l'objet que se proposait le Bill. L'effet de l'amendement est celui-ci: Si Mr. B. met en circulation des billets qu'un autre de l'autre côté de la rivière ou quelque part que ce soit hors de l'Etat aura émis, la loi ne peut l'atteindre, et ainsi toute l'efficacité du Bill disparaît. A moins que nous n'atteignions le mal à sa source, nous ne pouvons l'arrêter. Si nous le laissons subsister encore, on viendra nous dire sans aucun doute, qu'il est d'une nécessité absolue que le mal continue d'exister. La petite monnaie et les piastres en or qui abondent seront chassés du pays par ces petits billets, et alors on proclamera qu'à moins que nous ne conservions ces petits billets nous ne pourrons avoir de monnaie. Tel sera le raisonnement qu'on nous fera si nous ne détruisons le mal d'un coup.

M. Hodge—Si les sénateurs veulent examiner l'amendement, ils verront qu'il ne ne peut avoir l'effet qu'ils supposent. Je pense qu'il remplit l'intention du Sénat.

M. Wickliffe—Je vais lire la section primitive et l'amendement. (Il en fait lecture.)

La discussion se prolonge quelque temps sans offrir d'intérêt, après quoi le bill est renvoyé au comité des banques.

M. Wickliffe se lève et dit: Je prends la parole pour un fait personnel. Je vois dans les rapports imprimés des débats du Sénat du 26 mars, le passage suivant:

« M. Wickliffe—A quelle question le sénateur fait-» il allusion ?»

« M. Lacey—A la question sur laquelle porte la ré-» solution ayant pour objet de procéder à l'élection » d'un sénateur des Etats.»

« M. Wickliffe — J'avais compris que le sénateur » niait qu'il y eût aucune question constitutionnelle » soulevée par cette résolution.»

Les observations que j'ai faites sont que les sénateurs, pendant la discussion sur la question de renvoi au comité judiciaire avaient nié que la résolution présentât aucun point de droit.

A quoi le senateur a répondu, ainsi que je le vois, par le rapport:

"M. Lacey.—Si le Sénateur a entendu mon argument sur cette question, s'il a lu le rapport imprimé qui en a été fait, et s'il n'a pas vu que je discutais la question au point de vue constitutionnel, il a essayé alors de répondre à une chose qu'il n'avait pas comprise."

Maintenant, Monsieur, je désire que ce que je vais dire soit inscrit sur le procès verbal. Je presume que dans les allusions qu'il a faites, le Sénateur avait en vue le discours dont j'ai en mains une copie. Je dis, monsieur, que ce discours n'a jamais été prononcé ici. Le Sénat n'ignore pas qu'il n'a pas été prononcé ici: le rapporteur du Sénat n'en a pas fait le rapport. Je le répète et je désire qu'on comprenne bien ce que je dis: Le Sénateur n'a jamais prononcé ce discours. Qu'on inscrive ce que j'ai dit sur le procès verbal.

Mr. Lacey.—Je ne puis certainement pas m'opposer à ce que le discours du Sénateur soit couché tout au long sur le journal. C'était un bien beau discours qui a ajouté encore aux nombreux lauriers dont son front est orné. Je ne puis donc ni ne désire en aucune façon m'opposer à ce qu'il soit inscrit au long dans le compte-rendu de cette assemblée. Quant à l'assertion du Sénateur, je puis dire que l'observation que je fis alors, était que la question comprise dans la résolution ordonnant qu'il fut procédé à l'élection d'un Sénateur des Etats-Unis était d'une nature plutôt politique que légale ou constitutionnelle.

Mr. Wickliffe.—Le Sénateur se trompe. Ce n'est pas mon propre discours que je désire voir inscrire au procès verbal. Je désire seulement que ce que je disais dans le moment fut inscrit dans le journal. Je ne me rappelle pas lui avoir demandé s'il entrait aucune question politique dans la résolution ordonnant qu'il fut procédé à l'élection d'un sénateur et il a répondu en disant que, selon lui, c'était dans un but politique qu'elle avait été présentée

Je le répète, le discours auquel le Sénateur a fait allusion, n'a jamais été prononcé par lui, le rapporteur n'en a pas fait un rapport et je désire que cela soit inscrit sur le journal. Je désire voir mettre un terme à ce système de rapports fait par les Sénateurs eux-mêmes.

Mr. Lacey.—Le Sénateur peut faire comme il lui plaît, je ne m'y oppose aucunement.

LUNDI, 14 mars

M. Wickliffe présente une pétition signée par plusieurs citoyens de la paroisse de Vermillon, protestant contre le bill qui ordonne une nouvelle élection sur la question du transfert du siège de la Cour dans la dite paroisse, et fait la motion que le secrétaire du Senat soit requis de demander à la Chambre l'acte ordonnant une nouvelle élection dans la dite paroisse afin qu'il soit remis en considération.

M. Mouton.—Monsieur le président j'ai appris que le mémoire qui vient d'être presenté au Sénat par le membre d'Ouest Féliciana était un « document des plus importants » Pour moi je n'ai pas encore lu cette pétition. L'acte décretant une nouvelle élection dans la paroisse de Vermillion dans le but d'établir le siège de la cour dans cette paroisse est d'une nature toute locale, et comme toutes les mesures semblables, il rencontrera quelque opposition de la part de ceux dont les intérêts seraient lesés par son adoption. Ce bill a été adopté par le Sénat il y a déjà quelques jours. Je ne sache pas que jusqu'aujourd'hui on ait jamais fait redemander à la Chambre un bill déjà passé par le Sénat. Mais comme je ne désire pas qu'on puisse dire que, par ma faute, à cause de moi, ce bill a été finalement adopté, sans qu'une occasion fut offerte à ceux qui y sont opposés de faire valoir les raisons de leur opposition, je suis très disposé, si cela est possible, à ce que le bill soit redemandé, et repris en considération par le Senat. Je ne crains pas l'opposition contre ce bill. Lorsque j'ai demandé qu'une nouvelle élection eut lieu afin qu'on put connaître si le désir du peuple était que le siège de la Cour fut transféré du lieu où il est actuellement à un autre lieu quelconque, je ne crois pas avoir demandé rien qui ne fut parfaitement raisonnable. Je suis très disposé à ce que la question soit remise en discussion. Le secrétaire peut donc aller redemander ce bill à la Chambre des Représentants afin que ceux qui sont opposés à l'adoption de ce bill puissent exposer les raisons pour lesquelles ils y sont opposés.

M. Griffin.—Je suis d'avis que cette manière d'agir est tout à fait inusitée. C'est la première fois, monsieur le Président, que j'ai jamais entendu soumettre pareille proposition, la première fois que je l'ai vu appuyer. Ce bill est maintenant devant la Chambre basse et par conséquent n'est plus sous le contrôle du Sénat..

Les seules circonstances dans lesquelles j'ai jamais vu redemander un bill par lecorps dont il émanait, étaient celles-ci : lorsqu'une omission de mots avait eu lieu, lorsqu'une erreur quelconque s'était glissée dans la copie, laquelle rendrait indispensable la reprise en consideration et la correction du dit document. En pareilles circonstances, dis-je, j'ai vu redemander un bill ; mais jamais je n'ai vu redemander un bill qui avait déjà été finalement adopté par une des branches de la Législature, qui n'était plus sous son contrôle, alors surtout que le temps après lequel une réconsidération peut-être demandée, était entièrement expiré.

Je le répète, c'est la première fois que je vais redemander un bill, dans le but de le remettre en discussion. Il me semble que c'est à la chambre basse à amender ou à corriger ce bill, puisqu'il n'est plus devant le Sénat.

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M. Mouton.—M. le président, je désire qu'il soit bien entendu, que loin de m'opposer à la motion faite par l'honorable membre d'Ouest Félicjana, mon désir est, au contraire, que le bill soit repris par le Sénat et mis de nouveau en discussion.

Le président déclare que trois jours s'étant écoulés depuis l'adoption de ce bill, il ne peut être remis en consideration, même s'il était ramené devant le Sénat et que par conséquent la motion faite par le sénateur d'Ouest Feliciana n'est pas à l'ordre.

RILL DE PREEMPTION.

Le rapport du comité de conférence sur le bill de preemption est pris en consideration et adopté tel qu'il a été transmis par la Chambre.

M. Mouton présente un bill pourvoyant à la collecte, au dépôt et au déboursé des fonds publics et aussi à ce qu'aucun détournement du dit fond puisse être fait.

M. Mouton expose que le but de ce bill est de modifier la loi de 1844, laquelle révoque une section de la loi de 1805 relative à cette même question.

Le bill est adopté.

M. Lacey présente un bill pour venir au secours de la Branche banque de l'Etat de la Louisiane à Baton-Rouge.

M. Lacey.—J'exposerai en peu de mots le but de ce bill. Il y a quelque temps la Législature de cet Etat a chargé Hiram Powers de faire une statue de Washington, pour l'Etat de la Louisiane, et a créé une appropriation à cet effet. Cette appropriation a été bientôt épuisée et M. Powers a demandé de nouveaux fonds, afin qu'il put continuer son travail. Le gouverneur, comptant sur l'approbation de la Législature, a signé un bond pour la somme de $3,000, lequel a été payé par la Branche banque de cette ville.

Le but de ce bill est de faire restituer à cette banque les $3,000 avec intérêts.

Le bill est adopté.

Un bill astreignant les parties en litige à payer à l'avance la somme requise par la loi, pour le paiement des frais, est pris en considération.

M. Nicholls.—M. le président, je pense que ce bill devrait être adopté. La loi, telle qu'elle existe maintenant, donne lieu aux plus graves inconvénients. En plusieurs circonstances des affaires sont intentées par des personnes qui ne présentent aucune garantie pécuniaire; des témoins sont sommés de très loin, et requis de se présenter devant la Cour sans que l'on s'informe s'ils ont ou non les moyens de faire les frais de voyage. On ne s'occupe aucunement de cela, et l'excuse d'un témoin, basée sur le fait qu'il n'a pas les moyens de payer son transport et tous les autres frais auxquels il est necessairement forcé, n'est pas admise.

Il me semble, M. le président, que celui qui se présente devant une Cour pour reclamer un droit, doit préalablement se procurer ce qui est nécessaire pour payer les frais des témoins sans lesquels le gain de sa cause est impossible. Ce n'est pas assez que les témoins soient payés par la suite, ils devraient l'être à l'avance. Il arrive souvent qu'ils sont forcés de partir de chez eux sans qu'il leur soit possible de payer leur frais indispensables avant leur arrivée au lieu où siége la Cour; là même il peut arriver qu'ils ne puissent pas les payer, et alors il faut qu'ils vivent aux frais de la ville. Je le demande, M. le président, cela est il juste? Cela est il convenable?

Quel mal peut résulter de l'adoption de ce bill, qui pourvoit seulement à ce que les témoins puissent réclamer à l'avance de la personne qui les fait sommer de comparaître le *per diem* accordé par la loi.

C'est là non seulement un acte de justice envers les témoins, mais, plus encore, un frein pour empêcher les affaires inutiles ou dont le gain est impossible; c'est là éviter d'inutiles désagréments aux témoins, aux cours une grande perte de temps, à l'Etat de grands frais. Certes, c'est là un but désirable et s'il existe contre l'adoption de ce bill des raisons équivalentes, j'aimerais bien à les entendre exposer. Je voudrais entendre dire les raisons pour lesquelles les témoins n'auraient pas le droit de réclamer à l'avance la somme à laquelle ils ont droit et qu'ils peuvent fort bien ne jamais recevoir.

On peut objecter qu'il est du devoir des greffiers de cours d'exiger un cautionnement en pareil cas de la part de la personne qui intente l'affaire. Mais qu'importe à un témoin qu'un cautionnement ait été donné s'il ne peut payer ses frais de logement et de nourriture? Bien souvent la caution n'a pas de valeur. J'ai connaissance de plusieurs affaires dans ma propre paroisse, qui ont duré jusqu'à trois ans et les témoins étaient tenus de se trouver présents à chaque session. Plusieurs d'entre eux étaient des ouvriers et des hommes de labeur qui avaient été forcés de quitter leur demeure et de voyager à travers quinze ou vingt milles pour se rendre au lieu des sessions de la cour. Dans ma paroisse les témoins sont souvent forcés de parcourir une trentaine de milles tantôt en esquif, tantôt à travers des prairies, payant de leur propre bourse leurs frais de transport.

Dans ces affaires auxquelles j'ai fait allusion les témoins ont eu à encourir toutes ces dépenses et ils n'ont pas eu un sou de remboursement. Si la loi avait été alors telle que celle que l'on propose aujourd'hui, le mal dont on se plaint n'aurait jamais existé.

M. Wickliffe.—Le sénateur a dit qu'il désirait entendre les raisons que l'on peut avancer contre le bill. J'aurai quelques arguments à avancer que je crois de quelque poids. Comme le sénateur l'a dit, la loi permet d'exiger un cautionnement pour les frais de toute personne qui forme une action. Cette disposition est une garantie suffisante pour les témoins dans le district que j'habite. Le bill exige que la partie qui demande un attachment contre un témoin dépose la somme nécessaire pour couvrir les frais de l'attachment. Existe-t-il, monsieur l'Orateur, une pareille disposition dans aucun autre Etat? Dans le nôtre, si un témoin est absent, on peut se procurer son témoignage à l'aide d'une commission rogatoire. S'il est en ville, on peut l'amener en cour au moyen d'un attachment Quel est l'objet du bill? Le sénateur dit qu'il a pour but de mettre le témoin à couvert. Mais il ne fait rien sous ce rapport, de plus que le cautionnement qui est maintenant exigible. Quel sera le résultat du bill? Une personne a une action de mille piastres à intenter. Il lui faut trouver de l'argent pour déposer la somme nécessaire à couvrir les frais; si elle ne l'a pas, il la lui faut emprunter, ce qui lui sera difficile, impossible peut-être; dans ce cas, il lui faudra renoncer à ses droits. Je ne crois pas que la loi actuelle soit dure pour les témoins, et je voterai certainement contre ce bill.

M. Nicholls—Une loi semblable à celle qui est proposée existe actuellement à New-York, et, je crois, aussi dans le New-Hampshire. Le sénateur a dit que si une personne qui a un procès à intenter n'a pas l'argent necessaire, elle sera obligée de l'emprunter. C'est certainement un inconvénient, mais la question est celle-ci: cet inconvénient doit-il peser sur un seul ou sur un grand nombre? Je pense que lorsqu'une partie se présente en Cour, elle doit être tenue de payer les frais nécessaires pour amener les témoins en Cour.

Le bill est adopté.

ORDRE DU JOUR.

Bill Judiciaire.

Le bill judiciaire est mis devant le Sénat.

M. Lacoste demande que le bill soit déposé provisoirement, vu l'absence de plusieurs sénateurs.

M. Short—Je m'oppose à cette proposition. Nous avons souvent renvoyé la discussion de bills importants pour la convenance de sénateurs absents, et, si nous suivons ces errements, nous n'arriverons à aucun résultat.

Il est évident qu'il nous faut adopter un système judiciaire. Si nous ne pouvons avoir des Districts étendus, ayons-en de petits, mais au moins ayons quelque chose. D'abord, consultons l'opinion du Sénat sur le bill de la Chambre, et s'il nous convient, tout est dit. Si nous le rejetons, le substitut du sénateur d'Ouest-Félicjana [M. Wickliffe] peut être mis devant le Sénat.

M. Wickliffe—Je ne saurais penser que le bill de la Chambre puisse jamais être adopté par le Sénat. Ma motion est de mettre à la discussion le bill qui est présenté comme substitut. C'est là une épreuve décisive.

Le bill et le substitut sont lus par le secrétaire.

M. McCay pense que le bill devrait être imprimé.

M. Short—Je saisirai cette occasion pour expliquer ma manière de voir, quant à la question qui est maintenant devant le Sénat. Un bill a déjà été adopté par la Chambre. Ce bill divise l'Etat en huit Districts, en n'y comprenant pas la Nlle-Orléans. C'est là ce qu'on a appelé le système des grands Districts. Les

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partisans de ce système ont en vue d'y faire entrer l'établissement d'une Cour des preuves dans chaque paroisse. Dans l'autre sytème, l'Etat serait divisé en petits Districts, mais il n'y aurait point de Cours des Preuves. En outre de ces deux systèmes, il y a une troisième proposition qui consiste à conserver les Districts tels qu'ils existent maintenant. C'est là le système mis en avant par le substitut qui a été présenté ce matin. J'avais supposé que les sénateurs avaient une opinion arrêtée sur ce sujet, qu'ils avaient décidé quel système ils adopteraient. Les sénateurs ne l'ont point fait ; il vaut donc tout autant que nous ajournions et que nous laissions les choses telles qu'elles sont.

La question est celle-ci : adopterons nous le système des districts étendus, le système qui réduit les dépenses en tant qu'il est question des Cours de District. Cependant si nous établissons ce système, nous devons le faire avec l'arrière-pensée d'établir une Cour de Paroisse dans chaque District. Ce n'est qu'en apparence que ce système est le plus dispendieux. Car si nous considérons que les frais perçus aujourd'hui par les greffiers le seront alors par les juges des Cours des Preuves, nous reconnaîtrons que ce système est plus économique. Quand nous mettons en ligne de compte la perte de temps qui résulte de l'obligation de prendre les témoignages par écrit, perte qui pourrait disparaître si la Juridiction de la Cour Suprême était restreinte aux questions de Droit; quand, dis-je, on réfléchit à l'économie de temps et de travail qui en résulterait pour les Cours de District, on verra que nous devons établir le système des districts étendus. Si l'on réfléchit que les dépenses occasionnées par notre système judiciaire, sans sortir de celles occasionnées par la Cour Suprême et les cinq Cours de District de la Nouvelle-Orléans, surpassent le montant total des traitements payés aux juges de l'Etat du Mississipi, on est inévitablement amené à envisager avec effroi les frais de notre système actuel. La question est celle-ci : Quel est le système que nous pourrions adopter et qui introduirait une économie dans le judiciaire? Ce dont on se plaint maintenant, ce n'est par la manière dont la justice est administrée en exceptant toute fois ce qui est relatif aux affaires des preuves—Sauf cette exception le système actuel fonctionne parfaitement. Il existe deux sujets de plainte, mais on n'a pas encore indiqué le remède à ces deux maux. Le premier est que le judiciaire est trop dispendieux:—c'est là une expression vague. Cette assertion ne s'appuie sur aucun chiffre, on ne propose aucun plan pour faire disparaître le mal. Mais à moins qu'on ne le fasse, et qu'on ne trouve le moyen de donner plus d'activité au reglement des successions, nous aurons en vain adopté des lois sur la matière.

Arrivons au fait. Comment pourra opérer le système qui crée les grands districts ? Je l'ai dit déjà, il ne diminuera aucunement les dépenses de l'Etat, au contraire, il les augmentera beaucoup ; mais, je le répète, lorsque nous considérons que la plus grande partie des affaires décidées par les greffiers de Cours, affaires pour lesquelles ils reçoivent un salaire, seront transférées aux juges des Cours des Preuves, nous verrons que quoique en apparence les dépenses de l'Etat soient augmentées, elle sont au contraire diminuées en fait. Si nous établissons ce système, nous remédirons du moins à un mal.

La question qui se présente ensuite est relative à l'administration des biens. Nous savons tous qu'une partie qui est en possession renonce difficilement. Il est donc important qu'il soit établi un système par lequel les Cours soient autorisées à exiger une prompte et définitive administration des propriétés. Pour cette raison, Monsieur, je voterai en faveur du bill qui émane de la Chambre basse.

M. Wickliffe.—Dans mon opinion, le bill de la Chambre donne lieu à plusieurs objections. En premier lieu, sous le système qu'il établit les districts sont beaucoup trop grands. Il serait presque impossible aux juges de voyager, à travers une aussi grande étendue de territoire, surtout aux époques où les communications sont presque entièrement interrompues par suite du mauvais état des chemins, de la baisse des eaux et d'autres obstacles de cette nature. De plus, il y a cette autre objection, que le système des grands districts serait beaucoup plus dispendieux que le système actuel. Le salaire des huit juges de district, à $3,500 chacun, s'élèverait à un total de près de $30,000, et nous avons de plus la dépense additionnelle des Cours des Preuves. Les seize juges à $2,000 chacun ne coûteraient que $46,000. Le système adopté par la Chambre coûterait environ $82,000, additionnant les salaires des juges de district et des juges des Cours des preuves. Que le substitut soit adopté, et les districts seront de dimensions convenables, assez peu étendus pour qu'il soit facile aux juges de se rendre d'un point quelconque au lieu où siégerait la Cour; et il n'y aurait aucun obstacle à la passation d'un bill définissant et limitant les pouvoirs des greffiers. Je ne sache pas qu'aucune plainte ait été faite contre le système actuel, quoique quelques personnes trouvent que les Cours ne siégent pas assez souvent. Une clause spéciale de ce bill prévoit ce mal et y obvie. Je me suis opposé à ce système qui proposait la création de 28 districts hors de la Nouvelle-Orléans, parce que je pensais qu'il n'aurait d'autre effet que de rendre justement ridicule le judiciaire de la Louisiane. Seize districts seraient un nombre grandement suffisant, et lorsque nous aurons réglé et défini les pouvoirs des greffiers, tout sera pour le mieux. J'espère que le substitut sera adopté.

M. Lacoste.—M. le président, je me suis toujours efforcé d'être juste envers mes collègues du Sénat, et j'espère qu'ils observeront envers moi la même ligne de conduite. Le bill tel qu'il est maintenant présenté est préjudiciable à mes constituants, parce qu'il range les paroisses de St-Bernard et de Plaquemines dans le même district que la paroisse de Jefferson, avec laquelle elles n'ont aucun rapport à quelque point de vue que ce soit, géographique ou commercial. Ce serait rendre ce district beaucoup trop grand pour un seul juge. J'espère que le bill ne sera pas adopté tel qu'il est maintenant présenté.

M. Wickliffe.—Lorsque l'on a rangé dans le même district les paroisses nommées par le sénateur, l'intention n'était pas d'augmenter aucunement la besogne du juge. Dans les circonstances actuelles, il était presque impossible d'éviter cette agglomération de paroisses, et de plus le sénateur doit prendre en considération que la paroisse de Jefferson est placée en excellente compagnie. J'espère qu'il retirera ses objections et qu'il acceptera le bill tel qu'il est.

M Lacoste—Le sénateur donne sa sanction au bill, lorsqu'il dit que la paroisse de Jefferson est placée en excellente compagnie. Qu'il n'oublie pas que lorsque l'on ne se soucie pas de la bonne compagnie, on peut facilement s'en dispenser.

M. Lacey.—En discutant ce bill qui est soumis au Sénat, je dois, je crois, restreindre mes observations strictement au bill lui-même. Néanmoins, en exprimant mes vues, je prendrai la liberté de faire ressortir, autant que je pourrai, les avantages du bill que j'ai soumis au Sénat, et j'essaierai de faire rejeter celui qui est maintenant devant ce corps afin d'obtenir que le mien soit mis aux votes.

Tout d'abord, je dois dire que le bill du Sénat me paraît préférable à celui proposé par la Chambre. Le bill de la Chambre a pour but de créer de grands districts, et dans chaque paroisse un juge pour la Cour des Preuves. Ce système me semble soulever plusieurs objections, et plutôt que de voter pour ce bill, j'adopterai le substitut de l'honorable membre d'Ouest-Féliciana [M. Wickliffe]. Mais il est évident, et personne ne saurait différer d'opinion sur ce point, il est évident, dis-je, que le peuple de cet Etat désire un changement dans le système judiciaire. Le substitut, pour tout changement, ne propose qu'un agrandissement d'un ou deux districts. Est-ce là le vœu du peuple ? Nos élections ne disent-elles pas ce que demande le peuple ? La presse ne s'est-elle pas formellement exprimée sur ce sujet ? N'est-ce pas là enfin une des grandes questions qui doivent occuper la Législature actuelle ? Que deviennent ces appels, ces demandes pressantes réclamant une législation à la fois plus expéditive et moins sujette à erreur, si nous fermons l'oreille aux besoins du peuple? Je le répète, la masse désire un changement, et pour cette raison je suis opposé au substitut, lequel ne propose rien de nouveau dans le système actuel.

Si je comprends bien le vœu du peuple, si je sais quelque chose et de ses besoins et de son désir, un changement est indispensable. Quel système peut plus sûrement répondre à nos besoins ? Telle est la question. A part le substitut maintenant devant le Sénat, deux systèmes ont été proposés. Le mien créant

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29 Cours de District, avec juridiction en matière des "*Preuves*," et l'autre formant 8 Districts avec une Cour des Preuves dans chaque paroisse.

Je serai bref et tâcherai cependant de faire comprendre que le bill de la Chambre ne peut être mis en pratique. En effet, monsieur, que propose ce bill ? Il embrasse la formation de 8 Districts Judiciaires dont 7 doivent se trouver en dehors de la Nlle.-Orléans.—La première objection qui me frappe, est que dans plusieurs districts, la topographie de la campagne mettrait le Juge de la Cour de District dans l'impossibilité de tenir des sessions régulières. Ne saute-t-il pas à la vue que, si telle est la division des districts, quelques juges ne pourront pas remplir les obligations que leur impose la loi. Le Sénateur de St. Bernard nous dit qu'il serait à-peu-près impossible à un juge de traverser le district dans lequel sont placées ses paroisses. Ainsi, il est évident que les juges ne sauraient remplir d'une manière satisfaisante les fonctions qui leur ont confiées. Ici donc se trouve un obstacle insurmontable. Il y a encore une autre objection. Les districts étant très étendus, l'on ne pourra pas obtenir de la Cour certains ordres indispensables. On aurait à parcourir plusieurs milles, ou plusieurs mois se passeraient avant de recevoir un ordre de vente pour une propriété hypothequée. De plus, ce système pourrait injustement frapper des personnes détenues sous une accusation criminelle.

Elles peuvent être innocentes, et cependant elles resteront plusieurs mois dans une sombre prison avant que le juge puisse envoyer l'ordre de leur élargissement. Ne voyez-vous pas, après ces objections, l'inadmissibilité de ce bill ? Ne voyez-vous pas que les ordres interlocutoires, les ordres de vente &c., ne pourraient s'obtenir à moins que celui qui désire se les procurer, ne traverse un District aride pour trouver le juge ? Voici encore un point : Sera-t-il possible d'obtenir des juges capables, eu égard au temps qu'ils seront obligés de rester séparés de leurs familles ? Ils seront arrachés à leurs foyers ; pendant une grande partie de l'année, ils vivront loin de leurs familles, forcés, pour remplir leurs devoirs, de traverser des Districts étendus. En face de tout cela, pensez-vous pouvoir toujours trouver l'homme du plus grand mérite ? La conséquence du système des districts étendus sera non-seulement d'entraver le cours de la justice, mais encore d'empêcher l'acquisition d'hommes de grands talents, car celui qui oublierait ce qu'il doit à sa famille, oublierait à plus forte raison les obligations que lui impose sa qualité de juge. Mais là ne sont pas les seules objections.—D'après ce système, il sera nécessaire d'établir des Cours des Preuves. Si nous avons des districts étendus, alors nous verrons ce vieux système des Preuves, qui fait partie de celui propose par la Chambre.

La première objection au système des preuves, est relative aux émoluments. Les salaires doivent être ou minimes, et alors nous aurons de pauvres juges, ou élevés, et par là les taxes sont augmentées. Je crois que l'on doit fixer à $500 les émoluments des juges des Cours des Preuves. Je sais que c'est le montant proposé dans un bill. Monsieur, je ne voterai jamais pour un bill qui contient de telles dispositions. Réfléchissez un instant. Vous savez que je dis vrai, lorsque j'avance que les questions agitées devant la Cour des Preuves sont les plus importantes de l'Etat, et cependant vous voulez les faire décider par un juge qui se contenterait d'un salaire de $500 ? Avec une telle rétribution, pourrez-vous obtenir un homme de talent ? Personne ne saurait le croire. On dit que le bill contient une disposition autorisant le juge à pratiquer comme avocat. Ce que l'on nous présente comme un avantage, est plutôt un vice à mes yeux. L'on ajoute que les paroisses pourront augmenter les salaires des juges. A cela, je trouve aussi beaucoup d'objections. Les paroisses riches pourront alors avoir de bons juges, en leur donnant de forts émoluments, tandis que les paroisses dont les ressources seront moindres, ne pourront pas jouir des mêmes avantages. Je répète que la faculté laissée aux paroisses d'augmenter les salaires des juges, n'est pas un avantage. C'est de la législation qui favorise le riche au detriment du pauvre

M. Rivers—Je n'ai pas connaissance de semblable proposition.

M. Nichols—Cette proposition a été faite par le sénateur de Caddo [M. Hodge.]

M. Short—Par le bill que j'ai proposé les juges des Cours des preuves recevront $700 ou $750 et ils seront autorisés à exercer la profession d'avocats.

M. Lacey—Je vais essayer d'exprimer mes vues relativement à la proposition que j'ai soumise au Sénat. Si ce corps y consent il votera tour à tour sur chacun de ces bills, jusqu'à ce que ce soit au tour du mien. Je puis n'être pas tout-à-fait à l'ordre; mais j'espère qu'il me sera permis de continuer et d'exprimer mes vues sur chacun des systèmes qui ont été proposés.

Comme je l'ai déjà dit, je considère que le modique salaire de $500 pour les juges de Cours de preuves, est tout-à-fait insuffisant. Le bill de la Chambre porte ce salaire à $1,000, mais cela est tout aussi mal. A $1,000 vous n'aurez pas de meilleurs juges qu'à $500. Ces deux sommes sont mal calculées et ne nous assureront jamais les services d'hommes de talent. Mais le bill de la Chambre autorise le juge à exercer la profession d'avocat. Pensez-vous qu'il soit convenable de permettre que le même homme siége aujourd'hui comme juge pour décider une affaire, et que le jour suivant il comparaisse comme avocat devant une autre Cour ?

Ne sera-t-il pas nécessairement influencé par là dans ses jugemens et dans ses décisions ? Que l'on dise tout ce que l'on voudra de l'impartialité d'un avocat à qui une affaire est confiée, ne savons-nous pas qu'il est dans la nature humaine qu'il épouse la cause de celui du côté duquel est son intérêt. L'esprit de tout homme, quelqu'il soit, ne peut rester impartial et son opinion se forme toujours dans le sens de la cause qui lui est confiée. De la sorte le juge ne pourrait rester impartial. Si vous l'autorisez à exercer la profession d'avocat ne cherchera-t-il pas à se populariser aux yeux de la population litigieuse, sentiment, il est vrai, imperceptible d'abord, car la sainteté du serment prêté par lui l'empêcherait de le tenter à découvert. Et cependant si fragile est la nature humaine, qu'il pourrait même négliger de se couvrir du voile des apparences. Prenant donc en considération la modicité du salaire, la permission donnée au juge d'exercer la profession d'avocat et enfin la clause qui autorise les paroisses à augmenter le salaire des juges. Je pense que ce système donne lieu à une foule d'objections.

Ces objections que j'ai citées sont-elles les seules qui se présentent ? Non, certainement, monsieur ! Les différences établies entre les juridictions des diverses Cours, est, à mes yeux, un obstacle sérieux à l'adoption du système de Cours des preuves. La question de juridiction a toujours donné lieu à mille contestations. Il arrive parfois que les parties en litige sont des mois entiers à tâtonner sur la question de juridiction avant d'arriver à savoir quelle est la véritable Cour devant laquelle ils doivent porter leur affaire.

Je demanderai pourquoi le barreau de la Nouvelle-Orléans si plein de talent et d'expérience, si désireux de voir perfectionner le système judiciaire de notre Etat, pourquoi, dis-je, le barreau de la Nouvelle-Orléans demande-t-il que dans le système que nous adopterons il ne soit établi aucune différence de juridiction entre les Cours des preuves et les autres Cours. Il est vrai que maintenant certaines affaires ont la préséance dans certaines Cours particulières ; mais toutes les Cours ont la même juridiction et conséquemment il n'y a pas d'obstacle à la prompte administration de la justice. J'en appelle au jugement des sénateurs! Adopteraient-ils un système en vertu duquel les Cours seront en session tous les ans et dans quel but ? Pour décider des affaires qui soient de leur ressort ? Non ! mais pour que le plaignant, après des procédures sans fin, se retire découragé, dégoûté en voyant que la Cour devant laquelle il a porté son affaire n'a aucune juridiction sur elle.

Le bill que j'ai eu l'honneur de soumettre au Sénat, aurait, je crois, un résultat tout différent. Je crois qu'il réaliserait le but si désirable, de mettre la justice à la portée de tout le monde. Si je ne puis obtenir les vingt-huit districts proposés dans mon bill, je consentirai à en réduire le nombre. Mais je ne me prononcerai jamais en faveur du système qui crée une différence entre les cours ordinaires et les Cours des Preuves. Ce principe m'est odieux par lui-même; et il l'est bien plus encore de la manière dont il est posé par la chambre basse. Je suis en faveur de ce système qui astreint le juge à siéger dans chaque paroisse. Le peuple le désire, parce que de la sorte

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l'administration de la justice serait à la fois plus sûre et plus expéditive. J'ai donc présenté mon bill dans l'intention de satisfaire le vœu du peuple, qui demande que des sessions de cour aient lieu deux fois par an, dans chaque paroisse, pour l'examen des affaires criminelles et deux fois par an pour les affaires civiles. Quelle objection peut-on présenter à ce système? On dit que les mesquines dimensions des districts feront des juges un objet de dérision. Si un juge administre la justice avec impartialité, il sera toujours entouré de l'estime publique, il aura toujours sa place marquée parmi les plus hauts dignitaires de l'Etat, quelque étroitement limitée que puisse être sa juridiction. Mais si les juges doivent recevoir le salaire insignifiant de $500 par an, s'ils doivent se présenter un jour à la barre comme avocats et le lendemain siéger au tribunal, s'il faut que de temps en temps ils implorent des jurés de police une augmentation de salaire, ne pensez-vous pas qu'alors, et alors seulement notre judiciaire deviendrait une dérision.

J'espère donc que le Sénat adoptera mon bill. Qu'il soit amendé, s'il est nécessaire; que les imperfections qu'il présente soient effacées. Je maintiens que comme système, c'est le meilleur qui ait été proposé. J'espère que les autres bills seront écartés et que l'on agira sur le mien. Je n'entends pas montrer aucun manque de respect envers les sénateurs qui ne partagent pas mes vues; mais il me paraît évident que leurs systèmes sont entièrement impraticables et qu'ils ne répondent aucunement au vœu du peuple.

M. Wickliffe.—Je demanderai au sénateur, si ce bill n'occasionnera pas une dépense de plus de $70,000. Il doit y avoir vingt-huit juges à $3,000 chacun.

M. Lacey.—Le salaire est fixé à $3,500.

M. Wickliffe—Cela porterait la dépense à plus de $30,000.

M. King.—Notre but principal, M. le président, est de prendre un parti sage sur cette question, et après considération mûre et réfléchie, que nous puissions être certain d'adopter un système qui satisfasse le peuple, qui rende facile l'administration de la justice. Après cette réflexion je suis arrivé à la conclusion que le substitut proposé par le sénateur d'Ouest Feliciana (M. Wickliffe), est le seul bill qui puisse être adopté, le seul qui ait l'approbation du Sénat.

J'ai compris que ce bill établit le même nombre de Districts qui existe sous le système actuel; il crée quatre sessions par an, à deux de ces termes la Cour s'occupe exclusivement des affaires des preuves, pendant les deux autres elle jugera toutes sortes d'affaires, y compris les affaires des preuves. Je crois que ce plan satisferait le public et rapprocherait autant que possible le tribunal du justiciable. Je dirai maintenant en quelques mots les raisons pour lesquelles je me suis arrêté à ce système. En premier lieu, je considère l'économie qui en résulterait comme étant d'une grande importance. J'ai calculé la dépense qu'occasionnerait chacun des systèmes proposés et j'ai trouvé que, dans le système des grands districts, avec un traitement de $3500 par juge et un juge de Cour des preuves dans chaque paroisse à un traitement qui ne serait pas moindre de $1000—car il serait presqu'impossible que la justice fut bien administrée, avec un misérable système de juges à bon marché,—j'ai trouvé, dis-je, qu'au lieu d'une dépense de $4000 nous aurions à payer la jolie petite somme de $75,000.

Dans le système proposé par le Sénateur d'Est Bâton-Rouge, (M. Lacey) la dépense s'élèverait à $84,000. Il est vrai que le nombre des districts et des juges serait peut être réduit, mais les dépenses surpasseront encore de beaucoup les dépenses actuelles. Le Sénateur de Bâton-Rouge nous a dit que l'opinion publique réclamait impérieusement un changement dans le judiciaire. Pour ma part, après l'examen le plus attentif, il m'a été impossible de découvrir que le peuple demandât aucun changement important dans le système actuel; encore moins un changement qui doublerait les dépenses actuelles.

Le système présent est, sans aucun doute, de beaucoup préférable au système des Cours des Preuves. Je réprouve ce système autant que le Sénateur qui vient de parler, mais il est, je crois, un point sur lequel lui et moi nous nous accorderons; c'est que les greffiers de cours sont, en général, plus au courant des affaires des preuves que les membres même du barreau. Il est rare que nous fassions un pas dans la procédure qu'exigent ces sortes d'affaires sans consulter le greffier. Je crois que pour ces affaires les greffiers vaudront mieux qu'un juge de Cour des preuves quelqu'il soit; on sera sûr de trouver chez eux, pour ce genre d'affaires, plus de lumières; plus d'honnêté que chez un avocat tiré des bas-fonds de la profession et recevant un salaire de $500.

Pour ce qui regarde le système proposé par le Sénateur d'Est Baton-Rouge, je crois que les districts sont beaucoup trop petits. Il y aurait quelques districts dans l'Etat dans lesquels il serait impossible de trouver des juges compétents, et, en supposant qu'on les trouvât, ils auraient très peu de chose à faire. Donner aux juges qui ont peu à faire le même salaire qu'à ceux dont tout le temps est pris, serait une injustice patente. Il pourrait y avoir quelques juges qui ne seraient pas occupés plus de quatre mois dans l'année, tandis que d'autres seraient obligés de travailler presque tout le temps.

Monsieur l'Orateur. Je suis encore à découvrir la cause de cette résolution dans l'opinion publique, qui a mis, prétend-on, le système des Cours des preuves en si grande faveur. Il n'y a pas longtemps que le peuple tout entier était contre ce vieux système, et la constitution de 1845 eut à l'abolir.

M. Short.—Le Sénateur pense-t-il que le système de Cour des Preuves que l'on demande aujourd'hui ressemble en rien à celui qui a été aboli en 1845?

M. King.—Ce doit être quelque chose de semblable, puisqu'il porte le même nom.

M. Short.—Je veux que l'on sache bien que je n'ai nullement le désir de rouvrir cette boîte de Pandore. Le système que je désire voir établir n'est nullement semblablable à l'ancien système des juges de paroisse.

M. King.—Je suis heureux d'entendre le Sénateur déclarer qu'il ne veut pas rouvrir cette boîte de Pandore, qui a été fermée heureusement pour nous. Il peut être vrai que le Sénateur ne soit pas en faveur d'un système semblable à l'ancien, mais quand je verrai son système je serai plus à même de former mon opinion sur ce point. Il propose de donner aux juges des Cours des Preuves $750 par an. Je vous le demande, monsieur, y a-t-il un économe respectable dans la campagne ou même un cuisinier à la Nlle-Orléans qui voulût donner ses services pour une somme aussi misérable?

Peut-on supposer que pour $750 nous pouvons avoir un homme compétent pour remplir les fonctions de sa place, un homme qui doit s'être préparé par l'étude aux devoirs de sa profession et en connaître les principes? Un homme qui tient en ses mains la fortune des vivans et des morts? Les greffiers suffisent parfaitement aux actes conservatoires. Ils n'ont pas le pouvoir de décider, ils ont le pouvoir de conserver. Ces pouvoirs, conjointement avec les pouvoirs donnés aux juges, dans le système du sénateur d'Ouest-Baton-Rouge, de décider les affaires des preuves quatre fois l'an constituent le meilleur système qui ait encore été proposé. Il est plus commode, plus économique, mieux adopté aux besoins du public, et il ne s'écarte pas tant des systèmes établis. Pour ces raisons j'espère qu'il sera adopté par le Sénat.

M Short. — J'ai quelques mots à dire en réponse au sénateur qui vient de parler. Trois systèmes ont été proposés. De ces trois systèmes nous devons choisir celui qui nous paraîtra donner le plus de garanties en faveur d'une administration prompte et intègre de la justice. A coup sûr, nous devons considérer les avantages et les désavantages que présente chacun des systèmes. Les grands districts relèveront le judiciaire et l'empêcheront d'avoir un cachet misérable qui s'attacherait, ainsi que le pensent certaines personnes, aux juges qui ne recevraient que de minces salaires. On a dit que des salaires réduits feront descendre les juges dans l'opinion. Suivant cette doctrine, un homme qui a une place est respectable dans la proportion du salaire qu'il reçoit. M. l'Orateur, j'avais supposé que ce qui relevait l'homme était le caractère et la moralité; que c'était en se montrant capable de remplir les devoirs de sa place, qu'un officier se rendait respectable.

Mais je ferai usage des arguments du sénateur lui-même en faveur du système des huit districts. Sous ce système, les juges recevront de fortes salaires et devront conséquemment, suivant lui, être infiniment plus respectables que dans son système qui établit des districts moins étendus et des salaires moins élevés. Il est vrai que les districts comprendront une vaste

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étendue de territoire, et que les juges auront beaucoup à faire. Un sénateur a pris occasion de ce fait pour faire un appel à la sensibilité du Sénat. (« Y a-t-il, s'est-il écrié, un homme digne de ce nom, qui pourrait oublier ses devoirs et ce qu'il doit à sa famille au point de consentir à s'en séparer pendant plusieurs mois de l'année pour vaquer à ses affaires ? Y a-t-il un homme qui consentit à cela et à voyager d'un point à un autre à travers de mauvaises routes, sur des rivières qui débordent ?») Il paraît, monsieur l'orateur, que les dangers par terre et par eau ont beaucoup d'effet sur l'âme sensible du sénateur. Mais il devrait se souvenir que si nous adoptons les districts étendus, nous aurons des juges respectables. On a dit que si vous créez de forts salaires vous aurez des juges fort respectables. Ce sera le cas dans le système des huit juges de district, et conséquemment l'argument du sénateur se retourne contre lui.

Mais il est une autre raison en faveur de ce système c'est qu'en pratique il sera beaucoup plus économiques que toutes les autres. Admettons que, suivant le calcul du sénateur de la Nouvelle-Orléans, les juges de la Cour des Preuves reçoivent $1000, ce qui ferait $47,000 pour tout l'Etat. Ajoutons $28,000 pour les salaires des juges de district, vous avez un total de $75,000, et à ce prix vous avez à la fois et des juges de district et des juges des Cours des Preuves dans chaque paroisse. Mais sous le système proposé par le sénateur d'Est-Bâton-Rouge (M. Lacey), vous aurez un nombre de district tel, que la place de juge deviendrait une dérision, si l'argument du sénateur est correct, et la dépense serait de $80,000 Ce système présente tous les désavantages des autres systèmes et aucun de leurs avantages.

J'arrive maintenant au système des juges de paroisses, qui a soulevé une si grande réprobation. Si les sénateurs veulent consulter les débats de la Convention de 1845, ils verront que ce système y a été longuement discuté. Ils verront par la discussion à laquelle il y a donné lieu, qu'ils se trompent grandement sur la nature du système des cours des Preuves, tel qu'il est proposé dans un des bills qui sont devant le Senat. Que propose ce système ? Rien de plus que d'accorder à certaines Cours une juridiction spéciale sur certaines affaires, imposant certains devoirs aux juges, et leur attribuant un salaire pour cela. La grande objection à l'ancien système des juges de paroisse, était qu'il offrait aux juges trop d'extortions un moyen du paiement de leur salaire. Le sénateur ignore-t-il que sous la Constitution actuelle, les juges ne peuvent rien recevoir en plus de leur salaire, et qu'ils ne peuvent, comme l'a dit le sénateur, aller demander et obtenir des ordres de vente. Pense-t-il que cela soit faisable sous la Constitution actuelle?

Les autres objections au système des Cours des Preuves sont plutôt imaginaires que réelles. On a dit qu'il y aurait conflit de jurisdiction. Pourquoi cela ? Quels seront les devoirs de ces Cours ? Ils seront si simples, si clairs, que le plus faible avocat pourra dire immédiatement si son affaire est ou n'est pas de la jurisdiction des Cours des Preuves.

Mais on nous dit que le barreau de la Nouvelle-Orléans, avec toute la sagesse et le talent qui le caractérisent, s'est prononcé contre le système des Cours des Preuves. Eh bien ! que signifie cela ? Devons-nous être guidés entièrement par l'opinion du barreau de la Nouvelle-Orléans?

On a introduit dans ce bill une autre clause à laquelle je suis entièrement opposé. Un citoyen de Carrol peut être poursuivi devant une Cour de la Nouvelle-Orléans, sans qu'il soit admis à en décliner la juridiction. La seule satisfaction qu'il pourra obtenir sera de n'être pas tenu de payer les frais.

Mr. King explique que telle n'est pas l'intention du bill.

Mr. Short. Je ne suis pas disposé à accepter comme parole d'Evangile tout ce qui pourra nous être dit, fut-ce même par le barreau de la Nlle.-Orléans, ce grand centre de la lumière et de l'intelligence. Je suis en faveur du bill qui émane de la Chambre. Les districts, tels qu'il les établit, sont parfaitement convenables, les salaires le sont aussi et conséquemment, si la théorie avancée par quelques sénateurs est admissible, nous aurons de bons juges. Ce bill répond, je crois, à toutes les objections qu'on a pu élever jusqu'aujourd'hui.

De plus, monsieur, lorsque dans chaque paroisse il y aura un juge exerçant une continuelle surveillance, sur tous ceux qui remplissent des devoirs officiels, ayant toujours les yeux sur eux, toujours prêts à lancer des ordres de Cour, ce que l'on désire tant, la prompte administration des biens, sera facile. Les sénateurs qui ont parlé contre ce bill semblent prendre en dédain un salaire de $1,000 par an !

Il paraitrait d'après les remarques de l'un d'entre eux [M. King] que dans la ville de la Nouvelle-Orléans un cuisinier ou un marmiton peut faire plus que cela, et par conséquent s'élever au-dessus d'un juge de paroisse. Un («steward,») à bord d'un steamboat, recevant $1,500 par an, serait donc de 50 pour 100 plus respectable !

Je dis, monsieur, qu'on peut obtenir des juges honnêtes et capables à $1,000 par an, et même à $700, parcequ'il a la latitude d'exercer en même temps la profession d'avocat devant les Cours de Districts. Je le demande, que devient donc l'objection du sénateur d'Est Bâton-Rouge [M. Lacey] ? Il ne peut y avoir de danger aussi longtemps qu'il ne s'élève aucune question de juridiction. Quels sont les devoirs des juges des Cours de paroisse ? Ils décident du droit de telles ou telles personnes à agir comme administrateurs, curateurs, &c, &c. Est-il personne dont l'intelligence soit assez bornée pour qu'il ne puisse pas reconnaître quand il agit pour lui même, et quand il agit pour d'autres. L'objection basée sur les différences de juridiction ne subsiste plus lorsque les pouvoirs des Cours des preuves sont limités strictement à des personnes agissant avec une capacité fiduciaire

J'ai dit.

MERCREDI, 15 mars 1852.

Institutions Charitables.

Les rapports de la majorité et de la minorité du comité sur les Institutions Charitables sont lus par le Secrétaire.

Le bill autorisant les planteurs à engager leur récolte lorsqu'elle est encore sur pied est pris en considération.

M. Mouton—J'objecte à ce bill si le planteur, en engageant sa récolte, a le droit de la mettre à couvert de tout jugement en faveur de ses créanciers et si le saisi n'en est pas possible après qu'elle est récoltée.

M. Kittridge.—Si un jugement a déjà été prononcé il aura naturellement la préséance.

M. Short.—Je ne désire pas entamer la discussion de ce bill, mais je voudrais le rendre aussi inoffensif et en même temps aussi avantageux que possible. Je présenterai donc un amendement pour assurer la préséance des créanciers par premier jugement, des hypothèques et des vendeurs.

M. Kittridge accepte l'amendement,

M. Mouton.—L'amendement semble obvier à la difficulté, quoique réellement il ne le fasse pas. Il y a dans l'Etat beaucoup de planteurs dont les propriétés entières sont grevées d'hypothèques, et il ne reste rien, si ce n'est la récolte, qui puisse être saisi par les créanciers par premier jugement. Le bill autorise le planteur à engager sa récolte envers un négociant et à la placer ainsi hors de la portée des créanciers par premier jugement. Je voterai contre le bill.

Sur motion de M. King le bill est renvoyé au comité.

ORDRE DU JOUR.

QUESTION JUDICIAIRE.

Le substitut au bill de la Chambre est pris en considération.

M. Kenner.—Il y a beaucoup à dire pour et contre cette question. Pour moi, je considère que les objections avancées contre le système des Cours des Preuves par le sénateur d'Est Bâton Rouge (M. Lacey) sont bonnes. Elles ont agi puissamment sur mon esprit. Néanmoins je pense que le bill proposé par lui subdivise la ville en un trop grand nombre de districts. Je ferai donc la motion, comme compromis, d'effacer du substitut du sénateur d'Ouest Feliciana (M. Wickliffe) le nombre 16. et d'y substituer le nombre 20. Si l'on y consent, je ferai la motion de référer ce bill à un comité avec instructions de diviser l'Etat en districts.

M. Rivers.—Je n'ai aucunement l'intention de discuter cette question ; mais je dois dire qu'en dépit des arguments élaborés qui ont été avancés contre le système de grands districts, je ne suis pas prêt à le combattre. Je crois que c'est le meilleur système qui

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ait encore été proposé. D'aprés l'action prise par la Chambre, d'après l'opinion que j'ai entendu émettre par des personnes de différentes parties de l'Etat, et qui en savent plus sur ces questions que le Sénat, j'ai tout lieu de croire que décidément c'est le plus populaire de tous. Prenant en considération toutes ces choses, les sénateurs de la Nouvelle-Orléans, doivent y donner leur attention et le regarder comme l'expression du vœu populaire ; dans le but d'obtenir un vote d'épreuve, je fais la motion que le substitut soit déposé sur le bureau.

M. Wickliffe.—Je ne crois pas que le système des grands Districts puisse être adopté ; je ne crois pas non plus que celui qui propose 28 Districts puisse l'être davantage. Je suis convaincu qu'aucun autre système que le système actuel ne peut être adopté. Si nous acceptons les 20 Districts proposés par le sénateur de l'Ascension (M. Kenner) je suis forcé de croire que le bill éprouvera dans la Chambre basse une résistance obstinée. La question y a été longuement et finalement discutée, tous les argumens qui pouvaient se présenter ont été épuisés. Rien, si ce n'est le bill adopté par la Chambre, n'a eu son assentiment, excepté un substitut de la teneur à peu près de celui qui vous est présenté. La lutte est maintenant entre le système des grands Districts et le système actuel. Si nous acceptons 20 Districts, qu'en résultera-t-il ? Le bill retournera à la Chambre, et là il rencontrera une résistance désespérée. Il peut s'élever une contestation qui dure vingt jours, et de la sorte la décision de cette question judiciaire qui a déjà tant duré sera encore indéfiniment ajournée Je sais qu'il y a d'insurmontables objections au système de 28 Districts et de Districts étendus.

La motion de déposer le substitut sur le bureau est rejetée.

La motion de M. Kenner, d'effacer le nombre 16 et d'y substituer le nombre 20, est prise alors.

M. Wickliffe.—Je m'oppose, comme je l'ai déjà dit, à l'adoption de cette motion. Son seul résultat, si elle était adoptée, serait, dans la Chambre basse, de renouveler inutilement la discussion d'une question qui y a déjà été decidée en faveur des Districts étendus. Dans ma paroisse, il ne s'est élevé aucune plainte contre le système actuel. Quelques senateurs affirment que le peuple désire des Cours des Preuves. Dans ma paroisse, semblable désir n'a jamais été exprimé. Je crois que 16 juges peuvent facilement décider toutes les affaires de l'Etat de la Louisiane

La motion d'effacer 16 et d'y substituer 20 est adoptée.

Le bill est ensuite référé à un comité spécial, avec instructions de rapporter un bill divisant l'Etat en Districts.

AMELIORATIONS INTERIEURES

Le bill des améliorations intérieures est pris en considération.

M. Short.—Je désire donner quelques explications.

Le comité des terres et levées ne s'est arrêté à aucun plan particulier. Deux propositions ont été faites à ce comité ; l'une est le bill adopté par la Chambre, l'autre est le même bill, mais corrigé conformément aux suggestions des membres du comite. Tous les deux ont été soumis au Sénat et sont à l'ordre spécial du jour. Le bill de la Chambre doit passer le premier. Si le Sénat ne l'adopte pas, je ferai la motion de prendre en considération le bill que j'ai rapporté de la part de deux des membres du comite.

M. Kenner.—Attendu que je suis membre du comité des terres et Levées, et qu'il peut exister quelque incertitude au sujet de la ligne de conduite que j'ai suivie, je crois de mon devoir de présenter quelques explications. Lorsque le bill était en discussion devant le comité, je crus nécessaire de faire une motion qui [je le crus alors du moins] fut unanimement adoptée ; quoique j'apprenne maintenant qu'elle n'eût pas l'assentiment de deux des membres. Le bill qui est devant le Sénat est le plus important des deux, parce que si nous commettons une erreur en l'adoptant, nous ne pourrons jamais revenir sur nos pas. La concession faite par le Congrès à l'Etat est des plus belles et des plus utiles ; si elle est bien administrée, elle contribuera beaucoup à notre prospérité. Un jeune homme mis en possession d'un immense héritage qu'il dépense avec prodigalité, peut, après quelques années, et s'il profite des amères leçons de l'expérience, relever sa fortune épuisée ; mais si nous perdons ce magnifique don conféré à notre Etat par la munificence du Congrès, nous ne pourrons jamais le recouvrer. Nous devons donc etre bien prudents dans son administration.

Il y a deux objets principaux dans ce Bill : faire des levées et dessécher. Ma motion consistait à effacer le mot dessécher. Je dirai en peu de mots les raisons qui me portent à présenter cette motion. Il n'y a pas de travail si dispendieux pour l'habitant que le travail de desséchement. Pour mettre les Sénateurs à même de se faire une idée des dépenses que ce système enraînerait, il n'y a qu'à faire un calcul simple et facile. Pour les habitants c'est une question fort importante et qui réclame la plus grande attention. Dans le cours de ma vie, j'ai eu à m'occuper de desséchement. Je dirai d'abord que les habitants sont dans l'habitude de faire des fossés soit à l'aide de leurs propres esclaves, soit en louant des travailleurs. Les contrats pour le creusement des fossés l'année dernière ont été dans une moyenne d'une piastre par pied cube pour les fossés d'un arpent de long. C'est là la base de tous les contrats de cette sorte. Un fossé d'un pied de largueur et de cinq pieds de profondeur coûte $5 l'arpent, et le travail est généralement fait par des Irlandais qui sont loués à cet effet. Eh bien, prenez ces données comme base de votre calcul, et il est raisonnable de supposer que cette base est juste, puisqu'il est important de faire ces contrats au plus bas prix. Songez que chaque fossé d'un pied de largueur et de cinq pieds de profondeur, coûte cinq piastres l'acre, considérez de plus le nombre de fossés qu'exigerait le déssechement d'un acre de terre marécageuse, et vous pouvez vous faire une idée de ce que coûterait le desséchement de toutes ces terres. Si vous voulez obtenir des informations à ce sujet, vous devez vous adresser à des hommes de pratique et qui ont l'expérience de ces matières, et non à ceux qui vous disent que les terres marécagenses peuvent être desséchées à moins de $10 par acre. Ceux qui soutiennent cela seraient considérés comme parfaitement fous par ceux qui ont l'habitude et l'expérience de ces sortes de choses.

Mais supposez que $10 soit réellement le prix. Vous avez des milliers d'acres de terres en marais, qui à $10 par acre s'éleveraient à la jolie petite somme de cent millions. Je vous le demande sérieusement, êtes-vous en mesure de voter une loi qui imposerait à l'Etat une dépense de $100,000,000 au moins? Des sénateurs prennent la parole ici et donnant cours à leur imagination, ils édifient de magnifiques systèmes, ils vous disent combien il serait beau de dépêcher les terres marécageuses et quels immenses avantages il en résulterait. Mais là n'est pas la question. Nous voulons savoir quelle sera la dépense avant d'entreprendre un projet aussi grandiose, quelque tentation que nous éprouvions de le faire.

Ma propre expérience et celle de plusieurs autres que j'ai consultés, me convainquent qu'il est impossible de dessécher les terres marécageuses sans l'aide de machines. Quelques-unes de ces terres ont une pente naturelle et pourraient peut-être se déssécher au prix de $10 l'acre ; les autres terres de ces marais proprement dits, présentent une surface uniformément plate et ne peuvent être desséchées sans l'aide de machines. Tous les marais proprement dits sont au moins au niveau des eaux basses et lorsque souffle un fort vent d'Est toutes les terres qui sont de ce côté-ci de la rivière sont inondées. Pour les déssécher convenablement il faut des machines à vapeur, des ingénieurs pour les diriger, des ouvriers pour les faire fonctionner ; il faut des hommes pour couper le bois et le transporter au lieu où il doit en être fait usage. Pouvez-vous imaginer jusqu'où cela vous conduirait et dans quel abyme de dépenses vous vous plongeriez si vous adoptiez un pareil système ? Serez-vous en mesure de voter en faveur d'un bill qui necessite de semblables frais ? Et pouvez-vous être étonnés qu'au sein du comité j'aie fait la motion d'effacer le mot desséchement partout où il se présentait dans le bill ?

Mais on dira peut-être que les termes de la concession nous font une obligation de desséchor ces terres, puisque la loi du Congrès dit qu'elles ont été concédées à l'Etat pour qu'elles fussent desséchées et entourées de levees. Personne ne dira cependant que parce que ces terres nous ont été concédées pour que nous les desséchions et que nous les entourions de

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levées, nous sommes obligés de nous mettre à l'œuvre et de les dessécher immédiatement. Mais on dira sans doute que si nous ne le faisons pas, nous encourrons pour rien d'immenses dépenses et que notre travail sera inutile. Si l'on raisonnait de la sorte je référerais aux termes de la loi elle même. La loi dit : "Entourer de levées et dessécher." Nous devons donc construire d'abord les levées. Si nous contenons le Mississipi par des levées, et si nous empêchons le débordement des eaux sur ces terres, nous aurons fait assez pour avoir droit à la concession. Puis, s'il nous reste encore quelques fonds, nous commencerons alors le desséchement. Ce que nous voulons d'abord c'est contenir le fleuve dans ses limites, et, si nous y parvenons, nous aurons accompli des merveilles.

Il y a encore une autre objection à ce bill qui, dans mon opinion, a une portée encore plus étendue. Non seulement il prescrit d'employer trois ingénieurs, mais encore il nous impose différents autres officiers, ouvrant ainsi la lice à tous les coureurs de places et constituant de vraies sinécures en faveur de ceux qui seraient désignés. Vous avez d'abord trois ingénieurs dont le salaire réuni formera une somme de $4,500 par an, trois ingénieurs à $3,000 chacun par an, et un secrétaire à $500, ce qui fait d'un seul coup $14,000 par an, seulement pour les principaux officiers du bureau.

Une autre section à ce bill, la 13me, enjoint aux commissaires de nommer un inspecteur dans chaque District de Levées. Je suis opposé à cela, M. le président Le loi actuelle place toutes les paroisses riveraines sous la protection de ceux à qui ce droit appartient; elle confie le soin de la sûreté des paroisses riveraines à ceux qui sont directement au-dessous des levées et qui par conséquent ont le plus grand intérêt à les tenir en bon état. Comme je l'ai dit, ce bill pourvoit à la nomination d'un inspecteur dans chaque District de Levées, lequel devra être nommé par le commissaire du District. Il y aurait donc 120 inspecteurs de levées. Que leur allouerez-vous pour leurs services ? Vous savez combien nous sommes généralement libéraux lorsque nous tirons sur les fonds de l'Etat; vous savez avec quelle bonne grâce et quelle facilité nous payons avec l'argent qui n'est pas à nous. Ce n'est donc pas trop de mettre à $100 par an ce que l'on allouera à ces inspecteurs. 120 inspecteurs à $100, $12,000 à ajouter aux $14,000 portées plus haut. Voilà donc le système mis en opération à raison de $26,000 par an. Et tous ces frais sont indispensables, ils découlent tous les uns des autres. Mettez de côté le desséchement, vous vous débarrassez de la plus grande partie des officiers. Si vous vous bornez à faire les levées vous éviterez d'immenses dépenses auxquelles, dans le cas contraire il vous faudra faire face.

Bien d'autres objections encore se présentent, mais je ne m'y arrêterai pas en ce moment; j'en parlerai lorsque d'autres sections du bill seront prises en considération. En soumettant ces observations, j'ai essayé d'être clair et surtout positif; je n'ai pas cherché à faire de l'éloquence, j'ai présenté des faits au lieu de figures et de fleurs de rhétorique. J'ai fait voir quels seraient les résultats de ce bill tel qu'il existe maintenant, et je puis prouver que, s'il est adopté, les revenus de trente années, provenant de la vente de ces terres en marais, seraient épuisés en moins de six mois.

Il est encore une chose dans ce bill à laquelle je dois m'arrêter. Le bill décrète que des contrats seront passés pour la mise à exécution de ce système; que des bons seront émis pour le paiement des contracteurs. Lorsque ces bons seront présentés, l'auditeur, s'il ne peut les payer, écrira sur sa porte (absence de fonds! pas de paiements!) et ces bons porteront alors intérêt à raison de 8 pour cent par an!

C'est le meilleur placement que l'on puisse faire. Il n'y a pas de Shylock, pas d'usurier à la Nouvelle-Orléans qui pût demander une meilleure garantie, en conséquence réfléchissez avant de faire un pas, car, autrement, vous risqueriez de vous perdre à jamais.

M. Rivers.—Comme le Sénateur a parlé de ce qui s'est passé au sein du comité, lorsqu'il avait charge de ce bill, je ferai connaître les faits véritables, afin qu'on ne se méprenne pas sur ma conduite. J'appuyai la proposition d'effacer du bill le mot (dessèchement,) parce que je pense qu'il serait absurde de songer à dessécher les terres marécageuses et les terres inondées. Je ne savais pas alors la somme qui serait nécessaire pour cet objet, je ne me suis pas enquis non plus des places d'ingénieur, de travailleurs de toute sorte et des postulants que le bill créait. Comme le Troisième District que j'habite n'a pas besoin de travaux de desséchement, je pensai que ce district ne devait pas être incorporé, quoique je fusse prêt à accéder à cette incorporation, si mon district était protégé et recevait la portion qui lui revenait. Si cette disposition est adoptée, si mon district, dans lequel aucun desséchement n'est nécessaire, doit avoir sa part, je consens volontiers à ce que les Sénateurs fassent toutes les expériences qu'il leur plaira, pourvu qu'ils ne fassent rien à notre détriment.

M. Short.—Je pense avec le Sénateur d'Ascension, (M. Kenner), que la question de desséchement est de la plus grande importance. Je suis fâché cependant de voir une tendance évidente à détourner ces terres de l'emploi qui leur a été assigné par la donation elle-même qu'en a faite le gouvernement fédéral. Si le Sénateur veut m'envoyer une copie de la loi qui est sur son bureau, je lui montrerai que le texte de la donation correspond exactement avec les principes émis par le bill. Je suis fâché d'entendre exprimer des opinions qui sont semblables à celles qui ont été avancées il y a quelques années, au sujet des terres marécageuses. J'ai moi-même entendu des hommes d'intelligence dire que, si l'Etat devait accepter les terres et en payer les frais d'arpentage, il s'y ruinerait.

M. Kenner.—Le Sénateur pense-t-il que j'aie une semblable opinion ?

M. Short —Non monsieur. Le Sénateur à l'heure qu'il est déclare que ce n'est pas là son opinion, et cependant il nous dit que ces terres ne sauraient être desséchées, à moins d'une somme de soixante millions de piastres. Je ne pense pas que le Sénateur lui même qui avait cherché à battre M. Harmanson, comme candidat pour le Congrès, en proclamant cette doctrine, voulût persister aujourd'hui dans cette opinion. En quels termes est faite la donation de ces terres? Quand les termes de la concession affectent le produit de ces terres à un objet spécial, ces termes n'indiquent-ils pas la manière dont ce fonds doit être administré, dans quel but, je le répète, ces terres ont été données à l'Etat ? Oui, évidemment, si le mot « loi » doit avoir aucune force. Quel est le premier pas à faire pour remplir l'objet qui nous a été prescrit. Après que nous aurons construit une levée pour retenir les eaux, nous devons chercher s'il est possible de fouiller un fossé pour égouter les eaux qui inondent les terres du fond. Le Sénateur suppose-t-il qu'un ingénieur, digne de ce nom, songeât à creuser un fossé au-dessous de l'eau. Non, le travail ne commencerait qu'après que les eaux auraient été contenues par une digue. On a fait, en outre, des objections imaginaires, à ce bill. A la dernière session de la Législature, on a présenté un bill qui proposait une entreprise magnifique. Malheureusement le mot " machine " se trouvait dans le bill, et conséquemment la proposition fut écartée. L'emploi de ce terme a été cause que des milliers de balles de coton ont été détruites cette année par l'inondation. En ce moment même, pendant que nous discutons cette question, une levée peut céder et ouvrir un passage au torrent dévastateur.

Les Sénateurs s'effrayent de dangers imaginaires. Le Sénateur d'Ascension dit qu'il faudrait soixante millions de piastres pour creuser ces fossés. S'est-on assuré que le montant serait aussi grand. si on refoulait d'abord les eaux du fleuve en construisant une levée ? C'est là la première tentative qui doit être faite. Mais alles-vous exclure les travaux qu'exige en définitif le système ? Supposez qu'un homme commence à bâtir une maison. Il faut qu'il place un toit audessus. Mais le toit coûtersit beaucoup d'argent ; en conséquence, il se refuse à finir la maison, parce qu'il coûterait trop de la couvrir. Que penseries-vous d'un homme qui agirait ainsi ? Et c'est l'argument du sénateur ? Il faut qu'il admette qu'aucun fossé ne peut être utile à moins que les eaux ne soient d'abord contenues à l'aide d'une levée. Le sénateur a dit que toute la Basse Louisiane est du même niveau que l'Océan.

M. Kennner.—Le sénateur se trompe. Je n'ai pas dit cela.

M. Short.—Le sénateur a dit que les vents poussent les eaux sur les terres basses et qu'alors ces terres restent inondées. Mais, sans aller plus loin, je dirai que,

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pour les raisons que j'ai avancées, je suis opposé à la proposition d'effacer le mot « desséchement » parce qu'alors le but que se propose le bill n'existerait plus. Pour ce qui est des commissaires, je suppose que le Gouverneur nommera des hommes de sens, des hommes qui peuvent dire si la terre est couverte ou non par les eaux, et qui songeront à les refouler, avant de vouloir fouiller un fossé.

L'objet du bill qui est devant le Sénat est d'accomplir les desseins du Congrès, lorsqu'il fit cette donation.

Une autre objection a été faite au bill. Le sénateur dit qu'on ne peut assigner de limite au chiffre des mandats qui seront émis sous l'empire de ce bill. Est-ce là le fait ? Les mandats ne pourront être émis qu'autant que l'ouvrage qu'ils représentent aura été fait conformément au contrat. Je suppose qu'une grande quantité du travail ait été faite avant l'expiration d'une année. Y a-t-il un sénateur qui puisse y trouver à redire ? Tandis que nous donnons tant d'attention aux affaires étrangères, tandis que chaque dépêche relative à ce qui se passe à l'étranger est recueilli avec empressement, pensez-vous que le peuple fera la moindre attention aux objections imaginaires dont le bill est l'objet ? Non, monsieur.

M. McCay propose de déposer sur le bureau la motion de M. Kenner à l'effet d'effacer le mot « desséchement. »

La motion est repoussée.

M. Short.—Je repète que je voudrais qu'on exécutât religieusement les intentions du Congrès, c'est un devoir qui nous est imposé par la Constitution. Je suis en faveur de tout bill qui sera conforme aux termes de la donation. Que ce soit un bill raisonnable, et il échappera à toutes les objections imaginaires qui ont été présentées ici.

M. Boatner.— Je crois que la Législature outrepasserait ses pouvoirs en adoptant ce bill. Il y a dans la Constitution certains articles auxquels nous sommes tenus de nous conformer. Un de ces articles dit qu'il y aura un bureau des travaux publics et qu'il sera composé de quatre membres. C'est là plus que nous ne pouvons faire ici. Ceux qui ont rédigé l'acte qui est maintenant devant le Sénat n'obéissent pas à la Constitution puisqu'ils pourvoient seulement à l'élection de trois commissaires. La Constitution dit que dans la formation des districts il devra être fait en sorte qu'ils soient égaux sous le point de vue du nombre de votants que comptait chacun d'eux ;— Cet article encore est violé. La Constitution dit que les Commissaires seront élus par le peuple, l'acte donne au Gouverneur le droit de nomination et dépouille le peuple du droit d'élection. Je le demande, avons-nous le droit de laisser au Gouverneur le soin de ces nominations lorsque la Constitution est là qui nous brûle les yeux ? Le bill est inconstitutionnel. Aussi longtemps que nous n'aurons pas révoqué ces articles de la Constitution auxquels j'ai fait allusion, nous n'avons pas le droit de faire ce que l'on nous propose. Aussi longtemps qu'un vote des trois-cinquièmes de la Législature n'aura pas annulé ces articles nous ne pouvons pas établir un autre bureau des travaux publics. Je puis être dans l'erreur ; mais aussi longtemps que je ne serai pas convaincu de ce fait je voterai contre le bill depuis le titre jusqu'au dernier mot.

M. Kenner.—Il y a sans doute une grande force dans l'objection que vient de présenter le sénateur. Mais il ne doit pas oublier que l'intention du comité a été que lorsque le bureau établi ainsi que le prescrit la Constitution aura été organisé il succédera aux pouvoirs et aux fonctions de celui que crée ce bill. Le comité voyait approcher le moment des hautes eaux, il savait que les levées étaient en danger et qu'il était absolument nécessaire que l'on prît quelques mesures.

Je voudrais dire quelques mots au sujet de l'interprétation donnée à la loi du Congrès par le sénateur de Madison (M. Short). Pas un mot de semblable interprétation n'a été dit devant le comité. La loi a été lue et semblable suggestion n'a pas été présentée, même lorsque la motion d'effacer a été faite.

M. Short.—Je ne dirai plus que peu de mots : J'ai demandé qu'on agit sur cette question ; plusieurs projets ont été soumis ; le bill de M. Ranney donnait lieu à l'objection qu'il requérait des machines [ce qui a si fort effrayé certains sénateurs]. J'aime à bien comprendre et à pouvoir bien expliquer un système que je soutiens, mais je ne m'attache quand-même à aucun système en particulier. Je suis disposé à accepter tout amendement ou toute amélioration qui pourrait être présentée, et je ne désire soumettre aucun système quelqu'il soit à l'épreuve du lit de Procuste. Je ne puis cependant m'empêcher de dire que la proposition du sénateur de l'Ascension (M. Kenner), serait contraire à l'esprit et aux termes de la concession.

Je regrette que le sénateur de Caldwell (M. Boatner) présente contre ce bill des objections de constitutionalité. J'avais moi-même d'insurmontables objections à l'abolition du bureau des travaux publics en ce moment. Mais elles ne portent aucunement sur ce bill. Les levées n'ont jamais été considérées comme travaux publics, elles ont toujours été faites par des particuliers et le travail de construction a toujours été imposé aux propriétaires riverains. Le but de ce bill est de faire construire immédiatement des levées là où le capital particulier n'est pas suffisant.

Je crois que par là nous mettrons le bill à couvert des objections d'inconstitutionnalité. J'espère que le sénateur se rangera de notre côté et qu'il nous aidera à le faire adopter. Il est très-intéressé à son adoption. Il représente une paroisse qui sera inévitablement inondé si les paroisses riveraines viennent à céder.

Je dirai une chose pour tirer le sénateur du mauvais pas où il s'est engagé. Vous voulez nous enlever le pouvoir de faire ce que fait chaque planteur, lorsqu'il construit une levée. Lorsqu'il le fait, il creuse un fossé pour l'écoulement des eaux. Et pourtant le sénateur est tellement désireux de mettre de côté le desséchement qu'il veut même empêcher ceux qui construisent des levées de creuser les fossés nécessaires.

M. King. — Nous avons à remplir un devoir important sur cette question. Au point de vue purement légal, nous sommes tenus de nous conformer aux instructions contenues dans l'acte de concession, laquelle a été faite pour deux objets : le desséchement et la protection des levées. La Constitution dit que ce fonds ne sera affecté à aucun autre usage. Supposez que nous affections le fonds entier à la construction de levées, ne serait-ce pas violer à la fois et la loi et la Constitution ?

La discussion se continue un instant, puis, le vote étant pris, la motion d'effacer les mots « et de desséchement » est adoptée.

MERCREDI, 16 mars 1853.

M. King présente le rapport du comité spécial auquel avait été référée la question de la division de l'Etat en districts judiciaires.

BILL DES TERRES MARECAGEUSES.

Une reconsidération du vote par lequel les mots « et desséchement » avaient été effacées hier dans le bill des terres marécageuses, ayant été demandée.

M. Short dit : J'essaierai, M. le président, de développer les raisons qui me portent à appuyer la motion de reconsidération. Ces raisons se trouvent dans les actes mêmes par lesquels le Congrès a fait donation de ces terres à l'Etat, et ressortent nécessairement d'une juste interprétation de ces actes. Les actes du Congrès forment l'un des motifs de la reconsidération, si nous voulons nous conformer aux intentions du Congrès.

Je comprends que l'interprétation qui doit être donnée à toutes les donations, lorsqu'elles sont faites pour certains objets et lorsque le donataire est investi du pouvoir nécessaire pour accomplir ces objets est celle-ci, qu'une loi doit être adoptée ayant pour but d'exécuter la volonté du donateur telle qu'elle est exprimée. La première question qui se présente est celle-ci : Quelle était l'intention du Congrès en faisant cette donation ?

La première section de la loi du Congrès est ainsi conçue :

Il est décrété, etc., Que pour aider l'Etat de la Louisiane dans la construction des levées et dans les travaux de desséchement qui sont nécessaires pour égoutter les terres marécageuses et inondées qui y sont situées, toutes ces terres marécageuses et inondées qui se trouveront être impropres à la culture, sont par les présentes concédées à l'Etat.

Ces termes sont clairs et faciles à comprendre. Mais afin de les rendre encore plus clairs et plus précis,

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je vais lire la disposition suivante qui se trouve dans la seconde section du même acte.

Pourvu cependant que le produit desdites terres soit appliqué exclusivement, autant qu'il sera nécessaire, à la construction des levees et aux travaux de dessèchement dont il est parlé plus haut.

Le second point est celui-ci : L'Etat se conformera-t-il aux termes de la donation (et c'est dans les termes que nous trouverons l'intention), en passant un acte qui restreint l'emploi du produit des terres marécageuses à la construction des levées ? Tout homme qui connait la nature des terres marécageuses sait que le but que l'on se propose en élevant des levées est de contenir les eaux et d'empêcher les terres d'être inondées. C'est ce que l'expérience a dû prouver à tout homme qui connait la campagne. On a dû avoir recours à un moyen à partir du temps d'O'Reilly et des autres gouverneurs espagnols. Les termes mêmes des différentes concessions faites aux premières personnes qui se sont établies dans la campagne étaient que les propriétaires riverains seraient tenus d'élever une digue ou levée d'une hauteur suffisante pour contenir les eaux. Après que les levées sont bâties, et que les eaux du dehors sont refoulees, si le propriétaire découvre qu'en creusant un fossé, il peut mettre à sec d'autres terres qui sont, inondées, en homme de sens, en habitant intelligent, connaissant ses propres intérêts, il fera naturellement creuser un fossé dans le but de rendre propres à la culture des terres qui autrement resteraient improductives. Tel est le sens du mot dessèchement, et je ne vois pas qu'il y ait là rien de si alarmant. Mais quelques sénateurs ont immédiatement vu se dresser un immense appareil, des machines coûteuses, et cette pensée les a terrifiées. Mais j'en appelle à ces sénateurs qui ont à cœur les intérêts de l'Etat, à ceux qui vivent dans les sections alluviales et qui sont, par conséquent, directement intéressés à cette question ; je les adjure de porter toute leur attention sur cette mesure, de l'examiner avec soin, de s'assurer de l'intention du sénateur, d'observer quels sont les devoirs qui leur sont imposes pour se conformer fidèlement à cette volonté, de voir l'esprit de l'acte du Congrès. Il est admis par tous que ce bill est de la plus grande importance. Je demande aux démocrates de dire s'ils veulent prêter les mains à une proposition qui tue véritablement le bill. Les whigs y consentiront-ils ? J'espère que non ; j'espère que whigs et démocrates ont trop le sentiment de leurs devoirs, comprennent trop ce qui est juste, pour permettre que les intérêts de l'Etat soient sacrifiés. J'espère les voir unir leurs forces et mettre ensemble l'épaule à la roue. J'espère qu'ils vont enfouir dans une tombe commune toutes leurs idées de rivalité politique, que tout esprit de parti disparaîtra afin qu'on ne puisse dire que l'un ou l'autre des deux partis a fait usage d'une question aussi importante, aussi délicate dans l'intérêt d'une élection. Ils doivent être guidés par des motifs plus nobles, plus élevés. La campagne demande-t-elle un bill de cette nature ? Oui, mille fois oui. Il n'est pas d'homme raisonnable qui puisse douter qu'un système de levée ne soit nécessaire. Pendant plus de la moitié d'un siècle, ou depuis 1770, des levées ont été construites dans cet Etat. En 1807, la Législature territoriale exigea pour la première fois la construction de levées. Jusqu'a nos jours, les levées n'ont jamais été construites par l'Etat ; elles n'ont jamais été considerées comme faisant partie de nos améliorations intérieures. Et cependant n'est-ce pas là ce qui doit, en première ligne, rendre la campagne habitable ? n'est-ce pas là ce qui doit tout d'abord être rangé parmi les améliorations interieures ? La Louisiane n'a jamais rien fait pour égoutter les dix-huit mille milles carrés de terre alluviales qui existent au milieu de son territoire ; ces travaux ont toujours été à la charge des propriétaires riverains et 1,500 milles seulement sont en état de culture. A quoi faut-il attribuer cet état de choses ? A la perfection de notre système de levées, par lequel la charge tout entière de la construction et du maintien des levées retombe sur les propriétaires riverains. Pour ce qui regarde le cas où ce fardeau doit être supporté par les propriétaires riverains, aux termes de la concession d'où dérive leur titre de propriété, l'Etat peut, avec quelque justice, exiger qu'ils se conforment aux termes de la concession, lorsque la non exécution de ces conditions pourra léser d'autres personnes. Mais dans le nord de la Louisiane, il n'existe pas de concession par laquelle cette obligation soit imposée aux propriétaires riverains. Les titres émanent en général du gouvernement général et ne sont assujettis à aucune servitude. Cette obligation dérive des actes de la Législature seulement ; et l'accomplissement en a été exigé avec tant de rigueur qu'un homme a été littéralement exproprié, sa maison a été vendue, tandis que d'autres qui produisent une balle de coton par acre, n'ont pas eu de taxe à payer, n'ont pas eu un cent à payer. Tout ce que nous demandons aujourd'hui c'est votre sympathie, messieurs, vous qui vivez sur des terres élevées et qui êtes à l'abri des dangers de l'inondation. Tout ce que nous demandons c'est que, quoique la nature vous ait placés dans une position élevée, vous nous donniez votre appui pour nous aider à accomplir l'objet de la concession. C'est tout ce que nous voulons obtenir de ceux qui ne voient jamais les eaux furieuses du Mississipi se dresser au-dessus de leurs habitations. Est-ce là trop demander, est-ce trop espérer ? Je pense que nous ne pouvons moins demander. Si nos prétentions ne sont pas déraisonnables, nous avons le droit d'espérer que ceux qui ne sont jamais victimes de ces épouvantables crevasses, travailleront avec nous pour établir un système qui réponde à nos besoins. Que demandons-nous ? Seulement de mettre en pratique le système recommandé par le comité des terres et levées. Le comité nous a dit que la construction de levées est la première chose à faire pour exécuter la volonté de votre donateur Il n'y aurait aucune nécessité, en fait il serait absolument impossible de creuser un fossé pour entraîner au loin les eaux, jusqu'à ce qu'on ait pris les mesures nécessaires pour refouler et contenir les eaux du fleuve. Mais après que des levées auront été construites sur les points importants et sous la direction d'ingénieurs expérimentes, alors il faudra creuser des fossés pour dégager les terres du fond, qui sans cela resteraient inondees. Ainsi l'on verra que notre but est de faire correspondre le bill avec les termes de la concession. Puis, nous voulons présenter un bill qui satisfasse aux besoins de l'Etat. Si nous nous arrêtons à moitié chemin, si nous ne faisons que construire des levées, nous violons les termes mêmes de la concession, nous lions les mains à toutes les personnes qui seront employées à exécuter précisément les travaux que l'acte du Congrès a en vue. Beaucoup de personnes qui ne connaissent point cette question, peuvent être effrayées par le tableau des immenses dépenses qu'entraîners, dit-on, l'exécution de ce système. A l'aide d'un calcul qui a été fait hier, il paraîtrait que le dessèchement de 6,000,000 d'acres de terre coûterait $60,000,000 ou $10 par acre. Quand les eaux du Mississipi seront refoulées, quand dix ou vingt acres seront mis à sec, il y a quelques endroits où la simple construction d'une levee, pour ne rien dire du creusement d'un fossé, sera suffisant pour livrer à la culture 30 ou 40 ou même 100 acres de plus. Mais disant qu'en dépensant 2, 3 ou même 4 escalins par pied pour la fouille d'un fossé, vous pourrez arracher à l'inondation 30, 40 ou 100 acres de plus, allez-vous refuser de faire ces fouilles, parce que vous supposez que ces travaux entraîneront une immense dépense de machines, d'appareils à vapeur et d'ingénieurs.

L'une des sections du bill dit expressément qu'il n'y aura que le fond des terres marécageuses qui sera affecté à l'établissement du système. J'espère que cela doit écarter les craintes des sénateurs qui s'effraient de voir l'Etat s'endetter. Beaucoup de sénateurs craignent de voir l'Etat contracter une dette considérable. Le bill ne dit-il pas qu'il n'y aura de dette contractée qu'en proportion de l'ouvrage qui aura été fait. Est-ce là ce qui peut effrayer ces messieurs. On suppose que les particuliers ont déjà dépensé $5,000,000 pour des travaux de ce genre. Cette dépense n'equivaut-elle pas à une taxe ? Vous avez vu que nous avions à dessécher six millions d'acres, qui acquerront de la valeur, augmenteront proportionnellement la richesse de l'Etat, et ajouteront de nouveaux stimulants à l'industrie.

Vous êtes au début d'un nouveau système. Ce bill est le premier pas Hésitez-vous, fléchissez-vous, doutez-vous au point de départ ? Vous avez de grands travaux à exécuter. Ce bill, malgré ses imperfections, est de nature à les effectuer, jusqu'à un certain point. Si ces travaux sont gigantesques, il faut la force d'un géant pour les accomplir. Mais voules-

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vous, dès le premier pas, engourdir nos forces, et nous empêcher d'exécuter les travaux qui nous sont imposés? J'espère que personne ne le désire. La campagne proclame à haute voix qu'il faut que nous nous mettions à l'œuvre, que nous devons donner à ces terres la destination pour laquelle elles nous ont été concédées.

Rassemblons toutes nos forces, tout notre courage et nous n'échouerons pas.

M. Lacey—Je demanderai au Sénat la permission d'expliquer les raisons qui me font voter pour la réconsidération du vote par lequel les mots «et desséchement» ont été, hier, effacés du bill.

La section pourvoit à la division de l'Etat en Districts de levées et de dessèchement, et je ne vois pas pourquoi nous ne maintiendrions pas cette division. Je me suis réservé, quand j'ai voté, le droit de changer d'opinion.

M. Kenner—Je ne comprends pas le sénateur d'Est Bâton-Rouge. Je croyais qu'il avait voté pour effacer ces mots, parce qu'il était opposé à faire entrer le desséchement dans le bill. S'il a changé d'opinion sur ce point, il a parfaitement raison de plaider en faveur de la réconsidération, mais s'il n'a pas changé, je ne comprends pas son raisonnement.

M. Lacey—Je n'ai pas changé d'opinion à cet égard. Je suis opposé à m'embarquer dans un système de desséchement artificiel, quoique je sois en faveur du desséchement naturel. Mais je ne suis pas opposé à la division de l'Etat en Districts de levées et de dessèchement, ainsi qu'elle est établie par le bill. Je me range donc du côté de ceux qui demandent la réconsidération.

M. Kenner—Le sénateur de Madison [M Short], a adopté un raisonnement fort ingénieux. Il désire nous représenter comme étant opposés à un système de levées aussi bien qu'à un système de desséchement. Il fait un appel aux démocrates, les adjure d'appuyer sa mesure favorite. Il espère l'emporter en les ralliant autour de lui, et il demande si les whigs sont disposés à prendre la responsabilité de tout le bill. Nous ne sommes point opposés à la construction de levées. Le sénateur ne peut nous placer dans cette position. Nous sommes en faveur de levées, mais nous ne sommes pas en faveur des levées et du desséchement tout à la fois. J'ai fait la proposition d'effacer du bill le mot «desséchement,» de manière a en restreindre l'effet à la construction de levées. Les paroles du sénateur s'appliquent aux levées exclusivement; cependant, il dit qu'il est aussi en faveur du desséchement. Je supplie en conséquence le sénateur de vouloir bien, lorsqu'il s'adresse au Sénat, ne pas nous placer dans une fausse position. J'espère que les autres sénateurs ne changeront pas avec la facilité qui caractérise le sénateur d'Est Bâton-Rouge [M Lacey], mais qu'ils resteront fermes dans leur opinion.

M. King—Je ne crois pas que la première section du bill établisse une distinction entre les Districts de levées et les Districts de desséchement. Je suppose que les Districts de levées et de desséchement seront identiques, de sorte qu'il serait hors de propos de concevoir des craintes exagérées relativement aux Districts de desséchement. J'ai taché, hier, de montrer combien est simple cette question.

L'acte du Congrès dit que les terres marécageuses ont été concédées à l'Etat dans un double but; la construction de levées et le desséchement. Du moment que nous consacrons cette richesse à seulement l'un de ces objets, nous violons l'intention du donateur. Si, dans les relations de la vie ordinaire, un pareil contrat avait lieu, il n'est pas d'avocat qui ne nous dise que le contrat doit avoir son plein effet. La Constitution dit que le fonds provenant des terres marécageuses ne sera pas detourné des objets en vue desquels la concession a été faite. Où trouver des termes qui soient plus clairs et plus precis? Supposez que vous effaçions les mots « construction de levées,» et que nous affections le fonds tout entier au desséchement, ne serait-ce pas une violation directe et flagrante de la loi et de la Constitution? Eh bien! si nous effaçons le mot « déssèchement, » ne sera-ce pas également une violation? Ne sera-ce pas une infraction à la Constitution? L'opposition semble provenir de l'idée que l'on s'est faite que les travaux de desséchement sont inutiles, et qu'ils absorberont le fonds tout entier. Si ces messieurs veulent se bercer de cette erreur et s'imaginent que le desséchement entraînera une dépense considérable, ils peuvent aussi bien supposer que ceux qui doivent construire les levées gaspilleront le fonds tout entier. Ils devraient présenter un bill restreignant les dimensions des levées, de crainte que les commissaires n'abusent du dépôt qui leur est confié. Il n'y aurait pas de sens commun à faire les travaux de desséchement avant la construction des levées. Autant vaudrait chercher à dessecher le Mississipi.

La motion de reconsidération est adoptée. M. Lacey présente un substitut au bill. Il dit:

M le Président, lorsque le bill qui est maintenant devant le Sénat, et qui est relatif au desséchement et à l'exhaussement des terres marécageuses ou inondées fut, pour la première fois, pris en considération, j'avais l'intention de présenter un substitut à ce bill; les circonstances ne me l'ont jamais permis alors, et je saisis maintenant l'occasion qui se présente pour soumettre à cet honorable corps le substitut lui-même et les raisons qui m'ont décidé à lui donner mon appui de préférence au bill original émanant, je crois, de la Chambre basse.

Je déclarerai, tout d'abord, M. le président, que je ne suis pas inflexiblement attaché au bill que j'ai eu l'honneur de présenter au Sénat, et mon hostilité contre le bill de la Chambre n'est pas telle, que je ne puisse consentir à l'appuyer si le Sénat refuse d'adopter le plan soumis par moi. Ce bill présente de grandes objections, d'insurmontables objections, et si ces objections ne peuvent s'appliquer à mon bill qui est intitulé: « Acte créant un département des améliorations interieures pour l'Etat,» ne serait-il pas convenable de l'adopter?

Je sais, M. le président, que l'acte auquel j'ai fait allusion, a en vue l'abolition du bureau des travaux publics, créé par la Constitution; mais avec mes idées relativement au pouvoir de la Législature sur cette question, l'effet de mon bill sur le bureau des travaux publics ne me semble présenter aucune difficulté. J'ai déjà exprimé, devant cet honorable corps, mon opinion relativement au droit constitutionnel que possède la Législature d'abolir le bureau des travaux publics, et mon intention aujourd'hui est de référer seulement les sénateurs aux vues que j'exprimai alors sur cette question.

En se référant à l'article 130 de la Constitution, on verra évidemment que le bureau des travaux publics [que l'on soutient devoir être établi par nous avant que nous puissions l'abolir] est créé par la loi organique. Les mots: « Il y aura un bureau des travaux publics, » sont la création de ce bureau; il est mis en existence par la loi organique et n'a plus besoin de l'action de la Législature. Le département législatif, le département exécutif, le département judiciaire, le surintendant de l'éducation publique ne sont-ils pas tous créés par la Constitution? Bien certainement ils le sont. Mais comment? Par un article, par des mots, presque identiquement les mêmes que ceux de l'article 130, qui a trait au bureau des travaux publics.

Cet argument emprunte encore une grande force de l'article suivant de la Constitution; car, dans cet article, les auteurs de la Constitution, supposant évidemment qu'eux-mêmes avaient créé ce bureau, que la paternité leur appartenait sans aucun doute, s'est occupé de prescrire la manière d'entretenir ce bureau. Ils établissent une différence entre le bureau et les membres qui le composent, entre l'âme et le corps, si je puis me servir de cette expression. Ayant eux-mêmes créé le bureau des travaux publics, ils enjoignent à la Législature, à sa première session après l'adoption de la Constitution, de pourvoir à l'élection et au paiement des commissaires; en un mot, à l'organisation du bureau. Qui pourrait soutenir que la création et l'organisation du bureau sont la même chose? Personne ici, je l'espère.

Il me semble alors, M. le président, que le bureau des travaux publics est déjà en existence; qu'il a été créé par la Constitution, et que puisqu'il est créé, l'assemblée générale a le droit, par un vote des trois cinquièmes des membres des deux chambres de la Législature, d'abolir ce bureau, alors que dans son opinion, ce bureau ne sera plus nécessaire. Tels sont les termes clairs et formels de l'article 134 de la Constitution.

Prenons donc que l'objection d'inconstitutionnalité

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soulevée devant ce corps, n'est pas un obstacle à l'adoption du bill que j'ai eu l'honneur de proposer. Passons à l'examen des deux bills qui sont devant le Sénat, établissons autant qu'il nous sera possible les différences qui existent entre eux.

La première objection que j'aie à présenter contre le bill de la chambre, est qu'il n'est pas rédigé de manière à remplacer le bureau des travaux publics créé par la Constitution. Si j'ai bien compris le sentiment du Sénat, il s'est prononcé contre le bureau créé par la Constitution; il a reconnu l'impraticabilité de ce système et a demandé un substitut.

J'arrive maintenant à l'action prise sur la motion de l'honorable sénateur de la Nouvelle-Orléans (M. King), qui est président du comité des améliorations intérieures. Comme je l'ai déjà dit, le Sénat désire un substitut. Le bill de la chambre ne nous est pas présenté comme tel et conséquemment je dois pour cette raison et pour d'autres m'opposer à son adoption.

Passons maintenant à un objection bien plus formidable, au bill de la chambre, je veux dire son impraticabilité. Le contrôle entier et absolu de chaque district est confié à un seul commissaire et ce commissaire ne devra surveiller que les intérêts de son district, sans s'occuper de ceux des autres districts ou de l'Etat entier. Les travaux faits dans les différents districts ne se correspondront probablement pas, et alors il arrivera que lorsque les eaux des districts supérieurs, refoulées par les levées, seront poussées sur les districts inférieurs, ceux-ci ne seront pas en mesure, et ni levées, ni canaux ne seront achevés. Les conséquences de cela seraient très graves et il n'y a qu'un seul moyen de les prévenir, c'est de confier l'ouvrage tout entier à un seul chef. De plus, monsieur, l'ingénieur dont la surveillance doit s'étendre sur tout le district confié à sa charge, doit être nommé par le commissaire de ce district; il sera donc soumis à l'influence et au contrôle de ce commissaire, et étant ainsi sommé à cette influence et a ce contrôle, sa science et son travail au lieu de se répartir également sur tout le district se porteront plus particulièrement sur cette partie du district où est le plus spécialement l'intérêt de ce commissaire, qui lui-même peut-être soumis à des influences de localité. Si l'ingénieur acquiert quelque empire sur le commissaire, les choses n'en seront que pires et les intérêts de l'Etat sauvés du gouffre de Scylla seraient entraînés dans le gouffre de Charybde; car alors le commissaire serait sous l'influence de son inférieur et un système partial ou local serait adopté.

Il me semble, monsieur le président, que le bill de la chambre est tout à fait impraticable, que pour le mettre en opération, il faudrait un déboursé beaucoup plus considérable, que celui qu'exigerait l'acte que j'ai proposé au Sénat pour la création d'un département des améliorations intérieures. Ce bill exigerait :

3 commissaires à $1,500 chacun.....	$4,500
3 ingénieurs dont les salaires, à cause de la responsabilité attachée à leurs fonctions, seraît pour chacun de.....	1,500
Secrétaire du bureau.....	500
Dépenses éventuelles pour voyages, assemblées, &c.....	1,000
Total par an.....	$7,000

Mais, Monsieur le président, ce ne sont pas là les seules données sur lesquelles je me fonde pour démontrer que la dépense additionnelle à laquelle donnerait lieu l'adoption du bill de la Chambre avec son bureau des travaux publics surpasse de beaucoup celle qu'occasionnerait le bill que je soutiens.

Les dépenses du bureau des travaux publics pendant huit ans, employant une moyenne de 77 42⅝100 nègres et 2 714⅞100 bateaux se sont élevées à $364,917 ou a une moyenne annuelle de $45,614 62, tandis que les dépenses du département pour 11 années à partir de 1842 jusqu'en 1853 employant une moyenne de 91 545⅞100 nègres et 3 545⅞100 bateaux étaient de $347,880 41 ou une dépense annuelle de $31,620 94. Les dépenses annuelles du bureau des travaux publics employant un bateau et 14 nègres de moins que le département de l'ingénieur surpassait les dépenses de ce dernier de la somme de $13,993 68.

Ces chiffres montrent de la manière la plus claire que ce que j'ai avancé est parfaitement juste.

Mais je n'ai pas encore fini avec le bill de la Chambre. Il y a d'autres objections que je désire présenter en peu de mots au Sénat. Ce bill autorise la nomination d'un nombre illimité d'inspecteurs de levées, une armée d'officiers, dont les salaires absorberont le riche legs que nous avons reçu des exécuteurs du regrettable Harmanson; les inspecteurs des levées sont investis d'un pouvoir illimité en ce qui regarde la fixation des dimensions des levées et de la manière dont elles doivent être construites, ce qui leur donnera les moyens de tyranniser l'habitant et de disposer leurs travaux dans les différentes parties du district, de telle façon qu'il pourra n'y avoir pas d'unité de vue dans leurs opérations Ils sont aussi autorisés à requérir les esclaves, en n'importe quel temps, sans égard à la distance qui séparera les habitations de l'endroit où les esclaves seront appelés, et cela encore sans qu'aucun dédommagement soit accordé aux habitans pour l'usage de leur propriété. Le bill déclare aussi que les travaux prescrits par le dit bill devront être donnés au rabais, sans examiner si la personne qui les obtient est capable de les faire, et il ne laisse aucun pouvoir discrétionnaire aux fonctionnaires qui représentent les intérêts de l'Etat pour rejeter l'offre ou plutôt le rabais, au cas même ou ce rejet devrait être avantageux pour l'Etat. Enfin, par la généralité de ses termes, les travaux de desséchement qu'il autorise sont illimités et quant à la quantité et quant au genre. Des lieues de canal peuvent être fouillées sous l'empire de ce bill.

Voilà, M. le président, ce que j'avais à dire sur ce bill qui est si chaudement soutenu par un grand nombre de sénateurs, et qui s'appuie sur une influence du dehors dont la puissance n'a jamais été, à ma connaissance, surpassée ni dans cette assemblée ni dans aucune autre.

Mais on me demandera en quoi le bill que j'ai présenté est-il supérieur à celui dont je viens de signaler les défauts. Je répondrai que les avantages qu'il présente sont nombreux, et non seulement nombreux, mais susceptibles d'une facile démonstration. D'abord il ne s'arrête pas au desséchement des terres marécageuses et inondées, mais il pourvoit au choix qui sera fait de ces terres, aux travaux d'arpentage; il témoigne une juste sollicitude pour les autres, que dis-je, pour tous les travaux publics que l'Etat doit faire. Le Département de l'Ingénieur doit être disposé de telle façon que tous les travaux publics, l'aplanissement des chûtes de la Rivière Rouge, les améliorations à faire au Canal de Barataria et Lafourche, la fouille de la Rivière Rouge, à son embouchure, les travaux à exécuter aux chûtes du Ouachita et d'autres améliorations y trouvent leur place, et les intérêts que l'Etat se réservera dans les compagnies des rail-roads projetés seront sur la surveillance d'un département, toujours prêt à donner l'impulsion ou la direction, si le cas l'exigeait.

Un autre avantage que présente mon bill est qu'il place le desséchement des terres innondées entre les mains de personnes compétentes. Au lieu de confier ce travail important aux soins et au contrôle de personnes qui sont susceptibles de subir une influence locale ou sectionnelle, il le met sous la protection et la surveillance d'un officier, qui agit pour le compte de l'Etat, d'un homme qui fonctionne directement sous les yeux de l'Executif; d'un homme qui peut s'inspirer des conseils du Gouverneur actuel que ses éminentes connaisances comme Ingénieur rendent si capable de suggérer toutes les mesures importantes pour l'Etat, ce travail sera confié à un fonctionnaire préparé par son éducation aux devoirs qu'il aura à remplir, n'étant doué que d'un sentiment, le désir de servir les intérêts du pays, un homme qui sera en rapports continuels avec la Législature et qui, présidant seul aux travaux, devra seul répondre des fautes qui seront commises dans la mise à exécution du système de desséchement confié à ses mains.

En outre de ces avantages, la section 25 de mon bill contient une disposition fort importante qui n'existe pas dans le bill de la Chambre, et sans laquelle aucun système ayant pour base de protéger les terres contre l'inondation ne saurait être parfait. Je veux parler de la disposition qui établit des bâteaux à enfoncer des pilotis par la vapeur et l'appareil qui les accompagne. Une triste expérience nous a appris qu'il faut en finir avec cet état de choses dans lequel nous restons les bras croisés jusqu'au moment où la crevasse

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nous envahit avec tout son cortége d'épouvantables catastrophes. C'est pendant la paix que nous devons nous preparer à la guerre, et c'est lorsque nous sommes en sureté que la sagesse nous commande de nous préparer au danger.

Mais, M. le président, je manquerais de justice envers mon bill, si je n'appelais l'attention des sénateurs sur l'article qui a trait au travail des nègres, article qui manquait entièrement dans le bill de la Chambre. Je suis arrivé à la conclusion, au moins pour le moment, qu'il serait bien mieux pour l'Etat d'abandonner, autant que possible, le système de faire travailler des blancs et d'adopter le système d'acheter des nègres. Nous savons tous combien est incertain le travail des premiers, et quel prix élevé ils réclament souvent. Etablissez la différence des prix, et vous verrez que je suis bien fondé à prendre la position où je me suis placé lorsque j'ai dit que l'interêt de l'Etat est d'employer des nègres de préférence aux blancs. Je soumets au Sénat un tableau comparatif du coût du travail des nègres et celui du travail des blancs.

300 nègres coûtant environ . .	$300,000 00
Intérêt de 300,000 à 5 1/2 . . .	15,000 00
6 surintendants à 1000 chacun	
Habillement et nourriture de 300 nègres par an	6,500 00
Nourriture des surintendants . . .	360 00
Perte des nègres par décès . . .	15,000 00
Coût du travail de 300 nègres par an .	$52,860 00
300 blancs à $30 par mois . . .	108,000 00
Provisions, etc. etc.	18,000 00
Six surintendants à $100 chacun . .	6,000 00
	$132,000 00
Le même nombre de nègres accomplira 25 pour 100 de travail de plus que des blancs, ce qui constitue une différence de	$27,000 00
Différence de frais ainsi qu'il est démontré plus haut	79,140 00
Différence de travail	27,000 00
Différence totale	$106,140 00

Je crois avoir démontré clairement que l'intérêt de l'Etat est d'acheter des esclaves ; que le trésor de l'Etat gagnerait énormément s'il était fait un emprunt pour ces achats. S'il en est ainsi, qui donc peut fermer les yeux à l'avantage que présente mon bill qui pourvoit à cet emprunt et va jusqu'aux plus petits détails de campement, de nourriture, et d'habillements de ces esclaves ? Ce mot emprunt, est de ceux que je n'aime pas ; mais dans les circonstances présentées et considérant quels immenses avantages en résulteraient et considérant de plus que la somme empruntée serait remboursée avec le produit de la vente des terres marécageuses, je n'hésite pas à dire que loin d'affaiblir mon bill, il ne lui donne au contraire que plus de force. Qu'il soit vendu assez de ces terres en marais ou inondées pour payer d'abord l'intérêt de la somme empruntée et plus tard la somme elle-même ; que cette somme soit affectée à l'achat d'esclaves ; que ces esclaves soient mis sous le contrôle du département des ingénieurs ; qu'ils soient employés au desséchement des terres maécageuses ou inondées, et le jour n'est pas loin, où l'on verra les basses-terres de la Louisiane s'étendre et fleurir au soleil comme un jardin de roses.

Un mot encore et je m'arrête. Je désire faire bien comprendre au Sénat les avantages qui résulteraient d'une unité d'action ainsi que l'établirait mon bill. Il n'y aurait qu'une tête, qu'un seul chef ; l'intérêt de sectionnalité disparaîtrait, le travail serait fait uniformément, les districts progresseraient simultanément, et le but que l'on se proposait d'atteindre par les différents bills soumis au Sénat serait promptement et facilement réalisé.

J'ai soumis cette matière au Sénat comme étant de de la plus haute importance pour l'avenir et la prospérité de la Louisiane. C'est parce que je la considérais telle que j'ai si longtemps abusé du temps et de l'attention des Sénateurs.

Quelque parti qu'adopte cet honerable corps j'espère que ce sera le meilleur et que dans l'avenir il n'aura jamais à se repentir de ce qu'il aura fait.

M. King se lève et dit : Je prends la parole pour annoncer au Sénat la triste nouvelle de la mort d'Isaac Johnson, ex-gouverneur de la Louisiane et ex-avocat-général de l'Etat. Voici la dépêche télégraphique qui vient d'être reçue : « Le gouverneur Johnson est mort aujourd'hui. » Les émotions que cette triste et bru-que nouvelle crée dans mon cœur sont trop profondes pour pouvoir être exprimees. En témoignage de la haute estime que nons avons pour les services publics et l'ardent patriotisme du defunt et en souvenir affectueux de ses vertus sociales, je fais la motion que le Sénat s'ajourne.

VENDREDI, 4 MARS.

M. Wickliffe présente un bill, à l'effet de limiter le nombre des juges de la paroisse d'Orléans à et le traitement à $4,000 par an.

M. King. Je crois, M. le président, que la présentation de ce bill n'est pas à l'ordre. Nous avons déjà adopté la seconde section d'un bill qui établit six cours. Le bill est en opposition directe avec cette section. Si nous suivons une pareille marche, nous n'arriverons jamais au bout de cette session. On a epuisé toutes les ressources que présente la tactique parlementaire, pour empêcher l'établissement de six cours, mais on n'a pu y parvenir. On offre maintenant un bill qui doit conduire au même résultat. Je le demande, M. le président, ce bill est-il à l'ordre ?

M. Wickliffe.—Mon intention M. le président, en presentant ce bill, est de donner plus de valeur à notre système judiciaire. Mon but n'est pas de tuer le bill du senateur.

La discussion se poursuit quelque temps, puis on met aux voix la question de savoir si l'action du règlement sera repoussée. Cette question est décidée dans la négative.

M. Short met devant le Sénat un mémoire signé de plusieurs habitants de Catahoula et de Carroll, par lequel ils demandent le rappel de la loi de 1852, relative aux districts de Levée.

Le but des pétitionnaires est expliqué dans le mémoire, et le senateur ne désire pas perdre le temps du Sénat en s'y arrêtant plus longtemps. Mais comme les doctrines et les opinions avancées par les pétitionnaires sont tout à fait contraires aux siennes, bien que ses opinions aient eté sanctionnées par les habitans de ces paroisses, il désire remplir un devoir de respect et d'estime en présentant leurs vœux et les faits qu'ils allèguent. Il demande donc que le mémoire soit mis dans les dossiers, afin qu'il puisse être mis à même d'y répliquer ; ce qu'il espère faire de façon à ne pas entraver le Senat dans sa marche.

M. Wickliffe fait la motion que le mémoire soit référé à un comité spécial composé des senateurs représentant les paroisses d'où émane le mémoire.

M. Boatner dit que les habitants de Catahoula sont unanimement d'accord avec ceux de Carroll pour demander le rappel de la loi de 1852. Il circule en ce moment une pétition à cet effet ; elle est signée par presque tous les habitants de Catahoula ; une pétition du même genre circule dans la paroisse de Carroll. Quand ces petitions auront été presentées, il n'y aura point de partage d'opinion quant à la marche qui doit être suivie Il pense avec le senateur d'Ouest Feliciana [M. Wickliffe] que le mémoire doit être refere.

M. Short dit que les habitants de Carroll sont en faveur de la loi de 1852. La pétition à laquelle le sénateur fait allusion, n'a reçu comparativement qu'un petit nombre de signatures Catahoula reçoit de la loi toute la protection qu'elle a le droit d'attendre. Mais il paraîtrait, que, parce que nous, propriétaires riverains, sommes obligés de nous protéger, vous, propriétaires du fond, ne devez pas fournir votre contribution. S'il en est ainsi, nous n'avons qu'un parti à prendre, c'est de nous soumettre.

M. Boatner réplique que ce n'est pas ainsi que les habitants de Catahoula envisagent la question. Ils sont opposes à cette loi parce qu'ils la croient injuste, inégale en pratique. D'autres paroisses ont plus bénéficié par ce bill que Catahoula, et cependant elles ont été laissées en dehors. Les paroisses de Concordia et de Tensas, qui sont plus exposées aux inondations, ont eu leur part de protection, et cependant elles n'ont point été taxées.

Les citoyens de Catahoula sont disposés à payer une juste proportion, mais ils désirent ne pas payer plus qu'il n'est juste, surtout quand les paroisses de Concordia et de Tensas, qui sont plus particulièrement protégées, ne sont nullement taxées.

M. Rivers a entendu avec surprise ces messieur

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avancer, que les paroisses de Concordia et de Tensas ont été plus favorisées que Catahoula et que cependant elles ne sont point taxées. Ces paroisses ont un budget formé de leurs propres fonds pour leurs levées. Elles contribuent pour une forte part à la protection des paroisses que le sénateur représente. Il n'y a donc que justice à ce que ces dernières paient une partie des dépenses. La paroisse de Concordia est entourée de levées et son territoire paie, sous forme de taxe, une moyenne de 25 cents par acre. C'est la raison pour laquelle ces paroisses n'ont pas été comprises dans les districts de levée, ainsi que Catahoula.

M. Boatner dit que la paroisse de Catahoula a aussi un système de levées et sera bientôt capable de se protéger contre l'inondation. Il a dit qu'elle est disposée à payer une juste proportion et il le répète. Mais on n'a qu'à consulter la carte pour s'assurer que des paroisses aussi exposées que Catahoula ont été laissées en dehors des Districts.

LUNDI, 7 MARS 1853.

M. Hodge présente un bill pour rendre les jugements sujets à la prescription après l'espace de dix ans.

M. Hodge dit : — Le but de ce bill est de rendre les jugements sujets à la prescription après l'espace de dix ans s'ils n'ont pas été renouvelés en les faisant enregistrer de nouveau. Tous les contrats sont sujets à la prescription et il n'existe pas de bonne raison qui empêche la prescription de s'appliquer aux jugements comme à toute autre pièce constatant l'existence d'une dette. En tous cas, il est rare de voir un jugement exécuté après dix ou quinze ans. L'objet de ce bill est d'incorporer dans notre loi une disposition semblable à celle de la loi commune, sous l'empire de laquelle tout jugement, à moins qu'un *writ* de *scire facias* ne l'ait fait renaître, est prescrit. Sous l'empire de cette loi le défendeur, à l'expiration d'un certain nombre d'années spécifié, est cité à comparaître et déduire les raisons pour lesquelles le jugement ne continuerait pas d'avoir force. S'il ne déduit pas de raisons, le jugement reste en force. Si le demandeur néglige de remplir cette formalité, le jugement est prescrit. Le bill n'affectera pas les hypothèques, comme les jugements, ainsi qu'il a été suggéré au sein du comité. Il arrive souvent que des jugements sont inscrits pour créer une hypothèque generale, et que cette inscription n'est jamais radiée. Les parties contre lesquelles pèse l'hypothèque ont recours à ce moyen pour grever leurs propriétés et les mettre à l'abri de leurs créanciers. Ce bill aura aussi pour effet de prémunir les défendeurs, qui empêcheront, à moins d'impossibilité absolue, de renouveler les jugements qui existent contre eux et de les faire courir dix ans de plus. — On a dit, pour combattre le bill, que le renouvellement des jugements dans la forme proposée entraînerait de grands frais. C'est une erreur. La seule formalité requise est une citation adressée au defendeur, lui enjoignant de déduire les raisons pour lesquelles le jugement ne resterait pas en force. Puis le juge donne un ordre qui prolonge l'existence du jugement, au cas où le defendeur n'aurait pas justifié de raisons suffisantes pour empêcher l'octroi de cet ordre.

La dernière section du bill est réclamée par la nécessité. Elle est destinée à mettre nos concitoyens à l'abri des harcellements dont ils pourraient être l'objet pendant 50 ans par suite de jugements obtenus contre eux dans les autres Etats.

M. McCay—Comment la citation dont il s'agit pourrait-elle être servie lorsque le défendeur est hors de la juridiction de la Cour Elle ne pourrait l'être en pareil cas et il n'y aurait alors aucune possibilite de renouveler le jugement.

M. Hodge—Je n'ai aucune objection à admettre tels amendements qui pourront ajouter à l'efficacite du bill. Si la partie qui doit être citée est dans l'Etat, une citation peut lui être remise personnellement — si elle est hors de l'Etat, la citation pourra être placée sur les propriétés sur lesquelles pèse l'hypothèque. Mais je pense qu'il y aurait peu d'interêt à faire revivre un jugement dans cet Etat, si la partie l'avait quitté, attendu qu'il serait mieux de l'aller rejoindre là où elle se serait fixée.

Le bill est adopté.

M. Martin appelle le bill qui réduit les prix d'annonces pour les ventes de succession, et qui les met au même taux que celles qui ont lieu pour les ventes de shériff, et qui établit que dans les paroisses où se publient plus d'une gazette, les annonces seront données au rabais.

M. Martin explique que l'objet du bill est de placer toutes les annonces sur le même pied. Actuellement les annonces des ventes ordonnées par les Cours coûtent deux fois plus que celles des ventes de shériff. Il désire aussi que dans les paroisses qui ont plus d'une gazette le shériff publie des propositions à l'effet de mettre au rabais la publication des annonces judiciaires. Il est convaincu que la concurrence ne peut qu'être avantageuse à toutes les parties. Dans l'État actuel des choses, les imprimeurs sont beaucoup trop payés.

Le bill est déposé, conformément au réglement.

Le mémoire est définitivement renvoyé à un comité special

M. King provoque la discussion du bill émanant de la chambre à l'effet d'autoriser la compagnie de l'hôtel Saint-Charles, à hypothéquer sa propriété pour effectuer un emprunt.

Le bill est adopté.

Le bill pourvoyant à l'établissement d'une maison d'éducation dans la paroisse des Rapides, est pris en consideration.

M. Boatner demande le renvoi du bill.

M. Griffin est opposé à cette proposition.

M. Hodge dit que si les sénateurs avaient lu le rapport officiel des debats auxquels le bill a donné lieu dans la chambre, tels que ces débats ont été publiés dans le journal officiel, qui en donne un long rapport, ils auraient découvert que cette question a créé un grand interêt dans cette assemblée, ils auraient vu les raisons qui ont dirigé la conduite de la chambre. Il a vu qu'une proposition a même été faite dans la chambre pour établir cette maison d'éducation dans la paroisse Jefferson. Il présume que le but du sénateur (M. Burthe) est de porter cet amendement devant le comité.

M. Burthe fait la remarque qu'il faudrait de fortes dépenses pour mettre le bill à exécution.

M. Griffin nie que ces dépenses soient nécessaires— le Congrès y a deja pourvu.

MARDI, 8 mars 1853

M. Martin dit qu'il y a quelques jours il a présenté une resolution requérant le comité judiciaire de rédiger un bill pour mettre à exécution cet article de la Constitution, qui défend que plus d'une place de l'Etat soient occupées par la même personne. Le comité ayant mieux aimé qu'il rédigeât lui-même ce bill, il l'a fait et l'a soumis à plusieurs membres du comité qui l'ont approuvé. Il présente donc ce bill.

M. Wickliffe.—Je désirerais avoir quelques informations à ce sujet et savoir si les encanteurs sont considérés comme officiers de l'Etat.

M. Martin.—Ils sont certainement des officiers de l'Etat, ils sont autorisés par la loi à recevoir une licence; ils ont une commission du gouvernement. S'ils ont aucune autre place, c'est un cumul, une violation de la Constitution.

M. Wickliffe.—Il y a beaucoup de paroisses dans l'Etat où les affaires des encanteurs ne s'élèvent pas a un total de plus de $100 par an. Il est donc avantageux de permettre aux greffiers de Cours d'agir dans la capacite d'encanteurs. Cette question, monsieur, est de la plus grande importance, et avant de voter pour ce bill, je voudrais obtenir plus de lumière que je n'en ai sur ce sujet.

M. Martin.—J'espère que le sénateur ne persistera pas dans son opposition à ce bill, dont le but est simplement de mettre à exécution cet article de la Constitution et d'empêcher le cumul. Je voudrais empêcher que les greffiers de Cours ne fussent en même temps encanteurs, ce qui leur donne le contrôle des ventes judiciaires.

M. Short.—Je crois comprendre que le but de ce bill est d'empêcher que les greffiers de cours puissent enregister d'abord un ordre de vente, puis, devenant tout à coup encanteurs, de procéder immédiatement à la dite vente.

M. Wickliffe—Eh bien! monsieur, je dirai, moi, que jamais dans ma paroisse il n'y a eu de plaintes à ce sujet. Peut-être le devons-nous au fait que nous avons un des meilleurs greffiers de tout l'Etat. Quoi-

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qu'il en soit, jamais il ne s'est élevé aucune plainte de la nature de celle qu'exprime le sénateur de l'Assomption.

M. Todd.—Je voterai avec plaisir en faveur du bill, si la section qui a trait aux encanteurs est supprimée. Il y a beaucoup de paroisses dans les campagnes, où les encanteurs, dont les salaires sont ordinairement très modiques, remplissent en même temps quelque autres petit emploi, à l'aide duquel il font de quoi vivre. Je ne voudrais pas qu'on les dépouillât de ce privilège, et je suis d'opinion que les encanteurs qui ont une licence, ne sont pas officiers de l'Etat.

Le substitut au bill autorisant les cours à lancer des writs de "mandamus" contre les juris de police est pris en considération.

M. Hodge dit : Lorsque le bill primitif auquel celui qui nous occupe est un substitut, était encore devant le comité, je croyais que le principe en vertu duquel les débiteurs sont tenus de déclarer leurs dettes, était vrai aussi bien pour les corporations que pour les individus. Cependant après réflexion, et depuis que le rapport du comité a été fait, j'ai reconnu qu'il ne serait pas convenable d'insister sur ce point en ce moment.

Le bill décrète, que les créanciers des paroisses peuvent obtenir jugement contre elles, lorsqu'une taxe spéciale sera levée pour couvrir le jugement dans l'espace d'une année. Personne n'ignore, M. le président, que beaucoup de paroisses de cet Etats ont de fortes dettes et qu'elles ont émis des bons pour un montant considérable. Ces dettes ont été contractées alors que l'argent était très rare, et quelques paroisses se sont ainsi endettées de vingt-cinq ou trente mille piastres. L'effet de ce bill serait de mettre dans l'embarras toutes ces paroisses. Je ne pensais pas à tout cela à l'epoque où le bill etait devant le comité et c'est la raison pour laquelle j'y donnai sans réflexion mon consentement. Il peut arriver qu'un individu ayant des réclamations contre une paroisse, intente un procès et, qu'en vertu du pouvoir que lui donnerait ce bill, il puisse entraver la marche du gouvernement dans nos corporations municipales.

On dira peut-être qu'il n'y a en fait aucune différence entre ces débiteurs et tous les autres. Ils ont contracté une obligation et sont tenus de la remplir. Je reconnais tout cela ; mais prenez en considération l'historique des circonstances dans lesquelles ces dettes ont été contractées, Les bons ont été émis à l'époque où les paroisses étaient criblées de dettes et dans une situation financière à peu près désespérée, de sorte qu'elles ont du émettre des bons pour beaucoup plus que leur dette. Tel était le cas dans ma propre paroisse, je le sais personnellement, et je ne doute pas qu'il n'en ait été de même dans plusieurs autres paroisses. Dans mon opinion, il serait à la fois dangereux et peu convenable d'accorder aux créanciers des paroisses le droit, le pouvoir et le privilége renfermés dans ce bill.

M. Wickliffe.—Je suis heureux d'entendre confirmer cette opinion par le Sénateur de Caddo. Pour moi, Monsieur le président, je ne consentirai en aucune circonstance à voter en faveur du bill. Je partage l'avis du Sénateur quant à son inopportunité, et je connais des paroisses sur lesquelles son effet serait ruineux. Je voterai donc avec l'opposition aussi longtemps que j'en aurai l'occasion

M. Short.—Le Sénateur pourrait facilement amender le bill de manière qu'il ne prêtât plus aux objections auxquelles il a fait allusion. Qu'il considère donc combien il est plus facile d'abattre que de construire L'objection du Sénateur de Caddo est que si un jugement est obtenu contre une paroisse, elle serait alors forcée de lever une taxe et serait mise dans le plus grand embarras, si la somme nécessaire ne peut être fournie ; et de plus, qu'il serait injuste de l'exiger, puisque à cause de la dépréciation de ses bons, elle aurait à payer plus qu'elle n'a reçu. Le but de ce bill est d'empêcher cela, d'empêcher que les paroisses ne s'endettent tellement qu'elles ne puissent plus se libérer.

Il me semble que lorsqu'une paroisse est assez imprudente pour contracter des dettes si fortes que ses ressources ne soient pas suffisantes pour les payer, il faut qu'elle soit bien folle et bien inconsidérée. Une paroisse qui agirait de la sorte aurait besoin d'un curateur. Si c'est un homme n'y aurait-il pas lieu à élever bien des doutes au sujet de son intelligence?

M. Hodge.—Lorsque au commencement de la session l'Etat a contracté une dette de $100,000, vous n'avez pas dit qu'il méritait d'avoir un curateur.

M. Short.—Je n'ai aucune objection à voir une personne contracter une dette lorsqu'elle a assez de biens pour repondre de sa dette, lorsque son papier n'est pas au dessous du pair et qu'elle peut le racheter avec de l'argent. Le but de ce bill est de forcer l'imprudent à agir comme s'il avait de la prudence.

En ce moment, lorsque les juris de police déclarent qu'il faut pourvoir au paiement d'une forte dette lorsque les bons seront présentés, lorsqu'ils voient l'indispensable nécessité d'avoir recours à une taxe:— et vous le savez, la taxe n'est pas toujours populaire, pas plus dans les petits districts que dans les grandes villes —ils cherchent à éviter la responsabilité et voudraient se retirer laissant à leurs successeurs de pourvoir au paiement de la dette. Si le sénateur veut forcer les paroisses à payer leurs dettes qu'il propose quelque plan qui facilite ce résultat. S'il y est opposé, je ne crois pas que sa conduite soit celle d'un sénateur prudent et sage. Dire tout simplement que ce bill ne convient pas et s'y opposer sans suggérer aucun autre moyen de réaliser le but qu'on se propose, n'est pas, il me semble, une façon d'agir qui soit convenable. Mais quel autre moyen y a-t-il ? Le moyen presenté par le bill est le plus lent qu'autorise la loi. Lorsque le creancier a fait inutilement toutes les démarches possibles, que peut-il faire ? Qu'un writ de *mandamus* soit donc lancé, qu'une taxe soit imposée par la paroisse pour payer sa dette. Ce remède est tout simple. Lorsque les paroisses sauront que sur l'emission d'un writ de *nulla bona* elles devront imposer une taxe, alors elles seront plus prudentes dans les obligations qu'elles contracteront ; elles se garderont bien d'émettre tant de papier qu'il ne vaille plus que deux escalins à la piastre, elles craindront que des mesures ne soient prises pour rendre à leur papier toute sa valeur.

M. Hodge.—Le bill du sénateur est excellent en tant qu'il a trait aux transactions qui pourraient être faites. Il ne serait pas sage de dire à un individu, lorsque jugement est rendu contre lui, qu'il ne doit plus manger qu'il n'ait tout payé. Ma paroisse doit beaucoup plus qu'elle ne peut payer en douze mois au moyen de taxes. Si ce bill était adopté la conséquence serait que l'administration serait entravée. Il serait injuste de donner au bill un effet rétroactif, parce que ces obligations ont été contractées par les paroisses à une epoque où les créanciers n'avaient pas le pouvoir qu'on propose maintenant de leur accorder. L'argument du sénateur, quant à l'imprudence des paroisses, ne prouve pas qu'il serait juste de donner aux spéculateurs le pouvoir de les arrêter, de les soumettre à tous les maux qui résulteraient de l'interruption de leur existence comme corporation. Je sais que dans ma propre paroisse, les spéculateurs pourraient obtenir des jugemens et embarrasser beaucoup les autorités en exigeant le paiement de vingt-cinq ou trente mille piastres en douze mois. Ces obligations n'ont pas été contractées en vue d'un paiement si prompt et il ne serait pas juste d'accorder un tel privilège à cette classe de créanciers. C'est un privilège plus grand que celui dont jouissent les créanciers de l'Etat ou tous autres créanciers, et l'on ponrrait tout aussi bien soutenir que l'Etat doit être tenu de payer ses dettes en douze mois, sous peine d'une suspension semblable. Lorsque les créanciers ont consenti à prêter leur argent ils n'esperaient avoir que les droits que leur donnaient les lois alors existantes, et nous ne devons pas leur en accorder d'autres.

La plus ample considération de ce bill est enfin ajournee

Le bill autorisant la compagnie du chemin de fer du Lac Pontchartrain à étendre le chemin jusqu'à la Mobile est appelé et adopté.

Le bill accordant à M. Hord le paiement d'une certaine somme d'argent pour la fourniture de certains outils pendant les travaux du Raccourci Cut-Off, est appelé.

M. Wickliffe explique l'objet du bill et dit que la réclamation est juste et aurait passé à la dernière Législature, si le temps n'avait pas manqué.

M. Kenner fait observer que M. Hord a déjà reçu un paiement extra de dix ou douze mille piastres qui devait être pris par lui en acquit de toutes ses réclamations contre l'Etat

Je suis persuadé qu'au moins $8000 ont été données,

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car j'ai combattu moi-même, sans succès, la proposition qui en a été faite.

M. McCay lit un passage du journal de l'année dernière qui prouve que la Législature a accordé $6000.

M. Wickliffe.—Cette somme n'était que celle à laquelle il avait droit par son contrat. M. Hord lui a dit qu'il n'avait jamais reçu un sou de plus que ce à quoi il avait droit d'après son contrat. Cependant il est disposé à ce que la discussion du sujet soit renvoyée, pour donner au Sénat le temps de recevoir des renseignemens.

M. Mouton désire que le bill soit renvoyé. S'il trouve que le réclamant a déjà reçu $3000, il n'est pas disposé à contribuer à lui faire recevoir un sou de plus.

M. Wickliffe fait observer que la seule question est de savoir si M. Hord a en effet fourni ces outils à l'Etat.

M. Hord dit que le comité des réclamations s'est assuré que cette somme n'avait jamais été comprise dans aucun bill.

M. Kenner—Je ne désire pas que l'on pense que je vote contre une réclamation juste, mais je pense que voici l'état de la question : Si les articles ont été réellement fournis, l'ingénieur de l'Etat a le pouvoir d'en payer le prix des fonds destinés aux dépenses casuelles. Le sénateur dit que l'ingénieur de l'Etat, le colonel Williams, est mort. Mais son successeur est aussi responsable. Pourquoi donc M. Hord ne s'adresse-t-il pas à la personne compétente ? Au lieu de cela, il a attendu cinq ou six ans, après quoi il s'adresse à la Législature et la harcelle de la reclamation d'une dette que l'Etat n'a jamais contractée.

Je me souviens maintenant parfaitement que M. Hord a reçu un paiement extra de la dernière Législature. Le bill avait été confié à M. Maunsel White qui dit que M. Hord avait droit à un paiement extra, parce que le travail en a été fait avec une grande rapidité et d'une manière parfaite.

Le débat se poursuit, puis la discussion du bill est renvoyée.

M. Rivers présente une résolution affectant une somme de $300 pour l'achat de différents livres, papiers et traités pour l'usage des prisonniers du pénitentiaire.

M. Martin—Cette proposition, M. le président, a été faite par le colonel Flucker et le bureau des administrateurs du pénitentiaire. La même proposition, surtout pour ce qui regarde les journaux, a été faite par l'un des membres du comité. Quant aux traités, je dois dire que dans ma jeunesse, j'ai lu un grand nombre de ces traités et je ne pense pas que j'y ai beaucoup gagné du côté des principes. Je ne puis croire que le mensonge doive être propagé pour le maintien de la religion, plus que par tout autre moyen.

M. Mouton propose de déposer la résolution sur le bureau. Il a visité le pénitentiaire et a examiné avec soin la manière dont il est conduit. Il a vu une bible dans chaque cellule, et il pense que c'est assez. La position financière de l'Etat ne permet pas la dépense que propose le bill.

M. Kenner dit que dans tous les autres Etats, ces choses étaient fournies au moyen de libéralités privées. Si l'association qui a soulevé cette question est désireuse d'arriver à ses fins, elle devrait adopter la marche suivie dans le Nord. Le but est juste et louable, et il n'y est pas opposé; tout ce qu'il repousse c'est que la personne nommée dans la résolution, avec laquelle il est personnellement lié, et pour laquelle il a le plus grand respect, s'adresse à la Législature, et demande une assistance qu'il devrait chercher ailleurs.

M. Rivers. — Le sénateur se trompe. Cette personne ne demande pas cette affectation de fonds. Elle a été recommandée par un comité réuni des deux Chambres.

M. Kenner. — Je croyais que la demande était faite par lui, en voyant que son nom était mentionné.

M. Rivers.—Il est fait mention de son nom comme aumônier du pénitentiaire et parce que sa presence est requise lorsque les livres et les papiers sont distribués.

M. Kenner. — Très bien. Je voterai contre le bill. Je ne suis pas d'opinion que l'Etat salarie le premier venu pour la diffusion des vues d'aucune sorte.

M. Mouton. — Je ne vois pas comment lorsque nous défrayons ces ministres de leurs frais de nourriture et de logement, nous pourrions être appelés à payer aussi pour leurs frais de lecture.

M. Rivers. — le sénateur consentirait-il à prendre pension aux mêmes conditions ?

M. Mouton. — Je crois faire au sénateur une réponse à la Yankee, en lui adressant une question nouvelle. Le sénateur accepterait-il lui-même le bénéfice de nourriture et de logement si on le défrayait aussi des frais de lecture.

M. McCay. — Mes collègues paraissent ne pas se tromper sur le sujet qui nous occupe. Il n'y a rien dans ce bill qui tende à favoriser l'esprit de secte. Il a simplement pour but l'acquisition de certains ouvrages et de certains journaux pour l'usage des prisonniers. Nous ne pouvons nous refuser à l'affectation de fonds demandée, elle est de peu d'importance, une simple bagatelle dont la perte serait inaperçue pour nous. L'accorder dans ce but serait agir sagement au nom de l'Etat. Ce serait prouver l'intention d'alléger la malheureuse condition de ces malheureux. Je répète que ce bill n'est point dicté par l'esprit de secte. Je n'y puis rien voir de semblable. Nous savons tous que le simple fait d'une simple privation de la liberté matérielle ne constitue pas la punition. C'est l'isolement de l'esprit qui est insupportable et nous pourrions bien, sans inconséquence, faire quelque chose pour les soulager sous cette forme.

M. Todd. — Je suis absolument opposé au bill et je suis d'un avis opposé à celui du sénateur qui vient de parler. Un des objets de la punition est de réformer le criminel et l'instruction religieuse doit le réaliser. Mais elle doit être donnée par des associations et non par l'Etat. Un autre objet est la punition du criminel afin de détourner d'autres hommes de le devenir à leur tour. Le sénateur a observé avec justice que la coercion la plus insupportable est celle qui est exercée sur l'esprit. La punition dans le but d'être efficace doit être aussi sévère que possible. Nous aurions tort de l'alléger, car l'effet qu'on en attend serait amoindri. Nous devons donc nous refuser à fournir aux prisonniers des matériaux de lecture de nature à amoindrir leur peine.

M. Short.—Les philantropes s'accordent généralement à reconnaître que dans le traitement des prisonniers, le châtiment et la réforme doivent marcher de pair; cependant je ne désire pas contrarier l'objet que se proposent ces institutions chritables et humaines qui ont été répandues sur toute la face du pays et qui envoient des ouvrages de morale et de religion dans ces parties du monde habitées par les payens. Je désire suivre ce principe qui nous dit que charité bien ordonnée commence par soi-même, bien que je sois loin de prétendre qu'elle doive s'arrêter là. Néanmoins, comme je l'ai déjà dit, je ne désire pas contrecarrer les travaux des institutions charitables dont je viens de parler.

M. Rivers.—Je suis surpris de l'opposition qui a été faite à ce bill. Ce qu'il propose c'est d'acheter des livres et de les mettre entre les mains des prisonniers afin qu'ils puissent cultiver et améliorer leur esprit et se préparer pour l'époque où ils seront rendus à la société. Je suis étonné de la doctrine avancée par le sénateur de Morehouse, (M. Todd) que lorsque nous punissons un homme nous ne devons rien faire pour adoucir son châtiment. Ils sont prisonniers de l'Etat, ils ont perdu les sympathies de leurs concitoyens et ils n'en mérirent plus aucune ; mais nous les soumettons à une bien rude discipline, nous leur prenons leur travail—devons-nous leur refuser cette légère consolation qui ne nous coûtera pas plus de $300 ?

En punissant, le but que l'on se propose est de corriger le criminel et notre devoir envers l'Etat réclame de nous que nous préparions les prisonniers à une meilleure vie après qu'ils auront été libérés. Nous devons donc faire tout ce qui est en notre pouvoir pour les arracher à l'influence mauvaise à laquelle ils étaient autrefois exposés.

M. Mouton présente une résolution demandant que chaque sénateur renonce à sa paye de deux jours à l'effet de faire la somme nécessaire pour mettre ce bill à exécution

M. Griffin dit qu'il votera avec plaisir en faveur de cette résolution, mais il l'a croit inconstitutionnelle.

M. Mouton.—Le sénateur pense que c'est un acte constitutionnel de jeter par les fenêtres l'argent de l'Etat et inconstitutionnel de jeter le sien ! Je donnerais volontiers deux jours de paye, mais je ne suis pas

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disposé à donner l'argent de l'Etat. Si nous voulons être généreux, soyons-le de notre propre argent et non de celui de l'Etat.

M. Rivers.—Je ne suis pas le moins du monde avare, mais je considère que cette résolution est si ridicule qu'elle est indigne du sénateur qui l'a présentée. Si le sénateur est disposé à donner deux jours de sa paye, qu'il le fasse. En présentant sa résolution, il n'a voulu qu'empêcher que le bill ne fut adopté.

Quelques observations sont tour à tour présentées par différents sénateurs, puis le bill est dépose sur le bureau.

LUNDI, 21 mars 1853.

M. Mouton prend la parole et dit: M. le président, je prends la parole pour un fait personnel. Une résolution émanant de la Chambre des Représentants a été adoptée par le Sénat, il y a quelques jours. Cette résolution autorise les deux comités des dépenses casuelles à payer à M. Théodore Moïse ce qui lui est dû pour les services qu'il a rendus comme messager spécial pendant la maladie du gouverneur Hébert; mais la résolution laisse aux comités à fixer le montant qu'il doit recevoir. A l'époque, M. le président, je pensais et pense encore que cette marche était mauvaise. Dans mon opinion, aucun comité ne devrait avoir le droit de décider du montant qui doit être payé pour aucun des services rendus à l'Etat. Il faudrait qu'un bill faisant cette allocation fût présenté pour que ceux qui paient les taxes sussent où passent les fonds publics, et je regrette beaucoup que lorsque la résolution vint devant le Sénat, je ne la combattis point; mais, si je ne l'ai pas fait, c'est par suite de mon inexpérience en pareille matière. Je ne savais si ce n'était pas la marche usuelle en pareille circonstance.

En vertu de la résolution dont je viens de parler, le comité des dépenses casuelles se réunit au comité correspondant de la Chambre, et il fut convenu par une majorité des deux comités que la somme de $500 serait accordée à M. Théodore Moïse. Je pensai, M. le président, que cette somme était un prix fort libéral pour les 38 jours que M. Moïse avait été employé comme messager spécial. Depuis, les comités se sont reunis de nouveau, et, après avoir examiné de nouveau la conclusion à laquelle ils étaient arrivés, relativement à ce sujet, ils ont accordé à M. Moïse une somme additionnelle de $250. Bien que j'eusse appris que c'était l'intention des comités de revenir sur leur détermination précédente, n'ayant pas reçu avis de l'époque à laquelle ils devaient se réunir à cet effet, je ne me rendis pas à leur séance. Je demanderai donc au Sénat de me permettre de dire, en quelques mots, les raisons qui m'empêchent de concourir d'opinion avec les comités, afin que ma conduite paraisse au procès-verbal sous son veritable jour.

M. Théodore Moïse a rempli les fonctions de messager spécial pendant 38 jours. Je pense que la somme de sept cent cinquante piastres, qui lui a été accordée est plus que raisonnable, pour les services qu'il a rendus. Nous faisons trop bon marché des deniers publics. Et je veux protester contre une pareille législation. Aussi longtemps que j'aurai l'honneur d'être membre du comité des dépenses casuelles, je ne veux pas que mon silence puisse être pris pour un acquiescement à de pareilles mesures. Je pense que le principe est faux, et, mon opinion etant telle, je crois de mon devoir de le proclamer.

Il n'entre certes pas dans mes intentions de jeter le moindre blâme sur les membres du comité. C'est une simple différence d'opinion entre nous, quant à la valeur des services rendus par M. Moïse. Ils ont pense qu'ils valaient $750. Je pense que c'est beaucoup trop. Et quand nous savons que l'avocat de District du 15me District judiciaire, qui a à traverser ce District étendu dans l'exercice des devoirs difficiles de sa place, n'a qu'un salaire de $600 par an, nous devons, il me semble, admettre que nous avons été un peu trop généreux envers M. Moïse. Ce que je sais de M. Moïse me donne à penser qu'il est un homme comme il faut, et je ne lui désire que du bien. Et je suis persuade que ma conduite en cette circonstance n'a pas été inspirée par aucun sentiment de mauvais vouloir contre lui. J'ai appris qu'il a déjà reçu ses $750. Je sais par conséquent qu'il n'est plus au pouvoir du Sénat de revenir sur cette question; mais, comme je n'approuve pas la manière dont cette somme a été tirée des fonds destinés aux dépenses casuelles, j'ai cru qu'il était de mon devoir de donner une forme authentique aux opinions que j'entretiens à cet égard, afin qu'il fût bien prouvé que j'étais tout-à-fait étranger à cette mesure.

M. Wickliffe. —Je regrette que le sénateur ait jugé à propos de mettre aujourd'hui cette question sur le tapis, attendu que les membres du comité des dépenses casuelles qui se sont arrêtés à la somme dont a parlé le sénateur sont tous deux absents, et conséquemment ne peuvent se défendre des accusations portées contre eux. Comme président par intérim du Sénat, j'ai eu sous les yeux un mandat que j'ai signé de grand cœur, parce que j'ai pensé que cette somme n'était qu'une juste rémunération des services rendus par M. Moïse. Je ne puis rien trouver à reprendre dans la marche qui a été suivie en cette occasion. Si nous pouvons donner $750 par un bill, nous pouvons les donner par une résolution conjointe. La chose ne me paraît pas aussi horrible qu'au sénateur. Il faut nous rappeler que les membres du comité ne sont pas ici pour défendre leurs actes, ou pour nous expliquer les raisons qui les ont influencés. Il dit qu'il ne désire jeter aucun blâme sur eux, cependant ses paroles ont le même effet qu'un blâme Quelle qu'ait été l'intention du sénateur, les observations qu'il a faites sont une véritable censure du comité.

Quand un messager spécial est nommé, ce n'est pas la coutume de restreindre son salaire au simple remboursement des sommes qu'il a tirées de sa poche. Lorsque le peuple examinera le tableau des taxes et les dépenses qui ont été créées par cette Législature, il ne se montrera pas peu disposé à payer cette somme, surtout lorsqu'il saura que les dépenses pour l'inauguration du gouverneur Hébert ont été de 1,000 moindres que celles qui ont été encourues pour l'inauguration de tous les gouverneurs qui l'ont précédé.

M. Mouton—Je n'ai que quelques mots à dire. Si j'avais reçu avis de la réunion du comité, j'eusse présenté un rapport de la minorité. Mais comme je n'ai pu le faire, je considère qu'il est de mon devoir de soumettre aujourd'hui mes vues au sénat. Comme je l'ai déjà dit, il peut exister une différence d'opinion quant à la valeur des services rendus, et le montant du salaire qui peut être raisonnablement demandé et accordé. Mais ce dont je me plains c'est la manière dont la chose a eu lieu; c'est ce mode nouveau, ce mode répréhensible de législation que j'attaque. La manière de disposer des fonds publics est par le bill, de façon que la question puisse être discutée à fond par le sénat. Les comités ne devraient point être autorisés à affecter aucune partie du fonds consacré aux dépenses casuelles. Ce sont là les raisons qui m'ont conduit à porter aujourd'hui la question devant le sénat. Je l'ai fait parceque je pense que cette marche est mauvaise en elle-même, et ne peut conduire qu'à de fâcheux résultats, et chaque fois que je croirai que quelque chose est mal, je le dirai.

M Lacoste—Quand les whigs étaient au pouvoir nous disions qu'ils se livraient à d'épouvantables extravagances. Aujourd'hui nous allons plus loin qu'eux. J'espère que mes collègues mettront un peu d'eau dans leur vin.

LE JUDICIAIRE.

M. Hodge.—Je crois devoir à mes commettants, d'exprimer mon opinion sur l'organisation du judiciaire. Comme je n'étais pas au Sénat lorsque la question s'est présentée précédemment, je dirai qu'après y avoir réfléchi, et pensant que c'est là aussi l'opinion du peuple du nord de la Louisiane, je voterai pour le système des districts étendus. Je suis en faveur de l'établissement de Cours des Preuves. Ce système suppose naturellement l'existence de grands districts. Je n'ai pas entendu les raisons qui ont été avancées dans le Sénat pour ou contre; mais j'ai lu les débats de l'autre Chambre, et ils n'ont fait que me confirmer dans la conclusion à laquelle je suis arrivé que la campagne demande des Cours des Preuves. Après examen des débats de la convention de 1845, époque à laquelle le système des juges de paroisse était devenu si odieux qu'il fallut l'abolir, je crois que la seule objection solide avancée contre ce système était que les juges en beaucoup de cas étaient dans l'habitude d'exiger des droits plus considérables que ceux auxquels ils avaient droit. Si ce fait n'était pas vrai, il existait dans les soupçons du peuple. En examinant les débats, je n'ai vu aucune raison valide opposée aux Cours des Preuves pour ce qui regarde l'expédi-

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tion des affaires. Mon examen a été assez attentif pour me convaincre que dans ce système les affaires étaient expédiées avec plus de facilité que dans le système actuel. Il est évident que le peuple désire un changement. Personne ne prétend dire que le système actuel satisfasse les esprits. Chacun sait que le peuple demande impérieusement une réforme. Quel est le cas quant à la partie de l'Etat que j'habite ? Dans la plupart des paroisses les cours ne tiennent que deux sessions par an ; par conséquent les affaires ne peuvent être expédiées avec la rapidité voulue. Je savais avant de venir ici, et depuis que je suis ici j'ai reçu des lettres de personnes recommandables qui me parlent dans le même sens ; qui me disent qu'en ville aussi on désire l'établissement de Cours des Preuves. Dans les campagnes, où, sous le système actuel, les cours ne siègent que deux ou trois fois par an, où elles ont à s'occuper des affaires de toutes sortes, criminelles, commerciales et affaires de Cours des Preuves, il est impossible de régler les successions avec cette certitude et cette promptitude que réclament les intérêts publics. L'on sait que quelquefois les successions sommeillent pendant des années, parce que les cours n'ont pas le temps de forcer les curateurs et les administrateurs à rendre compte du dépôt qui leur a été confié.

Les dépenses créées par les différents systèmes présentent une question digne de notre examen. Nous devons donner à chaque juge de district un salaire d'au moins $2,000. Avec neuf juges nous pouvons avoir des Cours des Preuves, et elles ne nous coûteront rien de plus. Je répète qu'un examen des débats de 1845 m'a prouvé que la seule raison qui ait fait abolir le système des juges de paroisse, était que les juges étaient dans l'habitude de percevoir des droits au delà de ce qui était légal. Mais la constitution actuelle dit que les juges ne pourront percevoir de droit. Cela prouve implicitement que le peuple désire l'établissement de Cours des Preuves, car quand a-t-il été question de droits perçus par un juge de district? Je ne suis pas venu au Sénat dans le dessein de représenter autant mes propres opinions que celles de mes commettants. Ne voyez-vous pas dans la constitution un désir évident, une intention marquée de prévenir le retour des abus qui causèrent la chûte du système des Cours de paroisses.

Lorsque nous examinons cette question, l'expérience des autres Etats est bonne à consulter. Dans presque tous, il existe des Cours des Preuves, chargées des affaires de successions. Dans le Mississipi, les Cours des Preuves siègent chaque mois. Elles s'acquittent de cette tâche à la satisfaction du peuple, et les Cours de Districts fonctionnent avec un égal succès.

Je pense avec les auteurs de la constitution que les juges ne doivent pas percevoir de droits. Il faut que les juges reçoivent des traitements modérés, suffisants cependant pour assurer au corps judiciaire des hommes de talent et de capacité. C'est le terme moyen que nous devons prendre entre une économie sordide et une extravagante prodigalité. Nous devons certainement donner des traitements qui décideront des hommes compétents à accepter l'hermine. Mais je ne veux pas voir les places devenir l'objet des désirs seulement à cause des profits qu'elles rapportent. Je répondrai à une objection présentée dans l'autre Chambre que les juges des Cours des Preuves doivent être versés dans la connaissance des lois. Si nous suivons la marche que trace la raison, on verra que l'objection est sans fondement. Je voudrais voir modifier les lois qui régissent les successions de telle sorte que le juge de paroisse devint un officier ministériel. Alors il n'y aura pas de nécessité à avoir un avocat. Un habitant sans aucune connaissance des lois, mais ayant une intelligence moyenne, sera parfaitement capable de remplir les fonctions de juge de la Cour des Preuves. L'on a dit dans l'autre Chambre que nous devons donner aux juges des Cours des Preuves $2,000 par an. Je pense qu'avec un traitement de $1000, nous pourrons avoir des hommes capables. Mais donner $2000 serait un acte fatal. Des salaires aussi considérables feraient de ces places autant de points de mire pour la cupidité et les intrigues d'hommes sans principes qui ne tiendraient aucun compte de l'honneur qui s'attache à ces fonctions, et ne verraient que le profit qu'elles rapportent. Lorsque c'est l'argent et non l'honneur qui devient le but de l'ambition les fonctions politiques perdent toute leur dignité. Dans les comtés les plus riches de l'Etat du Mississipi, les juges ne reçoivent pas plus de $600 par an. Ils sont élus non seulement à cause de leur talent et de leur intégrité, mais quelquefois, parce qu'ils ont le bonheur d'être chefs d'une nombreuse famille. Nous voyons donc que dans les comtés opulents d'un Etat voisin, qui n'est qu'à 60 milles tout au plus de la capitale de notre Etat, les juges des Cours des Preuves vivent avec $600 par an. Nous dira-t-on qu'il n'y a que ceux qui quittent les tribunaux et les villes pour prendre le siége judiciaire, qui soient capables de comprendre les lois, et que les gens de la campagne ne peuvent pas les comprendre ? S'il en est ainsi les lois ont besoin d'une reforme. Je crois que dans ma propre paroisse je pourrais compter au moins 50 hommes capables de remplir les fonctions de juge de cour des Preuves, et disposés à les accepter pour un salaire de $1000. Ils peuvent n'être pas capables de donner le sens de tous les termes techniques, mais il comprendront les motifs de décider dans toute affaire qui se présentera devant eux. Je pense que nous devrions proscrire de nos recueils de loi le jargon qui les souille aujourd'hui, je pense qu'il faudrait qu'ils fussent écrits en bon anglais. Dans ma paroisse, $1500 se dépensent annuellement en frais de greffier et en frais d'inventaire. Ces dépenses disparaîtraient avec les juges des Cours des Preuves. Vous connaissez les frais qu'entraîne la prise d'inventaires et les autres actes d'une nature semblable. Quand un notaire fait un inventaire, il présente généralement un compte de cent piastres. Pourquoi le juge de la Cour des Preuves ne ferait-il pas aussi bien cette besogne? Pourquoi ne pourrait-il pas rendre un ordre de vente, qui est aujourd'hui donné par le greffier, lequel établit un compte aussi long qu'un traité de morale? Dans ma propre paroisse l'épargne que l'on obtiendrait de cette façon suffirait à constituer le salaire du juge de la Cour des Preuves.

Dans le bill que j'ai présenté, il est laissé entièrement aux paroisses, c'est-à-dire aux juris de police, de fixer le salaire des juges de Cours des Preuves. Mais on a dit que beaucoup de juris de police ne donneraient pas assez et l'on s'est exprimé sur leur compte tant et si bien, qu'on serait tenté de croire qu'ils sont de vrais Hottentots. Pour moi, monsieur, quoique je n'appartienne pas à cette classe qui fait profession d'un amour sans bornes pour le « cher peuple » je crois néanmoins que le peuple de la Louisiane peut lui-même diriger ses affaires. Laissons au peuple ou aux juris de police qui le représentent, le soin de pourvoir à la compensation des juges de Cours des Preuves et ils donneront un ample salaire à leurs serviteurs qu'ils ne voudront pas employer sans les rémunérer grassement. J'ai aussi suggéré l'idée de faire agir les greffiers de Cours des Preuves, comme recorders de paroisses; grâce à ce moyen, leurs appointements pourraient être réduits à la moitié ou au tiers de ce que reçoivent maintenant les greffiers des Cours de District.

Je crois que la principale objection aux juges de paroisse était qu'ils étaient payés par les droits qu'ils percevraient eux-mêmes et que très souvent ils étaient incapables de remplir les devoirs qui leur étaient assignés. Mais avec le temps, en suivant le progrès des idées, nous sommes arrivés au point où nous sommes, l'élection des juges par le peuple. Si ce système est correct, nous n'avons aucune raison de craindre que nos juges ne soient pas capables parce que nous n'avons aucune raison de douter que le peuple ne puisse choisir lui-même les meilleurs juges.

En examinant avec soin cette question nous nous convaincrons que lorsque nos Cours auront en même temps juridiction en matières civiles et criminelles, leur action ne pourra être ni juste, ni uniforme. Nous n'avons certainement pas le droit d'attendre que le même homme possède une connaissance égale de toutes ces différentes branches de la loi. On peut dire de l'un qu'il est excellent avocat pour les affaires commerciales, de l'autre qu'il est très heureux dans les affaires de successions, de l'autre qu'il brille dans les affaires civiles, mais pourquoi cela ? Parce qu'il est de l'intérêt d'un avocat de s'adonner plus particulièrement à l'étude de l'une des branches de la loi. Si nous créons la place de juge de Cour des Preuves, nous exciterons l'émulation de notre population des campagnes; chacun voudra s'appliquer à l'étude de la loi afin de pouvoir un jour être chargé de ces importantes fonctions.

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M Wickliffe—Je n'ai pas l'intention d'occuper longtemps l'attention du Senat; je désire seulement dire quelques mots du calcul fait par le sénateur au sujet des dépenses relatives des différents systèmes. Il a dit que le système de Cours des Preuves serait le plus économique. Voyons s'il ne se trompe pas: Neuf Districts avec des juges à $3,000 feraient une somme de $27,000. Ajoutez à cela le salaire de 47 juges de Cours des Preuves à $1,000 et vous avez une somme beaucoup plus forte que ne requiert aucun des autres systèmes.

M. Hodge—J'aurais dû dire que dans le système que je propose, les juges de Cours des Preuves seront payes du trésor des paroisses.

M. Wickliffe—Il importe peu que le salaire des juges soit payé du trésor des paroisses ou du trésor de l'Etat; la dépense sera la même pour le peuple, de quelque part que les fonds soient tirés. Le sénateur se plaint que sous le système actuel il n'y a, par an, que deux sessions de Cours des Preuves. Y a-t-il rien qui soit plus facile pour nous que d'adopter une loi forçant les juges à tenir session six ou huit fois par an? Le sénateur cite l'Etat du Mississipi comme une preuve concluante que son système réussirait à merveille. Le cas n'est pas du tout le même. Le système si compliqué, si complexe de la Louisiane n'existe pas au Mississippi, et il est par conséquent plus facile de s'y procurer d'excellents juges à des salaires beaucoup moindres qu'ici. Pour moi, je n'ai encore rien vu qui indiquât que l'opinion publique demande une modification de notre système judiciaire actuel, ainsi que semblent le soutenir quelques sénateurs. Le désir du Sénat—et le Sénat exprime le vœu du peuple,—est l'économie. Prenons en considération ce désir, et nous voyons que le bill de la Chambre coûteterait $78,000, et que le système actuel ne coûte que $51,000, ce qui fait une différence de $27,000.

M. Short.—Lorsque cette question a été agitée pour la première fois, j'ai essayé de faire comprendre qu'avec un juge de Cour des Preuves dans chaque paroisse, quoique en apparence la dépense fut plus grande, elle serait en fait beaucoup moindre que sous le système actuel dans lequel les greffiers reçoivent une paie si énorme. Je suis encore en faveur du système des grands Districts. Toutes les nouvelles que je reçois de mes constituants des paroisses Madison et Carroll, me confirment dans mon opinion. Loin qu'il soit impossible d'y trouver des candidats pour les places de juges des Cours des Preuves, je puis affirmer que déjà trois candidats se sont présentés dans la paroisse de Carroll. Que coûtait l'ancien système de juges de paroisse? Au moins $160,000. Et l'énormité de la dépense n'était pas la seule objection. Lorsqu'un juge réunissait differentes fonctions et différents pouvoirs, lorsqu'il était à la tête du jury de police et que toutes les affaires de la paroisse étaient sous son contrôle, les abus étaient faciles et naturellement fréquents. Telle était la principale objection au système de juges de paroisse. Il était dispendieux, mal administré, et pourtant on n'a rien tenté auprès du Sénat pour faire abolir ce système. Le simple changement qui consiste à rendre électives les places de juges, au lieu de les laisser à la nomination du gouverneur, remédierait à presque tous les abus de ce système. Mon but est de faire établir une Cour des Preuves dans chaque paroisse, et de grands districts judiciaires pour les affaires générales

M. Todd—Je partage en grande partie l'opinion émise au sujet de l'inconvénient que présente le système actuel pour le réglement des affaires de successions. Je suis venu ici avec l'intention de voter en faveur du système qui crée des cours des preuves, mais lorsque j'ai réfléchi au surcroît de dépenses qu'il occasionnerait j'ai changé d'opinion. Je voterai en faveur du système actuel. Je crois que nous pouvons y faire tels changements et telles améliorations qui pourrait remédier aux défauts qu'il présente. Déjà nous avons fait une grande amélioration en autorisant les greffiers à lancer des ordres &c. en cas que le juge soit absent ou se trouve dans une autre paroisse. Je crains que cette clause de la constitution qu'approuve si fort le sénateur de Caddo, ne puise être que bien difficilement mise à exécution, cette clause par laquelle il est défendu aux juges de percevoir des droits. Je ne partage pas l'opinion émise par lui qu'il est de toute nécessité de n'attacher à ces places que des salaires fixes. N'était cela nous pourrions établir un système de cours des preuves beaucoup moins dispendieux et plus efficace qu'il ne nous est possible maintenant, parce que le juge de la cour des preuves pourrait être son propre greffier et de plus conservateur des hypothèques.

Le senateur dit que le salaire des juges peut être payé du tresor des paroisses. Cette proposition me paraît tout à fait objectionnable. Le département judiciaire est une des branches dont l'ensemble constitue le gouvernement de l'Etat et je ne voudrais pas le placer sous le contrôle des autorités de paroisses, ce qui aurait lieu si les juris de police avaient le contrôle du salaire des juges. Dans beaucoup de paroisses il arriverait qu'on ne pourrait trouver d'hommes capables pour remplir ces places ; d'autres paroisses sont écrasées de dettes et ne paieraient qu'un salaire insuffisant. Si le système de Cours des Preuves doit être établi, je voterai en faveur du plus grand nombre de districts qui ait été proposé afin de diminuer la dépense; et dans ce cas, on devrait passer une loi ordonnant que les juges tiennent des sessions de Cours quatre fois dans l'année.

M. Short.—La seule objection à cela est que déjà l'on a essayé de ces quatre sessions et qu'il a fallu y renoncer.

M Hodge répond en peude mots.

La motion de reconsidération est perdue et le bill est enfin adopté.

M. King fait la motion de prendre en considération le bill du judiciaire relatif à la ville.

M. King.—Je demande qu'il soit amendé de telle sorte que toutes les affaires de succession doivent être portées devant la Seconde Cour.

Il n'existe peut-être pas de question légale plus difficile à résoudre que celle-ci : Qu'est-ce qu'une affaire de succession? Sous l'ancien système de Cours des Preuves, les juridictions séparées des Cours donnaient lieu à de grands inconvénients. Il était souvent difficile aux meilleurs avôcats de décider si une affaire devait être portée devant une Cour des Preuves ou devant toute autre Cour. S'il lui arrivait de commettre une erreur, elle était fatale à sa cause. Cela donnait lieu à des délais, à une grande confusion dans l'administration de la justice. Je désire éviter cet écueil contre lequel se sont brisés tant de procès et qui a causé la perte de tant de justes réclamations. Je crois que mon amendement empêcherait ce mal.

L'amendement est adopté.

Après un débat de quelques instants, le bill est adopté.

MARDI, 22 mars 1836.

Après la lecture du journal, M. King se lève et dit: M. le président, en presentant le rapport du comité chargé de rendre les derniers devoirs à Isaac Johnson, je dois, pour répondre à l'attente générale, ajouter quelques observations sur la vie, le caractère et les services publics du défant.

Isaac Johnson naquit dans la paroisse d'Ouest-Féliciana, dans l'année 1805. Son père John H. Johnson était un de ces chefs de cette révolution qui renversa la domination espagnole dans cette région qui forme aujourd'hui ce que l'on appelle les paroisses de la Floride.

Son éducation, quoique limitée à ces éléments qui constituaient toute l'éducation classique et autre, reçue à cette epoque reculée dans la paroisse qu'il habitait, n'était nullement bornée. Son esprit était richement meublé des idées, des beautés des pères de la littérature.

Peu après sa majorité, il fut admis au barreau. Son succès dans sa profession fut instantané et n'a peut-être pas d'exemple dans l'histoire de la Louisiane. A l'époque de son élévation au siege de la Cour de District, qui eut lieu quelques annees après son admission au barreau, le régistre de la Cour comprenait deux cent vingt affaires. Il continua à présider la Cour de District et la Cour d'Appels en affaires criminelles, à l'exception d'un court intervalle, lorsqu'il fut nommé secretaire-d'Etat par le gouverneur Moreton, jusqu'à son élevation à la magistrature Suprême de l'Etat.

A l'expiration de ses fonctions comme gouverneur, il fut nommé avocat-général de l'Etat par le gouverneur Walker, position qu'il occupa jusqu'à la mise en vigueur de la Nouvelle-Constitution. A partir de cette époque jusqu'à sa mort il fut l'un des candidats les plus distingués à l'un des siéges de la Cour Suprême.

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Comme juge, quoiqu'il ne fût pas surtout remarquable par la profondeur de ses connaissances légales, il sût plus peut-être que, n'importe quel autre juge, contenter le public par ses decisions. Doué d'une vive sensibilité, il savait tempérer la justice par la compassion.

Comme magistrat suprême, il donna de beaux exemples des qualités qui font le patriote et l'homme d'Etat. C'est à lui qu'echut la tâche difficile d'organiser le gouvernement d'Etat sous la Constitution de 1845. Il le fit avec une remarquable habileté et ajouta à sa réputation par les services patriotiques et efficaces qu'il rendit pendant la guerre du Mexique.

La plus grande partie de sa vie fut consacrée au service public et quoiqu'elle ait été interrompue à cette époque ou d'ordinaire on en est encore à gravir la pente escarpée de l'ambition, il avait déjà occupé un grand nombre de positions élevées. Sa popularité donne lieu de supposer qu'il eût été appelé à d'autres dignités plus elevées, si Dieu lui eût accordé la santé et de plus longues années.

Mais ce n'est pas seulement dans les services publics rendus par Isaac Johnson, quelqu'éminents qu'ils soient, qu'il faut chercher la source de l'attachement de ses concitoyens pour lui. Il faut la chercher dans les éléments naturels de son caractère, dans la sincérité de son patriotisme; dans la pureté et la bienveillance de son cœur et dans la ferveur de ses affections domestiques et sociales.

Comme homme public, ses actions n'avaient d'autres mobiles que sa patrie, son Dieu et la vérité.

Doué par la nature d'une sensibilité poétique, d'une tendre sympathie pour toutes les souffrances de l'humanité, il répandait ses dons avec une prodigalité qui devait soumettre sa vie entière à des embarras pécuniaires.

Ceux-là seuls qui l'ont connu intimement peuvent parler de la force et de la douceur de ses affections sociales. Leur cœur garde une place eternelle à sa mémoire.

Ami d'un grand nombre, il n'avait d'inimitié pour personne. Sa vie était la mise en pratique de cette belle vérité qu'errer est humain, pardonner divin.

Quand il était frappé, comme il l'était souvent, par des preuves d'ingratitude, (ce trait plus acéré que la dent du serpent,) la patience, la douceur avec laquelle il supportait et pardonnait, n'appartenait pas à la terre.

Si ses diffamateurs avaient pu lire dans son cœur, comme leur malveillance eût été réduite au silence, comme leur hostilité eût été désarmée!

Ayant reçu de la nature un extérieur des plus gracieux et des plus imposants, des manières chevaleresques, son corps était l'enveloppe qu'il fallait pour contenir ses nobles qualités.

« Un ensemble de formes et de traits où chaque dieu semblait avoir mis son empreinte pour montrer au monde que c'était un homme. »

Ce corps divin, ce cœur noble sont maintenant enfouis dans le sein de la Louisiane qu'il aimait si ardemment. Jamais cette terre ne recouvrira un cœur plus dévoué.

Cette langue dont chaque mot était une bénédiction, cette oreille qui n'était jamais sourde à la voix du malheur, cette main toujours ouverte, toujours pleine de charité, sont glacés pour toujours!

Son nom et le souvenir de ses vertus sont tout ce qui nous reste. Conservons longtemps ce nom, chérissons toujours ce souvenir.

Que Dieu donne à sa veuve et à sa famille affligée le courage nécessaire pour supporter cette triste calamité et qu'ils trouvent dans la sympathie de la nation, un soulagement à leur douleur.

M. Kenner.—Je demande la permission d'introduire, sans avis préalable, un bill qui, le Sénat le reconnaitra avec moi, est de quelqu'importance. L'on sait parfaitement que pendant les commencements de la session, la somme de $50,000 a été affectée au paiement des dépenses de l'assemblée générale. J'ai aujourd'hui à annoncer au Senat la triste nouvelle, que ces $50,000 ne sont plus. C'est avec un profond sentiment de regret que j'apprends au Sénat qu'il ne reste plus rien de cette somme. La nouvelle m'en a été communiquée hier par un membre de la chambre basse, qui semblait écrasé par ce coup. Il m'avait prié de présenter le bill hier, mais je n'ai pu le faire, faute de *quorum*. Il paraît que plusieurs membres, plusieurs officiers attendent leur *per diem*, ils sont en proie à une noire mélancolie; ils sont victimes de tristes hallucinations pendant lesquelles un spectre sous la forme d'un trésor vide apparaît à leurs yeux. J'ai preparé un bill, qui consacre à cet emploi, une somme additionnelle de $75,000, et je désire qu'il soit pris immédiatement en considération pour mettre un terme aux souffrances de mes collègues.

Le bill est pris en considération et adopté.

ORDRE DU JOUR.

Bill des Améliorations Intérieures.

Le substitut présenté par M. Lacey au bill qui établit un Bureau des Améliorations Intérieures arrive devant le Sénat.

M. Nicholls.—Je fais la motion de renvoyer le bill à cause de l'absence du sénateur qui l'a présenté. De plus, je vois autour de moi le triste spectacle de sièges vides. Il n'y a qu'une simple majorité du Sénat. Si nous en venons aux voix, nous arriverons à un résultat directement opposé au vœu du peuple. La volonté de dix sénateurs pourrait imposer au Sénat un système fatal à ses intérêts et à sa prospérité. Quand aucun mal ne peut résulter d'un renvoi, quand par un court retard, nous pouvons arriver à une meilleure décision, nous devons au peuple, nous devons à nos collègues que nous accordions ce délai.

M. Wickliffe.—Je suis aussi disposé que qui que ce soit ici à remplir les devoirs que commande la politesse. Mais, cependant, je ne puis consentir au renvoi. Nous avons été déjà en session pendant près de deux mois, et nous sommes loin d'être au terme de nos importants travaux. Il était du devoir du sénateur qui a présenté le substitut d'être présent aujourd'hui, comme il l'était le jour où la motion du dépôt sur la table a été faite. Le parti democratique est en majorité et doit porter la responsabilité de tous les actes de la Législature. Le bill auquel on propose de substituer celui dont il s'agit actuellement a été devant le Sénat pendant deux ou trois semaines et il est temps que nous en disposions d'une façon ou d'une autre. J'avoue que je suis en faveur du bill de la chambre basse, et je ferai tout ce qui sera en mon pouvoir pour le faire triompher. Ce bill est impérieusement reclamé par les besoins de l'époque. J'espère, monsieur le président que le substitut ne sera pas renvoyé.

M Derbes.—Je ne vois aucune bonne raison qui milite en faveur du renvoi, attendu que j'ai en mes mains un billet du sénateur auquel il est fait allusion et qui m'annonce qu'une indisposition l'empêchera d'être ici de deux ou trois jours. Je pense aussi que nous devons statuer immédiatement sur cette question. Nous avons été ici deux mois et cependant nous n'avons rien fait relativement à cette question importante. Nous devrions agir aujourd'hui, comme le sénateur d'Est-Bâton-Rouge (M. Lacey) ne sera ici ni aujourd'hui ni demain.

La motion de renvoi est retirée et le substitut mis à la discussion, puis déposé sur le bureau.

Le bill primitif est alors discuté section par section.

M. Hodge.—Je dirai les objections que j'ai contre l'adoption de la première section de ce bill. Quelque nécessaires que puissent être les autres sections, celle-ci est certainement inutile, puisque l'objet qu'elle se propose est pleinement accompli par la Constitution elle-même. Je ne voudrais pas que mon vote pût, directement ou indirectement, contrevenir à la Constitution de l'Etat, et je pense que nous en violerions non seulement l'esprit, mais la lettre, en faisant ce qu'a déjà fait la Constitution. Le peuple a voulu faire de la législation dans la Constitution elle-même, et a tracé la composition du bureau, d'un bureau semblable à celui que le bill propose.

La Constitution déclare que l'Etat sera divisé en certains districts et qu'un commissaire devra être élu par chacun de ces districts. Ces commissaires composeront le bureau des améliorations intérieures. Leurs fonctions sont précisément les mêmes que celles des commissaires que crée le bill et la nature du bureau doit être la même. Si le peuple, exprimant sa volonté par l'organe de la Constitution, a déjà pourvu à la formation du bureau, je demande aux sénateurs de me montrer la nécessité d'en établir un autre! Vous êtes vous décidés à abolir le bureau des travaux publics tel qu'il est établi par la Constitution. Nullement, car il n'y a que quelques jours vous avez décidé que vous ne le feriez pas, à moins que vous ne fussiez convaincus, par le rapport du comité des améliorations intérieures, que l'on pouvait présenter un plan plus

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praticable, plus satisfaisant. Le fait est que quelques membres doutèrent sérieusement que la Constitution nous eût donné le pouvoir d'abolir le bureau avant qu'il fût organisé. J'étais de ceux qui pensaient que nous avions ce droit. Je pensais que tous ces articles de la Constitution pouvaient être rappelés par le vote fixé dans la Constitution. Mais je ne pense pas que la Législature ait le pouvoir d'établir un autre bureau, avant d'avoir déoreté par la majorité requise que le bureau établi par la Constitution ne sera pas organisé. Je crois qu'il est de mon devoir de combattre la section, parce que les dispositions qu'elle contient ne cadrent pas avec la Constitution. Il peut, il est vrai, y avoir quelque différence dans la manière dont les districts sont formés. Ce bill établit trois districts. La Constitution dit qu'il y en aura quatre.

La seule différence est donc celle qui existe entre trois et quatre. Mais en dehors de cette différence, il y a une distinction fort importante. Le bill donne au Gouverneur le droit de nommer les commissaires. Aux termes de la Constitution, le peuple s'est expressément décidé en faveur de l'élection des commissaires par les électeurs des différents districts. Je suis forcé de penser que l'abandon du principe énoncé dans la Constitution est produit par le désir d'ajouter aux pouvoirs de l'Exécutif et d'arracher au peuple le droit de choisir ses propres officiers. Il y a quelques jours, lorsque la question de l'abolition du bureau des travaux publics fut mise à la discussion, j'écoutai avec beaucoup d'attention les arguments présentés par le sénateur de la Nouvelle-Orléans (M. King.) Mais, à mon avis, il n'a pas présenté une seule raison qui doit nous déterminer à abolir le bureau excepté celle-ci que le bureau serait composé d'un nombre pair, qu'il pourrait renfermer deux whigs et deux démocrates, et qu'ainsi l'harmonie qui doit exister dans le bureau pourrait être détruite. C'est cette raison qui lui fait préférer un nombre impair. Je considère que si un travail n'est pas d'une assez grande importance pour se recommander à l'approbation de trois des commissaires, il ne devrait pas être exécuté. Je ne pense pas que la besogne du bureau sera mieux faite par trois démocrates nommés par le Gouverneur que par deux whigs et deux démocrates élus par le peuple. Je répète que je n'ai entendu aucune bonne raison en faveur de l'abolition du bureau. Je n'abuserai pas davantage du temps du Sénat à propos de cette section. J'aurai à traiter des autres articles.

Je répète que je considère que la section est une violation flagrante de l'esprit et de la lettre de la constitution, et en conséquence je la combattrai.

M. King dit qu'il désire présenter en quelques mots ses objections contre ce bill.

Il est oppposé au système compliqué qu'il établit, pour la construction et la direction de nos améliorations intérieures.

Le bill établit un bureau de trois commissaires, autorisés à nommer trois ingénieurs, qui devront decider des travaux à faire et les exécuter. Dans cet état de choses, il ne voit pas l'utilité d'un bureau de commissaires, et il pense que l'on pourra s'en passer.

Il est opposé à ce que les travaux d'améliorations intérieures soient confiés à trois personnes. Autant vaudrait trois généraux à la tête d'une armée ou trois économes sur la même habitation. Il doit y avoir unité de volonté, unité d'action, dans notre système d'améliorations intérieures. Les forces ne doivent pas être divisées. Cette unité est nécessaire pour assurer l'harmonie et l'homogénéité d'action dans l'exécution de ces travaux.

Ce bill propose seulement d'établir l'une des branches du système. Il pourvoit à la construction des levées et au desséchement, n'établissant rien quant aux autres branches. Il ne désire pas voir une double organisation qui serait dispendieuse et inutile.

Le bill, dans la forme qu'il présente actuellement, est une violation flagrante de la Constitution. On peut cependant faire justice de cette objection à l'aide d'un amendement qui ne donnerait au bureau qu'une existence temporaire. Le bureau devrait aussi être remplacé par celui qui est établi par la Constitution, aussitôt que ce bureau serait organisé. Mais un amendement à cet effet est indispensable.

Il avoue qu'il ne goute nullement ce bill. Il ne pense pas que ce soit le meilleur plan auquel on puisse s'arrêter pour l'exécution des travaux publics. S'il donnait au bill son appui, ce ne serait qu'après des modifications considérables, et encore ne serait-ce que parce qu'il penserait que c'est le seul bill qui pût passer à cette session.

Ses vues quant à la manière dont les fonds provenant des terres marécageuses doivent être employés dans la construction des levées et les travaux de desséchement ont déjà été présentées au Sénat. Il pense que l'Etat pourrait réaliser deux millions de piastres au moyen d'un emprunt garanti par les terres marécageuses, et que les levées devraient être construites immédiatement, afin de mettre l'Etat à l'abri de l'inondation. Les terres d'alluvion devraient être divisées en districts, selon leur topographie. Les levées après avoir été achevées par l'Etat, devraient être remises à la garde des districts. Il faudrait adopter un système de lois qui fit une obligation aux Districts à partir de ce moment de tenir toujours ces levées en bon état.

Mais malheureusement il n'a aucun espoir de voir ses vues se réaliser à cette session.

M. Short fait la motion de rétablir les mots «et desséchement» dans le bill.

M. Kenner.—Je suis convaincu que le Sénat est décidé à rétablir cette disposition dans le bill, néanmoins je persiste à penser que c'est une grave erreur. J'ai fait tout ce que je pouvais pour empêcher le Sénat d'y tomber, et ma responsabilité est à l'abri. La responsabilité de la mesure en reviendra à ceux qui veulent à toute force maintenir cette disposition dans le bill. Sans revenir sur la discussion de cette question, je dirai que personne n'a répondu aux arguments que j'ai présentés relativement à l'effrayante dépense que ce système imposerait à l'Etat, personne n'a contredit ce fait qu'il serait impossible à l'Etat d'accomplir ce travail. On peut se livrer à de magnifiques descriptions de cette entreprise gigantesque, on peut bâtir des châteaux en Espagne, mais on ne peut répondre à ces faits. Je ne pense donc pas qu'il soit nécessaire de revenir sur les arguments que j'ai présentés. Je relèverai cependant une observation qui a été faite. On prétend que la loi déclare que les terres marécageuses nous ont été données pour que nous établissions un système de levées et de désséchement. Je demande si lorsqu'une donation est faite sous une condition impossible, le donateur serait bien venu à tenter de révoquer la donation, parce que le donataire n'exécuterait pas la condition. Assurément non. Quand nous aurons construit nos levées, nous aurons fait tout ce que la loi a en vue, et nous ne sommes pas obligés de nous conformer à une condition qui serait désastreuse pour l'Etat. Maintenant je puis dire en toute sincérité que je ne suis pas opposé à ce bill, bien que quelques sénateurs le croient et aient prêté l'oreille aux propos qui sont débités au dehors par des personnes qui n'oseraient avancer le fait ouvertement. Au contraire je m'intéresse vivement à ce bill, mais si ces messieurs mettent les assertions de certaines personnes au dessus des miennes, je n'ai rien de plus à dire.

Dans le comité, j'ai fait la motion d'effacer les mots « et desséchement » et cette motion a été unanimement adoptée.

M. Short.—Je n'ai jamais voté pour cette motion.

M. Kenner.—Alors je dois admettre que je me suis trompé. Cependant je suis forcé d'ajouter que le sénateur ne m'a jamais fait part de sa désapprobation : Bien que je ne puisse dire que le sénateur fût en faveur de la motion, je déclare de la manière la plus explicite qu'il n'y a fait aucune objection sur le moment, qu'il n'a pas discuté la question avec nous, qu'il n'a fait aucune opposition lorsque la question a été mise aux voix.

M. Short.—La question n'a pas été mise aux voix.

M. Kenner.— Alors j'ai oublié tout ce qui s'est passé.

M. Rivers dit comment les choses se sont passées au sein du comité, et déclare qu'il votera maintenant pour effacer le mot « desséchement ».

M. Palfrey —Je voterai contre cette section et contre les bils, jusqu'à ce qu'il en soit présenté un qui me paraisse constitutionnel. Je ne pense pas que ce bill puisse être adopté avant que nous ayons aboli le bureau des travaux publics.

La section qui délimité les districts est alors prise en considération.

M. King.—Je pense qu'il ne convient pas de couper en deux une paroisse. En examinant la carte, je vois

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que la ligne 31, passe exactement par le milieu de la paroisse des Rapides.

M. Rivers.—C'est simplement une ligne imaginaire et il n'en peut résulter aucun inconvénient pour les habitans des Rapides. Le district supérieur est déjà trop étendu et nous ne pouvons pas y ajouter.

M. Hodge.—Faisons quatre districts nous rentrerons alors dans l'esprit et la lettre de la Constitution. Comme les districts se trouvent constitués par le bill, dans un district il se trouve beaucoup de terres marécageuses, dans un autre, fort peu. Les districts devraient être formés selon la quantité qu'ils doivent renfermer respectivement. Je pense qu'il devrait y avoir deux districts au nord de la Rivière-Rouge, l'un portant le nom de district de la Rivière-Rouge et l'autre le District-Mississipi

Sur motion de M. Griffin, les paroisses des Rapides et des Avoyelles sont placées dans le 3e district.

La 3e section donnant au gouverneur le droit de nommer les commissaires, est prise en considération.

M. Todd fait la motion de l'amender, en mettant ces places à l'élection du peuple.

M. Wickliffe.—Je propose de déposer l'amendement sur le bureau. Il me semble que les whigs n'ont plus les mêmes principes quand ils sont au pouvoir et quand ils le quittent.

Le nom de M. Rivers ayant été appelé, il dit :

Comme le bureau n'aura qu'une existence temporaire, et comme je crois que le gouverneur Hebert est parfaitement capable de faire de bonnes nominations, je voterai en faveur du dépôt sur le bureau.

L'amendement est déposé sur le bureau.

M. King présente un amendement par lequel les commissaires resteraient en place pendant deux ans, à moins qu'ils ne fussent remplacés, et les fonctions du bureau cesseraient aussitôt que le bureau désigné par la Constitution serait organisée.

M. Kenner.—Cela est établi par la section 25 du bill.

M. King —Cette section ne détruit pas mon objection. Si nous pouvons prolonger de six mois l'existence du bureau, nous pouvons la prolonger de six ans, la rendre indéfinie.

M. Short.—L'Etat de la Louisiane n'a jamais mis la construction des levées au rang des travaux publics.

M. Hodge.—Je ferai connaître mes objections à l'amendement. Si je comprends bien, le but de l'amendement est celui-ci : que le bureau sera remplacé par le bureau qui doit être organisé aux termes de la Constitution. Il est évidemment du devoir de cette Législature, si elle a le moindre respect pour la Constitution, de pourvoir à l'élection et au salaire des commissaires, ainsi que l'ordonne l'article 131. Si nous avons l'intention de pourvoir à l'organisation du bureau, comme il y a été pourvu par la Constitution, combien de temps devra durer le bureau que propose d'établir le bill ? Existera-t-il six mois? Nullement A moins que l'article de la Constitution ne doive être une lettre morte, votre bureau ne peut continuer d'exister pendant six mois. Je pense que nous ne pouvons, que nous ne devons pas créer une chose que nous savons ne pouvoir exister si la Législature fait son devoir. L'amendement, je suppose, est presenté pour dorer la pilule à ceux qui ont des objections constitutionnelles

M. King —Le sénateur trouve-t-il mauvais qu'on cherche à faire que le bill soit du goût du Sénat.

M. Hodge.—Je suis opposé au tout ensemble. Je désire faire voir que je ne puis me laisser égarer par un pareil amendement.

M. Kenner propose un amendement qui consiste à faire nommer un seul ingénieur au lieu de trois. Le système actuel est conduit par un seul ingénieur qui a à remplir des devoirs aussi difficiles que ceux qui sont imposés par ce bill.

On propose de payer aux ingénieurs $3,500 chacun, ce qui ferait un total de $10,500 par an, et aussi $1,500 aux quatre commissaires.

M. King —Je seconde la motion de ne nommer qu'un seul ingénieur.

M Short —Je suis opposé à la motion, car elle rendrait le bill tout-à-fait insuffisant. Elle lui ôterait tout pouvoir pour le bien et lui en donnerait pour le mal. Je m'étonne que ce système d'un seul ingenieur, si vivement combattu déjà par quelques sénateurs, soit maintenant proposé de nouveau. J'ai écouté avec attention les argumens avancés par le sénateur de la Nouvelle-Orléans (M. King), je lui ai entendu dire que personne ne songerait jamais à placer trois généraux à la tête d'une armée, où à confier à trois économes la direction d'une habitation. Quoique je ne sois pas un planteur, je n'en crois pas moins avoir de justes notions à ce sujet. Le sénateur lui-même ne sait-il pas que, lorsqu'un planteur a trois habitations, il doit avoir trois économes ? Par ce moyen il réalisera certainement plus de bénéfice du capital investi par lui, que s'il n'employait qu'un seul économe. Je le demande, comment un ingenieur pourrait-il se rendre dans les differentes parties de l'Etat où sa présence serait nécessaire ? Comment pourrait-il être un jour sur la Rivière Rouge, et le lendemain à la Balise ? Si ce n'était l'air de conviction avec lequel le sénateur a parlé, je croirais qu'il a voulu plaisanter en présentant son amendement. Son seul effet serait de détruire tout le système proposé dans le bill. Je le demande encore, comment un ingénieur pourrait-il être à la fois à la ligne des Arkansas et sur le littoral du golfe ? Comment pourrait-il passer des contrats et remplir enfin les mille devoirs de sa place ? Si un seul ingénieur est nommé, le bill devient sans portée. Je n'hésite pas à prendre la responsabilité d'avoir fait encourir à l'Etat cette dépense en plus, lorsque je songe aux circonstances qui peuvent se présenter bientôt, quand je songe aux paroisses qui sont exposées à être submergées d'un jour à l'autre, à l'inondation qui est imminente, et que je considère les effets bienfaisants que j'ai vus résulter du système proposé aujourd'hui, et que moi-même j'ai déjà vu en vigueur. Oui, lorsque je prends en considération toutes ces choses, je ne suis pas disposé à me laisser épouvanter par le mot de dépenses ! dépenses ! ! Le dixième seulement de la valeur des propriétés qui sont minées tous les ans suffirait à payer tous les frais du nouveau système.

M. King.—Le sénateur de Madison [M. Short] se méprend entièrement sur le motif qui me fait demander un seul ingénieur. Je ne désire pas en détruire l'efficacité; au contraire, je désire ajouter à celle qu'il a deja. Quoique je n'approuve pas le bill, je désire le rendre aussi parfait que possible. Si notre intention est de construire des levées depuis la ligne des Arkansas jusqu'à la Balise, il peut être nécessaire de nommer trois ingénieurs : mais allons-nous entreprendre un tel projet avec le peu d'argent dont nous pouvons disposer ? Ce que nous avons en mains ne durerait pas plus de deux ou trois semaines et l'ingénieur ne serait pas surchargé de travail. Le bill pourvoit à la nomination d'inspecteurs qui feront la partie matérielle de l'ouvrage. L'ingénieur n'aura presque rien à faire si ce n'est de passer les contrats. Telles sont mes vues ; je ne désire pas détruire le bill et j'espère qu'on de m'imputera pas semblable intention.

M Kenner.—Lorsque je croirai necessaire de présenter un amendement à ce bill je le ferai. Le sénateur croit que je m'efforce de detruire le bill, mais je lui répète qu'il se trompe beaucoup. Je fais maintenant ce que devrait faire le sénateur lui-même, je présente un amendement au bill en tout conforme à l'opinion du comité.

M. Short.—Je dis encore que le sénateur se trompe. Le comité ne s'est arrêté à aucun bill. S'il veut encore avancer comme argument que je ne me suis pas opposé à la motion qu'il a faite devant le comité, qu'il le fasse, je ne puis l'empêcher.

M. Kenner.—Non ! je n'insisterai pas sur cet argument après le déni du sénateur et je ne m'en serais jamais servi s'il ne m'avait imputé un motif que je n'ai pas Mais j'en appelle au senateur de Concordia (M. Rivers) le sénateur n'a pas dit un seul mot en opposition lorsque, devant le comité, j'ai fait la motion d'effacer le mot « desséchement »

M. Short.—Que le sénateur se rappelle que le vote n'a pas été pris sur sa proposition. Je crois n'avoir pas manqué aux règles parlementaires lorsque j'ai nié les allégations du senateur et que j'ai voulu retablir les faits. Autant que je le puis, je n'emploie jamais envers les autres que le langage que je désire qu'ils tiennent en s'adressant à moi.

M. Rivers répète qu'il votera en faveur d'amendements sans s'occuper de ce qu'à fait le comité.

M. Kenner.—La seule raison pour laquelle j'ai fait cette remarque est celle-ci : que n'ayant pas été accusé de vouloir détruire le bill lorsqu'il était devant le

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comité, je ne voudrais pas l'être ici en plein Sénat. Je crois, monsieur, qu'une économie de $6,000 est assez importante pour que nous y songions. Je crois qu'un ingénieur suffit pour tout l'ouvrage qu'il y aura à faire. Quelle est sa besogne? Il n'a que des contrats à passer et n'a nullement besoin d'être sur les lieux. Il ne sera pas occupé plus de trois mois dans l'année. Pourquoi donc payer $9,000 lorsque $3,000 sont suffisantes?

M. Wickliffe.—Il sera moralement impossible à un seul ingénieur de faire même le tiers de l'ouvrage. Je crois qu'il y aurait même économie à en employer trois; je fais donc la motion de déposer sur le bureau la motion d'effacer et de substituer.

M. Rivers.—Le comité s'est prononcé en faveur de la motion d'effacer par ce qu'il a cru qu'un seul ingénieur serait suffisant. Mais il me semble, d'après la nature des devoirs à remplir, et l'ingénieur devant se rendre d'un point à un autre partout où il y aura danger de crevasse; je crois, dis-je que plus d'un seront nécessaires. Ne fussent-ils occupés que trois mois dans l'année, je crois qu'il est necessaire de nommer trois ingénieurs.

M. Hodge. — Après examen je suis arrivé à la conclusion que l'ouvrage de l'ingénieur ne sera pas assez important pour meriter un salaire de $3,500, et que les commissaires ne seront pas occupés plus du dixième du temps. Je fais donc la motion d'amender le bill de manière à ce qu'il soit exigé que les commissaires soient de bons ingénieurs. Par ce moyen nous répondrons à toutes les objections.

M. Wickliffe. — Nous ne pourrions peut-être pas trouver un homme capable dans chaque district. Les bons ingénieurs, les ingénieurs pratiques sont très rares à la Louisiane.

M. Hodge. — S'il en est ainsi je ne vois pas pourquoi l'objection ne s'appliquerait pas aussi bien à l'autre cas.

M. Wickliffe. — Le bill dit que chaque commissaire doit résider dans le district pour lequel il est nommé.

M. Hodge. — La Constitution contient un article semblable; mais l'interprétation qu'on lui a donnée est celle-ci. Les commissaires résideront dans leurs districts respectifs, mais après leur élection. Je présume que la même interprétation doit être donnée à cette section du bill. Je ne vois pas la nécessité d'une telle foule d'officiers. Il n'est pas du tout nécessaire de nommer des commissaires lorsque le travail peut tout aussi bien être fait par les ingénieurs. Il y a là une économie de $6,000.

Sur motion de M. Wickliffe la motion de déposer sur le bureau est adoptée.

Le substitut de M. Hodge est donc déposé sur le bureau.

M. Lacoste fait la motion d'effacer $3,000 et d'y substituer $2,500 comme salaire des ingénieurs.

M. Rivers fait la motion d'insérer $2,000.

M. Short. — $2,000 ne sont pas suffisantes. Lorsque la question judiciaire est soulevée, des sénateurs se lèvent et disent que le caractère et la position des juges doit être rendue respectable et que pour cela il faut leur attribuer des salaires élevés! Et lorsque nous proposons une mesure qui doit rendre habitable toutes les parties du pays, lorsque nous voulons dessécher et rendre cultivables les terres sur lesquelles s'établira la population sur laquelle les juges exerceront leur juridiction, nous n'entendons plus avancer cet argument, il n'en est plus question. Pourquoi voulez-vous tellement réduire les salaires que le bill ne puisse plus avoir d'effet? Lorsqu'un plan convenable nous est soumis pourquoi ne pas l'essayer?

M. Derbès. — J'ai présenté quelques remarques en opposition à l'amendement.

M. Kenner—Lorsque le sujet était en considération devant le comité, j'ai fait la motion de donner $3,500 par an à l'ingénieur, pensant qu'il n'y en aurait qu'un seul dont le travail serait énorme et qui aurait à voyager dans les différentes parties de l'Etat.

Mais puisque le Sénat a decidé, dans sa sagesse, qu'il y aurait trois ingénieurs et que je crois qu'ils ne seront pas occupés plus de douze semaines dans l'année, je voterai pour la plus faible somme. Considérez quels sont les salaires des différents officiers de l'Etat: Le gouverneur reçoit $4,000 par an, le secrétaire d'Etat qui est tenu de se trouver ici pendant toute l'année et dont les devoirs sont très difficiles, reçoit $1,500, le trésorier $2,500, l'adjudant-général $500. Sous le prétexte qu'il est indispensable d'établir un système on crée une longue liste de gros emplois auxquels l'Exécutif devra nommer. L'ingénieur actuel de l'Etat qui a trois fois plus à faire que les ingénieurs nommés par ce bill, qui est tenu de se rendre tour à tour de la limite des Arkansas au littoral du golfe, qui a la surintendance de tous les travaux de l'Etat, ne reçoit que $2,000 par an! Pourquoi cela? Si ces énormes salaires devaient être payés au moyen de taxes, on réfléchirait avant de mettre ainsi en danger sa popularité en les proposant. Mais comme ils doivent être prises du fonds des terres marécageuses, on va de l'avant sans s'inquiéter de rien et comme des corneilles qui abattent des voix. Il est heureux qu'une loi défende qu'aucun membre de la Législature ne pourra occuper un autre emploi, car nous aurions une foule de candidats de ce corps.

M. Short.—Cet intéressant ingénieur dont parle le sénateur n'a jamais été aperçu dans ma paroisse.

M. Wickliffe—Si je ne me trompe, le sénateur a voté l'année dernière contre la réduction des salaires.

M. Kenner—Je vais ramener le sénateur à la vérité; j'ai voté contre la réduction du salaire du surintendant de l'éducation publique, parce que je pensais que les devoirs de la place méritaient un salaire plus élevé. J'ai voté contre la réduction immédiate des salaires des autres officiers, simplement parce que je pensais que la mesure était inconstitutionnelle, aussi longtemps que les places étaient occupées par les mêmes personnes. Telles ont été mes raisons, et j'espère quelle Sénat les trouvera bonnes. S'il en était autrement, je serais forcé de reconnaître que j'ai beaucoup moins de bon sens que je ne pensais.

M. Wickliffe—Je n'ai pas l'intention de blâmer le sénateur pour les votes qu'il a donnés; mais il confirme lui-même l'assertion que j'ai faite, qu'il avait voté contre une réduction immediate des salaires. Je sais, M. le président, que le trésorier recevait l'année dernière $8000.

L'amendement accordant $2,000 est adopté.

La section accordant à l'ingénieur le pouvoir de déterminer le lieu ou doivent être construites les levées, est prise ensuite.

M. Kenner.—Je suis opposé à cette section du bill, et je vais essayer de faire comprendre les raisons qui m'y portent. Lorsque le syndic des levées découvre qu'une levée est sur le point de s'abîmer et qu'il veut la déplacer, il indique l'endroit où une nouvelle doit être construite. Si le planteur fait objection, il doit convoquer deux voisins, et les trois réunis décident. La seul restriction est qu'il ne doit pas placer la levée derrière une maison ou une bâtisse quelconque. Si l'intérêt public ou celui des voisins l'exige, l'ouvrage doit être fait. Je suis opposé à ce que le pouvoir soit laissé à un seul homme. C'est un pouvoir très important et ne doit pas être enlevé à la legère des mains auxquelles il est confié maintenant. Il nous faut pour protéger nos intérêts l'opinion de nos voisins. J'en appelle au sénateur de St-Bernard [M. Lacoste] où la population est habituée à se voir mouiller les pieds par le «Vieux Fleuve», s'il aimerait à la voir dépouiller de cette protection. Nous ne voulons pas être mis à la merci d'un seul homme et ces questions doivent être décidées par nos voisins. Il n'y a à cela aucun dangers, aucun inconvénient et nous conservons ainsi des droits qui nous appartiennent.

Un amendement est adopté accordant à l'ingénieur et à trois propriétaires du voisinage le pouvoir de déterminer l'emplacement et la dimension des levées.

M. Short.—Je pense que le pouvoir donné aux citoyens doit être limité à la détermination de l'emplacement des levées, et que l'ingénieur est le seul juge compétent de la forme et des dimensions à leur donner.

M. Kenner.—Supposes que l'ingénieur soit dans une disposition d'irritation ou de mauvais vouloir contre l'habitant, et lui ordonne de construire une levée de cinquante pieds de hauteur et de cent pieds de base, que pourrait faire ce dernier? Construire une pareille levée serait suffisante pour ruiner un homme.

M. Wickliffe.—Personne ne la construirait.

M. Kenner.—D'après ce bill, quelle ressource aurait-il pour s'en dispenser?

M. Wickliffe.—Le gouverneur démettrait l'ingénieur de ses fonctions.

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M. Kenner —J'aime mieux protéger les droits du citoyen que de confier à qui que ce soit cettre protection, fût-ce même le gouverneur.

M. Wickliffe. — Mais, après tout, qu'importe au citoyen la dimension de sa levée lorsque l'Etat en paie les frais.

M Kenner. — Se propose-t-on donc de faire payer par l'Etat les frais de construction de ces levées ?

M. Wickliffe. — Certainement, du fonds des terres marécageuses.

M. Kenner. — Un nouveau jour m'éclaire ; mais alors je dois protéger le fonds des terres marecageuses tout autant que les droits de nos citoyens.

M. Short. — Je suis en faveur du pouvoir donné aux ingenieurs de fixer les dimensions des levées, mais je demande que trois habitants déterminent le lieu de la construction. La force d'une levée dépend en grande partie de son mode de construction. On a reconnu qu'on peut construire des levees plus fortes que celles qui ont été construites sous la loi de 1829. Avec les trois quarts de la quantité de terre employée d'après cette loi, on peut bâtir une levée plus forte. Pourquoi donc voudrait-on revenir au vieux système ?

M Wickliffe fait la motion de déposer les amendements sur le bureau.

M. Kenner.—Je suis fâché de voir le sénateur s'élever contre ce que nous considérons être de la plus haute importance. Ce n'est point une question puérile, elle est au contraire d'un grave intérêt. Le sénateur pense probablement que c'est un sujet peu digne de votre consideration, parce qu'il réside dans un district où la terre est haute et où les inondations ne troublent point son repos ni sa sécurité. Je vais vous dire ce que j'en pense. Je demanderai d'abord si nous qui vivons derrière ces levées, qui sommes intéressés à leur conservation, qui serions anéantis par leur destruction, si, dis-je, nous n'en sommes pas les gardiens naturels. Sera-ce donc un homme qui vient d'autre part, qui n'a d'intérêt ni dans la construction, ni dans la conservation de nos levées, est-ce donc, je le demande, cet homme qui en sera chargé ?

Je desire, M. le président, effacer tout ce qui, dans cette section, est en conflit avec nos lois locales. Je le demande, quoique j'ose à peine le faire par crainte d'être accusé du desir de tuer le bill. Je ne puis retourner au milieu de mes constituants dont trois cent ont été, l'année dernière chassés de leurs demeures par l'effet d'une crevasse, je ne puis, dis-je, retourner et leur dire que j'ai voté pour cette section. Quand ils me demanderont qui est chargé de prendre soin de leurs levées, puis-je donc leur repondre que c'est un homme qui a sa residence loin de là, et qui n'a aucun interêt à leur salut ? Quand ils me demanderont à qui la surveillance en est confiée je devrai leur repondre : Une officier du gouvernement ? Quand ils me demanderont où ils peuvent le rencontrer, je devrai répondre à Bâton-Rouge ou à la Nouvelle-Orléans ?

Pourrai-je donc leur donner l'assurance qu'ils n'auront aucun danger à redouter ? Seraient-ils justifiables en vivant en sécurité ? Non, monsieur le président, je ne puis pas retourner dire à mes constituants que le système qu'on nous propose assure leur salut

M. Short—Je ne pense pas que le senateur ait tracé un tableau de fantaisie en nous représentant ses voisins ruinés et sans asyle, s'adressant à la charité du monde, aux heures de leurs besoins. J'ai été témoin de quelque chose de semblable dans la section de l'Etat où je réside ; mais je soutiens que je ne fais point appel à mon imagination quand je parle du bon resultat politique qui sera la suite de l'adoption de ce système. J'ai vu en operation dans trois paroisses et je ne le juge pas en vertu de vues théoriques mais, mon comme suite d'experiences actuelles.

MERCREDI, 9 mars 1853.

Le substitut de la Chambre au bill du Sénat étendant à 12 mois l'epoque du paiement par les premiers acquéreurs est appelé.

M. Short—Attendu que la position prise par moi, ainsi que par le Sénat sur cette question semble avoir été mal comprise par la Chambre basse, je désire donner quelques explications. Le bill que je présentai il y a quelque temps ne touchait en rien aux droits de préemption acquis sous l'acte de 1852. J'allais même plus loin. Le bill pour fermer le bureau des terres qui a été adopté par ce corps, semble avoir été fort mal interprété à la Chambre. Là il a été considéré comme n'ayant en vue que l'interêt des spéculateurs. Ici nous l'avions jugé à un tout autre point de vue, et en adoptant le bill le Senat se proposait un tout autre but; celui d'empêcher que les spéculateurs ne s'emparassent des meilleures terres, ne les accaparassent avant que nous n'adoptassions un système général de levées, ce qui aurait privé l'Etat du bénéfice de ces terres marecageuses. Le plan que se proposait le comité était de graduer les prix et de n'offrir en vente chaque année qu'autant de ces terres qu'il serait nécessaire pour faire les frais du système des levees pendant cette année. Nous pensions qu'en laissant prendre ces terres par les spéculateurs nous ne pourrions pas retirer autant du fonds des terres marécageuses que nous devrions le faire. Lorsqu'une levée est construite il en resulte nécessairement que les terres qu'elle abrite acquièrent plus de valeur, et les spéculateurs, avec cette acuite de perception qui les distingue et qui leur fait decouvrir la plus petite chance qui se presente, iraient retenir ces terres et recueilleraient ainsi à leur profit, et au grand détriment de l'Etat, le fruit du travail de ce dernier. L'objet du bill du Sénat était de prévenir cela en empêchant la vente des terres publiques jusqu'à ce qu'elles fussent classées de telle sorte qu'on en put retirer le meilleur prix possible.

J'étais opposé au bill proposé par le sénateur de Livingston et d'Est-Bâton-Rouge, et cela pour deux raisons. En premier lieu il proposait d'accorder aux préempteurs des deux paroisses seulements que représentait le sénateur, une extension de temps, pour le paiement, lorsque tous les autres préemteurs de l'Etat avaient un droit égal à obtenir ce privilége. Depuis l'établissement de notre gouvernement jusqu'aujourd'hui, la preemption a servi à d'ambitieux politiques pour leurs menées électorales, et je ne suis pas du tout disposé à tolérer plus longtemps cet abus. Je suis opposé à ce qu'on applique le fonds des terres marécageuses à aucun autre objet que celui pour lequel il a été concedé à l'Etat, c'est-à-dire au dessèchement des terres et à la construction des levées. Je voudrais qu'on offrit tous les encouragements possibles aux planteurs industrieux qui amélioreut les terres et les rendont cultivables ; mais je ne consentirai pasà ce que les fonds des terres marécageuses soit appliqués à un but politique.

M. King.—Les termes du bill de la chambre sont vagues et peu explicites. Le sénateur des Avoyelles désire savoir si sans ce bill il peut être fait des entrées pour une grande étendue de terres. Mon opinion est que les entrées peuvent être faites jusqu'à concurrence de 320 acres et dans différentes sections du pays. Une autre objection au bill est qu'il laisse-là les 320 acres. A moins que la personne ne vienne et ne designe particulièrement les terres qu'elle veut retenir, il n'a qu'une sorte de droit indefini, flottant, si je puis dire. C'est là accorder aux premiers occupants un privilége extraordinaire. Ils peuvent aller de l'une à l'autre des terres publiques, couper du bois, élever un petit chantier et acquerir par là le droit de choisir 320 acres de terre de prix. Ce privilége est beaucoup trop large et il me semble que, s'il est accordé, toutes les terres marécageuses de l'Etat seront retenues. Je fais la motion que le bill soit référé au comité des Terres et Levées.

M. Wickliffe s'y oppose. La Législature, dit-il, a refusé de fermer le bureau des terres et est evidemment disposé à donner tous les avantages aux premiers occupants.

M. Short.—Il n'y a pas lieu à référer le bill. Il est des plus simples et surtout des plus clairs.

M. Griffin.—Je voudrais que le bill fut référé, car il ne prevoit pas le cas où des entrées contraires seraient faites. Je désire voir passer le bill, mais avant j'aimerais qu'on suppléât à cette omission.

M. Wickliffe.—L'acte de 1852 laisse la division de ces sortes de cas au register du bureau des terres, ce qui me semble injuste, car il n'y a aucun droit d'appel.

M. Hodge fait la remarque que le seul changement fait par la Chambre a été d'étendre l'époque des demandes de terres et du paiement. Il croit que le désir du Sénat est de ne pas étendre l'époque pour les demandes, mais seulement pour les paiements, lorsque les demandes ont été faites sous l'acte de 1852. Je fais la motion de déposer le bill sur le bureau.

M. Rivers.—Ce bill n'étend l'époque du paiement

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que pour ceux qui, de bonne foi, se sont fait inscrire pour des terres comme occupants et non comme spéculateurs. Pour plusieurs, le terme expire ce mois-ci et beaucoup de personnes ignorent la loi qui ne leur accorde qu'un an, à partir du 17 de mars de l'année dernière. A moins que le terme ne soit prorogé, les spéculateurs les entoureront et obtiendront d'elles de leur céder leurs terres. J'espère que le bill passera.

M. Hodge.—Je désire exposer mes vues sur cette question. Le bill de l'année dernière accorde douze mois pour le paiement à tous ceux qui se sont fait inscrire pour des terres avant le 17 mars 1852. Une extension de douze mois de plus fut encore demandée et accordée ; mais si un nouveau terme est encore accordé, si l'époque des demandes est encore prolongée, cela nuirait au fonds des terres marécageuses et à l'établissement de tout système général que nous pourrions adopter. Je ne crois pas que l'Etat soit tenu d'accorder un crédit illimité, d'ajourner à l'infini le terme des paiements. Si nous accordons encore douze mois, il nous sera absolument impossible d'adopter aucun système général.

A la lecture de ce bill, on s'apercevera que non-seulement il étend le terme de douze mois de plus, mais aussi qu'il introduit une nouvelle classe d'occupants. L'acte de 1852 accorde un privilége à tous ceux qui se sont établis avant l'adoption de cet acte. Je crois que le Sénat a refusé toute prolongation, quoique nous soyons disposés à accorder une extension de crédit de douze mois à ceux sur qui portait l'acte de 1852. Comme nous avons envoyé un bill de cette sorte à la Chambre, nous devons y insister, et laisser aux nouveaux occupants de s'arranger comme ils l'entendent. Il ne serait pas juste envers l'Etat d'accorder une extension de temps pour les demandes de terre. Je voterai contre.

M. Rivers.—Le représentant peut arriver à ses fins en faisant disparaître les parties auxquelles il trouve à redire.

M. Hodge.—Le bill se trouverait alors dans l'état où il était lorsqu'il est venu du Sénat. Il est parfaitement clair que l'intention de ce bill était d'accorder une extension de temps aux personnes établies avant l'acte de 1852.

Le bill est référé au comité des terres levées.

ORDRE DU JOUR.

Le bill qui rend les decisions des juges de paix finales dans les affaires au dessous d'un certain montant est appelé.

M. Hodge.—Je fais la motion de rejeter le bill et je donnerai mes raisons à l'appui.— Dans la ville de la Nlle-Orléans, j'ai entendu des attaques formulées contre ces magistrats par des personnes qui les accusent d'actes malhonnêtes. On dit que si vous rendez leurs décisions finales, ils pourraient s'entendre avec les demandeurs pour donner jugement en leur faveur D'autres disent que les juges deviendraient directement intéressés dans les procès qui seront portés devant eux, qu'ils s'entenderaient même avec les hommes de bateaux à vapeur, et qu'il serait presque impossible pour un propriétaire de batenu d'obtenir justice dans l'une de ces cours, parce que s'il donne jugement contre le demandeur il court risque de ne pas toucher ses frais.

Je ne sais jusqu'à quel point ces accusations sont fondées, mais la pureté des lois veut être garantie de manière à prévenir même la possibilité du soupçon. Il y a autant d'importance à ce qu'une affaire de peu de valeur soit bien décidée qu'il y en a pour une affaire d'où dépendent des milliers de piastres. Pourquoi donc ne pas donner le droit d'appel aux parties qui sont traînées dans ces cours ? Dans les campagnes, les juges des Cours de District préviennent les appels non fondés au moyen de dommages qu'ils prononcent en pareil cas. Si je comprends bien la chose, il ne s'écoule que peu de temps entre l'appel et l'examen de la cause dans la Cour de District ; de sorte que l'inconvénient ne peut être considérable pour le demandeur. En résumé, à cause des accusations qui sont portées contre les juges de paix de la campagne, je pense que nous devrions accorder le droit d'appel ; mais en même temps il faudrait donner aux juges des Cours de District le droit d'accorder des dommages en cas d'appel non fondé.

M. Derbès,— Le sénateur dit que ces magistrats, dont la position devrait certainement leur donner droit au respect pourraient, s'entendre avec des matelots, des hommes de bateaux à vapeur et d'autres pour s'assurer la chétive somme d'une piastre. Si le sénateur a foi dans l'argument qu'il a l'habitude d'employer, pourquoi ne présente-t-il pas un amendement qui consisterait à rendre le système qu'il propose général dans tout l'Etat. J'ai entendu le sénateur condamner l'usage de passer des lois pour la ville de la Nouvelle-Orléans différentes de celles que nous faisons pour le reste de l'Etat. Je l'ai entendu proclamer qu'il était fatigué de faire continuellement des lois exceptionnelles pour la Nouvelle-Orléans ; et aujourd'hui il propose de faire justement ce qu'il a si fort condamné jusqu'ici. Il sait que dans les campagnes, les affaires au dessous de dix piastres ne sont pas sujettes à l'appel et, comme il l'a dit lui-même, ce qui est bon pour les campagnes l'est également pour la ville. Si le sénateur arrive à ses fins, quelle sera la conséquence ?

Pour un œuf, pour une volaille de la valeur d'une piastre, on pourra porter un appel à la Cour de District, et le temps des juges qui sont déjà si occupés sera pris par ces questions frivoles. Ce système encouragera l'esprit procesif, qu'en hommes sages nous devrions plutôt arrêter. Le Sénateur dit que l'affaire sera vite décidée par la Cour de District. Il se trompe. Le juge Reynolds a siégé pendant six ou sept mois, il siége encore pour décider des appels venant des cours de Juges de paix qui ont été pendantes durant plus d'une année. Quant à ce que le Sénateur a dit à l'occasion des frais des Juges de paix, je puis lui apprendre que la loi exige le paiement de ces frais à l'avance.

M. Short.—Il y a une vieille maxime qui dit, *de minimis non curat lex*. Je crois que nous pourrions faire aux Juges de paix l'honneur de rendre leurs décisions finales dans les affaires au-dessous de dix piastres.

M. Hodge —J'ai dit qu'il y avait des accusations portées contre les Juges de paix de la ville. Je ne prétends pas que les mêmes charges n'existent pas contre les juges de la campagne parce qu'ils sont plus purs que ceux de la ville, mais je ne les ai pas entendu articuler. Le Sénateur (M. Derbès,) doit avoir des notions bien imparfaites de ce qui doit déterminer la juridiction des juges de Paix. Dans son premier bill il avait posé la somme de cinquante piastres comme la limite au dessous de laquelle il n'y aurait pas d'appel. Le comité a réduit cette somme à vingt-cinq piastres, et finalement par un amendement présenté à la Chambre, la limite a été fixée à dix piastres; et maintenant on propose de l'abaisser à zéro. Je ne desire voir aucune distinction établie entre la ville et la campagne, mais je voudrai voir disparaître les motifs qui ont donné lieu aux accusations fournies contre les Juges. Je voudrais que toutes les affaires fussent sujettes à l'appel dans tout l'Etat. Le Sénateur a dit qu'aux termes de la loi les frais des Juges de paix doivent être payés à l'avance. Je puis lui dire pour son information que cette loi n'est pas observée et que, chaque fois que l'on plaide une exception fondée sur ce point, l'exception est mise de côté. Je répète que je voterai contre le bill.

Le bill est finalement adopté

JEUDI, 10 MARS 1852.

M. Boatner présente un bill à l'effet de payer à M. Moore $650 ; dont $350 à titre de rémuneration pour services rendus et $300 à titre de remboursement pour avances faites par lui pour l'arrestation d'un meurtrier.

M. Boatner dit que M. Moore a arrêté un homme nommé Simmons, qui était accusé d'avoir tué deux hommes par lesquels il était employé. Il paraît que ces hommes étaient occupés à vendre certaines denrées qui se trouvaient sur un bateau, quand ils furent assassinés par Simmons. Le meurtrier prit immédiatement la fuite. Plus tard M. Moore le vit à Louisville. Il revint ici, se munit d'un mandat d'arrêt, retourna à Louisville, l'arrêta et l'amèna dans l'Etat. Le gouverneur n'ayant pas offert de récompense, pensa qu'il n'était pas autorisé à rien payer à M. Moore, sans une allocation spéciale.

Le bill est adopté.

L'acte incorporant les vétérans de couleur de la Nouvelle-Orléans est adopté.

M. Short présente, au sujet du bill confié hier au comité des terres et levées avec instructions de présenter un rapport aujourd'hui, le rapport suivant :

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Aux Président et membres du Sénat de l'Etat de la Louisiane.

Le comité auquel avait été référé l'acte relatif à la vente des terres marécageuses et inondées, acte No 279 de la Chambre, qui a passé comme substitut à l'acte No 8 du Sénat, rapporte respectueusement :

Que le 3 de ce mois un acte passa au Sénat, [acte No 8] pour accorder un laps de douze mois aux personnes qui avaient un droit de préemption, en vertu de la seconde section de l'acte du 17 mars 1852, pour effectuer leur paiement, mais exigeant aussi que la demande et la preuve fussent faites dans le temps spécifié par la seconde section du dit acte savoir : au 17 mars 1853.

Leurs plaintes n'étant pas fondées sur ce qu'ils n'avaient pas le temps pour présenter leur demande et leurs preuves au 17 mars 1853, mais sur le manque d'argent pour payer leurs terres, le Sénat passa un acte pour leur accorder douze mois pour effectuer leur paiement.

Cet acte ayant été envoyé à la Chambre, fut référé au comité des terres et levées publiques. Ce comité ayant pris l'acte en considération, comme il appert par leur rapport, en conclut qu'il autorisait le paiement de toutes terres non vendues, restant du million d'acres [environ 800,000] à douze mois de crédit, et en même temps empêchait le colon actuel de parfaire son titre, à moins d'avoir fait sa demande avant le 17 de ce mois ; et le comité de la Chambre a rapporté le substitut qui est maintenant devant le Sénat, par lequel on propose de donner non seulement à ceux qui se sont établis sur les terres marécageuses et inondées avant le 16 mars 1853, le droit de preemption, comme il est spécifié dans le dit acte ; mais à tous ceux qui s'étaient établis avant cette époque, et d'augmenter de douze mois le terme pour faire la demande et le paiement, à dater de l'adoption du substitut à cet acte.

Le comité de la Chambre paraît s'être trouvé complétement dans l'erreur relativement à la signification de l'acte du Sénat. Le Sénat, loin de vouloir empêcher la vente des terres marécageuses et inondées a taché par cet acte d'empêcher l'augmentation de ces droits de préemption qui pouvaient mettre obstacle à la vente de toutes terres marécageuses et inondées, faisant toutefois une exception en faveur de ces personnes auxquelles s'applique la deuxième section de l'acte de 1852, et les obligeant d'enregistrer leur preuve vers le 17 mars 1853. Par là, l'annotateur des terres publiques connaîtrait les terres qui ne seraient pas sujettes au droit de préemption.

L'acte de la Chambre expose ces terres à un nouveau droit de préemption, ce qui embarrassera le bureau des commissaires des terres marécageuses dans leurs opérations, attendu qu'il sera privé par là de l'usage des fonds qu'auraient versés ces nouveaux préemteurs dont parle la seconde section de l'acte de 1852, et qui auraient été payés le 19 de ce mois ; et en même temps cette nouvelle classe de préempteurs mettrait hors du marché une grande partie des meilleures terres.

Ceci fera grand tort à la mise en pratique du système de levees, comme la détermination a été prise de ne pas pourvoir à cet objet par un emprunt direct, mais de s'en reposer sur la vente des terres marécageuses pour mettre le système en activité. Au commencement de la session le Sénat a passé un acte pour fermer le bureau des terres, jusqu'à ce que les terres fussent arpentées, classées, et que leur prix fussent gradués afin de réaliser par là la plus grande somme d'argent, laquelle devrait être employée aux objets pour lesquels ces terres ont été données à l'Etat ; c'est-à-dire pour l'arpentage et le dessèchement. Dans cet acte, le Sénat ne voulait nullement se mêler des droits de préemption, l'acte n'a pas été passé pour le bénéfice des spéculateurs, comme le pensaient quelques personnes, son but était directement contraire, et l'acte sous sa première forme ; pourvoyait au colon actuel et lui donnait le droit d'entrer toute quantité de terre au-dessous de 320 acres à $1 25 par acre. Ceci était contre et non pour les spéculateurs ; mais un substitut a été offert qui a défiguré la forme de cet acte. Mais cet acte ne devait avoir qu'un effet temporaire. On discutait alors certaines propositions relatives à l'utilité d'empêcher la vente des terres, à la construction des levées et l'exécution des autres travaux nécessaires à leur égouttement, à l'aide d'un emprunt portant hypothèque sur ces terres, attendu que l'on pensait de cette manière réaliser pour les travaux de levees et de dessèchement quatre ou cinq fois le montant que pouvait produire le present système ; la majorité semble avoir hésité devant l'emprunt, et l'autre Chambre n'a pas passé l'acte pour fermer le bureau des terres.

Ce système d'emprunt a été mis de côté, et le bureau des terres est toujours ouvert.

Il ne reste plus rien qui empêche d'accorder des droits de préemption, si ce n'est qu'ils peuvent être un embarras pour les opérations du système de levées, en reculant l'époque du paiement d'une somme d'argent dont l'usage immédiat est requis.

La Legislature ne peut, sans se montrer dépositaire infidèle, se mettre en possession de ces terres et faire des concessions particulières, accorder des droits qui seraient contraires à l'objet pour lequel la donation a été faite. En tant que la concession des droits de préemption peut favoriser la vente de ces terres ou augmenter leur valeur, en y amenant des colons, une pareille mesure peut être bonne, mais elle doit toujours être subordonnée à la destination qui est fixée par l'acte de donation.

En conséquence, nous soumettons la question au sénat, si l'on doit accorder d'autres droits de préemption avant qu'il décide cette question importante jusqu'à quel point cette concession peut être contraire aux opérations du système des levées ; et, si un acte relatif à la préemption venait à passer, nous pensons que les terres devront être choisies en masse, et la liste des terrains envoyés au bureau des terres dans les six mois à dater de la passation de cet acte. Une classe de personnes qui ne prétendent jamais s'y établir soit par préemption ou autrement commettent des dépredations sur une grande partie des terres boisées appartenant à l'Etat, et non seulement ces personnes n'augmentent pas leur valeur, mais elles en retirent tout ce qui leur donne de la valeur ; et nous conseillons l'adoption d'une loi pour empêcher ces dépredations, s'il est possible d'en passer, de plus efficaces que celles qui existent contre ces personnes qui ont plus d'intérêt à casser les levées qu'à les tenir en Etat.

Signé H. SHORT, président.

M. Lacey—Si l'on veut venir en aide aux colons sérieux, il n'y pas de temps à perdre. Je fais donc la motion de suspendre l'action du réglement afin de prendre en consideration le bill et de l'adopter.

M. Rivers—Je suis disposé à prolonger l'époque des paiement, mais je ne désire pas jeter du trouble dans la caisse des levées. Je voterai pour une prolongation de six mois, mais non pour retarder l'époque à laquelle la demande doit être faite. Je désire présenter un amendement a cet effet.

M. Lacey—Si l'on présente des amendements, le bill devra être envoyé à l'autre chambre, et l'adoption en sera différée d'autant.

M. Rivers—Le major Ranney, m'a-t-on dit, est d'avis que l'effet de ce bill sera de rouvrir les opérations du bureau des terres et de donner un crédit de six mois à tous les acheteurs.

M. Palfrey—Quand cette question était en discussion, j'ai cru comprendre d, après les paroles du sénat que le seul but du bill était de venir en aide aux préempteurs qui n'avaient pas en ce moment les moyens de payer le prix de leurs terres. Si je ne me trompe, le but n'était pas de rouvrir le bureau des terres pour recevoir de nouvelles demandes. Le bill de la chambre permet de recevoir de nouvelles demandes et de nouvelles preuves pendant une année encore. Si les demandes ont cessé depuis le 17, il est evident que les préempteurs ont abandonné leurs droits.

M. Nicholls—Je suis disposé, M. le president, à voter en faveur d'une prolongation d'une année pour le paiement. Aux termes de l'acte de 1852, les personnes qui se sont établies sur les terres publiques avant le 7 de mars de cette année ont droit à un an de credit pour la liquidation de leurs droits de préempteurs. Si nous ouvrons aujourd'hui la porte à une nouvelle classe de postulants, cette richesse qui a été donnée à l'Etat dans le but de construire des levées afin de protéger les terres contre l'inondation se trouvera si embarrassée qu'il sera impossible de l'appliquer à l'objet pour lequel elle nous a été abandonnée. Personne n'est opposé à une prolongation de l'époque du paiement, mais nous ne sommes pas disposés à ouvrir la porte à une nouvelle classe de postulants. Si

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nous persistons dans cette voie, nous ne serons jamais à même de rien retirer des terres marécageuses. L'année prochain, peut-être, on nous demandera une nouvelle extension, l'année après, une autre et ainsi de suite à l'infini. J'espère que le substitut ne passera pas sans amendement.

M. King—Je voterai certainement contre le bill si on insiste pour le faire passer tel qu'il est. Ce bill aura pour effet d'empêcher ces terres de rien rapporter, et de retarder l'accomplissement des travaux en vue desquels elles ont été concédées à l'Etat

M. Short.—On peut facilement résoudre la question en recourant à la discussion du bill lorsqu'il a été présenté d'abord par le sénateur d'Est-Bâton-Rouge (M. Lacey.) Ce bill proposait une extension seulement en faveur des personnes qui s'étaient établies sur des terres marécageuses d'Est-Bâton-Rouge et de Livingston. Le Comité Judiciaire auquel le bill fut référé présenta un rapport qui réprouvait la proposition d'accorder une extension à deux paroisses, tandis que d'autres, placées dans les mêmes circonstances, ont les mêmes droits. On proposa, à l'époque où le bill relatif à la disposition des terres publiques était en discussion au sein du comité, que la categorie de personnes dont il est fait mention dans l'acte de 1852 devint l'objet d'une loi générale. Quand le bill du sénateur d'Est-Bâton-Rouge vint devant le Sénat il fut amendé de telle sorte que le privilège fut étendu à toutes les paroisses de l'Etat, bien entendu toutefois que cette classe de préempteurs ne devait pas s'étendre au delà de ceux auxquels s'applique l'acte de 1852. Par là le bureau des terres publiques était à même de savoir au juste les terres pour lesquelles des demandes avaient été faites, et avait le pouvoir de vendre le reste. Dans cet état de choses, les opérations du Bureau des terres se trouveraient extrêmement simplifiées. L'amendement présenté avait pour but non d'étendre le temps pendant lequel les demandes seraient reçues, mais seulement d'accorder de nouveaux délais pour le paiement à ceux qui manquaient d'argent pour payer le prix des terres achetées par eux. Ce délai, nous l'accordâmes. Maintenant c'est une nouvelle proposition que l'on fait à la Chambre. Le comité de la Chambre basse s'est certainement mépris sur nos intentions. Il est vrai que le bill n'est pas aussi explicite qu'il pourrait l'être, a cause des nombreux amendements dont on l'a surcharge: Cependant je crois que l'objet qu'il se propose ressort assez clairement pour qu'on ne dût pas s'y méprendre. La question que nous avons à décider est celle-ci: Le Sénat va-t-il défaire son propre ouvrage ou adopter le bill qui nous est venu de l'autre Chambre ?

M. Hodge.— Le sénateur a-t-il dit que le Sénat avait passé un bill pour étendre l'époque du paiement et prolonger le temps accordé pour recevoir les demandes ?

M. Short.—Non, monsieur. Si le Sénat a passé un pareil bill, il était conçu dans des termes qui n'exprimaient point une pareille intention. Il accordait un délai pour le paiement, mais il ne créait pas de nouvelle classe. Le bill de la Chambre propose de prolonger le temps pendant lequel les demandes pourront être reçues, de manière à créer une nouvelle classe de préempteurs.

M. Lacey.— Il me semble que nous pouvons arriver par un autre moyen au but que se proposent quelques uns de mes collègues. Au lieu d' nsister sur la motion de concours, qu'il soit fait une motion de rejet et que la question soit renvoyée à un comité conjoint des deux Chambres.

M. Rivers propose un amendement qui consiste à donner un nouveau délai de six mois aux préempteurs auxquels s'applique l'acte de 1852.

M. Hodge.—Pouvons-nous raisonnablement espérer qu'un pareil bill recevra le concours de l'autre Chambre quand elle vient d'en adopter un tel que celui qui est devant le Sénat ?

M. Rivers.— Le président du comité de la Chambre a expliqué le motif qui a dirigé la Chambre. Il dit, vous, messieurs du Sénat, vous avez voulu ouvrir la porte du Bureau des Terres aux spéculateurs, nous, de la Chambre, nous voulons retirer de l'argent comptant des terres publiques et en même temps venir au secours des colons véritables et des préempteurs.

M. Lacey.—La seule objection que l'on puisse opposer à l'amendement du sénateur, c'est que le délai qu'il propose est beaucoup trop court. Un délai de six mois n'en est pas un.

M. King — Je crains que si la prolongation demandée est accordée ce ne soit un fâcheux précédent. Une autre Législature s'assemblera avant l'expiration du terme, et cette Législature sera aussi désireuse que nous de venir au secours des pauvres cultivateurs. Et il en pourra être ainsi jusqu'à la fin des temps. Je désire que le Sénat se montre aussi libéral que possible envers ces braves gens. Personne plus que moi ne désire leur accorder tout ce qui est légitime, mais je voudrais qu'il y eût un terme à ces extensions sans fin. Je voudrais qu'on fixât une époque à laquelle elles devraient cesser ; et, si alors le paiement n'est pas effectué, que l'Etat reprenne possession de ces terres. Je crois que c'est là ce que veut la raison, et je veux mettre la prochaine Législature à l'abri des importunités auxquels nous avons été soumis.

M. Wickliffe fait la motion de déposer le bill sur le bureau.

La motion est repoussée.

La discussion se poursuit et le bill est amendé de telle sorte qu'il est ramené à l'état où il était primitivement lorsqu'il a été adopté par le Sénat.

ORDRE DU JOUR.

TRANSFERT DU SIEGE DU GOUVERNEMENT.

Sur motion de M. Derbès, le bill proposant de soumettre au peuple un amendement à la Constitution ordonnant que le siége du gouvernement soit transféré à la Nouvelle-Orléans, est appelé.

M. Palfrey—Je rappelerai que le sentiment du peuple de l'Etat, et de la ville de la Nouvelle-Orléans elle-même, a déjà été pris relativement à cette mesure, par le vote donné pour l'adoption de la Constitution.

M. Derbès—Si la question a été ainsi finalement décidée, pourqui donc la faculté de décider cette question a-t-elle été laissée à la Législature ?

M. Hodge—Je désirerais présenter quelques observations sur cette question, pour expliquer les raisons pour lesquelles je suis opposé à ce que l'on soumette au peuple de l'Etat l'amendement proposé, c'est-à-dire de donner à la majorité le pouvoir de faire une chose qui sera nuisible et désavantageuse à la minorité. Il n'y a pas de doute que sur cette question il y ait unanimité d'opinion à la Nouvelle-Orléans, et que tous les votants n'y marchent en colonnes serrées. Mais, monsieur, je suis opposé à la dépense qu'occasionnerait à l'Etat l'érection d'une nouvelle maison d'Etat. Je ne m'oppose pas à ce qu'on accorde des pouvoirs au peuple de l'Etat, mais qu'on accède au désir des seuls habitants de la Nouvelle-Orléans, et que l'on construise une nouvelle maison d'Etat lorsque déjà nous en avons une qui a coûté trois cent mille piastres J'apprends de bonne source que la ville de Bâton-Rouge a fait un don à l'Etat du terrain sur lequel est bâti le Capitole, à condition que le siége du gouvernement y serait maintenu. S'il est déplacé, l'Etat perd tous ses droits à cette terre. Si tel n'avait pas été le cas, si une maison d'Etat n'avait pas été bâtie, les choses seraient bien différentes. Mais maintenant, après que $300,000 ont été dépensées pour la construction d'un local convenable, lorsque le trésor de l'Etat est presque dans un état de banqueroute, et que le peuple est écrasé sous le poids de taxes énormes, je ne puis ni ne veux donner mon consentement à une mesure qui fera augmenter les taxes et ajoutera encore au lourd fardeau dont le peuple est accablé.

M. Lacey—En ce moment, où la question de transférer le siége du gouvernement est devant le Sénat, je croirais manquer à ce que je dois à mes constituants si je n'exprimais mes vues à ce sujet.

Si le peuple s'était clairement, formellement exprimé en faveur du transfert du siége du gouvernement, s'il n'y avait pas à se tromper sur son désir de changer de capitale, si enfin il y avait lieu à ce que la législature agit à ce sujet, si cela était exigé de nous, je serais disposé à ce qu'on consultât par la voie du scrutin, le peuple de la Louisiane, au sujet de cet amendement à la loi organique. La constitution de 1845 était l'expression formelle, explicite de l'opposition du peuple à ce que le siége du gouvernement continuât d'être à la Nouvelle Orléans. Par cette constitution non seulement le siége du gouvernement ne devait plus être à la Nouvelle Orléans, mais, plus

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encore, jamais il ne devait en être proche de plus de 60 milles. Les habitants de la ville firent alors tous les efforts imaginables, et quoique cette dernière clause militât beaucoup en leur faveur ils ne purent obtenir que le capitole restât dans son sein. En 1852 la question fut de nouveau soumise au peuple qui cette fois encore décida que le siège du gouvernement ne serait pas à la Nouvelle Orléans. Où donc trouvez-vous maintenant que tel ne soit plus le désir du peuple ? Non, monsieur, son désir n'a pas changé et ce serait se moquer de lui que d'agir dans la supposition qu'il désire un changement. Je professe le plus grand respect pour la volonté du peuple quelle qu'elle soit, mais dois-je consentir à ce qu'on lui soumette encore ce sur quoi il ne demande pas à être consulté ? Est-il nécessaire que tous les jours, toutes les fois qu'une mesure inconstitutionnelle sera présentée, il soit consulté, de nouveau et toujours consulté ? Une telle conduite de notre part serait des plus dangereuses Je le demande encore, serait-ce de bonne politique de consulter tous les ans le peuple sur des amendements à la constitution jusqu'à ce que la loi organique elle-même ne fut plus qu'un recueil d'actes législatifs ?

Mais outre que le peuple de l'Etat ne désire pas un changement, outre qu'il n'a jamais exprimé semblable vœu, la législature veut-elle encore le consulter sur une mesure qui, si elle était adoptée, occasionnerait à l'Etat une perte de millions de piastres ? Si cela a lieu, si contrairement à ce que nous avons le droit d'espérer, le siége du gouvernement est déplacé, que ferons-nous des bâtisses qui ont été construites à de si grands frais ? En ferons-nous un collége, un séminaire ? Elles ne peuvent être appliquées à cet usage parce que déjà nous avons fait une affectation de fonds pour la création d'un établissement de ce genre dans une autre partie de l'Etat. Si le Capitole n'est pas laissé à Bâton Rouge tous les immenses frais de construction qui ont été fait nous retomberont sur les bras, nous aurons dépensé pour rien une immense somme d'argent, nous perdrons bien certainement de trois à quatre cent mille piastres.

Une autre considération se présente encore : nous devons voir si le transfert du siége du gouvernement n'occasionnera pas des dépenses additionnelles à la Nouvelle-Orléans. Monsieur le président, le peuple de cette ville voudra-t-il élever une Maison d'Etat ? Qu'on n'oublie pas que cette même question a été récemment soumise au Conseil-Commun et qu'il a résolu de faire don à l'Etat d'un emplacement sur lequel serait construit une Maison d'Etat, et que cette résolution n'a pas été approuvée par le maire qui a dit que ce serait compromettre le crédit de la ville que de contracter une dette additionnelle de $400.000

Non, monsieur, la ville de la Nouvelle-Orléans n'a le droit de rien donner lors même qu'elle le désirerait et elle ne le désirerait pas, en eût-elle le droit. Si elle le faisait, trois années ne s'écouleraient pas avant qu'elle ne vint implorer la Législature et supplier qu'on lui rende l'argent qu'elle aurait dépensé. Voyez alors quelle dépense occasionnerait à l'Etat le transfert du siége du gouvernement. Il vous faudrait donner une compensation à Bâton-Rouge et dépenser de fortes sommes à la Nouvelle-Orléans pour l'érection d'une Maison d'Etat. Consentirez-vous à imposer au peuple une taxe additionnelle ? Et comme vous avez ici un local commode et spacieux, construit à très grands frais, voulez-vous imposer a l'Etat une énorme dépense dans le seul but de plaire à une partie des citoyens de la Nouvelle-Orléans ? Donc, attendu qu'aucun semblable desir n'a été exprimé par le peuple, attendu que ce changement nécessiterait l'imposition d'une taxe nouvelle, j'espère que la Législature terminera d'une fois cette question. Il n'y a aucune nécessité d'y revenir ainsi de temps en temps et de soulever une continuelle excitation à ce sujet.

Qu'il en soit décidé d'une manière ou d'une autre, mais de telle sorte qu'elle ne nous revienne plus jusqu'à ce que le peuple réclame formellement, positivement un changement. Il sera temps alors de passer un bill à la demande des citoyens de la Nlle-Orléans, il sera temps alors de faire des lois toutes favorables à cette ville et préjudiciable au reste de l'Etat.

M. Short.—Je n'ai pas l'intention de discuter à fond cette question, je désire seulement déclarer ici que la grande majorité de mes constituants est en faveur du transfert du siége du gouvernement à la Nlle-Orléans. Baton-Rouge est tellement en dehors de tout que ce n'est qu'avec peine que les lettres écrites par des constituants arrivent aux membres de la Législature, et lorsqu'elles arrivent, il est trop tard pour qu'elles puissent être d'aucune utilité. Quant aux inconvénients de cette ville, cela est à l'avantage de l'Etat en empêchant que les sessions ne soient trop prolongées.

M. King.—Je ne désire pas entrer dans une discussion approfondie de cette question. Je désire seulement dire qu'il me parait que le Sénateur qui a combattu ce bill recule devant le verdict du peuple. Il faut que le Sénateur ait eu les yeux et les oreilles bouchées, s'il n'a vu la preuve du désir du peuple de voir le siège du gouvernement transféré, ou s'il n'a pas entendu les plaintes qui s'élèvent de toutes parts contre le siège actuel. Mais non. Si le Sénateur ne veut pas soumettre cette question au peuple ce n'est pas qu'il ne soit assuré du vœu populaire, mais c'est par ce qu'il craint que le peuple ne donne un verdict contre lui. Dans l'origine le siège du gouvernement a été éloigné de la Nouvelle-Orléans par suite des efforts de speculateurs politiques qui flattèrent des jalousies de section, existant malheureusement dans les campagnes contre la ville.

Ces faiseurs pensaient qu'ils auraient plus de chances de se pousser, si le siége n'était pas à la Nouvelle-Orléans. Demandez à n'importe quel membre la différence qu'il y aurait pour la Législature si elle siégeait à la Nouvelle-Orléans au lieu de siéger ici. Là il serait en rapports presque journalier avec ses commettants, et par là il serait à même d'apprendre leurs besoins et leurs vœux, condition essentielle de toute bonne législation. Ici il est isolé, privé de tous rapports avec le peuple, incapable de deviner l'écho de leurs sentiments et de leurs opinions. A la Nouvelle-Orléans il y a une concentration de population et de lumières qui ne peut avoir qu'un résultat favorable pour les travaux de la Législature, et sous le simple rapport de la commodité les avantages que cette ville présente doivent être évidents à tous les yeux. Là est une ville qui offre mille ressources pour les affaires, une ville dans laquelle se trouvent concentrees une grande partie du capital de l'Etat et la plus grande partie de son commerce, où par conséquent se trouvent en plus grand nombre les objets qui peuvent attirer l'attention de la Législature. Là nous ne serions pas claquemurés comme à Bâton-Rouge, et privés de tous rapports avec nos commettants. Il est d'autres motifs qui devraient engager à transporter à la Nouvelle-Orleans le siége du gouvernement, mais ceux-ci sont suffisants.

C'est pour obtenir cet avantage et nullement pour servir les intérêts particuliers de la Nouvelle-Orléans que nous désirons que le siege du gouvernement y soit transferé. Il n'y a pas un sénateur ici qui ne voulut aller à la Nouvelle-Orléans. Leurs affaires les y appellent toujours avant qu'ils ne puissent venir ici. Que le peuple decide donc cette question. Qu'il dise s'il veut un changement. Donnez lui l'occasion d'exprimer nettement, formellement son désir par le seul moyen qui soit en son pouvoir, la voie du scrutin Pourquoi cette opposition du transfert du siége du gouvernement ? La Constitution n'a pas, ainsi que le pense le senateur de Ste-Marie, décidé à tout jamais ce point. En adoptant cette Constitution le peuple n'a pas exprimé son désir de laisser le Capitole à Bâton-Rouge. Il a été forcé d'adopter cette clause en adoptant la Constitution ; il fallait ou tout ou rien, et s'il a voté en faveur de l'adoption ce n'est pas à cause de cette clause, mais en dépit d'elle. Les objections constitutionnelles qui nous sont présentées sont elles-mêmes une preuve que l'on craint de consulter le peuple.

Quel droit avait la convention d'imposer au peuple une loi pour l'avenir ? et d'ordonner que le siége du gouvernement serait à tout jamais tenu hors de la Nouvelle-Orleans ? Je conçois que tel soit le désir du sénateur d'Est-Bâton-Rouge et peut-être des habitants de quelques paroisses ; mais je ne crois pas que tel soit le vœu du peuple entier ou même d'une majorité. Donnez-lui une occasion d'exprimer son opinion à cet égard, et, n'en doutez pas, il assignera comme siége du gouvernement la ville que nous désignons, c'est-à-dire, au centre du commerce et des affaires, au foyer de l'intelligence et des lumières. A la Nouvelle-Orléans, la législature pourrait juger de ses besoins.

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et y pourvoir; ici, c'est à peine si elle peut juger des besoins de la campagne.

M. Nicholls — M. le président, je me lève dans le seul but de bien établir une position relativement à cette question. S'il s'agissait de transférer le siege du gouvernement, je croirais de mon devoir de decliner les raisons pour lesquelles je voterais dans un sens ou dans un autre ; mais comme il s'agit seulement de soumettre au peuple la question de savoir si la Nouvelle-Orléans ou Bâton-Rouge sera la capitale, il n'est pas besoin de discussion pour décider de cela. Quoique je n'appartienne pas au grand parti de la democratie et que peut-être je n'aie pas le droit comme lui de parler avec tendresse et avec amour du très cher peuple, privilége que semble monopoliser ce parti, cependant lorsque se présente une question de taxes, je crois que nous devons laisser au peuple de la décider. Il est bien préférable que ce soit lui-même que nous.

M. Lacey.—Le sénateur de la Nouvelle-Orléans [M. King], me semble s'être fait l'avocat d un système de conduite fort dangereux. Quand une question constitutionnelle est douteuse, nous pouvons avec raison peut-être, la soumettre au pueple. Mais quand la question est résolue, comme dans ce cas, par la Constitution de 1845, quand c'est une question sur laquelle la ville se prononcera, comme un seul homme, le sénateur a tort de vouloir la soumettre au peuple. Supposez que deux cents bills aient été présentes et que, pour ne pas prendre la responsabilité de leur adoption, nous déciderons qu'ils soient tous soumis au peuple, le sénateur prétendra-t-il que nous ferions bien d'en agir ainsi. Il me semble que ce serait une atteinte portée à la loi fondamentale, surtout quand elle n'est pas sanctionnée par l'expression du vœu populaire. Il y aurait peu de l'esprit conservateur dans une pareille mesure, a moins que nous n'eussions la preuve que le peuple la demande. Le sénateur dit que j'ai peur de la decision du peuple. Je demande au Senat, si une proposition était faite de restreindre les privileges de la Nouvelle-Orléans, serait-il disposé à la soumettre au peuple? S'élèverait-il avec indignation contre ceux qui combattraient sa mesure, et les accuserait-il de redouter le verdict du peuple. Je serais curieux de connaître la conduite qu'il tiendrait en pareille occasion. Je ne prétends pas connaître aussi bien que le sénateur les desirs des habitants de la Nouvelle-Orleans; mais là on m'a dit qu'il n'y avait que les intrigants politiques qui desirassent le transfert du siége du gouvernement. J'ai appris que ce changement n'est demandé que par quelques boutiquiers, quelques trafiquants, qui pensent que la presence de la Legislature produirait un accroissement dans leur commerce. Peut-être le sénateur reconnaîtra-t-il que la Nouvelle-Orléans n'est pas disposee à donner une majorité à cette mesure; mais si elle doit le faire, je désire empêcher que par cette unité d'action, la campagne soit privée de ses droits constitutionnels.

Il n'y a aucune raison qui puisse engager à soumettre cette question au peuple. Si la majorité du peuple désire déplacer le siége du gouvernement, qu'il envoie ici des représentants charges d'exprimer leurs vues, ce qui serait une manière plus juste et plus convenable de prendre l'opinion du peuple. Que la question soit agitée dans le pays; qu'elle soit discutee, et si les électeurs envoie ici des membres qui soient en faveur de la mesure, je serai parfaitement disposé à me soumettre Il me semble evident que l'intention de la convention n'était pas que le transfert du siége du gouvernement eût lieu au moyen d'un changement dans la Constitution. Je ne consentirai pas alors au deplacement, ni à aucune mesure qui y tendrait, à moins que le peuple n'envoyât ici une majorité constitutionnelle en faveur de la majorité. J'espère donc que le Sénat terminera cette question par une prompte décision.

Je n'ai aucun sentiment hostile contre la Nouvelle-Orléans. Je ne voudrais faire aucun acte qui pût l'entraver dans sa marche; je désire autant que personne la voir prospérer, et je ferai tout pour contribuer à ses progrès, en tant que cela ne dût pas porter atteinte aux intérêts de la campagne. Mais je ne suis pas disposé à livrer la campagne pieds et poings liés à la ville. Je sens qu'il est de mon devoir de prémunir le Sénat contre cette proposition, car si elle est accueillie, les droits de la campagne ne seront plus qu'un vain fantôme, et rien ne se fera plus que par la volonté de la ville.

M. Mouton.—Il m'est tout-à-fait indifférent que le siège du gouvernement soit établi à la Nouvelle-Orléans ou à Bâton-Rouge, mais comme les paroisses que je représente n'ont jamais exprimé leur opinion quant à cette question, je considère qu'il est de mon devoir de voter contre la résolution. Avant de voter pour, j'attendrai qu'elles m'aient signifié que tel est leur désir.

M. King.—Le sénateur de Lafayette (M. Mouton) refuse de rendre justice au peuple de son district en ne lui offrant pas l'occasion d'exprimer son opinion. S'il professe une aussi haute considération pour ses constituants, que ne se range-t-il alors de notre côté? Quant à l'assertion du sénateur d'Est-Bâton-Rouge (M. Lacey), que les hommes politiques de la Nouvelle-Orléans désirent seuls le transfert du siège du gouvernement, je puis lui assurer qu'il est grandement dans l'erreur. Le fait seul du transfert du Capitole est par lui-même de trop peu d'importance pour qu'ils y songent, et la présence des membres de la Législature ne changerait rien aux idées ou aux opinions du plus humble et du plus pauvre votant de la ville. Ce n'est pas en vue de l'intérêt de la Nouvelle-Orléans que nous désirons le changement, mais parce que l'Etat tout entier bénéficierait de cette mesure. Je dois déclarer que je n'ai pas du tout compris le sénateur lorsqu'il a dit, au debut de son discours, que le peuple de la Nouvelle-Orléans marcherait en phalange serrée, et que plus loin il a dit que cette question n'était soulevée que par quelques politiques ambitieux de la ville de la Nouvelle-Orléans. Pourquoi ces contradictions? et que signifient-elles?

M. Hodge fait la motion de déposer le bill sur le bureau.

Lorsque le nom de M. Rivers est appelé, ce sénateur se lève et dit :

Je vote dans l'affirmative, parce que je ne sache pas que le peuple désire ce changement, et parce que ce changement, s'il est fait, nécessiterait des dépenses que l'Etat ne peut pas faire. Le peuple est déjà surcharge de taxes, et le trésor est à la veille d'une banqueroute.

Le bill est déposé sur le bureau par un vote de 15 oui contre 12 non.

MERCREDI, 23 MARS.

Le Sénat s'assemble conformément à l'ajournement.

M. Clifton du comité des banques et maisons de banques, présente le rapport suivant :

A l'honorable W. Farmer, président du Sénat :

Les comités permanents sur les banques et maisons de banques du Sénat et de la Chambre des représentants, qui avaient été requis, par une résolution conjointe, d'examiner la condition des banques incorporées de la ville de la Nouvelle-Orléans, ont rempli le devoir qui leur était imposé et demandent la permission de présenter le rapport suivant.

Une connaissance des ressources et du crédit des personnes qui ont des affaires avec ces banques plus ample que ne possèdent les comités, eût été nécessaire, pour les mettre à même d'exprimer une opinion positive, sur la valeur du montant énorme de billets escomptés à recevoir, qui constituent les opérations de ces institutions.

Mais les tableaux tirés de leurs livres, et les examens que nous avons pu faire, laissent une impression très favorable de leur solvabilité et de la sécurité qu'elles offrent a leurs creanciers et au public.

Les espèces métalliques dans les caveaux ont été minutieusement comptées par les comités, correspondent aux tableaux assermentés qui leur ont été fournis, et sont en rapport avec l'acte de 1842.

Les comptes généraux fournis par ces banques à la demande des comités, se trouvent annexés à ce rapport, ou condensés sous leurs titres respectifs, de manière à démontrer ce qui est le plus important. Outre ces comptes généraux, vos comités, ont pris des informations particulières, dont le résultat est ci-après démontré, relativement à l'administration des banques et aux profits qu'elles ont pu faire, pensant que cela pourrait vous être de quelque utilité, eu égard à la loi générale sur les banques, qui, l'on pense, attirera l'attention de la Législature pendant cette session·

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Parmi les comptes spéciaux des banques maintenant en opération, se trouvent les retours du montant du capital de chacune, que possèdent les actionnaires résidents et non-résidents; le montant dû par les directeurs de chaque banque à l'institution dans laquelle ils sont directeurs, et les dettes dues à chaque banque par les directeurs de toutes les autres banques, et un compte des profits répartis et en réserve par la banque des Artisans et des Marchands, la banque du Canal et la banque de la Louisiane, depuis le commencement de leurs opérations jusqu'à ce jour. Ce dernier compte n'a pas été obtenu de la banque de l'Etat

BANQUES DES ARTISANS ET DES MARCHANDS

Le Tableau général de cette Banque démontre qu'elle est préparee à se soumettre à la décision de la Legislature, dans le cas où celle-ci serait opposée à l'application qui lui a déjà été faite dans le cours de la présente session, pour un renouvellement de sa charte, qui expire le second mardi d'avril prochain.

Ses moyens sont suffisants pour faire face à ses engagements, soit en circulation, en dépôts et autres réclamations payables sur demande. Un coup d'œil sur le tableau (lettre C) montre que la Banque possède (pour parler en chiffres ronds) dans ses voûtes, plus de cinq millions de piastres en espèces ou en papier à courte échéance, équivalant à de l'argent, tandis que toutes ses dettes payables immédiatement et ultérieurement, exclusives du fonds capital, ne s'élèvent qu'à peu de chose au-dessus de quatre millions. Il est certain que la Banque pourrait liquider, payer toutes ses obligations, et distribuer presque tout son capital dans l'espace de quelques mois. L'acte de 1850, qui a passé par anticipation pour pourvoir à sa liquidation, accorde aux commissaires qui pourraient être nommés sous l'empire de cette loi, un terme de cinq ans à partir de l'expiration de sa charte, afin de terminer finalement ses affaires dans ce laps de temps.

Les profits de cette Banque, depuis le commencement en 1833 jusqu'au 16 février 1853, se sont élevés, d'après les tableaux fournis, à $2,077,598 68. Aucun dividende n'a été déclaré en juin 1837, janvier 1839, janvier et juillet 1840, janvier et juillet 1842, janvier et juillet 1843.

Le fonds capital de la Banque consiste en 34,797 actions.

($1,689,850) appartenant comme suit :

13,767 actions ($688,350) appartiennent à des résidents.

20,030 » ($1,001,500) appartiennent à des non-résidents.

La dette des Directeurs est comme suit :

	Comme tireurs.	Comme end.	Total.
Directeurs de cette Banque,	$99,783 27	$33,425 08	$133,208 35
do des Banques de la ville à celle-ci,	204,677 06	103,711 85	308,388 91
	$304,460 33	$137,136 93	$441,597 26

BANQUE DU CANAL.

Les affaires ce cette institution ont aussi été profitables, malgré les pertes énormes qui ont suspendu ses dividendes. Pendant la moitié de la durée de sa charte; elle a été à même d'assurer et de déclarer les profits suivans :

Dividendes d'après tableau fourni,	$2,882,207 50
Compte de profits et pertes, d'après tableau général,	880,666 86
Nouveau compte de profits et pertes, d'après tableau général,	268,803 54
Total,	$3,936,677 40

Aucun dividende n'a été déclaré en juin et décembre 1834, juin 1837, décembre 1839, ni à aucune époque pendant les années 1840, '1, '2, '3, '4, '5, ou '46, ni en juin 1847 et décembre 1849.

Le fonds capital de la Banque ($3,164,000) appartient comme suit :

16,741 actions ($1,674,100) à des non-résidents.

14,899 " ($1,489,900) à des résidents.

Les dettes des directeurs de cette Banque sont comme suit :

	Comme tireurs.	Comme endosseurs.	Total.
Directeurs de cette Banque,	$184,955 03	182,346 72	$367,311 75
Dû par les directeurs d'autres Banques,	256,087 78	147,404 01	403,491 70
	$441,052 81	$329,750 73	$770,803 45

BANQUE DE LA LOUISIANE.

La Banque de la Louisiane présente un résultat encore plus favorable. Son capital nominal est de $3,992,600, mais la Banque possède elle-même pour $1,200,000 de ce montant, de sorte que son capital réel est de $2,792,600 appartenant comme suit :

15,119 actions, $1,511,000 à des non-résidents.

12,804 " 1,280,400 à des résidents.

12,000 " 1,200,000 à la Banque.

Il paraît que cette Banque a été administrée avec une prudence et un succès plus uniformes qu'aucune autre dans cette ville. Elle fait voir un dividende net et un profit réalisé de $3,729,858 81, sur un capital de $3,992,600 et ayant en outre acheté pour $1,200,000 de ses propres actions, ce qui augmente les profits au chiffre de $9,929,858 81, c'est-à-dire à peu près 250 pour cent dans l'espace de 28 ans, mais elle a déclaré des dividendes extra en janvier 1847, janvier 1850 et janvier 1853.

Les dividendes réguliers et extra des derniers six mois s'élèvent à 15 p. 0|0, faisant voir les profits énormes qui peuvent se réaliser d'après le système restreint actuel de Banques incorporées, et fait fortement sentir la nécessité d'établir une concurrence générale.

Le montant que doivent les directeurs des Banques à celle-ci est comme suit :

	Tireurs.	Endosseurs.	Total.
Directeurs de la Banque,	$91,012 89	$47,799 62	$138,810 51
" d'autres Banques à celle-ci,	304,470 34	354,886 76	659,357 10
	$395,483 23	402,684 38	798,167 61

BANQUE DE L'ETAT DE LA LOUISIANE.

Les comités n'ont pu obtenir aucun tableau du montant des profits faits par cette Banque, ni la distribution du capital ($1,987,960) entre les résidents et non-résidents. La Banque n'a aucun agent hors de l'Etat pour le transfert de ses actions.

Les dettes de directeurs à la Banque et à ses succursales sont comme suit :

	Tireurs.	Endosseurs.	Total.
Mère-Banque. Ses propres directeurs,	$234,997	$106,007	$340,798
Directeurs de la Branche de la seconde Municipalité	84,951	143,990	228,950
" d'autres Banques	96,267	2,520	98,787
	$413,202	$255,228	$668,430

La somme de $167,000 sur le montant dû comme Tireurs, est garanti par sûreté collatérale sur actions.

Dettes des directeurs de la Succursale de la Banque de l'Etat de la Louisiane de la 2de Municipalité :

	Tireurs.	Endosseurs.	Total.
Les propres directeurs,	$232,039	$9,050	$231,089
Directeurs de la Mère Banque,	29,016	70,804	99,820
" d'autres Banques à celle-ci,	10,439	.....	10,439
	$261,494	$79,854	$341,348
Succursale à Bâton-Rouge,	$12,855	.. ....	$12,855

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Montant total des dettes des directeurs de Banques à la Banque de l'Etat et à ses succursales ; comme tireurs, $687,551—comme endosseurs, $335,082—Total : $1,022,633.

Afin de faire mieux comprendre les affaires de cette institution, les comités ont obtenu des tableaux séparés faits le même jour des affaires de la Mère-Banque et des deux succursales. Ils sont annexés à ce rapport et condensés de manière à faire voir d'un coup d'œil le fonds de réserve et les opérations de la Banque et de ses succursales, le 12 février.

On verra qu'une très grande partie des affaires de la Banque, à la Nouvelle-Orléans, se fait par l'intermédiaire de la Succursale de la Seconde Municipalité et que les emprunts faits par les Succursales et particulièrement par celle de la Seconde Municipalité sont beaucoup au-dessus du montant prescrit par la charte de la Banque eu égard au montant de ses affaires avec son capital et démontre aussi un grand surcroit d'affaires de la Mère-Banque et de ses succursales au-delà de la limite imposée par la charte. Il est bon de remarquer que la succursale de la Seconde Municipalité a prêté à ses propres directeurs et à ceux de la Mère-Banque, la somme de $255,055 sur un capital nominal de $100,000, soit deux fois et demie son capital.

Le comité ne peut abandonner ce sujet sans au moins attirer l'attention sur des questions graves ayant rapport à cette institution, et qui de temps à autre ont été beaucoup agitées, mais n'ont jamais été examinées judiciairement ni sommairement terminées.

La Banque a-t-elle le droit dans le lieu où elle dirige elle-même ses propres affaires, de nommer une autre Banque sous le titre de Succursale avec des pouvoirs aussi étendus que les siens propres, (et par ce fait le droit de se multiplier à l'infini dans la même ville ?)—A-t-elle légalement demandé et exercé les priviléges dont elle a fait usage d'après l'acte de 1850 relativement à l'établissement d'une succursale, à Bâton-Rouge, d'après lequel la Banque demande d'être exemptée des limites qui lui sont imposées par sa charte pour les prêts faits par l'intermédiaire de ses succursales ? Dans un tel embarras, les comités ne peuvent exprimer une opinion décisive, mais ils n'hésitent pas à dire que tous ces faits devraient être l'objet d'une investigation judiciaire.

De quelle manière elle doit être faite, il ne leur convient pas de dire, mais ils insistent pour que le vœu de la loi soit mis rigoureusement en force contre des pouvoirs si dangereux et une licence si effrénée.

BANQUE DES CITOYENS.

L'examen des affaires de la Banque des Citoyens démontre que cette institution n'a ni circulation, ni dépôts, et aucune dette, sauf les Bons de l'Etat et les Bons de la Banque à l'étranger.

Les comités n'ont eu à s'occuper que de la garantie qu'à l'Etat dans l'actif de la Banque et des garanties hypothécaires données à la Banque par ses Actionnaires, afin d'assurer le paiement ponctuel des obligations de l'Etat au fur et à mesure qu'elles viennent à échoir.

L'examen que les comités ont pu faire, d'après la connaissance particulière des différens membres des comités relativement à la valeur des hypothèques sur propriétés dans leurs endroits respectifs, porte à croire que la garantie est suffisante pour la sécurité de l'Etat.

Les hypothèques demeurent en pleine force sur le montant primitif, quoique seize paiements d'une piastre chacun sur chaque action aient été faits avec une ponctualité remarquable. La Banque a un actif considérable et acollecté des actionnaires les contributions autorisées d'après l'acte de 1847. Ces contributions pendant un certain nombre d'années produiront une balance considérable en faveur des recettes.

D'après le jugement des comités, l'Etat est bien protégé contre toute perte pour sa garantie à cette Banque, si ses intérêts sont prudemment administrés plus tard.

Il n'y a eu aucun mouvement dans cette Banque depuis le rapport des commissaires de Banque qui est déjà en la possession de la Législature, c'est pourquoi nos comités n'ont pas jugé nécessaire d'annexer un tableau général à ce rapport.

ASSOCIATION CONSOLIDÉE.

Les mêmes remarques générales s'appliquent à cette Banque—elle n'a ni circulation, ni ne fait aucune opération. Il est de l'intérêt de l'Etat de veiller à sa liquidation de manière à se garantir contre toute perte sur les Bons émis pour l'usage de la Banque. La liquidation de cette Banque donnera une forte perte aux actionnaires.

Le déficit apparent est maintenant d'à peu près $300,000 et sera indubitablement augmenté lorsque les comptes non-réglés seront clos : mais les hypothèques que possède la Banque et son actif réel démontrent que dans le présent état de choses, elle a apparemment une garantie suffisante pour protéger l'Etat contre toute perte.

L'heureuse négociation de la Banque des Citoyens avec les détenteurs de bons à l'étranger peut remettre et remettra dans peu de temps à ses actionnaires, le contrôle de ses affaires, et nécessitera, lorsque ces arrangements seront terminés, un changement dans la manière dont l'Etat doit diriger cette institution.

Le bureau des commissaires des Banques maintenant établi par la loi, n'aura plus à s'occuper que de la Banque Consolidée, et les dépenses de ce bureau sont trop fortes et nullement en harmonie avec l'administration d'une seule Banque.

Ce sujet nécessitera l'action de la Législature.

BANQUE DE L'UNION.

La dernière Banque à passer en revue est la Banque de l'Union, qui est aussi en liquidation et a presque terminé ses affaires. Ses dettes sont purement nominales ou sont garanties par un fonds de réserve. Elle a collecté et distribué à ses actionnaires presque tout le montant de son capital. Dans le partage de ses profits extra, l'Etat comme actionnaire d'un sixième a reçu en deux dividendes les sommes suivantes :

1er Dividende, 1er juin 1852, $207,170.
2d " janvier 1853, 147,396.

Le premier dividende en entier et en outre une somme de $22,866 73 du second dividende ont été retenus d'après un arrangement avec l'Etat vu la responsabilité de la Banque pour les Bons du chemin de fer de Clinton et Port-Hudson.

Une autre somme de $3,000 a été portée au compte de l'Etat pour une traite à vue sur le Trésor et payée par la Banque, et $6,000 pour rembourser un dépôt fait entre les mains du Trésorier pour représenter six Bons de l'Etat que la Banque est en mesure de délivrer.

Quant à la balance se montant à $105,629 67, vus comités l'ont vu figurer au crédit de l'Etat sur les livres de la Banque et elle est prête à être payée depuis le 1er janvier dernier.

L'Etat a encore un intérêt d'un sixième dans les profits de cette institution qui ne sont pas encore distribués. Une proposition a été faite par la Banque afin d'acheter cet intérêt. Le trésorier de l'Etat a été autorisé par un acte, passé en mars dernier, à entrer en negociations avec la Banque, mais n'a pu arriver à aucun arrangement.

La Banque offrait dix-huit piastres par action ce que le Trésorier a refusé d'accepter. Elle a, depuis cette époque, déclaré un dividende de quinze piastres par action sur lequel l'Etat a reçu la somme de $137,306.

Il existe encore un montant considérable de valeurs non-partagées dont le chiffre exact n'est pas connu. Dans ce but, les comités ont jugé nécessaire de demander un état détaillé de tout l'actif qui reste, ainsi que des dettes de la Banque, de manière à les mettre à même de se former une opinion sur les mesures que doit prendre l'Etat.

Les documents ont été promptement fournis et après examen, les comités ont décidé que les intérêts de l'Etat n'exigent en aucune manière une vente à la Banque de la part des profits à venir, mais seraient tout aussi bien augmentés en permettant à la Banque de continuer régulièrement sa liquidation et que l'Etat reçoive au *pro rata* sa proportion des bénéfices au fur et à mesure qu'ils seront réalisés.

Les comités ont choisi parmi la masse énorme de papiers qu'ils ont examinés, condensés et annexés à ce rapport, les documents suivants :

A. Tableau et récapitulation des profits des trois Banques en opération.

B. Tableau et récapitulation des dettes des directeurs des Banques de la ville aux institutions, dans

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lesquelles ils sont directeurs, ainsi qu'à celles des autres Banques de la ville.

C Tableau général de la Banque des Artisans.

D. " " " " du Canal.

E. " " " " de la Louisiane.

F. 1er. Tableau général de la Banque de l'Etat de la Louisiane.

F. II. Tableau général de la Succursale de la 2nde municipalité.

F. III. Tableau général de la Succursale à Bâton-Rouge.

Le tout vous est respectueusement soumis.

C. W. CLIFTON,
Président du comité du Sénat.
S. F. WILSON,
Président du comité de la Chambre.

M. Palfrey appelle le bill suivant :

Sect. 1re.—Qu'il soit décrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane, réunis en assemblée générale, Que le trésorier de l'Etat soit et demeure requis de payer à l'ordre de Théodule Labauve, résidant dans la paroisse de Ste Marie, sur le mandat de l'auditeur des comptes publics, la somme de cinq cents piastres.

Sect. 2me —Qu'il soit de plus résolu, etc., Que la somme de cinq cents piastres soit et demeure spécialement affectée au but ci-dessus indiqué.

M. Wickliffe —Cela me semble être une façon d'agir tout à fait irrégulière. La proposition est tout simplement celle-ci : Parce qu'un individu a été blessé d'un coup de fusil chargé à postes, l'Etat doit payer les frais et dommages résultant de sa blessure. Il y a en Louisiane des centaines de personnes qui ont été blessées ainsi, alors qu'elles étaient à la poursuite de criminels. La conséquence serait que nous devrions les payer toutes, car certainement elles ont autant de droit à réclamer cette indemnité Pour moi, je ne suis pas disposé à payer aucun individu à qui il peut arriver d'être blessé pendant qu'il est à la poursuite d'esclaves marrons. Je le répète, c'est une doctrine toute nouvelle. Si nous commençons une fois ce système, où nous arrêterons-nous ?

Bien des paroisses pourraient présenter d'aussi justes réclamations que celle qui nous occupe. Il y a dans ma propre paroisse, quelques personnes qui ont tout autant de droit à une indemnité. Si le sénateur de Sainte-Marie obtient $500 pour son constituant, je demanderai une somme égale, pour ceux des miens qui sont dans la même position. Je le demande, sur quoi est est basée cette réclamation ? Cet individu a-t-il été blessé au service de l'Etat ? Par le fait ou par la faute du Sénat ? Pourquoi, quand et comment a-t-il été blessé ? Quelles sont les circonstances qui ont donné lieu à cet accident ? Nous ne sommes informés de rien de tout celà. N'avait-il pas pour l'exciter l'espoir d'une récompense, s'il parvenait à arrêter le nègre ? S'il en est ainsi, il ne peut avoir aucune réglamation contre l'Etat. Il n'a aucun droit de s'adresser à la Legislature et de demander une indemnité pour un accident ou un malheur dont il a été frappé alors qu'il était, non pas au service de l'Etat, mais engagé dans une entreprise où pour lui la récompense était près du danger.

M. Mouton.—Si j'avais le rapport du comité, je pourrais, je crois, faire voir que la loi oblige l'Etat à accorder des compensations pour blessures reçues exactement dans les mêmes circonstances que celles qui sont ici discutées. Je ne suis pas disposé à accorder cette compensation si la loi ne nous y autorise pas, mais si le contraire est vrai, pouvons nous refuser de nous y conformer ? Si le Sénateur examine le rapport il verra que la loi y est citée. Autant que je puis me souvenir la loi est explicite à ce sujet.

Le rapport du comité est lu.

M. Palfrey.—On voit par ce rapport que les esclaves n'étaient pas seulement marrons mais échappés à la justice. Au fait ils avaient commis un meurtre. Ils s'étaient rendus coupables d'un crime hideux.

Pour rendre bien claire toute cette affaire, je vais en dire toutes les circonstances.—Après que ces esclaves furent partis marrons, ils furent arrêtés par un individu du nom de Wilcox. Il les força de s'embarquer avec lui sur un squif. Après quelques instants, les nègres, profitant du moment où Wilcox ne se tenait pas sur ses gardes, le jetèrent par dessus bord. Il avait pris avec lui dans l'esquif un fusil chargé ; les nègres s'en saisirent, firent feu sur lui et le tuèrent pendant qu'il essayait de se sauver à la nage Ils débarquèrent ensuite et abandonnèrent l'esquif. L'individu dont la réclamation nous est présentée, poursuivit volontairement sans promesse et sans espoir de récompense, les esclaves fugitifs et parvint à s'en emparer. Il en tua un et fut lui-même blessé. Il me semble qu'on ne peut imaginer un cas, où la gratification soit plus justement demandée.

M. Wickliffe—Je désirerais savoir si cet individu n'était pas officier de l'Etat et dans l'exercice de ses fonctions.

M. Palfrey—Non, monsieur.

M. Wickliffe—Alors c'était son droit et son devoir comme citoyen d'arrêter ces nègres. Il y a ordinairement des récompenses accordées par les paroisses dans des cas pareils, et je ne vois pas pourquoi l'Etat porterait ce fardeau. C'est ainsi du moins dans ma paroisse et je ne doute pas qu'il n'en soit de même dans la plupart des autres. J'ai l'intention de voter contre ce bill et je désire que mon vote soit inscrit sur le journal.

M. Millard—Le comité a pris en considération spéciale toute cette affaire et est arrivé à la conclusion que la loi exige que l'Etat accède à ces réclamations. (Il lit le texte de la loi) C'est sur cette loi qu'a été basé le rapport. Au delà, le comité ne pouvait ni ne devait rien. Ils ont trouvé cette loi sur le livre des statuts et se sont crus obligés de s'y conformer.

M. Nicholls—Le sénateur d'Ouest-Féliciana (M. Wickliffe) a dit que c'était là une manière de procéder toute nouvelle et irrégulière. Je ne partage pas son avis Cette manière n'est certainement pas nouvelle, puisque cette même Législature a sanctionné une réclamation de la même nature, en passant un bill pour venir au secours de M. Moore, qui avait réussi à se rendre maître d'un échappé de la justice. Cette personne fut dangereusement blessée, si dangereusement qu'elle en a été estropiée pour le reste de ses jours et mise presque hors d'état de travailler pour sa subsistance. La loi accorde généralement une gratification dans des cas semblables, et nous n'avons pas le droit de refuser de nous y conformer.

M. Derbès.—Si la loi est mauvaise, elle devrait être rappelée; mais aussi longtemps qu'elle existe dans nos statuts, nous ne pouvons refuser de nous y conformer. Nous ne pouvons refuser cette gratification à laquelle la loi nous oblige. La personne qui est venue ici présenter cette réclamation a exposé sa vie sans même avoir l'espoir d'une récompense, comme on a voulu l'insinuer, mais parce qu'elle comprenait bien ses devoirs de bon citoyen. Elle a été blessée, estropiée pour la vie. Autant qu'elle a pu, elle a évité de recourir à l'Etat pour des secours, et ne l'a fait que lorsqu'elle s'est vue dans la nécessité d'accepter ce à quoi la loi lui donnait droit. Ainsi que l'a bien dit le sénateur [M Nicholls], ce cas n'est pas unique. Nous avons déjà passé des actes de cette nature, et nous ne pouvons maintenant sans injustice refuserde le faire maintenant.

M. Wickliffe.—Le sénateur se trompe. Aucun acte de cette nature n'a été adopté par la Législature. M. Moore était dans une situation toute différente Il a eu à encourir de grandes dépenses pour s'emparer d'un criminel qui s'était soustrait à la loi, un homme coupable de meurtre. La Législature lui accorda une indemnité pour les services qu'il avait rendus et lui rembourse les dépenses qu'il avait faites.

M. Millard.— J'ai quelques paroles à ajouter. Pour ce qui regarde cette affaire, le comité a eu la preuve, à l'aide du témoignage du médecin, que cet individu avait reçu une blessure fort grave, dont il ressent encore les effets Cette blessure remonte à 1842. Mais on ne saurait en faire un argument de ce qu'il s'est écoulé un si long temps ; cela prouve au contraire que M. Labauve a répugné à s'adresser à la libéralité de la Législature, jusqu'au moment où il s'est vu forcé de le faire. Si le bill avait pris naissance au Sénat j'aurais voté pour une indemnité de $1000; mais comme le bill est venu de la Chambre, le comité n'a pu que faire un rapport en faveur de la proposition de $500, telle qu'elle avait été adoptée par la Chambre.

M. Hodge.— Je demanderai si le postulant a déjà

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reçu quelque chose du propriétaire de l'esclave. S'il en est ainsi l'Etat a le droit de former une action contre le propriétaire.

M. Palfrey.—Je ferai remarquer qu'il n'est guère probable qu'il en soit ainsi, attendu que les nègres ont été abandonnés à l'Etat.

Le bill est adopté par le vote suivant.

MM. Boatner, Clifton, Derbès, Dupré, Hodge, Kenner, Kittridge, Lewis, McCay, Millard, Mouton, Nichols, Palfrey, Patterson, Rives, Slaell et Taylor; — 47 oui,

Et MM. Burthe, Evans, Lacoste, Neal et Wickliffe; — 5 non.

Sur motion de M. Derbès le bill à l'effet de rappeler la loi d'exemption [homestead law] est pris en considération et adopté.

BUREAU DES TRAVAUX PUBLICS.

M. King. — Je fais la motion que le Sénat s'occupe du bill ayant pour objet l'abolition du bureau des travaux publics. Il y a déjà quelque temps que le bill a été presenté. Il a été l'objet d'une discussion prolongee, et de nouveaux débats seraient inutiles. Il est temps que nous décidions du sort de cette question.

M. Wickliffe—Je suis opposé à ce que le bill soit pris en considération dans ce moment. Nous devons nous occuper de l'ordre du jour régulier.

M. Todd—Je crois qu'il faudrait statuer sur la question aussitôt que possible. La raison qui m'a déterminé à voter comme je l'ai fait, est que je désirais ne pas aller à l'encontre d'une disposition constitutionnelle.

Le bill, conçu dans les termes suivants est pris en considération.

Section 1re. Il est décrété par l'assemblée générale de l'Etat de la Louisiane, que le bureau des travaux publics établi par les articles cent trente, cent trente-et-un, cent trente-deux, cent trente-trois et cent trente-quatre est par le présent aboli.

M. King demande l'adoption de la première section.

M. Wickliffe demande l'appel nominal.

MM. Boatner, Clifton, Derbès, Evans, Kittridge, King, Lewis, Millard, Mouton, Neal, Patterson, Rivers, Thériot, Todd et Wickliffe—15 oui.

Et MM. Burthe, Dupré, Hodge, Kenner, Lacoste, McCay, Nichols, Palfrey, Short, Slack et Taylor—11 non.

Conséquemment, la majorité des trois quarts requise par la Constitution n'existant pas pour l'adoption de la première section, le bill est repoussé.

ORDRE DU JOUR.

Acte pour dessécher et égoutter les terres de marais ou inondées, concédées à l'Etat de la Louisiane par le Congrès.

Acte pour améliorer et dessécher les terres marécageuses et inondées, données à l'Etat de la Louisiane par acte du Congrès intitulé : Acte pour aider l'Etat de la Louisiane à dessécher les terres marécageuses qui s'y trouvent. Approuvé le 2 mars 1849.

Sect. 1. Il est décrété par le Sénat et la Chambre des Représentants de l'Etat de la Louisiane, réunis en assemblée générale, que l'Etat sera divisé en trois districts de dessèchements et levées.

Sect. 2. Il est de plus décrété, &c.; que toute cette partie de l'Etat au Sud du trente et unième degré de latitude Nord et à l'Ouest du Mississipi, formera le premier district; toute cette partie au Sud du trente-et-unième degré de latitude Nord, et à l'Ouest du Mississipi formera le second district; et toute cette partie de l'Etat au Nord du trente-et-unième degré de latitude Nord, et à l'Ouest du Mississipi—comprenant la paroisse des Avoyelles—formera le troisième district.

Sect. 3. Il est de plus décrété, &c., que le gouverneur nommera un commissaire pour chaque district; chaque commissaire devra demeurer dans le district pour lequel il est nommé. Les trois commissaires ainsi constitués seront connus sous le nom de Commissaires des terres marécageuses. Ils garderont cette place pendant deux années, et jusqu'à ce que leurs successeurs soient entrés en fonctions.

Sect. 4. Il est de plus décrété, &c., que le gouverneur aura le droit de remplir toute vacance causée dans ledit Conseil des Commissaires, par un cas de mort, par de démission au autrement.

Sect. 5.—Il est de plus décrété, etc., Que chacun des dits commissaires, avant d'entrer dans ses fonctions, donnera à l'Etat de la Louisiane une obligation de cinq mille piastres souscrite par deux cautions : laquelle obligation devra être approuvee par le secrétaire d'Etat, la dite obligation devra répondre de l'accomplissement fidèle des devoirs du commissaire, et le secrétaire d'Etat recevra de lui le serment prescrit par la Constitution.

Sect. 6.—Il est est de plus décrété, etc., Que le dit conseil des commissaires se réunira à Bâton Rouge, le premier lundi du mois de mai prochain, et tous les trois mois ensuite, ou plus souvent s'ils le jugent nécessaire.

Sect. 7.—Il est de plus décrété, etc., Que les dits commissaires seront par le présent acte, autorisés à faire tous les statuts et règles qu'ils croiront nécessaires pour leur propre organisation; ils choisiront l'un d'entre eux pour président, et auront un secrétaire qui tiendra un journal de leurs opérations, et auquel il ne sera pas alloué plus de cinq cents piastres par an.

Sect 8.—Il est de plus decrété, etc., Qu'il sera du devoir des dits commissaires, à leur première réunion, et tous les deux ans après, de nommer un ingénieur compétent pour chacun des dits districts, lequel gardera son emploi pendant deux années et sera sujet, cependant à être renvoyé en tout temps par une majorité des commissaires, pour cause de négligence dans l'accomplissement de ses devoirs.

Sect. 9.—Il est de plus décrété, etc., Que chacun des dits ingénieurs recevra pour ses services le salaire de trois mille piastres par an.

Sect. 10.—Il est de plus décrété, etc., Qu'il sera du devoir des dits ingénieurs dans leurs districts respectifs, de déterminer l'endroit, l'étendue et les dimensions des levées et égoûts nécessaires pour dessécher et améliorer les terres marécageuses de l'Etat.

Sect. 11.—Il est de plus décrété, etc., Qu'il sera du devoir de chacun des dits ingénieurs de diviser son district en wards de levées et dessèchement, de déterminer la grandeur des levées à faire, les réparations nécessaires à celles qui existent, la distance à laquelle elles doivent être des rivières ou bayous, et des canaux à dessécher et de faire l'estimation du coût de ces dits ouvrages, pour en faire un rapport détaillé aux dits commissaires aussitôt qu'ils le desireront.

Sect 12.—Il est de plus décrété, etc., Qu'il sera du devoir des commissaires, de nommer un inspecteur pour chaque arrondissement de levée, de lui prescrire ses devoirs et de fixer sa compensation.

Sect. 13.—Il est de plus decrété, etc., Qu'il sera du devoir de chacun des dits ingénieurs, après la formation des districts de levées et de dessèchement, de donner au rabais la construction ou la réparation desdites levées ou canaux, comme l'ordonneront les commissaires, après trente jours d'avis dans une gazette, publiée dans la paroisse dans laquelle l'ouvrage est à faire; s'il n'existe pas de gazette dans cette paroisse, alors par des avis posés dans trois endroits publics de la dite paroisse; les dits ouvrages seront délivrés à un prix stipulé de tant par yard cube, pourvu que les ingenieurs soient autorises à rejeter toutes les offres quand ils les croiront déraisonnables, ou que les parties sont incompétentes, ou les cautions insuffisantes.

Sect. 14—Il est de plus décrété, etc., Qu'il sera du devoir de chacun des dits ingénieurs d'exiger de toute personne qui entreprendra tout ouvrage conformément à cet acte, une obligation avec caution, pour la fidèle exécution du dit ouvrage entrepris, la dite obligation devant être d'une somme égale à la valeur probable des services qui peuvent être rendus, et payable aux commissaires et recouvrable par devant toute cour competente de l'Etat, et quand elle sera recouvrée elle devra constituer une partie des fonds provenant des terres marécageuses.

Sect 15—Il est de plus décrété, etc., Qu'il sera du devoir des dits ingenieurs d'exiger que toutes les levées et réparations soient complétées vers le premier lundi de décembre de chaque année.

Sect. 16.—Il est de plus décrété, etc., Que les ingénieurs et en cas d'absence des dits ingénieurs, les inspecteurs soient autorisés, dans tous les arrondissemens de levées, à faire travailler pendant les hautes eaux aux levees qui y sont situées, tous esclaves mâles au-dessus de l'âge de seize ans et au dessous de soixante, où autant qu'ils en jugeront nécessaires; et quand le propriétaire du dit esclave ou esclaves, ou son agent

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son économe, refusera ou négligera de fournir les esclaves demandés par l'ingénieur ou l'inspecteur, alors dans ce cas, le dit propriétaire paiera cinq piastres par jour pour chaque esclave qui ne sera pas envoyé sur demande, ledit montant sera dû aux dits commissaires et recouvrable en leur nom pardevant toute cour compétente et payable au trésorier de l'Etat et devra constituer une partie du fonds des terres marécageuses.

Sect. 17. Il est de plus décrété, &c., Qu'il sera du devoir des dits ingénieurs, autant que possible, de surveiller la construction et la reparation de toutes les levées et canaux de leurs districts respectifs, d'établir le coût des dits travaux lorsqu'ils seront achevés, en divisant le compte par items et mentionnant le nom des différentes personnes auxquelles des différentes sommes seront dues, et de certifier le dit compte pour les commissaires.

Sect. 18. Il est de plus décrété, &c., que tout ouvrage fait et toutes dépenses faites d'après cet acte, seront payés par les commissaires de tout argent du trésor de l'Etat provenant de la vente des terres marécageuses.

Sect 19. Il est de plus décrété, &c., que les commissaires, sur le certificat d'un ingénieur qu'une certaine somme est due à un individu, spécifiant l'ouvrage qui a été fait, devront tirer leur mandat sur l'auditeur des comptes publics en faveur de toute personne ou personnes pour le montant dû, payable des fonds des terres marécageuses et sur la présentation du dit mandat à l'auditeur, il devra donner son mandat sur le trésorier pour le dit montant, s'il y a des fonds destinés à ce paiement ; mais s'il n'y a pas de fonds au trésor destinés au paiement des mandats tirés par les commissaires, alors il sera du devoir de l'auditeur d'en dosser chaque mandat non payé pour manque de fonds et de signer ledit endossement.

Sect. 20. Il est de plus décrété, &c., que les dits mandats, lorsqu'ils seront endossés par l'auditeur, ainsi qu'il est prescrit dans la section précédente, porteront huit pour cent d'intérêt à partir de la date jusqu'à leur paiement.

Sect. 21. Il est de plus décrété, &c., que toutes dépenses occasionnées par les dispositions de cet acte seront payées par l'auditeur sur le mandat des commissaires, pourvu qu'aucun mandat ne soit payé à moins qu'il ne soit signé par une majorité des commissaires.

Sect. 22. Il est de plus décrété, &c, que chacun des dits commissaires recevra pour ses services une compensation de quinze cents piastres [$1,500] par an.

Sect. 23. Il est de plus décrété, &c., qu'il sera du devoir de chacun des dits commissaires de surveiller la conduite des ingénieurs de son district, et d'examiner tous les travaux faits ou à faire, suivant les dispositions de cet acte.

Sect. 24. Il est de plus décrété, &c, Que le 1er janvier de chaque année, les commissaires feront au gouverneur de l'Etat, le rapport de leurs travaux officiels, et recommanderont l'adoption de tels moyens qui leur paraitront nécessaires pour protéger les terres d'alluvion contre les inondations, et pour les dessécher et les améliorer.

Le gouverneur remettra leur rapport accompagné de son message à l'assemblée générale à chacune de ses sessions.

Sect. 25. Il est de plus décrété, &c, Que toutes dettes contractées et tous salaires payés pour services rendus, selon les dispositions de cet acte, seront acquittés par le produit de la vente des terres marécageuses; et les dettes contractées, d'après les clauses de cet acte, ne seront jamais payées par les fonds du trésor public excepté par ceux qui proviendront de la vente desdites terres.

Sect. 26. Il est de plus décrété, &c, Qu'aucun des dits commissaires, ou ingénieurs, ou autres agents employés par eux, ne pourra avoir un interêt dans les contrats faits d'après les dispositions de cet acte, sans encourir la peine d'être renvoyé de son emploi et de voir confisquer le montant qui pourrait lui être dû.

Sect. 27. Il est de plus décrété, &c, Qu'il sera du devoir des commissaires à leurs différentes réunions, d'ordonner que les ouvrages les plus importants soient faits avant les autres; et chaque commissaire, en cas de danger d'inondation dans une partie de son district, sera et est par le présent autorisé à employer, sur la recommandation de l'ingénieur de son district, tels moyens qui peuvent éloigner le danger et proteger les terres d'alluvion.

M. Griffin fait la motion que le bill soit de nouveau renvoyé au comité des terres et levees avec instruction d'amender la première section de manière à diviser le troisième district en deux, l'un depuis la vallée de la Rivière Rouge et tout le côté ouest de cette vallée, au nord du trente et unième degré de latitude nord, en y comprenant les paroisses des Rapides et des Avoyelles un district qui sera appelé le 3me district et de l'autre, le côté est de la vallée de la Rivière Rouge et au nord du trente et unième degré de latitude nord, un autre district qui sera appelé le quatrième district.

M. Wicliffe fait la motion de déposer indéfiniment sur le bureau cette motion et demande l'appel nominal.

M. Kenner.—Je ferai la motion d'effacer.....

M. Wickliffe (l'interrompant), Le Senateur n'est pas à l'ordre.

M. Kenner.—Si le but du Sénateur en faisant la motion de déposer sur le bureau est de mettre fin au débat je voterai contre sa motion quoique j'eusse voté en faveur s'il avait eu toute autre intention.

M. Wicliffe.—La raison pour laquelle j'ai fait cette motion, est que je désire terminer au plus tôt les affaires

M. Kenner.—Ce que nous devons surtout nous proposer c'est de faire de bonne besogne et non de courir la poste.

La motion de déposer sur le bureau est perdue.

La motion de référer de nouveau au comité étant mise aux voix, le résultat est comme suit:

Oui—MM. Burthe, Clifton, Derbes, Evans, King, Lacoste, Lewis, McCay, Millard, Mouton, Patterson, Rivers, Short et Wickliffe—14.

Non—MM. Beatner, Dupré, Griffin, Hodge, Kenner, Kittridge, Neal, Nicholas, Palfrey, Slack, Taylor, Thériot et Todd—13.

La motion est donc perdue

M. Hodge—Je fais la motion de référer le bill au comité sur les améliorations intérieures. Les raisons pour lesquelles je fais cette motion sont celles-ci : Le Sénat a ce matin refusé, par un vote direct, d'abolir le bureau des travaux publics. Il serait donc inutile d'adopter le bill sous sa forme actuelle, puisqu'il est impossible de réconsidérer la première section, laquelle est en opposition à un article de la Constitution. Cette section fixe à trois le nombre des commissaires, tandis que la Constitution fixe ce nombre à quatre. Les devoirs imposés à ces commissaires par le bill sont les mêmes que leur imposait la Constitution. Ces commissaires sont donc exactement les mêmes. Il serait superflu d'adopter aujourd'hui ce bill, puisque demain nous pouvons être appelés à passer un autre bill organisant le bureau des travaux publics.

Je puis dire cependant que je n'ai aucune objection aux détails de ce bill. Il y en a un du moins, là, sur mon bureau, que je suis disposé à soutenir. Mais je ne desire pas faire une chose inutilement, violer la Constitution, enfreindre ses prévisions. Je ne désire pas faire aujourd'hui ce que demain il faudra peut-être défaire.

M. Short—Je suis opposé à ce qu'on réfère ce bill à tout autre comité que celui entre les mains duquel il a deja passé. J'y suis opposé pour plusieurs raisons, entre autres celle-ci, que ce serait ajourner indefiniment notre action sur cette question qui est de la plus haute importance. Un senateur, que je croyais favorable à cette mesure, a dit ici que ce bill est imparfait. A la Chambre basse, où l'Etat tout entier est represente et où la volonté du peuple est reflétée directement, le bill a passé et trois votes seulement ont été donnés contre. Au Sénat, au contraire, on s'y oppose depuis la première jusqu'à la dernière section. L'objection constitutionnelle est que les commissaires devraient correspondre au bureau des travaux publics tel que l'établit la Constitution. Pour placer ce bill hors de l'atteinte de cette objection, il a déja été pourvu à ce que le bureau qu'il établit sera remplacé par celui qui doit être organisé en vertu de la Constitution, ce qui exemptera le fonds des terres en marais des frais de deux

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bureaux. Je n'entends pas dire que d'après la Constitution les levées fassent partie des travaux publics. Quels statuts montrent que ce soit ainsi ? N'ont-elles pas toujours été construites au moyen de capitaux privés ? Assurément elles l'ont été. Que dit la Constitution ? Prescrit-elle que les levées devront être comprises au nombre des travaux publics ? Non, monsieur, cela ne se trouve dans aucune partie de la Constitution.

M. Kenner—J'appellerai l'attention du sénateur sur l'article 137 de la Constitution.

M. Short—Quand donc les terres et levées ont-elles fait partie de notre système d'améliorations intérieures. Je soutiens, moi, que cela n'a jamais été. Supposes que ces commissaires soient nommés. Leur seul devoir sera d'aviser aux meilleurs moyens d'appliquer le fonds des terres marécageuses au but auquel il est destiné. Leur devoir et leurs pouvoirs se bornent à cela.

Mais pour placer le bill au-dessus de toute objection de constitutionalité, quelque soit le terrain sur lequel on voudrait la poser, nous avons, comme je l'ai dit plus haut, pourvu à ce que les pouvoirs de ce bureau soient transférés à l'autre aussitôt qu'il aura été organisé. Certes cela devrait rassurer ceux qui sont affligés de la maladie des doutes et des scrupules au sujet de la Constitution; cela devrait faire taire leurs objections. Mais quand élires vous le bureau à la création duquel pourvoit la Constitution ? Sera-ce en novembre prochain ? Vous ne le pouvez guère avant ce temps. Le comité sur les améliorations intérieures a-t-il rapporté un bill pour l'organisation de ce bureau ? Nous savons tous qu'il ne l'a pas fait Loin de prendre des mesures pour arriver à une conclusion comme celle-là, voilà que nous avons enfin voté contre l'organisation de ce bureau, nous avons voté sa destruction et cette motion a obtenu la majorité, quoiqu'elle n'ait pas rallié le nombre de votants requis par la Constitution. Lorsque le vote est si nombreux en faveur de la destruction de ce bureau, comment pourrez-vous l'organiser ? Qu'on réponde à cette question. Consentirez-vous à laisser oisives dans les coffres et ne rapportant aucun intérêt à l'Etat, les $200,000 que vous avez en mains ? Cela ne serait bien certainement pas agir en législateurs prudents et sages. En ce moment où nous discutons encore sur cette question les eaux montent et le puys est exposé au danger des crevasses et des inondations. Souffrirez-vous cela ? Contemplerez-vous les bras croisés ce spectacle désolant sans rien faire pour prévenir le mal ? Est-ce pour cela, je vous le demande, que nous avons été envoyés ici.

M. le Président, notre position actuelle me rappelle ce général célèbre qui monta avec 20,000 hommes sur des hauteurs et redescendit aussitot Nous sommes montes sur les hauteurs, de la nous avons embrassé d'un coup-d'œil les quatre points de l'horizon et voilà que nous nous mettons en marche pour redescendre, peut-être pour aller beaucoup plus bas que le point d'où nous étions partis. Ce ne sont pas des paroles mais des faits; des travaux et non des mots qu'il faudrait. Les discours ne signifient rien. Je ne m'occupe ici que des actes des sénateurs et non de leurs motifs. Les premiers sont sous les yeux du monde entier, les autres enfouis, au fond de leurs cœurs, ne sont connus que d'eux-mêmes. Je puis avoir le droit d'attaquer les uns, quoique je ne puisse me permettre de faire allusion aux autres. Eh bien ! jugeant d'après les actes des sénateurs, je ne puis arriver qu'à cette seule conclusion qu'ils ne desirent pas terminer cette question. Depuis trois semaines nous nous en occupons tous les jours, et pourtant il n'a encore été rien fait. N'étant moi-même membre de ce corps que depuis peu de temps, et n'ayant pas une très grande expérience législative," je suivrai l'exemple de ceux qui ont fait la motion de référer de nouveau le bill a un comité. Ce bill a été entre les mains des comités trois ou quatre semaines deja, et pourtant malgré toute l'importance de la question, à l'exception de quelques membres, deux ou trois tout au plus, aucun n'a assisté aux seances, n'a pris la moindre part au débat. Le sénateur qui a fait la motion est celui à la suggestion duquel deux membres additionnels ont été nommés de ce comité. Est-il jamais venu aux séances du comite ! a-t-il présenté aucune idée, soumis aucun plan ? A-t-il enfin employé a nous éclairer les lumières de sa haute expérieuce ? Qu'il réponde lui-même, l'a-t-il jamais fait ?

M. Griffin.—Le sénateur fait-il allusion à moi ?

M. Short.—Je fais allusion au sénateur qui a présenté la motion de referer de nouveau à un comité, empêchant ainsi que cette question fut réglée d'une fois. D'où vient donc, je le demande, ce zèle tout nouveau que l'on fait paraitre pour ce bill ? D'un autre côté, pourquoi le debat est-il suspendu par le sénateur même de qui j'espérais l'offre d'une main amie et non d'une main hostile prête à frapper et à détruire ? Que ceux qui agissent ici, prennent sur eux la responsabilite de la défaite du bill, pour moi je ne m'en charge pas.

Je sais que cette question n'est pas intéressante, je sais qu'elle est aride et ne prête pas aux grands déploiemens d'éloquence et de fleurs de rhétorique, mais elle n'en est pas moins de la plus haute importance. J'ai remarque déjà plusieurs fois que lorsque le mot de "levées" est prononcé ici, il produit sur le Sénat l'effet que produirait le titre d'une histoire ou d'un conte qui aurait été raconté trois ou quatre fois. Si vous en êtes las, eh bien ! débarrasses vous en donc d'une manière qui soit avantageuse pour l'Etat et qui vous fasse honneur à vous-mêmes.

M. Wickliffe demande que la motion soit déposée indéfiniment sur le bureau et demande l'appel nominal.

M. M. Clifton, Derbès, Evans. Griffin, King, Lacoste, Lacey, Lewis, McCay, Millard, Mouton, Neal, Patterson, Rivers, Short, Theriot et Wickliffe— 16 votent dans l'affirmative.

Et MM. Boatner, Burthe, Dupré, Hodge, Kenner, Kittridge, Nichols, Slack, Taylor et Todd— 10 votent dans la négative.

Conséquemment la motion de déposer prévaut.

M. King.—Jai quelques remarques à faire sur cette Section. Je ne pense pas qu'elle puisse avoir un effet avantageux. Elle aurait pour résultat de placer toutes les levees de la Louisiane sous lecontrôle de l'Etat. Je ne suis pas en faveur d'un pareil système. Il y a eu un moment quinze cents ou deux mille milles de levées dans la Louisiane. Devons-nous placer cette étendue énorme de levées sous le controle de l'Etat, quand nous n'avons que $200,000 dont nous puissions disposer ? Un pareil système aurait pour effet, non de nous protéger, mais de nous priver de la protection dont nous jouissons. Mon opinion, et je pense qu'elle est conforme au bon sens et à la sagesse, mon opinion est que nous devons dépenser judicieusement et pour le plus grand avantage possible, l'argent dont nous pouvons disposer. Mais nous ne devons pas nous charger de la surveillance de tous les syndics et du controle de toutes les levées de l'Etat. Nous avons déjà une grande étendue de levées construites. Nous n'avons rien à voir à ces levées. Faisons ce que nous pouvons pour les augmenter, et laissons les autorités locales exercer les mêmes pouvoirs qu'elles exercent aujourd'hui. N'allons pas tromper le peuple en lui faisant croire qu'ils n'a rien à redouter du moment où ils est sous le contrôle de l'Etat. Les eaux du Mississipi ne se riraient pas moins d'une faible levée parce qu'au lieu d'être sous la juridiction des autorités locales. elle se trouverait soumise au pouvoir d'un ingenieur, ou d'un inspecteur de l'Etat. Je ne voudrais pas voir le peuple s'aveugler au point de penser qu'il n'a plus à travailler à se proteger lui-même. S'il venait à concevoir une pareille opinion, le bill au lieu de tourner à son profit deviendrait une cause de ruine.

Sur motion de M. Kenner, les mots « résidant dans le District,» sont insérés dans la 12me section à la seconde ligne, entre les mots «inspecteur» et «pour,» et sur motion de M. King, les mots « quand ils le jugeront nécessaire,» sont insérés dans la même section et la même ligne, entre les mots « commissaires et de »

M. Rivers propose la clause restrictive suivante :

« Bien entendu que cette section ne devra pas recevoir une interpretation qui porte atteinte au pouvoir qu'aux termes des lois existantes les juris de police des différentes paroisses ont de nommer les inspecteurs et de fixer leur salaire. »

M. Kenner.—Je crois que toute la section repose sur un principe faux, mais je n'ose proposer de l'effacer de peur d'être accusé de vouloir entraver la marche du bill. Je suis entièrement de l'opinion du senateur de

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la Nouvelle-Orléans [M. King], et j'adopte les observations qu'il a faites. Je pense avec lui que nous allons trop étendre notre contrôle ; que nous nous chargeons d'un fardeau trop pensant. Je voterai avec plaisir pour la clause proposée par le sénateur de Concordia [M. Rivers], attendu que je pense qu'elle équivaut virtuellement au rappel de la section.

M. Martin.—Il me semble que la clause ne répond pas à l'objection : quand on saura que les commissaires de l'Etat ont le pouvoir de nommer les inspecteurs de levées et de régler leurs salaires, les juris de police de manqueront pas de négliger ce devoir. De cette façon, l'Etat aura la charge de toutes les levées, et nous nous verrons ramenés au véritable état de choses dont se plaint le sénateur de la Nouvelle-Orléans [M. King]. Je n'ai pas de doute que les paroisses ne négligeassent de nommer des syndics, et conséquemment la clause deviendrait inutile.

M. Rivers. Certainement les commissaires ne voudraient pas nommer des inspecteurs lorsque ces officiers l'auraient déjà été par les autorités de la paroisse. Dans ma paroisse nous avons douze inspecteurs, et nous n'en voulons pas davantage. Ce que nous désirons, c'est que le pouvoir discrétionnaire soit laissé aux autorités locales, que les inspecteurs soit soumis à la loi générale et en dépendent.

M. Mouton.—La section donne aux commissaires le pouvoir de nommer les inspecteurs. L'amendement du sénateur de Concordia [M. Rivers], porte que les autorités de paroisse pourront exercer ce pouvoir si elles le veulent. Eh bien ! je soutiens avec le sénateur d'Assumption [M. Martin], qu'ils n'exerceront pas ce pouvoir, s'ils savent que les commissaires peuvent remplir ce devoir, au cas où ils ne feraient pas de nomination Ils s'en reposeront de ce soin sur l'Etat. Ainsi, la clause du sénateur ne répond pas à l'objection que soulève la section, objections qui, dans mon opinion, sont bien fondées.

M. Hodge.—Si je comprends bien, tout ce que nous avons à faire est de nommer des personnes compétentes pour prendre charge du fonds des terres marécageuses et de faire emploi de ce fonds. Toutes les sections de l'Etat ont un intérêt égal dans ce fonds. L'emploi de cette argent intéresse toutes les différentes parties de l'Etat. Je pense qu'en adoptant un système général, l'Etat ne doit pas porter atteinte aux droits des paroisses, droits dont elles ont toujours joui, pas plus que je ne pense que les officiers de l'Etat ne doivent être placés sous le contrôle des paroisses. Mais pouvez-vous forcer les paroisses à nommer des inspecteurs ? Non certainement. Si elles négligent ou refusent de le faire, vous n'avez pas les moyens de les y forcer, Je suis par conséquent opposé à ce conflit d'autorité chaque fois que ces devoirs ont été accomplis par les habitants ou les autorités d'une paroisse. Je ne désire imposer au peuple d'aucune partie de l'Etat un système qui peut lui répugner. Mais lorsque certaines paroisses refusent ou négligent de nommer des inspecteurs, il peut être nécessaire que les commissaires se chargent de ce soin. C'est-là un sujet qui regarde à proprement parler l'Etat. Ce fonds appartient à l'Etat ; il provient de terres concédées à l'Etat. L'emploi de ce fonds ne doit pas être laissé aux paroisses. Je vis dans une paroisse dont les terres sont élevées, et qui est peu exposée aux inondations.— Mais nous avons autant de droits à ces fonds que les paroisses dont les terres sont basses. La paroisse de Concordia n'a pas le droit de réclamer le contrôle exclusif d'aucune partie de ces fonds. Je n'ai pas d'objection à ce que les paroisses fassent les fonds nécessaires aux dépenses qui les intéressent en particulier ; mais, lorsque l'Etat a des officiers incompétents pour diriger l'emploi de ces fonds, je ne veux pas qu'ils leur soient adandonnés.

M. Clifton présente comme substitut à la 12 section et aux amendements proposés, la section suivante :

Sect. 12. (Substitut). Il est, &c., Que les inspecteurs de levées nommés par les parties respectives seront sous les ordres de l'ingénieur de District; bien entendu que cette section n'aura pas pour effet de rappeler les ordonnances sur les levees et les ordonnances des jurys de police actuellement en force.

Le substitut est adopté.

Sur motion de M. Kenner les mots « ou canaux » de la 13e section ; 4e ligne, sont effacés et la section est adoptée avec cet amendement.

Le Sénat passe à la section 14.

M. King. — Je crois que l'obligation requise par cette section est trop considerable. Elle ne devrait s'élever qu'à une somme suffisante pour garantir l'exécution du travail.

M. Kenner. — La section doit, à mon avis, rester telle qu'elle est. Si une crevasse avait lieu par la faute ou la négligence d'un officier, des centaines de familles se verraient sans asile.

Sur motion de M. King. les mots « ou suffisante pour assurer l'exécution du travail, » sont insérés dans la section 14, ligne 7, après les mots- « valeur des services rendus, » et la section est adoptée avec cet amendement.

M. King fait la motion d'insérer dans la section 15, 2de ligne, après les mots « ingénieurs d'exiger que toutes les » ceux-ci « entreprises pour la construction de. » Cette motion est adoptée.

La section est adoptée avec cet amendement.

M. Kenner fait la motion d'effacer le mot «décembre» et d'insérer «novembre» dans la même section, troisième ligne.

M. Kenner—La rivière a déjà généralement monté vers le mois de décembre, et si les levées n'ont pas été achevées quelque temps avant cette époque, elles courent grand risque d'être enlevées. Les jurys de police exigent que les levées soient faites en novembre. Quelques personnes pensent qu'il serait même préférable qu'elles le fussent au mois d'octobre. Il est nécessaire que les levées se soient consolidées, après qu'elles ont été construites pour résister à la force du fleuve. Quand il s'est écoulé quelque temps entre l'époque où elles ont été construites et celle où la rivière monte, elles peuvent supporter une pression plus forte qu'elles ne le pourraient immédiatement après leur achèvement.

M. King—Je préférerai que le Sénat fixât le terme au mois de décembre, pour donner aux entrepreneurs le temps de terminer leurs travaux.

M. Kenner—Ce n'est pas là une question de préférence, c'est une question de sûreté. Nous désirons faire une bonne loi; cet amendement ne peut que l'améliorer. Je ne le présente pas pour la convenance des hommes qui bâtissent des levées, mais dans l'intérêt de la sécurité publique. C'est cet intérêt que nous devons consulter, non l'intérêt d'entrepreneurs et de spéculateurs.

L'amendement est adopté.

Sur motion de M. Kenner, le mots de la 16me section, 4me et 5me lignes «pendant les hautes eaux» sont effacés et les mots «en cas de crevasse ou de danger de crevasse» sont insérés.

M. Kenner présente l'amendement suivant : Après les mots «qu'ils en jugeront nécessaire» inserer «dans une distance de cinq milles de l'endroit où le danger existe.

M. Taylor propose un amendement à cet amendement qui consiste à insérer «sept milles» ; cet amendement est adopté.

M. Burthe propose d'amender l'amendement de M. Kenner en insérant ces mots «sur le même côté de la rivière ou du bayou» ; la proposition est adoptée.

L'amendement de M Kenner est adopté après avoir subi ces différents sous-amendements.

M. Kenner propose un amendement à la même section 16, ayant pour objet d'accorder au propriétaire une indemnité de une piastre et demie par jour pour chaque esclave mis en réquisition, et faisant un devoir à l'ingénieur d'adresser la réquisition à tous les propriétaires d'esclaves dans la distance voulue et d'exiger un nombre d'esclaves proportionnel à leurs différents ateliers.

M. Kenner ne croit pas que $1 50 soit trop. Les crevasses arrivent généralement au printemps et à cette époque la journée d'un nègre vaut cinq de ses journées au printemps.

M. King pense que les habitants ne peuvent rien réclamer. Les travaux pour lesquels leurs nègres sont mis en réquisition ne sont destinés qu'à les protéger.

M. Short exprime la même opinion.

M. Hodge propose d'ajouter à la fin de l'amendement de M. Kenner ces mots «Bien entendu que les mêmes esclaves ne seront pas employés plus de dix jours dans le même mois.»

M. Lacoste dit qu'il faut plus de deux ou trois semaines pour arrêter une crevasse. Si l'on retire un

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médiatement les esclaves jamais une crevasse ne pourra être bouchée

M. King présente la clause suivante :

« Pourvu que les dispositions de cette section ne s'appliquent qu'aux cas où les travaux auront été autorisés par l'ingénieur.

M. King.—Je veux que le paiement soit restreint aux cas où les nègres auront été mises réquisition par les officiers de l'état. Si cette section passe telle qu'elle est actuellement présentée ; les fonds provenant des terres marécageuses seront dilapidés. Nous devons repousser une proposition dont les effets doivent être si déplorables.

M. Wickliffe.—La clause proposée par le Sénateur n'est pas à l'ordre, parce qu'elle est en contradiction avec l'esprit du bill. Aux termes du bill, les inspecteurs auront le pouvoir de mettre en réquisition les esclaves toutes les fois qu'ils le jugeront convenable. D'après cela, il est évident que l'Etat se charge de tous les travaux.

M. King.—Chaque fois qu'une crevasse surviendra, et qu'un habitant emploiera ses nègres à l'arrêter ou chaque fois qu'une levée doit être construite ou agrandie ou raffermie, les planteurs viendront demander la paie de leurs nègres, cette paie devra sortir des fonds des terres marécageuses. Je suis entièrement opposé à un pareil système.

Sur motion de M. Wickliffe, les deux clauses restrictives sont déposées sur le bureau.

La 16me section est alors adoptée avec les amendements.

La 17me section est adoptée.

M. Kenner propose d'ajouter à la fin de la 18me section les mots suivants :

« Bien entendu que les sommes provenant de la vente des terres marecageuses et inondées seront divisées entre les différents districts dans les proportions suivantes, savoir :

Au premier District, deux huitièmes.
Au second District, trois huitièmes.
Au troisième do do do

M. Kenner dit qu'il faut prouver au peuple que l'intention des commissaires n'est pas de dépenser tout cet argent, chacun dans l'interêt de son propre district. Il croit que la division est aussi équitable que possible.

M. Short dit que le troisième district est très étendu. Il comprend la paroisse d'Avoyelles et des Rapides. La repartition proposé par le sénateur d'Ascension est injuste. Le sénateur de Concordia est peut-être disposé à s'y soumettre ; mais, dit M. Short, j'en appelle à vous tous ; je vous demande si cette division est équitable, quand vous réfléchissez que toutes les terres situées sur la Rivière-Rouge sont sujettes aux inondations, et qu'une grande partie de celles qui se trouvent au bord de la Rivière Rouge sont dans la même position. Sa division ne devrait pas se faire par rapport à l'étendue géographique du District, mais par rapport à la topographie du pays, l'étendue des levées à construire dans chaque District, et la convenance des habitants en général. Dans mon District, l'étendue des levées est le double de ce qu'il est dans le reste de l'Etat. Je suis persuadé que lorsque vous aurez réfléchi, vous repousserez cette proposition.

M. Kenner—Je n'admets pas comme fait ce qu'a dit le sénateur. Je ne crois pas que l'étendue des levées à faire dans son District soit aussi considérable que dans le reste de l'Etat. Dans mon opinion le Second District est le plus considérable de l'Etat en ce qui concerne les levées. Il comprend non-seulement la rive droite du fleuve, mais aussi Lafourche. Une distribution équitable serait celle qui accorderait 2/8 au District de ce côté de la rivière, 2/8 au District du sénateur, et 3/8 au District situé sur l'autre côté du fleuve.

M. Short—Dans mon calcul je comprends les deux bords de la Rivière-Rouge et toute la partie de l'Etat situé au nord de la Rivière Rouge Notre représentation dans la Législature est trop faible pour que nous puissions placer notre espoir autre part que dans le sentiment de justice qui anime mes collègues. Je demande au membre de Concordia (M. Rivers) ce qu'il croit être une division équitable.

M. Rivers demande que la division soit faite ainsi que suit :

Au Premier District quatre seizièmes.
Au Second « cinq «
Au Troisième « sept «

M. Kenner—Je vois par les rapports qui ont été présentés à ce sujet que ce chiffre mettra le premier District à 200 milles de levées, le second 570 et le troisième environ 400. En faisant la division nous devons considérer non l'étendue géographique des Districts, mais la longueur des levées.

M. Short—Je ne base pas mes calculs sur l'étendue territoriale des districts.

M. Hodge—Le sénateur d'Ascension doit se tromper. Il y a plus de 400 milles de levées sur la rivière Rouge seule. A partir des terres hautes jusqu'a l'embouchure de la rivière, il y a 500 milles ; puis nous avons la rive occidentale du Mississippi au dessus de la rivière Rouge, les deux rives du Ouachita et tous les bayous si nombreux dans cette région. Mais il y a encore d'autres considérations qu'il faut mettre en ligne de compte. Cette donation de terres n'a pas été faite à l'Etat dans le seul intérêt des populations qui possèdent des terres situées le long du Mississippi, ou des individus qui ont des terres déjà en culture. S'il en était ainsi, il nous faudrait employer jusqu'au dernier sou de ces fonds pour l'avantage des terres qui sont situées sur les bords du Mississippi. Mais je ne crois pas que telle fût l'intention du gouvernement, en faisant la donation. Ces fonds devaient être appliqués à la construction de nouvelles levées et a l'amélioration des terres qui sont aujourd'hui impropres à la culture. J'espère que les sénateurs ne seront pas guidés par des motifs sectionnels ou par un sentiment de partialité pour la paroisse dans laquelle ils résident. Qu'ils ne consultent que la loi et l'intention qu'avait le Congrès en faisant cette concession, et qu'ils repoussent toute autre influence.

L'amendement de M. Rivers est déposé sur le bureau.

La section est adoptée avec l'amendement.

La section 19e est alors prise en considération.

M. Kenner. — Si notre intention est de nous borner à la question d'argent dépensé ou à dépenser, il est inutile que nous allions plus loin que cette section. J'y suis formellement opposé en principe et je n'approuve aucun de ses détails. Nous avons maintenant en disponibilité $220,000 du fonds des terres en marais, lesquelles s'élèveront encore, suivant tous les calculs, à $400,000 dans le courant de l'année prochaine. Lorsque le bureau aura dépensé $400,000 cela sera suffisant pour payer le système que nous sommes sur le point d'adopter. Il sera plus que temps après cela de penser à travailler sur du crédit. Jusque-là, jusqu'à ce que nous soyons convaincus que l'argent dépensé servira à bien, $400,000 sont amplement suffisantes pour tout l'ouvrage que nous aurons à faire. Je crois que ce serait une très grande amélioration au bill que de supprimer toute cette section, en un mot de ne rien faire à crédit.

M. Short. — Je suis opposé à ce qu'on supprime cette section pour la raison suivante, que l'objet de ce bill ne serait plus rempli. Craint-on maintenant qu'on ne fasse trop de levees ? Qu'on n'emploie trop de travailleurs ? Que nos dépenses ne soient trop augmentees ? S'il en est ainsi, je dois adresser mes compliments aux senateurs qui veulent aujourd'hui détruire toute l'efficacité de ce bill en en enlevant la section la plus importante Ils sont logiques, ils sont conséquents avec eux-mêmes. Qu'ils ne soient donc pas si timides, qu'ils ne craignent pas que l'Etat se jette inconsidérément en dettes. Une des sections du bill défend qu'aucun mandat ne soit émis jusqu'à ce que l'ouvrage ne soit entièrement terminé.

Si donc aucun défaut existe le moyen est là tout près d'y remédier. On a cru devoir insérer cette section à cause des objections qui avaient été faites au système des emprunts. Un plan a été proposé par lequel deux millions de piastres devaient être empruntées et sécurités données sur les terres en marais pour le paiement de cette dette. Quelques sénateurs furent choqués de cette proposition comme d'une monstruosité ; ils manifestèrent un tel étonnement, qu'en vérité on aurait pu croire que jamais auparavant ils n'avaient entendu prononcer le mot emprunt. Ils semblaient ne pas comprendre un aussi vaste plan. On le réduisit alors de manière à ce qu'il correspondit au montant des fonds que nous avons en mains,

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et si cela n'est pas suffisant, les terres elles-mêmes sont engagées pour le paiement des travaux faits.

C'est grâce à ce moyen que l'Etat n'aura pas à contracter de dettes.

Je supplie les sénateurs qui représentent ici des districts de terres-hautes, de ne pas s'alarmer de ce système de mandats. Lorsqu'une crevasse aura été arrêtée, lorsqu'une levée aura été construite, lorsque les travaux seront complétement achevés, le contractant ira faire approuver son compte par l'auditeur. S'il n'y a pas d'argent, l'auditeur écrira tout simplement sur le dos du reçu «non payé à cause de manque de fonds» — Cela ne veut pas dire fonds de l'Etat, mais désigne seulement le fonds des terres en marais. De ce moment, ce compte devient un mandat et porte intérêt à raison de 8 pour cent par an.

Où donc est le danger de ce système ? Qu'y a-t-il là qui doive tant épouvanter les sénateurs ? Pourquoi donc alors entraver le bill. Pourquoi enlever au bureau ce qu'on dit être si bien le nerf de la guerre ? Si le sénateur insiste pour que des mandats ne soient pas émis pour une somme de plus de $500,000 au-delà de ce qui est dans le fonds des terres en marais, j'accepterai sa motion comme un compromis destiné à rassurer ceux que tourmente la peur, si les mandats devaient être émis avant que l'ouvrage ne fut achevé, je serais moi-même opposé à ce plan. Mais l'ouvrage doit être fait d'abord, et il n'y a par conséquent pas lieu à avoir peur. L'objet de ce bill est de protéger l'Etat contre l'inondation. Ce but doit être atteint, et les travaux nécessaires devront être faits d'une manière ou d'une autre. Vous avez entrepris une tâche, et vous ne devez pas laisser la charrue au milieu du sillon lorsque vous pouvez le finir.

M. Mouton.—Je suis opposé au système de crédit mais je sais que pour assurer le succès dans cette entreprise, il faut l'adopter jusqu'à un certain point.

MESSAGE A LA CHAMBRE.

Le secrétaire du Sénat va demander le concours de la Chambre à un bill intitulé :

Acte pour changer le nom de Salomon Zuckar, et requérir la signature de l'Orateur à un acte pour venir au secours de la branche Banque de l'Etat de la Louisiane à Bâton-Rouge.

Un acte créant une justice de paix et un constable additionnels dans et pour la paroisse des Rapides.

M. Derbès, du comité des enregistremens, rapporte, comme enregistrée convenablement,

Une résolution relative à l'établissement d'une certaine malle-poste par le Congrès.

Le secrétaire est aussi chargé de demander la signature de l'orateur à la dite résolution.

MESSAGE DE LA CHAMBRE.

M. Eston, messager spécial de la chambre, demande le concours du Sénat aux bills suivants :

Acte pour punir les auteurs de toute tentative faite pour couper un raccourci sur toute rivière navigable de cet Etat.

Acte pour punir toute tentative qui serait faite pour endommager les levées de toute rivière navigable ou tout cours d'eau dans cet Etat.

Un acte révoquant un acte intitulé : acte pour empêcher que des particuliers ne fassent des raccourcis.

Un acte autorisant Rufus D. Killgore et sa femme Sarah C. Killgore à adopter Robert Bliss Read et à changer son nom en celui de Robert Read Killgore.

Un acte pourvoyant à la collecte des taxes sur les professions et métiers.

Un acte relatif à la ville de la Nouvelle-Orléans.

Une résolution conjointe demandant au Congrès l'érection d'un hôpital de marine dans le district de Tèche de la Louisiane.

Et informe le Sénat que la Chambre a donné son concours, avec quelques amendements, au bill intitulé:

Acte amendant un acte pour le réglement uniforme des élections dans l'Etat de la Lonisiane, les paroisses d'Orléans et de Jefferson exceptées—approuvé le 1er juin 1846.

Il demande la signature du président aux bills suivants qui ont été enregistrés.

Acte pour l'établissement d'un séminaire d'instruction.

Acte pour incorporer l'Institut de Longwood dans la paroisse de Caddo.

Acte pour incorporer la Compagnie du Chemin plan chey de St-Joseph.

Acte pour incorporer l'Université du Mount-Liban.

Acte pour autoriser Antoine B. Dauterives et Marie Célestine Darby, sa femme, a disposer par acte de vente ou autrement, d'un certain lot de terre dans la paroisse de St-Martin.

Il informe le Sénat que l'Orateur a signé le bill intitulé.

Acte pour émanciper William T. Glasscock.

Puis le Sénat s'ajourne.

LUNDI, 21 mars 1853.

Le Sénat se réunit conformément à l'ajournement.

Rapports et Memoires adressés à la Legislature par les citoyens de la Paroisse de Carroll.

M. Short, membre de la majorité du comité spécial auquel avait été référé le mémoire adressé par certains citoyens de Carroll, présente le rapport suivant :

Les soussignés, membres du comité spécial auquel a été referé le mémoire de certains citoyens de la paroisse de Carroll, demandant le rappel d'un acte intitulé : «Acte pour constituer un District de levée, composé des paroisses de Madison, Carroll et Catahoula, approuvé le 18 de mars 1852, rapporte respectueusement,

Qu'il a pris en considération le dit mémoire, et qu'il n'a trouvé aucune raison qui milite en faveur du rappel du dit acte, et il exposera aussi brièvement que possible les raisons qui militent contre la demande qui vous est adressée.

Le premier motif que met en avant le mémoire, pour demander le rappel du dit acte, est qu'il est en opposition à l'article 127 de la Constitution de 1845, parce qu'il impose une taxe sur une partie de l'Etat et non pas sur la totalité ; tandis que l'article de la Constitution déclare que la taxe sera égale et conforme dans tout l'Etat.

La réponse à cet argument est que l'objet de la taxe est local et non général ; cette taxe est imposée dans le but de protéger les personnes taxées, elle pèse uniformément sur la propriété sur laquelle elle repose. La Cour Suprême a décidé, qu'en pareil cas, la taxe n'est pas une taxe d'Etat, et par conséquent ne viole pas l'article 127 de la Constitution.

Le second point est que le dit acte est inconstitutionnel, parce qu'il porte atteinte aux droits nés de contrats préexistants, en ceci : que lorsque les terres du District furent achetées, la loi de la Louisiane était que les propriétaires riverains feraient et maintiendraient en réparation des levées suffisantes pour protéger les campagnes contre l'inondation ; par suite de cette servitude, les propriétaires riverains eurent la permission d'acheter des terres à $1 25 cts par acre, terres qui, sous l'empire de la loi actuelle, vaudraient de 15 à 20 piastres.

De plus, par suite de cette servitude, ils furent autorisés par le Gouvernement général à acheter autant de terres dans le fond, qu'ils en avaient sur le devant, au prix minimum de $1 25 par acre ; c'est pourquoi la Législature n'a pas le droit, aujourd'hui, de relever ces propriétaires riverains des obligations qu'ils ont volontairement assumées, encore moins de rejeter ces obligations sur des personnes qui n'étaient point parties au contrat et qui n'ont pas reçu d'équivalent en retour de ces obligations.

Cet argument est faux et en fait et en droit

Il est vrai qu'à l'époque reculée de l'année 1770, sous l'empire des lois de l'Espagne ou des ordonnances d'O'Reilly, Gayose et Morales, les concessions de terres situées sur les bords de la rivière Mississippi, et d'autres rivières navigables, comprises dans l'Etat de la Louisiane, ont été faites à la condition que le cessionnaire ou propriétaire riverain entretiendrait une élévation ou levée suffisante pour protéger les terres contre les inondations de la rivière, et aussi un chemin de cinquante pieds de large sur la devantière. Ces règlements restèrent les mêmes sous les lois françaises et jusqu'à la date du 30 avril 1803.

Aux termes de ces traités les concessions complètes faites par les gouvernements espagnol et français n'ont reçu aucun changement ; et ceux qui avaient des droits incomplets purent les parfaire conformément aux lois des Etats-Unis.

Le droit de concession pour les terres du fonds donné à ces propriétaires par les actes du Congrès qui ont été passés à diverses époques depuis 1811 jusqu'au 15 de juin 1832, limitant ce droit d'acquisition par pré-

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férence en vertu duquel le propriétaire riverain pouvait acheter à $1 25 par acre autant de terre qu'il en possédait sur le devant, ce droit, disons-nous, fut limité à ceux qui possédaient des terres en vertu d'une concession espagnole ou française.

Et nous n'avons pas de doute que les motifs qui ont provoqué l'adoption de ces actes du Congrès relatifs aux concessions de terres du fond, étaient que le propriétaire avait à entretenir une levée et un chemin sur sa devanture.

En 1807, quand la première loi relative aux levées fut passée par le gouvernement territorial, la législature entreprit de forcer la construction des levées et les réparations des chemins par les propriétaires, sur le principe qu'ils étaient obligés à faire ces travaux. Tel fut le point de départ de cette législation d'Etat qui construisit soit directement soit indirectement, à l'aide des juris de police, à forcer le propriétaire riverain à entretenir une levée ou un chemin sur sa devanture, et à l'exproprier s'il manquait à cette obligation.

Cette législation était basée sur l'idée qu'il y avait une obligation imposée aux propriétaires riverains d'entretenir une levée et un chemin. Par suite la Législature entreprit de décider le mode dans lequel ces travaux seraient exécutés. Quand la Législature était dirigée par ce principe, c'était dans les premiers temps de l'histoire de la Louisiane, il y avait peu ou point d'habitants dans le district inondé, excepté sur les bords du Mississipi et de quelques grands bayous; ils avaient en général choisi les points les plus élevés, et les levées étaient ordinairement petites et construites à très peu de frais.

Dans de pareilles circonstances il y avait quelque justice de la part de la Législature à forcer à construire des levées ceux qui avaient des titres provenant de concessions françaises ou espagnoles; mais il n'y a pas sur le Mississipi dans les paroisses situées au Nord de la Rivière-Rouge, de concessions françaises ou espagnoles portant la condition que le sessionnaire sera forcé de maintenir une levée et un chemin ; au moins n'en existe-t-il pas dans les paroisses de Madison et de Carrol.

Personne, je pense, ne soutiendra que les patentes du gouvernement général n'ont jamais été accordées à la condition que le cessionnaire entretiendrait une levée sur la devanture. Non, l'acheteur, en pareil cas, recevait sa terre libre de toute servitude, et l'Etat ne pouvait même le taxer pendant cinq ans, encore moins pouvait-il forcer le propriétaire à bâtir une levée sur sa façade.

La loi de 1852 relative aux concessions du fonds, étendit pour la première fois le décret de préemption au propriétaire de face, qui tenait ses terres en vertu d'une patente émanée du gouvernement fédéral; cette loi devait être en vigueur pendant trois ans, mais avant que son terme expirât elle fut prolongée pendant un an, mais très peu de personnes en purent profiter; l'obligation de la part du propriétaire riverain naissant de ce droit supposé de préemption, le simple privilége d'acquérir autant de terre dans le fond que le propriétaire en avait sur le devant est plus imaginaire que réel; aucune obligation n'a été créée par les termes de la patente, ou les termes de la loi relative à la concession des terres du fonds.

L'obligation du propriétaire de construire une levée est imposée par la législation de l'Etat seule; elle est fondée sur cette opinion que la Législature a le droit d'exproprier un homme dans le but de construire une levée qui doit servir de protection à cent ou mille autres, sans forcer ceux-ci à contribuer proportionnellement au capital qui leur est garanti par cette proportion. Ce principe, loin de créer une obligation est une injustifiable usurpation de la propriété individuelle. Et l'acte de 1852, loin d'être inconstitutionnel, a rappelé pour ainsi dire une loi inconstitutionnelle qui violait les droits individuels, et a créé une taxe ad valorem, une taxe générale, pour un objet général, une protection commune contre un danger commun à tous ceux qui étaient compris dans la loi.

L'intérieur de Madison et de Carroll contient une population assez dense, les terres sont riches et fertiles, c'est le jardin de la région cotonnière. Ces paroisses sont protégées pas une ligne de levées sur la rivière Mississippi, dont plusieurs milles demandent au moins dix pieds de hauteur et de 50 à 80 pieds de bas. Demandez au propriétaire de face de construire ces levées à ses propres frais, quand toutes les terres possédées par lui, en beaucoup de cas, ne se vendraient pas à un prix suffisant pour construire la moitié des levées serait une prétention que personne ne songerait à soutenir. Exproprier un homme pour lui être utile, est ce que l'on a appelé de l'équité irlandaise ; le rappel de la loi de 1852 ne serait que la mise en pratique de ce principe d'équité.

Les paroisses de Concordia et de Tensas ont les premières reconnu ce principe de justice et de sage législation, qui exige des contributions générales pour créer une protection commune. Les paroisses de Carroll et de Madison ont reconnu le même principe après elles. La paroisse de Catahoula s'est rangée dans la ligne; placée derrière ces paroisses toute inondation dont elles seraient victimes devait l'atteindre. Si d'autres paroisses n'ont pas prêté la main pour détourner leur danger, c'est leur faute; ce ne peut être là un motif qui doive déterminer à rappeler la loi, ainsi que le mémoire le suppose, attendu que ces paroisses embrassées dans la loi se sont liguées pour détourner une calamité qui leur est commune. Aucune paroisse qui est entrée dans cette ligue ne devrait avoir le droit d'en sortir jusqu'à ce que tout danger d'inondation eût cessé et qu'il y ait eu une liquidation de tous les comptes qu'il a fallu faire dans l'intérêt commun. Ce n'est que des paroisses de Catahoula et de Carroll qu'il est venu des plaintes relatives aux conséquences de cette loi.

Ces personnes qui occupent les parties de ces paroisses qui sont le moins exposées aux inondations du Mississipi, et dont les terres, bien que situées au-dessous du Mississipi à ses plus hautes crues, sont un peu plus élevées que d'autres, ces personnes pensent que la taxe est inégale et sont très opposés au principe de la taxe «ad valorem.» Il est peut-être vrai que la taxe peut frapper inégalement, mais ces terres ne sont pas tellement au-dessus du niveau ordinaire des eaux pour que l'inégalité de la taxe soit très saisissable. On ne peut arriver à une égalité parfaite pour l'assessement de la taxe dans une pareille question. L'égalité approximative est tout ce que l'on peut espérer. Décider que la taxe n'est pas égale et uniforme, parce que la loi, dans ses conséquences, ne tourne pas également au profit de chaque individu, c'est décider qu'en pratique aucune taxe ne peut être imposée sous l'empire de la Constitution. Cette inégalité se reproduit dans la taxe que l'on paie pour le judiciaire, sans qu'on doive peut être jamais paraître devant un tribunal.

Mais ce mémoire de la paroisse Carroll résulte d'une différence d'opinion sur la question de savoir si une taxe destinée à maintenir une levée devait être spécifique ou «ad valorem.» C'est à dire, si au lieu que chaque personne vivant dans le District protégé paie proportionnnelle ment à la valeur du capital qu'il a placé derrière une digue commune, il doit payer proportionnellement au nombre d'acres en superficie qu'il peut avoir dans le fond de sa propriété.

La taxe s'élèverait à cinq cents par acre sur des terres situées dans les bois, et dix cents sur les terres en culture, ou en d'autres mots, un homme ayant mille acres de terre dans des prairies paierait, au taux de cinq cents par acre, cinquante piastres ; un autre ayant mille acres en culture, à dix cents par acre, paie cent piastres. Dès que l'on s'écarte de la taxe ad valorem pour adopter la taxe spécifique ont commet la plus grande injustice, et ceux qui soutiennent ce principe, se méprennent sur l'objet et le but de poser la taxe qui ne doit avoir d'autre fin que de créer une contribution commune pour assurer une protection commune dans l'étendue du capital protégé. Ce principe fait la base de la loi dont on se plaint; cette loi respecte ce principe d'égalité et d'uniformité que pose la Constitution, et nous ne voyons aucune raison de rappeler cette loi, jusqu'à ce que le système général de levées qui doit être établi aura été mis en vigueur et ait absorbé les travaux qui doivent être aujourd'hui exécutés au moyen de la taxe prélevée dans ces paroisses où ces levées sont prises comme une partie du système général des levées. Alors ces paroisses seront allégées du lourd fardeau qu'elles ont eu jusqu'à present à porter.

H. SHORT,
H. L. RIVERS.

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M. Boatner, de la minorité du même comité, présente le rapport suivant:

Le soussigné, l'un des membres du comité spécial auquel avait été référé le mémoire de certains citoyens de la paroisse de Carroll, demandant le rappel d'un acte intitulé: « Acte pour constituer un district de levées, composé des paroisses de Madison, Carroll et Catahoula, approuvé le 18 de mars 1852, se sépare de la majorité du comité, aussi bien quant aux raisons sur lesquelles elle s'est basée, qu'aux conclusions auxquelles elle est arrivée, et il présente ce rapport de la minorité.

Le soussigné a examiné soigneusement le mémoire en question et adopte entièrement les arguments qu'il contient. Mais je puis faire usage d'arguments qui s'appliquent avec une forme toute particulière aux citoyens de Carroll et de Madison, mais non à Catahoula. Le soussigné appellera l'attention du Sénat sur ce mémoire, dans lequel il trouvera des raisons suffisantes pour bien rappeler cet acte odieux

Quant à ce qui concerne la paroisse de Catahoula, le soussigné est d'opinion que cet acte, pour employer le langage des postulans, est non seulement inconstitutionnel, injuste, mais qu'il est inégal, partial, oppressif au dernier degré. Un simple coup d'œil jeté sur la carte de l'Etat de la Louisiane convaincra tout homme désintéressé de la vérité de ce que j'avance. L'on verra que, entre Madison et Catahoula, se rangent les paroisses de Tensas et de Franklin et même une grande partie de la paroisse de Catahoula Les paroisses de Tensas et de Franklin sont mieux protégées et plus avantagées, et la paroisse Concordia est aussi protégée que la paroisse de Catahoula. Cependant cette dernière paroisse est injustement, arbitrairement imposée pour contribuer à la conservation et à la protection de ces paroisses, tandis que celles-ci n'ont rien à payer pour subvenir à la protection générale.

C'est là, dans l'opinion du soussigné, une sorte de législation qui ne devrait pas être tolérée ou rester dans le recueil des lois. Une législature qui déclare qu'un petit nombre d'individus seront taxés au bénéfice d'un grand nombre, tandis que ceux-ci sont aussi capables de supporter le fardeau d'une taxe, et en retirent plus de profit car, ils sont entièrement protégés et Catahoula ne l'est pas ayant à se protéger contre les eaux qui l'assiègent par derrière et qui viennent du Mississipi par la Rivière Rouge, forcés ainsi de payer une double taxe. Le soussigné insiste sur le rappel en se fondant sur cet autre motif que deux de ces paroisses, savoir: Carroll et Catahoula, réclament le rappel, et il pense qu'il est de son devoir, autant qu'il est possible, d'accéder à une demande aussi juste et aussi raisonnable. A. C. BOATNER.

RESOLUTIONS ET INVITATION ADRESSÉES A MILLARD FILLMORE.

M. Rivers fait la motion que les règles soient suspendues, afin que le Senat prenne en considération les résolutions offrant à M. Fillmore l'hospitalité de l'Etat.

M. Wickliffe.—Je voterai en faveur des résolutions si le préambule n'est pas ce que je suppose. Je ne desire pas donner mon vote en faveur de quoique ce soit qui pourrait être considéré comme une approbation de la ligne suivie par l'administration de M. Fillmore.

ORDRE SPECIAL DU JOUR.

BILLS DES TERRES ET LEVÉES.

La section 19me est appelée.

M. Kenner.—Je répéterai aujourd'hui ce que j'ai dit hier, relativement à cette question. J'ai la conviction intime que la position prise alors par moi est bonne et correcte. Je persiste à croire que $400,000 sont une somme suffisante à dépenser en une année. Si nous allons au delà de cette somme nous donnerons dans l'extravagance. Elle sera amplement suffisante pour la protection de toutes les parties de l'Etat qui pourraient être menacées. Cette position, je crois, est inattaquable. Vous pouvez voyager de la ligne des Arkansas au golfe du Mexique, sur toute la ligne du Mississippi et des bayous, et indiquer tous les points où il peut exister quelque danger d'une crevasse, vous pouvez faire vos calculs comme vous l'entendrez et porter aussi haut que possible le coût probable des travaux et vous ne parviendrez pas à dépenser plus de $100,000.

Le représentant de Madison (M. Short), en réponse aux argumens avancés par moi hier a fait usage des mêmes argumens dont il s'est servi dans toutes les occasions précédentes, que si nous supprimons cette section nous détruisons tout l'effet du bill. Qu'il me soit permis de lui dire combien peu je partage son opinion. La motion n'est pas faite dans le but de perdre le bill ou de le rendre impraticable, mais bien pour l'amender et l'ameliorer. Examinons la question et voyons quelles en seraient les conséquences: Les commissaires commandent un certain travail; ils sont autorisés lorsqu'il est terminé à émettre des mandats pour le paiement de la somme qui peut être due au contractant et ils donnent à celui-ci ces mandats. Le contractant vient à Bâton-Rouge pour recevoir son paiement. Il se trouve qu'il n'y a pas d'argent dans le fonds des terres en marais, mais sur le dos de son compte l'Auditeur inscrit « non payé à cause de manque de fonds » et alors ce compte devient partie des dettes de l'Etat et porte intérêt à raison de 8 p. 100 par an, du jour de la présentation. C'est justement là ce à quoi j'objecte Je suis opposé non seulement au système de crédit en général, mais aussi à cette espèce particulière de crédit.

Personne n'ignore que lorsque un contractant s'engage pour un travail quelconque, la première question qu'il pose est celle-ci: "Serai-je paye pour ce que j'aurai fait? Lorsqu'il sait qu'il sera paye promptement, qu'il n'aura pas à attendre son paiement, il consentira naturellement à se charger de l'entreprise à un prix moindre que s'il avait longtemps à attendre. Si l'on persiste à faire entrer dans ce bill le système de crédit, je présenterai un amendement pour autoriser le gouverneur à emprunter un million de piastres sur des bons de l'Etat. Je demande toute l'attention du Sénat sur la difference qu'il y a entre ce système et celui que propose le bill. Comme je l'ai déjà dit, lorsqu'un contrat est fait, si le contractant sait qu'il sera payé immédiatement il travaillera à beaucoup meilleur marché que s'il en était autrement. Si donc vous êtes résolus au système de crédit, empruntez l'argent dont vous croirez avoir besoin, mettez la somme dans vos coffres afin que vous puissiez toujours en disposer: le contractant saura alors, qu'aussitôt son travail fait, il sera payé. Vous économiserez de la sorte à l'Etat au moins 15 ou 20 pour cent. Si vous adoptez la section dont nous nous occupons, des hommes qui ne disposent d'aucun capital entreprendront l'ouvrage, et etant forcés de tout acheter à crédit, ils demanderont naturellement un prix beaucoup plus élevé que s'ils avaient des fonds en mains. Voilà une considération qui milite en faveur de l'amendement que je propose. Sous l'autre système les contractants sauront aussi bien que les commissaires qu'il n'y a pas d'argent prêt pour les payer, et comme on doit bien penser, ils demanderont pour cette raison un prix beaucoup plus élevé.

Une autre différence existe encore. D'après le bill, les mandats doivent porter interêt à raison de 8 0[0. Nous n'aurions que 6 0[0 à payer sur l'emprunt que je propose, ce qui nous ferait un gain net et clair de 2 0[0. Même si j'étais dans l'erreur, lorsque j'avance qu'un contractant travaillerait à meilleur marché pour du comptant que pour du crédit, la difference d'intérêt seule nous permettrait de faire une économie suffisante pour pourvoir à la mise en opération du bill tout entier. Elle suffirait amplement au paiement des commissaires, des ingénieurs et des commis, elle paierait toutes les dépenses et au delà. Il y a déjà deux ou trois jours que nous sommes occupés à la discussion de ce bill et je ne désire pas occuper plus longtemps l'attention du Sénat. Néanmoins je ne pouvais pas laisser échapper l'occasion d'exprimer mes idées. J'espère que vous ne vous engagerez pas dans ce système de crédit. Je suis oppose à ce qu'on dépasse le chiffre de $400,000, montant de la somme que nous avons en mains; mais si vous êtes résolus à le faire, je présenterai un amendement autorisant l'emprunt d'une somme d'un million de piastres, afin que nous puissions payer au comptant et ne soyions pas forcés de recourir au crédit. J'ai essayé de faire ressortir les avantages de ce système, surtout au point de vue économique, et j'espère que les considérations que j'ai présentees seront prises comme bonnes.

M. Short—Hier, j'étais opposé à ce qu'on supprimât du bill la section qui nous occupe. Le sénateur qui vient de reprendre son siége a bien et correctement exprime les raisons qui me portaient à le faire. Je

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disais, comme probablement j'avais déjà dit plus d'une fois, qu'en supprimant cette section nous détruirions toute l'efficacité de ce bill. Dans le cours du débat sur cette question, j'ai cru devoir répéter bien des choses que j'avais déjà dites et de présenter des arguments dont je m'étais déjà servi. Ces choses-là ne peuvent pas s'éviter et j'espère que les fréquentes répétitions auxquelles j'ai été obligé ne feront que graver plus profondément dans la mémoire des sénateurs les idées et les vues que j'ai exposées. Je n'espère pas maintenant dire rien de nouveau; néanmoins, à l'appui des arguments dont j'ai déjà fait usage hier, je dirai qu'au moment de décider cette question il est nécessaire de prendre en considération la nature de l'ouvrage que nous avons à faire. Je dois aussi appeler l'attention sur le système actuel des levées en Louisiane. Tout le monde admet qu'il est défectueux, qu'il a besoin d'être entièrement réformé, qu'il ne protége pas assez l'Etat et ne répond pas au but auquel il est destiné. Là est le point de départ, là doit commencer notre tâche. On propose que l'Etat exécute les travaux qui jusqu'aujourd'hui avaient été faits par les propriétaires riverains; je suis donc opposé à ce qu'on restreigne l'action des commissaires dans les limites de la somme que nous avons en mains. On s'est épouvanté non de la grandeur du projet, mais des probabilités de sa mise à exécution. Il semble qu'on n'ait pas fait la moindre attention aux avantages qui en résulteraient, on n'a pas pris en considération l'immense produit des terres alluviales et à quel point énorme peuvent être portées les ressources de l'Etat. Il y a dans le nord de la Hollande un petit Etat qui a environ les dimensions de deux de nos paroisses réunies. Autrefois on le désignait sous le nom de «Terre Basse» et postérieurement à cela était un marais tout à fait inculivable. Il est habité par des Hollandais, nation industrieuse quoiqu'elle *jouisse* de la réputation d'être très lente et très lourde. Elle n'avait pas les moyens de réaliser aucun profit, elle n'avait pas de terres à cultiver aucunes ressources si ce n'étaient celles de leurs laiteries. Les habitants résolurent d'égoutter leurs terres et les protéger contre les inondations de la mer. Leur première levée coûta plus de 340,000 livres, c'est-à-dire environ un million sept cent mille piastres. La Louisiane, habitée par une population chevaleresque, riche et énergique, refusera-t-elle de suivre un si brillant exemple? Et ses planteurs de sucre et de coton craindront-ils d'entreprendre comme les Hollandais, des travaux si nécessaires, si indispensables à la prospérité de l'Etat.

Prenez en considération la situation de la Louisiane et le caractère de ses habitants, la nature de ses productions, et dites, allez-vous hésiter et trembler, au moment d'une entreprise si importante, lorsque vous avez pour commencer un capital de $200,000, et en perspective une somme $7,000,000 que rapporteront les terres marécageuses? Je vous le demande encore ne suivrez-vous l'exemple des Hollandais; et devant une dépense d'un million et demi reculerez-vous dans une entreprise dont les résultats doivent être si magnifiques? La proposition de limiter vos opérations au montant de la somme que nous avons en mains n'est pas tenable. Cette somme est tellement au-dessous de ce qui est nécessaire, que je suis etonné qu'on ait pu suggérer chose pareille. Si nous restreignions ainsi les commissaires nous agirions comme autrefois les Egyptiens envers les Israëlites, ne leur accordant que la moitié de la paille nécessaire et leur demandant le double de la quantité ordinaire de briques. En d'autres mots, ce serait leur demander l'impossible. Le sénateur a avancé un argument bien spécieux au sujet de l'économie sur l'intérêt qui serait effectuée par ses amendements. Si nous empruntons de l'argent nous aurons à compter l'intérêt du jour même de l'emprunt. Par le bill nous n'avons aucun intérêt à payer jusqu'à ce que l'ouvrage soit entièrement terminé. En faisant un léger amendement, tel que, faire les mandats recevables en paiement de terres en marais, nous nous débarrassons de toute espèce d'intérêt. C'est là le plan le plus simple et ce serait sans doute le plus efficace s'il était adopté. Je ne dirai rien maintenant du système d'emprunt que je croyais tout à fait abandonné, sur tout par le sénateur de l'Ascension (M. Kenner).

M. Kenner présente le suivant comme substitut de la section 19me,

Il est de plus décrété, etc., Qu'à l'effet de constituer un fonds additionnel des terres marécageuses pour mettre en force les dispositions de cet acte, le gouverneur est autorisé à emprunter sur les bons de l'Etat ayant de dix à vingt ans à courir et portant intérêt à raison de 6 0[0 par an, une somme n'excedant pas un million de piastres dans de tels montants et tels temps qu'il jugera nécessaires pour le département des levées et dessèchements; le paiement des intérêts annuels des dits bons sera fait avec le revenu provenant de la vente des terres marécageuses et inondées.

M. Kenner.—Il n'est pas nécessaire de rien ajouter à ce sujet. Je crois avoir démontré l'inefficacité du système de crédit et l'efficacite du système de comptant. Le Sénat doit voir combien il serait préférable d'avoir les fonds en mains.

M. Wickliffe.—Le sénateur voudrait-il nous dire comment les mandats seront dépreciés?

M. Kenner.—Je répondrai que je n'ai pas dit que les mandats dussent être dépréciés. Je vais redire en peu de mots ce que j'avais avancé: Les commissaires croient qu'un certain ouvrage est nécessaire; ils en donnent avis par les journaux. Le contractant qui désire bien connaître l'ouvrage avant de s'en charger va au bureau du trésorier ou de l'auditeur et demande s'il y a des fonds en mains. On lui répond que non—le manque de fonds est du moins la base de ce système des mandats. Je disais donc qu'il apprend qu'il n'y a dans le trésor aucun argent au crédit du fonds des terres en marais. De l'instant où il le sait il exigera un prix beaucoup plus élevé, car c'est un principe admis d'économie politique que tout, même le travail, peut être obtenu à meilleur marché pour du comptant qu'à crédit. Il sait que lorsqu'il ira demander son paiement à l'auditeur, au lieu d'argent il ne recevra qu'un mandat avec cet endossement: «Non payé à cause de manque de fonds.» S'il a besoin d'argent, comme il est probable quetel sera le cas, il mettra dans son mandat dans la circulation et le fera escompter à un taux énorme. Le courtier lui dira qu'il ignore à quelle époque le paiement pourra être fait et naturellement son escompte sera très fort. C'est l'Etat, après tout, qui souffrira de cette perte, car devant de pareils faits, les contractants iront augmentant de plus en plus leurs prix. Mon but est d'avoir en mains l'argent nécessaire lorsque le contrat est passé; de la sorte nous saurons ce que nous avons à payer, et nous économiserons de grandes dépenses.

Sur motion de M. Short, les mots «ne devant pas excéder par chaque fois,» sont insérés avant les mots un million de piastres»

M. Clifton présente l'amendement suivant au substitut de M. Kenner, lequel est adopté.

Les bons devant être de mille piastres chaque et payables par ordre de numéros, que l'Etat se réserve le droit dans n'importe quel temps, quand il y aura des fonds en mains, appliqués au paiement des dits bons pour les racheter. Le gouverneur devra publier dans la gazette officielle de l'Etat, par trente jours d'avis, les bons que l'Etat sera prêt à racheter, et si les possesseurs des dits bons ne les présentent pas pour être rachetés, les intérêts des dits bons resteront.

Les commissaires nommés d'après cet acte devront prendre des fonds provenant des ventes de terres marécageuses, un montant annuel suffisant pour payer 11 pour 100 sur le montant des bons qui pourront être émis d'après cette section.

Sur motion d'adopter le substitut de M. Kenner, tel qu'il est amendé, M. Evans demande l'appel nominal,

MM. Barthe, Clifton, Derbès, Kenner, Kittridge, King, Lacoste, McCay, Nicholls, Palfrey, Rivers, Short, Slack, Taylor, Thériot et Todd votent pour, 16 voix.

MM. Boatner, Evans, Griffin, Millard, Neal, Patterson et Wickliffe votent contre, 7 voix.

Par conséquent le substitut de M. Kenner à la 19me section est adopté.

Sur motion, la section 20me est rejetée.

Sur motion, la section 21me est adoptée.

M. Kenner fait la motion d'effacer dans la 22me section, 3me ligne, le mot «1500,» et de mettre «1000.»

M. Kenner. — Je crois que mille piastres sont un salaire suffisant pour les commissaires.

M. Short. — Lorsque la question des salaires a été discutée devant les comites, je pensais qu'un salaire de $1,500 piastres serait trop élevé et que ce serait assez que de donner à ces officiers ce qui est suffisant

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pour payer leurs dépenses. Nous ne devons pas faire de ces places un objet de convoitise pour l'argent qu'elles peuvent rapporter. Néanmoins je crois que $1,000 seraient trop peu.

La motion est perdue.

M Evans fait alors la motion de renvoyer ledit acte au comite des terres et levées.

M. Wickliffe fait la motion de déposer l'amendement indéfiniment sur le bureau.

Le mot « de » dans la 3me ligne de la 22me section, après le mot ingenieur est effacé et le mot « dans » inséré à sa place et les mots « dans les limites de son district » sont ajoutés à la fin de ladite section.

Cette section est adoptée telle qu'amendée.

Les sections 24, 25, 26 et 27 sont alors adoptées.

M. Kittridge soumet la section additionnelle suivante :

Sect. 28 Il est de plus décrété, &c., Que les commissaires du 1er et du 2me districts sont autorisés et requis, quand ils le jugeront nécessaire, d'acheter deux bateaux à vapeur a belier, avec les chalands et les matériaux à bélier qui y sont attachés nécessaires pour arrêter les crevasses ; lesquels seront gardes à tels endroits du district qui pourront paraître les plus convenable, afin de remplir le but en vue.

Et ils seront de plus autorisés à se pourvoir de tous les matériaux, outils, instrumens, et tout ce qui est nécessaire pour remplir les devoirs exigés d'eux par cet acte.

Pourvu que le prix desdits bateaux-à-vapeur, à bélier, chalands et matériaux qui les accompagnent soit payé de cette partie des fonds des terres marécageuses appartenant au 1er et 2me districts.

M. Wickliffe fait la motion de déposer cette section indéfiniment sur le bureau.

Cette motion est rejetée.

Sur motion de M. Kittridge, la section est adoptée.

M. Clifton présente le suivant comme section additionnelle :

Il est de plus décrété &c. Qu'en cas qu'une portion de terre exigeant des levées, soit abandonnée par son propriétaire, l'Etat y fera alors construire les levées nécessaires et deviendra «ipso facto» propriétaire de la terre abandonnée, et la dite terre sera entrée sur les régistres du bureau des terres, comme partie des domaines publics.

M Rivers—Je suis formellement opposé à la section additionnelle présentée par le sénateur de la Pointe-Coupée (M. Clifton) Je crois, si elle est adoptée, que six mois après l'adoption du bill, il n'y aura pas dans tout l'Etat de la Louisiane une seule levee qui ne soit la propriété de l'Etat. L'effet en serait ruineux et le but de ce bill serait entièrement manqué.

M. Wickliffe—Je suis opposé à cette section pour les mêmes raisons que vient de donner le sénateur de Concordia, (M. Rivers.) Je crois que la position prise par lui est très bonne, que dans six mois il n'y aurait pas un seul propriétaire riverain qui n'eût abandonné ses levées à l'Etat. La tentation d'agir ainsi serait irresistible.

M. Kenner—Que l'on ne s'épouvante pas sitôt. Nos planteurs, soyez en sûrs, n'abandonneraient pas sitôt leurs propriétés. Il y a des levées si etendues qu'elles ne peuvent être faites et entretenues par des particuliers; elles sont ordinairement entretenues par les paroisses dans lesquelles elles sont situées. La section presentée par le sénateur de Pointe-Coupee (M. Clifton) ne propose pas autre chose que ceci : que l'ouvrage fait par les paroisses soit fait par l'Etat avec les fonds des terres marécageuses. Aucun planteur ne voudra abandonner 150 pieds de sa terre et laisser le reste exposé à l'inondation. Les terres ont trop de prix pour cela, et c'est fort à tort que l'on s'alarme.

M Wickliffe—Je suis très reconnaissant au sénateur d'avoir bien voulu nous apprendre que nous nous alarmons à tort, mais il doit nous être permis de juger de cela nous mêmes. Je dis que c'est chose facile à un planteur que d'abandonner un ruban de terre ou quelque partie que ce soit, et que tous seraient très tentés de le faire lorsqa'ils sauront que l'Etat se chargera de leurs levées.

M. Boatner—Je désire savoir si aucunes terres qui ne sont pas terres en marais peuvent légalement être enregistrées comme telles.

Ce à quoi M. Derbès présente l'amendement suivant :

Pourvu que, si le propriétaire de la dite propriété venait à payer dans le cours de douze mois les dépenses occasionnées, il ait le droit de rentrer en possession de sa terre.

M. Griffin présente comme amendement, pour être inséré dans la section de M. Clifton, après le mot « devra dans la 4me ligne » de tous fonds des terres marecageuses assignés au district dans lequel la dite portion de terre est située.

M. Rivers fait motion d'effacer de la section de M. Clifton le mot « Portion » et d'insérer « toute partie de terre. »

M. King—Je ne voterai certainement pas en faveur de chose si vague que me semble être cette section. Je partage l'opinion des sénateurs qui pensent que ce serait encourager les planteurs à abandonner leurs levées et forcer l'Etat à s'en charger. Nous ne sommes pas en mesure d'entreprendre un projet aussi vaste que cela. Nous aurons assez fait des levées dans le but de dessécher les terres inondées. C'est là tout ce que nous devons nous proposer. Songer à placer sous notre contrôle toutes les levées de l'Etat est tout à fait impossible.

La section est rejetée.

M. Short présente le suivant comme section additionnelle, lequel est adopté.

Sect. 29. Il est de plus décrété, &c., Que six mois après l'organisation de tout bureau général des travaux publics, les devoirs ci-dessous fixés et tous les pouvoirs donnés au bureau des commissaires des terres marécageuses, comme ci-dessus mentionnés, devront être sous l'administration du dit bureau des travaux publics et le bureau ci-dessus établi sera remplacé.

M. Palfrey—Avant que le vote définitif ne soit pris, j'ai à présenter une motion que, je dois l'avouer, je ne hasarde qu'avec méfiance, convaincu que je suis qu'elle sera rejetée. Et pourtant le sentiment de mes devoirs m'oblige à le faire. J'ai des scrupules constitutionnels relativement à ce bill. Je fais la motion de le référer de nouveau avec instructions de le rapporter sous une forme telle qu'il soit conforme à la Constitution.

La motion est rejetée.

Sur l'adoption finale de l'acte tel qu'amendé,

M Griffin demande l'appel nominal.

MM. Burthe, Clifton, Derbès, Kenner, Kittridge, King, Lacoste, Lewis, McCay, Millard, Patterson, Rivers, Short, Slack et Taylor votent pour l'adoption.—15 voix.

M. Thériot, sur motion, est dispensé de voter.

MM Boatner, Evans, Griffin, Neal, Nicholls, Palfrey, Todd, et Wickliffe votent contre.—8 voix.

Par conséquent l'acte est adopté.

Le protêt suivant est, sur demande, intercalé dans les minutes du Sénat.

Nous sommes en faveur des principaux articles de l'acte, mais nous avons voté contre, parce que nous le croyons inconstitutionel.

La constitution a commandé à cette législature d'organiser le bureau des travaux publics et a placé tous les travaux publics sous son contrôle. Nous considerons que les deux bureaux ne peuvent exister d'une manière constitutionnelle en même temps.

Signé, C. Nichols, B. B. Todd. W. J Palfrey, W. W. Boatner.

M. Derbès présente comme un substitut au dit acte.

Sur motion, après dispense des règles, le substitut est pris en considération est lu par section et passe. La 6ème section étant en consideration.

M. Taylor presente le proviso suivant: « Que cet acte n'aura force de loi que lorsqu'il aura été soumis aux électeurs qualifies de la ville de la Nouvelle-Orléans et qu'une majorité de votes aura été en faveur de son adoption.

M. Derbès fait la motion de déposer le proviso sur le bureau.

M. Rivers demande l'appel nominal.

MM. Boatner, Clifton, Derbès, Evans, King, Lacoste, Lewis, McCay, Miller, Neal, Patterson, Short, Thériot et Wickliffe votent pour le dépôt.—14 voix

MM. Burthe, Kenner, Kittridge, Palfrey, Rivers, Slack, Taylor, et Todd votent contre.—8 voix.

Par conséquent le proviso est déposé sur le bureau.

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MESSAGES A LA CHAMBRE

Le secrétaire va informer la chambre que le président a signé les dits actes.

Et il demande la signature de l'orateur pour un acte intitulé :

Acte pour venir au secours de T. P. Hall et l'administrateur de W. J. McElroy, et une

Résolution autorisant et requerrant l'ingénieur de l'Etat d'examiner l'embouchure du Bayou Plaquemines.

Et il demande le concours de la Chambre pour les actes suivantes :

Acte pour venir au secours de Théodore Labauve.

Acte pour rappeler un acte intitulé :

Acte pour exempter de la saisie et vente le domicile d'un propriétaire et aussi pour exempter de la saisie et saisie arrêt pour loyer, certaines propriétés personnelles et certains effets ainsi que les salaires du travail et les compensations pour services rendus dans une profession ou autrement.

Et que le Sénat a donné son concours à l'amendement fait dans le corps et le titre de l'acte intitulé :

Acte pour pourvoir au déficit des appropriations pour les procédures criminelles jusqu'au 31 mars 1853.

Il rapporte aussi à la Chambre que le Sénat a adopté la résolution conjointe du comité d'arrangement relativement aux funérailles d'Isaac Johnson, ex-gouverneur de l'Etat de la Louisiane.

Et il demande le concours de la Chambre pour les actes suivants :

Acte pour venir au secours de J. M. Lapeyre, de la paroisse d'Orléans.

MESSAGES DE LA CHAMBRE.

M. Lartin, messager spécial de la Chambre, informe le Sénat que l'orateur a signé les actes suivants :

Acte pour venir au secours de la branche de la Banque de l'Etat de la Louisiane à Bâton-Rouge.

Acte pour élir un juge de paix et un constable additionnels dans et pour la paroisse des Rapides.

Et une résolution pour venir au secours de Jérôme Tourné.

Résolution relative à l'établissement d'une voiture pour l'usage de la malle par le Congrès.

Et il demande la signature du président pour les actes suivants :

Acte pour venir au secours de Hall Frazier, mulâtre de la paroisse Claiborne, demandant sa liberté.

Acte pour venir au secours de Samuel Patterson.

Acte pour changer le nom de Suzanne Virginie Haden.

Et il demande le concours du Sénat pour les actes et résolutions suivants :

Resolution recommandant à nos sénateurs et invitant nos représentants au Congrès à faire leurs plus grands efforts pour faire passer un acte pour agrandir le port de la Nouvelle-Orléans.

Acte pour pourvoir à l'administration future des affaires de l'association consolidée des Planteurs de la Louisiane.

Acte pour requérir les juris de police de pourvoir à la compensation des jurés.

Acte pour empêcher l'extension des maladies et infections contagieuses par les bateaux naviguant sur la baie de l'Atchafalaya et ses tributaires

Acte pour relever l'Etat du paiement des jurés.

Acte pour amender un acte intitulé : Acte pour incorporer la ville de Covington.

Acte pour créer un notaire additionnel dans et pour la paroisse de Bienville.

Rapporte la résolution sur Fillmore.

Et que la chambre a donné son concours à un acte pour autoriser David Brady, de la ville de la Nlle-Orléans, à changer son nom de David Brady par celui de David Braden.

MESSAGE DU GOUVERNEUR.

M. Hatch, secrétaire privé du gouverneur, informe le Sénat que le gouverneur a approuvé et signé le bill suivant :

Acte pour autoriser le bureau des directeurs du collége Centenaire à vendre certaines terres.

MARDI 29 mars 1853.

ORDRE SPECIAL DU JOUR.

Acte pour autoriser la Banque dans l'Etat de la Louisiane.

L'acte suivant présenté par M. Kenner, président du comité des banques et maisons de banque est pris en considération.

Sect. 1. Il est décrété par le Sénat et la Chambre des Représentans réunis en assemblée générale.

Qu'à partir et après la promulgation de cet acte, il sera légal pour toute personne, association de personnes, conformément aux dispositions de cet acte et si plus de cinq personnes, de se former en corporation pour faire des opérations de banque et pour établir des bureaux d'escompte, de dépôt et de circulation, mais le montant total du fonds capital de toute banque ou corporation ne doit pas être moindre que $100,000.

Sect. 2. Il est de plus décrété, &c., Que toute corporation qui sera établie d'après les dispositions de cet acte, aura le pouvoir et l'autorité 1o D'avoir et de jouir d'une durée sous le nom de corporation pour le temps fixé par son acte d'incorporation, lequel ne dépassera pas vingt-cinq ans.

2o De faire des contrats, de poursuivre, d'être poursuivi par son nom de corporation.

3o D'avoir et de se servir d'un sceau particulier.

4o De posséder, recevoir, acheter, vendre sous le nom de corporation les propriétés foncières et mobilières

5o De nommer et d'appointer tels directeurs et officiers que leurs intérêts et leur convenance exigent.

6o De faire et d'établir tels réglements pour la direction et l'arrangement des affaires de la corporation qui seront nécessaires et utiles et non contraires aux dispositions de cet acte.

Sect. 3 Il est de plus décrété, &c. Que toute charte d'incorporation accordée d'après les dispositions de cet acte contiendra : 1o le nom et le titre de la corporation et la place choisie pour son domicile ; 2o le montant du fonds capital, le nombre des esclaves, le montant de chaque action, et le temps et la manière dont les paiements des fonds souscrits seront appelés ou faits ; 3o la manière dont l'élection des directeurs sera conduite ; 4o la manière de liquider à la fin de sa charte

Sect. 4. Il est de plus décrété, &c., Que la charte de toute corporation organisée d'après les termes de cet acte, et les souscriptions originales faites dans le but de l'organiser, seront enregistrées au bureau de l'annotateur des hypothèques, ou de toute autre officier exerçant les fonctions d'annotateur des hypothèques de l'endroit choisi pour le domicile de la corporation et qu'une copie certifiée des mêmes soit déposée entre les mains de l'auditeur de l'Etat, et ladite charte sera publiée dans une gazette de l'endroit où est le domicile, et dans le journal officiel de l'Etat publié à la Nouvelle-Orléans, une fois par semaine pendant au moins trente jours ; mais il ne sera pas nécessaire de publier les noms des souscripteurs, et tout souscripteur pourra présenter ladite charte et souscription par acte public où à l'annotateur des hypothèques, comme il a été dit plus haut.

Section 5. Il est de plus décrété &c; Qu'il sera légal pour les actionnaires de toute corporation, à une assemblée générale convoquée à cet effet, de faire toute modification, addition ou changement dans son acte d'incorporation, non contraires aux dispositions de cet acte, ou de dissoudre la corporation; pourvu que les dites modification, addition, changement ou dissolution, reçoivent le consentement des trois quarts du capital représenté à ladite assemblée. Pourvu aussi, que la dite modification, addition, altération ou dissolution soit enregistrée comme l'exige la 4me section de cet acte.

Section 6. Il est de plus décrété &c; Que toute corporation établie d'après cet acte, aura forfait à sa charte pour insolvabilité, ou pour n'avoir pas rempli toute disposition de cet acte, et que dans ce cas, il sera du devoir de la Cour de District du District de la dite corporation, à la demande de tout créancier ou de l'auditeur de l'Etat et sur une preuve satisfaisante à la dite cour, de décréter la dite forfaiture, et de nommer trois commissaires pour effectuer la liquidation, dont le devoir sera de convertir tous les biens de la compagnie, en y comprenant toutes les balances non-payées par les actionnaires sur leurs actions, au comptant, et de distribuer le tout sous la direction de la cour, entre les parties ayant droit, de la même manière autant que possible, comme il est fait dans les cas ou des personnes se trouvent insolvables; et si une banque se trouve en faute d'après les dispositions de

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cte acte, le protet du billet premièrement protesté, constituera une hypothèque au bénéfice des créanciers de la dite banque sur tous les biens de la banque qui ne seront pas entre les mains de l'auditeur; la dite hypothèque aura force comme les autres hypothèques dans cet Etat, et la vente des dits biens après ledit protet sera valable.

Section 7. Il est de plus décrété &c; Que l'auditeur est par le présent autorisé et requis de faire graver et imprimer de la meilleure manière, la quantité de billets de circulation, en blanc, de différentes dénominations autorisées que les banques incorporées de cet Etat doivent émettre, de temps en temps, comme il le jugera nécessaire, pour remplir les dispositions de cet acte, de telle forme qu'il prescrira. Les dits billets de circulation en blanc, seront contresignés, numérotes et enrégistrés dans des livres tenus dans ce but, dans le bureau de l'auditeur, sous la direction de telle ou telles personnes qu'il nommera à cet effet, de manière que la dénomination des dits billets sera semblable, et portant la signature régulière dudit annotateur ou d'un des dits annotateurs et sera marqué sur la face «assuré par engagement de fonds.»

Sect. 8 Il est de plus décrété, &c.; Que tout banquier ou corporation créés d'après cet acte, en déposant entre les mains de l'auditeur de l'Etat les bons de cet Etat, les pièces justificatives d'une dette des Etats-Unis, aura droit à recevoir de l'Auditeur un montant égal des billets de circulation de différentes dénominations, enregistrés, contresignés et marqués comme ci-dessus.

Mais les dits bons publics seront maintenus et seront regardés comme égaux à un fonds de cet Etat portant cinq pour cent d'intérêt, et il ne sera pas légal que l'Auditeur reçoive les dits bons à un taux au-dessous de leur valeur, ni au-dessus de leur valeur sur le marché. Au lieu de transférer les fonds publics, comme il est dit ci-dessus, pour assurer le montant total des dits billets, toute personne ou association de personnes sera légalement autoirsée en cas qu'elle soit ainsi nommée avant de recevoir tout billet ou billets, pour assurer le paiment d'un tiers du montant total qui sera ainsi émis, en transférant à l'Auditeur les bons ou hypothèques sur des propriétés foncières de cet Etat, portant au moins huit pour cent d'intérêt, payable annuellement ou tous les six mois; dans ce cas tous billets émis par la dite personne ou association de personnes, seront marques sur la face « assurés par engagement de fonds publics et de propriétés foncières.» Les dites hypothèques pèseront seulement sur des terres améliorées, productives, et non embarrassées avec les esclaves qui y sont attachés, dans cet Etat, valant sans y comprendre les bâtisses qui y sont construites, au moins le double du montant pour lequel elles seront hypothéquées, et l'Auditeur devra prescrire tels règlements qu'il jugera nécessaires pour certifier le titre et la valeur des dites terres et esclaves, mais dans aucun cas l'estimation de la propriété ne sera plus grande que celle fixée pour l'assessement des taxes d'Etat fait avant l'application pour les dits billets; et les dites hypothèques seront payables dans un temps qui ne dépassera pas dix ans.

L'Auditeur peut, à sa discrétion, assigner les dits bons et hypothèques, ou les uns ou les autres, à la personne ou association qui les aura transférés en recevant d'autres bons et hypothèques approuvées d'un montant égal; et quand toutes sommes du principal des bons et hypothèques transférées à l'auditeur lui seront payées, il devra notifier la personne ou l'association qui a transféré les bons et hypothèques, et il pourra payer la dite somme à toute personne ou association en recevant d'autres bons et hypothèques d'un montant égal.

Sect. 9. Il est de plus décrété, &c.; Que les billets de circulation ne seront donnés à aucun banquier ou corporation pour un montant plus grand que son capital ou le capital payé.

Sect. 10. Il est de plus décrété, &c.; Que les intérêts ajoutés sur les dits bons seront collectés par l'auditeur et remboursés au banquier ou à la corporation de qui ils auront été reçus, autant que la valeur du marché des dits bons ne sera pas au-dessous du taux auquel ils auront été pris. Si une telle dépréciation venait à avoir lieu, l'Auditeur est requis par le présent, de retenir l'intérêt jusqu'à ce que la dépréciation soit remplie ou jusqu'à ce qu'un autre dépôt soit fait pour garantir pleinement le montant pour lequel les billets de circulation auront été émis.

Sect. 11. Il est de plus décrété, &c.; Qu'en cas qu'une des sécurités dans les mains de l'auditeur viendrait à être dépréciée, et que sa valeur sur le marché soit moindre que le taux pour lequel elle aura été prise, l'auditeur devra demander au banquier ou à la corporation qui l'aura engagée, qu'il ou elle ait à faire un nouveau dépôt ou qu'un montant suffisant de billets de circulation soit rendu pour couvrir et remplir le déficit qui pourrait venir d'une telle dépréciation, et si le dit banquier ou corporation manque de le faire ainsi, trente jours après la dite demande, tous les priviléges accordés par cet acte seront forfaits.

Sect. 12 Il est de plus décrété, &c.; Que l'auditeur est par le présent autorisé à restituer à tout banquier ou corporation toute partie des sécurités déposées entre ses mains, en recevant et en annulant un montant égal de billets de circulation qu'il aura donnés au dit banquier ou corporation.

Sect. 13. Il est de plus décrété, &c.; Que si un banquier ou une corporation refuse ou manque de payer en espèces, sur demande, tout billet ou billets émis par lui ou elle, et enregistrés et marqués comme ci-dessus, qui seront présentés dans les heures d'affaires ordinaires, le possesseur du dit billet ou billets pourra demander au dit banquier ou au caissier de la corporation d'écrire en travers de la face des dits billets les mots « Présentés, paiement refusé » avec la date et de les signer, et il sera du devoir du banquier ou du caissier, de mettre cet endossement, à moins d'une amende de cinquante piastres pour chaque omission ou refus de faire ainsi, recouvrables pardevant toute cour de juridiction compétente, et l'auditeur, quand les dits billets lui seront présentés, devra en notifier par écrit l'auteur ou les auteurs des dits billets de les payer, et si dans dix jdurs après la notice les dits billets ne sont pas payés, l'auditeur (à moins qu'il ne soit satisfait du bon et légal empêchement du paiement du dit billet ou billets) devra là-dessus immédiatement procéder à la vente, de la manière la plus avantageuse, des sécurités placées entre ses mains par le dit banquier ou corporation concessionnaire, et donner avis dans le journal officiel de l'Etat ou un autre journal imprimé à la Nouvelle-Orléans, que tous les billets de circulation émis par le dit banquier ou corporation seront rachetés des fonds qui sont dans ses mains pour ce but, et il sera du devoir de l'auditeur de payer tous les dits billets des dits fonds, et d'adopter telles mesures, pour payer tous les billets de circulation du dit banquier ou corporation, qui pourront dans son opinion empêcher ceux qui les possèdent de perdre. En cas qu'il y ait déficit, et que les sécurités placées entre les mains de l'auditeur ne soient pas suffisantes pour payer en plein tous les billets présentés, les propriétaires des dits billets auront le droit de préférence et seront payés avant tout autre créancier des biens du banquier ou de la corporation susdits.

Sect. 14. Il est de plus décrété, &c.; Que toutes les sécurités déposées entre les mains de l'auditeur par les banquiers ou corporations créés d'après cet acte, seront gardées par lui exclusivement pour le rachat des billets émis en circulation par les dits banquiers ou corporations, jusqu'à ce qu'ils soient payés.

Sect. 15. Il est de plus décrété, &c.; Qu'aucun billet émis ne sera moindre de cinq piastres.

Sect. 16. Il est de plus décrété, &c.; Que toute association particulière ou corporation, excepté les banques existantes qui possèdent des chartes légales, ne pourront émettre et faire circuler comme argent des billets payables au porteur, excepté ceux qui sont autorisés par cet acte, sous peine d'une amende de mille piastres, recouvrable avec les frais de poursuite, une moitié de la dite amende pour l'usage de toute personne qui aura poursuivi et continué la dite poursuite jusqu'au jugement final pardevant toute cour de juridiction compétente, et l'autre moitié sera versée au trésor.

Sect. 17. Il est de plus décrété, &c., Que tout fonds souscrit par toute corporation, d'après cet acte, sera payé en plein douze mois après que la dite corporation aura commencé ses affaires.

Sect. 18. Il est de plus décrété, &c., Qu'aucun prêt ne sera fait par la dite corporation à aucun de ses actionnaires sur l'engagement de ses propres actions.

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Sect. 19. Il est de plus décrété, &c., Que les planques, coins et matériaux qui seront achetés par l'auditeur pour la gravure et l'imprimerie des billets pourvus par le présent, resteront à sa garde ; et les dépenses qu'ils occasionneront pour mettre en force des dispositions de cet acte, seront payées, pro rata, par les banquiers et corporations qui seront formées d'après le dit acte.

Sect. 20. Il est de plus décrété, &c., Que les banquiers et les corporations autorisés par le présent, auront le pouvoir de faire les affaires de la banque, d'escompter les billets, effets et autres preuves de dettes, de recevoir des dépôts, d'acheter et de vendre de l'or et de l'argent non monnoyé, des monnaies étrangères, et des lettres de change, de preter de l'argent sur des propriétés foncières et mobilières, et d'exercer tous les pouvoirs ordinaires nécessaires pour les dites affaires.

Sect 21. Il est de plus décrété, &., Que les actions des dites corporations seront transférables sur les livres des dites corporations dans la manière que leurs règlements l'indiqueront.

Sect. 22. Il est de plus décrété, &c., Que toutes personnes s'associant d'après cet acte, dans leur acte d'incorporation, pourvoieront à l'augmentation de leur capital et du nombre de leurs associés, comme elle les jugeront convenable.

Sect. 23. Il est de plus décrété, &c., Que tous billets mis en circulation par un seul banquier, seront signés par lui et son caissier ; et ceux émis par une corporation seront signés par leur président et leur caissier.

Sect. 24. Il est de plus décrété, &c., Qu'en cas de faillité de tout banquier ou corporation établi d'après cet acte, chaque actionnaire ou associé ou corps politique, ayant une action ou des actions dans la dite banque au temps de sa faillite, ou qui aura été interessé dans tout temps douze mois avant sa faillite, sera responsable et devra fournir chacun un bon pour une somme n'excédant pas le nombre du montant de son action ou de leurs actions.

Sect. 25. Il est de plus décrété, &c., Que la propriété foncière que la dite corporation devra posséder d'après la loi, sera de 1o autant qu'il sera necessaire pour les transactions ordinaires de leurs affaires. 2o celles qui leur seront hypothéquées en bonne foi comme sécurité pour emprunts. 3o celles qui leur seront rendues pour satisfaire les dettes précédemment contractées dans la transaction de leurs affaires ; ou 4o celles qu'elles achèteront à des ventes exécutées pour des jugements rendus en faveur des dites corporations.

Sect. 26. Il est de plus décrété, &c., Que les dits banquiers ou corporations devront fournir à l'auditeur un tableau trimestriel, certifié sous serment par les dits banquiers et présidents et caissiers des dites corporations de la situation exacte de leurs banques et montrant ;

1o Le montant payé de leur capital.

2o Leur billets en circulation.

3o Leurs dépôts et autres responsabilités monétaires.

4o Toutes leurs dettes de quelque nature et espèces que ce soit.

5o Leurs espèces en mains.

6o Les billets escomptés, montrant les montants de ceux qui ont quatre-vingt-dix jours pour leur échéance et ceux qui ont un plus long espace de temps.

7o Leur échange, montrant aussi ceux qui ont plus de quatre-vingt-dix jours à courir.

8o Leurs valeurs au comptant autres que les espèces.

9o Leurs billets protestés et autres mauvaises et douteuses dettes.

10o Leurs propriétés foncières et autres biens ; il sera du devoir de l'auditeur de publier le dit tableau dans la gazette officielle de l'Etat, imprimée a la Nlle-Orléans.

Sect. 27. Il est de plus decrété, etc. Que l'auditeur est autorisé par le présent, a examiner ses affaires, et si dans son opinion la dite banque est dangereuse ou dans un état de faillite, de citer la dite banque par devant la cour de district du district dans lequel la dite banque est domiciliée, comme il est pourvu dans la sixième section de cet acte. Il sera aussi de son devoir de faire un examen entier semi-annuel de l'état de chaque banque et de vérifier ses tableaux.

Sect. 28. Il est de plus décrété, etc. Que si une banque ainsi établie venait à refuser ou à omettre le paiement de ses billets sur demande, les propriétaires des mêmes auront le droit de recevoir un intérêt sur les mêmes au taux de douze pour cent par an à partir du temps du refus, jusqu'à ce qu'ils soient entièrement payés.

Sect. 29. Il est de plus décrété, etc. Que les dites banques pourront escompter à un taux qui ne dépassera pas dix pour cent par an pour tous leurs prêts ou escomptes n'ayant pas plus de quatre mois à courir et pas plus que le taux de huit pour cent par an pour ceux d'une plus longue période.

Sect. 30. Il est de plus décrété, etc. Que toute banque créée d'après cet acte, domiciliée en dehors des limites de la ville de la Nouvelle-Orléans, aura le pouvoir de nommer une agence dans cette ville pour le rachat de sa circulation.

Sect. 31. Il est de plus décrété, etc. Qu'il sera du devoir de l'auditeur, quand une banque le lui demandera de recevoir et de canceller tous billets déchirés qui lui seront présentés, et de les changer contre d'autres billets de circulation pour le même montant.

Sect. 32. Il est de plus décrété, etc Que la Législature devra nommer au moins une fois tous les ans, un comite conjoint pour examiner les sécurités qui sont dans les mains de l'auditeur, les comparer avec ses comptes du montant des billets émis, et de rapporter le résultat de son examen.

Sect. 33. Il est de plus décrété, etc. Il ne sera pas légal à un banquier ou une corporation autorisé par le présent, de commencer les affaires de banque, jusqu'à ce que les sécurités requises par cet acte soient dûment déposées et acceptées par l'auditeur.

Sect. 33. Il est de plus décrété, etc. Que toutes les banques établies par le present seront banques d'escompte et de dépôts ainsi que de circulation, et leurs affaires seront strictement confinées aux affaires de banque comme le définit la 20me section de cet acte.

Sect. 35. Il est de plus décrété, etc. Que toutes les banques ou corporations établies en vertu de cet acte seront taxées sur le montant des billets de circulation obtenus de l'auditeur, conformement à la huitième section de cet acte, au même taux que toutes les autres propriétés dans cet Etat.

M Kenner—Je fais la motion que le bill soit lu section par section afin que chacune d'elles puisse êtrediscutée. C'est la un bill important et qui mérite l'attention particulière du Sénat.

La première section est lue.

M. King—Je ne vois pas pour quelle raison nous ne permettrions pas à une ou deux personnes de faire des affaires de banques. Pourquoi insister pour qu'il y en ait plus de cinq ? Je fais la motion d'effacer les mots «et plus de cinq personnes.»

L'amendement est adopté.

La seconde section est lue.

M. Short—Je désirerais savoir jusqu'à quel point on croit que cela satisfera les desirs du peuple de la Louisiane. Selon moi, cette section accorde aux compagnies de banques des pouvoirs qu'elles ne devraient pas avoir. Il pourrait être excessivement dangereux de leur donner le privilége d'acheter et de vendre des propriétés foncières.

M King—J'appellerai l'attention du sénateur sur les sections 20 et 24me qui définissent le genre d'affaires des banquiers.

M. Short demande que les mots suivants soient insérés dans la deuxième section entre le mot «quatrième» dans la 7me ligne, et le mot «cinquième» dans la 8me ligne, comme amendement.

"De posséder, de recevoir d'acheter et de vendre par et sous le nom de la corporation toute propriété reelle ou personnelle, qui sera indispensable au but de l'association ; pourvu que le bien immeuble que la dite corporation pourra acheter, posséder et vendre légalement, soit 1o tel qu'il sera nécessaire pour la transaction de ses affaires.

2o Tel qu'il leur aura été hypothéqué en bonne foi comme caution pour emprunts.

3o Tel qu'il leur aura été vendu pour satisfaire aux dettes contractées précédemment, bona fide, dans le cours de leurs affaires ; et 4o Tel qu'ils auront pu l'acheter aux ventes faites par jugement ou pour hypo-

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thèque leur appartenant, ou dans lequel ils ont un intérêt comme subrogés à des droits, suivant l'article 2157 du code civil. »

M Kenner—Je ne vois pas la nécessité de cet amendement ; mais si le sénateur insiste, nous sommes disposés à l'accepter.

M. King—Je crois que l'amendement est bon et important, et j'espère qu'il sera adopte.

M. Lacey—L'amendement autorise seulement les corporations de banques à recevoir et à aliéner telles propriétés qu'il est nécessaire qu'une corporation ait en sa possession.

M. Kenner—J'apprends que le bill de la Chambre autorise une banque à acheter toutes propriétés foncières à la Nouvelle-Orleans, et spéculer là-dessus autant qu'elle voudra. Lorsqu'elle realise une hypothèque, elle peut acheter la propriété, et, si elle est attaquée à ce sujet, dire qu'elle l'a eue en paiement d'une dette. Ce privilège est beaucoup trop étendu et peut embrasser tous les cas.

M. Short—Je suis disposé à accorder aux banques qui font des affaires regulières le pouvoir d'acheter quand il est nécessaire Je suis disposé à leur accorder tout le pouvoir nécessaire pour se prémunir contre toute combinaison hostile ; mais je ne puis consentir à leur accorder un pouvoir illimité d'achat et de vente ; je ne désire pas leur accorder le privilége de se rendre au marché, et d'acheter et de vendre *ad libitum*.

L'amendement est adopté.

M Lacey—Je fais la motion d'effacer le mot «leur» et d'y substituer le mot «ses,» cette première expression étant tout-à-fait incorrecte.

M Kenner—Je suis d'opinion aussi que cette section pourrait être exprimée un peu plus grammaticalement.

M. Short—Lisez la définition du mot «banque »

M. Kenner—Je fais la motion que les fautes de grammaire soient corrigées, et que la section soit adoptée telle qu'elle est amendée.

L'amendement est adopté.

La section 4me est prise ensuite en considération.

M. Hodge—Je fais la motion d'effacer les mots, «et dans le journal officiel de l'Etat. » Le journal de l'Etat n'a pas une circulation assez grande ; il n'est qu'à peine lu dans les campagnes. Si une banque est établie dans une paroisse, où est la nécessite de publier les annonces en ville ? Ce serait donner lieu à des dépenses inutiles, aussi j'y objecte.

M. Short. — Naturellement les négociants de la Nouvelle-Orléans prendront des actions des banques dans toutes les parties de l'Etat. Etant publiés à la Nouvelle-Orléans, les avis seront plus generalement lus et les banques elles-mêmes en tireront de l'avantage. Je ne vois pas la necessité d'effacer.

M. Martin. —Je suis en faveur de la publication dans le journal officiel, mais je fais la motion d'effacer les mots « à la Nouvelle-Orléans, » attendu que le journal de l'Etat pourrait un jour être publié à Bâton-Rouge.

Les mots « publiés à la Nouvelle-Orléans » sont effacés et sur motion de M Boatner les mots «pourvu qu'une gazette soit publiee dans cet endroit » sont insérés dans la huitième ligne après le mot «domicile »

M. Hodge. — Avant que le vote soit pris sur cette section, je désire savoir quel sera le prix demandé lorsqu'une banque publiera ses avis dans le journal officiel.

M. Boatner — Le prix ordinaire des annonces.

La section est adoptée telle qu'amendée.

M. King fait la motion d'effacer de la 6me ligne, 5me section, tout ce qui se trouve après le mot «de» jusqu'au mot « pourvu » dans la 7me ligne et de mettre « une majorité dans le montant du capital entier de ladite compagnie. »

La section est alors adoptée telle qu'elle a été amendée.

M. Lacey fait la motion d'effacer les mots « Et que» dans la 3me ligne de la 6me section ce qui est accepté

M. Boatner. — Je propose comme proviso que les commissaires ne soient pas actionnaires.

M Kenner. — Je crois que des actionnaires devraient être nommés. Il est plus à présumer que les personnes intéressées agiront avec plus de prudence que celles qui ne le sont pas.

M. Short. — Je crois que le proviso serait un frein salutaire imposé sur les banques lorsqu'elles ne seraient pas solvables et rendrait plus prudente la direction de ces banques. Mais si les actionnaires sont autorisés à être nommés commissaires, au lieu de protéger les banques ils serviront leurs intérêts personnels au detriment de ceux de ces institutions. Ne l'oubliez pas: « On retire souvent plus de l'animal lorsqu'il est mort que lorsqu'il est en vie. » Sachant qu'ils perdront le navire dès qu'il aura touché au port, ils se garderont bien de l'y laisser aborder et le tiendront à distance

M. Kenner. — L'argument du sénateur revient à ceci : tous les actionnaires de banque sont des coquins. Pour moi, je crois que les actionnaires sont ceux en qui l'on doit avoir le plus de confiance. Si vous doutez deceux qui ont dans les banques un intérêt important qu'espérerez-vous donc de ceux qui ne sont aucunement intéressés.

M. Boatner. — Je crois que les actionnaires ne seraient pas fâchés de cette sauvegarde en leur faveur. Ils devraient objecter à ce que leurs actes et leurs livres soient ouverts à l'examen. Ce serait les placer sur un terrain inaccessible et les mettre au-dessus de tout soupçon. J'insisterai sur l'amendement que j'ai proposé.

M. Wickliffe Je ne vois pas la nécessté de cet amendement. Je crois que le sénateur de Madison se trompe lorsqu'il insinue que certaines influences pourraient determiner le choix des commissaires par les Cours.

M Short—Je nie avoir rien insinué de pareil.

M. King—Dans certains cas, des actionnaires devraient être nommes et dans certains autres, il ne serait pas convenable qu'il en fut ainsi. Je préfércrais qu'on laissât le tout à la discretion des Cours.

L'amendement est rejete.

M. Nicholls fait la motion que les mots suivants soient insérés dans la 7me ligne après le mot liquidation.

«Qui devront fournir un bon et un cautionnement à la satisfaction de la Cour pour l'accomplissement fidèle de leurs devoirs.

M Nicholls—Je ne vois pas pour quelle raison les banques seraient placées dans une toute autre position que les autres debiteurs. Elles auraient le droit de convertir en espèces toutes leurs valeurs, et de la sorte leurs actionnaires se trouveraient fraudes.

L'amendement et la section telles qu'elles sont amendées sont adoptées.

M Martin fait la motion d'effacer de la 8me section à partir du mot «valeur» de la 9me ligne jusqu'à la fin de la section.

M. Wickliffe—Il me semble que des hypothèques sur propriétes foncières seraient tout aussi bonnes que des cautions et aussi sûres pour les affaires de banques que les garanties de la Banque des Citoyens ou de l Union.

M. Kenner présente au sujet des banques du Mississipi quelque observations que le rapporteur ne peut entendre

M. Short—Je n'ai pas l'intention de m'engager dans une discussion approfondie des principes du système de banques en general ni de me référer à ces centaines de banques, qui, a une epoque, avaient obtenu une charte soit dans l'Etat de la Louisiane, soit dans celui du Mississipi. Mais le sénateur a fait allusion aux banques de ce dernier Etat, et je desirerais savoir ce qu'il a dit.

M. Kenner—Je ne vois pas trop où le sénateur désire en venir et je ne comprends pas du tout le but de ses observations. Si j'ai fait allusion à l'Etat du Mississipi, je ne l'ai pas fait dans un esprit de jalousie ou de malveillance. Je n'avais bien certainement pas l'intention de dire que parce que le sénateur est de l'Etat du Mississipi, il ne vaille pas quelqu'autre membre que ce soit de ce corps. Mais moi-même, monsieur, je suis de l'Etat du Mississipi, ou du moins mon grand père en était, et cela revient a peu près au même. Je suis même heureux de dire qu'il y occupait une très belle position. J'ai demeure sur le Mississipi et j'ai bu de son eau presque tous les jours depuis que je suis au monde. Le senateur est-il satisfait de cette explication !

M. Short.—Je croyais avoir entendu l'allusion que j'ai relevée, et je suis heureux que le Sénateur nie l'avoir faite. Quant à l'Etat du Mississipi qu'il me soit permis de dire ici qu'on y peut trouver de brillants exemples à suivre, vous y trouverez des avocats du plus grand talent, de brillants orateurs enfin, des hommes éminents dans toutes les classes et dans tous les

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rangs. En ce qui concerne les banques établies sur le principe du rachat de la circulation par la vente des propriétés immobilières le Mississipi presente un triste spectacle aux autres Etats de l'Union. Quelques personnes, il est vrai, sont d'avis que sur le sol si riche de la Louisiane les banques de cette nature auraient un sort tout différent. Quant à moi je ne voterai pas en faveur d'un bill qui établirait pour bâse des opérations de banques les garanties hypothécaires. Je pourrais faire pressentir les conséquences de ce système en recourant à l'expérience des vingt dernières années, mais je n'occuperai pas si longtemps l'attention du Sénat. Je veux seulement protester contre cette clause. Un Sénateur a dit, il est vrai, que cette base est aussi bonne que celle sur laquelle reposent les banques des Citoyens et de l'Union ; mais est-ce bien assez ? La foi de l'Etat est jusqu'à un certain point engagée au paiement de ces obligations. Mais allons encore plus loin, consultons l'histoire de ce système et éclairons-nous de l'expérience, rappelez-vous les révolutions cammerciales, les crises financières, l'indignation du peuple témoin des opérations et de la chûte de ce système. Consentirez-vous, si vous n'oubliez pas ces choses, à revenir après quinze ans, à ce même système ?

M. Wickliffe demande l'appel nominal.

M. Kenner.—Avec la permission du Sénat je désirerai expliquer ma position sur cette question.

M. Wickliffe.—Le Sénateur n'est pas à l'ordre.

M. Kenner.—Une simple motion d'appel nominal ne met pas fin aux débats.

M. Wickliffe.—Je réfère le Sénateur aux réglements du Sénat.

M. Kenner.—Je ne vois pas la nécessité de consulter les réglements lorsque nous avons un president qui les connait et peut les expliquer.

Mais revenons. La question a été longuement discutée devant le comité. Une partie était opposée à l'introduction de ce principe, pourtant il fut inséré à la suggestion du sénateur de la Pointe-Coupée. Je votai contre à cause de la difficulté de convertir en argent les propriétés immobilières. Je tiens pour vrai que de l'instant où nous adoptons une base qui soit susceptible d'être immédiatement convertie en espèces, nous acceptons un mauvais principe. On ne doit pas supposer que la simple apposition d'une signature au dos d'un papier imprimé lui donne une valeur égale à celle de l'or ou de l'argent, comme medium de circulation, à moins qu'il ne puisse être facilement et promptement converti en espèces. Le public doit y avoir toute confiance ou bien tout échouera. L'experience en a été faite dans la Grande Bretagne. Dans la seconde moitié du siècle dernier la banque d'Angleterre fit faillite; elle était le réceptacle des revenus du gouvernement et sa principale ressource. Cette banque avait la confiance du peuple et du gouvernement à un point qui n'a jamais eu d'égal, ni avant, ni après. Le parlement passa même une loi déclarant que ses billets seraient reçus comme équivalent de l'or et de l'argent Nonobstant cet acte du parlement, les bills de la Banque allèrent se dépreciant de plus en plus, jusqu'à ce qu'enfin ils tombèrent à 25 0|0 au-dessous du pair. Cela montre combien un acte législatif est impuissant à conserver leur intégrité et leur valeur véritable à des billets de banque De l'instant où ils commencent à déprécier, quelle est la première question que l'on pose comme de juste ? C'est celle-ci: sont-ils convertibles immédiatement en or ou en argent ? Si la réponse est affirmative, la base est bonne; dans le cas contraire elle est mauvaise. Ce système a été expérimenté à New-York et les résultats qui y ont été obtenus ne sont pas de nature à nous encourager à essayer la même chose. Il y avait à New-York un très grand nombre de banques dont les billets étaient garantis par hypothèques sur propriétés immobilières. Treize ou quatorze de ces banques firent faillite en moins d'un an, leurs billets perdirent de leur valeur et les actionnaires perdirent de 15 à 25 0|0. Tel a été le résultat de l'expérience faite à New-York. Je donne ces explications par ce que comme c'est moi qui ai rapporté le bill on pourrait peut-être trouver étrange que je vote contre cette section.

M. Wickliffe.— L'honorable sénateur dit qu'il n'a pas lu les réglements, par ce que nous avons pour nous présider un officier qui les lit.

M. Kenner.—L'honorable sénateur prétend-il que l'orateur ne lit pas les règlements?

M. Wickliffe.—Je ne fais que répéter les paroles du sénateur. Je ne suis pas responsable du sens qu'elles peuvent avoir. Mais je vais lui prouver qu'il ne lit pas les réglements, simplement en l'y renvoyant. Je n'ai pas entendu une seule bonne raison avancée pour faire disparaitre la section. On a dit que les bons de la Banque des Citoyens et de l'Union sont soldés, mais où est la preuve de ce fait? Sont-ce leurs six millions de capital ? Sur quoi sont basés leurs quatorze millions de bons ? N'est-ce pas sur des propriétés foncières et des nègres? Cependant l'on dit qu'elles sont solvables et que leurs bons peuvent, sans danger, servir de base à des opérations de banque, tandis que les mêmes membres cherchent à faire disparaître de ce bill une base de la même nature.

M Kenner —Je croisi pouvoir expliquer la différence à la satisfaction du senateur. Voici comment ces banques ont été établies. Un grand nombre de personnes se sont réunies et ont hypothéqué leurs propriétés. Elles s'adressèrent alors à l'Etat, et l'Etat donna ses bons. Ils envoyèrent ces bons en Angleterre, obtinrent de l'argent en échange de ces bons, firent venir l'argent à la Louisiane, et commencèrent sur cette base des opérations de banque; ce système est loin d'être celui que défend le sénateur. La propriété des actionnaires de la banque des Citoyens n'a pas été hypothéquée pour garantir la circulation, mais le rachat et le paiement des bons.

Le Sénat va aux voix sur la proposition de M. Martin d'effacer, et la proposition est acceptée.

M. Lewis fait la motion d'insérer après les mots «Etats-Unis,» dans la quatrième ligne, ce qui suit.

« Sur des bons de la dette consolidée de la Nouvelle-Orleans. »

M. King— J'offre cet amendement.

Autorises et garantis par la trente-septième section de l'acte pour consolider la ville de la Nouvelle Orléans et pour pourvoir au gouvernement et à l'administration de toutes ses affaires «approuvé le 23 février 1852.

Je ferai remarquer que la garantie proposée est aussi bonne que les bons de l'Etat. J'espère que le Sénat se montrera libéral envers la ville de la Nouvelle Grléans, qu'il lui fournira ce moßen d'étendre son crédit et de faire participer les compagnies aux avantages qui lui seront accordés.

M. Wickliffe—Si cet amendement est ajouté à ce bill, j'en aurai un du même genre à presenter. La ville de Baton Sarah est endettée et elle aimerait, sans nul doute, voir ses bons devenir la base d'opérations de banque. Il n'a aucune raison pour admettre les bons de la Nouvelle-Orléans, quand les propriétés immobiliers de la compagne ne sont pas considérées comme une garantie suffisante. Je suis opposé à ces distinctions injustes. Si les bons de la ville sont acceptés, que ne prenons-nous aussi les ville sont acceptés, que ne prenons-nous aussi les *scrips* des chemins de fer, les bons des municipalités et des villes de toute sorte. Ils vaudraient tout autant. Qui nous garantit que ces bons de la Nouvelle-Orléans seront jamais payés ? Ne peut-elle abandonner sa charte quand elle le voudra ? Nous avons entendu dire ici qu'elle se retirerait de l'Etat et se déclarerait indépendante, si on ne lui accordait pas ce qu'elle demande. Le sénateur de la Nouvelle Orléans (M. King) a dit que les bons de la ville sont aussi bien garantis que ceux de l'Etat. Quelle est la garantie ? Pourrons-nous forcer le conseil à imposer une taxe ? Il n'y a aucune clause de cette nature dans la charte.

M. Short—La question qui doit être décidée n'est pas si telle ou telle corporation est solvable. La question est simplement celle-ci : La Louisiane désire en ce moment un système de banques différent de l'ancien système, que l'on a reconnu insuffisant. Nous avons donc à rechercher les moyens d'augmenter notre circulation, en lui donnant une base solide qui empêchera le retour d'une de ces crises qui ont déjà affligé l'Etat et d'autres Etats. Nous devons donc adopter un nouveau système ; et pour satisfaire à cette nécessite, nous voulons introduire dans ce bill un principe différent de celui qui a été appliqué pendant des siècles. A la place de ce système, sous l'empire duquel les banques doivent avoir continuellement en main une certaine quantité d'espèces proportionnelle à leur circulation et le reste de cette circulation est

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représenté par des traites et des billets à courte échéance, nous allons substituer un système entièrement différent. C'est à nous maintenant de décider de quelle manière nous devons opérer ce changement radical, et le moyen de prévenir tout résultat fâcheux. Quant à moi, si je pouvais appliquer mes propres idées, je voudrais qu'il n'y eût pas de banques Mais je ne suis pas ici pour représenter mes propres idées. Je représente les vœux et les opinions de ceux qui m'ont envoyé ici. J'examinerai donc les différents systèmes qui sont proposés et je verrai si la circulation repose sur une base solide. Je ne considère pas les hypothèques sur les propriétés immobilières et les nègres comme constituant une base sûre, parce que cette base s'est déjà écroulée à ma connaissance.

La question qui nous occupe en ce moment est de savoir si les bons de la Nouvelle-Orléans sont sûrs Examinons cette question. Les bons échoient à différentes époques ; ils portent un certain intérêt annuel ; cet intérêt doit être payé chaque année. Pour faire face à ses paiemens, la ville doit établir une caisse d'amortissement. Si nous donnons les bons de la Nouvelle-Orléans comme base de la circulation, quel sera le résultat ? Afin de donner plus de facilité pour les opérations de banque, vous créerez un antagonisme d'intérêt entre les contribuables et les capitalistes Aussitôt que les intérêts d'une année auront été payés, il faudra imposer une nouvelle taxe pour payer les intérêts de l'année suivante, et ainsi chaque année vous irez affaiblissant la base de la circulation en la rendant moins sûre exactement dans cette proportion. Vous allez créer une circulation basée sur des bons dont la valeur fluctue autant que celle de n'importe quelle espèce de propriété. Vous établirez votre circulation sur une base inconstante et variable. Par ce système, vous faites qu'il devient de l'intérêt de l'Etat de s'endetter, de rester endetté, afin de maintenir la base de la circulation.

Si, après que vous aurez payé une série de bons, vous n'en émettez pas d'autres, vous changerez la nature de la circulation, vous l'exposerez à des contractions dangereuses et vous conserverez dans tout l'Etat la position respective des débiteurs et des créanciers. Alors, si à la Nouvelle-Orléans, ceux qui désirent se liquider sont plus nombreux que ceux qui désirent rester endettés, vous irez, chaque année, diminuant la base de la circulation. Mais si vous faites cela, les intérêts qui militeront en faveur de la perpétuité du système seront si puissants que les contribuables pourront abandonner toute idée de solder leur dette. En sus de l'incertitude et des fluctuations de la circulation qui seraient la conséquence fatale de ce système, il soumettra l'Etat à la nécessité de répandre ce système d'émission de bons qui a déjà créé tant de difficultés et dont je ne voudrais jamais voir le retour.

M. King.—Les arguments de l'honorable Sénateur s'adressent non seulement aux bons de la Nouvelle-Orléans, mais à tout le système des banques libres. Quand je suis entré dans cette enceinte, (et j'imagine qu'il en a été de même de presque tous mes collègues) je m'étais engagé à soutenir les banques libres. Tel était le desir de mes commettants, et le vœu du pays était exprimé d'une manière trop énergique pour qu'on pût s'y méprendre. Les deux partis s'étaient emparés du principe, les deux l'avaient fait entrer dans leur programme et à la tête de leur programme. Chacun d'eux revendiquait l'honneur de le soutenir avec le plus de vigueur et de sincérité. Ils défendirent ce principe dans leurs journaux, ils le proclamèrent dans leurs assemblées, ils engagèrent leurs candidats à la défense de ce principe par leurs résolutions, ils le mirent même en tête de leurs tickets, au jour de l'élection. Tout cela prouve que les deux partis reconnaissaient que le principe des banques libres était entré fort avant dans l'esprit des masses. Nous sommes venus ici pour discuter la question de savoir si nous devons retourner à l'ancien système de banques, qui est repoussé par une majorité considérable du peuple, ou adopter le nouveau principe qui a eu tant de succès dans d'autres Etats, et que nous nous sommes engagés à soutenir

S'il est vrai, comme l'a dit le sénateur, que nous ne devrions pas adopter pour base les bons de la ville de la Nouvelle-Orléans, il s'ensuit, comme conséquence inévitable, que nous ne pouvons adopter aucune base. Les arguments invoqués contre les bons de la Nouvelle-Orléans sont également concluants contre le système entier des banques libres. Eh bien! M. l'Orateur, y a-t-il quelqu'un dans cette enceinte qui nie être venu ici engagé à soutenir les banques libres ? Quant à moi, je me considère tenu moralement de voter pour ce bill. Le peuple a décidé la question ; tout ce qui nous reste à faire, c'est de donner une forme, un langage à leur vœu. Mais devons-nous adopter un bill qui doit seulement en apparence, et non en supstance, représenter cette idee? Aux termes de ce bill, il n'y a que deux sortes de bons qui soient admis comme devant servir de base aux opérations de banque D'abord les bons des Etats-Unis, puis les bons de l'Etat de la Louisiane Pense-t-on que nous puissions faire servir à cet objet les bons des Etats-Unis quand ils sont à une prime de 20 pour cent? Certes chacun reconnaîtra que, quelques sûrs que soient ces bons, personne ne consentira à s'en procurer à une si forte prime. Venons maintenant aux bons de l'Etat.

Chacun sait qu'on ne peut s'en procurer en quantité suffisante, et ceux même qui ont été émis sont, pour la plus grande partie, en pays étranger. Si nous ne donnons pas de plus grandes facilités que cela, nous établirons notre système de banques libres que nous sommes venus ici pour créer, sur une base trop fragile pour soutenir l'édifice. Nous n'aurons pas répondu au vœu du public. Quand on a proposé d'admettre les bons de la Nouvelle-Orleans, j'avais supposé que la question serait celle-ci : Sont-ils sûrs ? Je ne pensai pas qu'aucun sentiment sectionnel porterait les sénateurs à envisager la question sous un autre point de vue, ou les engager à proposer les bons de quelque petite ville pour tuer ceux de la Nouvelle-Orléans. Il y a quelques jours, un sénateur, auquel l'une de ces petites villes est redevable de ce genre de service, m'a dit qu'elle désirait faire abandon de sa charte pour se délivrer d'une dette qu'elle ne pouvait payer. Je ne supposais pas que le sénateur viendrait aujourd'hui proposer de mettre Bayou Sarah sur le même pied que la Nouvelle-Orleans.

M. Wickliffe—La ville de la Nouvelle-Orléans était en faillite il y a douze mois.

M. King—Non, Monsieur, la Nouvelle-Orléans n'a jamais été en faillite. En ce moment ses bons sont aussi sûrs que ceux de l'Etat Je puis même dire qu'ils le sont davantage. L'Etat ne peut être forcé à imposer une taxe pour racheter ses bons. Ses créanciers sont tenus de s'en rapporter à sa bonne foi, aussi bien qu'au pouvoir qu'il a de payer. Mais l'acte de consolidation force la ville à pourvoir au rachat de ses bons, et cet acte ne dépend pas, pour sa durée, de la volonté de la ville. La seule question est donc celle-ci : ces bons sont-ils convertibles immédiatement en espèces? Que l'on examine la question, et l'on se convaincra qu'ils peuvent être convertis en espèces sur demande. Ils sont actuellement au pair et ils pourraient demain être échangés pour de l'argent. Comment pourriez-vous donc les repousser? Vous savez que l'Etat réclame un système de banques libres, et les bons de la Nouvelle-Orléans sont indispensables pour rendre le système possible Voudrez-vous nous sacrifier à de mesquines rivalités? Permettrez-vous que des préventions sectionnelles viennent à l'encontre de l'accomplissement de vos devoirs? L'idée des banques libres deviendra une bulle qui, au moindre contact, crevera et se dissipera dans les airs, à moins que vous n'autorisiez l'Etat à émettre un plus grand nombre de bons, ou que vous n'acceptiez ceux de la Nouvelle-Orléans pour servir en partie de base aux opérations des banques. Ses bons sont excellents, ils sont convertibles en espèces, sa prosperité est identifiée à la prospérité de l'Etat. Entre elle et les campagnes, il y a unité et non antagonisme d'interêts. Elle paie [c'est ce que m'a dit le président du comite de finances] plus que la moitié des taxes d'Etat, et certainement c'est là un fait qui devrait rendre ses prétentions dignes de la faveur et de la considération.

M. Rivers—Le senateur veut-il expliquer comment ces bons sont garantis ?

M. King—Une clause de l'acte de consolidation déclare qu'il y aura un fonds d'amortissement et enjoint au Conseil de lever une taxe pour en payer l'interêt. Cet acte n'est pas révocable par la ville.

M. McCay—Je vais lire la section de l'acte de consolidation qui déclare que la ville de la Nouvelle-Or-

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léans sera responsable de la dette des anciennes municipalités. Cette dette est de neuf millions de piastres

Il lit la section.

Voyons maintenant de quelle manière il est pourvu au paiement de cette dette Il ne faut pas oublier que cette section ne s'applique nullement aux dettes contractees depuis l'adoption de l'acte.

Il poursuit la lecture.

On verra que tout acte, de quelque nature qu'il soit, est absolument nul, à moins que l'argent ne soit prêt pour payer l'intérêt de ces bons dont nous désirons maintenant faire la base des banques libres. Mais, poursuivons.

Il lit.

Il me smble que ces bons doivent être plus sûrs que ceux de l'Etat. Où et comment est-il pourvu au paiement des bons de l'Etat ? Nulle part et nous n'avons que l'obligation morale de les payer. La Nouvelle-Orleans, au contraire, est forcée par une section spéciale do l'acte de consolidation de payer les siens. Elle ne peut en décliner la responsabilité même si elle désirait le faire. Personne douterait-il que par une taxe speciale elle ne pût percevoir annuellement les $600,000 nécessaires ?

M. Wickliffe—La loi ne peut elle pas être révoquée?

M McCay—Oui, s'il en est de même de la loi des banques libres Mais cette correction ne pourrait affecter en rien les droits des particuliers.

M King—Je sais gré à mon collègue d'avoir lu la loi qui s'applique à ce cas. On voit que les bons de la Nouvelle-Orléans sont garantis par une loi qu'elle ne peut révoquer La Législature de l'Etat peut seule la révoquer. L'Etat n'est tenu que moralement de payer ses dettes ; mais pour la ville de la Nouvelle-Orléans, tel n'est pas le cas. Il y a pour elle plus qu'une obligation morale—il y a celle que la loi lui fait.

Qu'il me soit permis ici de dire aux sénateurs qui ont en toute bonne foi l'intention d'établir un système de banques libres, que s'ils ne le font pas, grand sera le mécontentement du peuple, et aussi grand encore il sera, si la loi que nous adoptons n'est qu'un semblant de loi au lieu d'une réalité. Si cet amendement n'est pas absolument nécessaire, du moins il ajoutera une nouvelle force à ce bill.

M Wickliffe —L'ardeur que mettent les sénateurs de Nouvelle-Orléans à la discussion de cette question, me fait l'effet d'une tempête dans un verre d'eau. D'après ce qu'ils ont dit, il semblerait vraiment que nous avons attaqué furieusement la ville de la Nouvelle Orléans. Cela est une erreur. Je n'ai fait aucune attaque contre la ville Je m'oppose à ce qu'on admette ses bons comme base de circulation parceque je considère qu'ils n'offrent pas une garantie assez grande Un sénateur pense que nous ne nous conformerions pas au desir du peuple si nous refusions l'amendement proposé par lui. Je dis, moi, qu'il n'a jamais été question de cela aux dernières élections, et qu'à cette époque on ne songeait guère aux bons de la Nouvelle-Orleans. Le senateur dit que la paroisse de Bayou-Sara est insolvable. S'il en etait ainsi, elle ne serait pas dans une condition pire que celle où s'est trouvee la Nouvelle-Orleans. Je desire seulement obtenir pour elle les mêmes avantages qu'il désire, lui, que nous accordions à la Nouvelle-Orléans, et je ne vois pas pourquoi il serait établi entr'elles aucune différence. Mais, dit-il, j'apprends que le peuple de Bayou-Sara desire renoncer à sa charte afin de s'affranchir de ses dettes

Je crois connaître la source à laquelle il a puisé ses informations; c'est d'un individu du nom de Niles qui tient cela, ce même Nicolas qui, par ses fraudes a mis la paroisses de Bayou Sara dans la position où elle est. Le senateur dit encore que les bons de la Nouvelle-Orléans sont aussi sûrs que ceux de l'Etat Est-ce vrai ? A-t-elle les mêmes ressources ? peut-elle payer autant et aussi bien que l'Etat souverain de la Louisiane ? C'est la qu'est toute la question. Il dit que la ville paie la moitié des taxes de l Etat : il n'en est pas ainsi.

M. King.—J'ai dit que j'avais appris cela d'un membre du comité de finance,

M. Wickliffe.—Peu m'importe la source à laquelle le sénateur a puise ses informations, mais il a bien certainement dit ce que je lui attribue. Je le répète, c'est une grande erreur. et si le sénateur veut se donner la peine de consulter les livres, il verra que la Nile Orléans reçoit plus de l'Etat qu'elle ne verse au Trésor. Il dit aussi que les bons de la ville sont parfaitement garantis, qu'ils sont parfaitement sûrs et qu'on peut y compter en toute certitude comme base des opérations de banque. Mais lorsque la taxe devient écrasante, lorsque le peuple est las de payer tous les ans une somme si considerable, combien il lui serait facile de requerir des representans de faire révoquer la loi! Nous savons tous l'influence que peut exercer la ville de la Nouvelle-Orleans dans la Législature, et si sa representation vient ici unanimement décidee à faire révoquer la loi, nous aurons toute la peine imaginable à contrebalancer son influence. Consultez l'histoire des Législatures en Louisiane, vous y trouverez la preuve de ce que j'avance. Je dois dire que je considère les bons de l'Etat de la Louisiane comme beaucoup plus sûrs que ceux de quelque corporation municipale que ce soit sur la terre.

M Short.—Depuis quelque temps, il n'est question que de banques libres, et j'ai tout lieu de croire que le peuple a eu le loisir se former une opinion à ce sujet. Bien des personnes se sont servies de l'expression et on leur a répondu sans que personne se comprit le moins du monde. Quelque temps après la crise commerciale de 1837 et 38, le peuple de l'Etat etait oppose à tout système de banque, quel qu'il fût. Il s'était brûle à ce feu, et vous connaissez le proverbe: «Chat échaudé craint l'eau froide » Il en résulta cette opposition inconsidérée à tout système de banque, opposition dont l'empreinte est marquee jusque dans la Constitution de 1845. Alors on essaya d'attenuer la repulsion que causait le mot de «banques» en y ajoutant le mot «libres » Cela reussit jusqu'a un certain point et aplanit beaucoup les difficultes que nous avions à surmonter avant de pouvoir faire accepter un système quelconque de banques.

Le sénateur de la Nouvelle-Orléans, M. King, dit que le peuple demande hautement l'etablissement de ce système. J'admets que lorsqu'un enfant a faim et qu'il demande du pain en pleurant, on doit lui en donner. Mais ce qui est un devoir dans un cas, ne l'est pas dans tous et souvent même notre devoir est de refuser énergiquement la demande de l'établissement des banques. Pourquoi ? Parceque la circulation n'est pas assez grande pour les transactions commerciales ordinaires.

Ici se présente la question d'établir une base qui soit sûre. Vous pouvez construire une colonne dont l'architecture et le style soient splendides, mais moi je désire voir et éprouver la base ; lorsque l'on me retrace en style imagé les beautes d'un système de banque, je désire voir sur quelle base il repose.

Je desire que ce que je disais soit bien compris de tous. En ce qui me concerne personnellement, je n'ai pas joint ma voix à celles qui demandaient des banques libres. J'irai plus loin Lorsqu' un système qui offrira toutes les garanties possibles sera presente, je voterai pour, je le soutiendrai autant que je pourrai. Je considère que le système des banques est très dangereux ; aussi, avant de l'adopter, je desire que toutes les précautions possibles soient prises pour que ses consequences soient moins à craindre.

Mais les arguments que j'avance, peuvent n'être pas suffisants ; je vais donc lire quelques extraits d'un livre ecrit après de longues et mûres reflections par un homme de beaucoup de talent.

Il lit ces extraits.

Réfléchissez bien à ce qui est dit ici. Imaginez quelles seraient les conséquences de l'adoption pour base de votre système, de ce qui ne peut être pris avec quelque doute que pour les prêts a courte échéance. Ce système la vient de New-York et l'on tente maintenant de le faire adopter en Louisiane où il n'est pas possible qu'il puisse être établi.

Considerez la chose en elle-même et cherchez à découvrir quelles en seront les consequences. Nous voulons un système de banques, mais pas un système de banques qui nous plongerait de nouveau dans un abyme de ruine et de calamite. Il y avait une fois un philosophe chinois qui avait imagine que le monde etait place sur le dos d'une tortue. Il pouvait demontrer que le globe pouvait reposer fort commodément sur cette base, mais lorsqu'il s'agissait de trouver sur quoi reposait la tortue, il se trouvait un peu embarrasse. Eh bien, nous nous disposons à prendre le credit pour base, au-dessus de ce crédit nous superposons du crédit et encore du crédit. Le système entier ressemblerait à une figure qui présenterait une très petite circonférence à sa base et au sommet très développé

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en forme de parasol. Il existe une sorte d'opérations de banques qui sont extrêmement sûres, lorsqu'elles sont confiées à des directeurs honnêtes. Je veux satisfaire aux besoins du peuple, mais pour cela je ne crois pas qu'il soit autant nécessaire d'avoir un système nouveau que d'avoir un système sûr. La question de nouveauté ne doit venir qu'après la question de sûreté.

En 1841, pendant la grande crise des banques d'ici et des compagnies par actions d'Angleterre et d'Ecosse [bien que cette crise ait été moins forte en Ecosse à cause du système de crédit individuel qui prevaut en ce pays] la question a été complètement éprouvée.

L'expérience de cette époque a convaincu les banquiers qu'une banque est en péril quand elle a fortement spéculé sur les fonds publics, les bons du Trésor &c. &c Une commission du Parlement fut nommé pour ouvrir une enquête sur ce sujet. Quel fût le résultat de leur examen! Que dans un pays commerçant, les lettres de change sont une meilleure garantie que le papier de l'Inde ou même les bons du Trésor.

(L'honorable représentant lit un passage du rapport de la commission.)

Je préfère donc une banque basée sur le principe primitivement avancé par Adam Smith; c'est-à-dire une piastre en espèces pour chaque deux piastres en circulation, et l'excédant garanti par des traites tirées sur des localités commerçantes solides et par des billets à courte échéance. Ce système est préférable à tout système de banque basé sur des effets publics et des bons.

M. Lacey—En traitant cette question, j'essaierai de montrer cette libéralité qui doit caractériser les opinions de toute personne qui prétend avoir des vues larges et pratiques sur les questions politiques. Je n'amoindrirai ni n'exagérerai les avantages de la mesure qui est en ce moment devant le Sénat. Je ne restreindrai pas mes vues de manière à ce que le système devienne incapable de fonctionner. Je ne les étendrai pas non plus de façon à y introduire le vague et le désordre. Je m'efforcerai d'être assez libéral pour pouvoir contribuer à satisfaire aux intérêts de la Louisiane. Non seulement parce que l'intérêt de l'Etat doit être notre premier soin, mais parce que je me dois à moi-même d'en agir ainsi pour rester conséquent avec moi-même. J'ai l'honneur d'appartenir au parti démocratique, je faisais aussi partie de la Convention qui a établi ce programme auquel le peuple de l'Etat a donné sa complète adhésion. Ce programme a été établi dans des vues larges et libérales. En ma qualité de membre de la Convention, je m'engageai à soutenir tout système de banque qui présenterait les plus grandes facilités en même temps que la plus grande sécurité. Tel est mon devoir pour rester d'accord avec moi-même, en politique, et je m'efforcerai d'être conséquent en politique comme dans mes relations personnelles.

J'étais d'abord résolu à n'accepter que des effets des Etats et de l'Etat. Mais les arguments du sénateur de la Nouvelle-Orléans et le parti qu'ils ont tiré de la loi de 1852 me portent à être en faveur des bons de la Nouvelle-Orléans Je ne désire pas soutenir un système basé simplement sur les bons de la Nouvelle-Orléans, bien que je les crois tout à fait supérieurs à ceux de Bayou Sara. Mais je ne suis pas opposé à l'admission des bons émis sous l'empire de la loi de 1852. Il est parfaitement clair que, par l'acte de consolidation, les taxes répondent du paiement de ces bons. Vous pourriez rappeler l'acte, cependant tous les bons émis sous l'empire de cette loi jusqu'au moment de son rappel, seraient garantis d'une manière absolue par les propriétés des contribuables, ou plutôt par les taxes de la Nouvelle-Orléans. Je ne connais pas de meilleure garantie que celle-là. Elle est meilleure même que les bons de l'Etat. Mais comprend-je bien l'acte de 1852? Je demanderai aux sénateurs de la Nouvelle-Orléans de me reprendre, si je fais erreur. Selon moi, aux termes de cet acte, la ville s'est obligée de prendre à sa charge les anciens bons émis par les différentes municipalités, et chaque année une taxe de $600,000 doit être imposée pour faire face aux intérêts a payer sur les nouveaux bons. On voit donc qu'il ne s'agit pas de prendre simplement les bons de la Nouvelle-Orléans, sans aucune garantie, mais bien des bons qui sont garantis par une loi qui ne peut être rappelée. Je crois que c'est là une base solide. Je ne crois pas que nous puissions raisonnablement demander une meilleure garantie. Je crois qu'il est convenable d'accepter ces bons, surtout lorsqu'on considère que sans ces bons, nous aurions si peu de facilité pour commencer un système de banque. A moins que vous n'étendiez les facilités, le système des banques libres deviendra un zéro, un rêve, une chimère. L'admission de ces bons est nécessaire aussi pour la Nouvelle-Orléans. Je suis fier de cette ville. Elle est la métropole de notre Etat. Sa prospérité a droit à tous nos vœux et à toutes nos sympathies. Je désire autant qu'aucun sénateur de la Nouvelle-Orléans, la voir grandir et prospérer. Mais il y a une chose sur laquelle je voudrais appeler l'attention. Supposez que des bons pour un montant de trois millions soient émis. La Législature pourrait rappeler la loi qui ordonne l'imposition de la taxe avant que ces bons fussent émis. Il s'en suivrait que le paiement de ces bons ne serait pas garanti par la caisse d'amortissement. Ce ne seraient alors que de simples bons, nullement garantis. Je propose donc cet amendement:

« Bien entendu toutefois, qu'en cas ou aucune partie du dit acte du 23 février 1852, serait rappelée, les bons émis après le rappel ne seront pas reçus.

Je vais me faire bien comprendre. Aux termes de la loi qui existe aujourd'hui, une taxe annuelle doit être imposée pour le paiement des bons. Mais si une partie de la loi est rappelée ceux qui seraient émis après ce rappel, ne seraient que de simples bons, dont le paiement ne serait pas garanti Je suis disposé à admettre les bons de la ville de la Nouvelle-Orléans, garantis comme ils le sont par l'acte de 1852; mais s'ils étaient privés de cette garantie, je me refuserais à les accepter comme base d'un système de banques libres. Appuyés sur cette caisse d'amortissement, les livres présentent une garantie aussi solide que toutes celles que l'on pourrait trouver n'importe où Ils sont basés sur les propriétés situées dans cette grande et florissante ville dont nous désirons tous la prospérité, à l'accroissement de laquelle nous sommes tous disposés à travailler chaque fois que nous pourrons le faire, sans porter atteinte aux intérêts des autres sections de l'Etat.

M. Lacey lit un passage d'un rapport officiel pour prouver la vérité d'une assertion faite par lui et contredite par M. Wickliffe.

M. Wickliffe.— Que reçoit la Nouvelle-Orléans?

M. McCay.— J'ai dit qu'elle payait la moitié des taxes de l'Etat. S'il convient à la Législature de faire retourner ces taxes tout entière à la ville, le fait reste toujours le même. C'est là une façon d'épiloguer que je ne comprends pas.

M. Wickliffe.— On se rappellera que j'ai dit que tel n'était pas le fait, en examinant le compte de balance l'on verra que la Nouvelle-Orléans reçoit plus qu'elle ne paie. Le sénateur dit qu'il ne comprend rien à cette façon d'épiloguer. Je puis lui dire que personne plus que lui n'a de facilités pour ce genre de discussion

M. Kenner.— Je pense que personne ne peut se compromettre en votant pour l'admission de ces bons. Nous ne devons certainement pas admettre comme base de la circulation des bons dont nous ne voudrions pas si nous avions à faire un placement. Mais je crois qu'il n'est personne ici qui ne fût plus disposé à placer son argent en bons de la ville que dans ceux de l'Etat. L'Etat a émis des bons en faveur de la compagnie de Desséchement. Que sont-ils devenus? Leur existence est à peine connue. Il a aussi emis les bons du chemin de fer de Nashville. Le chemin de fer a été vendu, il y a quelques années dans les rues de la Nouvelle-Orléans pour la valeur du vieux fer, et personne n'entend parler de bons. Il y a encore les bons du chemin de fer du Golfe du Mexique, les bons de la compagnie du Canal Barataria, Lafourche et d'autres semblables. Qui voudrait de semblables placements? Mais nous admettons que ce sont des bons sur lesquels nous pouvons, en toute sécurité, baser un système de Banques libres. D'un autre côté vous avez les bons consolidés de la ville de la Nouvelle-Orléans, garantis par un acte de la Législature. Cet acte peut-il être rappelé? Non. Les bons doivent être et seront payés par la Nouvelle-Orléans, à moins qu'elle ne répudie ses dettes. Est-il quelqu'un qui admette pour un seul instant que la Nouvelle-Orléans soit disposée à répudier sa dette. Il ne peut-être douteux que ces bons ne soient supérieurs à ceux de l'Etat, bien que ce fait ne soit pas extrêmement flatteur pour notre vanité.

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M. Short.— La question n'est pas si nous prendrons tels bons plutôt que tels autres, mais si nous en devons prendre aucuns.

M Kenner.— C'est là justement ce que je soutiens. Si vous dites que ni les uns ni les autres ne sont bons, vous devriez faire la proposition de refuser les uns et les autres.

M. Hodge présente l'amendement suivant, comme amendement après ceux de MM. Lewis et King.

Pourvu que tout banquier ou corporation établis d'après cet acte, ait en main en tout temps un montant en espèce égal à un tiers de sa circulation et qu'un manque à ce devoir soit considéré comme forfaiture à leur charte.

M. King—Le sénateur ferait mieûx de présenter cet amendement après le vote sur la question qui est maintenant devant le Sénat.

M Hodge—La raison qui me fait insister pour que l'on en vienne d'abord aux voix sur mon amendement, est que s'il est adopté, je voterai pour l'amendement du sénateur de la Nouvelle-Orléans ; s'il est rejeté, je voterai contre cet amendement. C'est au sénateur à décider pour lui-même la conduite qu'il doit tenir pour remplir ses devoirs envers le parti auquel il appartient. Je n'ai rien à y voir. Ma conduite ne peut être influencée par de semblables motifs. Je pense que l'objet que nous devons surtout nous proposer dans la recherche du système qui devra être adopté, est d'abord la garantie complète donnée aux détenteurs de biens, aux personnes qui peuvent devenir possesseurs des billets émis par une banque. Il est absolument nécessaire qu'elles soient garanties contre toute perte. Ensuite, le second objet que nous devons rechercher, c'est de fournir des moyens qui facilitent les opérations de banque, chose dont le besoin se fait fortement sentir. Bien que je puisse admettre que les bons de l'Etat et les effets sur les Etats-Unis ne forment pas une base suffisante, cependant je ne suis pas disposé à accepter aucune autre base que je ne croirai pas parfaitement solide, à moins que l'amendement que je propose ne soit adopté. La meilleure garantie qui puisse exister, c'est un fonds continuellement en réserve d'espèces, équivalant à un tiers de la circulation. L'expérience a prouvé la solidité de cette base. Elle est démontrée par l'histoire des banques, démontrée aussi par les opérations journalières des banques qui fonctionnent aujourd'hui. Je suis donc en faveur de cet amendement. Je ne pense pas qu'il impose des restrictions injustes aux banquiers : que l'on veuille ou non placer son capital dans ce genre d'actions, peu m'importe. On fera ce placement, si on le juge avantageux. Le grand point pour moi c'est la protection des détenteurs de billets. Je n'appuierai aucun système qui ne garantisse pas cette protection Je ne pense pas que le sénateur de l'Ascension, Mr. Konner, soit dans le vrai lorsqu'il dit que la question est de savoir si on voudra prendre tel ou tel stock. La question, je le repète, est de protéger les individus qui seront porteurs des billets de banque. J'ai entendu avec surprise avancer que les bons de la Nouvelle-Orléans sont préférables à ceux de l'Etat. La Nouvelle-Orléans n'est qu'un élément constitutif de l'Etat. Ses ressources et sa richesse ne sont qu'une partie des ressources et de la richesse de la Louisiane. Les propriétés que l'on dit être affectées à la garantie de ses bons sert déjà de gage pour le paiement de la dette de l'Etat. Puisque le sénateur fait si bon marché de certains bons contre lesquels l'opinion publique s'est élevée, je le renverrai à cette disposition de la Constitution, qui les relève de l'abjection où ils étaient tombés et pourvoit à leur paiement. Mais assez parlé de ces bons, je ne suis en faveur ni des uns ni des autres.

Je suis arrivé à la conclusion que la seule base sûre ce sont les espèces. C'est là quelque chose de substantiel, sur quoi l'on peut compter, ce n'est pas une simple preuve de l'existence d'une dette dont le paiement à venir reste incertain.

M. Short—Il me semble que l'amendement propose, est, quant à ce bill, une tentative de mêler deux systèmes entièrement antipathiques. Si vous exigez, une réserve en espèces qui doive rester dans les voûtes de la Banque, vous rendez le système impraticable C'est exiger trop. Vous demandez qu'on achète des effets publics pour les faire servir pour les faire servir de garantie, puis vous demandez comme garantie additionnelle qu'on enfouisse dans les voûtes une autre partie de son capital. Ce serait le coup de mort porté au système de banques libres.

M. Kenner—Je pensais avoir prouvé à tous les membres du Sénat que si le bill n'était pas parvenu, du moins il avait cherché à garantir les détenteurs de billets. Il y avait deux systèmes devant le comité, L'un fondé sur la base des espèces, l'autre sur la garantie individuelle des actionnaires jusqu'à concurrence du double de leurs actions. ainsi qu'il est réglé par la 24me section. Quelle est la nature de l'amendement présenté par le sénateur de Caddo ? (M. Hodge) Le voici : Si une banque a cent mille piastres de circulation, elle doit toujours avoir en réserve $33,000 où elle perd sa charte. Ce serait là assez pour que n'importe qu'elle Banque perdît sa charte au bout de cinq mois. Le bill qui est devant le Sénat rend les actionnaires responsables jusqu'à concurrence du double du montant de leurs actions. Cette disposition est prise du système Ecossais, bien que le principe en soit peu appliqué ici dans toute son étendue, car, en Ecosse, les actionnaires sont responsables jusqu'à extinction de tout ce qu'ils possèdent. L'application de ce principe a pour resultat que les banques Ecossaise sont toujours prospères. Elles ont résisté aux convulsions qui ont englouti d'autres banques, et conservé leur crédit aux époques les plus désastreuses. Les actionnaires ayant toute leur fortune engagée dans la banque, dépendant de la prospérité et de la stabilité de cette institution, agissent avec la plus grande prudence, la plus grande circonspection. Entre ces deux systèmes nous avons pris un terme moyen. Nous avons pensé qu'après avoir exigé que les banques déposâssent un montant d'effets publics égal à leur capital tout entier, et qu'ils fussent responsables jusqu'à concurrence du double du montant de leurs actions, nous avions établi une garantie aussi bonne que possible. Je le demande au Sénat : cette garantie n'est-elle pas préférable à celle que voudrait nous faire accepter le sénateur de Caddo ? (M. Hodge) En qualité de membre du comité, j'appellerai l'attention du Sénat sur d'autres garanties données par le bill. Du moment qu'un billet est protesté, tout ce que la Banque possède devient le gage des détenteurs de billets; un protêt de l'un des billets équivaut au protêt de tous les billets. Si avec toutes ces garanties le système n'est pas assez sûr, je ne sais pas ce que l'on peut demander.

M. Hodge—Quelle est aujourd'hui la position des banques ?

M. Kenner—Elles sont tenues d'avoir en réserve un tiers en espèces, mais la loi ne porte aucune clause pénale suffisante pour les forcer à le faire.

M. Boatner—Le bill lui-même n'exige-t-il pas que les paiements soient faits en espèces ?

M. Kenner—Oui, monsieur.

M. Boatner—Pourquoi donc alors s'opposer à l'amendement.

M. Kenner—Je vais l'expliquer. Si un individu se présente à la Banque avec un billet et qu'on lui en refuse le paiement, il le faut protester, les intérêts commencent alors à courir à 12 pour cent par an. Si je m'oppose à l'amendement c'est parce que je le crois impraticable. A 9 heures du matin le montant d'espèces exigé pourrait être en réserve et en une demi heure avoir disparu.

M. Hodge.—Le Sénateur dit qu'à 9 heures il pourrait y avoir cette reserve d'un tiers en espèces, et qu'elle pourrait avoir été épuisée en une demi-heure. Mais d'un autre côté, supposez qu'une personne se présente à la banque avec de ces billets pour la valeur de 75,000 piastres et qu'elle demande des espèces en échange de ces billets, à coup sur il faudrait la satisfaire, autrement la banque devrait renoncer à ses privilèges. Quelle est donc la différence en principe. Si le Sénateur veut bien y prendre garde, il verra que son raisonnement est faux. Il verra que même si la banque n'est pas forcée d'avoir une réserve d'un tiers en espèces, cependant si elle a plus de circulation que d'espèces, elle est exposée à perdre d'un moment à l'autre sa charte d'incorporation. J'appellerai l'attention du Sénat sur une autre disposition importante. Au premier abord, il pourrait sembler inutile après avoir forcé les banquiers à acheter des effets publics pour en faire la garantie de leurs opérations, d'exiger d'eux encore qu'ils aient une réserve en espèces comme garantie additionnelle. Mais, après tout, ce n'est pas trop demander. Quand ils achètent ces

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bons et les déposent, ils reconnaissent six pour cent d'intérêt sur leur montant. Supposant que leurs profits ne soient que de six pour cent, leur gain total serait de douze pour cent. S'ils font leurs prêts à huit pour cent, ce qui est loin d'être un taux élevé, ils feront 14 pour cent. Même, si nous les forçons d'avoir toujours une réserve d'un tiers en espèces vous leur laisseriez (retranchant l'intérêt à 8 pour dent sur cette réserve d'un tiers) un profit de 9 1|3 ou de 11 1|3 selon que leurs prêts seront faits à 6 ou 8 pour cent, ce qui est un profit beaucoup plus considérable que celui que les banques actuelles retirent de leur capital. J'insiste sur mon amendement.

Les débats se poursuivent encore quelque temps, puis la question est renvoyée jusqu'à demain.

MESSAGE ENVOYÉ A LA CHAMBRE.

Le secrétaire informe la Chambre que le président a signé les actes suivants :

Acte pour venir au secours de Samuel Patterson.

Acte pour venir au secours de Hall Frazier, mulâtre, applicant pour sa liberté, de la paroisse de Claiborne.

Acte pour changer le nom de Suzanne Virginie Haden.

Et il demande le concours de la Chambre pour les actes suivants :

Acte pour amender un acte intitulé « Acte pour fixer le temps pour faire les ventes de Shérifs et de Coroners et pour d'autres objets » approuvé le 5 mars, 1852.

Acte pour amender l'article 1264 du Code Civil.

Acte intitulé Acte pour autoriser le Recorder dans et pour la paroisse de Carroll à nommer un député, et une

Résolution conjointe adressée au Congrès concernant l'érection d'un hopital de marine dans le district du Têche de la Louisiane.

Et que le Sénat a donné son concours à l'acte suivant en l'amendant.

Acte pour canaliser et dessécher les terres marécageuses et inondées; données à l'Etat de la Louisiane par l'acte du Congrès intitulé « Acte pour aider l'Etat de la Louisiane dans le dessèchement de ses terres marécageuses » approuvé le 2 mars 1849.

Que le Sénat a adopté un substitut à un acte intitulé :

Acte pour amender un acte pour consolider la ville de la Nouvelle-Orléans et pour pourvoir au gouvernement et à l'administration de ses affaires, approuvé le 23 fevrier 1850.

Que le Sénat a adopté un substitut à un acte intitulé « Acte pour venir au secours des personnes possédant des certificats d'entrée sur les terres marécageuses, émis par les officiers du bureau des terres des Etats-Unis subséquent au 2 mars 1849, et avant le 17 mars 1850.

Et que le Sénat a donné son concours aux actes suivants, intitulés :

Acte pour les appropriations et le remboursement de certaines sommes d'argent payées pour des warrans des terres des écoles.

Acte pour amender la 17me section d'un acte pour prescrire la manière de disposer des terres, dont les taxes n'auront pas été payées.

Et que le Sénat demande le concours de la Chambre pour les actes intitulés : Acte pour venir au secours de l'Hôpital de Charite.

Acte pour amender l'article 1264 du code civil et une résolution adressée au Congrès concernant l'hôpital de marine dans le district du Têche de la Louisiane.

BILLS ADOPTES.

M. Wickliffe présente un acte émancipant Charles Johnson, de la paroisse Ouest Feliciana.

M. Slark présente un acte intitulé :

Acte pour autoriser le maire et le conseil municipal de la ville de Plaquemines à faire un certain canal.

M. King demande la prise en considération d'un acte intitulé : Acte autorisant les procédures pour forcer les débiteurs quand jugement aura été rendu, à déclarer leur propriétés.

M. Sbort demande la prise en considération d'un bill intitulé : Acte pour venir au secours de William L. Knox.

MERCREDI, 30 mars 1853.

Une communication de la Banque de l'Etat de la Louisiane est déposée devant le Sénat. La communication porte qu'un rapport prétendu de la Banque a été publié dans les journaux, mais que ce document n'a pas été fourni par la Banque.

M. Clifton donne les explications suivantes: Une circulaire avait été préparée dans l'intention qu'elle fut envoyée à toutes les banques. Par suite d'une erreur, cette circulaire n'a pas été envoyée à la Banque de l'Etat. Il y a lieu de croire cependant qu'elle lui est parvenue. Il fait la motion que la communication soit imprimée et annexée au rapport du comité.

La motion est adoptée.

M. King, du comité spécial auquel avait été référé un acte provenant de la Chambre et intitulé : Acte pour prendre le cens de l'Etat, rapporte comme suit :

A l'honorable W. W. Farmer, Président du Sénat.

La majorité du comité auquel avait été référé un acte pour prendre le cens de l'Etat, rapporte qu'il considère les dispositions de cet acte insuffisantes pour prendre le cens de la ville de la Nouvelle-Orléans.

La clause, dans la cinquième section, autorisant les assesseurs de la Nouvelle-Orléans a employer des assistants pour faire le recensement, est introduite par ce que d'après des représentations faites par ces assesseurs, qu'ils pouvaient à peine perdre le temps nécessaire pour faire ce recensement.

Il y a grand danger que l'ouvrage ne soit pas aussi bien fait par les assistants que par les chefs, sur qui retombe la responsabilité entière De plus il est possible, d'après les dispositions de cet acte, aux assesseurs de se faire un beau profit, en donnant ailleurs le soin de faire le recensement. Si une pareille chose arrivait, cela serait au détriment des intérêts de la ville. Le recensement ne se ferait que dans les endroits où il est facile de le faire, laissant de côté ceux qui sont difficiles. La conséquence en est que la ville perdrait une partie de sa juste représentation. De plus, il est raisonnable que ceux qui font l'ouvrage en aient la paie. Cela ne peut être qu'en nommant des personnes expressément pour ce but, en leur allouant des émoluments

Pour ces raisons, le comité recommande un changement dans la manière prévue pour faire le recensement de la Nouvelle-Orléans. Cela pourrait s'effectuer en adoptant l'amendement et la section additionnelles suivants:

Dans la 1re section de l'acte imprimé, 2me ligne après le mot « Etat » d'insérer « excepté dans la paroisse d'Orléans. »

Dans la cinquième section, après le mot « énuméré, » dans la 3me ligne d'effacer tous les mots jusqu'à « ladite compensation » dans la 1re ligne.

D'insérer la section suivante qui sera appelée la 9me section, et changer la 9me en 10me.

Sect. 9me. Il est de plus décrété &c; Que le recorder du premier District de la Nouvelle-Orléans nommera trois assesseurs pour faire le recensement de ce District. Le recorder du second District devra en nommer deux pour faire le recensement de ce District. Le recorder du troisième District deux pour faire le recensement de ce District. Le recorder du Quatrième District un pour ce District; et le jury de police de la partie de la paroisse d'Orléans située sur la rive droite du fleuve un pour ce District.

Le District que chaque assesseur devra assesser lui sera particulièrement assigné, là ou plus d'une personne sera nommée pour tout District de la ville.

Lesdits assesseurs pour faire le recensement quand ils seront ainsi nommés devront remplir tous les devoirs qui sont assignés par cet acte aux autres assesseurs, qui pourront faire le recensement, ils devront avoir les mêmes droits et pouvoirs, ils recevront les mêmes émoluments et seront sujets aux mêmes pénalités, et en tout se conformeront à cet acte pour faire le recensement, ils prêteront aussi le serment prescrit par la constitution pour la fidèle exécution de leurs devoirs.

(Signé) WM KING,
Président du Comité.

(Signé) TH. J. McGAY,

Sur motion, ce rapport est lu et est ordonné à l'impression.

M. Barthe du même comité soumet le rapport suivant comme rapport de la minorité, lequel est lu et est ordonné à l'impression en même temps que celui de la majorité.

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Le soussigné, membre du comité auquel avait été référé l'acte intitulé : « Acte pour faire le recensement de l'Etat » demande la permission de rapporter ce qui suit comme rapport de la minorité.

S'il est vrai comme le dit la majorité du comité que des assistants assesseurs ne pourraient remplir les devoirs de leur place aussi bien que des assesseurs en chef dans la ville de la Nouvelle-Orléans, la seule conclusion que l'on puisse tirer de ce fait est qu'il serait nécessaire d'avoir un nombre d'assesseurs principaux pour la ville de la Nouvelle-Orléans, suffisant pour accomplir fidèlement cet ouvrage.

Mais le soussigné ne peut voir par quel raisonnement le comité arrive à cette conclusion que parce que des assistants assesseurs seraient insuffisants, il convient de confier la nomination des assesseurs aux recorders pour la Nouvelle-Orléans, tandis que dans tout l'Etat les assesseurs sont élus par le peuple. Aucune raison, bonne ou mauvaise, n'est donnée par la majorité du comité pour faire adopter une telle censure qui mettrait la nomination d'officiers d'Etat entre les mains d'une autorité municipale et laisserait par conséquent les assesseurs sous le contrôle de ladite autorité.

C'est pourquoi le soussigné recommande que la 5me section de l'acte pour prendre le recensement de l'Etat soit amendé de manière que le nombre des assesseurs pour la ville de la Nouvelle-Orléans soit augmenté de ——— assesseurs, lesquels seront élus par le peuple et devront remplir les mêmes devoirs et recevront la même compensation que les autres assesseurs.

(Signé) VICTOR BURTHE.

Le bill du recensement est pris en considération et adopté avec quelques amendements.

AFFAIRES NON TERMINEES.

BILL DES BANQUES.

Le Sénat prend en considération le bill ayant pour objet d'autoriser les banques dans l'Etat de la Louisiane.

M. Hodge présente l'amendement suivant à l'amendement de MM. Lewis et King, dans la 8me section : Pourvu que chaque banquier ou compagnie de banque faisant les affaires en vertu de cet acte, ait en mains en tout temps, en espèces, un montant égal à un tiers de ses ou de leurs billets en circulation ; et si à n'importe quel temps le montant des espèces tombait au-dessous du nombre proportionné des billets en circulation, comme il est pourvu par le présent, et reste ainsi pendant l'espace de dix jours. Il ne sera pas légal après cela pour le dit banquier ou compagnie de banque de faire un emprunt ou d'escompter quoi que ce soit, jusqu'à ce que sa ou leur position soit rétablie suivant les termes prescrits par le présent.

Cela est adopté.

L'amendement de MM. King et Lewis est ainsi conçu :

Ou bons de la dette consolidée de la ville de la Nouvelle-Orléans, autorisés et assurés par la 37me section de l'acte pour consolider la ville de la Nouvelle-Orléans et pour pourvoir à l'administration et au gouvernement de ses affaires. Approuvé le 23 février 1852

Pourvu cependant, qu'en cas qu'une partie du dit acte du 23 février 1852 soit rappelée, que les bons emis après ce rappel ne seront pas reçus en vertu de cet acte.

L'amendement de M. Hodge est adopté.

M. King—Je dirai au Sénat qu'hier, en examinant ce sujet, j'ai trouvé dans le bill de consolidation pour la ville de Lafayette une clause qui exige qu'une taxe additionnelle de $50,000 soit levée, ce qui mettrait à $650,000 le montant total de la taxe annuelle, et cette taxe est établie par une loi qui ne peut être rappelée.

M. Martin—C'est là une affaire de chiffres entièrement. Que le sénateur de la Nouvelle-Orléans calcule et il verra qu'il faudra $540,000 pour payer l'intérêt, et que ce qui restera ne sera pas suffisant pour payer les bons.

M. Short—J'ai peu de chose à ajouter à ce que j'ai déjà dit. Je suis opposé à la clause relative à la réserve en espèces présentée par le sénateur de Caddo (M. Hodge). Je voterai pour n'importe quel bill que je croirai présenter les garanties suffisantes. Je ne suis pas certain que je voterai pour un bill qui admettra comme base les bons de la Nouvelle-Orléans, mais je voterai certainement contre tout bill qui contiendra la clause de la réserve en espèces. Personne n'ignore que quand une banque est forcée d'avoir une aussi grande réserve en espèces, cette réserve devient un capital mort. C'est autant de capital retiré de la circulation, c'est autant de capital qui ne porte aucun intérêt.

J'adresserai au sénateur une question. Ces bons n'ont-ils pas déjà été emis ?

M. King—Une partie a été émise.

M. Short—Alors la totalité ne vaut guère plus qu'un fétus.

M. Kenner—Une partie a été émise, mais il en reste beaucoup à émettre. Ces bons ne sont donc pas aussi insignifiants que le prétend le sénateur. C'est de bel et bon argent.

L'amendement, avec le sur-amendement, est adopté.

M. Martin fait la motion d'insérer dans la 8e section, après les mots Etats-Unis, dans la 3e et la 4e ligne, les mots « ou de toute corporation municipale ou de tout jury de police de cet Etat.

M. Martin—Je suis persuadé que la majorité du comité sera en faveur de cet amendement, attendu que ces bons sont certainement supérieurs à la garantie donnée par les bons et l'hypothèque ainsi que le portait le bill lorsqu'il est sorti des mains du comité.

M. Derbès.—Je ne vois pas aucune raison qui milite en faveur de cet amendement. Il ne peut conduire qu'à une perte de temps. Le sénateur parle de la solidité de ces bons. Il devrait se rappeler que les bons de la Ville de la Nouvelle-Orléans sont garantis par un gage équivalent à une valeur de $80,000,000 en propriétés. Quand il pourra nous démontrer que la même valeur en propriété sert de gage au paiement des bons des juris de police, je ne soulèverai aucune objection contre son amendement, mais je pense et je déclare en toute sincérité que la proposition du sénateur ne peut que nous faire perdre notre temps.

M. Martin.—Le sénateur se trompe s'il suppose que dans la campagne il n'y a pas de propriétés pour servir de gage à ces bons. La Législature de l'année dernière a passé une autre loi imposant une taxe sur les actes hypothécaires. Ces effets sont aussi solides que les bons de la Nouvelle-Orléans. La ville, dit-on, a pour $80,000,000 de propriétés. Les opinions varient sur ce point ; quelqu'un m'a dit que ces propriétés s'élevaient à $140,000,000. Mais, admettant les 80 millions, il faut encore se rappeler qu'elles sont hypothéquées par une dette qui avait entraîné la faillite de la ville. Les bons de la ville sont simplement la preuve d'une dette ancienne qui n'a jamais été payée. J'ai la satisfaction de représenter une paroisse qui n'a jamais été en faillite. Si elle désire émettre des bons pour des chemins de fer et d'autres travaux d'améliorations intérieures, ces bons seront aussi propres que ceux de la ville à servir de base aux spéculations de banque. Si nous nous lançons dans ce système qui n'est autre chose qu'une légalisation de la fraude, je désire que ma paroisse ait autant de chance qu'une autre. Je ne vois pas pourquoi on établirait des distinctions odieuses. Tout le système est pourri, et l'expérience le prouve d'une manière concluante. Mais si nous devons l'adopter, donnons à toutes les paroisses autant de chances d'en profiter. C'est le même système que celui qui prévaut à la Nouvelle-Orléans—un système de fraude et de vol légalisés.

La 8me, la 9me et la 10me sections sont adoptées.

M. Martin fait la motion d'effacer de la 10me section et de la 8me ligne le mot : « trente » et d'y substituer le mot « trois. »

M. Martin.—Je ne vois pas pourquoi l'on accorderait trente jours, quand le travail peut être fait, et aussi bien, en trois jours,

M. Kenner—J'espère que le sénateur n'insistera pas sur sa motion. Il est évident que la plupart des banques qui doivent être établies sous l'empire de cette loi auront des bureaux à la Nlle-Orléans, tandis que l'Auditeur est établi ici. Trois jours seraient beaucoup trop peu.

M. Martin.—Que le banquier prenne un bateau rapide et vienne à Bâton-Rouge, il verra que trois jours sont plus que suffisants.

La motion est déposée sur le bureau.

M. Martin—Je fais la proposition alors d'insérer 90 jours, au lieu de 30, afin qu'il y ait tout le temps de faire deux ou trois faillites.

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Cette motion est aussi déposée sur le bureau.

La 11 et le 12e sections sont adoptées.

M. Boatner fait la motion d'effacer de la 13e section, 9e ligne, le mot cinquante, et d'y insérer cinq cents; cette motion est repoussée.

M. Boatner.—Je voudrais adresser quelques questions au sujet de cette section. Quand l'endossement sur le refus de paiement d'un billet est refusé, je voudrais savoir à qui la pénalité revient, et à l'instance de qui le procès doit être institué.

M. Kenner.—J'avoue que ce point n'a pas frappé le comité. La remarque du sénateur est fort juste.

M. Boatner.—Je fais la motion de changer le montant de la pénalité et de le fixer à $500 au lieu de $50.

M. Kenner.—Ce serait beaucoup trop fort. Cinquante piastres paraîtront suffisantes, si l'on considère que la pénalité est encourue pour chaque billet présenté. Si nous la fixons à $500, la somme deviendra si énorme qu'il serait impossible de la payer. Par là nous détruisons notre propre ouvrage.

M. Boatner.—Je pourrai répondre que la somme de $50 est si faible que ce ne serait pas ce motif qui pourra décider n'importe qui à instituer une action. Pour que le motif soit puissant, il faut que la somme soit assez forte. Beaucoup de personnes qui seraient disposées à instituer une action pour $500 ne voudraient pas se donner cette peine pour $50.

M. Short.—La pénalité n'est pas encourue par un simple protêt. Elle n'est encourue qu'en cas de refus de mettre l'endossement requis sur le billet. L'objet de la pénalité est de prévenir ce refus. Il est plus d'un banquier qui consentirait à payer les $50 pour éviter le protêt et gagner du temps. Je pense que la pénalité devrait être plus élevée qu'elle ne l'est dans le bill.

M. Kenner.—Je ne ferai que quelques observations sur ce sujet. Il est vrai que la pénalité n'est recouvrable qu'en cas de refus d'endosser le bill et non en cas d'un simple protêt lorsque l'endossement a eu lieu. Mais il faut se rappeler que chacune des piastres du capital de la banque est affectée au rachat de ces billets. C'est là une garantie suffisante pour les détenteurs de billets. Le sénateur dit qu'un banquier aimerait mieux payer $50, que de voir ses opérations arrêtées. Cela peut-être vrai en théorie, mais n'a pas d'application ici. Car en admettant cette assertion, un homme pourrait présenter de cinq minutes, en cinq minutes, un nouveau billet et se faire payer à chaque fois par la banque, ce qui deviendrait un peu coûteux pour elle. Je crois que $50 sont tout à fait suffisantes pour l'objet que l'on se propose.

La motion d'insérer $500 est perdue.

M. McCay.— J'ai des objections contre cette section du bill. Je trouve qu'elle donne à l'auditeur des pouvoirs judiciaires, et je ne saurais y consentir.

M. Kenner.—Il y a beaucoup de force dans l'objection du sénateur, mais je ne pense pas qu'elle soit entièrement fondée. Il est évident qu'il doit y avoir un protêt. Le moyen adopté dans le bill du Sénat est bien supérieur à celui du bill de la Chambre. Le bill de la Chambre force celui qui veut faire protester d'aller trouver un notaire et il doit payer les frais du protêt. Cela n'est pas juste. Il ne doit pas payer les fautes de la banque. Et puis pour faire des lois pour créer des frais additionnels en faveur d'un officier, quand le même travail peut être aussi bien fait par la banque, par le banquier lui-même, sans qu'il en coûte un sou de frais.

M. McCay—Je fais la motion de retrancher cette portion de la section qui donne à l'Auditeur le droit de décider quand la banque a une défense légale à opposer à la demande du paiement.

M. King—Je m'oppose à ce que cette clause soit retranchée; si nous l'effaçons, la forfaiture de la charte d'une banque en cas de protêt deviendra irrévocable. Dès qu'une banque refusera de payer, qu'elle ait ou non une défense légale, il faut qu'elle ferme. Supposez par exemple que le bill présenté est contrefait.

M. Kenner—S'il est contrefait, ce n'est plus un billet de banque.

M. King—En bien! supposez qu'il ne soit pas contrefait, mais que le banquier pense qu'il l'est, et qu'il ait de bonnes raisons de le croire. De pareils cas se présentent presque tous les jours: quelquefois il est impossible que la banque dise si un billet présenté est ou non l'un de ses propres billets.

Un banquier aurait certainement le droit de refuser le paiement en pareil cas. Cependant s'il le faisait dans l'absence d'une pareille disposition, il ne pourrait faire valoir aucune défense; il faudrait qu'il fermât sa banque, qu'il arrêtât ses opérations, et le décret serait irrévocable.

La motion est adoptée.

M Palfrey présente l'amendement suivant à la 13e section, après les mots: « juridiction compétente, » dans la 10me ligne, insérer « une moitié revenant au propriétaire du billet et une moitié à l'Etat. »

M. Mc Cay présente l'amendement suivant à la même section: après le mot « auditeur, » dans la 13e ligne, effacer tout jusqu'à la fin de la section et mettre à la place « devra procéder à l'avertissement pour vendre à l'encan public dans la ville de la Nouvelle-Orléans, les billets ou bons déposés entre ses mains par le signataire ou les signataires des dits billets protestés, et le jour de la vente, lequel ne sera pas moindre de trente jours à partir du jour de l'avis, et le dit avis aura été publié au moins deux fois par semaine dans deux journaux quotidiens imprimés à la Nouvelle-Orléans. »

Après avoir déduit les dépenses des dits avertissements et vente, il devra appliquer les produits de la dite vente au rachat *pro rata* de tous les billets en circulation ou non protestés, faits et mis en circulation par le signataire ou les signataires des dits billets protestés. Pourvu que rien dans cet acte ne soit considéré comme donnant aucune sûreté où promesse de la part de l'Etat, de faire aucun paiement indépendemment de la fidèle application des dites sécurités déposées entre les mains de l'auditeur.

M. Short fait la motion d'insérer les mots: « sans renonciation au bénéfice d'estimation »

M. Short—Je donnerai les raisons qui m'ont porté à présenter cet amendement. Il arrive souvent qu'un homme, se trouvant embarrassé, s'adresse à l'une de ces corporations pour obtenir un prêt. Il hypothèque sa propriété, et dans l'acte hypothécaire la banque stipule que l'emprunteur renonce au bénéfice de l'estimation. Cette clause a pour effet d'écarter les autres créanciers. En poursuivant ce système, les corporations ont fini par entourer comme d'un réseau un grand nombre de propriétaires de la campagne. Quand un jugement est obtenu, la banque se présente, obtient un ordre de vente, met sur la propriété un prix tout juste suffisant pour couvrir sa créance; et, à l'aide de la renonciation dont elle s'était assurée à l'avance, les créanciers ordinaires ne peuvent rien obtenir.

Je désire donc empêcher que les corporations ne puissent introduire cette clause dans leurs actes hypothécaires. Je sais que ce moyen est fort usité dans les contrats passés d'individu à individu mais les particuliers n'en ont jamais abusé, que je sache, tandis qu'à ma connaissance il a donné lieu à de grands et fréquents abus de la part des corporations. Je ne parle pas sur des idées préconçues, mais sur une connaissance personnelle des faits. Je sais que quelques-unes de ces corporations apportent une grande circonspection dans les prêts qu'elles font, et passent rarement un contrat sans y introduire une clause de ce genre. A l'aide d'un arrangement particulier fait avec l'emprunteur, la propriété doit revenir au débiteur aussitôt que la dette est payée. Jusque là elle reste entre leurs mains. Ce système offre beaucoup d'inconvénients. Il est injuste et préjudiciable aux créanciers ordinaires et je désire qu'il disparaisse. Je ne veux pas voir donner à ces corporations tant d'avantages, en outre de ceux qu'elles possèdent.

M. Kenner—L'amendement du sénateur tendrait à priver la banque ou le banquier d'un droit dont jouissent tous les particuliers; le bill n'accorde à un banquier aucun privilége exorbitant; il ne lui donne aucun pouvoir qui sorte du droit commun. J'espère que le sénateur ne retirera pas un droit ordinaire à un homme qui, après tout, n'est qu'un simple individu.

L'amendement est adopté.

La 13me section est adoptée avec cet amendement.

Les 14 et 15me sections sont adoptées.

Sur motion de M. Kenner, les mots entre guillemets dans la troisième ligne (« payable au porteur ») sont effacés de la 16me section et cette section est adoptée telle qu'amendée.

Les 17, 18 et 19me sections sont adoptées.

Sur motion de M. Lacey, le mot (« seulement ») est inséré dans la 20me section et 3me ligne, après le mot,

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«maison de banque» et à la fin de la dite section, les mots «seulement à la place où la banque est domiciliée à moins qu'il en soit autrement autorisé par cet acte.»

Sur motion d'adopter la 20me section telle qu'amendée, M. Martin demande qu'elle soit déposée indéfiniment sur le bureau.

La motion du dépôt sur le bureau est rejetée et la section 20me est adoptée.

Les sctions 21 et 22me sont adoptées.

M. Lacey fait la motion d'insérer dans la 23me section, 2me ligne le mot «même» après le mot «lui.»

La 24me section est alors prise en considération.

M. Lewis présente un amendement qui ne rend les actionnaires responsables que jusqu'à concurrence du double du montant des actions non payées.

M. King—Je désire dire quelques mots en faveur de l'amendement présenté par mon collègue. Nous sommes à la veille de faire l'expérience d'un système de banques libres. Déjà à sa naissance ce système est attaqué avec tant de virulence que l'on se demande si son existence sera possible. Nous avons tout lieu de croire que les corporations existantes, ayant des chartes spéciales sont effrayées pour le monopole dont elles ont joui jusqu'ici et regardent d'un œil jaloux les tentatives faites pour leur donner des rivales; nous sommes convaincus qu'ils opposeront toutes sortes d'obstacles à nos travaux.

Donnez à ce système la même chance qu'à ces anciennes corporations, placez-les sur le même pied, ne cherchez pas à l'entraver et à le restreindre d'une façon qui l'empêchera de fonctionner. Le bill tel qu'il est présenté par le comité, rend les actionnaires responsables jusqu'à concurrence du double de leur souscription d'actions. Cette clause ne se trouve dans aucune charte de banque. Dans ces chartes la responsabilité de l'actionnaire est limitée au montant des actions possédées. Si le montant entier des actions n'est pas paye, ils sont responsables jusqu'à concurrence du montant qui reste encore à payer et rien de plus. Si un homme désire placer son argent dans les opérations de banque, ne préférera-t-il pas engager son capital dans une banque où il ne peut perdre plus qu'il n'y a mis positivement, plutôt que de le placer dans une entreprise où il peut perdre le double? Si cette disposition n'est pas changee, personne ne voudra s'engager dans le système des banques libres. Il en est de ce système ici comme dans l'Etat de l'Alabama. Là une loi générale pour la création des banques libres existe depuis plusieurs années, et pas une banque ne s'est formée sous l'empire de cette loi. La même chose arriverait à la Louisiane. La prochaine Législature reconnaîtrait qu'aucune banque n'a été établie, et alors elle serait assiégee de demandes pour qu'elle renouvelle les anciennes chartes et ressuscite les vieux monopoles. Le prétexte serait excellent. L'on répéterait que le système des banques libres a échoué, qu'il nous faut un système de crédit plus étendu et que le seul moyen d'y arriver, c'est de renouveler les chartes des anciennes banques. Vous avez déjà ainsi trop d'entraves dans ce bill. Vous avez donne toutes les garanties nécessaires aux détenteurs de billets. Vous les avez garantis en forçant les banques à avoir un capital en main égal à leur circulation, plus une réserve en espèces égale à un tiers de cette circulation. Autrefois cette seule réserve était jugee une garantie suffisante. Ainsi vous avez deux garanties dont chacune est suffisante par elle-même. Vous parlez de garantie complète, vous voulez que la solidité de la banque puisse défier les événements. C'est là demander l'impossible. Nous pouvons rechercher toutes les garanties possibles, mais penser qu'une banque puisse être si sûre qu'elle puisse braver les vicissitudes et les fluctuations du commerce, c'est prendre une chimère pour la réalité. J'espère donc que les amis du système des banques libres ne souffriront pas qu'il soit écrasé par ce nouveau fardeau dont on cherche à l'accabler. Assez de charges déjà lui ont été imposées.

J'espère que l'amendement sera adopté. Chacun doit en sentir la nécessité. Si le bill est adopté dans l'état où il se trouve actuellement, nous n'aurons fait que perdre notre temps.

M. Short—Je suis opposé à l'amendement. Je pense comme le sénateur de la Nouvelle-Orléans (M. King) que le système des banques libres est encore dans l'enfance. Mais cet enfant, je l'espère, n'est qu'Hercule dans son berceau, et j'espère aussi que lorsqu'il sera arrivé à sa maturité, il luttera avec vigueur contre ces vieilles banques qui sont tellement tombées dans l'opinion publique. Jusqu'à présent les banques ont joui d'énormes avantages. J'espère que la position sera changée, et qu'à l'avenir ce seront les particuliers qui auront l'avantage sur les banques Chacun sait que ce qui distingue les banques, c'est qu'elles sont les premières à voir le danger et les premières à s'en garantir. Elles voient l'orage qui s'amoncelle avant que le peuple ait pu discerner un nuage à l'horizon. Elles peuvent par conséquent se garantir bien longtemps avant les autres. Quand une personne engage son capital dans l'une de ces institutions, sachant qu'elle sera responsable jusqu'à concurrence de la moitié de ses actions, c'est là l'indication de la solidité du système. Adoptez l'amendement et vous faites disparaître toute garantie. On dit que sous l'ancien système il devait y avoir une piastre en espèces pour chaque trois piastres en circulation. Pour ma part, je considère que l'ancien système est un système honnête et de beaucoup préférable à tout système basé sur les bons municipaux

M. McCay.—Je suis opposé à l'amendement par la simple raison que je ne le comprends pas. Je suis aussi opposé à la section telle qu'elle se comporte dans le bill. Quel est l'homme qui voudra placer son argent dans une banque, quand il saura qu'il doit être responsable jusqu'à concurrence du double de son capital, et cela pendant une année après que ses relations avec la banque auront complètement cessé. L'amendement porte que l'actionnaire sera responsable jusqu'à concurrence du montant de ses actions non payées. D'un autre côté le bill déclare que le montant intégral des actions doit être immédiatement payé. Par conséquent, cette partie non payée n'existera pas et l'amendement n'aura pas d'application. Si l'amendement, si le but de l'amendement est de porter un coup mortel à la section, je l'appuierai de mon vote; s'il a pour objet de lui donner plus de vitalité, je voterai dans la négative.

M. Lewis retire son amendement.

M. Kenner propose comme substitut à la 24e section:

Qu'aucun actionnaire dans aucune corporation ne sera tenu des dettes de la corporation au-delà du montant des actions prises par lui.

M. Martin propose d'amender ce substitut de la manière suivante:

Tout actionnaire, etc., sera tenu solidairement de toutes les dettes de la dite banque.

L'amendement de M. Martin est déposé sur le bureau.

Le subtitut de M. Kenner est adopté et la 23me section est retranchée

M. Martin fait la motion de retrancher de la 26me section, 2me ligne, les mots «chaque trimestre» et d'y substituer «chaque mois.»

M. Martin—Les banques doivent, dans l'état actuel des choses, présenter un rapport mensuel, et je crois qu'il serait bon d'imposer les mêmes entraves aux petits monstres que nous sommes en train de mettre au jour.

M Kenner—Je ferai remarquer que le rapport mensuel qui est aujourd'hui exigé des banques est loin d'être aussi complet que devront l'être ceux qui seront fournis par ces petits monstres, comme les appelle le sénateur.

L'amendement est déposé sur le bureau.

M. Martin fait la motion d'effacer les mots: «imprimé à la Nouvelle-Orléans,» de la section dans les 17 et 18mes lignes. Cette motion est adoptée sur motion de M. King.

L'amendement suivant est inséré à la fin de la 25e section.

Pour tout faux serment, ou tout faux exposé du fonds capital fait sciemment ou du tableau des affaires de la banque fait d'après cette section, la personne qui se rendra coupable d'une telle mauvaise conduite, ou qui y consentira, aidera, l'encouragera, en sus des peines civiles et criminelles maintenant imposées par la loi pour parjure, en cas que l'offense soit un faux serment, ou autrement, sera responsable in solido de la dette entière de la banque, et toute banque qui refusera de se conformer à cette section dans l'espace de vingt jours, après avoir été notifiée par l'Auditeur le

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faire le dit tableau, perdra sa charte et devra liquider suivant les dispositions de cet acte.

M. Martin—Mon vote est acquis à l'amendement. Je vois que le sénateur a un peu de cette prudence écossaise dont il a été fait mention dans le cours de ces débats.

L'amendement est adopté.

Les sections 27, 23 et 29 sont adoptées.

M. Lacey propose de substituer à la 30me section le paragraphe suivant :

Sect. 30. Il est de plus décrété, &c ; Que tout banquier ou compagnie de banque hors de la ville de la Nlle-Orléans, faisant des affaires en vertu de cet acte, et émettant des billets de circulation comme il est dit dans cet acte devra avoir un bureau, ou designer un agent dans la dite ville pour le rachat des dits billets. La nomination du dit officier ou agent sera faite par écrit et mise parmi les dossiers de l'auditeur du bureau de circulation et du recorder des hypothèques, dans lequel se trouve gardé la charte. Pourvu cependant, que rien dans cet acte ne soit compris de manière à autoriser le dit banquier ou compagnie de banque à refuser de racheter ses billets au comptoir de la banque principale conformément à cet acte.

M. Wickliffe—Il me semble que si l'établissement d'une banque sous l'empire de la loi des banques libres est praticable à la Louisiane, toute banque doit nécessairement avoir une agence à la Nlle-Orléans. L'effet alors sera que les banques de la campagne seront forcées d'avoir une réserve de deux piastres en espèces au lieu de la reserve d'une piastre seulement qui est imposée aux banques de la ville. Je suis fatigué du rôle secondaire que l'on veut toujours donner à la campagne.

M. Lacey.—Je n'ai nullement le désir d'arriver à un pareil résultat. Mon dessein n'est pas d'imposer aux banques de la Compagnie l'obligation d'avoir une agence dans la ville.

Le substitut est adopté.

M. Martin fait la motion d'amender le bill en faisant porter la taxe sur le capital et non sur la circulation de la banque.

M. Martin.—La Constitution déclare que les taxes devront être uniformes. Je désire que la taxe porte sur le capital de la banque comme sur toute autre espèce de propriété. Le capital d'une banque devrait être taxé de la même manière que celui d'un particulier.

M. Kenner.—Cela dépend de ce que vous appelez capital. Si vous entendez par là toutes les valeurs possedées par la banque, billets au porteur, lettres de change &c., &c., cette taxe serait extrêmement lourde. Je présume que ce n'est pas là ce qu'entend le sénateur.

M. Martin,—Oui monsieur, c'est précisément là ce que j'entends.

L'amendement est déposé sur le bureau.

Les débats se poursuivent quelque temps et le bill reçoit sa troisième lecture.

MARDI, 31 mars 1853.

Acte relatif aux priviléges sur les récoltes sur pied.

L'acte ayant pour objet de permettre aux habitants de donner des droits de privilége sur leur récolte sur pied est pris en considération.

M. Martin—Je ne vois pas la moindre nécessité à passer ce bill. Je n'y vois, pour ma part, qu'une imputation dirigée contre la population agricole de l'Etat. Dans ma paroisse, il n'est pas un habitant qui ne puisse se procurer la somme d'argent qu'il désire en hypothéquant sa propriété, et il peut avoir toutes les fournitures dont il a besoin sur sa simple parole d'honneur. Je le répète, la nécessité de ce bill ne se fait nullement sentir, et si nous l'adoptons, nous n'aurons fait qu'ouvrir la porte à la fraude.

M. Kittridge—Le bill ne se propose qu'une chose, c'est de mettre l'habitant honnête à même de se procurer les objets dont il a besoin.

M. Lacey—Quand le bill était devant le comité judiciaire pour la première fois, le comité fit un rapport favorable à la mesure. Plus tard ce bill fut renvoyé à un autre comité qui présenta un nouveau bill à la place. Comme ce bill a reçu la sanction du comité, comme il a reçu l'assentiment implicite, au moins, du Sénat, il me semble qu'il devrait être adopté. L'objet qu'il se propose est louable, et je ne doute pas qu'il ne tourne à l'avantage de nos habitants. Ce bill a été l'objet d'une attention toute particulière de la part du comité, et il a reçu une forme définitive qui, je crois, lui assurera l'assentiment du Sénat.

M. Martin—Le sénateur se trompe. Ce bill n'a jamais reçu l'assentiment du Sénat, sous quelque forme que ce soit. Le bill primitif n'a pas semblé bon puisqu'on l'a renvoyé à un comité. Ce bill là n'a certainement jamais reçu soit implicitement soit explicitement l'approbation du Sénat. Le comité alors rapporte un substitut qui est actuellement devant le Sénat. Je suis convaincu qu'aucun de mes commettants n'a besoin d'un pareil bill pour se procurer les objets dont il a besoin. Je suis persuadé que ni moi ni mon collègue n'avons besoin d'engager notre récolte pour nous procurer ce dont nous avons besoin. Les habitants ne sentent pas le besoin d'un pareil bill. Il ne peut leur faire aucun bien, il ne peut tourner à leur avantage. Il peut servir les intérêts de quelques personnes à la Nouvelle-Orléans, pour lesquelles la parole d'un homme d'honneur n'est pas suffisante. Pour moi, je pense qu'une pareille parole doit être considérée comme étant aussi bonne qu'une obligation écrite.

M. Nicholls—Je crois que le bill devrait recevoir un amendement qui consisterait à insérer les mots «créancier ayant obtenu jugement.» Le bill ne mentionne que les créanciers saisissants; mais c'est un fait connu qu'il y a dans les campagnes beaucoup de personnes qui n'ont aucun moyen de faire rentrer leurs créances, si ce n'est la saisie de la récolte de leurs débiteurs. Eh bien, quel sera l'effet d'une loi de cette nature ? Si vous l'adoptez, l'habitant pourra se moquer du créancier qui aura obtenu un jugement. Il ira à la Nouvelle-Orléans, fera là un arrangement avec une personne quelconque et lorsque sa récolte est saisie par un créancier ordinaire, le compère de la Nouvelle-Orléans paraîtra et fera valoir son privilége. Ils prétendront à eux deux que l'affaire a été faite de bonne foi, que la récolte a été transférée à M. Jonhson, à M. Smith; que la propriété immobilière reste, et que les créanciers peuvent agir contre cette propriété. Ce bill, à mon avis, présente de grands dangers. Il est déjà assez difficile de faire rentrer ses créances. Depuis que je suis entré au barreau, j'ai vu qu'il était très difficile de faire payer les jugements; les débiteurs ont tant de moyen d'échapper à leurs créanciers. Je ne désire pas contribuer à leur fournir de nouveaux moyens de se soustraire au paiement de leurs dettes.

M. Wickliffe—C'est un principe général et salutaire que les biens d'un débiteur doivent répondre du paiement de ses dettes. Je suis opposé à toute loi dont le but est de favoriser le débiteur aux dépens du créancier. Comme le sénateur de St-Martin [M. Nicholls] l'a fait remarquer avec beaucoup de justesse, la loi fournit déjà assez d'échappatoires au débiteur. Ses biens doivent rester le gage commun de ses créanciers.

M. Lacey—L'amendement proposé porterait une atteinte mortelle à l'objet que se propose le bill. Quel est le but que se propose le bill ? C'est de permettre au planteur de donner en nantissement sa récolte pendante, en passant un acte notarié dans la paroisse dans laquelle la récolte se trouve, tout comme si la récolte avait déjà été coupée. En d'autres termes il a pour objet de permettre à l'habitant de bonne foi et qui n'a aucun désir de frauder ses créanciers, d'emprunter sur sa recolte pendante en la donnant en nantissement. Voilà le but que se propose le bill. Si nous le repoussons parce que ce gage peut être enlevé au créancier ordinaire, d'après le même principe nous pourrions rappeler toutes les lois hypothécaires. Les priviléges doivent disparaître ; plus d'hypothèques, plus de gage. L'universalité des biens du débiteur doit être divisée et distribuée *au pro rata* entre les créanciers. Mais tant que nous n'aurons pas fait celà, tant que nous n'aurons pas passé le niveau sur les créanciers, nous ne pouvons admettre l'argument qui nous est opposé. Il n'est pas une partie de la jurisprudence en matière d'hypothèques et de priviléges à laquelle ne puissent s'appliquer les raisons qui ont été avancées. Le bill va assez loin en donnant un droit de préference aux créanciers saisissants. Quel est l'homme qui voudrait prêter son argent quand il sait que d'autres créanciers, ayant ob-

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tenu jugement, pouvaient se présenter et absorber la propriété : aujourd'hui, peut-être, il n'y a pas de jugement contre l'emprunteur, mais demain il peut y en avoir, et la personne qui a fait de bonne foi une avance d'argent, se trouvera privée de toute ressource. Je voudrais que ce gage fût à l'abri de toute atteinte Si on peut y toucher, votre loi n'est pas une loi ; elle est sans valeur. Ce bill est tout dans l'intérêt de la population agricole, et comme je désire contribuer autant qu'il est en moi à la prospérité de cette population, je voterai pour ce bill. Ce bill ne touche en rien à mes propres intérêts. Il a été présenté par le sénateur de Lafourche (M. Kittridge), qui est un homme pratique et qui comprend parfaitement la question.

M. Martin—Le sénateur veut-il faire entendre que je ne suis pas un homme pratique quand il parle de mon collègue comme d'un homme pratique. Nous avons la même profession, nous avons le même genre d'affaire. Quoiqu'il ait sur moi un avantage sur le rapport des années, je me flatte d'avoir autant d'expérience que lui, et que j'en sais autant que lui sur ce sujet. Le sénateur manifeste une tendresse extrême pour la population agricole; je ne sache pas que les habitants aient besoin de ses sympathies. Je crois que leurs intérêts sont mieux sauvegardés quand ils sont hors de l'atteinte sympathique des avocats. Ils peuvent juger par eux-mêmes de leurs propres intérêts.

M. Short. — Je dois dire que mes prédilections sont en faveur de ce bill. Le but qu'il se propose est excellent, il ne lèse aucun droit, il ne blesse aucun principe de justice. Je n'ai nullement l'intention de prendre sous ma protection les intérêts de la population agricole. Je ne me suis jamais beaucoup occupé d'agriculture, mais j'ai beaucoup de voisins qui m'ont mis à même d'avoir des renseignements. Un de mes collègues a dit que les habitans n'avaient que faire d'une pareille loi pour se procurer de l'argent. Leur parole, dit-on, est suffisante, est aussi sûre ou devrait être aussi sûre qu'une obligation écrite. D'accord, la parole de tout homme devrait être aussi bonne qu'un écrit, mais par le temps qui court, sous le règne de l'autocrate qui a nom « piastre » l'écrit est généralement préféré dans le commerce. Ceux qui ont de l'argent à prêter ne cherchent pas ce qui devrait être, mais ce qui est, et ils désirent presque toujours avoir de bonnes garanties avant d'engager leurs capitaux. Est-il raisonnable de supposer qu'un homme qui vit dans l'intérieur de l'Etat, loin de la ville, pourra obtenir de l'argent sur sa simple parole, lorsqu'il n'est nullement connu. Personne ne saurait le supposer ? Mais si le même individu se présente et dit : « Voici ma récolte, je la donne en nantissement, elle est plus que suffisante pour couvrir la somme que je demande, même dans l'éventualité de pertes causées par les insectes. Si, dis-je, il peut faire une pareille proposition, il pourra facilement obtenir un emprunt qui peut-être lui était absolument nécessaire.

M. Nicholls. — Je demanderai si, aux termes de ce bill, il n'est pas toujours au pouvoir du débiteur d'empêcher le créancier qui a obtenu un jugement de faire exécuter son jugement. Du moment qu'un habitant sucrier ou cotonnier aura le droit de donner sa récolte en nantissement, il aura en ses mains le moyen d'écarter le créancier qui aura obtenu un jugement et de ne rien lui laisser que la propriété immobilière pour exercer ses droits. Il ne pourra saisir que la terre et les esclaves, qui peuvent déjà être grevés d'hypothèques pour toute leur valeur. L'habitant pourra dire : « Vous ne pouvez toucher à ma récolte, elle est donnée déjà en nantissement à un négociant de la Nouvelle-Orléans pour des avances qu'il m'a faites. Vous pouvez saisir mon habitation, mais vous ne pouvez la vendre attendu qu'elle est déjà grevée d'hypothèques qui suffisent pour la protéger contre votre réclamation ? Il ne manquerait certainement pas de donner un privilége sur sa récolte à un ami de la Nouvelle-Orléans. Le Sénat sait combien sont vagues et générales les dispositions de ce bill. Il déclare qu'un habitant aura le droit de donner en nantissement sa recolte pendante pour argent prêté ou toute autre avance. Je demande si le résultat ne serait pas tel que je l'ai dit. Le bill porte que le gage n'affectera pas le créancier saisissant. S'il fait saisir l'habitation, cette saisie embrassera, à coup sûr, la moisson pendante. Mais je ne voudrais pas que le créancier fût obligé de saisir l'habitation; qu'il agisse à son gré, qu'il saisisse soit l'habitation, soit la récolte à son choix.

M. McCay—Je vais donner les raisons qui me portent à voter contre ce bill. C'est un principe bien établi en droit, qu'aucun objet ne peut être donné en gage à moins que le créancier gagiste n'en obtienne la possession. Ce serait la seule exception à cette règle générale. Cette règle existe depuis si longtemps, elle est appliquée d'une manière si générale, qu'elle doit reposer sur quelque base solide. Une autre raison qui me porte à m'opposer au bill, c'est que les biens du débiteur sont le gage commun de tous ses créanciers, ce serait encore une exception à une autre règle générale. Quant a moi, plutôt que d'étendre encore le système des privilèges, je voudrais les abolir tous.

M. Short—Je n'ai qu'un mot à dire sur l'effet qu'aura ce bill quant aux créanciers par jugement. D'abord il ne peut affecter sur le créancier par jugement dont l'hypothèque est antérieure à la date du nantissement. Celui-là donc ne pourrait se plaindre. Le nantissement ne le lèse pas ; son jugement entraîne une hypothèque et ne peut être affecté par aucun nantissement subséquent. La raison tirée de la fraude qui pourrait résulter du bill n'est pas fondée. Le bill lui-même répond à l'objection. Il déclare que les contrats frauduleux et simulés auxquels on a fait allusion seront mis de côté et déclarés nuls. Le raisonnement du sénateur de la Nouvelle-Orléans (M. McCay) consiste à dire que nous créons un gage qui n'existait pas auparavant ; que nous introduisons une exception à certains principes généraux, que nous faisons une innovation en face d'une jurisprudence depuis longtemps établie. Parce qu'un usage a existé pendant des siècles, est-ce à dire qu'il ne doive jamais cesser ? Cela rappelle le petit hollandais qui persistait à porter son blé à l'un des bouts d'un sac et une pierre à l'autre, simplement parce que son père avait fait ainsi avant lui.

M McCay—L'exemple choisi par le sénateur peut être très fort, mais il n'est certes pas neuf. La raison sur laquelle je m'appuie est celle-ci : Je ne désire pas m'écarter d'un principe général lorsque la nécessité d'un changement n'est pas démontrée Si cette nécessité était prouvée, je me rendrais à l'évidence; mais je n'ai pas encore entendu d'argument convainquant. Voilà une chose qui n'a pas encore d'existence et dont vous faites l'objet d'un contrat de gage; vous n'en connaissez pas la valeur, vous ne savez même pas si elle viendra à maturité, peut-il y avoir rien de plus absurde ?

M. King—Je ne crois pas que les objections qui ont été avancées contre le bill soient bien fondées. Je ne vois pas qu'il donne à l'habitant le moyen de commettre des fraudes, d'écarter ou de retarder l'exécution des jugements rendus contre lui. Le bill prévient avec le plus grand soin tous les actes de fraude. Tout ce qui a été fait en violation des droits des créanciers est annulé. Je diffère avec mon collègue quant à la nécessité d'introduire ce changement dans les principes généraux. Je pense qu'il est non-seulement convenable, mais qu'il est nécessaire et qu'il en résulterait un grand avantage pour la population agricole. Le bill a été présenté par le sénateur de Lafourche (M. Kittridge) et j'ai foi en son jugement. Je pense que les habitants ont besoin de ce bill pour obtenir les avances qui leur sont nécessaires. Les négociants-commissionnaires s'en applaudiront aussi. Une des plaintes les plus générales est que lorsqu'un négociant a fait des avances à un habitant, celui-ci donne ordinairement ses affaires à un autre négociant. Ce bill porterait remède à ce mal.

M. Martin—Le sénateur est un avocat distingué, et je voudrais lui adresser une question. Si des avances ont été faites et que la récolte ne soit pas envoyée, l'habitant qui s'est rendu coupable de cet acte de mauvaise foi ne peut-il pas être amené devant la Cour criminelle ? Je me souviens que dernièrement un homme qui tenait dans sa paroisse une position aussi élevée que n'importe qui, fut amené devant une Cour pour un méfait de cette sorte. Je crois que l'accusation était non-fondée, mais je cite le cas pour prouver ce que j'avance Je désire savoir si le fait auquel a fait allusion le sénateur ne constituerait pas ce qu'on appelle en droit « obtenir de l'argent sous de faux prétexte ?» Je sais qu'il y a des habitants malhonnêtes, comme il y a des avocats et des négociants malhonnê-

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tes. Mais je ne crois pas que de pareils cas se présentassent souvent.

M. King—Il n'y a pas de loi expresse qui s'applique à ces sortes de cas. Il existe une loi contre l'escroquerie, mais ce ne serait qu'une simple violation de contrat.

M. Wickliffe—Si un homme obtenait un emprunt de $5000 sur sa promesse d'envoyer sa récolte à celui qui fait l'avance, et qu'il ne l'envoyât pas, je voudrais savoir s'il ne pourrait pas être convaincu comme coupable d'avoir obtenu de l'argent sous de faux prétextes.

M. King—Non.

M. Wickliffe—Le contraire a été maintes fois décidé.

M. Hodge—Je vais dire les raisons qui me portent à m'opposer à ce bill. Bien que je sois d'opinion avec le sénateur de Baton-Rouge (M. Lacey) qu'un système judicieux d'hypothèques et de priviléges est très désirable et utile, cependant je ne puis approuver tous les systèmes sur cette matière. Notre système d'hypothèques et de priviléges est trop compliqué. La Louisiane est dans une position toute particulière. Les affaires commerciales y sont très étendues, elle reçoit chaque année une foule d'étrangers qui viennent s'y établir. Des individus viennent ici et dans le cours de leurs relations d'affaires opèrent sur les propriétés immobilières. Nos lois devraient être d'une telle simplicité que tout citoyen d'un autre Etat pût les comprendre, ou notre crédit tombera si bas que notre commerce avec nos voisins cessera complétement.

Le sénateur qui a présenté ce bill dit que les habitans ne peuvent se tirer d'affaire à moins que nous ne l'adoptions, qu'il leur est nécessaire pour qu'ils puissent se procurer les avances et les provisions dont ils ont besoin. Je ne doute pas que le sénateur ne connaisse les besoins du district qu'il représente, mais je crois être dans la même position que lui quant à celui que je représente. Eh bien, je déclare que bien loin que mes commettants sentent la nécessité de ce bill, ils ont tous les moyens de se procurer de l'argent. Le sénateur de la Nouvelle-Orléans a négligé l'une des lois les plus importantes qui aient trait à ce sujet. Vous désiriez donner à l'habitant le moyen de se procurer des provisions en engageant sa récolte. Eh bien, elle existe déjà la loi qui lui fournit ce moyen. Le sénateur qui est assis à ma gauche peut m'en remontrer sur la question de la culture de la terre, mais je puis lui donner de temps à autre des renseignements utiles lorsqu'il s'agit de connaître un nouveau principe de droit. Lorsqu'un habitant va à la Nouvelle-Orléans et achète des provisions, le marchand devient son créancier et a un privilège sur la récolte pendante et sur celle de l'année suivante.

Ce bill n'est donc pas nécessaire puisque l'objet qu'il se propose est déjà atteint par les lois existantes. On peut dire qu'il devrait avoir le droit d'engager sa récolte dans le but de spéculer avec l'argent qu'il obtiendra. Je n'ai pas d'objection à ce que les habitans spéculent. Je désire qu'il leur soit permis de faire ce qui leur plaît, tant que ce qu'ils font est juste et convenable. Mais cette proposition est une innovation introduite dans la loi civile à laquelle on n'avait jamais pensé. Ces messieurs ont-ils songé que ce bill crée le droit d'hypothéquer une propriété mobilière? A-t-on jamais entendu pareille chose? Le code porte que le privilège dérivant du gage n'existe qu'autant que l'objet donné en gage passe dans la possession réelle des créanciers ou d'une troisième personne désignée par les parties. La raison de la loi est que la propriété immobilière est supposée accompagner la personne, et la possession est une présomption qui a le titre de propriété. Eh bien, vous voulez rendre l'objet d'un gage, une chose qu'il est impossible de placer entre les mains d'un créancier, quelque chose dont l'existence même et la valeur sont encore problématiques. C'est là non seulement une violation des règles reçues, c'est aussi une violation des principes généraux sur lesquels repose notre système de droit. Et voilà ce que vous voulez faire lorsque le besoin ne s'en fait pas sentir. Vous allez vous engager dans une mauvaise voie, lorsque vous feriez tout aussi bien en restant dans la bonne voie. Le district que je représente n'éprouve pas la nécessité de l'adoption d'un pareil bill. Les habitants de ce district peuvent obtenir toutes les avances et toutes les provisions dont ils ont besoin.

Quand un habitant va sur une habitation et voit la récolte pendante, il est porté à croire que le propriétaire de l'habitation a des moyens. Voilà tout ce que l'on peut désirer. Mais vous voulez introduire un nouveau système par lequel il sera permis d'hypothéquer la propriété mobilière. Le sénateur d'Est-Baton-Rouge (M. Lacey), en parlant ex professo sur les systèmes les plus judicieux de priviléges et d'hypothèques, leur utilité, leur nécessité ne peut que demander que les habitants aient le droit d'hypothéquer leur propriété immobilière, chose inouie jusqu'à ce jour dans la jurisprudence d'aucune partie du monde civilisé. Moi aussi je suis en faveur d'un système judicieux d'hypothèques et de priviléges, mais je ne suis pas désireux de voir commettre une absurdité légale aussi monstrueuse que celle qui serait le résultat de l'adoption de ce bill.

M. Lacey—Je suis opposé à l'amendement du sénateur de St-Martin (M. Nichols), parce que je pense qu'il aurait pour effet de détruire le bill dans l'objet qu'il se propose. Il porte atteinte au principe sur lequel repose le bill. Mais d'où vient l'opposition violente qu'il rencontre? Examinez-le, étudiez-le dans sa généralité et dans ses détails. Il a été primitivement présenté par un sénateur expérimenté et pratique; il a été l'objet d'une étude attentive de la part des membres du comité judiciaire, qui l'ont rapporté au Sénat Examinez, je le répète, le bill, et dites-moi en quoi il est condamnable. Peut-il ouvrir la porte à la fraude? Peut-il donner au planteur malhonnête le moyen de frustrer son créancier trop confiant. Le bill déclare que tout gage empreint de fraude sera nul et non-avenu. Il annulle le gage, lorsque l'intention a été frauduleuse. Je le dis donc de nouveau: ce bill n'ouvre point la porte à la fraude; il ne porte atteinte à aucun droit pré-existant. Le vendeur conserve son droit de préférence; le travailleur son privilège; celui qui a fourni des provisions son droit de priorité. Ainsi donc la fraude est impossible. Si le but du bill était de frustrer le créancier, il faudrait le repousser. Mais pourquoi sommes-nous en faveur de cette loi? Parce que nous voulons protéger les intérêts des classes les plus pauvres de l'Etat. C'est là un but vers lequel devrait quelquefois tendre notre législation. Je désire protéger le riche. Je ne désire pas porter atteinte à leurs droits, mais tout en les protégeant, je considère qu'il est de mon devoir de ne pas tuer les intérêts de ceux qui ont le malheur d'être pauvres. L'homme riche peut se procurer des fonds. Son crédit est bon, il a de vastes ressources. Le pauvre n'a pas les mêmes avantages Je suis disposé à protéger le travail, à encourager et à assister les classes pauvres. Je suis en faveur de ce bill, parce qu'il doit produire ce résultat.

On a dit que la parole d'un habitant est bonne, aussi bonne que son écrit, que sa parole d'honneur est tout ce que l'on peut demander. Quelqu'honnête qu'un homme puisse être, quelqu'honorables que puissent être ses intentions, il peut n'être pas toujours capable de remplir ses promesses. Le créancier gagiste, lorsqu'on lui demandera d'avancer de l'argent sur la parole d'un habitant, pourra répondre avec raison: «La vie est incertaine; j'ai toute confiance en votre probité, mais lorsque l'époque du paiement arrivera, vous pourriez être mort. Je ne puis avancer mon argent sans quelque garantie qui m'assure du remboursement.» Par conséquent il est évident que les classes pauvres ne peuvent obtenir les avantages que confèrent aux classes riches la loi de 1852. Que le Sénat ne repousse donc pas le bill; il prendrait sur lui, en le faisant, une grave responsabilité. Le but de ce bill est excellent, chacun doit le reconnaître. Il est rédigé de façon à réaliser l'objet qu'il se propose. L'attention qu'y a donnée le comité judiciaire en est une garantie suffisante. Adoptons donc ce bill. Il est réclamé par un grand nombre de personnes qui ne peuvent obtenir des fonds lorsqu'ils leur sont nécessaire, et nous ne devrions pas fermer les yeux sur leurs intérêts et leurs besoins.

M. Todd—Je ne puis laisser passer l'occasion d'exprimer mon opinion relativement à ce bill. Je pense qu'il ne doit pas tant venir en aide aux classes pauvres que donner de nouvelles garanties aux négociants-commissionnaires de la Nouvelle-Orléans. Eh bien, le besoin de nouvelles garanties ne se fait pas

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sentir, surtout si ces garanties doivent être données aux dépens des autres créanciers.

D'un autre côté, je ne vois pas l'avantage qui peut résulter de ce bill pour l'habitant. Au contraire, bien loin d'augmenter son crédit, bien loin de l'avantager, il ne pourra que lui causer un tort réel. Si ce bill passe, vous verrez les ordres de séquestre, de saisie provisoire augmenter de cent pour cent, et les procès, ce fléau que l'on ne saurait trop éloigner, se multiplieront. Des hommes qui aujourd'hui se procurent des fonds, ne pourront en obtenir à des conditions aussi favorables, de sorte que l'effet produit par le bill sera juste l'opposé de celui auquel il tend. Lorsque le planteur s'adressera à un négociant et lui demandera à lui prêter de l'argent, le négociant lui demandera invariablement de se conformer aux dispositions de ce bill, en d'autres mots, d'engager sa récolte pendante. Cette demande n'est pas faite aujourd'hui, et conséquemment le bill impose des conditions onéreuses qui n'existent pas actuellement. Je crois que le bill est de nature à donner au négociant-commissionnaire de plus fortes garanties pour le recouvrement de ses créances, mais qu'il ne peut être que nuisible au planteur. Ce sera pour lui une nouvelle source de tracas ; les procès se multiplieront, et aucun avantage n'en résultera pour compenser ces inconvénients. Pour ces raisons je voterai contre.

M. Griffin—Je suis en faveur du bill, parce qu'il doit en résulter un avantage pour le pauvre.

M. Martin—Je m'oppose à ce que le membre s'empare du tonnerre du sénateur d'Est-Bâton-Rouge. Il a l'emploi exclusif d'ami du pauvre.

Le bill est déposé sur le bureau.

LE BILL JUDICIAIRE.

Le bill qui divise l'Etat en districts judiciaires est revenu de la Chambre avec des amendements.

M. Lacoste—Je suis opposé à l'amendement qui constitue en un district Saint-Bernard, Plaquemines et Jefferson. Le district actuel est maintenant trop grand, et en y ajoutant Jefferson, ce serait augmenter ce mal Plaquemines à trente lieues de long, et Saint-Bernard douze. Cela est certainement suffisant.

M. Rivers—Je fais la motion de renvoyer ce bill au comité.

M. Wickliffe—Je ne vois aucune raison qui milite en faveur de ce bill Ce sujet nous occupe depuis six semaines; je ne vois pas pourquoi on en ajournerait la discussion. L'orateur le désire peut être afin de mener à bien le projet qu'il a de ne former que sept districts dans l'Etat, à part la Nouvelle-Orléans.

M. Rivers—Je dirai à mon collègue pourquoi je désire que ma paroisse soit separée de la Pointe-Coupée.

M. Wickliffe—Il n'y a pas de motif sérieux pour pareille séparation. Ces paroisses ont toujours été réunies, et elles ont paru bien se trouver de cette union. J'espère que le membre de Plaquemines ne fera plus d'opposition à ce bill. J'ai tout d'abord marché avec lui lorsqu'il s'est agi de son district, et je regrette de ne pouvoir plus partager son avis. L'orateur a fait ses preuves pour ses constituants en soutenant au Sénat une lutte opiniâtre, et ce n'est pas de sa faute, s'il n'en est pas sorti victorieux; qu'il se contente des lauriers qu'il a conquis : qu'espère-t-il gagner du rejet du bill ?

Il réussira seulement à nous imposer le système des Districts étendus, et probablement des Cours des Preuves auxquelles il est tout aussi opposé que moi. Si les appointements des juges des Cours des Preuves pouvaient être payés au moyen des droits perçus (fees). Le système pouvait être praticable; mais comme la Constitution défend ce mode de paiement, je ne vois pas comment il peut trouver ici un avocat. Quelle sera notre situation si nous renvoyons ce bill à un comité ? Nous serons dans la même position relativement à un système judiciaire que nous nous trouvions au début. Le Sénat est disposé à en finir et à ajourner. Mais nous ne devrions pas nous laisser arrêter par de petits obstacles. Nous devrions plutôt accepter les amendements de la Chambre, et voter le bill sur le champ. Quant à l'amendement auquel s'expose le sénateur (M. Lacoste) je lui demanderai si, même en réunissant Jefferson à Plaquemines et à St-Bernard, une personne ne pourrait pas, en quelques heures, passer dans les parties les plus distantes du District. Il y a dans l'Etat des Districts qui nécessitent pour le juge des voyages beaucoup plus longs, entraînent beaucoup plus de désagréments, et cependa nous ne recevons aucune plainte du juge. J'ai appuyé d'abord l'orateur lorsqu'il a dit qu'il ne voulait pas placer Plaquemines en mauvaise société, mais puisque le bill nous est revenu de la Chambre avec cet amendement, je ne suis point disposé à une opposition opiniâtre, surtout lorsque cette opposition pourrait perdre le bill. Pour ce qui regarde le membre de Concordia (M. Rivers), je crois que son District est un des mieux formés de l'Etat.

M. Lacoste—Je ne pense pas que la Chambre soit animée de l'esprit que lui prête l'orateur. Je crois qu'elle votera avec nous, si nous refusons même d'accepter l'amendement.

M. Rivers—Je ne donnerai pas mes motifs, quoique je les compte par milliers. Cependant je dirai que j'étais opposé au bill parce que je n'étais pas satisfait de la formation des Districts. Je crois qu'il a été commis une injustice à l'égard de ma paroisse, et le sénateur de Plaquemines (M. Lacoste) a la même opinion relativement à la sienne. Si nous renvoyons le bill à un comité, il reviendra après pour subir sa seconde lecture. Alors nous pourrons le modifier selon nos vues.

Après quelques remarques faites par d'autres orateurs M. Rivers retire sa motion de renvoi.

Le Sénat refuse de voter aucun amendement excepté celui qui réunit la paroisse Claiborne avec les paroisses Bossier et Bienville.

RESOLUTIONS A L'EFFET D'INVITER M. FILLMORE.

Sur motion de M Rivers on prend en considération les résolutions qui invitent M. Fillmore à visiter l'Etat.

M. Wickliffe. — Je n'ai pas d'objections aux résolutions, mais je ne puis voter pour le préambule.

Les résolutions sont adoptées.

On s'occupe alors du préambule suivant :

« Attendu que Millard Fillmore, ex-président des Etats-Unis, doit bientôt visiter le Sud, et attendu que son mérite personnel et son caractère officiel veulent que la Louisiane lui souhaite la bienvenue. »

M. Wickliffe—Je ne voterai jamais pour une résolution à laquelle on pourrait donner le sens d'une approbation du gouvernement de M. Fillmore. Je ne puis louer directement ou indirectement une administration que je n'ai point approuvée. Si je comprends bien les mots : « caractère officiel », ils ont rapport à la façon dont il a rempli ses devoirs officiels, et pour ma part, jamais je ne donnerai un vote approuvant les actes administratifs de l'ex-president.

M. Short—Quand il s'agit d'hospitalité pareille, nous devons tous agir en Américains. Nous devons alors oublier toutes les divisions politiques. Si whigs et démocrates se combattent à la tribune, ils doivent s'unir autour de la table du festin. Ceci doit être considéré comme une fete que ne doit pas troubler la politique.

On procède alors à l'appel nominal.

M Lewis [son nom est appelé]—J'ai sur cette question les mêmes idées que le sénateur de Carroll (M. Short). Il s'agit ici d'une simple invitation faite à un citoyen distingué, qui a occupé les hautes fonctions de president des Etats-Unis.

Le préambule est adopte.

BILL DES BANQUES.

Le bill pour autoriser les banques dans l'Etat de la Louisiane est pris en considération.

M. Martin—Je demande une reconsidération de la première section en vue de l'amender.

M. King—Le sénateur a-t-il voté pour la section ? Je suis sous l'impression qu'il a voté contre toutes les sections.

M. Martin—Le sentiment des convenances m'empêcherait bien certainement de demander la reconsidération d'une chose en faveur de laquelle je n'aurais pas voté. Je connais aussi bien que le sénateur les règles de ce corps.

M. Short—Mon but en demandant une reconsidération est celui-ci. La section autorise l'établissement de maisons de banque sur un capital de $100,000. Ce qui resultera du fait d'autoriser l'établissement de ces petites maisons de banque, sera de mettre en circulation de mauvais chiffons pires que tous ceux que nous avons jamais eus. Comme je désire que les billets des banque de la Louisiane soient égaux au moins à ceux d'aucun autre Etat de l'Union, je voudrais que le mi-

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nimum du capital fût fixé à $500,000. Nous ne devrions pas consentir à un aussi faible capital que $100,000. Si nous le faisons, nous ne tarderons pas à être inondés de chiffons.

M. King—Cette question a déjà été battue et rebattue cent fois, et je ne vois pas la nécessité de continuer plus longtemps cette discussion. Toutes les manœuvres parlementaires possible ont été tour à tour employées. Les sénateurs qui sont opposés au système de banques libres l'ont manifesté autant qu'ils le pouvaient convenablement, et il est temps qu'ils se soumettent enfin puisqu'ils sont les plus faibles. Je ne partage pas l'opinion du sénateur de Carroll [M. Short] Des banques, avec un capital de $100,000, n'amèneront pas du tout la circulation de chiffons. Dans la Nouvelle-Angleterre où les banques sont parfaitement sûres et où les billets en circulation sont aussi bons que ceux d'aucune autre partie de l'Union, il y en a beaucoup dont le capital est seulement de $100,000. Si une personne pense qu'elle peut se livrer avec avantage à des opérations de banques avec un capital de $100,000, pourquoi nous occuperions-nous de ses affaires particulières, de ce qui le regarde seul ? Nous n'avons aucun droit de circonscrire dans un cercle quel qu'il soit, les affaires de banque.

M. Short—Je me lève dans le but de présenter quelques observations qui serviront à expliquer ma position. Je désire convaincre le sénateur que mes remarques n'ont été dictées par aucun sentiment d'hostilité envers le sytème des banques libres en particulier. Mes objections sont contre les banques en général, et personnellement, je n'appuierai jamais aucun système quel qu'il soit. Mais comme je représente ici des constituants dont les idées et les vûes sur cette question sont différentes des miennes, je me trouve dans l'obligation de me prononcer en faveur du système qui présente le plus de sûreté, le plus de garanties. J'espère que le sénateur comprend la langue anglaise ; il me comprendra donc lorsque je dis, lorsque je répète que je ne voterai jamais en faveur d'aucun bill qui admettra comme base des bons municipaux.

La motion de reconsidérer est perdue.

M. Short—Je crois voir que les observations que j'ai faites sont considérées par quelques-uns comme dictées par un esprit d'hostilité aux systèmes de banques libres en général ; je réclame donc pour quelques minutes encore l'indulgence du Sénat, tandisque je vais expliquer en peu de mots la position que j'occupe. Il n'est pas un homme, âgé de trente ans, et je sais que tous les sénateurs ici présents comptent plus ou moins ce nombre de printemps... et d'hivers, qui ne se rappelle l'époque où eurent lieu toutes ces spéculations de banques, commencées en 1835 et dont l'effet se fit sentir par tout le monde commercial.

L'abandon de l'ancien système, par lequel les banques n'étaient que des banques de dépôts et l'adoption du nouveau par lequel elles devinrent banques d'escompte et de circulation, fut fait d'abord par la banque d'Angleterre et eut pour résultat de changer entièrement le système commercial du monde. Les crises se succédèrent jusqu'à celle de 1837. J'avais espéré qu'une expérience si triste, si fatale de ce système empêcherait qu'à tout jamais on songeât à y avoir recours, qu'on se rejetât dans les erreurs du passé. A peine nous avons cessé d'assister au naufrage des fortunes particulières et du crédit public, tristes débris de cette époque de désastres, et voilà que lorsque le courant des affaires fait passer sans cesse devant nous ces restes flottants des fortunes d'alors, on veut encore que nous nous exposions à la même épreuve ! Pourquoi cela ? pourquoi cette folie ? pourquoi cette anomalie ! Elle résulte de la perversion naturelle de l'esprit humain. Est-ce une des idiosyncrases de notre époque ? résulte-t-elle de l'incapacité où l'on est de méditer sur les leçons de l'experience du passé et de s'en éclairer pour l'avenir ? ou bien résulte-t-elle d'une particularité de l'esprit américain sujet à un paroxysme périodique de dix en dix ans ? D'abord nous avons la fièvre, puis le frisson, nous prenons du quinine pendant un an ou deux jusqu'à ce que nous soyons presque guéris, puis nous recommençons de plus belle et la fièvre ne tarde pas à nous gagner de nouveau.

J'étais disposé à voter en faveur d'un bill qui aurait eu pour base des bons de l'Etat au pair, des taxes étant levées pour payer les intérêts, et une caisse d'amortissement étant établie. J'aurais été jusque là pour accéder au désir du peuple de la Louisiane. Mais, qu'allons-nous faire ? A-t-on oublié les anciens bons municipaux de la Nouvelle-Orléans ? A-t-on oublié les billets émis par les Municipalités Nos 1, 2 et 3 ? N'étaient-ce pas là de vrais chiffons ! Quel changement s'est donc opéré dans la ville qui puisse améliorer cette circulation. On répond que la ville a été consolidée et que cela a autorisé son crédit. En d'autres mots, on dit que trois billets municipaux fondus en un seul billet de la ville entière changent de nature et de valeur.

La Louisiane sera inondée de billets qui n'auront pas pour base de faire garantir son propre crédit mais celui de la Nlle-Orléans, pauvre ville qui n'a pas moins de neuf millions de piastres. Quand sera-t-elle libérée ? Le sera-t-elle même jamais ? Elle ne le sera certainement jamais si vous faites de ses dettes la base d'une nouvelle circulation. Prenez pour base les bons de la Georgie ou de tout autre Etat qui soit solvable. J'y consentirai ; mais je ne désire pas voir la Louisiane entreprendre de se relever en accumulant crédit sur crédit, lorsqu'elle n'a pas de base solide sur laquelle puisse reposer sa responsabilité. Je considère que cela est dangereux, bien plus encore par suite de ce que vous voulez obtenir encore, même si la voix du peuple était unanime dans cette démarche, nous ne devrions pas nous laisser emporter au-delà des limites où les principes cessent d'être sûrs.

En même temps que nous représentons ici le peuple nous ne devons passer que des lois qui soient à son avantage. Mais non ! ce bill tel qu'il est maintenant présenté n'offre aucune garantie. Et, du reste, pourquoi l'introduire ? Les habitations sont à bon prix, les esclaves aussi, personne ne se plaint que les propriétés ne se vendent pas assez bien et la seule close qui doive étonner au contraire, c'est qu'elles commandent un prix si élevé. Je ne vois donc pas pour quelle raison nous entreprendrions cette périlleuse tentative.

Je ne prétends pas avoir le don de la prophétie ; je crois pourtant pouvoir lire assez loin dans l'avenir pour voir quels événements se préparent. Déjà à New-York 25 ou 30 banques libres ont fait faillite, la bulle de savon a crevé, un nouveau chapitre s'est ajouté a la triste histoire des banques aux Etats-Unis. Nous voulons en commencer un autre ; nous avons oublié la ruine, le désastre, les banqueroutes qui eurent lieu après la crise de 1837. A peine avons-nous eu le temps de nous relever qu'on veut nous y replonger de nouveau.

Je n'ajouterai plus qu'une chose : si cette section est adoptée, elle fera tomber dans le discrédit le système des banques libres à la Nouvelle-Orléans. Pour que les banques inspirent de la confiance, il faut qu'elles aient du crédit à l'étranger. Nous jouissons maintenant de ce crédit autant qu'aucun autre Etat que ce soit. Mais qu'il soit connu à New-York, à Philadelphie, dans l'Ouest que notre circulation ne repose pas sur le crédit de la Louisiane, mais sur celui de la Nouvelle-Orléans, et toute confiance s'évanouira bientôt. Si la Nouvelle-Orléans réalisait le système qu'elle a entrepris une fois, d'imposer d'une main de fer une taxe impitoyable sur tout le commerce de la vallée du Mississipi, elle pourrait peut-être payer les 9 millions qu'elle doit. Mais cela n'est pas possible ; elle n'a absolument que ses propres ressources, et lorsque ces bons devront être payés, la moindre hésitation tuerait à tout jamais son crédit.

Il y a quelques jours j'étais à la Nouvelle-Orléans ; j'ai vu les murs, les barrières, les portes couvertes de ce placard : « Pas de taxes sur l'ouvrier ! » Il y régnait comme une sorte de tremblement moral, une protestation énergique, générale contre le lourd fardeau des taxes—et vous allez faire des bons de la Nouvelle-Orléans la base de la circulation que vous allez émettre ! En d'autres mots, vous voulez perpétuer une taxe qui déjà est si lourde que le peuple ne peut supporter. Je ne suis pas du tout opposé à un système de banques qui présentera les garanties suffisantes, mais je m'oppose à ce que nous consentions à enfler des ballons qui crèveront avant dix ans.

Un membre demande l'appel nominal sur ce bill.

M. Griffin—Je voterai en faveur du bill quoiqu'il ne me convienne aucunement. Il contient plusieurs choses auxquelles je suis opposé. Cependant puisque le parti démocratique est tenu par ses promesses à l'établissement d'un système de banques libres, et com-

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me ce bill est le seul qui ait été présenté, je voterai pour.

M. Neal—Je désire expliquer ma position—je suis démocrate, mais sachant que ma paroisse est formellement opposée aux banques, je voterai contre le bill.

Le bill passe.

MESSAGE ENVOYÉ A LA CHAMBRE.

Le secrétaire informe la Chambre que le Sénat a donné son concours aux actes suivants :

Acte pour amender un acte intitulé : Acte pour pourvoir à la manière dont les notices seront servies dans certaines procédures judiciaires, approuvé le 9 mars 1827.

Et avec amendement à un acte pour prendre le recensement de l'Etat.

Et il demande le concours de la Chambre pour un acte intitulé :

Acte pour autoriser le maire et le conseil municipal de Plaquemines à faire un certain canal.

Et un acte pour autoriser les poursuites contre les débiteurs et contre lesquels jugement aura été obtenu pour les forcer à déclarer leurs propriétés.

Et que le président a signé un acte intitulé :

Acte pour fixer les salaires des juges de la Cour Suprême

M. Eastin, messager spécial de la Chambre, demande le concours du Senat pour les actes et résolutions suivants :

Acte pour pourvoir à la manière de canceller les bons et hypothèques donnés par les collecteurs de taxes d'Etat.

Acte pour approuver les titres de John L Davis et Daniel Voorhies sur certaines terres des écoles.

Acte pour autoriser Archibal Borron et Marie Murphy, sa femme, à adopter un enfant nommée Lucie Borron.

Acte supplémentaire à un acte pour incorporer la ville de Bastrop dans la paroisse Morehouse.

Acte pour dispenser du nouvel enregistrement des hypothèques en faveur des commissaires des legs de la succession Poydras dans les paroisses Guest-Bâton-Rouge et Pointe-Coupée.

Acte pour améliorer Big Creek.

Acte pour régler la taxe dans la paroisse de Concorde.

Acte pour diviser l'Etat en Districts judiciaires.

Résolution requérant l'irgénieur de l'Etat de faire un examen soigné des passes dans la Vieille Rivière, entre l'embouchure de la Rivière Rouge et le Mississipi et la Grande-Pointe sur la Rivière Rouge.

Et que la Chambre a donné son concours à l'acte suivant :

Acte pour émanciper John Rhodes de la paroisse d'Orléans.

RAPPORTS DES COMITES.

M. Millard, du comité des réclamations, fait les rapports suivants :

Le comité des réclamations auquel avait été référé l'acte pour venir au secours du capitaine H. Kean pour services rendus comme maître d'un bateau de l'Etat en 1848, ont des temoignages suffisants pour leur montrer que le dit Kean a accepté cette station sous le colonel Williams, ingénieur de l'Etat, dans la croyance que la compensation serait de cent piastres par mois; mais à la mort du colonel Williams que celui ci laissa un contrat par écrit, obligea Kean de recevoir de son successeur M. Wooldridge seulement quarante piastres par mois. Cependant en 1850, le capitaine Kean produisit à la Législature de cette année une réclamation pour la balance qui lui était due et en reçut la somme de mille cent quatre-vingt-trois piastres et trente-quatre cents. La dite somme fut acceptée par le dit Kean, sans qu'il manifestât l'intention de demander une autre balance.

Le comité ne peut considérer l'appropriation faite par l'acte de 1850 pour venir au secours de Kean que comme un réglement final de l'Etat avec ledit Kean. Mais les témoignages respectables produits, prouvent que ledit pétitionnaire n'a accepté ces paiements que par nécessité, croyant toujours qu'une autre Législature lui paierait le montant entier de sa demande.

C'est pourquoi le comité, en vue des nécessités du pétitionnaire, alors et maintenant, et des circonstances qui lui ont été expliquées, retire son premier rapport défavorable, et demande la permission de référer cette affaire à l'examen et l'action du Sénat.

Le tout vous est respectueusement soumis.

[Signé,] ED. M. MILLARD, Président.

Le comité des réclamations auquel avait été référé un acte accordant paiement à Joseph Dubuclet, de la paroisse St-Martin, pour un nègre qui avait été condamné pendant l'année 1824 à la prison pour la vie, est d'opinion que, quoiqu'il ne leur soit pas prouvé que le dit Dubuclet n'ait jamais reçu paiement pour ledit nègre, cependant le laps de 29 ans passés avant que paiement en soit demandé, et le manque d'évidence devant eux, si ce n'est qu'une copie du jugement de la Cour qui a jugé et condamné le nègre, n'est pas un témoignage suffisant pour leur faire voir que la réclamation est correcte.

C'est pourquoi nous recommandons que l'acte pour venir à son secours soit rejeté.

Signé : ED. M. MILLARD, Président.

Dans l'affaire de Louis Dubreuil, de l'Etat du Missouri, le comité des réclamations trouve les témoignages corrects comme le montre sa pétition, laquelle prouve à leur satisfaction, que le dit Dubreuil a été dûment nommé par le Gouverneur de l'Etat de la Louisiane pour demander au Gouverneur de l'Etat du Missouri, l'arrestation d'un certain docteur Mac-Manus qui s'était échappé des mains de la justice de l'Etat de la Louisiane, accusé du crime de meurtre dans la paroisse des Natchitoches, et cela non sans beaucoup de peines et dépenses pour exécuter les ordres du Gouverneur de la Louisiane et quoique n'en ayant jamais reçu aucune récompense.

C'est pourquoi le comité rapporte un acte lui accordant une somme de cinq cents piastres pour le dit service.

Signé : ED. M. MILLARD.

M. Lewis introduit une pétition des marchands, artisans et autres, relativement à la Banque des Artisans et des Marchands, laquelle est lue et déposée sur le bureau sujette à l'appel.

M. Lacey, du comité judiciaire, rapporte favorablement les actes suivants :

Acte pour recouvrer des dommages dans certains cas.

Acte pour autoriser l'achat de 175 copies de l'ouvrage d'Eyma intitulé : «Les Lois de la Louisiane sur l'insolvabilité.»

Acte pour émanciper Jane Mary, esclave et fille de Passy, f. c. l.

Et un substitut à un acte pour annuler par prescription certains jugemens et réclamations des autres Etats contre les citoyens de cet Etat.

Acte pour amender l'article 385 du Code de Procédure.

Acte pour régler la place et les devoirs des commissaires de Cour dans les différentes paroisses de l'Etat de la Louisiane, la paroisse d'Orléans exceptée.

VENDREDI, 1er avril 1853.

Sur motion de M. Lacey, le bill ayant pour objet l'accélération des affaires dans lesquelles les droits à un emploi public se trouvent en question est pris en consideration.

M. Wickliffe—Je suis opposé à la première section du bill. Un individu sera poursuivi devant une cour, sa vie dépendra de l'issue de ce procès, et une personne arrivera pour réclamer la prise de possession d'un emploi public, et il aura un droit de priorité.

La section est adoptée après avoir subi un amendement.

M. Lacey présente plusieurs amendements au bill : ils sont adoptés.

M. Short—Je suis opposé à ce bill. Il est évident qu'il y a une tendance à rendre ces sortes d'affaires très nombreuses et elles pourront occuper le temps de la Cour pendant deux sessions. Les gens qui occupent les places ne sont nullement disposés à les abandonner, et ceux qui les réclament insisteront pour en avoir possession. Je suis opposé à ce que ces affaires aient un droit de préférence. Il n'y a pas de raison pour qu'il en soit ainsi. Ce serait une injustice faite aux autres plaideurs. Il ne peut en résulter aucun bien, mais beaucoup de mal.

M. Lacey—Ces affaires intéressent le peuple à un haut degré. Il est impatient de connaître la décision de ces questions. Les intérêts privés doivent passer après les questions d'intérêt public.

M. Short—Les particuliers ont des intérêts aussi graves dépendant des décisions des cours qu'en a cette

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classe respectable de personnes qui réclament des droits aux emplois publics.

M. Lewis—Ce bill ne retarderait pas les autres affaires, attendu qu'une décision réglerait la question pour tous les autres cas.

Le bill est adopté.

Le bill ayant pour objet d'autoriser les opérations de banques, &c., est pris en considération.

M. Lacey fait la motion d'amender le bill en insérant le mot de « libre » après le mot de banques.

M. Martin fait la motion d'insérer le mot de frauduleux. La motion est perdue.

L'amendement de M. Lacey est adopté.

M. Short, de la part de M. Wickliffe, Neal, Boatner et de la sienne, présente le protêt suivant, lequel est lu

Sur motion de M. Short, ce protêt est compris dans le journal du Sénat.

Les soussignés, membres du Sénat, demandent respectueusement la permission de faire entrer dans le journal leur protêt contre l'acte pour organiser les banques libres.

Les principes du système des banques libres, ayant été pendant les trois dernières années un sujet de discussion, et une majorité du peuple ayant manifesté le désir de les adopter, les soussignés étaient disposés à signer une loi pour les mettre en force.

C'est pourquoi en votant contre l'acte, nous ne voulons pas qu'il soit compris que nous avons voté contre le système ou exprimé notre opinion sur l'utilité ou l'inconvenance de l'adoption d'un tel système, mais seulement contre le caractère de l'acte qui a été adopté ; une partie des bons qui sont pris pour la base du système de circulation, nous semble être une base dangereuse et destinée à donner dans peu de temps à l'Etat une mauvaise circulation et à plonger encore l'Etat dans des convulsions spasmodiques, dont il sort à peine.

On peut dire que notre circulation actuelle est en bonne condition. Les propriétés se vendent à haut prix ; le travail reçoit sa juste recompense ; les planteurs de coton et de sucre mettent maintenant le produit de leurs récoltes dans l'achat d'esclaves et autres propriétés, à des prix si hauts qu'ils excitent l'étonnement.

Le caractère de l'acte qui vient de passer, dans notre opinion ne peut qu'inévitablement changer l'état prospère de notre circulation actuelle, et lui donner un faux caractère et élever les propriétés à une valeur fictive, et montrer pendant un certain temps une prospérité apparente, laquelle servira de fondements à des fortunes de quelques semaines, à des crédits individuels et publics, et cela quand l'Etat sort à peine d'échapper à une condition de banqueroute produite par la bancomanie qui dominait de 1834 à 1837. Nous croyons que la passation de cet acte est un mépris des lumières de l'expérience, à un degré qui s'éloigne peu de la folie, tout en respectant fortement les opinions de ceux qui l'ont supporté, l'acte est un de ceux qui ne peuvent qu'exciter l'étonnement, quand nous examinons les effets qu'il produira sur les propriétés foncières et le crédit de l'Etat.

(Signés) H. SHORT.
ROBERT WICKLIFFE.
MITCHEL NEAL.
M. BOATNER.

Suivant l'avis préalable donné par lui, M. Derbès introduit un acte intitulé :

Acte pour diviser l'Etat en Districts congressionnels.

M. Martin. — Je diffère des conclusions du rapport de la majorité, et j'aural l'occasion de présenter un rapport de la minorité.

M. Millard, du comité sur les institutions charitables, présente le rapport suivant qui est lu.

Le comité sur les institutions charitables, dont l'attention a été appelée particulièrement sur des objets et des travaux de charité d'après les investigations que lui imposent ses devoirs, offre ses sincères condoléances aux malheurs du docteur Brigs, et lui souhaite le bonheur que l'on doit éprouver pour avoir rempli une action noble et digne d'éloges, dans le sacrifice de soi-même en guérissant d'une maladie formidable et dégoûtante les étrangers pauvres qui étaient venus chercher un refuge sous son toit. Ils apprécient les motifs d'humanité qui l'ont poussé à empêcher l'extension par ses voisins à ses propres dépens d'une maladie dangereuse et contagieuse.

Cependant le comité croirait dépasser ses pouvoirs en provoquant pour le pétitionnaire une récompense en sus de celle que tout honnête homme doit trouver dans sa conscience en sauvant la vie de ses semblables, et en accomplissant l'acte si digne d'éloges qu'a accompli le docteur Brigs.

Respectueusement soumis.

ED. W. MILLARD,
President.

Le bill ayant pour but d'amender l'art. 30 du Code de procédure est pris en considération.

M. Nicholls. — J'expliquerai en quelques mots l'objet de ce bill. Il est destiné à empêcher que le créancier saisissant qui fournit un cautionnement au shériff ne soit obligé de payer de doubles honoraires d'avocats. Si une partie s'engage à payer tous les dommages que pourrait encourir le shériff, je ne vois pas pourquoi il serait obligé de payer les honoraires de l'avocat employé par un officier qui retire tout le bénéfice de ces procédures.

Le bill est adopté.

M. King demande la prise en considération de l'acte suivant :

Acte pour prolonger la Charte de la Banque des Artisans et des Marchands de la Nouvelle-Orleans.

Sec. 1. Il est décrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane réunis en assemblée générale,

Que la charte de la Banque des Artisans et des Marchands de la Nouvelle-Orléans expirant le second mardi d'avril prochain soit et demeure prolongée jusqu'au 1er de juillet 1854 et pas plus.

Sec. 2. Il est de plus décrété, &c., Que ladite banque ne devra pas, après le second mardi d'avril, émettre ou réémettre aucun de ses billets, mais devra faire rentrer, racheter et canceller sa propre circulation.

Sec. 3. Il est de plus décrété, &c., Que la défense contenue dans la 12me section d'un « Acte pour réviser la charte des différentes banques domiciliées dans la ville de la Nouvelle-Orléans et pour d'autres objets, » approuvé le 5 février 1842, par laquelle il était illégal à une banque de payer à son propre comptoir tous autres billets que les siens, ne s'appliquera pas à la Banque des Marchands et des Artisans, après le deuxième mardi d'avril prochain, mais que ladite banque peut et est par le présent autorisée à payer ses obligations en espèces ou en billets des autres banques incorporées de cet Etat, créés en vertu de la loi, à l'option des personnes qui les présentent.

Sec. 4. Il est de plus decrété, &c., Que cet acte aura force de loi, à partir de et après sa passation.

M. Derbès fait la motion d'amender la première section en effaçant le 1er juillet 1854 et d'insérer le 1er octobre 1853.

M. Short. Je suis opposé à l'amendement. Depuis deux ou trois années l'opinion publique s'est profondément émue sur la question des Banques. On s'est plaint de tous côtés, avec combien de raison, je ne compte pas l'examiner, et je ne crois pas non plus qu'il soit nécessaire de le faire ici, que cet Etat a été obligé d'employer la circulation des autres Etats, n'en ayant pas une propre à lui-même. La Constitution de 1845 était l'expression de la volonté du peuple qui repoussait le système des Banques sous quelque forme qu'il se présentât. Depuis ce temps un grand changement s'est opéré dans l'esprit public. Le peuple a été obligé de se servir du papier des banques du Kentucky et du Tennessee. Bien qu'il soit vrai qu'une grande partie de notre circulation se compose de l'émission de ces banques, et que nous soyons parvenus à nous tirer d'affaire à l'aide de cette circulation, cependant le peuple n'en est pas satisfait. Il est vrai aussi que le désir d'avoir une circulation de papier existe à un degré inconcevable dans l'esprit du peuple Américain. Il serait impossible de l'en déraciner. En ce moment le peuple de l'Etat est en faveur d'étendre les institutions de crédit. Nier ce fait serait prétendre une absurdité. Il est trop tard pour nier ou pour s'y méprendre. S'il s'agissait de l'établissement d'une banque d'escompte, je voterais probablement contre le projet. Mais voici une institution qui a long-temps existé et conséquemment la question est différente. Il nous faut admettre que le peuple désire cette sorte de circulation. Quelques grands que soient les maux

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qui peuvent en résulter, quoique nous puissions déplorer l'établissement de pareilles institutions, cependant les opérations de cette banque en particulier sont si intimement liés avec tous les intérêts de la société, qu'il serait extrêmement difficile de les en séparer. Ce sont des fléaux; si vous le voulez, ce sont des cancers; mais ce sont des fléaux qu'il est impossible de faire disparaître, ce sont des cancers qui ne peuvent être brusquement extirpés sans danger, pour le corps politique tout entier. L'Etat ayant décidé qu'il veut avoir des banques, que les espèces ne sont pas suffisantes à les remplacer, que nous ne pouvons nous contenter d'une circulation consistant dans les métaux précieux, la seule circulation en faveur de laquelle je sois moi-même, et s'étant aussi prononcé contre l'ancien système des banques, cette question surgit: Comment allons-nous passer de l'ancien système au nouveau ? Quelle doit être la transition la plus sûre ? Cette transition doit-elle être brusque ? Allons-nous détruire d'un coup les institutions existantes ? Devons-nous diriger nos coups contre cette banque en particulier ? Consentirons-nous à vouer en un moment à la destruction une banque en faveur de laquelle parlent si haut son passé, et sa position présente, une banque qui est revenue de toutes ses anciennes erreurs et dont la solidité est reconnue ? La loi sur les banques libres nous promet un état de choses tout nouveau. Si nous passons tout d'un coup à ce nouvel état de choses, si nous ne donnons pas à l'ancien système le temps de s'éteindre graduellement, il en résultera inévitablement un dérangement dans le système de circulation. En d'autres termes, il y aura contraction dans le marché monétaire. Croit-on que les capitalistes vont placer leur argent dans ce système de banques libres ? Pour ma part, je ne crois pas que la loi qui l'a établie puisse satisfaire les besoins existants. Il est beaucoup plus facile d'abattre une vieille bâtisse que d'en construire une nouvelle; il est plus difficile de créer que de détruire. C'est là une maxime bien vieille, mais aussi juste dans son application aujourd'hui que lorsqu'elle fût exprimée pour la première fois, et l'expérience ne sert qu'à en démontrer la vérité. Mais que lors nous voyons la nouvelle bâtisse déjà ébranlée, nous ne devrions pas nous hâter d'abattre l'ancienne. Lorsque nous voyons que le peuple s'égare quant au résultat que doit produire la loi sur les banques libres, nous ne devrions pas annihiler d'un coup l'ancien système. Je suis opposé à ce que la vieille bâtisse soit abattue jusqu'à ce que je sois convaincu qu'on en élèvera, à sa place, une autre qui présente toutes les conditions de solidité. Comment est-on arrivé à agiter la question de mettre tout d'un coup fin aux opérations d'une banque qui vient à nous recommandée par les hommes les plus considérables du commerce, et d'y substituer quelque chose de nouveau, quelque chose qui n'a jamais été éprouvé, c'est ce que je ne puis dire. Dans la partie de l'Etat que j'habite les relations d'affaires de cette banque sont très étendues; à l'aide des facilités qu'elle accorde, les habitants obtiennent un crédit qu'ils ne trouveraient nulle autre part. Ces facilités, si elles désirent, ils en ont besoin, et ils seraient exposés à de grandes pertes si elles leur étaient retirées. C'est cette raison qui a opéré ce grand changement qui s'est manifesté de 1845 à 1853.

S'il ne résulte aucun avantage solide du nouveau système qui est proposé, au lieu d'être un bienfait ce sera un fléau. Ce sera un faible édifice chancelant au-dessus de nos têtes, et qui nous menacera à chaque instant de nous ensevelir sous ses ruines. Pour ces raisons je suis opposé à mettre fin aux opérations de la Banque des Artisans et Commerçants. Je suis oppose à une soudaine, et dans mon opinion, fatale transition d'un système à un autre. Accomplissons notre œuvre lentement et nous ne l'aurons achevée que plus sûrement. N'arrachons pas l'existence à cette institution, ne la faisons pas périr en ce moment. Nous ne saurions le faire sans méconnaître les vœux et les intérêts du peuple. Lorsqu'on supposait que le peuple voulait qu'il n'y eût plus de banque, je concourrais d'opinion avec lui. Aujourd'hui il semble que l'opinion a changée. On demande autre chose. Quelle circulation allons-nous substituer à celle que nous fournissent les banques ? Les arguments mêmes que j'ai entendus avancer contre les extensions du système du crédit militent en sa faveur. On dit que si nous étendons la charte, les actions vont s'élever. N'est-ce pas là la preuve de la solidité de cette institution ? Que si, au contraire, vous disiez que les actions sont au-dessous du pair, ce serait la preuve que la situation de la banque n'est pas sûre.

M. McCay—Le sénateur fait-il allusion à une conversation qu'il a eue avec moi.

M. Short—Non, j'ai puisé ces renseignements à une source qui passe généralement pour certaine, les papiers publiés. Cette question a été discutée pendant longtemps; Elle a été débattue par la presse, dans les assemblées publiques et dans les Chambres de la Législature. La décision n'a pas été contraire aux banques J'eusse désiré qu'elle fût hostile à ces institutions. Mais il n'en a pas été ainsi, et nous devons nous soumettre à la volonté du peuple. Il a décidé que tant que les autres Etats auront une circulation de papiers, nous devons en avoir aussi une. Il pense qu'il doit y avoir le système de crédit qui, dans l'espace de quelques années, a donné un si grand élan à l'agriculture du Kentucky et des autres Etats. Il s'occupe peu des maux que peut recéler l'avenir, bien qu'il semble que l'experience devrait nous avoir rendus assez sages. Le peuple de la Louisiane, je le répète, mû par ces diverses considérations, et forcé de se servir du papier des autres Etats qui est apporté dans celui-ci, veut se servir de son propre papier au lieu du papier étranger. Peu importe à un homme qui a un billet, d'où il vient, s'il est bon Mais on dit: s'il faut que nous nous servions de papier-monnaie, n'en pouvons nous en avoir qui nous soit propre ? Pourquoi n'aurions-nous pas ces banques à la Louisiane ? Là, du moins, elles seraient sous notre contrôle, là nous pourrons leur imposer certaines limites et les soumettre à nos propres lois. Telle est la question que l'on pose, et il faut avouer qu'il est difficile d'y repondre.

La question ayant été mise aux voix, l'amendement est repoussé.

M. King fait la motion d'amender la première section en substituant les mots «le 1er Décembre 1853» à ceux-ci «le 1er Juillet 1854.»

M King.—Comme cette question est d'une grande importance pour mes commettants, j'espère que le sénat me pardonnera les quelques observations que je vais lui presenter. Je dois commencer par déclarer que je ne suis pas d'avis de mettre fin tout d'un coup aux operations de la Banque des Artisans et des Négociants. Le senateur de Madison [M. Short] a dit avec raison que le peuple demande une augmentation dans le capital qui sert aux opérations des banques.— J'ai déja dit plusieurs fois et je repète que le peuple s'est exprime à cet egard d'une manière claire et sur laquelle on ne saurait se méprendre. En ma qualité de representant de ce peuple, je crois qu'il est de mon devoir de contribuer a ce qu'il soit fait droit à sa demande. Je n'ai pas le moindre doute sur l'état de l'opinion publique quant à cette question, et je n'hésiterai pas à me conformer à cette opinion.

Si nous mettions un terme en ce moment aux affaires de la banque des Artisans et Négociants, cette mesure aurait pour effet de retirer presque tout le capital de la Banque, qui appartient presque tout entier a des capitalistes étrangers. A moins qu'on n'accorde quelque extension à la Banque, l'effet immédiat sera que le capital sera retiré et qu'il surviendra un trouble dans les affaires pécuniaires. La Nouvelle-Orléans a besoin de capital, et ne peut s'en dispenser sans s'exposer à de grands inconvénients, à sa ruine peut-être. Je regretterais de voir se retirer ce capital dont nous avons un si grand besoin, de voir détruit ce système de crédit que le public demande d'une manière si impérieuse. Si d'un côté, je suis de cette opinion, de l'autre je ne suis pas moins opposé à ce que nous revenions à l'ancien système de Banques ou à ce que nous continuions l'existence de ces anciens monopoles, au-delà du temps qu'il sera strictement nécessaire.— La question se réduit en pratique à ceci: Devons-nous avoir des banques libres ou des monopoles privilégiés ? Allons-nous ouvrir les portes à tout le monde, ou seulement à quelques individus ? Cette question a déjà été décidée par le peuple et je croyais que sa décision avait été finale. Mais je regrette de voir qu'il faut livrer une nouvelle bataille dans cette enceinte, que la question surgit encore au milieu de nous. Qu'il me soit permis de demander aux honorables sénateurs ce qu'ils préfèrent: l'ancien système de monopoles ou un système de banques basées sur des principes véritablement démocratiques et républicaines, un système

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qui n'a rien d'exclusif, mais qui provoque la concurrence dans les opérations de Banques comme dans tous les autres genres d'affaires et donne au monde entier la chance d'en profiter ? Quant à moi, j'avoue que je crois que l'opinion du peuple de l'Etat est juste, et je suis pour cette raison en faveur des banques libres.

Pour ces raisons, je désire voir prolonger l'existence de la banque jusqu'au mois de décembre. Si nous prolongeons jusque là son existence, nous trouverons à cette époque la banque prête à venir en aide à ce système qui est le seul sûr, le seul qui soit adapté à un gouvernement démocratique et républicain tel que le nôtre. Néanmoins, si nous l'anéantissons immédiatement avant même d'avoir adopté la loi générale, son capital nous quittera pour toujours. Nous voulons que cette banque vienne se ranger sous les dispositions de la loi générale. Nous voulons qu'elle serve à démontrer les bienfaits du nouveau système que nous allons adopter Je suis porté à croire d'après les conversations que j'ai eues avec des officiers de la banque qu'elle subira cette transformation. Je crois que nous la verrons à la tête de cette phalange de nouvelle banque, que va créer la nouvelle loi sur les banques et qu'elle sera plus prospère que jamais. Nous la verrons conduire la bataille qu'on va livrer aux banques spéciales. Le poids de son influence sera du côté de la liberté. Ne laissons pas échapper l'occasion d'avoir un pareille champion, nous devons l'accepter comme un allié au lieu de le repousser comme un ennemi. Son crédit, son influence acquis à la cause du système des banques libres, en assurera le triomphe. Dans l'intérêt de notre population commerciale, dans l'intérêt du système des banques libres, par respect pour les vœux et l'intérêt du peuple, que cet amendement soit adopté. Prolongeons l'existence de la banque jusqu'au 1er de décembre. Donnons-lui assez de temps pour qu'elle puisse correspondre à ses actionnaires et leur demander de se ranger sous les dispositions de la loi générale. La loi que le Senat a adopté lui est aussi favorable que les lois actuelles. Je pense qu'elle sera de cette opinion et qu'elle s'y conformera, si seulement nous lui donnons une chance et ne l'étouffons pas tout de suite. J'espère qu'ils nous accorderont cette extension, et alors, après que nous lui aurons donné le temps de la réflexion, si elle ne veut pas prendre le bénéfice de la loi elle rentrera dans les conditions qui, dans mon opinion, doivent être conservées à toutes ces institutions à monopole.

M. Martin.—Puisque le sénateur a fini, je pense que je puis avoir la chance de dire quelques mots. Le sénateur dit que le système des banques libres est un système démocratique. Je puis prouver que la banque des Artisans et Négociants est aussi une banque démocratique. Le bill par lequel elle a été créée fut présenté par le gouverneur Walker, alors membre de la Législature. Elle a été placée sous le contrôle des démocrates, et y est toujours restée depuis. Je ne veux pas que ces monstres démocratiques nous soient attribués. Les démocrates doivent reconnaître leur paternité !

Les whigs ont toujours été opposés aux banques locales Ces institutions sont le fruit des principes démocratiques. Elles ont été créées lorsque le général Jackson et la democratie écrasèrent la banque Nationale. C'est pendant la lutte qui s'engagea alors que les banques furent établies dans la plupart des États, et furent soutenues par les démocrates comme étant, selon eux, plus sûres et moins dangereuses que la banque Nationale. Les whigs n'ont jamais été inféodés aux banques locales.

Cette banque (la banque des Artisans et des Négociants) est une banque democratique. Si les membres du Sénat veulent recourir aux procès-verbaux de 1833, ils verront que c'est à Joseph Walker, ex-gouverneur de l'Etat, qu'en revient la paternité.

M. Short—Le sénateur de la Nouvelle-Orléans [M. King] en a appelé au parti démocratique, et prétend qu'il s'est déjà prononcé sur la necessité d'abandonner l'ancien système et d'adopter le système des banques libres. Je veux bien l'admettre, mais a-t-il décidé qu'on abandonnerait le système actuel afin d'adopter le système que le Sénat vient d'établir ? Je le nie. La Louisiane ne tentera jamais volontairement une expérience de cette sorte. Jamais l'Etat de la Louisiane, ni le parti démocratique ne se sont prononcés en faveur d'un système aussi vicieux. Si un bill convenable avait été présenté, je lui aurait donné mon vote ; mais je n'ai pu consentir à donner mon appui à celui qui a été adopté.

M. King.—Si le vote des trois quarts qui a été donné en faveur du bill ne peut convaincre le sénateur que c'est là le bill que le peuple désire, je puis l'assurer que rien ne pourra avoir cet effet.

M. Short.—Les bons de la ville ont-ils jamais été discutés. Jamais que je sache, au moins dans la partie de l'Etat que j'habite.

Sur motion de déposer l'amendement sur le bureau, M. King demande l'appel nominal.

MM. Barthe, Hodge, Kittridge, Martin, Millard, Nichols, Rivers, Short, Slack, Taylor et Todd votent pour le dépôt, —11 voix.

MM. Boatner, Derbès, Kemp, King, Lacoste, Lacey, Lewis, McCay, Neal, Patterson et Thériot votent contre.—11 voix.

Les voix étant égales le président vote pour le dépôt sur le bureau.

Par conséquent la motion est rejetée.

Sur motion d'adopter la première section, l'appel nominal est demandé :

MM. Barthe, Hodge, Kittridge Martin, Nichols, Rivers, Short, Slack et Taylor votent pour l'adoption —9 voix.

MM. Boatner, Derbès, Kemp, King, Lacoste, Lacey, Lewis, McCay, Neal, Patterson, Thériot et Todd votent contre—12 voix.

Le président déclare que la section est rejetée.

M. Todd ayant voté avec la majorité, demande la reconsidération du vote donné sur l'adoption de la première section de l'acte.

M. McCay demande la reconsidération de l'acte.

M. Nicholls.—Je ne pense pas que le sénateur ait le droit de demander maintenant la reconsidération. Il a déjà été décidé dans cette chambre que lorsque notice a été donnée d'une demande de reconsideration, personne ne peut demander la reconsidération dans l'intervalle.

M. Rivers.—Quel est l'objet d'une reconsidération. C'est évidemment d'avoir l'opinion pleine et entière du Senat ; et que l'on craint de ne l'avoir pas eue à l'époque du premier vote à cause de l'absence de quelque membre. Le sénateur de Worehouse (M. Todd) a donné notice qu'il demanderait demain la reconsideration. Pourquoi ne l'a-t-il pas demandée ? Evidemment parce qu'il ne voulait pas detruire l'objet même qu'il a en vue. Je désire que les sénateurs qui sont maintenant absents puissent avoir la chance de voter. Il n'est pas probable qu'aucun sénateur ait encore changé d'opinion, et, conséquemment une motion de reconsidération, en ce moment serait tout simplement une vraie perte de temps.

M. Derbès—Je ne puis admettre les idées du sénateur sur les principes qui président à sa motion de reconsidération. Son véritable objet est de permettre à une personne qui a vote par erreur, de changer son vote. Il y a quelque temps, je demandai un renvoi, dans le but de donner à quelques membres absents le temps d'arriver ici avant que la question fût mise aux voix. Les sénateurs qui nous étaient opposés se comptèrent, et, pensant qu'ils pouvaient decider la question, repoussèrent la motion. Eh bien ! maintenant qu'ils ont été battus, ils veulent obtenir le renvoi. Quant à moi, je crois qu'ils peuvent demander la reconsideration aussi bien aujourd'hui que jamais.

M. Short—J'espère que les sénateurs ne montreront pas tant d'insistance pour obtenir immediatement la reconsideration. La question qui est devant le Sénat est très importante et demande du temps et de la réflexion. Les votes que je donne ici, je les donne comme senateur et comme démocrate ; je n'en suis responsable que devant mes commettants. Je vois beaucoup de personnes deployer un grand zèle en faveur de mesures qu'elles appellent démocratiques. Elles nous disent que le parti sera detruit, si ces mesures ne sont pas adoptées, mesures que je ne puis m'empêcher de regarder comme fatales à l'Etat et au parti. Elles seront, dit-on, à tout jamais la pierre fondamentale du parti. Je pense que le résultat sera tout different. Les principes démocratiques ne dépendent pas des manœuvres des intrigants politiques. Il y a dans le peuple un fond de bon sens qui le met à même de voir la déception. Quand on proposera une

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mesure que je croirai utile, je lui donnerai mon appui. Je me suis opposé d'avance au bill sur les Banques qui nous est venu de la Chambre. Je vois ici deux sénateurs, qui, je pensais, devaient être du même côté que moi sur cette question. Mais je remarque que, lorsque je parle du danger de s'endetter, ils évitent de m'écouter, quoi qu'ils se soient elevés sur le même sujet avec plus de force que je ne l'ai jamais fait moi-même. J'ai voté contre l'amendement du sénateur de la Nouvelle-Orléans [M King], parce que je ne pense pas qu'il aille assez loin. Bien que dans la discussion qui s'est élevée au sujet du système des Banques libres rien n'ait été décidé, pas même que nous devrions quitter un système pour un autre, cependant l'opinion s'est en quelque sorte prononcée en faveur des Banques libres et contre le système des anciens monopoles. Quant à moi, considérant la question comme un démocrate, je ne vois qu'une base sûre et solide pour les opérations de banque. Elles doivent reposer sur un capital véritable. Mais quand je vois présenter une loi qui est pour ainsi dire une arène libre ouverte à tous les combattans qui voudront se présenter, je ne puis m'empêcher d'hesiter. Les Banques doivent avoir pour base un capital solide.

Le mot « libre » n'a pas la puissance de rendre une banque plus solide que celles dont nous avons déjà fait l'essai. Il peut y avoir un prestige tout particulier dans ce mot, mais il ne constitue pas un élement de sûreté. Ce mot est une invention de ces personnes qui ont pensé qu'on ne pouvait se passer de banques, mais qui, en même temps, sont opposées à ce genre de banques que nous avions en 1837, et qui ont eu pour résultat la ruine et la désolation. Ils pensèrent qu'ils n'auraient qu'à introduire ce mot pour agir sur l'opinion publique et inféoder l'Etat à un système de leur invention. Mais ce système est-il de nature à satisfaire le peuple? Le bill qui a été adopté par le Sénat établit-il un système conforme aux vœux du peuple de la Louisiane? Si l'on soumettait ce bill au peuple, il serait rejeté par un vote encore plus décisif que celui qui a été donné lors de la candidature du général Scott. Et la proposition qui a été faite dans cette enceinte de prendre des mesures qui tendraient à forcer la Banque des Artisans et Négociants à se conformer aux dispositions d'une loi générale ne serait pas reçue plus favorablement.

L'appel nominal est fait sur la reconsidération :

MM. Burthe, Hodge, Kittridge, Martin, Millard, Nicholls, Rivers, Short, Slack, Taylor et Todd votent pour—11 voix.

MM. Boatner, Derbès, Kemp, King, Lacoste, Lacey, Lewis, McCay, Neal, Patterson et Thériot votent contre—11 voix

Les voix étant également partagées, le président vote pour la reconsidération.

M. McCay demande que la première section soit déposée indéfiniment sur le bureau.

MM. Boatner, Derbès, Kemp, Lacey, McCay, Neal et Thériot votent pour—7 voix.

MM. Burthe, Hodge, Kittridge, King, Lacoste, Lewis, Martin, Millard, Nicholls, Patterson, Rivers, Short, Slack, Taylor et Todd votent contre—15 voix.

Par conséquent, le Sénat refuse de déposer la première section indéfiniment sur le bureau.

Sur motion de M. Rivers, l'acte est alors mis à l'ordre spécial du jour pour mardi prochain 5 avril 1853.

M. Derbès, du comité d'enrôlement, rapporte au Sénat, correctement enrôlés, les actes suivants :

Acte pour autoriser les juges de paix à nommer dans certains cas des curateurs *ad litem*.

Acte pour autoriser David Brady, de la Nouvelle-Orléans, à changer son nom de David Brady par celui de David Braden.

Acte pour émanciper John P. Montamat.

Acte pour prohiber la circulation des petits billets.

Le secrétaire demande la signature de l'orateur pour les mêmes.

Et il demande le concours de la Chambre pour les actes intitulés :

Acte pour autoriser la Banque dans l'Etat de la Louisiane.

Acte pour venir au secours de Parvis et Dugué.

Acte pour autoriser les procédures *in rem* pour recouvrer les pertes et dommages causés par tout manque de soins, ou d'adresse dans la direction, ou le gouvernement de tout bateau à vapeur, barge, chaland, navire ou radeau.

Acte accordant aux Etats-Unis juridiction sur toute cette partie de toute rue, chemin public ou route passant au travers du site obtenu pour l'établissement d'un chantier de marine et d'un dépôt naval, vis-à-vis la ville de la Nouvelle-Orléans, sur la rive droite du fleuve Mississippi.

Et il informe laChambre que le Sénat a donné son concours à un acte intitulé :

Acte pour venir au secours de H. Kean.

MESSAGE DE LA CHAMBRE.

M. Eastin, messager spécial de la Chambre, demande le concours du Sénat pour les actes suivants :

Acte pour rappeler certaines sections d'un acte intitulé : Acte pour prescrire les devoirs des notaires publics dans la paroisse d'Orléans, en passant des actes de vente, de donation et d'hypothèques, approuvé le 21 mars 1850.

Acte pour pourvoir au transfert de certains documents publics de la paroisse de Jefferson à la ville de la Nouvelle-Orléans.

Substitut à un acte pour unir les bureaux du recorder des hypothèques et du recorder de la paroisse de Jefferson.

Acte pour donner certains pouvoirs au maire de la ville de Port-Hudson.

Acte pour changer le nom de George Ross de la paroisse de Plaquemines.

Acte pour changer les districts du jury de police de la paroisse Concordia.

Acte pour donner le droit au jury de police de la paroisse de Concordia d'étendre ses séances.

Acte pour émanciper Alex. L. Green.

Acte pour abolir la place de l'annotateur des hypothèques dans la paroisse de Jefferson.

Substitut à un acte pour réunir les bureaux du recorder des hypothèques, et du recorder dans la paroisse de Jefferson.

Acte pour empêcher les corporations municipales de cet Etat d'imposer des taxes sur les personnes vendant des articles manufacturés par eux-mêmes dans cet Etat.

Substitut à un acte pour empêcher le conseil municipal de la ville de la Nouvelle-Orléans, d'imposer des taxes sur des personnes vendant des articles manufacturés par elles-mêmes.

Acte pour prendre l'opinion des électeurs qualifiés de la ville de Port-Hudson sur la question d'abolir la corporation, et pour abolir la dite corporation.

Acte pour autoriser la nomination d'un notaire public additionnel dans et pour la paroisse d'Union.

Acte pour réorganiser le jury de police de la paroisse St-Landry.

Acte pour venir au secours de Robert Darpit, de la paroisse Terrebonne.

Acte pour pourvoir et pour régler la place d'avocat-général.

Résolution conjointe relative à l'asile des Sourds-et-Muets et Aveugles.

Resolution pour venir au secours de l'Hôpital de Charité.

Résolution requérant l'ingénieur de l'Etat de faire nettoyer les bayous Darbon, Corney, et de compléter les améliorations qui y ont été commencées.

Résolution de condoléance en l'honneur de l'Hon. Ronquillo, décédé.

Et il informe le Sénat que la Chambre a refusé de donner son concours au substitut du Sénat à un acte intitulé :

Acte pour venir au secours des personnes possédant des certificats d'entrées des terres marécageuses, émis par les bureaux des terres des Etats-Unis, subséquent au 2 mars 1849, et avant le 17 mars 1852.

Et il demande la signature du président pour les actes suivants, intitulés :

Acte pour l'appropriation et le remboursement de certaines sommes d'argent payées pour des warrants des terres des Ecoles.

Acte pour amender la 7me section d'un acte intitulé : Acte pour prescrire la manière de disposer des terres appartenant à des personnes qui n'ont pas payé leurs taxes.

Acte pour venir au secours de Théodule Labeuve.

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BILLS ADOPTES.

Acte pour venir en aide à Robert Despit, de la paroisse Terrebonne.

Acte pour organiser le juri de police de St-Landry.

SAMEDI, 2 avril 1853.

M. Hodge présente un bill dont l'objet est d'accorder aux paroisses les amendes et confiscations qui seront à l'avenir encourues pour infractions aux lois pénales.

M. Hodge—J'expliquerai l'objet de ce bill. Aux termes d'actes adoptés à cette session ainsi qu'à la dernière session de l'assemblée générale, les paroisses sont obligées de payer les frais des poursuites qui ont lieu dans leurs limites Ce n'est par conséquent qu'un acte de justice de leur donner les amendes et les confiscations. C'est là une question d'une grande importance, surtout pour la paroisse d'Orléans dans laquelle, bien que les dépenses soient très-considerables, les amendes et les confiscations seraient suffisantes pour les couvrir.

M. Wickliffe—Le bill est excellent, et j'espère qu'il sera adopté.

Le bill est adopté.

« L'acte pour pourvoir à l'engagement des récoltes naissantes est pris en considération.

M. Mc Cay s'y oppose et demande l'appel nominal.

Messieurs Boatner, Derbès, Kemp, Kittridge, King, Lewis, Millard, Neal, Patterson, Rivers, Short et Taylor votent pour—12 voix.

Messieurs Hodge, McCay, Nichols, Stack, Todd et Wickliffe votent contre—6 voix.

Par conséquent la motion de reconsidérer prévant.

La 1re et la 2me section sont adoptées.

La 3me section qui est conçue comme suit :

Sect. 3me. Il est de plus decrété, &c, Que le privilège que cet acte accorde, ne passera pas avant les privilèges maintenant accordés par la loi, aux créancier, économome, fournisseur de provisions d'habitations et ouvriers, ni ceux d'une saisie faite par un créancier en vertu d'un jugement rendu avant l'engagement.

M. Nicholls fait la motion d'effacer les mots « ni ceux d'une saisie faite par un créancier en vertu d'un jugement rendu avant l'engagement et d'insérer «sur un jugement en faveur du creancier. »

M. Lacey fait la motion de déposer l'amendement sur le bureau et demande l'appel nominal.

MM. Boatner, Derbès, Kemp, Kittridge, King, Lacey, Lewis, Millard, Patterson, Rivers, Short, et Taylor, votent pour—12 voix.

MM. Hodge, McCay, Neal, Nicholls, Todd et Wickliffe votent contre—6 voix

Les 4me et 5me sections sont adoptées.

MESSAGE DE LA CHAMBRE.

M. Eastin, messager spécial de la Chambre, demande au Sénat son concours pour les actes suivants :

Acte pour incorporer la compagnie du Télégraphe de la Nouvelle-Orléans, de la Rivière Rouge, et du Texas.

Acte pour incorporer l'asile de Ste-Anne, pour venir au secours des femmes pauvres et des enfants abandonnés de toutes les religions.

Et il informe aussi le Sénat que la Chambre a passé la résolution suivante :

Résolu, que l'orateur de la Chambre ait le droit de nommer un membre pour remplir les devoirs du fauteuil pendant sa maladie ou son absence temporaire du siége du gouvernement, quand même ce changement se prolongerait au-delà du temps de l'ajournement, et que le membre ainsi nommé signera tous warrants, actes et autres papiers que l'orateur permanent a le droit de signer.

L'Hon. J. M. Sandidge, de Bossier, est nommé par l'orateur pour occuper le fauteuil pendant son absence.

MERCREDI, 6 avril 1853.

RAPPORTS DES COMITES.

M. Lacey, du comite judiciaire, soumet le rapport suivant qui est lu :

A l'hon. W. W. Farmer, Lieut.-Gouverneur et Président du Sénat :

Le comite judiciaire du Sénat, auquel avait été référée la résolution passée par votre honorable corps, requerrant ce comité de rapporter un acte en conformité aux dispositions de l'article onze de la Constitution, demande la permission de rapporter que le comité, pour se conformer à la susdite résolution, rapporte à votre honorable corps un acte ayant rapport à la résolution ; et dans l'accomplissement de ce devoir, le comité soumet à l'examen du Sénat, l'acte intitulé : « Acte pour pourvoir à l'enregistrement des votans de la ville de la Nlle-Orléans en conformité à l'article onze de la Constitution. »

Le comité ne prétend pas dire que l'acte soumis au Sénat est parfait ; mais il croit que le dit acte peut être mieux corrigé dans ses détails par le Sénat que par le comité ; la forme de l'acte vous est soumis et le comité recommande respectueusement son impression.

Le tout vous est respectueusement soumis.

GEORGE S. LACEY,
Président du comité judiciaire du Sénat.

M. Lacey, du comite judiciaire, rapporte favorablement les actes suivans intitulés :

Acte pour pourvoir au changement de *venue* dans les affaires civiles et criminelles conformément à l'article 112 de la Constitution.

Acte pour restreindre la juridiction de la cour suprême dans les affaires civiles à des points de droit seulement

Et un substitut à un acte intitulé :

Acte relatif aux hypothèques et privilèges.

Lesquels sont ordonnés à l'impression et mis à l'ordre du jour pour vendredi prochain, 8 avril 1853.

Et il introduit, sans en avoir donné avis préalable après en avoir demande et obtenu la permission, un acte intitulé :

Acte pour pourvoir à l'enregistrement des votans de la ville de la Nouvelle-Orléans conformément à l'article 11 de la Constitution.

Mr. Short, du comité des terres et levées, soumet le rapport suivant :

A l'Hon. President et membres du Sénat.

Le comité des terres et levées auquel avait été référé un acte intitulé : « Acte pour venir au secours de ceux qui ont acheté des terres d'une manière irrégulière, rapporté de la chambre et référé à ce comite le 28 mars, rapporte respectueusement :

Que cet acte a pour but de venir au secours des personnes qui ont acheté de Richard Loucks, ex-anotateur du bureau des terres, des warrants de terre irréguliers. Le comité appellera l'attention du Sénat sur ce qu'ils ont déjà dit dans leur rapport général sur ces certificats inédits ; « il y a une autre classe de personnes « qui possèdent des certificats d'entrées émis par un « Richard Loucks ex-anotateur du bureau des terres, « conformément à une résolution passée le 4 mars « 1852, comme on pourra le voir par un rapport de « l'anotateur actuel du bureau des terres, il notifia les « possesseurs de ces certificats de les présenter, ceux « qui ont été presentés depuis l'avis se montent à « 1002 6|100 acres. Nous croyons qu'il est du devoir « de l'Etat de remettre aux possesseurs de ces certifi- « cats sur leur renvoi le montant de l'argent qu'ils « ont paye. » p. 3 et 4.

C'est tout ce que nous croyons que l'Etat puisse faire, non pas qu'ils insistent que l'Etat soit tenu d'après la loi, de refuser de rendre l'argent que ces individus ont donné d'une manière irrégulière à M. Loucks, lequel n'était pas la personne chargée de recevoir cet argent, en sa capacité d'annotateur, et que ni l'Etat ni les cautions de Loucks ne pouvaient être responsables pour des actes qui ne tombaient pas dans la sphère de ses affaires.

Il était du devoir du trésorier de l'Etat de recevoir l'argent des warrants, approuvés par l'auditeur, et sur le reçu du trésorier, il devenait du devoir de l'annotateur d'émettre un certificat d'entrée en faveur de la personne payant le trésorier ; aucunes de ces formalités n'ont etc remplies, et aucune entrée ne peut être trouvée dans les livres pour montrer l'extension du système de fraude adopté par Loucks pour tromper des personnes innocentes, qui le croyaient l'agent auquel il fallait remettre l'argent des warrants des terres.

Mais en consideration de ce que Loucks avait été nommé officier de l'Etat, et comme tel, avait une espèce d'endossement d'honnêteté, et croyant que les individus qui lui offraient l'argent pensaient qu'il était la personne propre à laquelle ils devaient le remettre, le comite conclut, que l'Etat doit refuser l'argent des individus ainsi trompes.

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L'existence de ces certificats frauduleux a été appelée à l'attention de la Législature à sa session de 1852, et le 4 de mars, elle passait la résolution suivante:

Il est résolu, que le régister du bureau des terres soit et demeure par le présent autorisé et requis de donner avis pendant six mois dans le journal officiel, aux porteurs de certificats pour des terres lancés par Richard Loucks, ci-devant régister, d'avoir à lui présenter les dits certificats afin qu'il puisse determiner quels sont les porteurs de certificats frauduleux, et le régister est par le présent autorisé à en faire un rapport à la prochaine session de la Legislature.

Il est de plus résolu, &c, Que chaque fois que le régister découvrira qu'aucune des terres vendues frauduleusement par le dit Richard Loucks appartient à l'Etat, il en suspendra la vente à toute personne excepté celle qui en aurait fait l'acquisition par erreur, et si les terres qui n'appartiennent pas à l'Etat et qui sont comprises dans les certificats peuvent être choisies par l'Etat, le régister devra faire le dit choix.

Le régister actuel du bureau des terres n'ayant pas spécifié dans son rapport général des terres mentionnées dans ces certificats d'entrées appartenant à l'Etat où les personnes qui les avaient par vente, où que ces dites terres ne pouvaient être choisies par l'Etat; la seule chose que le comité puisse recommander est le remboursement aux porteurs des sommes versées pour ces certificats, comme le dit leur rapport général

La note adressée au régister ou bureau des terres et sa réponse sont ci-annexées à ce rapport et montrent la condition des terres spécifiées dans les certificats, autant qu'il était à la connaissance du register.

L'acte rapporté de la Chambre et référé à ce comité propose que l'Etat reconnaisse tous les certificats donnés bona fide, à des personnes par Richard Loucks comme régister, et admis comme bons par l'Etat comme s'ils avaient été régulièrement émis, et comme si tous les actes de Loucks avaient été faits conformément aux exigences de la loi, et le régister actuel est requis d'émettre des patentes aux porteurs des dits certificats et la dite mise sur la face du dit certificat est la date à laquelle la patente doit avoir effet, si le certificat a été émis pendant que Loucks était régister, l'accomplissement régulier de ses devoirs.

Le fait est établi maintenant que quand ces certificats furent émis et que Loucks pris l'argent de ces parties, il était dans la décharge irrégulière de ces devoirs il faisait ce qu'il n'avait pas le droit de faire et agissait contrairement aux lois; il ne pouvait émettre régulièrement un certificat d'entrée, lequel montre l'évidence d'un titre, sans le reçu du tresorier, que l'argent avait été payé sur un ordre venant du bureau de l'auditeur ; sur cela seulement, un certificat pouvait être émis d'une manière régulière. Que si ces individus avaient payé cet argent au trésorier, l'Etat n'aurait fait aucune perte et ils n'auraient pas souffert ce qu'ils ont souffert par ignorance de la manière d'obtenir des certificats. L'Etat a le désir de rembourser cet argent, mais quant à confirmer les entrées et donner validité aux certificats qui portent la date sur la face, cela pourrait mettre le trouble dans les titres des autres parties qui n'ont aucun rapport avec les transactions malheureuses provenant de la malhonnêteté de Loucks, c'est ce qu'aucune Législature ne peut sanctionner.

Si la terre entrée par ces certificats n'est pas réclamée par aucun autre porteur de certificat, alors qu'elle reste en sa possession. Mais tout acte en vertu duquel ceux qui ont entré ces terres et donné l'argent du bureau approprié et en ont reçu une preuve de leur titre doivent être dépossédés en reconnaissant la validité d'un certificat antérieur frauduleux. C'est pourquoi le comité ne recommande pas la passation de l'acte tel qu'il est rapporté par la Chambre. Mais pour se conformer à l'opinion émise dans leur rapport général, recommandant la passation d'un acte pour restituer l'argent à ceux qui remettront leurs certificats, à moins qu'une patente ne puisse être émise pour la terre ci-mentionnée dans le certificat qui n'a pas été entré et payé par d'autres parties. Et votre comité rapporte en conséquence un substitut à l'acte venant de la Chambre.

H. SHORT, président.

Bâton-Rouge, 4 avril 1853.

Monsieur.

Voulez-vous voir à la résolution No 110, passée à la dernière session de la Législature dans les actes 1852 p. 86, et dire si aucune des terres vendues frauduleusement par Richard Loucks appartiennent à l'Etat ou si elles appartenaient à l'Etat en tout temps depuis que les certificats vous ont été présentés, et dont parle votre rapport à la Législature; et si ces terres n'appartenaient-pas ou n'appartiennent pas à l'Etat, peuvent elles être choisies par l'Etat suivant les termes de la résolution; ces terres ne sont-elles pas appelées sur ces certificats terres marécageuses et n'ont-elles pas été entrées par d'autres personnes que celles mentionnées dans les certificats.

Votre respect.

Signé H. SHORT,

Président du comité du Sénat des terres et levées

Bureau des Terres de la Louisiane.

6 avril 1853.

Monsieur,

En réponse à votre demande du 4 j'ai l'honneur de dire que j'ai examiné la résolution No 110, adoptée le 4 mars 1852 par la Législature.

Il n'y a dans ce bureau aucune preuve que les terres que l'on prétend avoir été vendues par Richard Loucks, suivant des certificats rentrés à ce bureau, appartiennent à l'Etat ou peuvent être choisies par l'Etat, excepte celles de Lusina Haley, lesquelles ont été confirmées à l'Etat comme terres marecageuses, et celles de James Gibbins, lesquelles ont été choisies comme terres des améliorations intérieures.

Aussitôt que j'eus appris l'état des terres de Mme Haslys, j'écrivis au commissaire du bureau général des terres et en demandai sa confirmation. Je donnai avis aussi à l'honorable M. Bartlett qui est son représentant, qu'elle pouvait maintenant acheter la terre, marquer au crayon son nom sur la carte. Jos. H. Gibbins fut notifié que sa terre avait été choisie comme terres des améliorations intérieures quelques annees avant. Elle paya au trésor le montant qu'elle devait.

Quant à ce qui a rapport aux autres terres dont les certificats n'ont pas éte présentés, en vertu de la resolution, parmi lesquelles me furent présentés l'hiver dernier, les Etats-Unis se sont défaits de leurs titres, et autant que je suis informé, toutes étaient des propriétés privées appartenant à d'autres parties, avant la passation de la résolution ou l'étaient avant la pretendue vente de Loucks

Je suis respectueusement, votre obéissant serviteur,

W. H. CRENSHAW, register.

HON. H. SHORT,

Chambre du Sénat.

M. Kittridge demande la prise en considération d'un acte intitulé :

Acte pour amender la 2me section d'un acte intitulé «Acte pour pourvoir à la souscription par les paroisses et corporations municipales de cet Etat au fonds capital des corporations entreprenant des travaux d'améliorations intérieures, et pour le paiement et la dissolution du capital ainsi souscrit.

M. Marum—Il y a quelque temps je demandai au Senat de vouloir bien ne pas agir sur ce bill afin que je passe, conjointement avec le représentant de la paroisse de Terrebonne, prendre les renseignements nécessaires pour connaître le véritable état des choses. Il ne me paraît pas démontré que ce bill soit l'expression de la volonté de la majorité des propriétaires d'esclaves dans cette paroisse. Le bill présenté par mon collégue crée une taxe qui doit peser sur toute espèce de propriété. Je suis opposé au principe d'imposer les esclaves au bénéfice des chemins de fer, mais si la majorité des propriétaires d'esclaves eux-mêmes le désirent, je n'ai pas d'objection à leur concéder ce point. Mais je ne puis consentir à voir cette taxe frapper les chevaux, les ânes, les mulets, les bêtes à corne, ainsi qu'il arriverait si ce bill était adopté. C'est là étendre beaucoup trop loin le système. Le bill présenté par mon collégue a été rédigé par un citoyen indigne, un homme dont la présence souille la Chambre dont il fait partie. J'ai cause avec un citoyen éminent de la paroisse, M. J. J. Hanne, un homme fortement intéressé dans ces entreprises. Il m'a dit que ce bill n'est pas ce que les habitans de Terrebonne désiraient. Ils veulent que la taxe ne porte

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que sur la propriété immobilière et les esclaves. M. Hanne, l'homme le plus eminent de la paroisse parmi tous ceux qui sont liés d'interêt au chemin de fer des Opelousas, m'a dit qu'il n'approuvait par le bill presente par mon collégue. Comme je l'ai déjà dit, je suis opposé à la taxe sur les esclaves pour cet objet. La valeur de ce genre de propriete ne reçoit aucun accroissement par l'imposition de cette taxe. Après ces quelques remarques je soumettrai le substitut suivant:

M. Martin présente comme substitut l'acte suivant:

Acte pour pourvoir à la souscription par le jury de police de la paroisse Terrebonne au fonds capital de la compagnie du grand chemin de fer de la Nouvelle-Orleans, des Opelousas et de l'Ouest, et au paiement et à la disposition des actions ainsi prises.

Sect. 1. Il est décrété par le Senat et la Chambre des Représentans de l'Etat de la Louisiane reunis en assemblée generale, qu'il sera loisible au jury de police de la paroisse de Terrebonne de souscrire au fonds capital de la compagnie du grand chemin de fer de la Nouvelle-Orleans, des Opelousas et de l'Ouest, en se conformant aux dispositions de cet acte.

Sect. 2 Il est de plus decreté &c, Que toute ordonnance passée au sujet de la dite souscription renfermera les dispositions suivantes:

1o. Un état du nombre et du montant des actions qui devront être prises.

2o. La base d'une taxe sur les propriétes foncières et les esclaves compris dans la dite paroisse, suffisante pour payer le montant de la dite souscription, et une spécification du taux de la taxe et de l'epoque ou des epoques auxquelles elle sera exigible.

Sect. 3—Il est de plus décrete, etc., qu'aucune ordonnance passée en vertu des dispositions de cet acte ne sera valide ou ne prendra effet jusqu'à ce qu'elle soit approuvée et ratifiée par une majorité des votants sur les propriétes desquels il est propose d'imposer la dite taxe, et ce, à une election tenue specialement à cet effet par ordre du jury de police de la paroisse Terrebonne, et le dit jury de police prescrira la manière dont la dite élection sera tenue, et procedera aux commissaires de la dite election, une liste dument certifiée des dits propriétaires votants, et la dite election sera precedée d'un avis publié pendant trente jours dans chaque district (ward) de jury de police de la dite paroisse, bien entendu toutefois que dans le cas où la dite ordonnance serait rejetée par une majorité des dits votants proprietaires fonciers et d'esclaves, il sera legal, à toute epoque subsequente, de prendre encore l'opinion des dits votants, de la manière que celle ci-dessus indiquée et à des intervalles qui ne seront pas moindre de six mois

Sect. 3—Il est de plus décrété, etc., Que si le jury de police de la dite paroisse Terrebonne souscrit audit fonds capital en vertu des termes de cet acte, les actions ainsi prises n'appartiendront pas au dit jury de police et ne seront pas administrées par ce corps, mais elles appartiendront aux contribuables qui les auront payées, et le reçu de taxe de chaque contribuable lui donnera droit à un certificat d'action pour un montant égal à celui de la taxe qu'il aura payée, et qui sera transférable sur sa délivrance par la corporation à laquelle il aura été ainsi souscrit, bien entendu toutefois que le dit jury de police aura le droit d'exiger un cautionnement ou bon pour toute somme qu'il jugera convenable, du shérif ou du collecteur qui sera chargé de la collecte de la dite taxe.

Sect. 5—Il est de plus decrété, etc., Que si les personnes payant taxes pour des terres et des esclaves, dans la paroisse de Terrebonne, profitent des dispositions de cet acte, elles seront exemptées des dispositions d'un acte intitulé: « Acte pourvoyant à la souscription par les paroisses et les corporations municipales de cet Etat au fonds capital des corporations entreprenant des travaux d'ameliorations intérieures et pour le paiement et la disposition des fonds ainsi souscrits, » approuvé le 12 mars 1852.

Sect. 6—Il est de plus décrété, etc., Que les taxes qui seront imposées en vertu de cet acte ne seront pas collectées avant que les directeurs de la compagnie du chemin de fer de la Nouvelle-Orléans, des Opelousas et de l'Ouest n'aient donné l'assurance au jury de la paroisse de Terrebonne de leur determination de construire une branche du dit chemin à l'embranchement des bayous Terrebonne et Petit Cailloux.

M. Martin—La dernière section du substitut porte que l'acte ne sera pas en force jusqu'à ce que la compagnie ait prouvé d'une manière satisfaisante au jury de police qu'il y aura un embranchement dans la paroisse. Cette disposition a été suggerée par M. Hanne, l'un des directeurs de la compagnie, et elle est, à mon avis, très judicieuse. Elle aura pour effet de creer parmi les habitants de Terrebonne une confiance qui rendra plus facile la perception de la taxe. Ce bill sera avantageux à toutes les parties de la paroisse.

M. Kittridge—Le senateur se refere à une lettre de M. Hanne. M. Hanne a été ici pendant quatre jours. Il a pris connaissance de mon bill et l'a approuvé. Il a été approuvé aussi par toutes les personnes de Terrebonne avec lesquelles j'en ai causé. Le memoire que j'ai presenté à l'appui du bill porte 95 signatures et il n'y a que 135 propriétaires d'esclaves dans la paroisse. Le bill a déjà été amendé de manière à faire justice des objections que l'on a avancées et le substitut est par conséquent inutile. Comme je l'ai dit, 95 propriétaires d'esclaves ont signé le memoire et plusieurs autres qui étaient absents lorsque les signatures ont été recueillies, sont connus pour l'adhésion qu'ils ont manifestée en faveur de ce bill. Il n'y a pas plus de 20 ou 25 proprietaires d'esclaves dans toute la paroisse qui sont opposés au bill Les habitants de Terrebonne ont l'intention de mener un chemin d'embranchement jusqu'à l'embranchement du Petit Caillou, mais c'est à eux de décider de cette question entre eux, au moyen du vote populaire.

M. Martin—L'honorable sénateur se trompe. La lettre à laquelle il est fait allusion ne dit rien au sujet de son bill. Elle demande simplement que la taxe soit étendue aux esclaves. Je ne prétends pas être un avocat, mais je ne crois pas me tromper en disant qu'une preuve écrite est mieux qu'une preuve orale.

M. Kittridge—Le senateur a produit une lettre pour appuyer ses dires. Quel était l'objet de cette lettre? De convertir un membre qui était opposé à la mesure. M. Hanne a été ici pendant plusieurs jours et n'a conseillé aucune modification de mon bill, quoiqu'il en connût parfaitement les dispositions Je le répète. Que les habitants decident comme ils l'entendent du point où devra s'arrêter l'embranchement. Qu'ils en decident quand ils le voudront. Mon bill consiste, tout simplement, dans une reproduction de la loi générale de l'année dernière, modifiée par un amendement relatif à la paroisse Terrebonne.

M. Short—La majorité des propriétaires d'esclaves de la paroisse est-elle en faveur de ce bill?

M. Kittridge—J'ai deja dit que, sur 135, 95 ont signé le memoire, et que d'autres l'auraient signé s'ils avaient été dans la paroisse à l'époque. Il n'y a guère que 20 ou 25 qui soient opposés au bill.

M. Rouge—Sur quel principe le sénateur s'appuie-t-il pour remettre à une majorité d'electeur le droit de decider sur une taxe qui doit peser sur une espèce particulière de propriete.

M. Kittridge—Sur aucun principe, si ce n'est sur celui-ci, que les personnes interessées auront le droit de voter sur la mesure. Mais je rappellerai au senateur la loi de l'année dernière.

M. Palfrey—Je fais la motion que le bill et le substitut soient tous deux déposés sur le bureau. Comme je compte voter contre le bill, si ma motion était perdue, je désire definir clairement et simplement mes vues sur l'effet de cet acte rapproché des lois qui existent déjà sur la même matière. Je ne désire prendre parti ni d'un coté ni d'un autre dans le débat qui s'élève entre les senateurs de l'Assomption: Je considère que c'est une querelle de famille dans laquelle je n'ai rien à voir. Mes remarques seront plus générales et porteront sur quelques questions qui touchent collatéralement au bill.

Je suis opposé aux taxes municipales et paroissiales, imposées dans le but de former un fonds capital pour des entreprises particulières, bien que celles-ci aient pour objet des travaux d'utilité publique. Je voterai donc contre tout bill ayant le caractère de celui qui est en ce moment devant le Sénat. Je regarde comme inconstitutionnelles ces contributions forcées, prélevées dans le but de créer un capital de l'espèce dont il s'agit. Je les considère non seulement comme inconstitutionnelles, mais comme inégales, oppressives et injustes. Je ferai autant que n'importe quel sénateur, autant que la sagesse et la prudence me le permettront, pour mettre en pratique les dispositions de la Constitution qui autorise l'Etat à prêter son aide

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pui aux Compagnies ou Associations formées exclusivement dans le but d'executer des travaux d'ameliorations intérieures ; parce que la Constitution le dit d une manière positive, mais, comme je l'ai dit déjà, des contributions arrachées aux particuliers, qu'ils y consentent ou n'y consentent pas, n'eusent jamais été approuvées par moi et ne le seront jamais.

J'ai dit que je regarde les lois de cette nature comme inconstitutionnelles. Je dirai en quelques mots les motifs sur lesquels s'appuie cette opinion. En se reportant à l'article 105 de la Constitution, on trouve la disposition suivante : «Nulle atteinte ne sera portée aux droits acquis, si ce n'est pour des objets d'interêt public, et moyennant une juste indemnité préalable.» Eh bien ! monsieur le président, permettez-moi d'appeler votre attention sur le resultat pratique de la loi qui impose une taxe partielle, et force ainsi les particuliers à prendre des actions dans des Compagnies individuelles. Je ne m'arrêterai pas pour le moment à l'énormité du principe en lui-même, je viens directement à ce qui doit arriver après que la taxe aura été imposée. La loi déclare que des certificats de la Compagnie seront remis aux contribuables, pour un montant égal à la taxe par eux payée. Il se rencontrera certainement des cas où l'individu taxé sera incapable de payer la taxe, parce qu'elle doit nécessairement être très onéreuse. Il en sera ainsi probablement des mineurs dont les biens ne sont pas en général administrés avec le même soin et la même prudence que les autres biens.

J'en dirai autant de ceux dont les terres sont comparativement dépourvues des accessoires nécessaires à la production d'un revenu; par nécessaire j'entends les bestiaux, les esclaves et les autres objets nécessaires pour exploiter avec fruit une habitation. Il y a un grand nombre de propriétaires dans ce cas. Si les personnes dont j'ai parlé ne paient pas la taxe, la conséquence sera que la propriété taxée sera saisie et vendue par le collecteur des taxes. Voilà, monsieur le president, des droits acquis auxquels il est porté atteinte ! Et pourquoi ? Pour que le fonds capital d'une entreprise privée soit forme; une entreprise qui n'est pas publique, sur laquelle l'Etat n'exerce pas de contrôle, un association d'individus, changeant et se renouvelant de jour en jour au moyen du transfert des actions. Je reconnais, monsieur, que ces chemins de fer sont des travaux d'utilité publique, c'est à dire qu'ils sont utiles au public. Mais il y a un grand nombre d'autres entreprises industrielles qui ne le sont pas moins. Les banques, par exemple, lorsqu'elles sont convenablement organisées, sont considérées par quelques-uns d'entre-nous comme aussi utiles. Eh bien ! que diraient quelques sénateurs qui me sont opposés si on proposait une loi ayant pour objet de forcer les particuliers à contribuer à la formation du fonds capital d'une banque ? Le principe est le même dans les deux cas.

J'arrive à la question de l'indemnité exigee par la constitution. En quoi consiste cette indemnité, sous l'empire de nos lois. La propriété est vendue, les droits acquis ont reçu une atteinte mortelle, et l'indemnité consiste en un certificat de la compagnie pour le montant de la taxe [quand peut-être les actions sont de beaucoup au-dessous du pair dans le marché] et en une somme d'argent pour le reste. Est-ce la une juste indemnité, même en supposant que le prix de la vente atteigne la valeur réelle de la propriété, (ce qui n'est pas probable ; il est a présumer au contraire qu'elle se vendra à perte ?) Ces certificats d'actions sont-ils une monnaie courante qu'un créancier soit tenu d'accepter en paiement de sa dette! La Constitution des Etats-Unis connait-elle d'autre monnaie dont l'acceptation soit forcée, que l'or et l'argent ? Les hommes dont les droits auront ainsi été foulés aux pieds seront-ils réduits au silence, après qu'on leur aura offert en paiement des certificats d'actions dépréciées ? Je le demande, est-ce là une indemnité pleine, entière ? Est-ce une indemnité payée au préalable ? Je reconnais que ces entreprises doivent faire du bien, beaucoup de bien, et je suis disposé à souscrire individuellement au fonds capital de ces entreprises. Je suis aussi disposé, comme membre du Sénat, à faire que l'Etat leur donne tout l'appui que permettent la Constitution et la sagesse ; mais je ne puis oublier le respect que je dois à la Constitution, telle que je la comprends et telle que je la comprendrai jusqu'à ce que l'interprétation qui en aura été donnée par les tribunaux du pays m'aura convaincu de mon erreur Je ne puis fouler aux pieds ce que je considère être les principes immuables de la vérité et de la justice. Je sais, monsieur le président, que je soutiens une opinion qui n'est pas l'opinion populaire. La paroisse que j'ai l'honneur de représenter a voté en faveur d'une taxe pour un chemin de fer. Mais un grand nombre de propriétaires, représentant de grands intérêts terriens dans la paroisse, n'ont pu voter sur cette question : je ne veux pas parler des femmes, des mineurs absents ; et cette dernière consideration jointe à l'invincible repugnance que j'ai à faire plier mes opinions, mes scrupules constitutionnels, a l'expression erronnée, capricieuse d'une opinion publique manifestée d'une manière imparfaite, pour ne rien dire de plus ; ces différents motifs me decident, comme je l'ai dit au début, à voter contre toute loi de cette nature.

M. Kittridge.—Je ne ferai qu'une observation pour répondre à mon collègue. Aucun de ces travaux d'amelioration ne peut avoir lieu avant d'avoir été decidé par la majorité. La Législature autorise les travaux d'ameliorations intérieures. Nous sommes amenés inévitablement a cette conclusion que si la Legislature peut, par un vote de la majorite, ordonner ces travaux, les paroisses devraient avoir le droit de s'imposer elles-mêmes par un vote de la majorite. L'argument est sans réplique. Personne ici ne le niera.

M. Wickliffe.—Je demande le renvoi de la question.

M. Kittridge.—Je m'y oppose.

M. Wickliffe.—Alors je demanderai l'application des réglements, qui defendent à un sénateur de parler plus de deux fois sur la même question.

M. Martin—J'espère que le sénateur ne demandera pas pour moi l'application de ce règlement. Je ne connais personne qui se donne les coudées plus franches à cet égard que le Senateur d'Ouest-Feliciana.

Mon collègue dit, que le principe que la majorité a le droit d'imposer une taxe, ne peut pas être mis en question. Je ne désire pas traiter à fond la question constitutionnelle. Je ne suis pas un avocat de droit constitutionbel, comme il paraît l'être. Aux termes de mon substitut, il n'y a que les parties intéressées qui aient le droit de voter. Les propriétaires d'esclaves désirent que la question soit soumise à eux seuls. Je tiens ce fait de M. J. J. Hanna. Il était ici il y a quelques jours, et est retourné dans sa paroisse pour recueillir des signatures pour le memoire dont parle mon collègue. Le mémoire ne fait nullement mention de son bill. Il y a quelques jours, mon collègue disait qu'il était un des proprietaires de la paroisse Terrebonne. Je ne possède pas de propriété dans cette partie de l'Etat, mais je connais assez bien la localité. La population de la région à travers laquelle l'embranchement doit passer est très dense, et cet embranchement produirait un bois considérable.

M. Kittridge.—J'ai vu presque tout le monde dans la paroisse et je sais que mon bill est ce que désire la population.

M. Martin.—L'objet du bill est de soumettre la question à tous les electeurs de la paroisse. Les proprietaires d'esclaves désirent qu'elle ne le soit qu'à eux-mêmes. Le sénateur dit qu'il a vu tout le monde. Je ne le crois pas. Voilà ce que je dis, qu'il en fasse ce qu'il voudra.

M. Kittridge.—Le bill ne propose qu'un objet, c'est que ceux qui doivent porter le fardeau de la taxe puissent voter. Je fais la motion de déposer le substitut sur le bureau.

M. Martin.—Mon substitut satisfait complétement au vœu de la population de Terrebonne. C'est pour ainsi dire une reproduction littérale de la loi de 1852 qui déclare qu'il n'y aura que les contribuables qui auront le droit de voter. C'est là ce que demandait M. Hanna, qui est parti d'ici pour faire signer le mémoire. Mon collègue le sait. Il n'oserait le nier. S'il le nie, je pourrai prouver qu'il le sait.

[Ici le debat prend une tournure entièrement personnelle.]

Le substitut est déposé sur le bureau.

M. Hodge.—Avant que la question soit mise aux voix, je desire appeler l'attention de la Chambre sur ce fait que le bill a pour but de changer une loi générale de l'Etat quant à son application à des paroisses particulières. Le bill a pour objet, en premier lieu, de changer la loi générale, puis déclare que cette modification ne s'appliquera qu'à la paroisse Terrebonne.

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Si le bill doit porter atteinte à la loi générale. je le combattrai, et je crois qu'il doit avoir cet effet. Je crois qu'aucune autre paroisse n'a réclamé l'adoption d'une loi semblable à celle-ci. Mes commettants ne la demandent pas. Ils connaissent les dangers qui pourraient en résulter. Si le sénateur présente un bill qui accorde simplement aux habitans de Terrebonne le droit de se taxer pour certains objets déterminés, je ne m'y oppose point, mais tel n'est pas son bill. Celui qu'il propose a pour but de changer la loi générale et de ne faire porter la modification que sur la paroisse de Terrebonne. Le sénateur arriverait tout aussi bien à son but en rédigeant un bill de quelques lignes par lequel les citoyens seraient autorisés à prendre des actions qu'ils paieraient au moyen de taxes sur leurs terres et leurs esclaves. Je ne veux pas que mes commettants puisse penser que je voudrais commettre la moindre violation à la Constitution.

M. Short.—Si jamais la question se présente pour ma paroisse, je serai probablement de la même opinion que le sénateur, attendu que, dans mon opinion, ce bill va au-delà des pouvoirs de la Législature, mais le bill ne change pas, comme il le croit, la loi générale, si ce n'est en ce qui concerne la paroisse de Terrebonne. Si les habitans de cette paroisse désirent que leurs terres, leurs esclaves, soient taxés, libre à eux. Comme je l'ai déjà dit, si jamais la question est soulevée quant à ma paroisse, je combattrai ce principe. Je ne pense pas que nous ayons le droit de forcer le peuple à prendre des actions dans aucune entreprise particulière.

M. Hodge.—Il est dit au commencement du bill que c'est un amendement à la loi de 1852. Si cette déclaration est sans objet, c'est une mauvaise rédaction. Si le sénateur désire en restreindre l'effet à la paroisse de Terrebonne, qu'il rédige un bill qui ne fasse aucune mention de la loi générale. Mais ce bill déclare qu'il est destiné à amender la loi générale, et, conséquemment, il aura un effet plus étendu que le senateur ne se le propose, s'il a le dessein que cet acte ne s'applique qu'à la paroisse de Terrebonne, la rédaction du bill est incorrecte.

M. Short.—L'amendement ne s'applique qu'à la paroisse de Terrebonne. Le bill peut être défectueux dans sa rédaction, mais je n'en puis mais. Je n'y ai aucune part. Je suis disposé à le prendre tel quel.

Le bill est adopté.

BANQUE DES ARTISANS ET DES MARCHANDS.

Le président appelle l'attention du sénat sur le fait qu'un acte intitulé : « Acte pour prolonger la charte de la Banque des Artisans et des Marchands » avait été mis à l'ordre spécial du jour pour hier, mais que le Sénat ne s'étant pas trouvé en quorum ce jour, l'acte par conséquent, ne pouvait être pris en considération

Dans le manque d'autorités pour le guider dans sa décision, le président décide que quand un acte a été mis à l'ordre pour tel jour et que ce jour passe sans que l'acte ait été pris en considération, le dit acte doit prendre sa place parmi les autres actes dans l'ordre suivant le nombre.

M. Hodge—Ce n'est que justice que, quand un bill doit arriver à son tour de rôle, s'il n'y a pas de séance du Sénat le jour pour lequel le bill a été fixé, celui-ci ne doit pas pour cela perdre son tour de rôle. Je ferai la proposition que le bill soit pris en considération, afin d'établir un précédent pour l'avenir. De cette manière il sera entendu que lorsque des bills sont à l'ordre spécial du jour pour une séance particulière, et que cette séance n'a pas lieu, ils devront arriver les premiers à la prochaine séance.

M. McCay—Le seul moyen par lequel le sénateur puisse arriver à son but, c'est de demander une suspension des règlements ou d'en appeler de la décision de la Chambre. Le sénateur veut faire décider par une simple majorité, qu'un bill sera pris en considération quand un vote des deux tiers est nécessaire pour suspendre le règlement. Le sénateur veut que le Sénat agisse comme sous l'empire d'un nouveau règlement. Je veux que la règle soit établie, soit écrite, avant que je consente à la reconnaître. J'ai pris la peine de m'enquérir de la manière dont les questions semblables étaient décidées dans l'autre Chambre. L'Orateur de la Chambre m'a dit que dans ce cas, le bill doit être laissé de côté comme si on n'était pas arrivé jusqu'à lui D'après l'argument du sénateur, comme ce n'est pas par la faute des partisans du bill s'il n'a pas été pris en considération, il devrait revenir à l'ordre par préférence un autre jour. L'on m'a dit qu'au Sénat, à la dernière session, la règle uniformément observée était celle qui existe dans l'autre Chambre.

M. Wickliffe—Qui dit qu'il en était ainsi ?

M. McCay—M. Sandidge, qui était alors membre du Sénat.

M. Martin—C'est une infraction aux règles parlementaires, que d'invoquer les règles et coutumes de l'autre Chambre. Nous avons notre propre règlement auquel nous devons nous tenir. C'est par lui, et non par celui de la Chambre, que nous devons être gouvernés.

M. McCay—Ce n'est pas là tout ce qui peut nous servir de règle. Quand il n'y a pas de précédent, et que nous trouvons une coutume uniformément établie dans l'autre branche de la Législature, cette coutume doit être de quelque poids pour nous, surtout lorsque le Président déclare qu'il ne connait aucun précédent qui puisse le guider.

M. Hodge—J'ai compris que le Président désirerait avoir l'opinion du Sénat sur cette question. J'aimerais à la connaître moi-même et montrer au sénateur que je puis voir d'une manière indépendante, et sans manquer au respect qui est dû au Président. Conséquemment, j'en appelle de la décision de la Chambre.

M. Derbès—Je crois que nous avons un précédent par devers nous. Je me rappelle parfaitement que lorsque le bill des amendemens à apporter à la charte de la ville de la Nouvelle-Orléans était devant le Sénat, il a été mis à l'ordre le jour où le gouverneur Johnson est mort. Je fus forcé de demander une suspension des règlements pour pouvoir amener le bill devant le Sénat. La suspension fut refusée, et la discussion du bill dut être fixée de nouveau.

M Hodge—Le sénateur reconnaîtra qu'en cette occasion cette question ne soulèva point de discussion. Conséquemment il n'y eut point de décision, et, conséquemment encore, le précédent se réduit à rien.

La question ayant été mise aux voix, la décision du president est maintenue.

M. Wickliffe fait la motion que le bill de la Banque des Artisans et des Marchands, soit mis à l'ordre du jour pour la séance de demain.

Le Président—La motion, pour être entendu, a besoin d'une suspension des règlements, qui permette que le bill arrive devant le Sénat. Il ne peut être fixé avant qu'il soit devant le Sénat.

M. Martin—Une simple majorité suffit pour mettre un bill à l'ordre du jour.

M. Monton—Le président a déjà décidé qu'une suspension des règlements est nécessaire pour amener le bill devant le Sénat. et une suspension des règlemens exige un vote des deux tiers. Le Sénat a maintenu la décision de la Chambre, et cependant on insiste encore pour que le bill soit pris en considération, contrairement aux règlements.

M. Wickliffe fait la motion de suspendre le règlement.

La motion est perdue.

M. McCay fait la motion que le bill soit mis à l'ordre du jour spécial pour mercredi prochain.

M. Wickliffe—Lorsque le bill viendra devant le Sénat, je ferai quelques observations. La motion du sénateur aura pour effet d'empêcher le Sénat de statuer d'aucune manière sur le bill, et par conséquent je voterai contre cette motion.

La motion de M. McCay est mise aux voix.

Lorsqu'on vient au nom de M. Hodge, celui-ci dit ; Je demande que le Sénat me dispense de voter. Je considère que la motion n'est pas sérieuse. Le sénateur qui l'a faite sait que l'effet de cette motion serait de tuer le bill dans l'objet qu'il se propose.

La motion est rejetée.

M. Rinehart, assistant secretaire de la Chambre, informe le Sénat que la Chambre refuse d'abandonner ses amendements à un acte intitulé « Acte pour diviser l'Etat en districts judiciaires.

M. Wickliffe fait la motion que le président nomme un comité de conférence pour se réunir à un comité semblable de la Chambre.

Cette motion est adoptée.

MM. Wickliffe, Burthe et McCay sont nommés de ce comité par le président.

Le secrétaire en informe la Chambre.

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un examen complet des canaux de la Vieille Rivière entre l'embouchure de la Rivière Rouge et le Mississipi et ceux de Grande Pointe sur la Rivière Rouge.

Acte pour amender un acte intitulé « Acte pour incorporer la ville de Mandeville. »

Acte pour incorporer la compagnie du chemin de fer de Vicksburg, Shreveport et du Texas.

Acte pour incorporer la compagnie du chemin de fer de la Nlle-Orléans, des Opelousas et de l'Ouest.

Acte pour incorporer la compagnie du chemin de fer de la Nlle-Orléans, de Jackson et du Nord.

Acte pour autoriser Archibald Boiron et Mary Nunfay, sa femme, à adopter un enfant nommé Mary Lu-

Résolution requérant l'ingénieur de l'Etat de faire cy Boiron.

Acte pour pourvoir à la manière de canceller les bons et hypothèques donnés par les collecteurs de taxes.

Acte pour dispenser de la réinscription des hypothèques données en faveur des commissaires des legs Poydras aux paroisses de Ouest Bâton Rouge et de Pointe Coupée.

Résolution conjointe,

Relative à l'asyle des sourds-muets et aveugles.

Actepour pourvoir et pour régler le bureau de l'avocat général.

Acte pour autoriser l'achat de 175 copies de l'ouvrage d'Eyma intitulé « Lois de la Louisiane sur l'insolvabilité. »

Acte pour amender un acte intitulé :

Acte relatif à l'hôpital de charité, approuvé le 22 mars 1850

Acte pour incorporer la Compagnie du Télégraphe de la Nouvelle-Orléans, de la Rivière Rouge et du Texas.

PREMIERE LECTURE.

Le Sénat prend alors en considération pour leur première lecture les actes suivants:

Acte pour pourvoir au transfert de certains documens publics de la paroisse de Jefferson à la ville de la Nouvelle-Orléans.

Substitut à un acte pour réunir les bureaux de Recorder des Hypothèques et de Recorder de Paroisse dans la paroisse de Jefferson.

Acte pour donner certains pouvoirs au Maire de la ville de Port Hudson.

Acte pour améliorer Big Creek.

Acte pour régler l'imposition de paroisse dans la paroisse Concordia.

Acte supplémentaire à un acte pour incorporer la ville de Bastrop dans la paroisse de Morehouse.

Acte pour empêcher les corporations municipales dans cet Etat de prélever une taxe sur des personnes vendant des articles manufacturés par elles-mêmes dans les limites de cet Etat.

Substitut à un acte pour empêcher le Conseil Municipal de la Nouvelle-Orléans d'imposer une taxe aux personnes vendant des articles manufacturés par elles-mêmes.

Acte pour pouvoir à la manière de canceller les bons et hypothèques donnés par les collecteurs de taxes de paroisse.

Acte pour diviser la paroisse de Concordia en de nouveaux districts du juri de police.

Acte pour confirmer les titres de John L. Davis, et David Voorhies à certaines terres des écoles.

Acte pour rappeler certaines sections d'un acte intitulé :

Acte pour prescrire les devoirs des notaires publics dans la paroisse d'Orléans, en passant des actes de vente, de donations et d'hypothèques, approuvé le 21 mars 1850.

Résolution conjointe offrant les remercîments de l'Assemblée Generale au capitaine Ricketts de l'artillerie des Etats-Unis pour avoir tiré un salut en l'honneur des restes mortels de l'ex-gouverneur Johnson.

Acte pour émanciper Alex. C. Green.

Acte pour changer le nom de George Ross, de la paroisse Plaquemines.

Résolution requérant l'ingénieur de l'Etat de faire nettoyer les bayous Darbon et Corney pour compléter les améliorations pour la navigation des dits bayous.

Acte pour autoriser la nomination d'un notaire public dans et pour la paroisse Union.

Resolution pour venir au secours de l'Hôpital de Charité.

Acte pour prendre l'opinion des votans qualifiés de la ville de Port Hudson sur la question d'abolir les corporations et pour les abolir.

Acte pour permettre au juri de police de la paroisse de Concordia d'augmenter ses séances.

Acte pour abolir le bureau des recorders des hypothèques dans la paroisse de Jefferson et servant de substitut à un acte intitulé « Acte pour réunir les bureaux de recorder des hypothèques et de recorder de paroisse dans la paroisse de Jefferson.

DEUXIEME LECTURE.

Acte pour amender un acte intitulé « Acte pour prevenir plus efficacement les esclaves d'obtenir des liqueurs spiritueuses, sans le consentement de leurs maîtres.

Sur motion, cet acte est déposé indéfiniment sur le bureau.

Acte pour venir au secours de Pierre Onesime Broussard, ex-surintendant de la paroisse Vermillon et amendant un acte pour pourvoir à la manière par laquelle les surintendants de paroisse et leurs sécurités seront relevés de leurs responsabilités, approuvé le 18 mars 1852.

Un substitut ayant été adopté par la Chambre en place du dit acte, sur motion de M. Mouton, le Sénat y donne aussi son concours.

Le bill intitulé: « Acte pour autoriser les planteurs à donner en nantissement la récolte sur pied, est lu pour la troisième fois.

M. Martin—Je crois que ce bill n'est pas réclamé par les habitans. Je suis sûr que le besoin ne s'en fait pas sentir dans la paroisse que je représente. Mon avis est qu'il a été suggéré par quelque ingénieur ou quelque avocat de la Nouvelle-Orleans qui, faisant affaire avec quelque fripon de la campagne, a désiré l'avoir à merci, pieds et poings liés. Lorsque le sénateur d'Est-Bâton-Rouge (M. Lacey) dit qu'il émane de planteurs, il dit une chose sur laquelle il ne sait rien.

M. Lacey—Mais qui donc a si bien renseigné le sénateur. Ce bill a été présenté par son collègue qui représente le même District et avec certainement autant d'habileté que lui. Je ne sais pas d'où le bill est émané, mais j'ai mes opinions personnelles sur cette question.

« Un bill pour empêcher d'une manière plus efficace la vente de liqueurs fortes aux esclaves, » est pris en considération.

M. Wickliffe fait la motion d'adopter le rapport du comité judiciaire qui est défavorable à la loi.

M. Lacey—Je n'attache pas grande importance à l'adoption de cette loi. Elle a été présentée à la requête de l'avocat-général, qui, par suite de quelques décisions recentes des Cours, a pensé que la loi devait être plus sévère. Il a pensé que le mot « écrite » devait être inseré après le mot « permission, » et qu'aucune preuve quelque forte qu'elle soit, ne devrait remplacer la permission écrite du propriétaire.

M. Hodge—Je demanderai au sénateur si le comité n'a pas été unanimement d'opinion que la personne qui a redigé le bill ne connaissait pas un mot de la loi de 1852.

M. Lacey—Le sénateur voudrait faire croire qu'il a l'omniscience, mais elle n'existe que dans sa vanité. Je dois dire que dans le comité nous avions entièrement oublié l'acte de 1852 jusqu'au moment où elle nous a été rappelée.

M. Hodge—Je n'étais pas présent au moment où le bill a été pris en considération par le comité, mais lorsque j'arrivai et que j'appris de quoi il s'agissait, je fis voir la loi au comité qui se tint immédiatement pour satisfait. Je ne désire rien dire d'offensant pour l'avocat-général, ou qui que ce soit, et je ne prétends à aucun mérite particulier pour mes amis et pour moi.

M. Lacey—Il doit y avoir quelqu'erreur. Je suis disposé à admettre qu'en ce qui concerne la permission écrite la loi de 1852 est suffisante; mais, quant à la défense de remplacer la permission écrite par aucune autre preuve, je la crois défectueuse.

M. Wickliffe—Je dois faire observer que je ne savais pas que ce bill avait été présenté à la suggestion de l'avocat-général, et peut m'importe qu'il en soit ainsi. Je désire que le sénateur comprenne que quand il voudra avoir mon adhésion à un bill qu'il présentera il pourra se dispenser d'y attacher un titre, qui annonce la source dont il émane.

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M. Hodge—Je demanderai au Sénateur de Madison (M. Short) si le comité a décidé oui ou non, que la personne qui avait rédigé le bill ignorait la loi de 1852.

M. Short—Le comité est arrivé à la conclusion que le bill était superflu attendu que le bill qu'il se proposait avait déjà été atteint par la loi de 1852. (M. Short lit cette loi.)

M. Kittridge ayant voté avec la majorité pour supporter la décision du président sur le sujet de replacer l'acte intitulé « Acte pour prolonger la charte de la banque des Artisans et des Marchands » dans son ordre sur le calendrier, il demande la reconsidération du vote.

M. Derbès demande l'appel nominal.

MM Burthe, Hodge, Kittridge, Martin, Nicholls, Palfrey, Patterson, Short, Slack, Taylor, Todd et Wickliffe votent pour—12 voix.

MM. Boatner, Clifton, Derbès, Evans, Kemp, Lacoste, Lacey, Mc Cay et Mouton votent contre—9 voix.

Par conséquent la motion de reconsidér r prévaut.

Sur motion de M. Derbès d'ajourner, M. Wickliffe demande l'appel nominal.

MM. Boatner, Derbès, Evans, Kemp, Lacoste et Mouton votent pour—6 voix.

MM. Burthe, Hodge, Kittridge, Martin, Nicholls, Palfrey, Patterson, Short, Slack, Taylor, Todd et Wickliffe votent contre—12 voix.

Par conséquent la motion est rejetée.

Sur motion de M. Wickliffe demandant l'appel de la Chambre les sénateurs suivants repondent à leurs noms.

MM. Burthe, Hodge, Kittridge, Lewis, Martin, Nicholls, Palfrey, Patterson, Short, Slack, Taylor, Todd et Wickliffe—13 voix.

Sur motion de M. Wickliffe, le sergent d'armes est requis de ramener les sénateurs absents.

Après quelques temps le sergent d'armes fait son rapport par écrit comme suit:

Conformément aux ordres du président du Sénat, j'ai cherché et n'ai pu trouver les sénateurs qui se sont absentés.

Signé BERLIN CHILDRESS.
Sergent-d'Armes.

Bâton-Rouge, 6 avril, 1853.

M. Wickliffe offre alors la resolution suivante :

Résolu, que le président du Senat lance des warrans pour arrêter les senateurs qui se sont absentés du senat sans congé ce jour.

M. Mouton—Je desire savoir si le président à un pareil droit.

M. Wickliffe—Le pouvoir est dans la Constitution elle-même. Une minorité peut ajourner de jour en jour et forcer les membres absents de se rendre à la séance.

M. Hodge—Le droit de forcer les membres à assister implique le droit de lancer des warrants.

M. Mouton—Pouvons-nous le faire sans qu'il y ait une loi passée à cet effet?

La disposition de la Constitution est claire et ne peut laisser de doute, s'il y a une loi qui permette de lancer des warrants. Nous avons le droit d'adopter une loi pareille, mais je soutiens que dans l'absence d'une pareille loi, nous ne pouvons exercer ce pouvoir.

La question est mise aux voix.

Lorsque le nom de M. Hodge arrive, il dit: je vote contre la résolution parce qu'il n'y a aucune loi qui nous autorise à lancer des warrants contre les membres absents. Si une pareille loi existait, je conviens que nous aurions le pouvoir.

MM. Burthe, Hodge, Kittridge, Lewis, Martin, Nicholls, Palfrey, Short, Slack, Taylor & Wickliffe votent pour—12 voix.

Messieurs Mouton et Patterson votent contre—2 voix.

Le président décide que vu le manque de lois l'autorisant de lancer des warrants, il ne peut le faire.

M. Hodge—Je suis étonné de la conduite tenue par certains Sénateurs et particulièrement par le Sénateur qui a soulevé l'objection. Je fais la motion de faire publier les noms de tous les Sénateurs qui ont quitte leurs sièges.

M. Mouton—Je me suis absenté sans permission et j'en ferai autant si je le jugeais convenable.

M. Wickliffe—Il s'agit d'une question d'ordre. J'aime mieux ne rien entendre que d'entendre un discours.

M. Lewis fait la motion d'ajourner.

M. Hodge—J'appuie la motion, parce que je ne vois aucune probabilité que nous puissions obtenir un quorum, et je désire que ce fait soit distinctement dans le journal de la séance.

La motion est rejetée.

M. Mouton—Je ne vois pas l'utilité de rester ici plus longtemps. Le sergent d'armes a répété qu'il ne peut trouver les membres absents, mais si même il les avait trouvés, il ne pourrait les forcer à se rendre à leurs places. Ils ne doivent compte de leur conduite qu'à leurs commettants. Il n'y a aucune loi qui les force à rester à leur place s'ils jugent à propos de la quitter. Le sergent-d'armes ne pourrait en ramener aucun sans faire usage de la force physique.

Motion est faite d'ajourner.

MM. Burthe, Hodge, Kittridge, Martin, Nichols, Palfrey, Slack, Taylor, Todd et Wickliffe votent contre—10 voix.

Par conséquent la motion est rejetée.

A 3 heures le Sénat s'ajourne jusqu'à demain à 9 heures A. M.

JEUDI, 7 avril.

Le journal de la séance d'hier ayant été lu, M. Martin fait observer qu'il y avait une erreur dans le procès-verbal, où il était dit qu'il y avait un appel de la décision du président. Il n'y a pas eu d'appel. Il y a eu simplement une expression des vues du Senat conformes à la décision du président.

M. Mouton—Le senateur se trompe. Il y a eu un appel de la décision du président.

M. Hodge—Je crois pouvoir expliquer la chose. Le président avait quelque doute relativement à la décision qu'il devait prendre, attendu qu'il n'y avait aucun précédent pour le guider. Il désira avoir le sentiment de la Chambre. Mais il n'y avait aucun moyen d'arriver à avoir le sentiment de la Chambre, si ce n'est par un appel au président. C'est dans ce but que l'appel de la décision de la Chambre a eu lieu. Le journal est correctement rédigé, mais les rapports des débats montreront comment les choses se sont passées.

M. Martin introduit la résolution suivante qui est lue :

Attendu que l'article 19 de la Constitution déclare que chaque Chambre de l'assemblée générale devra être en quorum pour procéder à ses travaux, une majorité des membres de chaque Chambre constituera le quorum. S'il n'y a qu'une minorité présente, elle pourra s'ajourner de jour en jour et sera autorisée par la loi à contraindre les absents de se rendre aux séances.

Et attendu qu'hier le président a décidé qu'aucun warrant ne serait lancé pour arrêter les membres du Sénat qui s'étaient absentés sans permission du Sénat, se basant sur ce qu'il n'y avait pas de lois autorisant l'émission de tels warrants—c'est pourquoi il est résolu que le comité judiciaire est et demeure autorisé à préparer et présenter au Sénat le plus tôt possible, un acte pour forcer les membres absents sans autorisation à se rendre aux séances.

M. Martin—La nécessité d'adopter cette résolution est évidente. Quand il y a peu de membres, une petite fraction peut empêcher la marche des affaires. Il est par conséquent nécessaire qu'il y ait une loi pour forcer les membres absents à se présenter, attendu qu'un doute existe dans l'esprit du président relativement au droit du président d'agir sans autorisation. Je ne pense pas que son opinion soit bien fondée, mais afin qu'il ne puisse y avoir de doutes sur cette question, nous devrions recommander au comité de rapporter un bill à ce sujet.

BILL DES TERRES MARECAGEUSES.

Le Sénat prend en considération un acte intitulé :

Acte pour canaliser et dessécher les terres marécageuses et inondées données à l'Etat de la Louisiane par un Acte du Congrès intitulé :

Acte pour aider l'Etat de la Louisiane dans le dessèchement des terres marécageuses situées dans le dit Etat, approuvé le 2 mars 1849.

[La Chambre avait refusé son concours à l'amendement du Sénat, qui réduisait les appointements des Ingénieurs de $3,000 à $2,000.]

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M. Wickliffe—L'amendement du Sénat réduisait les appointements des ingénieurs de $3,000 à $2,000 par an. J'exprimai, ainsi que d'autres membres, des doutes sur la possibilité de se procurer des hommes compétents pour $2,000. Des ingénieurs capables ne voudraient pas se mettre au service de l'Etat pour $2,000, tandis qu'ils peuvent aisément gagner ailleurs $3,000 ou $4,000. La Chambre a refusé son concours à l'amendement du Sénat. Elle pense que $3,000 ne sont qu'une rétribution équitable des charges à remplir. Je connais peu d'hommes compétents qui ne puissent gagner cette somme, et je voterai pour ce chiffre au moins.

M. Hodge.—Combien reçoit l'ingénieur de l'Etat ?

M. Wickliffe.—Trois mille dollars.

M. Hodge.—Et il est nommé pour l'Etat en général? Je voterai contre $3,000.

M. Short.—Les charges que le présent acte impose aux ingénieurs, seront beaucoup plus lourdes que ne l'ont jamais été celles de l'ingénieur de l'Etat. Mon but en proposant $3,000 d'appointemens, est de voir un de ces ingénieurs dans ma section, où nous n'en avons jamais eu, et je veux payer à un prix raisonnable les services rendus.

Sur motion de s'accorder avec l'amendement de la Chambre, remettant la somme de $3,000, ainsi que le portait la 9me section de l'acte, et qui avait été reduite à $2,000 par l'amendement du Sénat,

L'appel nominal est demandé.

MM. Boatner, Burthe, Kittridge, McCay, Patterson, Short, Taylor et Wickliffe votent pour — 8 voix.

Et MM. Clinton, Derbes, Hodje, Lacoste, Lauve, Lacey, Lewis, Martin, Nicholls, Palfrey et Slack, votent contre,—11 voix.

Par conséquent, le Sénat refuse de remettre $3,000 et maintient son amendement.

M. Derbes fait la motion de reconsidérer le vote qui vient d'être donné.

M. Hodge.—Je ne puis approuver la motion de reconsidération J'ai voté contre l'acte lorsqu'il était devant le Sénat ; parce que je croyais les appointemens demandés beaucoup trop élevés. Je ne conçois pas que des sénateurs puissent disposer ainsi de l'argent de l'Etat, tandis qu'ils savent que le peuple ne veut plus de gros appointements, et son désir mérite bien, je crois, quelque considération.

Pendant la dernière session de la Législature tous les appointemens subirent une réduction importante. Un comité spécial fut nommé pour examiner s'il n'était pas convenable de réduire les appointemens et recommander les réductions qui lui paraîtraient judicieuses. Ce comité établit en principe que les émolumens élevés ont pour résultat de faire rechercher les fonctions publiques, moins à cause du désir qu'ont ceux qui y aspirent, d'occuper une position honorable ou d'être utiles à leur pays, que pour les bénéfices pécuniaires que ces emplois leur procurent. [Il lit le rapport du comité.]

Il me semble que cette expression de l'opinion du comité spécial est digne de l'attention des sénateurs et devrait les faire réfléchir avant d'agir. Le bill dont s'occupe en ce moment le Sénat, propose de faire exactement ce que le comité recommandait de ne pas faire. Il propose un grand nombre de fonctionnaires, de forts appointemens et par conséquent, une forte augmentation des dépenses de l'Etat. Il y a d'abord trois commissaires à $3,000 chacun et un certain nombre d'employés inférieurs. Je n'ai pas fait le cacul de leur nombre, mais il doit être considérable et leurs appointements doivent s'élever en moyenne à $100. Je l'ai dit déjà, je suis opposé aux gros appointemens. Ils ne nous assurent pas les meilleurs fonctionnaires, les hommes les plus dignes et les plus capables. Ils ne servent au contraire qu'à stimuler la cupidité ; à séduire des intrigants ou des hommes qui n'ont d'autre souci que de jouir des émolumens et honoraires attachés aux fonctions publiques. Notre propre Etat nous en donne un exemple: la Louisiane qui paye des appointemens beaucoup plus élevés que ceux d'aucun autre Etat, n'a pas réussi à s'assurer les services des plus grands talents.

Quel effet aura ce bill ? De créer de nouveaux employés par douzaines, des consommateurs au lieu de producteurs, des hommes qui, au lieu d'accroître la richesse de l'Etat par leur travail, vivront d'appointements prélevés sur l'industrie du peuple. Il est vrai qu'ils seront payés sur le fonds des terres marécageuses; mais ce fonds appartient au peuple entier de l'Etat, et nous n'avons pas plus le droit de le gaspiller que s'il provenait des taxes. Quel spectacle s'offre maintenant à nos yeux ! Nous voyons un parti qui s'est toujours vanté de combattre pour l'économie et les réformes ; qui a fait de ces mots son cri de ralliement et qui les a inscrits sur ses bannières dans toutes les processions. Mais dans cette Législature, que précéda une Législature whig véritablement animée de l'esprit d'économie et de réforme, nous voyons ce même parti se livrer aux extravagances les plus outrées. Il crée d'innombrables emplois et il augmente les appointements. Qu'en dira le peuple ? Permettez-moi de vous demander combien vous donnez à nos juges de District. Trois mille cinq cents dollars; et cependant vous leur défendez d'exercer leur profession. Ces ingénieurs et ces commissaires ne seront peut être pas occupés pendant six mois de l'année; pendant le reste du temps il leur est permis de professer leur état, et ils seraient néanmoins aussi bien rétribués que nos juges. Bien des gens trouveront cette somme minime, mais c'est plus que ne gagnent les quatre-vingt-dix-neuf centièmes de nos hommes de loi. C'est être rétribué à raison de huit dollars par jour. Les deux tiers des habitants de la Louisiane en gagnent-ils autant ? On peut arriver à ce chiffre en venant à la Législature et en y remplissant des fonctions que nous avons l'habitude de rétribuer très libéralement. Nos rapporteurs et notre secrétaire gagnent quatorze dollars par jour pendant la session, mais ce sont là de rares exceptions, et d'ailleurs ce sont des personnes qui quittent leurs foyers et sacrifient leurs intérêts particuliers pour servir l'Etat. Mais les fonctionnaires dont il s'agit passeront chez eux six mois de l'année, soit goûtant un doux repos, soit se livrant à d'autres occupations, et il faut cependant qu'ils reçoivent $3,000 par an! Ainsi, nous devrons dépenser pour les appointements d'un petit nombre d'employés, $13,500 par an, ce qui fait 5 ou 6 pour cent sur le capital avec lequel doivent se commencer les opérations. Le fonds se trouvera donc converti en un fonds pour le bénéfice des employés, et les dépenses l'auront bientôt épuisé. Je pense que le bill est contraire au vœu du peuple qui est exprimé dans la Constitution. Nous n'avons aucun droit de nommer trois commissaires quand la Constitution en exige quatre, de même que nous n'avons pas le droit de dépenser follement les fonds publics. Je dis dépenser follement, parce qu'à mon avis c'est l'expression propre. Si les membres du parti oppose persistent à vouloir suivre cette marche, je désire que le peuple sache que le parti qui veut se nommer le parti de l'économie n'est en realité que le parti des extravagances, et que les whigs forment le seul parti des réformes et des diminutions des dépenses.

M. Wickliffe—Le comité auquel l'honorable membre vient de faire allusion était un comité domestique.

M. Hodge—Je vois clairement que le parti qui est maintenant au pouvoir s'efforce d'enlever au peuple, en violation de la Constitution, le droit d'élire ses fonctionnaires pour en gratifier l'exécutif. Jusqu'à présent je n'ai pas encore entendu la réponse à l'argument, que la majorité essaie de retirer du peuple le droit d'élire ses commissaires pour le donner aux membres de l'exécutif, dans le but de faire nommer leurs amis et partisans.

M. Wickliffe—Je crois que l'orateur a émis clairement les motifs pour lesquels il est opposé au bill. C'est parce que le gouverneur est investi du droit de faire les nominations. La dernière Législature a été nommée, la Législature de la réforme et de l'économie, mais ce titre ne lui sera pas accordé longtemps. Le trésorier de l'Etat, qui est un bon whig, lui donne un tout autre nom.

(M. Wickliffe lit un passage du rapport du trésorier.)

Tel est le compte donné par le trésorier whig.

M. Hodge—C'est un honnête homme.

M. Wickliffe—Je le crois aussi et c'est lui qui a donné un nom honnête à la dernière Législature, il l'a baptisée comme elle devait l'être et le peuple dit: Amen!

L'honorable membre prétend que le bill est fait dans le but de donner au gouverneur le droit de faire certaines nominations. Il se trompe. Le bill est fait

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pour exécuter les provisions de l'acte du Congrès qui accorde les terres marécageuses à l'Etat. J'éprouve du plaisir à soutenir le bill, quoique, comme constituant, je n'y sois pas directement intéresse. Je viens ici pour appuyer le bill. Je cède volontiers ma place à ceux de mes confrères qui ont plus d'expérience et qui sont plus familiers avec la question. Maintenant, où serait le mal si on laissait au gouverneur le soin de faire ces nominations ?

M. Hodge—Il en résulterait un très grand inconvénient, comme vous pourrez vous en convaincre en vous rapportant à la Constitution.

M. Wickliffe—Si le gouverneur est un homme capable de faire de bonnes nominations, il n'y aurait pas d'inconvénient. Le parti démocratique a eu confiance dans sa capacité en l'appelant à la charge de gouverneur. Pour ma part je préfère m'en rapporter à son jugement dans une question de cette nature que d'en laisser la décision au peuple. Le sénateur, pas plus que moi, ne s'entend à la science de l'ingénieur. Mais ne sait-il donc pas que pour être ingénieur competent, il faut des études de plusieurs années ? Ne sait-il pas que des ingénieurs capables peuvent se faire $3,000 par an. J'en connais qui gagent jusqu'à $5,000. Cependant l'orateur n'est opposé au bill qui est fait pour exécuter les vues des actes du Congrès, que pour la simple raison que le bill donne au gouverneur le pouvoir de faire les nominations. Je voudrais savoir s'il est dit dans la Constitution que ces fonctionnaires doivent être nommés par le peuple ? Pour ma part, je n'en sais rien. Je le répète, on ne peut pas trouver des ingénieurs compétents pour $2,000 par an.

M. Short.—Les membres qui s'opposent à ce bill se sont tout à fait fourvoyés. Je n'ignore pas que tous les arguments fondés sur des raisons d'économie sont de nature à être favorablement accueillis. Les arguments tirés des bannières et des drapeaux portés en tête des processions politiques sont également fort séduisants. Mais je croyais qu'ils avaient fait leur temps et qu'ils avaient produit tout l'effet qu'on pouvait raisonnablement en attendre. La question est maintenant tout simplement de savoir s'il est possible de trouver des ingénieurs capables pour une somme moindre que celle qu'alloue ce bill ;—de trouver un homme qui veuille remplir la lourde tache que lui impose ce bill, pour moins de $3,000 par an. Le sujet qui nous occupe n'est pas une question d'économie et de réforme. Des discours remplis d'allusions à ces idées, seraient très bien dans des *barbecues*, dans des assemblées politiques et dans ces processions où l'on deploie ces fameuses petites bannières, mais ils sont tout à fait déplacés en ce moment, pour la simple raison qu'ils n'ont aucun rapport au sujet. La question est celle-ci : Quels appointements devons-nous donner pour trouver un homme honnête, habile et compétent ? Quel somme, enfin, doit être considérée comme une rétribution raisonnable? Quant à ces arguments séduisants, d'économie et de réforme, ils sont absolument étrangers à la question.

Nous n'avons qu'à décider si nous maintiendrons notre amendement ou si nous donnerons notre concours à l'opinion de la chambre.

M. Martin.—J'ai lu une partie de la réprimande que l'ex-trésorier de l'Etat a adressée à la Législature et je la trouve très peu respectueuse. Elle sort tout à fait des limites de ses fonctions et est on ne peut plus déplacée.

M. Wickliffe dit qu'il est bon whig, je ne lui conteste pas cette qualité, mais cela ne l'autorise pas à tenir un pareil langage dans son rapport. J'ai un mot à dire sur ce sujet. Ce monsieur dit que le Comité des Economies et des Réformes était un Comité Démocratique. Eh bien, messieurs, M. Baker, un whig, présenta contre les compensations extraordinaires, une résolution à laquelle le trésorier s'opposa de toutes ses forces.

M. Wickliffe.—La résolution n'a-t-elle pas été rappelée à la demande d'un bon whig ?

M. Martin.—Je l'ignore.

M. Wickliffe.—Le journal sera mieux informé.

M. Martin.—Dans ce cas c'était à la dernière séance de la session, lorsque les démocrates étaient en majorité et tandis que M. Burthe et d'autres étaient absents de la salle, occupés à enrôler des billis.

C'est alors que M. Phillips présenta une résolution proposant de payer à M. Hamilton, commis aux enrôlements, une compensation extraordinaire de $100. M. Phillips était démocrate et M. Hamilton whig. Peut-être M. Phillips voulait se concilier ce monsieur, qui, disait-on avait quelque influence dans son district. Cinq whigs et quatre démocrates votèrent affirmativement et trois whigs et cinq démocrates negativement. MM. Burthe et Gardère n'occupaient pas leurs siéges; mais sans eux, il y avait précisément 17 membres présents et votants, sur lesquels il y avait huit whigs et neuf democrates ; d'où il résulte que les démocrates étaient en majorité et eussent pu faire prévaloir leur idées dans le Sénat.

M. Wickliffe.—Je n'ai pas fait allusion aux compensations extraordinaires, mais je suis bien aise que l'honorable membre l'ait fait, je suis charmé qu'il ait fait mention de ces documents parce qu'ils prouveront que les démocrates n'étaient pas en majorité à cette époque. S'il se donne la peine de les examiner, il trouvera qu'une de cette résolution fut présentée par un démocrate, par plaisanterie, afin d'empêcher que la résolution primitive ne fût adoptée.

Je me rappelle, que dans ce moment des occupations importantes avaient éloigné M. M. Burthe et Gardère de la salle ; mais où étaient les autres ? Un membre de plus eût partagé les voix, ce qui eût donné à M. Martin, qui était président, une occasion de décider la question par sa voix prépondérante. Où donc, je vous le demande, étaient les autres membres ? Il y avait certainement plus de onze whigs dans le dernier Sénat.

M. Derbès.—Voici les raisons pour lesquelles je demande une reconsidération du vote : J'ai voté pour réduire les appointements des ingénieurs de $3,000 à $2,500, parce que je croyais que le bill pouvait être renvoyé et qu'alors nous aurions eu quatre districts au lieu de trois. Il est clair que la charge ainsi répartie deviendrait moins forte. Je pense que $5,000 n'est pas un salaire trop élevé, aussi longtemps que nous n'avons que trois districts.

Le vote est reconsideré et le Sénat retire son amendement.

On passe ensuite au proviso du Sénat qui dit : que l'acte serait rédigé de manière à ce qu'aucune des ordonnances de police et de levée existantes ne soit rappeleé (La chambre avait refusé son concours).

M. Hodge.—Je pense que la Chambre a bien agi parce que le proviso enlève de ce département, qui doit être entièrement indépendant, le pouvoir qui dirige et contrôle cette question, pour le reporter sous la direction des autorités paroissiales.

On prend ensuite en considération l'amendement divisant les fonds dans une certaine proportion.

M. Short.—Quand cette section était devant le Sénat je m'y suis opposé parce que la division n'avait pas été faite selon le travail exigible dans chaque district.

L'amendement du Sénat pour emprunter un million de piastres est alors pris en considération, la Chambre ayant refusé son concours.

M. Clifton—Ceci est un amendement très important au point de vue de l'économie et qui doit faire bénéficier l'Etat de 25 ou 30 pour cent. J'espère que le Sénat ne se désistera pas de son amendement.

M. Short—Je pense que le bill dans sa teneur primitive était préférable parce que c'est un arrangement très simple et très convenable que de ne mettre en circulation les bons qu'après l'achèvement des travaux. Je pense que l'amendement doit concilier tous ceux qui sont opposés au système de l'emprunt. Le mecanisme du bill primitif était très simple et devait se recommander à tout le monde.

La section pourvoyant aux machines à piloter est prise en considération.

M. Kittridge—Je considère que cette section vaut toutes les autres, en ce sens qu'elle peut prévenir la destruction de propriétés considérables.

M. Wickliffe—Si nous voulons jeter du ridicule sur le bill il suffit d'y conserver cette machine à piloter. Quel besoin avons-nous de trois ou quatre de ces encombrantes machines stationnant à des endroits où peut-être jamais il n'y aura de crevasse ?

M. Kittridge—L'orateur parle du ridicule qui serait attaché à cette section du bill. Il me semble que la sagesse de l'Etat a été souvent tournée en ridicule pour n'avoir pris aucune mesure pour empêcher la destruction par les crevasses, de propriétés pour une valeur de plusieurs centaines de mille piastres.

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Banque des Artisans et des Marchands.

M. Derbès—Je désire présenter la protestation suivante signée par moi et d'autres membres, contre la conduite de la majorité du Sénat dans la séance d'hier. Nous n'avons aucune intention de manquer de respect au Sénat ; nous désirons simplement exposer les motifs qui ont dicté notre conduite.

A l'Honorable W. W. Farmer, Lieutenant-Gouverneur et Président du Sénat.

Les soussignés, membres du Sénat, demandent qu'il leur soit permis de représenter,

Que le 1er du présent mois ou environ, un acte proposant de prolonger la Charte de la Banque des Artisans et des Marchands fut soumis à la considération de cette honorable assemblée, et que la première section de ce bill ayant été mise aux voix, elle fut repoussée. Cependant la reconsidération de ce vote fut proposée et acceptée par le Sénat. Dans cet état de choses, le bill fut mis à l'ordre spécial du jour pour le mardi, 5 avril 1853. Ce jour, le Sénat ne s'étant pas trouvé en quorum, s'ajourna à mercredi, 6 avril. Mercredi, 6 avril, la motion fut faite de prendre en considération l'acte dont il est fait mention plus haut; mais des objections ayant été faites, le président décida que le consentement des deux tiers des membres présents était nécessaire pour que le bill pût être pris en considération conformément aux réglements du Sénat ; que le bill n'ayant pas été discuté le jour qui avait été spécialement fixé à cet effet, il rentrait dans l'ordre ordinaire, celui qu'indique son numéro, et que sous une autre assignation, il ne pouvait être pris en considération que l'orsqu'on arriverait à ce numéro. Un appel fut fait de la décision du président, et elle fut maintenue par le Sénat. Sur motion de reconsiderer le vote par lequel la décision du président etait maintenue, le Sénat consentit, à une voix de majorité, à le reconsidérer. Le Sénat s'étant ainsi décidé à reconsidérer son vote les soussignés crurent qu'il était de leur devoir, sans avoir l'intention de manquer de respect au corps dont ils font partie, de quitter leurs sièges, jusqu'à ce que d'autres affaires fussent discutées.

Quand la motion de prendre le bill en considération fut faite, l'opinion bien arrêtée des soussignes était, que le bill dont il est question étant à l'ordre du jour pour mardi, 5 avril, et n'ayant pas été discuté ce jour, avait perdu sa priorité, et qu'il devait être reservé pour un autre jour, ou pris en considération quand viendrait son tour de rôle sur le calendrier. L'opinion des soussignés était évidemment appuyée par l'autorité marquée de l'article 149, page 84, du Manuel de Cushing, dont voici le texte : « Les ordres du jour qui n'ont pas été discutés et décidés le jour désigné, perdent leur priorité et doivent être réservés pour un autre jour. Cependant, dit l'auteur, un réglement spécial peut, comme dans les Législatures du Massachusetts, décider que les ordres du jour particuliers resteront en force pendant tous les jours suivants, jusqu'à ce qu'une décision soit prise. On ne prétendra certainement pas qu'il existe pour notre honorable corps un réglement spécial qui change, ou modifie le réglement si clairement établi par l'autorité dont nous parlons. Les justes et légitimes conclusions des soussignés furent soutenues par le président et ensuite par le Sénat par un vote direct pour maintenir la décision du président ; mais quand les soussignés s'aperçurent plus tard que leurs vues étaient méconnues, les autorités parlementaires mises de côté, la décision du président renversée, et l'opinion du Sénat lui-même entièrement changée en moins de temps qu'il n'en faut pour le dire, et tout cela pour faire passer un bill qui était directement opposé aux vues politiques des soussignés, ils crurent qu'ils avaient incontestablement le droit de quitter leurs siéges dans cette enceinte. Si le bill eût été présenté à son tour de rôle, d'accord avec les réglements du Sénat et les exigences des usages parlementaires, tels que les a interprétés le fonctionnaire plein de talent et d'impartialité qui préside dans cette enceinte, les soussignés seraient restés dans leurs siéges, le bill dût-il passer en dépit d'eux ; mais ils ne pouvaient consentir à se laisser dépouiller des droits que leur accorde le réglement du Sénat, tandis qu'il était en leur pouvoir de l'empêcher en se retirant. Les réglements d'une assemblée délibérante sont la seule sauvegarde de la minorité contre les attaques de la majorité, et les soussignés sont et demeurent justifiés par toute mesure qu'ils ont prise ou qu'ils pourraient prendre à l'avenir, pour la défense des droits que leur accorde le réglement. Telle est la justification de notre retraite de cette enceinte, et nous demandons respectueusement qu'elle soit insérée dans les archives de cette honorable assemblée.

C'est ce que vous soumettent respectueusement,

A. DERBES,
GEO. L. LACEY,
P. H. KEMP,
TOM. S. McCAY,
C. H. MOUTON,
CASIMIR LACOSTE,
C. W. CLIFTON,
M. BOATNER.

M. Hodge—Je propose de référer cette protestation au comité judiciaire.

M. Martin—La motion n'est pas à l'ordre. La question est de savoir si nous devons accepter la protestation.

M. Derbès—Si l'hon. membre était dans notre position, je m'opposerais à la motion qu'il vient de faire. Il nous revient de droit d'exprimer les raisons qui nous ont fait agir. Il n'est que trop juste que nos constituants connaissent nos motifs ; on n'abandonne pas son siège au Sénat sans raisons majeures; nous empêcher de les enrégistrer quand nous en demandons le privilége, serait faire preuve d'un manque de courtoisie dont on aurait lieu de s'étonner.

M. Hodge—Je n'ai aucune objection à ce que la protestation soit inscrite au journal, seulement je désire une occasion pour y répondre. Ce document accuse la majorité d'avoir violé les réglements dont la minorité s'était fait un bouclier. Ceci est une accusation que je ne veux pas laisser passer sous silence. Comme je l'ai déjà observé, je trouve naturel que ces messieurs fassent enrégistrer leurs arguments en justification de leur conduite, car en définitive ce sont des arguments quoique ces messieurs n'en fassent qu'une protestation. Je désire une occasion d'y répondre et je donnerai mes motifs.

M. Derbès—Si l'orateur a des raisons à donner il peut le faire maintenant; la question est devant le Sénat.

M. Martin—Mon confrère se trompe, sa suggestion ne serait pas en ordre. La question qui est maintenant devant le Sénat est la réception de la protestation.

M. Mc Cay—Je retire l'objection que j'ai faite à la réception de la protestation.

M Nicholls—Nous ne nous refusons pas à l'enregistrement de la protestation, mais quand ces messieurs nous ont demandé d'enregistrer une attaque faite contre la majorité, ils devraient au moins trouver convenable que nous ayons l'occasion d'y répondre.

M. Mc Cay—Que peut dire le comité judiciaire à ce sujet, je ne vois aucune nécessité d'y référer la protestation et pour cette raison je la retirerai.

M. Hodge—Je répète à ce monsieur que nous ne nous opposons pas à l'enregistrement, du moins la partie du Sénat à laquelle j'appartiens ; il me semble qu'il peut me comprendre, je m'adresse à lui en particulier.

M. Mc Cay—Je n'ai pas fait allusion au sénateur de Caddo, je parlais du senateur de l'Assomption (M. Martin).

M. Martin—Je me suis opposé à recevoir la protestation sans une dispense des règles. Je ne veux pas d'une minorité factieuse qui veuille par sa conduite turbulente imposer l'inscription de sa protestation sur les registres. Je suis decidé à ne pas me laisser entraîner par ces messieurs dans une fausse route.

M. Short—J'avoue que j'étais en faveur de l'enrégistrement de la protestation sur les minutes quoique ce fût une attaque à la majorité. J'ai fait partie de cette majorité, j'étais decidé à voter sur certaines questions mais je n'en ai pas trouvé l'occasion. J'accepte ma position avec toute la responsabilité qui s'y attache et je l'ai prise après mûre considération. Pour cette raison. je suis prêt comme faisant partie de la majorité à supporter toute attaque qui pourrait être dirigée contre elle.

M. Hodge—Je fais la motion de renvoyer la discussion à demain.

M. Mc Cay—Je retire de nouveau ma protestation puisqu'on a objecté à la recevoir.

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M. Mouton—Je demande aussi à la retirer.

M. Hodge—Je réitère la motion de renvoyer la question à demain.

M. le président décide alors que la protestation n'est plus devant le Sénat.

M. Martin—Sur quel réglement M. le président base-t-il sa décision?

M. le Président—L'hon. membre a le droit de retirer un document de ce genre.

ORDRE DU JOUR.

Le Sénat reprend la discussion non terminée sur la décision du président:

Que lorsqu'un acte est mis à l'ordre du jour pour un jour fixé, et que ce jour passe sans que l'acte soit discuté, l'acte prend sa place parmi les autres actes suivant son numéro.

M. Wickliffe—La décision ainsi exprimée est juste sous un point de vue général, mais elle ferait supposer qu'il y a eu en effet une séance du Sénat le jour dont il s'agit. J'admets que s'il y avait eu une séance, le cas eût été fort différent, mais il n'y a pas eu de seance et par conséquence la conclusion à laquelle le président est arrivé est fausse.

M. Lacey—Les raisons sous l'influence des quelles nous avons agi sont exprimées dans la protestation que nous avons présentées aujourd'hui. Cette protestation n'est pas une accusation dirigée contre la majorité, elle n'a d'autre but que de justifier notre conduite, et heureusement nous pouvons citer une excellente autorité à l'appui de notre opinion, je veux parler du livre dont se sert l'orateur Farrar. [Il lit un passage]. Voici une règle générale bien clairement établie. Y a-t-il quelque exception? Les règlements du Sénat n'en font pas que je sache Ils se taisent sur ce sujet, nous devons donc chercher des lumières ailleurs.

Nous trouvons ici, que si un bill est mis à l'ordre du jour pour un jour spécifié, et que ce jour passe sans que le bill soit discuté, quelle qu'en soit la cause, ce bill perd sa priorité, l'ordre est mis à néant et le bill doit prendre place au bas du calendrier d'où il ne peut être retiré que par un vote des deux tiers. Le simple bon sens nous démontre la vérité de ce principe; il suffit d'examiner le sujet avec soin pour en être convaincu. A quoi sert l'ordre du jour? il sert à affecter certains jours à la discussion de certains bills. Adopter les vues des membres qui nous sont opposés sur cette question, serait créer de la confusion, en gênant la marche des ordres du jour suivant: Il me semble donc que même sans précédents, sans autorité, en ne prenant pour guide que des principes généraux et ce que nous dicte le bons sens, il est évident que lorsqu'un bill est mis à l'ordre spécial du jour, et que ce jour passe sans que le bill ait été discuté, ce bill perd sa priorité et doit prendre place sur le calendrier général. Mais nous avons des autorités, nous avons le livre dont se servait l'orateur Farrar, un parlementaire accompli. Si le manuel de Jefferson donne une décision différente, je me range de son avis; mais Jefferson ne dit pas un mot sur ce sujet, nous sommes donc forcés de chercher ailleurs des renseignements.

Il résulte de là que nous avons une autorité importante en faveur de notre position et qu'elle justifie pleinement la détermination que nous avons prise de quitter la salle du Sénat, lorsque nous nous aperçumes que la majorité était decidée à s'écarter des réglements parlementaires. Je veux que les réglements soient observés; je ne veux pas qu'ils soient enfreints. Ils sont faits pour la protection de la minorité aussi bien que pour celle de la majorité. Je suis déterminé, aussi longtemps que mes forces physiques me permettront de sortir, à jouir des avantages que m'assurent les réglements et les usages de cette assemblée.

M. Short—Je n'ai pas l'intention de m'étendre longuement sur ce sujet. L'autorité que l'honorable membre a citée n'a pas trait à la question. On se rappellera que le Sénat avait mis le bill à l'ordre spécial du jour pour mardi. Si le Sénat se fût assemblé, il aurait pu agir en sa capacité officielle et adopter ou rejeter le bill. Il aurait pu renvoyer l'ordre du jour à un jour ultérieur. Mais le Sénat ne fut pas en séance mardi, il ne fit rien qui prouvât un changement dans d'intentions, et son intention était de s'occuper de ce bill d'abord. Ne devrions-nous pas le maintenir à l'ordre du jour? A-t-il été discuté? S'est-on occupé d'aucune affaire mardi? Si le Sénat se fût assemblé ce jour-là, s'il se fût occupé de quelqu'affaire, s'il eût en quelque manière que ce fût manifesté un changement dans ses intentions, le cas serait bien différent; mais rien de tout cela n'a eu lieu.

M. Wickliffe—Ce n'est pas à moi de me plaindre de la conduite des sénateurs qui ont jugé convenable de s'absenter de la salle lorsque leur présence était nécessaire pour faire un quorum. Quant à moi, il n'y a pas de circonstance qui me ferait quitter mon siége quand mon absence détruirait le quorum. Il pourrait arriver, ce qui du reste a déjà eu lieu ici, que la minorité prit possession des places.

M. Wickliffe est appelé à l'ordre.

M. Hodge—J'ai quelques mots à dire sur la question qui occupe le Sénat en ce moment, en réponse à l'argument ingénieux du membre d'Ouest Bâton-Rouge (M. Lacey.) Je suis fâché de devoir différer d'opinion avec le président. J'ai autant de respect pour les décisions du président que qui que ce soit, mais comme je vois que presque chaque sepateur a dit quelques mots sur la question, je me dois à moi-même de donner quelques explications pour justifier mon vote contre cette décision. D'abord, je ne pense pas que l'autorité citée par M. Lacey le conduise à ses fins, parce qu'il dit que dans une question de ce genre nous devons procéder avec ordre. L'honorable membre est trop bon avocat pour exiger que nous fassions une chose impossible. Comment l'ordre du jour pourrait-il être maintenu? Mais alors la minorité pourrait à chaque instant détruire le quorum pour empêcher l'adoption d'un bill auquel elle serait opposée. Ce serait mettre la majorité entièrement au pouvoir de la minorité. En supposant que nous ayons eu une séance mardi dernier, les mêmes membres qui ont déjà rompu le quorum pourraient avoir fait de même alors, et de cette manière en suivant la théorie de mon confrère, le bill aurait dû reprendre l'ordre régulier, et n'aurait peut-être pas pu être discuté avant mardi prochain quand il sera trop tard.

M. Derbès—La même chose n'arriverait-elle pas si nous agissions ainsi à tout propos.

M. Hodge—L'honorable membre a des réparties très heureuses; mais qu'il considère la question plus à fond. Je ne pense pas qu'il pourrait détruire le quorum aujourd'hui, quoiqu'il l'ait fait hier. Ainsi, selon moi, quand une minorité factieuse rompt le quorum, nous aurions aussi une garantie en ce sens qu'on pourrait reprendre la discussion d'un billl, à moins que la minorité ne mette fin tout-à-fait à la session.

Maintenant, quoique nous n'ayons aucun précédent direct, nous avons une autorité qui vaut tout autant que celle d'un livre que l'on trouve partout sans qu'on sache d'où il vient. Je citerai, comme exemple, la Législature du Massachussetts, un des meilleurs corps délibératifs du pays, et les usages des Cours.

M. McKay—Il n'en est pas ainsi dans les Cours de la ville. Quand une affaire n'est pas prête au jour fixé, elle est portée au bas du dossier et elle perd sa priorité.

M. Hodge—Dans ce cas il y a des privilèges de priorité, même dans cette ville. Dans mon pays les Cours sont plus arriérées, elles s'efforcent de rendre justice quand elles peuvent, si elles n'ont pu disposer des procès au jour qui leur était assigné.

M. Lacey—Je sais que quand on cite une autorité il faut qu'elle ait du poids, sans cela elle ne peut pas produire grand effet. Si mes adversaires sur cette question peuvent me montrer, dans le manuel de Jefferson, rien qui soutienne leur opinion, je m'y rends volontiers; mais ils n'ont rien produit qui milite en faveur de leurs vues, et comme toutes les autorités qui ont été produites donnent du poids à cet ouvrage, nous devons soutenir que l'avantage reste de notre côté.

Je vous ferai également observer que cet ouvrage, loin de contredire le Manuel de Jefferson, le prend au contraire pour base. Je vous en lirai la préface, afin de vous faire voir dans quel but il est écrit (Il lit la Préface.) Eh bien! Messieurs, l'orateur Farrar donnait tant de poids et d'autorité à ce livre, qu'il s'en servait comme d'un manuel. Qui révoquera en doute la capacité de M. Farrar comme président d'une assemblée délibérante, son impartialité et sa profonde connaissance des usages parlementaires? Je prétends

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qu'un ouvrage dont l'autorité lui semblait suffisante, doit être considéré comme tel par nous. Voilà l'autorité que nous alléguons. (Il lit un passage.) Ainsi, si une affaire dont la discussion se prolonge peut mettre à neant un ordre du jour, le manque de quorum peut produire le même résultat, parceque dans ces deux cas l'ordre n'a pas été soumis à l'attention de l'assemblée ; et ce principe s'applique à un défaut de quorum aussi bien qu'à tout autre cas. Telle est sans doute l'opinion de plusieurs sénateurs. Quelquefois, pour éviter ce dilemme, un bill est mis à l'ordre spécial du jour pour un jour fixé et tous les jours suivants, jusqu'à ce qu'une decision ait été prise. Tel est le réglement adopté par la Législature du Massachusetts. Je puis assurer une chose à mes collègues, c'est que le jour où ce bill sera discuté, ils me trouveront sur mon siége, prêt à voter sur le bill. Je voterai contre, mais je voterai.

L'appel nominal est fait et la décision du Président est renversée par 13 voix contre 10.

M. Wickliffe.—Je propose de prendre en considération le bill de la Banque des Artisans et des Marchands, et j'espère que les démocrates resteront sur leurs sièges et donneront leur attention à la question.

M. Mouton.—Selon ma manière d'envisager la question, le bill devait être discuté hier. D'après la décision du Sénat, s'il s'est occupé d'affaires ce jour-là, le bill perd sa priorité. Or, il s'est occupé d'affaires hier, et la question de savoir si le bill peut être pris en considération aujourd'hui se présente de nouveau.

Le Président décide que le bill doit être discuté aujourd'hui.

Le Président décide que l'acte intitulé : « Acte pour l'enregistrement des hypothèques en faveur des mineurs et des femmes mariées, lequel avait été mis à l'ordre spécial de mardi, comme premier sur la liste de ce jour, était à l'ordre pour aujourd'hui, d'après la cassation de sa décision.

M. Hodge fait la motion de le déposer sur le bureau sujet à l'appel.

L'acte suivant mis à l'ordre spécial du jour pour mardi dernier, est alors pris en consideration et lu comme suit :

Acte pour prolonger la charte de la Banque des Artisans et des Marchands de la Nlle-Orléans.

Section 1ère. Il est décrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane réunis en assemblée générale :

Que la charte de la Banque des Artisans et des Marchands de la Nlle-Orléans, expirant le second mardi d'avril prochain, soit et demeure prolongée jusqu'au 1er juillet 1854.

Sect. 2. Il est de plus décrété, &c., Que la dite Banque ne pourra pas, après le dit second mardi d'avril, emettre ou remettre aucun de ses propres billets, mais devra racheter et emoceller ses billets en circulation.

Sect. 3. Il est de plus décrété &c., Que la défense contenue dans la 12me section d'un acte pour remettre en force les chartes des différentes banques domiciliées dans la ville de la Nlle-Orléans et pour d'autres objets, approuvé le 5 février 1842, par lequel il était illégal à une banque de payer de ses comptoirs d'autres billets que les siens propres, ne s'appliquera pas à la dite Banque des Artisans et des Marchands, après le deuxième mardi prochain. Mais que la dite Banque peut et est autorisée à payer ses obligations en espèces ou billets d'autres corporations de cet Etat, créées par la loi, à l'option des personnes.

Sect. 4. Il est de plus décrété, &c., Que cet acte aura force de loi immédiatement après sa passation.

M. Lewis propose d'amender la 1ère section en substituant «le 1er Décembre 1853» à «le 1er Juillet 1854.»

M. Hodge.—Le Sénat a déjà décidé cette question. J'en appelle au journal pour le prouver. Je demande la question préalable.

M. Lewis.—Dans ce cas, je propose de mettre : «Novembre.»

M. Hodge—J'ai la parole et j'ai demandé la question préalable

M. Kittridge.—Je demande à dire quelques mots pour définir ma position. J'ai toujours été porté à accorder une prolongation de temps à cette Banque, mais je ne veux pas causer la perte du bill. Je désire agir conformément aux intérêts de mes commettants. Je crois que la destruction immédiate de cette Banque causerait des pertes considérables, et vouloir amender le bill maintenant, équivaudrait à le rejeter. Je préfère donc occuper le temps le plus long à ne pas en avoir du tout.

M. Hodge demande la question préalable.

M. Mouton demande l'appel nominal sur la question.

La question préalable sera-t-elle prise en considération ?

MM. Burthe, Hodge, Kittridge, Lauve, Martin, Nicholls, Palfrey, Patterson, Short, Slack, Taylor et Todd votent pour—12 voix.

MM. Boatner, Clifton, Derbès, Kemp, Lacoste, Lacey, Lewis, McCay, Mouton et Neal votent contre—11 voix.

Par conséquent, la question préalable est emportée.

Sur motion d'ajourner, M. Wickliffe demande l'appel nominal.

MM. Boatner, Clifton, Derbès, Lacoste, McCay, Mouton, Neal et Patterson pour—9 voix.

MM. Burthe, Hodge, Kittridge, Lauve, Lewis, Martin, Nicholls, Palfrey, Short, Slack, Taylor, Todd et Wickliffe votent contre—13 voix.

Sur motion d'adopter la 1re section, M. Wickliffe demande l'appel nominal.

Messieurs Burthe, Hodge, Kittridge, Lauve, Lacy, Martin, Nicholls, Palfrey, Patterson, Short, Slack, Taylor et Todd votent pour—13 voix.

Messieurs Boatner, Clifton, Derbès, Kemp, Lacoste, Lewis, McCay, Mouton et Wickliffe votent contre—9 voix.

M. Neal est dispensé de voter.

La section est adoptée.

M. Lacey fait la motion de reconsidérer le vote ci-dessus.

M. Hodge demande que cette motion soit déposée sur le bureau et demande l'appel nominal.

Messieurs Burthe, Hodge, Kittridge, Lauve, Martin, Nicholls, Palfrey, Short, Slack, Taylor et Todd votent pour—11 voix.

Messieurs Boatner, Clifton, Derbès, Kemp, King, Lacoste, Lacey, Lewis, McCay, Mouton, Neal, Patterson et Wickliffe votent contre—13 voix.

La motion est rejetée.

M. Hodge demande l'appel nominal sur la reconsidération.

Messieurs Boatner, Clifton, Derbès, Kemp, King, Lacoste, Lacey, Lewis, McCay, Mouton, Patterson et Wickliffe votent pour—12 voix.

Messieurs Burthe, Hodge, Kittridge, Lauve, Martin, Nicholls, Palfrey, Short, Slack, Taylor et Todd votent contre—11 voix.

Mr Neal ayant fait un compromis avec M. Rives, est dispensé de voter.

Par conséquent la motion de reconsidérer prévaut.

M. Derbès fait la motion d'amender la 1re section en substituant aux mots : « 1er juillet 1854 » les mots « décembre 1853. »

M. Hodge demande l'appel nominal.

Messieurs Boatner, Clifton, Derbès, Kemp, King, Lacoste, Lacey, Lewis, McCay et Mouton votent pour—10 voix.

Messieurs Burthe, Hodge, Kittridge, Lauve, Martin, Nicholls, Palfrey, Patterson, Short, Slack, Taylor, Todd et Wickliffe votent contre—13 voix.

Par conséquent l'amendement est rejeté.

Sur l'adoption de la 1re section, M. Mouton demande l'appel nominal.

Messieurs Burthe, Hodge, Kittridge, Lauve, Martin, Nicholls, Palfrey, Patterson, Short, Slack, Taylor et Todd votent pour—12 voix.

Messieurs Boatner, Clifton, Derbès, Kemp, King, Lacoste, Lacey, Lewis, McCay, Mouton et Wickliffe votent contre—11 voix.

Par conséquent la 1re section est adoptée.

Sur l'adoption de la 2me section, M. Lacey demande l'appel nominal.

Messieurs Burthe, Hodge, Kittridge, Lauve, Martin, Nicholls, Palfrey, Patterson, Short, Slack, Taylor et Todd votent pour—12 voix.

Messieurs Boatner, Clifton, Derbès, Kemp, King, Lacoste, Lacey, Lewis, McCay, Mouton et Wickliffe votent contre—11 voix.

Par conséquent la 2me section est adoptée.

Sur l'adoption de la 3me section, M. Lacey demande l'appel nominal.

Messieurs Burthe, Hodge, Kittridge, Lauve, Mar-

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tin, Nicholls, Palfrey, Patterson, Short, Slack, Taylor et Todd votent pour—12 voix.

Et Messieurs Boatner, Clifton, Derbes, Kemp, King, Lacoste, Lacey, Lewis, McCay, Mouton, et Wickliffe votent contre—11 voix.

Par conséquent la 3me section est adoptée.

Sur l'adoption de la 4me section M. Lacey demande l'appel nominal.

Messieurs Burthe, Hodge, Kittridge, Lauve, Martin, Nicholls, Palfrey, Patterson, Short, Slack, Taylor et Todd votent pour—12 voix.

Et Messieurs Boatner, Clifton, Derbès, Kemp, King, Lacoste, Lacey, Lewis, McCay, Mouton et Wickliffe votent contre—11 voix.

Par conséquent la 4me section est adoptée.

MESSAGE DE LA CHAMBRE.

M. Eastin, messager spécial de la Chambre, demande le concours du Sénat pour les actes suivants :—

Acte pour venir au secours de Barney McFeely.

Acte pour amender les différents actes relatifs à la police et au gouvernement de la ville de Franklin, paroisse de Ste-Marie.

Acte pour autoriser Mélite Dussan, f. c. l. de la paroisse St-Jean Baptiste, à émanciper un esclave.

Acte pour incorporer la compagnie à feu des Opelousas.

Acte relatif aux avis judiciaires.

Substitut à un acte concernant les avis par les shérifs.

Résolution relative aux funérailles de l'ex-gouverneur Johnson.

Et que la Chambre a donné son concours aux amendemens à un acte intitulé :

Acte pour pourvoir au jugement plus rapide des procès dans lesquels le droit à une place est impliqué

VENDREDI, 8 avril.

RAPPORT DES COMITES.

M. Derbès, du comité des réclamations, présente les rapports suivants :

A l'Hon. W. W Farmer, Lieutenant-Gouverneur et Président du Sénat.

Le comité auquel avait été référé la réclamation de la compagnie appelée « Good Institute Tow boat Company, » demande la permission de rapporter qu'il a examiné cette réclamation et est convaincu qu'elle est juste, en tant que les services rendus intéressent l'Etat, et il laisse au Sénat le soin de fixer le montant de la compensation. A cet effet il présente l'acte suivant.

Signé : A. DERBES,
Président pro tem.

A l'Hon. W. W. Farmer, Lieutenant-Gouverneur et Président du Sénat.

Les soussignés membres du comité auquel avait été référé la réclamation de Manuel Fernandez, constable de la cinquième Cour de juge de paix de la paroisse d'Orléans, rapportent qu'ils ont dûment examiné ce sujet et qu'ils sont d'opinion que le Sénat doit la rejeter, son compte se montant à près de neuf cents piastres, pour des services rendus à l'Etat en sa qualité de constable. Le comité a vainement cherché une loi autorisant le paiement de semblables commissions, et en l'absence de cette loi, ils ne désirent pas etablir un précédent qui mettrait l'Etat dans une législation sans fin et le forcerait à faire des appropriations de sommes d'argent considérables. C'est pourquoi ils demandent à être déchargés de tout autre examen du même sujet

Signé : A. DERBES.
W. R. TAYLOR.

A l'Hon. W. W. Farmer, Lieutenant-Gouverneur et Président du Sénat.

Le comité des réclamations auquel avait été référé la pétition de William H. Dinkgrave, collecteur de taxes d'Etat pour la paroisse Ouachita, demande la permission de la rapporter favorablement et soumet l'acte suivant : [Suit l'acte.]

Signé : A. DERBES,
Président pro tem

A l'Hon. W. W. Farmer, Lieutenant-Gouverneur et Président du Sénat.

Le comité des réclamations auquel avait été référé la pétition et le mémoire de B. K. Stephens, demandant à être relevé du paiement d'un bon de six cents piastres pour la comparution en Cour d'un certain Thomas H. Hannersly, accusé de vol, demande la permission de rapporter en faveur de la remise de la moitié, savoir : trois cents piastres, et demande à être déchargé de tout autre examen du même sujet.

Signé : A. DERBES.
W. B. TAYLOR.

MESSAGE DE LA CHAMBRE.

M. Eastin, messager spécial de la Chambre, demande la signature du président pour les actes suivants :

Acte pour punir toute tentative de dommage aux levées ou digues de toute rivière ou cours d'eau de l'Etat.

Acte pour, pourvoir au jugement plus rapide des procès dans lesquels le droit à une place est impliqué.

Et il informe le Sénat que l'Orateur a signé les actes suivants, intitulés :

Acte pour émanciper John Rhodes, de la paroisse d'Orléans.

Acte pour venir au secours de l'arpenteur-général.

Et il demande le concours du Sénat pour :

Un acte pour venir au secours des directeurs des Ecoles de la Paroisse de Soto.

MESSAGE A LA CHAMBRE.

M. Derbès, du comité d'enrôlement, rapporte les actes suivants comme correctement enrôlés, et l'assistant-secrétaire demande la signature de l'Orateur pour les dits actes.

Acte pour venir au secours de Pierre Onésime Broussard, ex-surintendant de paroisse pour la paroisse de Vermillon, et amendant un acte intitulé : « Acte pourvoyant à la manière dans laquelle les surintendents et leurs sécurités seront relevés de leur responsabilité.—Approuvé le 18 mars 1852.

Acte pour autoriser Frédérick Stokel et Marie Prujer sa femme, à adopter Louisa Wilhelmine Garner.

Acte pour amender un acte pour le réglement uniforme des élections dans l'Etat de la Louisiane, les paroisses d'Orléans et de Jefferson exceptées, approuve le 1er juin 1846.

Et il informe la Chambre que le président a signé les actes suivants :

Acte pour donner un local au siége de la justice de la paroisse de Jefferson.

Acte pour venir au secours de William L. Knox.

Acte pour venir au secours de H. Kean.

L'assistant-secrétaire demande le concours de la Chambre pour les actes suivans :

Acte pour émanciper Jane Mary esclave et fille de Patsy f. c. l.

Acte pour autoriser les actionnaires de l'association de l'Ecole des demoiselles d'Iberville, à faire une liquidation.

Acte pour autoriser Théodore Helveston et Eliza Peel sa femme, à adopter Thomas Whelan, orphelin.

Et que le Sénat a donné son concours aux actes suivans :

Acte pour amender et remettre en vigueur la 35me section d'un acte intitulé : « Acte pour consolider la ville de la Nouvelle-Orléans et pourvoir au gouvernement et à l'administration de ses affaires.

Acte pour amender les différents actes relatifs à la police et au gouvernement de la ville de Franklin, paroisse de Ste-Marie.

Ainsi que les actes suivans en les amendant.

Acte pour incorporer la compagnie du chemin de fer de Vicksburg, Shreveport et du Texas.

Acte pour incorporer la compagnie du chemin de fer de la Nouvelle-Orléans, des Opelousas et de l'Ouest.

Acte pour incorporer la compagnie du chemin de fer de la Nouvelle-Orléans, de Jackson et du Nord.

Et que le Senat a donné son concours à un acte intitulé :

Acte pour venir au secours des créanciers et des légataires de la succession d'Abner Robinson.

Et que le Sénat a adopté l'amendement de la Chambre à un acte intitulé :

Acte réglant les devoirs des notaires en dehors des limites de la ville de la Nouvelle-Orléans.

EXPLICATION.

M. Mouton—Ayant voté en faveur de la prolongation de la Charte de la Banque des Artisans et des

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Marchands, je crains que ce vote ne me fasse considérer comme étant favorable à la prolongation de la Charte de la dite Banque. Afin qu'on ne puisse pas se méprendre sur mes intentions, je demande, de concert avec d'autres membres qui ont voté dans le même sens que moi, la permission de soumettre l'explication écrite suivante de notre vote, et nous demandons qu'elle soit insérée au procès-verbal.

Les soussignés, en votant pour l'amendement, proposant de prolonger la charte de la banque des Artisans et des Marchands jusqu'au 2 décembre prochain, l'ont fait parce qu'ils préféraient cette période au temps déterminé dans l'acte original. Ils avaient l'intention de voter sur la passation finale de l'acte, contre toute prolongation de la charte de ladite banque.

Signé : C. H. MOUTON,
GEO. L. LACEY,
M. BOATNER,
T. S. McCAY,
A. DERBES,
C. W. CLIFTON.

Le Sénat ordonne que le manifeste soit inséré au procès-verbal.

MESSAGE DU GOUVERNEUR.

M. Hatch, secrétaire privé du Gouverneur, informe le Sénat que le Gouverneur a approuvé et signé les actes suivans :

Acte pour venir au secours de la branche de la banque de l'Etat de la Louisiane, à Bâton-Rouge.

Acte pour émanciper William F. Glassecock.

Acte pour venir au secours de F. P. Hall et l'administrateur de la succession Wyley J. McElroy, décédé.

Acte pour créer un juge de paix dans et pour la paroisse des Rapides.

Acte relatif au serment exigé par l'article de la Constitution.

Acte pour amender un acte intitulé : « Acte pour amender les différents actes relatifs à la police et à la ville de Bâton-Rouge.

Résolution relative à l'établissement d'une certaine voiture à l'usage de la malle pour le Congrès.

Résolution pour venir au secours de Jérôme Tourné.

Résolution requérant l'ingénieur de l'Etat d'examiner les chûtes de la Rivière Rouge.

Résolution autorisant l'ingénieur de l'Etat à faire un examen de l'embouchure du Bayou Plaquemines.

Acte pour prohiber la circulation des petits billets de banque.

Acte pour autoriser David Brady, de la ville de la Nouvelle-Orléans, à changer son nom de David Brady en celui de David Braden.

Acte pour autoriser les juges de paix à nommer dans certains cas des curateurs ad litem.

BILL DES CHEMINS DE FER.

Le Sénat passe à la discussion des bills des chemins de fer, et à leur réconsidération dans le but d'y faire certaines corrections.

M. Short propose un amendement qui n'accorde le privilége de couper du bois qu'aussi longtemps que les terres appartiendront à l'Etat.

M. Hodge.—Le privilége dans ce cas n'en serait pas un, car aussitôt que la route sera tracée, il se présentera des personnes qui prendront possession des terres, ce qui rendrait la concession sans aucune valeur.

M. Hodge présente un amendement accordant le privilége de couper du bois sur les terres publiques, pendant l'espace de cinq ans.

ORDRE DU JOUR.

Acte pour l'enrégistrement des hypothèques en faveur des mineurs et des femmes mariées.

M. Hodge.— Attendu que le sénateur d'Ascension (M. Kenner) est absent, qu'il porte un vif intérêt à ce bill et désire faire quelques remarques sur cette question, je fais la motion de déposer le bill sur le bureau, sujet à l'appel.

M. King.—J'ignorais que le sénateur de l'Ascension portât un intérêt si particulier à ce bill. Ce n'est pas en s'absentant le jour où il doit être pris en considération qu'il en donne la preuve. Il n'est, que je sache, ni malade, ni forcé de s'éloigner pour une affaire urgente. Il est absent pour s'amuser et je pense que les travaux du Sénat ne doivent pas être interrompus et retardés pour la convenance ou les plaisirs d'aucun sénateur.

M. Martin.— Je m'étonne que M. King fasse la remarque que M. Kenner est absent pour ses plaisirs, tandis que lui-même ne fait que d'arriver de la Nlle-Orléans, où il est soupçonné de n'avoir été que pour se distraire.

M. Hodge.—Je répète ce que j'ai déjà dit ; et pour prouver quel intérêt M. Kenner prend à cette question, je vous rappellerai que pendant la dernière session de la législature, M. Benjamin présenta un bill de la même teneur que celui-ci, et que M. Kenner se prononça contre le bill et prononça un discours à l'appui de son opinion.

M. Boatner.— L'argument de l'honorable membre pourrait être appliqué au bill de la banque qui lui tient tant au cœur car me trouvant en ville la semaine passée, M. Kenner me dit qu'il était opposé à ce bill et qu'il regrettait de n'être pas ici pour faire un discours contre ce bill.

M. Hodge.—Eh bien ! je veux bien écarter ce motif, et avouer que je demande une remise parce que je désire donner la préférence au bill de la Banque des Artisans et des Marchands, pour la raison qu'il nous reste fort peu de temps, et que si nous ne nous en occupons pas à présent, il se peut que nous n'ayons plus le temps de le faire du tout. Si le bill ne passe pas avant mardi prochain, il devient inutile, puisque c'est le jour où la charte de la banque expire.

Nos adversaires ont passé toute la matinée à faire des motions frivoles, telles que je n'en ai encore jamais vue dans une assemblée législative. J'ai souvent assisté à ces assemblées, quoique je n'en fasse partie que depuis peu de temps, et je dois dire que jamais je n'ai vu demander la lecture des bills à leur première lecture, dans le seul but de causer du délai. Je répète que je désire donner la préférence au bill de la Banque ; c'est pour cela que je voudrais mettre le bill qui est maintenant devant le Sénat au bas du calendrier, et vous pouvez en tirer le meilleur parti possible.

M. King.— J'avais cru d'abord que l'honorable membre demandait un délai, pour la raison que certain sénateur qui porte un vif intérêt au bill est absent.

M. Hodge.—C'était là une partie de mes raisons.

M. King:—Il me paraît que c'était votre raison tout entière, au moins n'en ai-je pas entendu donner d'autre. Maintenant l'honorable membre désavoue ce motif et en allègue un autre tout différent. Quant à l'insinuation du membre d'Assomption, que je me suis absenté pour me divertir, je croyais que l'état de ma santé était assez profondément gravé sur mes traits pour me mettre à l'abri d'une pareille attaque. Mais si l'honorable membre se plaît à s'égayer à mes dépens, je ne l'en empêche pas, seulement je m'abstiendrai de répondre à des insinuations faites dans un esprit qui ne se manifeste pas aujourd'hui pour la première fois.

J'espère que le bill sera pris en considération, vu qu'il est fort important, beaucoup plus important pour mes commettants que le bill de la Banque des Artisans et des Marchands.

M. Lacey.—Si le but du sénateur qui a fait la motion de différer la discussion de l'ordre du jour est de s'occuper du bill de la banque des Artisans et des Marchands, je voterai contre cette motion. Je suis opposé à ce bill et je donnerai mon vote à toute motion pour l'annuler. Je vote pour la prise en considération de l'ordre spécial du jour, qui est très important, beaucoup plus important, comme l'a très bien dit le Sénateur de la Nouvelle-Orléans (M. King), que le bill pour accorder une prolongation à la banque des Artisans et des Marchands. J'essayerai de tous les moyens parlementaires pour défaire ce bill, et s'il passe ce ne sera pas à mes efforts qu'il en sera redevable. S'il passe ce sera parce qu'aucun moyen parlementaire à ma connaissance, ne pouvait empêcher ce résultat. La remise de la discussion sur l'ordre spécial du jour est demandée parce que certain sénateur est absent. Quelle a été votre conduite à mon égard dans un cas semblable ? Vous vous rappellerez qu'un jour fut fixé pour la discussion de mon bill des terres marécageuses ; j'étais absent lorsqu'il fut pris en considé-

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ration et j'appris le résultat du vote, la défaite de mon bill, au pied du lit de ma femme malade. Aucun égard ne me fut témoigné; mon absence ne parut pas une raison suffisante pour remettre la discussion d'un bill qui pourtant était présenté par moi et alors qu'un devoir sacré me tenait éloigné de mon siége. Je suis opposé en principe à cette banque des Artisans et des Marchands. J'ai voté contre le bill quand la Chambre nous l'a envoyé et je persisterai jusqu'à la fin à voter dans ce sens.

M. Wickliffe.—Je dois dire que quand je votai pour déposer sur le bureau le bill des terres marécageuses présenté par l'honorable membre, je n'avais pas connaissance de la maladie de sa femme, quoique, l'eussé-je su, j'aurais voté dans le même sens, attendu que la motion de dépôt sur le bureau avait été faite avant que mon honorable collègue ne quittât la salle du Sénat.

M. Martin.—L'honorable membre dit qu'il est opposé en principe au bill de la banque des Artisans et des Marchands. Je dis que pour lui l'affaire dont il s'agit n'est pas une question de principes. Hier il soumit une protestation contre notre conduite de la veille. Cette protestation se prononçait contre toute prolongation de la charte de la banque, et cependant l'honorable membre a voté en faveur de sa prolongation jusqu'en décembre. Il a donc concédé le principe, et comme affaire d'utilité, il ne s'est occupé que de la question de temps. La seule question pour lui était, si la durée de la charte devait être prolongée jusqu'en décembre ou jusqu'en juillet.

M. Derbès.—L'honorable membre doit se rappeler que lorsque je fis la motion de prolonger la charte usqu'en décembre, je dis que je le faisais parce que je croyais que c'était tout ce que nous pouvions obtenir, mais que nous ne voulions rien céder sur la question de principes.

M. Martin.—Le seul sénateur dont la conduite ait été conséquente dans cette affaire est le membre d'Ouest-Féliciana (M. Wickliffe); il a été opposé au bill depuis le commencement jusqu'à la fin, mais il n'a pas fait une opposition factieuse.

M. Mouton.—Mon honorable collègue dit que le sénateur d'Ouest-Féliciana est le seul qui se soit montré conséquent dans l'affaire de la banque des Artisans et des Marchands. S'il veut se donner la peine de consulter le procès-verbal, il y trouvera que lorsque je votai en faveur de l'amendement pour prolonger la charte de la banque jusqu'en décembre, j'agis ainsi parce que je croyais que nous ne pouvions demander davantage, sans rendre le bill inacceptable aux membres de l'autre partie. C'est pour prendre note de ce fait, que nous avons ce matin soumis nos raisons par écrit, et le Sénat a consenti à ce qu'elles fussent insérées au procès-verbal.

M. Lacey.—J'ai cédé ma place à plusieurs sénateurs pour qu'ils pussent donner des explications sur ce sujet. Je reprendrai maintenant la parole, mais pour un instant seulement. L'honorable membre dit que voter pour l'amendement dont il s'agit, c'est abandonner la question de principe. Ce n'est pas mon opinion. Je m'y décidai afin de rendre le bill plus acceptable au cas qu'il passât. Si les votes eussent été pris sur la passation finale de l'acte, nous eussions prouvé que nous étions opposés à accorder un seul instant de prolongation.

M. McCay.—Je proposai de déposer sur le bureau le bill des terres marécageuses présenté par mon honorable collègue, parce que je ne pense pas que dans la législation du Sénat, il faille prendre en considération l'absence fortuite de quelque sénateur que ce soit. Mon vote le prouvera aujourd'hui.

Le bill pour l'enregistrement des hypothèques est alors pris en considération.

M. King.—Ce bill, monsieur le président, est de la plus haute importance, et traite d'un des sujets les plus délicats dont la loi ait connaissance. Il a été rédigé avec tout le soin et l'attention possibles. Il fut présenté au commencement de la session et le Sénat en ordonna l'impression, afin que tous ses membres en connussent parfaitement les principes et les détails. Des exemplaires en furent envoyés aux juges et aux avocats les plus distingués de l'Etat. L'opinion de ces messieurs fut demandée, non pour la forme, mais afin de provoquer une critique juste et impartiale. Je les prie de renvoyer ces bills avec les critiques et les avis qu'ils jugeraient convenables. Plusieurs personnes répondirent à mon appel. Le bill fut ensuite soumis à l'examen critique du comité judiciaire. C'est donc le fruit de longues réflexions, de nombreuses consultations et de mûres délibérations qui est présenté au Sénat. S'il n'a pas atteint la perfection, au moins s'en rapproche-t-il autant qu'il est possible pour un bill de cette espèce. Voici en quelques mots quel en est le but général: débarrasser la propriété foncière des entraves dont elle est maintenant grevée, et mettre les propriétaires à même de capitaliser leurs propriétés foncières et d'emprunter de l'argent sur ces propriétés. Dans l'état actuel des choses les connaissances légales les plus profondes ne suffisent pas pour qu'on puisse avec sécurité acheter ou vendre des biens fonds ou prêter de l'argent sur ces biens. Un homme qui prête de l'argent sur des propriétés foncières ou qui en achète, découvre souvent trop tard une hypothèque tacite qui détruit son titre, ou lui enlève toute sécurité. Ce vice de notre législation empêche les capitaux d'affluer dans notre Etat, parce qu'il en rend le placement peu sûr. Je veux capitaliser les biens fonds; je veux qu'ici comme ailleurs ils soient considérés comme la meilleure garantie possible. A New-York ou à Londres, un propriétaire peu emprunter sur ses biens fonds une somme presqu'égale à leur valeur, et cela au plus bas taux d'intérêt.

Dans la Louisiane, au contraire, grâce à notre désastreux système d'hypothèques tacites qui rend les biens fonds un placement dangereux, il est presqu'impossible d'obtenir de l'argent sur ces hypothèques, ou si l'on peut s'en procurer, c'est à un taux d'intérêt ruineux. Outre la propriété, on exige un garantie personnelle et puis il faut payer 18 pour cent par an d'intérêt. En capitalisant les biens fonds, ou, en d'autres termes, en en facilitant la conversion en capital, nous pourrions obtenir de l'argent dans la Louisiane à un taux aussi bas que n'importe où. L'adoption de ce bill attirera les capitaux étrangers, et accroîtra la prospérité de l'Etat et la valeur de nos propriétés.

Tous les sénateurs, j'en suis certain, apprécient l'importance de ce sujet. Si j'étais sûr qu'ils m'écoutassent sans parti pris, je m'étendrais davantage sur ce bill, mais je suis persuadé que chacun d'eux a déjà une opinion arrêtée et mon état de faiblesse ne me permet pas de grands efforts. Tout ce que je puis dire est, que ce bill a subi l'examen des hommes de loi et qu'il a reçu leur approbation. Il ne vise pas à détruire les droits des mineurs et des femmes mariées, mais au contraire à les assurer, en enrégistrant les preuves des hypothèques en leur faveur. Il est évident pour tout le monde qu'une hypothèque enrégistrée a plus de valeur qu'une hypothèque tacite. Ce bill n'enlève rien aux droits des femmes mariées et des mineurs; il ne fait que les sauvegarder plus efficacement.

M. Barthe présente un substitut au bill.

M. Barthe—Je ne veux pas différer l'action du Sénat sur ce sujet, mais je crois que le bill que je présente est de beaucoup supérieur à celui qui lui est maintenant soumis; je propose donc qu'il soit imprimé.

M. King—Je crois que ce bill est le même que M. Benjamin présenta l'année dernière et que le Sénat, à mon avis fit bien de ne pas adopter. Nous avons conservé de ce bill tout ce qu'il y avait de bon et nous avons ajouté différentes améliorations, de sorte que nous l'avons beaucoup perfectionné. Nous avons comblé les lacunes et élagué les choses superflues. La motion n'a d'autre but que d'écarter notre bill et de faire passer le bill avorté de l'année passée, que le Sénat refusa à juste titre de voter. Je propose de déposer indéfiniment le substitut sur le bureau.

M. Barthe retire le substitut.

M. Mouton propose un amendement portant que les hypothèques seront enrégistrées dans la paroisse qu'habite la personne intéressée.

M. Wickliffe—Ce serait détruire les droits des mineurs et des femmes mariées.

M. Short—Le but du bill est de convertir les hypothèques inconnues en hypothèques connues. Nous voulons sauvegarder les droits des mineurs et des femmes mariées en faisant enrégistrer les reçus dans chaque paroisse où la personne intéressée a des propriétés.

M. Boatner—Je suis opposé à la section toute entière. Elle exige qu'un homme fasse ce que sa conscience

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lui défend, c'est-à-dire de donner un reçu pour une chose qu'il n'a pas reçue et de le faire sous serment.

L'amendement est rejeté.

M. Mc Cay—Je propose de reconsidérer la première section.

M. Wickliffe—Pour quelle raison ?

M. Wickliffe—Puisque l'honorable membre refuse de faire connaître ses raisons, je propose de déposer la motion sur le bureau.

M. Mouton—Je n'aime pas tant de serments ; si le tuteur est un honnête homme, un seul doit suffire. S'il fait le serment de remplir fidèlement les obligations, tous les autres sont superflus. Il suffit qu'il affirme sous serment qu'il a fait enrégistrer l'hypothèque.

Le bill passe à sa 3me lecture.

ORDRE SPECIAL DU JOUR.

BANQUE DES ARTISANS ET DES MARCHANDS.

Le bill de la banque des Artisans et des Marchands est pris en considération.

M. Lacey—Je propose de renvoyer le bill au comité des banques et maisons de banque.

M. Hodge demande la question préalable.

L'appel nominal étant fait, M. Hodge dit: Je vote pour la négative parce que je vois qu'on veut obtenir un vote pendant l'absence des Sénateurs qui ont quitté la salle pour un instant.

M. Evans—J'étais sorti avec M. Rivers, pendant la discussion de cette question, mais je voterai pour le renvoi, parce que je suis opposé au bill. Peut-être M. Rivers sera-t-il ici quand on en reprendra la discussion.

La motion de reconsidérer est adoptée.

SAMEDI, 9 avril 1853.

RAPPORT DES COMITÉS.

M. Martin, du comité du commerce, de l'agriculture, etc., rapporte un substitut à un acte qui avait été référé à ce comité et intitulé :

Acte pour empêcher l'extension des maladies et des infections contagieuses apportées par les navires arrivant de la Baie de l'Atchafalaya et ses tributaires.

Sur motion de M. Palfrey, après dispenses des règles, le substitut est adopté

M. Derbès, du comité d'enrôlemens, rapporte comme correctement enrôlés, les actes suivans:

Acte pour punir toute tentative pour détruire les levées ou digues de toute rivière naviguable dans cet Etat.

Acte pour pourvoir au jugement plus rapide des affaires dans lesquelles le droit à une place est impliqué.

Et le messager spécial du Sénat, M. Steward, informe la Chambre que le président les a signés.

M. Todd, suivant l'avis préalable donné par lui, introduit un acte intitulé :

Acte pour créer deux notaires publics additionnels dans et pour la paroisse de Morehouse.

Sur motion de M. Todd, après dispense des règles, l'acte subit ses différentes lectures et passe.

M. Clifton, du comité des finances soumet le rapport suivant :

A l'Hon. W. W. Farmer, président du Sénat, etc.

Le soussigné, membre du comité de finances, auquel avait été référé un acte intitulé: « Acte pour mettre en force d'une manière plus efficace un acte intitulé : « Acte pour le progrès de l'éducation médicale dans l'Etat de la Louisiane, » approuvé le 21 mars 1850, rapporte qu'il diffère de la majorité du dit comité et présente le rapport de la minorité contre l'adoption du dit acte.

Il appert, d'après l'acte de 1850, cité ci-dessus, et que cet acte mettra en force d'une manière plus efficace la loi passée, appropriant la somme de vingt-cinq mille piastres à l'effet d'acheter des appareils d'anatomie et autres, dessins de médecine, etc., à l'usage de l'Université de la Louisiane, et requérant le doyen de la faculté de médecine de fournir un catalogue de tous les articles achetés en vertu des dispositions de l'acte de la Législature : et aussi de faire un rapport entier et détaillé de la dépense faite par la faculté en vertu de cet acte.

Le soussigné a vainement examiné les journaux de la Législature pour trouver une preuve que les dispositions de cet acte ont été remplies par l'Université de la Louisiane, excepté le reçu des vingt-cinq mille piastres qui se trouve dans le rapport du trésorier. Les documens ne montrent aucun catalogue des articles achetés, « aucun rapport entier et détaillé des dépenses faites par la faculté comme l'exige là 4me section de l'acte de 1850. Et cependant l'Université, dans le but de remplir plus efficacement l'acte de 1850, introduit un acte demandant une autre appropriation de $6,000. Il n'y a pas un membre de votre honorable corps qui soit plus jaloux que le soussigné de la cause de l'éducation publique, du progrès et de la propagation des connaissances scientifiques, ou qui ne reconnaisse plus entièrement le devoir de l'Etat d'étendre son aide et sa protection bienfaisante sur les institutions établies pour ce but, mais en même temps, le gouvernement a un devoir à remplir en faisant tous ses efforts pour alléger le peuple du poids qui pèse maintenant sur lui, et qui souffre d'une taxe à un taux aussi élevé, avec la perspective de la voir augmenter par la Législature présente, pour pouvoir être à même de répondre à ses engagements. Dans l'opinion du soussigné, l'Université a déjà reçu une proportion suffisante de la protection de l'Etat, pour la mettre en état de vivre de ses propres ressources, sans avoir recours à un trésor épuisé pour une autre appropriation.

Le tout vous est respectueusement soumis.

C. W. CLIFTON.

M. Martin—Je désire présenter une résolution requérant le secrétaire de se rendre à la Chambre et de demander que le bill permettant d'engager les récoltes sur pied, nous soit renvoyé. Je crois pouvoir prouver à la satisfaction d'un chacun que ce bill a été voté par suite d'un malentendu.

M. King—Le sénateur qui a présenté ce bill et qui y attachait beaucoup d'importance, est absent, et je crois la mesure que propose l'honorable membre peu généreuse envers lui.

M. Martin—Je ne veux pas profiter de cette circonstanse pour hâter la discussion de cette affaire; je n'ai pas la moindre objection à ce qu'elle soit discutée en présence de mon collègue ; seulement je voudrais que le bill soit renvoyé maintenant.

M. King—Ce serait une manière de procéder fort irrégulière. Un bill a été adopté par le Sénat et n'est plus en sa possession. Il est maintenant soumis à l'autre Chambre, et l'honorable membre demande qu'il nous soit renvoyé. Une telle conduite prolongerait la législation à l'infini.

M. Martin—Je ne révoque pas en doute que les connaissances légales de mon collègue soient beaucoup plus vastes que les miennes; mais mon expérience parlementaire me dit que la mesure que je propose n'a rien d'inaccoutumé.

M. King—Je crois que le bill a déjà été référé à un comité dans la Chambre.

M. Martin—Ce n'est pas là une discussion.

M. King—Il me semble que oui.

M. Martin retire sa résolution.

Sur motion de M. Todd, un acte pour pourvoir au jugement des affaires dans lesquelles les juges seront récusés, est pris en considération.

M. Todd—Il est indispensable qu'une disposition quelconque soit faite, pour le jugement de ces affaires. Les difficultés sont quelque fois si grandes qu'elles équivalent à un refus absolu de justice. Il est urgent que des mesures soient adoptées pour hâter le jugement de ces affaires. Plusieurs des districts ruraux sont très étendus et quelquefois les routes sont peu praticables, de manière que les juges des districts voisins ne peuvent assister à l'audience. Il en résulte souvent que des affaires récusées sont remises à l'infini et ne se jugent jamais. Voici mon plan : Un membre du barreau sera choisi par les avocats et dans le cas où ils ne parviendraient pas à s'entendre le juge en nommera trois dont un sera désigné par la voie du sort pour décider l'affaire, et le juge de district en signant cette décision lui donnera force de loi.

Le comité judiciaire fait un rapport contre ce bill, basé sur des principes constitutionnels. Le comité fait ressortir l'impossibilité d'investir une personne de fonctions que la Constitution a dévoulu au juge de district. Ceci est vrai, mais ce n'est pas ce que nous faisons. Les membres du barreau choisis ne sont autorisés qu'à nommer des arbitres, mais le jugement n'a de valeur que lorsqu'il est signé par le juge de

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district. Cet arbitrage n'est qu'accidentel, le juge seul rend la décision valide. La Constitution du Kentucky et du Mississipi, et d'autres Etats, contient une disposition analogue, et partout on en a reconnu l'efficacité. J'espère que les sénateurs reviendront de leurs objections et qu'ils adopteront le bill. Qu'ils considèrent les faits, ils reconnaîtront qu'il est urgent d'établir un mode plus facile pour juger ces affaires.

M. Lacey—Je suis prêt à voter en faveur du bill, et à en laisser la constitutionnalité à la decision des cours de justice. Le mal exige évidemment un remède. Mon district en a considérablement souffert.

M. Nicholls—Il en est de même de mon District. Je connais des affaires qui sont pendantes depuis 1845. Ceci, comme l'a dit fort bien l'honorable membre, équivaut à un refus de justice.

M. Todd—Je ferais observer que dans la convention j'ai tâché d'introduire dans la Constitution une clause de ce genre et l'opinion générale du comité judiciaire était qu'elle était inutile.

M. Boatner—Le bill étant inconstitutionnel, je voterai dans la négative, jusqu'à présent je n'ai entendu aucun argument qui fasse changer mon opinion. L'article de la Constitution est clair et formel. Les juges des cours inférieures doivent être élus par le peuple. Le sénateur de Morehouse (M. Todd) soutient que cet article n'est pas applicable, attendu que le juge signe le jugement. Il me paraît que la condition essentielle est que le juge examine et décide l'affaire. Si la simple signature du jugement est suffisante, il me semble que la définition exacte de juge est restée jusqu'à présent incomprise. L'article de la Constitution est formel. Les fonctions judiciaires ne peuvent pas être déléguées à des tierces personnes. Il peut exister des cas difficiles mais nous devons nous conformer à la Constitution.

Le bill est adopté.

Le Président soumet au Sénat le rapport suivant de l'Ingénieur de l'Etat, lequel est lu, et est ensuite référé au comité des améliorations intérieures.

BUREAU DE L'INGENIEUR DE L'ETAT.
Bâton Rouge, 7 avril 1853.

A l'Hon. Sénat et Chambre des Représentants de l'Etat de la Louisiane.

Messieurs,

Par la seconde section d'un acte approuvé le 18 mars 1852, il a été alloué à l'ingénieur de l'Etat un fonds contingent annuel de $1,000 pour frais de voyages et de bureaux.

Je ne sais pas dans quel but cette loi a été passée parceque je ne puis m'imaginer comment l'ingénieur peut voyager plus que le travail de son bureau l'exige, et comment il peut dépenser plus d'argent qu'il est nécessaire pour son bureau. Qu'elle qu'ait été l'intention de la législature, je suis sûr qu'elle ne peut être d'aucune utilité pour l'Etat autant que cela touche à ce département, spécialement comme ce bureau a toujours en main les preuves nécessaires pour montrer et expliquer de qu'elle manière il s'est servi des moyens placés à son crédit, et de plus tous les warrants sont approuvés par le Gouverneur ou le Secrétaire d'Etat. Si vous considérez ce qui est exigé, vous trouverez que la somme est bien petite.

Ce bureau doit tenir un compte exact de tous ses débours tous les ordres doivent être copiés dans un livre pour ce but, toutes les lettres doivent être enregistrées, et pendant l'absence de l'ingénieur de l'Etat et de son assistant, une personne doit rester au bureau pour exécuter les ordres qui pourraient venir pour les différentes divisions de l'Etat. Pour remplir ce travail un bon commis a été longtemps employé et jusqu'à présent est nécessaire pour remplir les devoirs de cette place.

L'ingénieur de l'Etat doit voyager, non seulement assez pour faire les plans et les examens exigés par votre honorable corps ; mais il doit surveiller et diriger le travail des forces de l'Etat, de telle manière qu'il jugera le plus nécessaire. Les besoins réels de ce département sont si grands et on en a parlé si souvent qu'il est peine inutile de les mentionner de nouveau.

Dans le but d'accomplir dans un temps raisonnable, l'ouvrage le plus important et le plus utile, cela exige une augmentation considérable de ses forces. Si ces forces étaient augmentées suffisamment, nous pourrions non seulement nettoyer les bayous et les rivières, mais nous pourrions à l'aide d'écluses placées sur nos rivières et bayous, les rendre navigables, quand maintenant c'est impossible si ce n'est dans les eaux hautes. Nous pourrions aussi faire des chemin en planches ou de fer pour une somme moitié moindre que celle qu'exige le travail exécuté par des blancs.

Les forces de l'Etat sont si bien enseignées maintenant, que pour faire des travaux qui sont purement mécaniques, nous n'avons besoin d'un chef par eux. Pour les écluses du Canal Barataria et de Lafourche, nous avons seulement un ingénieur, plus un maçon lequel est maître charpentier. Pour la construction des ponts sur les chemins en planches de Grosse-Tête à Bâton-Rouge, la compagnie n'emploie qu'un charpentier, et presque tous les travaux purement mécaniques, peuvent être exécutés par les esclaves à un quart meilleur marché que celui des blancs. Combien seraient utiles à l'Etat trois ou quatre cents hommes ainsi. La paie des charpentiers est de deux à trois piastres par jour, quand ces forces ne coûteraient qu'une seule fois à l'Etat et ne demanderaient que la nourriture et l'habillement. Le prix de support n'augmenterait pas en proportion des esclaves employés, car un surintendant peut, dans plusieurs cas, diriger aussi bien 50 que 25 hommes.

Dans le but de tenir ouverts les nombreux cours d'eaux qui augmentent le Mississipi en passant par l'Atchafalaya et Plaquemine, de manière à les faire écouler plus promptement vers le Golfe du Mexique, pour ne pas inonder cette partie importante de l'Etat ; il est nécessaire d'employer constamment à cela un bon bateau servant à nettoyer les rivières. Nous trouvons là un grand bassin naturel, destiné à recevoir les eaux venant de plus haut, et on devrait diriger son attention non seulement à la navigation, mais aux qualités nécessaires pour des projets de dessèchement.

Nous avons les machines en mains, et pour que les forces de ce département soient utiles, il faudrait construire deux bons bateaux pour les recevoir. Cela exigerait une somme de $10,000 et pour faire les changements nécessaires au «Florida» il faudrait $2,000. Je voudrais faire quelques améliorations dans la construction des dits bateaux ainsi que dans leurs machines, lesquelles leur permettraient non seulement de voyager d'une partie de l'Etat à une autre avec une plus grande facilité, mais d'être plus utile pour l'ouvrage. L'année est tellement avancée, que pour les avoir prêts pour les eaux basses, il faudrait les commencer sans perdre de temps.

Je recommande respectueusement qu'une somme de $12,000 soit appropriée pour la construction et la réparation des bateaux, et je dois dire que sans cela, nous n'avons pour le service de cela qu'un bon bateau. Je donnerai aussi avis que la loi ci-dessus citée soit rappelée.

L'appropriation annuelle sera à peu près suffisante pour les salaires et les dépenses de ce département, même si les deux bateaux sont fournis.

Très respectueusement,
Votre obéissant serviteur.
GEO. W. MORSE,
Ingénieur de l'Etat.

MESSAGE DE LA CHAMBRE.

M. Eastin, messager de la Chambre, informe le Sénat que la Chambre a amendé les amendements du Sénat aux actes suivants, intitulés :

Acte pour incorporer la Compagnie du Chemin de Fer de la Nouvelle-Orléans, des Opelousas et de l'Ouest.

Acte pour incorporer la Compagnie du Chemin de Fer de Wicksburg, Shevreport et du Texas.

Et il demande le concours du Sénat pour les actes suivants, intitulés :

Acte pour incorporer la Compagnie du Chemin de fer de la Nlle-Orléans, de Jackson et du Nord.

Acte pour venir au secours de A. M. Gray, de la paroisse des Avoyelles.

Acte pour autoriser l'auditeur et le trésorier d'Etat à placer certaines sommes d'argent au crédit des personnes qui y ont droit.

Acte relatif à la sauvegarde et à la conservation des armes de l'Etat, dans les arsenaux publics de la Nlle-Orléans.

Substitut à un acte No 288 pour incorporer les actionnaires de la Compagnie du Chemin de fer de la Nlle-Orléans et de Bâton-Rouge.

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LUNDI, 11 avril 1853.

Acte pour l'enregistrement des hypothèques, &c.

Le bill pour l'enregistrement des hypothèques en faveur des mineurs et des femmes mariées, est pris en considération.

M. Nicholls—Ce bill est d'une grande importance ; il intéresse tous les mineurs et les femmes mariées de l'Etat. Bien que l'auteur du bill dise qu'il a atteint toute la perfection dont une œuvre humaine soit susceptible, il n'en est pas moins évident que son projet a besoin d'être amendé. Renvoyons-le au comité, afin qu'il y introduise les amendements nécessaires.

M. King—Je soupçonne l'honorable membre d'avoir en vue la défaite du bill, plutôt que son amendement.

M. Nicholls—Je prie mon collègue de ne parler que pour lui-même. Je n'attaque les motifs de personne et je ne souffrirai pas qu'on conteste les miens.

M. King—L'honorable membre approuve donc les principes du bill ?

M. Nicholls—Oui, Monsieur. Cependant je crois que ce bill, loin d'être parfait, est un des plus imparfaits qui ait jamais été soumis à une assemblée législative.

M. King—Je prêtais à mon collègue l'intention de défaire le bill, parce que je le croyais opposé aux principes sur lesquels il est basé. Est-il favorable à l'abolition des hypothèques tacites ?

M. Nicholls.—Pas à leur abolition, mais à l'enregistrement des pièces qui en font foi, ainsi que l'implique le titre du bill.

M. King—C'est absolument la même chose, car lorsque les preuves d'une hypothèque sont enregistrées, elle cesse d'être tacite. Mon collègue dit que ce bill est un des plus imparfaits qui ait jamais été soumis à une assemblée législative. Je lui demanderai la permission de n'être pas de son avis ; je pense précisément le contraire. Ce bill est rédigé avec le plus grand soin ; il a été soumis aux avocats les plus distingués de l'Etat, dans le but de connaître le jugement qu'en porteraient des hommes compétents. Il a subi ensuite l'examen du comité judiciaire qui y a donné une attention toute particulière, qui l'a analysé et pesé ligne par ligne. Il a reçu l'approbation du comité et de tous ceux à qui il a été soumis. Quand je dis qu'il est aussi parfait que l'intelligence humaine peut le faire, je veux dire qu'il est aussi parfait qu'aucun bill qui ait jamais été présenté dans cette enceinte. Il vise à l'abolition d'un grand abus. L'hypothèque tacite est un manteau qui couvre bien des fraudes, bien des malversations, auxquelles ce bill coupe court. Il se peut que de loin en loin il agisse au détriment de quelqu'un ; mais quelle est la loi dont on ne puisse en dire autant ? Je puis sans inconvénient citer les noms de quelques personnes auxquelles le projet a été soumis, et qui l'ont approuvé. M. Rosélius, après un examen approfondi, a déclaré que le bill était bon et qu'il espérait le voir adopté. Il a été également soumis à M. Micou, qui m'a autorisé à citer son nom. Loin de le trouver incomplet il a dit qu'il était excellent et qu'il faisait des vœux pour son adoption. Il a trouvé que les droits des mineurs et des femmes mariées y étaient suffisamment protégés. J'espère donc qu'on n'aura pas recours à cette attaque détournée contre le bill ; le renvoyer au comité équivaut à le déposer sur le bureau.

M. Short—Il se peut que ce bill soit d'un caractère compliqué ; mais si l'on prend en considération la nature complexe du sujet qu'il prétend régler, on verra qu'il n'en pouvait être autrement. Il a pour but de convertir les hypothèques inconnues en hypothèques connues, en en faisant enregister les titres. Ce bill est complexe parce qu'il prétend résoudre une question embrouillée; faire sortir l'ordre du chaos et régler une foule de difficultés. Comme je l'ai déjà fait remarquer, ce bill a pour objet de convertir les hypothèques inconnues en connues, autant qu'une loi peut assurer ce résultat, par l'enregistrement des titres. Il y a certaines hypothèques en faveur des mineurs qui n'offrent rien qui puisse être enregistré. Ce bill pourvoit seulement à l'enregistrement de la pièce qui prouve l'hypothèque, quand cela peut se faire. Je crois qu'il ne peut en résulter aucun inconvénient.

M. Palfrey—Je ne suis pas avocat et je n'ai pas de prétentions à la connaissance du droit, mais il faut avoir la vue bien courte pour ne pas voir une objection sérieuse à ce bill. Par exemple, il ne contient aucune provision pour la nomination d'un tuteur dans les paroisses où des propriétés pourraient être acquises après la nomination primitive. Je proposerai un amendement pour obvier à cette difficulté, et afin de le faire insérer, je voterai en faveur du renvoi du bill

La motion de renvoyer le bill est perdu, et le bill est adopté.

M. Mouton donne avis qu'il fera la motion de reconsidérer le bill demain.

M. Lacey—Il a été décidé que ce n'était pas un manque de courtoisie de demander la reconsidération immediate, et certainement, pour ma part, je ne voudrais pas manquer d'égards à mon ami de Lafayette. Ce bill est très important et devrait être décidé sans délai. C'est pourquoi je demande qu'il soit reconsidéré maintenant.

M. Rivers—Je prends la parole pour une question d'ordre. Est-il permis à mon collègue de faire une motion de ce genre ? Ne détruit-elle pas le but dans lequel une reconsidération est proposée ?

M. McCay—Je désire avoir quelques renseignements à ce sujet ; je demande si une motion ne passe pas avant un simple avis de l'intention d'en faire un. L'honorable membre pourrait changer d'idée demain et ne pas faire sa motion. Le sénateur d'Ouest-Féliciana a actuellement fait la motion, et elle doit être prise en considération ; ce cas a déjà été décidé par le Sénat.

M. Rivers.— L'objet d'une reconsidération n'est-il pas annulé si on enlève aux sénateurs le droit et le privilége de faire connaître leur intention de faire une motion ? Ce cas n'a pas été décidé par le Sénat comme le prétend mon honorable collègue, mais dans un sens tout-à-fait contraire. Si le président siégeait, il déciderait la question dans le même sens.

M. King.— Il me semble que cet arrangement plaide en faveur de la conclusion à laquelle mon collègue de la Nouvelle-Orléans est arrivée. Un avis n'est pas une motion, ce n'est qu'une information que le membre donne au Sénat. Une motion, faite doit nécessairement avoir la priorité. Le droit de demander une reconsidération existe pendant deux jours, à moins qu'une motion du même genre n'ai déja été faite; dans ce cas c'est la première motion qui doit être prise en considération et la décision est définitive.

M. Rivers.— Si le sénateur d'Est-Féliciana eût fait sa motion le premier, elle eût pu être mise aux voix maintenant. Mais un autre membre en ayant donné avis la question est remise à demain. Quel est le but d'une reconsidération ? C'est de soumettre une question à une nouvelle épreuve, alors que les sénateurs qui étaient absents au moment du vote sont présents. Nous n'atteindrions pas ce but en reconsidérant maintenant, et de plus nous porterions atteinte aux droits du sénateur qui a fait la motion.

Le président décide que la motion de reconsidérer n'est pas en ordre.

M. Mouton.— Mon dessein n'est pas de causer du délai ; je ne demande qu'à exercer mes droits comme sénateur. Mon but en donnant avis que demain je demanderai la reconsidération, est de faire subir une nouvelle épreuve à la question en donnant aux membres le temps de réfléchir. Si nous votons maintenant, le résultat sera le même que le précédent, et le bill sera indubitablement adopté, parce qu'il est connu que la majorité des sénateurs présents l'approuve. Mais demain ces membres occuperont peut-être leurs siéges, ce qui fait changer le résultat. Mon collègue dit que mon avis n'est que l'expression d'une intention. Il n'en est pas ainsi. C'est comme avis que je ferai la motion. Je désire que le vote soit donné par un Sénat plus nombreux et alors je suis persuadé que le bill sera rejeté, malgré toutes ses perfections. Mon but est de soumettre le bill a une nouvelle épreuve, et l'honorable membre ne peut l'empêcher que par un appel de la decision du président, soutenu par le Senat.

M. Short.—Cela ne prouve pas qu'un simple avis doive l'emporter sur une motion. Je voterai pour la reconsidération immédiate.

M. Boatner— Je voterai pour soutenir la décision du président et cela pour deux raisons. D'abord par respect pour le membre qui a donné avis. Il dit que demain il présentera la motion, et je crois qu'il le fera. Il se base sur ce qu'il voudrait que le vote fut pris en présence d'une assemblée plus nombreuse,

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cela ne causera pas nécessairement la perte du bill; ce n'est que le remettre d'un jour. Ma seconde raison est, que je ne veux pas me rendre coupable d'un manque de courtoisie envers le président. Il est à présumer que le fonctionnaire qui nous préside connait les réglements du Sénat et que ses décisions sont justes. Je voterai donc pour maintenir la décision du président.

M King.—Mes collègues ne me semblent pas avoir une idée juste du but de la reconsidération. Il n'est pas d'avoir un Sénat plus nombreux, ni de donner l'occasion de voter à ceux qui ont pu se trouver absents; mais simplement de permettre à ceux qui auraient voté en erreur, de changer leur vote.

M. Griffin.— Je voterai pour maintenir la décision du président. J'ai lu les comptes-rendus des séances du Congrès et jamais je n'y ai vu qu'un avis de ce genre fut mis de côté par une motion de reconsidérer immédiatement. Je n'ai jamais rien vu de pareil et je ne pense pas que le Sénat le permette maintenant.

M. Boatner.— Si un sénateur annonçait son intention de présenter un bill, ne serait-il pas fort inconvenant qu'un autre membre le présentât immédiatement.

M. Palfrey.— Un de mes collègues a parlé de justice. Les intérêts de milliers de femmes mariées et de mineurs sont affectés par ce bill et la justice que nous leur devons exige qu'il soit soumis à l'opinion et au vote de tous les sénateurs

La décision du président est maintenue.

L'acte suivant est alors pris en considération et lu.

Acte pour amender l'article 312 du Code de Procédure.

Il est décrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane réunis en Assemblée Générale., Que l'article 312 du Code de Procédures, lequel est comme suit : si trois jours après que le premier jugement aura été rendu le défendeur ne paraît en cour ou ne fait pas sa réponse, un jugement définitif sera alors rendu en faveur du demandeur, pourvu qu'il prouve sa demande. Que cette preuve exigée dans tous les cas, soit et demeure amendée comme suit : si deux jours après que le premier jugement aura été rendu, le défendeur n'apparait pas en cour ni ne fait sa réponse, un jugement définitif sera alors donné en faveur du demandeur, pourvu qu'il prouve sa demande. Cette preuve est exigée dans tous les cas.

M. King.—Je trouve que le bill s'applique à la Nlle-Orléans aussi bien qu'aux paroisses rurales. Comme aucun changement n'est nécessaire dans cette ville, il me semble que la Nlle-Orléans devrait être exceptée des dispositions de cet acte.

M. Todd.— Je consens à ce que le bill soit amendé de manière à exclure la Nlle-Orléans.

M. Lacey.— Je propose d'exclure aussi les paroisses d'Est-Bâton-Rouge et de Livingston.

M. Short.—J'espère que l'honorable membre n'insistera pas sur son amendement. Je pense que la Nouvelle-Orléans est la seule paroisse qui ait droit à cette exception.

M. McCay.— Je ne vois pas pourquoi la Nouvelle-Orléans serait exceptée. Je voudrais même aller plus loin que le bill, et dispenser de la production des preuves, attendu qu'en faisant défaut le defendeur admet la justice de la demande.

M. King.—Si l'opinion de mon collègue prévalait, elle autoriserait un système général de spoliation. Mes commettants ne désirent aucun changement. La loi actuelle est bonne et ne donne lieu à aucune objection. Quand le peuple connaît une loi et qu'il y est accoutumé il ne faut pas la changer sans des raisons graves et importantes.

L'amendement est repoussé, et l'acte rejeté.

COLLEGE CENTENAIRE.

Le bill pour obliger les administrateurs du Collége Centenaire à payer la pension des jeunes gens pauvres qui y sont envoyés par l'Etat, est pris en considération.

M. Rivers.—J'espère, monsieur, que ce bill ne sera pas adopté. Il aura pour effet de faire peser une charge de plus sur le Collége Centenaire. Cet établissement est déjà obligé d'élever à ses frais un certain nombre de jeunes gens, et maintenant voulez qu'en outre il les loge et les nourrisse gratis. Cette demande aurait mauvaise grâce de la part de l'Etat, surtout si l'on prend en considération la perte occasionnée à l'établissement par l'incendie qui vient de dévorer une partie des bâtiments.

M. Boatner.—J'espère que le bill sera adopté. L'Etat a accordé $100,000 au collége, et je crois qu'il peut bien supporter cette charge, qui est d'ailleurs la seule que nous voulions lui imposer. Il n'en coûte pas beaucoup d'instruire les jeunes gens pauvres que nous y envoyons et l'intention évidente de la loi, lorsque la donation fut faite, était que l'entretien de ces jeunes gens fut à la charge du collége, pendant le séjour qu'ils y feraient. Sans cela les avantages qu'accorde la loi seraient illusoires, puisque ceux qui désireraient en profiter ne pourraient le faire à cause des dépenses. Le feu gouverneur appela votre attention sur ce sujet dans son message. L'incendie d'une partie des bâtiments du collége ne le dispense pas de remplir les obligations que la loi lui impose. Comme toutes les corporations, il est tenu à se conformer à l'esprit et non à la lettre de la loi.

M. Rivers.—Je ferai voir à l'honorable membre qu'il a agité une question qu'il ne comprend pas. Toutes les places dont l'Etat peut disposer dans le collége sont remplies, puisqu'il y a dix jeunes gens qui y sont élevés gratuitement. Pourquoi nous montrer exigeants avec le collége maintenant, et vouloir lui imposer de nouvelles dépenses lorsqu'il se trouve dans une position difficile et qu'il a essuyé des pertes. Mon collégue dit que des jeunes gens indigents ne peuvent pas profiter des avantages qu'accorde la loi parce qu'ils ne peuvent pas payer leur pension. Ce n'est pas là l'histoire des jeunes gens pauvres de ce pays. Remettez la décision de cette affaire de quelques jours et je me fais fort de prouver qu'on ne peut pas, avec justice, accuser cette institution de n'avoir pas rempli le contrat qui l'oblige à élever dix jeunes gens pauvres. Adopter ce bill en présence des pertes que l'incendie a causées à cet établissement lorsque nous savons que ses agents parcourent l'Etat pour solliciter des souscriptions pour lui venir en aide, et lorsque nous avons voté un bill qui lui permet de vendre une partie de ses terrains superflus, adopter ce bill maintenant, dis-je, serait nous rendre coupables d'oppression et d'injustice.

M. Short.—Je ne sais pas le montant de l'indemnité accordée au collége, mais si elle est de $100,000, je ne crois pas que ce que demande ce bill soit déraisonnable.

M Wickliffe.—Le comité d'instruction a fait un rapport favorable à ce bill parce que l'année dernière l'Etat a fait au collége un don considérable.

M. Rivers.— Je ne crois pas qu'il ait reçu un sou. Et quand même cela serait, nous avons fait un contrat et maintenant nous trouvons que nous avons accordé au collége des conditions trop avantageuses. Outre l'éducation de ces jeunes gens nous voulons qu'il se charge de leur pension. Nous pourrions tout aussi bien obliger le collége à les habiller et à leur fournir de l'argent pour leurs menus plaisirs et des voitures pour se promener le soir.

Le bill est renvoyé à un comité spécial.

MESSAGE A LA CHAMBRE.

M. Stewart, messager spécial du Sénat, informe la Chambre que le Sénat a donné son concours aux actes suivants ainsi qu'aux amendements de la Chambre.

Acte pour incorporer la compagnie du chemin de fer de Vickaburg, Shrevsport et du Texas.

Acte pour incorporer la compagnie du chemin de fer de la Nlle-Orléans, des Opelousas et de l'Ouest.

Acte pour incorporer la compagnie du chemin de fer de la Nlle-Orléans, de Jackson et du Nord.

MESSAGE DE LA CHAMBRE.

M. Eastin, messager spécial de la Chambre, informe le Sénat que l'orateur a signé les actes suivants :

Acte pour émanciper Laura Ann Robb, épouse de Perry Dorman.

Acte pour amender un acte pour le réglement uniforme des électeurs dans l'Etat de la Louisiane, les paroisses d'Orléans et de Jefferson exceptées, approuvé le 1er juin 1846.

Acte pour créer un juge de paix et un constable additionnels dans et pour la paroisse des Rapides.

Acte pour émanciper Nancy Virginia Peck.

Acte pour autoriser Frédérick Stockel et Marie Prufer, sa femme, à adopter Louisa Wilhelmina Gerage.

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Acte pour émanciper Charles Johnson, de la paroisse Ouest-Féliciana.

Et il demande la signature du président pour les dits actes.

M. Eastin, messager spécial de la Chambre, demande le concours du Sénat pour les actes suivants:

Acte pour pourvoir au déficit des appropriations pour l'année finissant le 31 mars 1853 et un acte relatif au judiciaire de l'Etat (le 1er district judiciaire excepté.)

MESSAGE DU GOUVERNEUR.

M. Hatch, secrétaire privé du gouverneur a approuvé et signé les actes suivants:

Acte pour venir au secours de l'arpenteur général de l'Etat de la Louisiane.

Acte pour pourvoir au déficit des appropriations pour les procédures criminelles jusqu'au 31 novembre 1852.

Acte pour émanciper John P Montamat.

Acte pour émanciper John Rhodes, de la paroisse d'Orléans.

Acte pour autoriser Frederick Stockel et Maria Prufer, sa femme, à adopter Louisa Wilhelmina Garner.

Acte pour amender un acte intitulé: Acte pour le réglement uniforme des élections dans l'Etat de la Louisiane, les paroisses d'Orléans et de Jefferson exceptées, approuvé le 4er juin 1846.

Acte pour créer un juge de paix et un constable additionnels dans et pour la paroisse des Rapides.

Acte pour émanciper Nancy Virginia Peck.

Acte pour émanciper Laura Ann Robb, épouse de Perry Dorman.

Acte pour émanciper Charles Johnson, de la paroisse d'Ouest-Féliciana.

PESEURS DE COTON ET DE SUCRE.

Le Sénat prend alors en considération l'acte suivant qui est lu section par section.

Acte pour nommer des peseurs de sucre et de coton dans et pour la ville de la Nouvelle-Orléans.

Sect. 1ère—Il est décrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane, réunis en assemblée générale:

Qu'il sera nommé tous les deux ans par le Gouverneur par et avec le consentement du Sénat, douze peseurs de sucre et de coton pour la ville de la Nouvelle-Orléans.

Sect. 2me—Il est de plus décrété &c., Que les dits peseurs, après avoir été assermentés pour la fidèle exécution de leurs devoirs comme le prescrivent les dispositions de cet acte, devront fournir au trésorier d'Etat une sécurité suffisante pour la somme de mille piastres chacun pour l'accomplisement fidèle de leurs devoirs.

Sect. 3me.—Il de plus décrété &c., Que chacun des dits peseurs est par le présent autorisé à nommer un ou plusieurs députés qui seront assermentés, pour l'aider et l'assister dans l'exécution des devoirs de cette place, et chaque peseur sera responsable de la conduite fidèle de son député, en vertu de cet acte.

Sect. 4me—Il est de plus décrété &c., Que lesdits peseurs de sucre et de coton sont autorisés et requis de prélever un droit de dix pour cent pour chaque boucaut de sucre pesé par eux.

Sect. 5me—Il est de plus décreté &c, Que chaque balle de coton et chaque boucaut de sucre seront marqués du nom du peseur, le poids entier, sous peine d'une amende de dix piastres par chaque boucaut de sucre ou balle de coton pesé et non marqué par eux, recouvrable du dit peseur commettant ce délit, par devant toute cour compétente, au bénéfice de la personne qui le poursuivra pour le dit délit.

Sect. 6me—Il est de plus décrété &c, Que les dits peseurs recevront la compensation suivante et pas plus, payable par le propriétaire, le consignataire ou tout autre personne important ou faisant venir ledit coton ou sucre dans la ville de la Nouvelle-Orléans, savoir:

Dix sous pour le pesage de chaque boucaut de sucre ere et de chaque balle de coton.

Sect. 7me—Il est de plus décrété &c, Que les dits 12 peseurs dont et constitueront un bureau appelé «Bureau des Peseurs Publics.» Le dit bureau nommera ses officiers de son propre corps pour servir pendant la durée de leur temps, à moins qu'ils ne soient changés pour cause par un vote du bureau.

Sect. 8me—Il est de plus décrété &c, Que les devoirs de chacun des membres dudit bureau de peseurs seront également répartis et qu'à la fin de chaque mois, le montant des honoraires reçus par ledit bureau pour pesage de sucre et de coton, sera après en avoir retiré toutes les dépenses, également divisé entre ses membres.

Sect. 9me—Il est de plus décrété &c, Que tous les propriétaires, consignataires ou autres personnes important ou faisant venir le coton et le sucre dans la ville de la Nouvelle-Orléans, devront faire peser ledit coton ou sucre par un peseur du bureau des peseurs, quand ledit coton ou sucre sera vendu, sous peine d'une amende de dix piastres par chaque boucaut de sucre ou balle de coton non pesé et marqué par ledit bureau, recouvrable dudit propriétaire, consignataire ou autre personne ainsi en faute, par devant toute cour de juridiction compétente au bénéfice du dit bureau des peseurs publics.

Sect. 10me—Il est de plus décrété &c, Que toutes les lois contraires aux dispositions de cet acte sont et demeurent abrogées par le présent.

Sect. 11me.—Il est de plus décrété &c, Que cet acte aura force de loi immédiatement après sa passation.

M. King—Je n'ai pas entendu exprimer le désir d'un bill de cette espèce dans la société où je vis. Autrefois ces sortes de places existaient, mais elles ont été abolies depuis. Je suis opposé à cette politique incertaine et changeante, et je voterai contre le bill à moins que de bonnes raisons ne soient alléguées à son appui.

M. Nicholls—Ce bill n'est pas présenté pour le bénéfice de la Nouvelle-Orléans, mais pour celui des habitans des campagnes. Personnellement, je n'y ai pas le moindre intérêt, je ne suis en aucune manière intéressé dans les plantations. Mais les planteurs de mon Distriot m'ont instamment prié de rédiger un bill de cette espèce et de faire tous mes efforts pour qu'il soit adopté Il a pour but de les protéger contre les fraudes dont souvent ils sont victimes.

M. Todd—Je suis opposé à ce bill. Il ne présente pas une plus grande sécurité contre la fraude que ne le fait le système actuel. Les peseurs nommés par l'Etat sont aussi susceptibles de faire des erreurs que les autres. Le système des peseurs nommés par l'Etat a été essayé et abandonné aussitôt après. Il a été découvert que la fraude était plus grande alors que sous le système des peseurs ordinaires. Maintenant les peseurs sont responsables, ils sont choisis par les négociants intéressés, qui, par conséquent choisissent ceux en qui ils ont le plus de confiance.

M. Palfrey—On pourrait tout aussi bien faire un nouvel essai. Il y a un defaut dans la manière dont est pesé le sucre à la Nouvelle-Orléans. Quelques planteurs envoient leur sucre directement au Nord, et d'après les rendements du poid ils prouvent que leur sucre y pèse plus que celui qu'ils envoient à la Nouvelle-Orléans, quoique le sucre doive peser davantage à la Nouvelle-Orléans. Il y a là de quoi surprendre et il est certain qu'il existe à la Nouvelle-Orléans un défaut quelconque.

M. McCay—Je ne puis dire si je suis prêt à voter pour ou contre le bill attendu que je ne l'ai pas examiné. Mon opinion au sujet de ce bill est basée sur celle que m'a suggéré le pesage du tabac. Autrefois il y avait un comité de peseurs et d'inspecteurs de tabac, mais il a été aboli en 1848 ou 50. En présentant le mémoire contre l'abolition du système de peseurs volontaires, j'ai eu occasion de comparer les deux systèmes. Tous les négociants expéditeurs, acheteurs ou vendeurs de tabac, sans exception, ont protesté contre le rappel du système de peseurs volontaires. L'honorable membre dit que le bill n'a pas pour but de favoriser les négociants de la Nouvelle-Orléans, mais bien les planteurs. En 1848 nous avons reçu des pétitions de cultivateurs des différentes parties de l'Ouest, demandant l'abolition du système de l'inspection. Je suis prêt à prouver que maintenant ils sont opposés au rappel du système volontaire. Il y a donc parfait accord et identité d'intérêts entre les producteurs et les facteurs. Une autre objection au système officiel est que la mise en pratique coûtera le double de l'autre. Les planteurs du Mississipi ne veulent pas confier le pesage de leur coton à un comité de ce genre et les planteurs de cet Etat n'ont pas plus de raison qu'eux d'être en sa faveur. Je pense que les négociants devraient pouvoir employer qui bon leur semble; mais avant de savoir comment je vo-

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terai, j'ai besoin d'examiner le bill dans tous ses détails.

Avant de finir je désire faire une dernière remarque sur l'inspection du tabac.

J'ai eu occasion d'examiner le montant des réclamations et j'ai trouvé que sous le système officiel il dépassait dix fois celui des réclamations sous le système volontaire.

M. Nicholls—L'inspecteur ne fixait-il pas la qualité ?

M. McCay.—Oui.

M. Nicholls.—Alors mon objection n'est pas applicable. La question est de savoir si nous aurons un fonctionnaire responsable nommé par l'Etat qui apposera sa marque sur chaque boucaut de sucre ou chaque balle de coton, ou bien, si le pesage sera fait par une personne non responsable.

M. McCay.—Je fais la motion de faire imprimer le bill. Je veux l'examiner et le prendre en considération avant de donner mon vote.

M. Wickliffe.—Je désire établir un fait. Je fus requis par quelques-uns de mes commettants de présenter un bill de ce genre dans la dernière session. Ils disent que leur coton pèse plus chez eux qu'à la Nouvelle-Orléans, et c'est une plainte générale dans tout l'Etat. Je voterai en faveur du bill parce que selon moi, il fera beaucoup de bien et peu de mal.

M. Nicholls.—Je suis opposé à l'ajournement de ce bill parce que je crois qu'il a été imprimé. Le tabac ne se trouve pas dans le même cas que le sucre et le coton. C'était le devoir des inspecteurs de tabac, non seulement de le peser mais de le classer. D'après le bill en question le peseur n'a pas à s'occuper de déterminer la classification du sucre et du coton. La question est de savoir si nous aurons des peseurs de coton et de sucre responsables. Pour ma part je n'ai aucune expérience pratique ni aucun intérêt particulier, si ce n'est de servir ceux de mes constituants qui m'ont envoyé ici. Ils m'ont demandé de présenter un bill de ce genre. Ils m'ont assuré qu'il y avait de la fraude et de la corruption à la Nouvelle-Orléans. Je désire qu'ils soient garantis contre ces abus autant qu'il dépend de la législation de le faire. Je suis convaincu que ce bill préviendra la fraude et sera très profitable à nos planteurs.

M. Slack.—Je puis parler pour les intérêts des producteurs de sucre, et je n'hésite pas à dire qu'ils ont besoin de protection. Pour ce qui est du coton je n'ai rien à dire. Ce qui a été dit au sujet du tabac ne s'applique pas à la question. Nous dépendons maintenant de la probité des peseurs. Les réclamations ne sont pas garanties sous l'ancien système. J'ai acheté des barils de porc et le vendeur lui-même ne pouvait pas me garantir que les barils continssent du porc. Ceci démontre que sous l'empire du système volontaire il n'y a point de certitude. Il nous faut des peseurs responsables, nommés pour marquer chaque boucaut de sucre et chaque balle de coton afin d'éviter toute erreur. Nous avons le droit de le réclamer.

M. Tood.—Je pense qu'il s'est passé assez de temps pour connaître le mauvais côté du système volontaire. La question est de savoir si le bill y remédiera.

M. Nicholls.—Je ne tiens pas particulièrement à ce bill. Qu'il soit considéré par section et que des amendements, suivant les objections, soient faits en conséquence. Si dix cents est de trop n'en donnons que cinq, et si douze peseurs ne suffisent pas, prenons en d'avantage. Je suis prêt à modifier le bill de manière qu'il convienne à tout le monde.

M. King.—J'ai quelques mots à dire à ce sujet. D'abord il y a un principe auquel je m'attache beaucoup: c'est celui de laisser tout le monde faire ses affaires comme il l'entend. Nous ne devons nous occuper que de ce qui concerne le gouvernement. Je professe la liberté du commerce dans toute l'acception du mot, aussi bien sur terre que sur mer. Le bill est en contradiction avec ce principe. En quoi consiste le système actuel ? Plusieurs de mes collègues disent que des fraudes considérables se commettent. Mais, comme l'a fort bien dit le sénateur de Morehouse, y a-t-il une certitude que le bill proposé préviendra les abus? L'acheteur et le vendeur ont le droit de choisir leurs peseurs. Il en est de toutes les transactions comme du commerce de chevaux; si tout le monde est d'accord, tout est bien. Dans le cas contraire l'affaire ne se fait pas. Je ne vois pas l'utilité de demander l'intervention de la Législature pour décider leurs différends. Qu'elles décident eux-mêmes. L'honorable membre dit qu'on commet des fraudes. S'il en est ainsi, je lui conseillerai de changer de commissionnaire. Si le négociant favorise la fraude au détriment des planteurs, c'est un malhonnête homme qui ne mérite pas la confiance d'autrui. Si l'on ne peut pas trouver un seul honnête homme à la Nouvelle-Orléans, que mon collègue aille y vendre son sucre lui-même. Je suis d'avis de laisser la chose entièrement aux soins du vendeur et de l'acheteur. C'est eux qu'elle regarde. Doit-on supposer qu'un homme deviendra meilleur peseur parce qu'il sera nommé par l'Etat. Ne voyez-vous pas qu'en nommant un employé dont la parole est la loi elle-même et dont la décision est sans appel, vous stimulez la fraude et vous encouragez la corruption? Vous fournissez l'occasion d'apposer frauduleusement une marque, supérieure ou inférieure au poids réel. Comme les choses vont maintenant, le peseur agit comme agent du vendeur et de l'acheteur. Pour ce qui est de la Nouvelle-Orléans: si j'avais proposé les nominations de dix ou douze peseurs, on aurait pu dire que j'avais quelques personnes à faire nommer; mais je parle en faveur des neuf dixièmes des commissionnaires de la ville. Le système actuel protège le planteur parce qu'il est représenté par son agent à la Nouvelle-Orléans. Si ces messieurs ont eu la main malheureuse en choisissant leurs commissionnaires, ils n'ont qu'à en changer. Le salaire de ces douze peseurs s'élèverait au moins à $1,500 chacun. Si j'avais demandé la nomination d'une douzaine d'employés aux appointemens de $1,500 par an chacun, on m'aurait certainement accusé de demander pour la Nlle-Orléans plus que ce qui lui revient, Le pesage du sucre reviendra annuellement à environ $12,500 et celui du coton à $2,500. Cette somme est assez ronde et vaut bien la peine qu'on se la dispute. Si j'étais sûr d'être en faveur auprès du gouvernement je me porterais candidat moi-même.

(Ici un membre du Sénat dit que le taux fixé par la Chambre de Commerce est maintenant de 10c.

M, King—La Chambre de Commerce ne fait pas de lois. L'usage est de faire payer un certain taux, mais il n'y a là rien d'officiel. Je puis même dire qu'il y a des lois contre les pesages frauduleux.

M: Wickliffe.—L'honorable membre dit qu'il représente les neuf-dixièmes des commissionnaires de la Nlle-Orléans. Je dois lui dire que nous représentons les dix-dixièmes des planteurs de la Louisiane, Si le planteur désire un homme responsable nommé pour peser son coton et son sucre, je ne vois pas que le commissionnaire ait le droit de s'en plaindre. Ce n'est pas lui qui paiera la taxe. Mon collègue dit qu'il y a des lois qui punissent les pesages frauduleux. Il y en a pour toute espèce de fraude; mais ici nous avons une garantie, une sécurité. Le peseur est forcé de fournir une caution. Si son poids est faux, la caution devient responsable. Je dis que les commissionnaires ne représentent pas les intérêts du planteur. Du moment où la récolte est expédiée, il est de leur intérêt d'en obtenir le plus qu'ils pourront Je ne veux pas insinuer qu'ils commettent des fraudes, mais je nie que leurs intérêts soient les mêmes que ceux des planteurs.

M. Mouton.—Je trouve le bill bon, à l'exception de la somme considérable à payer. Le bill est utile aux planteurs, mais $15,000 par an, c'est beaucoup trop, malgré qu'il s'agisse des intérêts du planteur. L'honorable membre nous a conseillé de changer nos commissionnaires ou de vendre notre sucre nous-mêmes, si on nous trompe. Il sait que nous ne pouvons le faire. Le commissionnaire est un mal nécessaire. J'espère que nous pourrons nous en débarrasser quand les chemins de fer seront établis et que nous pourrons nous rendre plus facilement à la Nlle-Orléans.

M. Taylor fait la motion de mettre l'acte à l'ordre du jour pour mercredi prochain, et qu'il soit ordonné à l'impression.

M. Nicholls demande que cette motion soit déposée indéfiniment sur le bureau et demande l'appel nominal.

Messieurs Boatner, Dupré, Griffin, Lacey, Mouton, Neal, Nicholls, Palfrey, Rivers, Short, Slack et Wickliffe votent pour le dépôt—12 voix.

Messieurs Evans, King, Lauve, Lewis, McCay, Taylor et Todd votent contre—7 voix.

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Conséquemment, la motion de déposer sur le bureau est rejetée

Sur la motion de M. Taylor d'effacer dans la 1ère section : «12 peseurs de sucre et de coton» et de mettre : «vingt.»

M. Taylor demande l'appel nominal.

Messieurs King, Lauve, Mouton, Nicholls, Palfrey, Rivers, Slack et Taylor votent pour—9 voix

Messieurs Boatner, Dupré, Evans, Griffin, Kemp, Lacey, McCay, Neal, Short, Todd et Wickliffe votent contre—11 voix.

Par conséquent la motion d'effacer est rejetée.

Sur motion d'adopter la première section, M. Lacey demande l'appel nominal.

Messieurs Boatner, Dupré, Evans, Griffin, Kemp, Lacey, Lewis, Mouton, Neal, Nicholls, Palfrey, Rivers, Short, Slack, Taylor et Wickliffe votent pour—15 voix.

Messieurs Evans, King, Lauve, McCay et Todd votent contre—5 voix.

Conséquemment la première section est adoptée.

Sur motion, la 3me section est amendée en insérant dans la 2me ligne après le mot «nommer» les mots «un ou plusieurs» et, sur motion, la section est adoptée telle qu'amendée.

Sur motion d'adopter la 4me section, M. King demande l'appel nominal.

Messieurs Boatner, Dupré, Griffin, Kemp, Lacey, Mouton, Neal, Nicholls, Palfrey, Rivers, Short, Slack, Taylor et Wickliffe votent pour—14 voix.

Messieurs Evans, King, Lauve, Lewis, McCay et Todd votent contre—6 voix.

Conséquemment, la quatrième section est adoptée.

Sur motion de M. Palfrey, ce vote est repris en considération.

M. Palfrey fait la motion d'effacer toute la 4me section.

M. Griffin demande l'appel nominal.

Messieurs Boatner, Dupré, Kemp, King, Lauve, Lacey, Lewis, McCay, Neal, Nicholls, Palfrey, Rivers, Short, Slack, Taylor, Todd et Wickliffe votent pour—17 voix.

Messieurs Evans, Griffin et Mouton votent contre—3 non.

Conséquemment la 4ème section est rejetée.

M. Griffin fait la motion de déposer l'acte indéfiniment sur le bureau, et demande l'appel nominal.

MM. Evans, Griffin, King, Lauve, Mc Cay et Todd votent pour—6 voix.

MM. Boatner, Dupré, Kemp, Lacey, Lewis, Mouton, Nicholls, Palfrey, Rivers, Short, Slack, Taylor et Wickliffe votent contre—14 voix.

La motion de déposer l'acte indéfiniment sur le bureau est rejetée.

Sur motion de M. Taylor, les mots « sans aucun droit de pesage sur les boucauts de sucre » sont insérées dans la 5me section, 3me ligne après le mot «peseur» et le mot «entier» est inséré dans la même ligne. La section telle qu'amendée est adoptée.

Sur motion, le mot «cinq» est effacé de la 6me section dans la 5me ligne et «huit» est inséré.

M. Mouton fait la motion d'effacer «huit» et de mettre «six» et demande l'appel nominal.

MM. Boatner, Griffin, Lauve, Mc Cay, Mouton, Neal, Palfrey, Taylor, Todd et Wickliffe votent pour—10 voix.

MM. Dupré, Evans, Kemp, King, Lacey, Lewis, Nicholls, Rivers, Short et Slack votent contre—10 voix.

Les voix étant également partagées le président vote contre.

Conséquemment la motion d'effacer est rejetée et ces mots «huit cents» par boucaut de sucre et cinq cents par balle de coton est adoptée.

La 6me section est alors adoptée telle qu'amendée.

La 7me section est adoptée.

La 8me section est rejetée.

Sur motion de M. Lacey, le vote donné sur le sujet de la 8me section est reconsidéré, et sur motion, cette section est adoptée.

La 9me section est adoptée.

Sur motion, l'acte passe tel qu'amendé.

M. Wickliffe fait la motion de reconsidérer le vote donné sur la passation finale de l'acte.

M. Lacey demande l'appel nominal.

MM. Evans, King, et Todd votent pour—3 voix.

MM. Boatner, Dupré, Griffin, Kemp, Lauve, Lacey, Lewis, Mouton, Neal, Nicholls, Palfrey, Rivers, Short, Slack et Wickliffe votent pour—16 voix.

Par conséquent le Sénat refuse de reconsidérer le vote donné.

Sur motion, le Sénat s'ajourne jusqu'à demain à neuf heures A. M.

BILLS ADOPTES.

Acte pour amender l'article 911 du Code de Procédure.

Acte pour incorporer la compagnie du chemin en planches de Grosse-Tête et de Bâton Rouge.

M. Todd demande la prise en considération des actes suivants et auxquels le Sénat donne son concours.

Acte pour incorporer la compagnie du chemin de fer de Wicksburg, Shreveport et du Texas.

Acte pour incorporer la compagnie du chemin de fer de la Nouvelle-Orléans des Opelousas et de l'Ouest.

Acte pour incorporer la compagnie du chemin de fer de la Nouvelle-Orléans, de Jackson et du Nord.

Acte pour pourvoir à la manière de canceller les bons et hypothèques donnés par les collecteurs de taxes d'Etat.

Acte pour venir au secours de Charles W. Boyce de la paroisse des Rapides.

Acte pour pourvoir au transfert de toutes les affaires maintenant pendantes devant la Cour Suprême de l'Etat, établi d'après la constitution de 1845 à la Cour Suprême établie en vertu de la Nouvelle Constitution.

Acte pour pour venir au secours de Henry Parish et John Moore Norman de la paroisse d'Orléans.

Acte pour autoriser les femmes mariées absentes de l'Etat à nommer des agents dans certains cas.

Acte pour venir au secours de E. H. Skillman.

MARDI, 12 avril 1853.

Judiciaire de l'Etat.

M. Wickliffe demande la prise en considération de l'acte suivant :

Acte relatif au Judiciaire de l'Etat. (Le premier district excepté.

Sect. 1re—Il est décrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane, réunis en assemblée générale, qu'il sera élu dans et pour chaque district judiciaire de l'Etat, le premier district judiciaire excepté, par les votants qualifiés des dits districts, un juge, qui servira pendant quatre ans, lequel recevra un salaire de deux mille cinq cents piastres par an, payable par quartier, sur son propre mandat de tout fonds du tresorier non autrement approprié.

M. Mouton fait la motion d'effacer de la 1re section dans la huitième ligne, «deux mille cinq cents piastres» et d'insérer «trois mille piastres.»

J'ai voté pour donner trois mille cinq cents dollars aux juges de la ville Puisque le système que nous avons adopté impose de nouveaux devoirs aux juges de la campagne, nous devons augmenter leurs appointements. Il n'y a pas de raison pour une telle disproportion entre la rétribution que nous donnons aux juges de la ville et celle que reçoivent ceux de la campagne. Ces derniers auront presque autant d'occupations que les premiers, et leur charge n'exige ni moins de talents, ni moins d'instruction. Je ne vois donc pas pourquoi ils ne seraient pas placés sur un pied d'égalité.

M. Todd—Je suis opposé à l'amendement. Les juges n'auront guère plus d'occupations ; et si nous avons accordé des émoluments trop élevés aux juges de la ville, ce n'est pas une raison pour que nous fassions la même chose pour les juges de la campagne. Je suis d'ailleurs convaincu qu'on peut se procurer les services des hommes les plus capables pour deux mille cinq cents dollars.

M. Short—Si les juges n'étaient pas obligés de tenir quatre termes au lieu de deux, je ne me prononcerais pas en faveur d'une augmentation d'appointements. Mais en abandonnant le système des grands districts, en refusant d'établir des Cours des Preuves, et en exigeant quatre termes par an, nous avons multiplié les travaux des juges. Au lieu de leur donner moins qu'aux juges de la Nouvelle-Orléans, qui ne sont jamais forces de quitter leurs foyers et qui ont comparativement une tâche facile, nous devrions les payer davantage.

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M. Boatner—Le système que nous avons adopté n'établit qu'un district de plus que l'ancien et n'impose que fort peu d'obligations aux juges. Ils ont eu coutume de recevoir deux mille cinq cents dollars, et ils peuvent tout aussi bien se contenter de cette somme sous le régime du système actuel. Quelques-uns de mes collègues ont fait grand bruit des dépenses immenses qu'occasionnerait le système des grands districts. Ils ont beaucoup parlé d'économie, et d'épargner à l'Etat quelques milliers de piastres, et ils sont les premiers à proposer une augmentation de dépense de huit ou neuf mille dollars. Je n'en vois pas la nécessité. Les devoirs à remplir ne sont pas beaucoup plus onéreux et il y a fort peu de districts de plus de trois paroisses C'est une tâche que peut aisément accomplir un homme compétent. Les juges de la campagne auront beaucoup moins à faire que ceux de la ville ; deux mille cinq cents dollars sont une somme amplement suffisante, et un chiffre plus élevé ne nous assurerait pas des hommes plus capables.

M. Mouton—Je sais qu'on se figure généralement que toutes les mesures tendant à accroître les dépenses de l'Etat, sont impopulaires. Les hommes politiques s'en emparent, pour s'en faire un cheval de bataille aux élections. Mais je ne crains pas de prendre cette responsabilité, quand ces mesures sont nécessaires pour nous assurer des fonctionnaires compétents ; quand il s'agit d'obtenir les services d'hommes, entre les mains desquels nous remettons nos droits et nos libertés. Ce sont des fonctions importantes et qui imposent de lourdes responsabilités. Elles ne doivent pas être confiées à la légère à des personnes qui ne sont pas à la hauteur de cette tâche. Il nous faut pour la remplir des hommes dont la valeur morale égale l'intelligence et le savoir, et nous ne pouvons obtenir de tels fonctionnaires qu'en leur donnant de bons appointemens. Trois mille piastres n'est certainement pas trop. L'argument que deux mille cinq cents dollars est assez, se fonde sur ce que nous avons eu de bons juges pour cette somme. Il est vrai que nous en avons eu de bons dans quelques districts, mais cet argument n'est pas valable ; nous voulons de bons juges dans tous les districts. J'ai voté trois mille cinq cents piastres aux juges de la ville ; pourquoi en donnerions-nous mille de moins à ceux de la campagne ? N'ont-ils pas les mêmes devoirs à remplir ? Ne faut-il pas qu'ils aient le même talent ? Ne doivent-ils pas être des hommes respectables et compétents ? Et s'il en est ainsi, pourquoi établirions-nous une différence dans leurs appointements ?

M. Wickliffe—J'entends avec surprise les objections présentées par le sénateur de Catahoula. Il était en faveur du système des grands districts qui eût occasionné une dépense de plus de cent mille piastres par an. Maintenant que nous avons accru les obligations des juges, il objecte à ce que nous leur donnions $3,000 par an. En admettant que les appointements soient fixés à cette somme et que l'honorable membre soit comme nous partisan des économies, ce sera encore soixante mille piastres ou environ soixante pour cent de moins que sous le système qu'il défendait avec tant de chaleur ; et je ne doute pas que, sur une question d'économie, l'honorable membre ne soit de notre avis. Dans mon district, le juge peut à peine suffire à l'expédition des affaires ; il lui faudra neuf mois d'un travail incessant pour y arriver et il est décidé à le faire, s'il a le bonheur d'être élu par le peuple.

M. Palfrey.—J'approuve l'amendement. Le sénateur de Morehouse dit que les juges n'auront pas beaucoup plus d'occupations, pour peu qu'ils en aient davantage, nous devons augmenter leurs appointements. La rétribution doit être proportionnée au travail. Il faut aussi que nous ayons des hommes capables et expérimentés. Nous devons donc leur offrir des émoluments qui puissent les décider à quitter leur clientèle. Quand un avocat renonce à sa clientèle pour une place de juge, il y renonce pour toujours. Il ne la retrouvera pas, si jamais il retourne au barreau; il ne la reprendra pas où il l'a laissée—tout sera à recommencer. Personnellement je n'ai pas le moindre intérêt dans la question, je ne suis pas avocat, mais je désire voir nos lois bien administrées et voir siéger dans nos Cours des hommes compétents, qui soient l'ornement de notre ordre judiciaire et dont les décisions inspirent du respect à la société. Il n'y a qu'un moyen d'arriver à ce but. Nous ne pouvons espérer d'avoir de bons juges, si nous ne leur offrons que de minimes appointements. Payons donc une somme raisonnable et nous aurons de bons juges.

M. Todd.—Cette question a souffert déjà beaucoup de retard et si nous adoptons l'amendement, nous en causerons encore davantage. Il se peut que la Chambre n'y donne pas son concours et dans ce cas le différent ne pourra se régler sans une grande perte de temps. Mes collègues parlent du surcroît d'occupations que ce système impose aux juges ; je prétends qu'il n'y a pas de surcroît du tout. En tenant quatre termes par an le travail n'est pas augmenté, seulement les affaires s'expédient plus rapidement. Il n'y a pas de raison pour qu'en Louisiane nous payions plus que partout ailleurs. La tâche est plus lourde dans d'autres Etats, et nous n'avons pas, que je sache, des juges plus capables ici. La vie n'est pas plus chère. Il est temps que nous commencions l'œuvre de la réforme et que nous prêtions l'oreille aux vœux du peuple qui nous demande une admistration plus économique de ses affaires. Sommes-nous devenus tellement mercenaires qu'on ne recherche une place, ou qu'on ne l'accepte que dans la seule vue des émolumens qui y sont attachés ? N'y a-t-il pas d'autre motif, pas de plus noble attrait, pas d'ambition plus elevée ? Nous devons, il est vrai, établir dans les appointements une gradation qui nous permette de nous adresser à des hommes de talent, mais nous devons nous arreter à ce point. Il n'y a pas de raison pour que nous élevions les appointements de nos juges maintenant. La somme qu'on payait était regardée comme suffisante autrefois, et elle doit l'être aussi pour l'avenir.

M. Boatner.—Je ne sais pas sur quoi le sénateur de West-Feliciana [M. Wickliffe] a basé ses chiffres ; mes calculs me donnent un résultat entièrement différent. La différence entre son calcul et le mien se monte à $70,000. Ce système des grands districts n'aurait coûté que $80,000, au lieu de $150,000 comme le disait l'honorable membre. Je me suis declaré en faveur de ce système parce que je croyais que c'était le vœu du peuple. D'autres ont été d'un avis contraire et je ne doute pas qu'ils ne fussent sincères dans leurs convictions : quand le peuple désire une chose, il est du devoir d'un représentant de faire tout son possible pour l'obtenir, il représente l'opinion de ses commettans, non la sienne propre. Je soutiens qu'il n'y a aucune raison pour élever les appointements des juges. Les districts ne sont pas plus étendus qu'ils ne l'étaient autrefois, chaque juge n'a pas un espace plus considérable à parcourir et les charges n'ont pas été rendues plus lourdes. Il est vrai qu'ils sont obligés de tenir quatre termes, mais mes collègues se rappelleront que lorsque ce système judiciaire fut d'abord établi sous l'empire de la constitution de 1845, les juges devaient tenir quatre termes, ce qui dura jusqu'à ce que les avocats présentassent une pétition pour que le nombre des termes fût réduit, se fondant sur ce qu'il n'y avait pas assez d'affaires pour en occuper autant. Il y avait alors des avocats qui s'estimaient heureux de devenir juges, et qui acceptaient leur siége sans murmurer contre la modicité des émoluments. On ne prétendait pas que nous ne pouvions obtenir des hommes compétents sans augmenter les appointements. Si les membres de l'autre parti peuvent me produire une seule bonne raison, je consens à voter avec eux. Mais je ne puis me défendre de croire que les appointements sont assez élevés, quand je vois des hommes de talents dans nos cours. Deux d'entre eux ont été promus à la Cour Suprême, ce qui me semble parler assez haut en faveur de leur capacité. Cela prouve que nous pouvons nous procurer des hommes compétents aux appointements actuels. Le sénateur de West-Feliciana (M. Wickliffe) parle du rude travail qui pèse sur le juge de son district ; je ne révoque pas en doute ce qu'il dit, mais dans ce cas, ce district doit être une exception. Le sénateur de Morehouse [M. Todd], nous a dit que dans son district la Cour ne siégeait quelquefois pas plus d'une semaine par an ; et cependant vous voulez donner au juge $3,000—trois mille piastres pour une semaine de travail ! Mes collègues ne trouvent-ils pas cela un peu exhorbitant ? Ne leur semble-t-il pas que ce soit un peu trop ? Devons-nous payer une aussi grosse somme pour d'aussi minces services ? Je le répète, je ne vois aucun motif pour une augmentation d'appointements. Je crois avoir voté contre la pro-

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le, ition tendant à accorder $3,500 aux juges de la vi-possinon, j'aurais dû le faire.

M. Short.—J'ai un mot à dire en réponse. Mon collègue demande quelles charges additionnelles nous imposons aux juges. S'il était obligé d'aller deux fois au moulin tandis qu'il n'y allait qu'une fois auparavant, ne le considérerait-il pas comme une charge de plus. S'il devait aujourd'hui traverser à la nage un bayou, qui fût deux fois aussi large qu'il l'était hier, ne croirait-il pas faire un travail double. Constatons les faits. Dans mon district, composé des paroisses de Tensas, Madison et Carroll, il y a deux termes par an dans chaque comte. Quand ce système judiciaire fut établi sous l'empire de la Constitution de 1845, il y avait quatre termes par an dans chaque paroisse. Ce plan a été abandonné depuis.

L'honorable membre sait-il qu'il y a dans ce district des avocats qui aspirent à l'honneur de devenir juges, mais qui sont positivement trop pauvres pour l'accepter ? Et maintenant nous avons porté le nombre des termes à quatre. Comme les Egyptiens qui demandaient aux Hébreux une quantité double de briques pour la même quantité de paille, nous demandons précisément le double de travail pour des appointements moindres ; et cela aux juges de la campagne pour lesquels les dépenses occasionnées par leurs fonctions doivent être considerables. Par exemple, dans mon district, le juge est obligé de prendre le bateau à vapeur pour aller d'une paroisse à une autre, ce qui lui coûte six piastres par l'aller et autant pour le venir, un item qui compte. L'honorable membre n'a-t-il jamais songé à ces dépenses ? S'il l'a fait, qu'il calcule qu'elles sont doublées ; que le travail est doublé ; que dans le cours de ses pérégrinations l'infortune juge est forcé de supporter toute sorte de désagrémens; de loger dans des auberges écartées dont la monotonie n'est rompue que par les vives attaques des puces et des punaises, et d'endurer d'innombrables privations.

M. Wickliffe.—Mon collègue parle de son district.

M. Short.—Je parle des endroits que j'ai parcourus comme avocat pratiquant depuis 1836.

J'ai eu à combattre l'alliance des puces et des punaises combinées ; j'en parle avec connaissance de cause ! Et vous proposez de doubler tout cela et de ne donner que $2,500 par an.

L'amendement est adopté et le bill passe.

Message de la chambre.

M. Eastin, messager spécial de la chambre, demande la signature du président pour un acte intitulé :

Acte pour diviser l'Etat en districts judiciaires et il demande le concours du Sénat pour un acte intitulé : Acte pour retirer de la vente, de la location et du droit de préemption certaines terres appartenant à l'Etat.

Judiciaire de la ville.

M. King demande la prise en considération du bill de la chambre intitulé :

Acte pour organiser les cours de district pour la paroisse et ville de la Nlle-Orléans.

Un amendement est présenté, référant le jugement des affaires peu importantes aux recorders.

M. Todd.—Il y a contre cet amendement une objection tirée de la Constitution, qui dit que tout procès doit se faire sur accusation ou poursuite.

M. McCay.—L'objet de l'amendement est simplement de donner juridiction sur ces affaires aux recorders, ce qui n'implique pas nécessairement que les procès ne doivent pas se faire sur accusation ou poursuite.

L'amendement est adopté.

Acte pour pourvoir à l'enregistrement des hypothèques, etc.

Conformément à l'avis préalable donné par lui, Mr Mouton fait la motion de de réconsidérer le vote donné hier sur un acte intitulé :

Acte pour pourvoir à l'enregistrement des hypothèques en faveur des mineurs et des femmes mariées.

M. Nicholls—J'espère que la motion de reconsiderer le vote adoptant le bill intitulé :

« Acte pour pourvoir à l'enrégistrement des titres des hypothèques en faveur des mineurs et des femmes mariées »—prévaudra. Il n'a encore été soumis à cette législature aucun bill aussi important que celui-ci, aucun où le peuple de l'Etat soit aussi généralement et aussi immédiatement intéressé ; aucun qui exige un examen aussi approfondi, et dont la décision précipitée ou nuisible aux intérêts du public, soit de nature à entrainer des pertes et des désastres aussi étendus. Cependant chose étrange, on a laissé passer ce bill sans amendements et sans débats. On propose un changement important, radical, dans nos lois et nos institutions, et on ne donne au peuple aucune raison pour un tel changement. Pourquoi cela ? A cause des éloges donnés au bill par le sénateur de la Nouvelle-Orléans (M. King.) Le sénat croit-il avoir trouvé enfin cette merveille, qu'il n'a pas encore été donné au monde de contempler,—un bill parfait ? Est-ce parceque M. Rosélius et d'autres avocats l'ont approuvé, que nous devons l'adopter sans discussion, et qu'il ne nous est pas permis d'en examiner les dispositions ? Devons-nous soumettre notre jugement au leur ? Pas une voix ne peut-elle s'élever dans cette enceinte ? J'espère pour ma part que la réflexion reprendra ses droits et que le bill sera reconsidéré. Je dois dire que les honorables membres ont pris l'ombre pour la réalité. En voulant faire enrégistrer les titres d'une certaine classe d'hypothèques de manière à sauvegarder les intérêts de l'acheteur de bonne foi, ils ont dépassé de beaucoup le but qu'ils se proposaient. Le bill est intitulé : « Acte pour pourvoir à l'enrégistement des titres des hypothèques en faveur des mineurs et des femmes mariées. » Il n'y a rien à redire à ce titre et si le corps du bill y correspondait, qui pourrait s'opposer à son adoption ? Il est également évident que le peuple veut protéger les droits des mineurs et des femmes mariées, et qu'un sénateur qui se déclarerait opposé à ce désir et qui s'efforcerait de détruire la garantie qu'ont maintenant ces droits, n'oserait plus se représenter devant ses constituants. Il a été reconnu qu'un système d'hypothèques tacites était le mode le plus sûr et le meilleur, pour protéger et sauvegarder ces intérêts. Ce système est aussi vieux que notre jurisprudence et il nous a régi jusqu'à ce jour. Nous avons grandi sous ce système, un long usage nous y a accoutumés et nous ne l'abolirons que lorsque nous serons certains de pouvoir le remplacer par un meilleur. Je ne nie pas qu'il n'en resulte quelquefois des injustices et des difficultés ; que parfois, même souvent, il peut causer la ruine de personnes innocentes. Mais ce sont là des abus qu'il appartient au sage législateur de réformer et de corriger. Je suis prêt à donner mon appui à toute mesure qui arrivera à ce résultat, en convertissant ces hypothèques inconnues en connues. J'appuierai un bill qui oblige les curateurs et les tuteurs à enregistrer toute pièce dont puisse résulter une hypothèque, dans toutes les paroisses où leur pupille à des propriétés ; et je consens à punir sévèrement toute négligence à remplir cette obligation. Mais tout en protégeant l'acheteur de bonne foi, je ne puis oublier que les mineurs et les femmes mariées ont des droits que je ne sacrifierais jamais par mon vote : quel effet aurait ce bill ? Il dit aux maris, aux curateurs et à tous ceux auxquels les biens des mineurs et des femmes mariées sont confiés : si vous manquez à votre devoir, si vous ne remplissez pas les obligations que la loi vous impose, la peine en tombera, non sur vous qui êtes les coupables mais sur ceux qui sont innocents. Qu'importe qu'ils ne puissent pas agir par eux-mêmes, qu'importe que la faute soit à d'autres, il faut qu'ils soient victimes, parce que la loi l'a disposé ainsi. La Louisiane a vu au firmament une aurore boréale, et il faut qu'elle entre dans une voie nouvelle. Y êtes-vous préparés ? Consentirez-vous à ce qu'une femme perde son hypothèque, parce qu'un mari indigne, négligé ses devoirs! à ce qu'un mineur soit abandonné à la tendre merci de personnes intéressées et irresponsables, parce qu'un commis négligent aura omis d'enrégistrer les titres ? La loi serait donc une dérision ! Il y a plus : non content de priver les mineurs et les femmes mariées de tout autre droit que ceux que le mari ou le tuteur voudra bien leur accorder en se conformant à la loi, l'auteur du bill veut encore lui donner un effet rétroactif et en étendre les dispositions à toutes les hypothèques maintenant existantes. Peu importe que le mari dissipe la fortune de sa femme, s'il a négligé de se conformer aux prescriptions de la loi ; peu importe que ces droits soient des droits garantis et que la constitution déclare qu'on ne sera pas dépouillé de ces droits : tout doit céder devant ce bill parfait. Il faut s'incliner devant la nouvelle doctrine et se résí-

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gner à leur perte. Je crois que le Sénat n'a pas compris le tendance de ce bill quand il l'a adopté.

Examinons-le un peu plus à fond. Il exige qu'à un jour fixé, les commis des Cours consultent leurs registres, afin de s'assurer du nom des personnes qui ont été tuteurs, curateurs, &c. Ils doivent ensuite lancer des citations, sommant les dites personnes d'enregistrer les titres des hypothèques sises sur leurs propriétés ; et faute à eux de comparaître, d'autres doivent être nommés à leur place. Avez-vous réfléchi aux conséquences probables de ce plan ? Pouvez-vous dire quel en sera le résultat. Quelle garantie avez-vous si le tuteur a quitté l'Etat et ne peut pas se rendre à la citation ? Le mineur perd-il son hypothèque, perd-il ses droits ? Il faudrait que nous nous adressions à un Yankee pour deviner où l'enregistrement doit être fait en pareil cas, puisque le bill exige qu'il soit fait dans chaque paroisse où le tuteur ou curateur absent est supposé avoir des propriétés. Et puis quelle garantie a le mineur si le tuteur a pris possession des biens et les a dissipés ? Quel recours lui laisse la loi ? Si un homme épouse une veuve, quelle garantie lui donne cet acte. Pour ma part, je crois que l'ancien système avec tous ses défauts, réels et imaginaires, est de beaucoup préférable à celui que propose ce bill. Je ne suis pas irrévocablement attaché au système des hypothèques tacites ; je suis au contraire en faveur de l'enregistrement des titres de toutes les hypothèques, je veux que l'acquéreur puisse faire son acquit avec quelque sûreté. Mais ce que je n'approuve pas est qu'on dise aux maris, tuteurs, curateurs, &c., vous ferez telle et telle chose, et si vous négligez de le faire, la peine en retombera sur des innocents. J'aime à croire que le bill sera reconsidéré.

M. Lacey—Je n'ai pas l'intention d'entrer dans une longue discussion sur ce bill, cependant je ne puis m'empêcher de dire quelques mots en faveur de son adoption. Tout le monde admet que ce bill est de la plus haute importance et qu'il vise à la destruction d'abus dont l'existence est généralement reconnue. Je ne doute pas que l'honorable préopinant ne soit favorable au principe qui est mis en avant dans le bill. Mais s'il est reellement en faveur de ce principe, s'il désire sincèrement porter remède aux abus qui soulèvent tant de plaintes et causent tant de dommages, j'espère qu'il ne persistera pas dans une voie qui ne peut manquer de conduire le bill à sa perte ; le reconsidérer équivaut à le rejeter. S'il a besoin de perfectionnements, je ne doute pas que le Sénat n'aide l'honorable membre à rédiger un bill additionnel. Quand ce bill fut soumis au comité judiciaire, nous y donnâmes toute notre attention ; il fut approuvé par la majorité du comité ainsi que par nombre d'avocats distingués qui, ainsi que nous l'apprend le sénateur de la Nouvelle-Orléans [M. King], furent consultés sur ce sujet. On ne peut nier, ce me semble, qu'il atteigne le but dans lequel il a été présenté. S'il est imparfait, c'est que c'est une œuvre humaine. Quand l'homme a-t-il jamais produit quelque chose de parfait ? Où trouverez-vous un être humain qui soit infaillible ? Quoique l'honorable membre veuille faire pour la protection des droits des mineurs et des femmes mariées, mon appui lui est acquis, pourvu qu'il nous donne ses idées sous la forme d'un bill. Il dit que le système actuel se recommande par son ancienneté. Je me soucie fort peu de l'ancienneté d'une loi ou d'un système. Peu m'importe qu'une institution arrive jusqu'à nous marquée au sceau du temps. Ces considérations n'ont aucune influence sur moi. Si les progrès des idées et la marche des améliorations nous ordonnent de renoncer aux traditions du passé, je le ferai de grand cœur. Le système des hypothèques tacites est mauvais ; c'est un fait reconnu. Il est évidemment de notre intérêt de favoriser l'entrée des capitaux dans notre Etat. Mais il ne faut pas y songer aussi longtemps, que les hypothèques tacites, cette entrave qui pèse sur nous, s'opposera à nos plans et à notre prospérité. Aussi longtemps qu'elles existent, pouvons-nous espérer que les capitalistes se laisseront engager à placer leurs fonds ici. Il est de notre intérêt de donner aux capitalistes une garantie qui les mette à couvert et qui ne puisse pas être levée sans leur consentement. Si nous y parvenons, nous aurons obtenu tout ce que nous pouvons désirer, nous aurons conquis un avantage immense. Nous devons nous décider à faire de deux choses l'une. Nous devons conserver le système actuel qui oppose une barrière infranchissable à notre prospérité et qui couvre les fraudes les plus grossières ; ou exiger que les tuteurs et tous ceux qui ont la gestion des biens d'autres personnes, déclarent toutes les hypothèques dont leurs propriétés sont grevées. Y a-t-il rien d'injuste dans cette mesure ? Est-ce être trop exigeant que de forcer un homme à enregistrer les titres des hypothèques sises sur ses propriétés ? Il me semble que c'est une chose qui doit se faire, et l'exiger me paraît de beaucoup préférable à la continuation d'un système qui encourage la fraude, qui retarde notre prospérité et qui est opposé aux intérêts les plus chers de la Louisiane. J'espère que ce bill sera adopté. Si nous pouvons le perfectionner et sauvegarder plus efficacement les intérêts des mineurs par un bill supplémentaire, je promets à l'honorable membre d'y donner mon appui. Mais j'espère qu'il ne s'obstinera pas à perdre ce bill. Je n'attaque pas les droits des mineurs et des femmes mariées, je ne veux amoindrir en aucune manière les garanties dont ils jouissent actuellement ; je désire au contraire les protéger de tout notre pouvoir, comme ils le sont dans d'autres Etats. Je veux les protéger par tout moyen autre que celui-ci, que je regarde comme nuisible. Je souscrirai à toute mesure qui sera proposée en faveur des veuves et des orphelins. Mais je ne puis pas approuver ce qui, dans mon opinion, encourage la fraude, ce qui est opposé aux intérêts de la Louisiane. Je veux que le capital et le travail soient protégés et quand nous pouvons le faire, j'espère que nous n'y manquerons pas. Je ne m'occupe pas de la législation de l'autre Chambre. Je n'en franchis jamais le seuil, je ne m'y montre jamais soit pour faire réussir, soit pour faire échouer quelque bill que ce soit. Que ce bill soit soumis à l'autre Chambre, et j'ai toute confiance qu'une juste appréciation des intérêts de l'Etat en assurera l'adoption.

M. Short—Le sénateur de Ste-Marie (M. Nicholls), prête à ce bill un but que certainement il n'a pas et dont je ne voudrais pas me porter le défenseur. Je ne demande pas l'impossible. Je demande seulement l'enrégistrement des hypothèques que la loi accorde aux mineurs et aux femmes mariées sur les propriétés des maris, tuteurs, curateurs et autres. Mais quand un homme épouse une femme, il n'y a pas d'acte écrit, rien qui donne une hypothèque qui puisse être enrégistrée. C'est donc une loi nouvelle. La question est de savoir si nous commencerons l'œuvre de la réforme maintenant, ou si nous la remettrons à une époultérieure

M. Wickliffe—Je demande à poser une question à l'honorable membre. Supposons qu'un homme donne dix mille piastres à une femme en présence de son mari, et elle en donne un reçu. Il n'en résulte pas une hypothèque. Ensuite, dans un autre endroit, elle donne cet argent à son mari, là commence l'hypothèque.

M. Nicholls—Et si le reçu était perdu ?

M. Short—L'honorable membre sait que les documents perdus sont exceptés.

M. Nicholls—Dans ce cas je suis opposé au bill, car il donnera naissance à une foule de distinctions légales et de procès, et certainement nous en avons assez maintenant. Si les avocats, voyant leurs affaires diminuer, se formaient en convention pour aviser au meilleur moyen de les ranimer, ils ne pourraient trouver un meilleur moyen que celui qu'offre ce bill. Je ferai donc la motion d'amender le titre du bill, de manière à le rendre conforme à ce cas particulier.

M. Short—La question est déplacée ici. Mon but est de pourvoir aux besoins les plus impérieux de l'Etat. La chose n'est pas bien difficile. Faisons un pas en avant. Eclairons ceux qui viendront après nous; si faible que soit notre rayon, émettons-le. L'argument tiré de la longue existence du système actuel est usé jusqu'à la corde. Nous pouvons dire avec le poète : « En ceci, l'ancienne forme des choses a bien changé. » Mais il est nécessaire qu'elle change. Il y a des abus qui doivent être reformés. Faisons au moins un pas, et le premier pas fait, le second nous paraîtra plus facile.

Le bill est reconsidéré.

M. Martin—Je présume que l'objet qu'on a en vue en reconsidérant le bill est de l'amender de manière à détruire les objections qu'on y oppose. Dans ce but,

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Je proposerai de renvoyer le bill au comité afin qu'il y introduise ces amendements.

MESSAGE A LA CHAMBRE.

M. J. D. Stewart, messager spécial du Sénat, informe la Chambre que le Sénat a donné son concours aux actes suivants :

Acte pour définir la manière dans laquelle les votes donnés dans toutes élections pour avocat-général, secrétaire d'Etat, trésorier d'Etat et surintendant de l'éducation publique, seront comptés et comment le résultat en sera publié.

Acte pour pourvoir à la manière de canceller les bons et hypothèques donnés par des collecteurs de taxes d'Etat

Acte pour venir au secours de Charles W. Boyce de la paroisse des Rapides.

Acte pour autoriser les personnes mariées, absentes de l'Etat, à nommer des agents dans certains cas.

Acte pour venir au secours de Henry Parish et John Moore Norman de la paroisse d'Orléans.

Et il demande le concours de la Chambre pour les actes suivants :

Acte pour autoriser les juges de district à se récuser dans certains cas.

Acte pour pourvoir au jugement des affaires dans lesquelles les juges se seront récusés.

Acte pour régler et pourvoir au paiement des dépenses de la bibliothèque de l'Etat.

Acte pour venir au secours de B. K. Stephens.

Acte pour venir au secours de W. H. Dinkgrave, collecteur de taxes de la paroisse d'Ouachita, pour les années 1849 et 1850 et de ses sécurités.

Acte pour venir au secours de E. K. S killman.

Acte pour pourvoir au transfert de toutes les affaires maintenant pendantes devant la cour suprême de cet Etat, établie en vertu de la constitution de 1845, à la cour suprême établie par la nouvelle constitution.

Acte pour incorporer la compagnie du chemin en planche de Grosse-Tête et de Bâton-Rouge.

Et il demande la signature de l'orateur pour les actes enrôlés suivants :

Acte pour autoriser Théodore Helveston et Anne Eliza Pell, sa femme, à adopter Thomas Whelan, orphelin.

Et il informe la Chambre que le président a signé l'acte enrôlé suivant :

Acte pour diviser l'Etat en districts judiciaires.

MESSAGE DE LA CHAMBRE.

M. Eastin, messager spécial de la Chambre, demande le concours du Sénat pour les actes suivants :

Acte pour autoriser le recorder dans et pour la paroisse de Carroll à nommer un député.

Acte donnant à Julien Deshautelle le droit d'avoir un bac dans la paroisse des Avoyelles.

Acte pour changer le nom de Salomon Zucker.

Résolution recommandant au gouverneur d'obtenir du secrétaire d'Etat, s'il est possible, des copies de toutes les cartes, plans, niveaux, &c.

Acte pour régler les corporations pour transmettre les avis par le télégraphe électrique.

Et il informe le Sénat que l'orateur a signé les actes enrôlés suivants :

Acte pour le paiement des commissions dûes au register et receveur du bureau des terres à Bâton-Rouge, pour ventes de terres des améliorations intérieures.

Acte pour le paiement des commissions dûes au register et receveur du bureau des terres à Bâton-Rouge pour ventes de terres marécageuses.

Acte pour venir au secours des directeurs des écoles de la paroisse De Soto.

Acte pour réduire le temps requis pour la confirmation des jugements.

M. Todd demande la reconsidération du vote donné hier sur un acte intitulé :

Acte pour amender l'article 312 du Code de Procédure.

Cette motion est adoptée.

M. Todd.—Quelle objection peut-on présenter à cet amendement ? Supposons par exemple que la cour se réunisse le lundi. Cela donne au défendant jusqu'au samedi. S'il a une réponse à faire il peut la présenter tout aussi bien le mercredi, et il n'en résulterait d'inconvénient pour personne. Voici ce qui a eu lieu sous le système actuel dans quelques paroisses de la campagne. Une affaire est jugée le lundi et le dossier est épuisé. Il ne reste rien à faire jusqu'au samedi. Le juri reste de service pendant tout ce temps. Puis se présentent d'autres affaires pour le juri et l'affaire est remise au terme suivant : C'est là un désavantage sérieux pour plusieurs districts de l'Etat. J'espère que le bill passera.

Le bill est adopté.

2ME LECTURE.

Acte pour exempter de la taxe la propriété des directeurs du bureau des publications presbytériennes à la Nouvelle-Orléans ainsi que toutes les autres institutions semblables de toute dénomination dans cet Etat.

M. Wickliffe fait la motion de déposer l'acte indéfiniment sur le bureau.

M. King.— Je m'oppose au dépôt de ce bill sur le bureau. L'institution dont il s'agit a un caractère particulier et rentre dans la catégorie des églises et autres établissements de cette espèce qui ont toujours été exemptés de la taxe. Sa charte lui défend de s'engager dans aucune affaire dans des vues de lucre. Pourquoi lui refuser cette légère faveur ? Pourquoi faire une exception à son détriment, quand nous avons exempté vingt corporations qui y avaient moins de titres que celle-ci ? Peut-être objectera-t-on au mot « Presbytérien ; » pour ma part, je n'ai aucun préjugé de secte. Comme sénateur, toutes les sectes me sont égales et ont des droits égaux. Je ne vois pas pourquoi nous baserions des distintions sur un nom. Puisque nous sommes si généreux dans quelques affaires, ne nous montrons pas parcimonieux dans celle-ci. Nous avons fait exactement la même chose dans des cas de la même nature : pour les « Odd Fellows » les « Francs-Maçons » et d'autres.

M. Palfrey—L'honorable membre dit que les églises sont exemptées de la taxe, en est-il certain ?

M. King.—Oui, monsieur.

La motion de déposer le bill sur le bureau est repoussée.

M. Mouton présente un amendement portant que la même faveur sera accordée à toutes les institutions de la même espèce, à quelque dénomination qu'elles appartiennent.

M. McCay.— J'apprends que le comité des finances a fait un rapport défavorable à ce bill. J'étais absent lorsqu'il l'a fait et je n'ai pas été consulté sur ce sujet. J'ignorais la décision du comité, avant que mon collègue ne m'en informât.

M. Clifton—J'ai prié le greffier de notifier les membres du comité qu'une assemblée devait avoir lieu ce soir-là. J'ignore si le membre de la Nouvelle-Orléans était présent ou absent, mais je me souviens qu'il y avait un quorum du comité.

L'amendement est adopté ainsi que le bill.

L'*Acte pour pourvoir au recouvrement des dommages occasionnés dans certains cas* est alors pris en considération.

M. King.—Il y a des objections sérieuses à ce bill. Le bill est plus important au fond qu'il ne le paraît. Il rendra impossible à toute compagnie ou à tout individu riche l'exploitation d'un chemin de fer ou d'un bateau à vapeur. Ce bill entreprend de faire ce qui est humainement impossible. Il nous lance dans le domaine de l'infini. Il est aisé de parler de deux ou trois cents mille piastres, mais souvent deux ou trois millions ne suffiraient pas, si pour le moindre accident on devait payer des dommages. Si l'une des personnes intéressées était pauvre et l'autre riche les dommages seraient estimés à un chiffre si exhorbitant que personne ne voudrait posséder des actions de chemins de fer ou de bateaux à vapeur. Ce serait entraver le commerce et provoquer des conséquences fatales. Je m'oppose à ce bill et j'espère que le Sénat se joindra à moi pour le rejeter.

M. Lacey.—Mon collègue est opposé au bill à cause du montant des dommages. Il doit savoir que les dommages ne sont pas réglés par le bill. C'est la cour qui décide. Que ce soit une piastre ou un million, les tribunaux décideront ce qu'il faudra payer lorsqu'un individu perdra la vie par la négligence des propriétaires ou agents d'un chemin de fer ou d'un bateau à vapeur. L'honorable membre pense que les intérêts des améliorations intérieures sont froissés par ce bill, et par conséquent il veut que les compagnies de chemins de

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fer fassent ce qu'elles veulent parce qu'en les contraignant, nous nuirions aux intérêts du commerce. Mon collègue a raison en général, mais dans ce cas il se trompe. Il ne veut pas du bill parce qu'il en résulterait des dommages par millions et parce que c'est contre l'intérêt des améliorations intérieures.

Je n'admets pas que les compagnies aient le droit de tuer autant de personnes qu'elles veulent, sans qu'elles soient tenues responsables. Ce bill est fondé sur la loi de l'Illinois et c'est à mon avis une excellente loi. La Cour Suprême a décidé que tant qu'il reste une étincelle de vie il y a droit à dommage, mais qu'en cas de mort, il n'y a pas lieu de poursuivre. Ce qui veut dire que plus les blessures sont graves, moins on recouvrera de dommages. Je pense que l'inverse devrait avoir lieu ; c'est ce que nous dicte le bon sens. Si un homme est tué, sa femme et ses enfans, qui ont le plus grand intérêt à son existence, devraient avoir le droit de poursuivre. La justice et l'équité l'exigent, mais il paraît que la Cour Suprême en a décidé autrement. Je pense donc que le bill devrait être adopté.

M. McCay—Ce sujet a été minutieusement examiné dans l'affaire de Hubseh contre la compagnie du chemin de fer de Carrollton. Il a été décidé que d'après les lois de la Louisiane, il n'y a pas lieu de poursuite quand une personne est tuée. Ce bill est identique à la loi de l'Angleterre dont la loi de l'Illinois tire son origine. Toutes les deux ont été mentionnées dans la décision de la Cour Suprême. Il n'y a pas de raisons pour qu'une famille dépendant entièrement d'un individu pour son soutien et sa protection, n'ait pas le droit de demander des dommages, pour la mort de cette personne. Il est vrai qu'il n'y a pas moyen d'estimer exactement le chiffre des dommages, mais la même difficulté existe dans d'autres affaires. Telle est la loi de l'Angleterre et de l'Illinois, j'ignore jusqu'à quel point elle est appliquée. Ce n'est pas la loi du Mississipi, parce que la décision de la Cour Suprême de cet Etat déclare qu'il n'y a pas lieu à poursuivre dans ces affaires. La cour a décidé ici que si un homme vit vingt minutes après l'accident, juste le temps nécessaire pour consulter un avocat et rédiger une pétition, le droit d'intenter une action en dommages lui est accordé, mais que si la mort est instantanée tout droit de poursuite cesse.

Plusieurs cas se présentent à la Nouvelle-Orléans, dans lesquels nous devrions avoir le droit d'intenter une action civile puisque les cours criminelles refusent de les juger.

M. King— Cette considération montre combien peu il convient de porter des procès de ce genre devant les cours. Hubseh était ingénieur du chemin de fer de Carrollton, il se fit sauter par sa propre négligence. Sa femme intenta un procès en dommages et la Cour de District lui fit recouvrer $5,000. Et sur quoi se basait la demande ? si ce n'est que la compagnie devait avoir des locomotives qui fussent à l'abri de ces accidents ? Prenons pour exemple un propriétaire de bateau à vapeur. Il n'est pas à bord. Il arrive que par un accident que l'on ne pouvait empêcher, le bateau fait explosion, toutes les femmes qui sont devenues veuves par la catastrophe reclameront et obtiendront des dommages énormes, parce que le défendeur est un homme riche. Il est clair qu'un pareil système enlèverait toute sûreté aux propriétaires de bateaux à vapeur. Dans le cas que mon collègue vient de citer, l'ingénieur s'est fait sauter. Sous l'influence de ce sentiment erroné qui égare la société, vous vous écrierez: il faut venir au secours de la veuve et vous lui donnerez une forte somme d'argent puisée dans les coffres de la compagnie, et qu'elle dépensera en toilette au lieu de pleurer son mari.

L'honorable membre dit que les tribunaux estimeront les dommages. Ils n'en feront rien, si nous ne le faisons pas. La Législature romaine sur laquelle la nôtre est basée, disait que la vie d'un homme ne pouvait pas être estimée. La loi de Moïse, qui est d'origine divine, dit : Vie pour vie. C'est la loi qui a été proclamée du haut du Mont Sinaï. Telle a été la loi jusqu'à ce que la cupidité des veuves éplorées ait fait estimer la vie de leurs maris en piastres et cents. Ceux qui ont causé la mort doivent être punis s'ils sont reconnus coupables. S'il y a préméditation, c'est un meurtre ; si c'est par négligence, c'est un homicide. Ce sont des crimes que les lois criminelles punissent. Mais je ne veux pas faire de tort au commerce pour rétribuer les veuves d'après la valeur qu'elles donnent à l'existence de leurs maris.

M. Short.—Je n'ai qu'un mot à dire. Le sénateur de la Nouvelle-Orléans se trompe. Il paraît croire que si le bill est adopté, les ingénieurs prendront à tâche de se faire sauter pour le profit de leur famille. Il sait cependant que dans ce cas il n'y aurait pas lieu à recouvrer des dommages. L'intention du bill est de pourvoir à ce qu'une action puisse être intentée contre les propriétaires ou les agents de bateaux à vapeur ou de chemin de fer, qui par leur négligence auraient occasionné la mort d'un individu. Il est plus probable qu'une personne sera tuée par la négligence des autres que par sa propre volonté. Pourquoi ne leur accorderions-nous pas le droit de demander des dommages ?

Quand une personne est tuée n'est-il pas évident que sa famille perd le profit de son travail et de ses talents. Elle y est directement intéressée et son soutien dépend entièrement de lui. Il faut donc qu'elle ait le droit d'intenter un procès. Je ne vois pas qu'il faille faire une distinction entre l'homme qui est mutilé et celui qui est tué. Dans le premier cas il a droit à une action, dans le second on la lui refuse, comme si le plus grand de ces deux malheurs avait des conséquences moins fatales que le moindre. J'espère que le bill sera appuyé.

Le bill est adopté.

MERCREDI, 13 avril.

Banque de l'Etat de la Louisiane

M. Clifton soumet la lettre et l'exposé suivants du caissier de la Banque de l'Etat de la Louisiane. Ces pièces sont lues, et sur motion de M. Clifton, le Sénat ordonne qu'il en soit imprimé cinq cents exemplaires.

BANQUE DE L'ETAT DE LA LOUISIANE.

Nouvelle-Orléans, 9 avril 1853.

A l'honorable Sénat et à la Chambre des Représentants de l'Etat de la Louisiane.

Messieurs,

Dans l'exposé transmis au comité conjoint des banques et maisons de banque, il s'est glissé une erreur involontaire de $200,000, qui diminue d'autant la masse active de cette banque. Cette erreur provient de ce que nous avons omis dans l'exposé de la situation de la branche à Bâton-Rouge, le montant dû à cette branche par la mère banque ; c'est une erreur commise par un employé, et dont il est facile de s'apercevoir en se référant à l'exposé général de la banque et de ses branches, que j'ai fourni au comité.

J'ai l'honneur de vous transmettre ci-inclus un exposé exact en place de celui qui contient cette erreur, et je demande respectueusement qu'il lui soit substitué.

Je suis avec respect,
Votre obéissant serviteur,
Signé RICHARD RELF, Caissier.

Exposé de la situation de la Branche de la Banque de l'Etat de la Louisiane, à Baton-Rouge, le 12 fevrier 1853.

Capital		$100,000,00
CAPITAL IMMOBILE :		
Prêts sur sécurité personnelle	6,828 00	
Prêts sur hypothèques à longue échéance	124,945 06	
Effets protestés	6,606 00	137,879 06
MOUVEMENT : Obligations comptantes.		
Dépôts payables sur demande	635,779 22	
Bons des branches.	106,650 00	742,429 22
VALEURS COMPTANTES		
Espèces	41,895 54	
Billets de la Banque de l'Etat de la Louisiane	39,755 00	
Billets payables à 90 jours	314,896 33	
Balance due par la Banque de l'Etat de la Louisiane	314,002 95	710 589 82

Signé RICHARD RELF, Caissier.

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M. Clifton—Le rapport du comité paraît correct. Il est basé sur les données publiées par la Banque elle même, et le comité n'est pas responsable de cette erreur. Je demande que cinq cents exemplaires de la lettre soient imprimés pour la justification du comité.

M. Wickliffe, du comité de l'éducation publique, présente le rapport suivant :

A l'honorable W. W. Farmer, Lieutenant-Gouverneur et Président du Sénat.

Le comité de l'éducation publique auquel avait été référée la pétition signée par de nombreux bons citoyens de la ville de la Nouvelle-Orléans, demandant une distribution plus égale des sommes d'argent sagement appropriées par l'Etat de la Louisiane au support des écoles publiques gratuites, et montrant les difficultés qui naissent de la manière actuelle de distribuer les fonds provenant de la taxe et consacrés aux écoles publiques, demande la permission de rapporter —qu'ils ont soigneusement examiné la dite petition, avec le désir de faire droit à la prière des dits pétitionnaires, si cela pouvait se faire sans porter préjudice à la cause de l'éducation publique, et après un examen attentif de ce sujet, le comité conclut qu'il ne peut voir aucune bonne raison pour que la ville de la Nouvelle-Orléans ne soit pas divisée en districts scolaires; pourquoi les votans qualifiés de ces districts n'auraient pas le droit d'élire les directeurs des écoles,—pourquoi les directeurs des écoles n'auraient pas les pouvoirs que la loi accorde aux directeurs des écoles dans tout l'Etat de la Louisiane, au lieu d'en investir, comme le fait la loi actuelle, le Conseil municipal de la ville de la Nouvelle-Orléans ; en un mot, pourquoi le système qui a satisfait les paroisses de la campagne ne serait pas adopté pour la ville de la Nouvelle-Orléans.

C'est pourquoi le comité présente l'acte suivant à l'examen favorable du Sénat et lui renvoie la dite pétition.

Respectueusement, &c.,

Signé ROBERT C. WICKLIFFE,
Président.

Acte pour diviser la ville de la Nouvelle-Orléans en districts scolaires.

M. Martin demande la prise en considération d'un acte intitulé :

Acte pour pourvoir à la vacation des emplois qui sont occupés contrairement à l'article 122 de la Constitution.

M. Mouton—Ne serait-il pas possible de rédiger le bill de manière à ce qu'il empêchât les shérifs de vendre des propriétés saisies par arrêt de la Cour ? Je présente un amendement dans ce sens.

M. King—L'objet principal du sénateur de la paroisse Assomption est, si je ne me trompe, d'empêcher que les greffiers des Cours n'agissent comme encanteurs.

M Martin—J'ai dit les greffiers principalement; mais je voudrais que le bill s'appliquât à tout le monde.

M. King.—Il est superflu de passer une loi pour un cas auquel la Constitution elle-même pourvoit. Je me proposais de voter pour le bill tel que je l'avais compris d'abord. Il ne me semble pas convenable de rétribuer les services d'un greffier et de lui permettre ensuite d'agir comme encanteur en vendant des propriétés. Mais l'erreur de l'honorable membre est de croire qu'un encanteur patenté soit un fonctionnaire de l'Etat. Il y a des personnes qui ont une patente pour vendre des épiceries, d'autres pour vendre des liqueurs, mais personne ne prétend qu'elles soient des fonctionnaires de l'Etat. Je ne consentirai pas à voter en faveur d'un bill qui occasionnerait des inconvénients dans plusieurs parties de l'Etat.

M Martin.—L'argument que mon collègue met en avant m'étonne. Il veut nous faire croire qu'un épicier est un fonctionnaire de l'Etat. Il n'en est pas ainsi. Leur patente n'est qu'un reçu de taxe sous une autre forme. Ce bill est dirigé contre ceux qui acceptent plus d'un emploi de l'Etat, excepté celui de juge de paix. Je désire prévenir le cumul des places. Voilà ce que j'ai en vue. J'approuve l'amendement du senateur de Lafayette (M. Mouton). Je ne veux pas gêner les sheriffs dans l'exercice de leurs fonctions, mais faire mettre à oxécution l'article 122 de la Constitution. Il n'y a pas de clause touchant la vacation des places dans cet article. Il est necessaire qu'il y en ait une, quoique le sénateur de la Nouvelle-Orleans [M. King] dise que c'est une mesure superflue.

M. Rivers.—Je citerai à l'honorable membre l'exemple d'un cas analogue dans le Mississippi. La Constitution de cet Etat défend d'introduire des esclaves pour les y vendre, mais comme cet article n'a pas été mis en force par un acte législrtif pour en punir la violation, il est resté sans effet.

M. King.—Je suis très bien informé sur cette question. La Constitution déclarait que la Législature passerait une loi sur ce sujet, et cette dernière a négligé de le faire

M Rivers.—Ici non plus, il n'y a pas de pénalité pour la violation de l'article 122 de notre Constitution.

M. King.—La pénalité est l'incapacité de remplir deux emplois à la fois. Quand un homme en accepte un, il se démet virtuellement de celui qu'il pouvait occuper précédemment. C'est ce que nous dit la loi. Je désire présenter un amendement qui, je le crois, répondra à toutes les exigences. Nous ne devons pas faire des lois contre des abus dont on ne se plaint pas. Je ne voterai par pour un bill qui aura de grands inconvénients dans quelques paroisses de la campagne où la place de greffier rapporte si peu de chose, que sans ce privilége, ils ne gagneraient pas de quoi subvenir à leurs besoins.

M. King présente le suivant comme substitut.

Il est decrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane, réunis en assemblée générale :

Qu'aucun greffier ou deputé greffier n'agira comme encanteur dans les ventes qui seront ordonnées par la cour de laquelle il est greffier ou député-greffier, ou qui auront rapport de quelque manière que ce soit avec ses devoirs de greffier ou de député-greffier.

M. Todd introduit le suivant comme proviso à l'amendement de M. King.

Pourvu que les lois relatives aux greffiers n'empêchent pas leurs députés de vendre à l'enchère publique, les propriétés des successions qu'ils sont par la loi autorisés à administrer.

Le substitut et le proviso sont adoptés.

L'acte suivant est pris en considération :

Acte pour mettre en force d'une manière plus efficace un acte intitulé :

Acte pour le progrès de l'éducation médicale dans l'Etat de la Louisiane.

M. Short.—Je propose un proviso portant que le collége médical continuera à instruire gratuitement un étudiant de chaque paroisse de l'Etat. Je crois que le temps pour lequel l'arrangement avait été conclu est écoulé.

M. Wickliffe—Quant il s'agira de la passation du bill, je dirai quelques mots sur ce sujet. Le Collége Médical demanda l'annee passée à la Législature une somme de $5,000 qui, après discussion, lui fut refusée. Je suppose que c'est à cause du refus de l'année passée, qu'il en demande mille de plus maintenant. Je crois que le College n'a aucun droit à cette donation. Je désire que le bill soit renvoyé au comité des réclamations.

M. McCay—L'honorable membre dit que le Collége n'a aucun droit et cependant il propose de renvoyer le bill au comité des réclamations. Il admet donc l'incompétence de ce comité. Je suis opposé à un nouvel ajournement du bill. Nous en connaissons tous l'importance et nous savons qu'il ne souffre pas de délai. La majorité du comite des finances a fait un rapport favorable à ce bill : le président seul y était opposé. Voici en peu de mots l'histoire de la question : La Législature appropria vingt-cinq mille piastres à l'achat d'un Musée Anatomique et d'une collection complète d'instruments pour le Collége Médical. Une personne fut envoyée en Europe pour acheter ces objets. Elle réussit à acheter à un prix très modique un exemplaire du célèbre cabinet anatomique de Florence. Cependant il y eut un déficit à cause des frais de transport et autres dépenses nécessaires. C'est pour combler ce déficit que le Collége demande une appropriation à l'Etat. Les dépenses etaient nécessaires et on ne pouvait s'en dispenser même avec la plus stricte économie. Le Collége Médical a depuis dix ans, reçu et instruit des étudiants pauvres dans chaque paroisse de l'Etat; sous ce rapport il a fidèlement rempli ses engagements. Il ne s'est

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même pas borné à recevoir un seul élève de chaque paroisse, il y en a qui en ont envoyé jusqu'à trois et quatre. La nécessité de cette appropriation est évidente, pour peu qu'on se donne la peine d'examiner la question. Les avantages qui resulteront de l'acquisition d'un cabinet complet tel que celui que nous possédons, sont incalculables. Ce sera un honneur pour l'Etat, et il aidera puissamment les élèves à acquérir une connaissance parfaite de leur profession.

M. Wickliffe—Quel était l'objet de l'acte de la Législature dont parle l'honorable membre ? L'acte dit: Pour le progrès de l'éducation médicale dans l'Etat de la Louisiane. Cela veut-il dire : Pour l'achat de figures en cire pour l'amusement des élèves et des professeurs ? Comme si la grande ville de la Nouvelle-Orléans n'offrait pas des cas pratiques de toutes les maladies possibles. Mais il faut que les professeurs aient une quantité de poupées en cire pour les montrer aux élèves et leur faire voir des choses que des sujets humains démontreraient beaucoup mieux. Je voudrais bien savoir combien cet établissement a déjà reçu de l'Etat. $25,000 en argent comptant, les terrains, les bâtiments ; et maintenant il demande $6,000 de plus pour payer ces figures en cire, tandis qu'il y a à la Nouvelle-Orléans de meilleurs sujets vivants qui, pour toute démonstration pratique, sont infiniment préférables à toutes les poupées de cire du monde. Si le but du bill est comme l'indique le titre «pour mettre en force les provisions de l'acte de 1850,» qu'il soit envoyé au comité des reclamations ; que le comité fasse un rapport sur les sommes que cet établissement a déjà reçues et sur celle à laquelle il a encore droit. Je desirerais aussi savoir pourquoi la demande a été augmentée de $1,000 depuis l'année passée.

M. McCay—Parcequ'il a été démontré que le surcroît des dépenses de transports s'élevait à ce chiffre.

Le bill est adopté avec quelques amendements.

L'acte pour pourvoir à l'enregistrement des votants de la ville de la Nouvelle-Orléans est pris en considération.

M. King—Je propose de référer le bill à un comité spécial.

M. Martin—Si l'honorable membre désire des renseignements, qu'il fasse lire le bill. Le bill a été déjà soumis à un comité. Il est fort important et la Constitution exige que nous le passions pendant la présente session.

M. King—J'espère qu'on ne passera pas ce bill à la hâte. Il n'intéresse que la Nouvelle-Orléans et personne de nous ne l'a encore ni vu ni lu.

La discussion du bill est remise.

L'acte pour venir au secours de ceux qui ont acheté de l'Etat de la Louisiane des terres d'une manière irrégulière est pris en considération.

M. Martin—Je ne puis pas voter en faveur de ce bill. Je faisais partie du comité nommé l'année dernière pour examiner cette affaire. Une des personnes qui demandaient du secours était un juge de district qui certainement ne devait pas ignorer la loi et se laisser tromper par un homme tel que Loucks. Je veux parler du juge Selby. C'est lui qui a porté toute cette affaire devant la Legislature.

M. Wickliffe—Ces personnes croyaient en payant leur argent, recevoir une valeur réelle. Si l'Etat n'a pas reçu l'argent, la faute en est à l'Etat.

M. Martin—Je ne vois pas comment la faute pouvait en être à l'Etat. La loi règle le mode de veate des terres publiques et on doit en être informé. S'ils ont assez de confiance dans le régistraire pour déposer de l'argent entre ses mains et qu'il soit assez malhonnête pour le garder, il faut qu'ils en subissent les conséquences.

M. Wickliffe—Si l'Etat a un mauvais fonctionnaire c'est sa faute autant que son malheur.

M. Short—Il est vrai que l'Etat n'est pas légalement responsable pour cet argent. Mais quand l'Etat nomme un fonctionnaire, ce choix fait présumer que c'est un honnête homme. Si donc, dans l'exercice de ses fonctions publiques il trompe quelqu'un, l'Etat est, sinon légalement, au moins moralement responsable de ses actions. Si nous érigons cette idée en principe, les hauts fonctionnaires deviendront plus circonspects dans leurs nominations. Le comite recommandait en principe de payer ces sommes, quoiqu'il ne voulût pas aller aussi loin que la chambre qui voulait que les titres prissent date du jour où l'argent avait été payé. L'Etat doit se montrer juste dans cette affaire. Quand à M. Loucks, le register, il a touché le produit de 1002 acres de terre. Il a vendu son honneur à bien bas prix. Je connais le juge auquel le sénateur d'Assomption [M. Martin,] fait allusion. Je le connais depuis nombre d'années. Il est aussi susceptible d'être trompé quand il a autant confiance quetout autre, mais pas davantage. C'est un homme d'intelligence et de talent, et le fait d'avoir été trompé par M. Loucks, n'est pas une preuve du contraire.

M. Martin.—Nous punissons les criminels quand bien même ils ignoreraient l'existence de la loi qui les condamne, pourquoi excepterions-nous de l'application de ce principe général un individu qui soutient des dommages par suite de son ignorance de la loi ? D'après la loi qui régit la vente des terres, le prix doit en être versé entre les mains du Trésorier. L'Auditeur en donne un reçu, et alors les titres sont remis. Ces formalités sont necessaires pour prévenir la fraude. Dans le cas dont il s'agit, ces formalités n'ont pas été remplies. L'argent a été payé à Loucks qui se l'est approprié. Je ne vois pas pourquoi l'Etat serait victime de l'ignorance d'un individu et de la mauvaise foi d'un autre. C'est un précédent que je ne veux pas établir.

La discussion du bill est ajournée.

BANQUE DES ARTISANS ET DES MARCHANDS.

M Martin.—Je voudrais savoir quand le comité des Banques et Maisons de Banque compte présenter son rapport sur le bill de la Banque des Artisans et des Marchands.

M. Palfrey.—Le comité a tenu une séance ce matin, mais le Psesident ne lui a pas soumis ce bill.

Le bill pour permettre aux avocats des autres Etats de plaider devant les Cours de cet Etat, est pris en considération.

M. Short.—S'il y a des objections contre ce bill, je serais bien aise de les connaître. Pour ma part, je désire qu'il soit adopté. L'état actuel des choses donne lieu à de grandes difficultés. Quant à moi, je n'ai jamais plaidé devant aucune Cour, sans avoir préalablement obtenu l'autorisation requise par les lois existantes. Mais je ne pense pas que cela doive être exigé. J'ai toujours eté d'opinion que lorsqu'un avocat a un diplôme qui lui permet de plaider à la Cour Suprême d'un autre Etat ou devant les Cours Fédérales, le même droit devrait lui être accordé dans tous les autres Etats. Le simple fait qu'un homme est autorisé à professer le droit, n'est pas une preuve qu'il possède une capacité supérieure dans sa profession. On a dit que comme la Louisiane est le seul Etat qui ait une loi civile, nous devrions obliger toute personne qui veut y professer le droit, même les avocats des autres Etats, à suivre un cours d'études et à obtenir un diplôme en règle ici. Mais, voudriez-vous y forcer un homme qui aurait professé le droit pendant trente ans? Voudriez-vous le soumettre à cette épreuve et à ces délais, avant de lui permettre d'exercer sa profession ? Le code civil est-il donc une chose si ardue qu'il faille faire passer un examen aux avocats à la Nouvelle-Orleans avant qu'il leur soit permis d'y pratiquer? Je me rappelle avoir subi cette épreuve, immédiatement après l'examen d'un jurisconsulte qui occupe maintenant une position élevée dans l'Etat voisin, de Mississipi. Néanmoins, il fut rejeté, et je croyais que si un homme aussi instruit et aussi distingué que lui échouait, je ne pouvais pas espérer un résultat plus heureux. Cependant, je me livrai à l'étude avec ardeur. Je lus Domat, le Code Civil, Justinien et une foule d'autres livres, entr'autres le chapitre 44 de Gibbon, afin de savoir qui a compilé les livres de Justinien et d'apprendre l'Histoire de Tribonien. Je savais que si j'ignorais qui était la femme de Tribonien et combien d'enfants il a eu, je serais infailliblement rejeté. Je soutiens que si un avocat n'est pas compétent, il ne trouvera pas de clientèle. Il l'acquiert par un jugement sûr et la confiance qu'on a dans sa capacité.

Emploierons-nous un homme à conduire un bateau à vapeur parcequ'il a un certificat de bonne vue ? Non, nous l'employons parceque nous savons qu'il a de l'expérience. Je voudrais voir ces restrictions abolies et nos Cours ouvertes aux avocats des autres Etats. Je ne veux pas qu'un comité puisse déclarer qu'un homme n'est pas avocat parcequ'il ne sait pas qui étaient la femme et les enfants de Tribonien.

M Derbès.—Il y a contre ce bill une objection qui

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est passée inaperçue. Nous avons dans notre Université une Faculté de Droit que ce bill rendra entièrement inutile. Ceux qui voudront s'épargner le travail et les dépenses qu'entraînent les études universitaires ou éviter les difficultés qu'offre l'examen, iront dans quelqu'autre Etat, où il y ait à peine quelques formalités à remplir et s'y procureront un diplôme

M. Todd.—Je m'oppose au bill. Un avocat peut avoir pratiqué pendant vingt ans dans un autre Etat, et cependant,n'être pas en etat d'exercer sa profession dans la Louisiane, où le Code Civil est en vigueur. Le public n'est pas à même de distinguer un avocat d'un autre Etat, et souvent il emploierait, à son grand détriment, un homme ignorant et incapable. L'épreuve qu'il faut passer maintenant porte à l'étude, et elle est au moins la garantie d'une certaine somme de connaissances légales. Le bill favoriserait l'empirisme et le charlatanisme et serait nuisible aux intérêts du public.

M. Wickliffe.—Je voterai pour ce bill avec plaisir, et je le ferai pour les mêmes raisons qui m'ont fait voter pour le bill qui dispense les médecins d'avoir un diplôme. Je ne pense pas que, parce que cet Etat est le seul où le code civil est en vigueur, il doive seule faire exception à la règle de courtoisie qui est adoptée par tous les autres Etats. Quelle nécessité y a-t-il pour le système actuel ? En sommes nous arrivés au point que les membres du barreau de la Louisiane ont besoin de protection contre la concurrence des avocats des autres Etats ? Je prétends que la loi actuelle n'est basée sur aucune raison solide. Nous imaginons-nous que si nous passons ce bill, les avocats des autres Etats fondront sur nous comme une bande de loups sauvages et qu'ils détruiront la loi civile ? Je voudrais entendre un bon argument contre le bill

M. Lewis.—Un bon argument est que ce bill permettrait à des hommes qui ont dû quitter notre barreau, de revenir dans la Louisiane et d'y pratiquer le droit.

M. McCay.—Comme c'est moi qui ai présenté le bill, je voudrais dire quelques mots pour sa defense. Tous les autres Etats de l'Union, à deux exceptions près, admettent un avocat à plaider, pourvu qu'il présente une autorisation de la Cour Suprême de l'Etat auquel il appartient. La simple politesse et une juste réciprocité nous dictent de traiter les autres avec la courtoisie dont ils font preuve à notre égard. L'argument mis en avant par quelques membres, que les Cours suprêmes des autres Etats et celles des Etats-Unis ne sont pas compétentes pour décider si un homme est capable de professer le droit, me paraît un peu fort. Ils disent qu'il faut qu'il soit examiné par un comité. Eh bien, messieurs, ces examens sont une duperie insigne Je n'ignore pas que le comité est composé des hommes les plus distingués de l'Etat, mais je sais aussi que quelquefois de bons avocats sont rejetés et des ignorants admis. J'ai vu quelques uns de mes amis, qui avait fait des études consciencieuses et qui connaissaient bien les lois, essuyer un échec et se voir refuser un diplôme, tandis qu'un homme qui n'avait étudié que pendant quelques mois, sortait triomphant de l'épreuve. Si le but que nous nous proposons est, que tous ceux qui passent soient capables, ce n'est pas au comité que nous pouvons nous en rapporter. Je fus moi-même examiné par ce comité et je fus principalement redevable de mon succès, à l'opinion favorable d'un des membres du comité, avec qui j'avais étudié. J'avoue que j'etais alors fort peu versé dans le droit et cependant je passai un examen brillant. Je présume qu'un examen a pour but d'obtenir des avocats capables et instruits ; reste à savoir si ce moyen conduit à ce résultat plus sûrement qu'aucun autre. Je voudais même aller plus loin que ce bill, je voudrais suivre l'exemple de New-York, et ouvrir la carrière du droit à tous ceux qui veulent y entrer.

M. Lewis.—Je demanderai à l'honorable sénateur si le bill contient une clause contre les avocats étrangers qui seraient admis à plaider dans d'autres Etats.

M. McCay.—De quelques pays que vienne un homme, sous quelque soleil qu'il ait vu le jour, je l'admettrais pourvu qu'il possédât les qualités requises.

M. Nicholls présente un substitut permettant à chacun d'exercer la jurisprudence.

M. King.—Je supposais bien qu'on en viendrait là, à la fin. La question a déjà ete débattue et je ne veux pas l'approfondir. Je crois que le système actuel est nécessaire a la protection des gens sans expérience. C'est pour les mettre à l'abri de l'imposture qu'il faut que les procureurs aient un diplôme. J'admets que si le droit coutumier était admis dans tous les Etats, le certificats des juges de ces Etat serait une garantie suffisante ici. Je consentirais alors à ce qu'une veuve sans secours remette ses intérêts entre les mains d'un avocat d'un autre Etat, porteur d'une lettre de recommandation d'un juge qui garantit sa capacité. Mais maintenant, elle serait victime de l'injustice et de la rapacité. Je suis d'avis que les médecins aussi devraient avoir un diplôme, parce qu'une même responsabilité pèse sur eux et sur ceux qui se présentent devant les cours pour défendre les droits d'autrui. Si nous abolissons toutes les formalités, le public deviendra la proie des fraudes les plus grossières. Dire que parce qu'un avocat est en état de professer le droit dans le Mississipi, il doit être à même de le faire ici, est absurde. Le fait que le gouverneur du Mississippi n'a pu se faire admettre, prouve simplement qu'il a eu du malheur. L'exemple du bateau à vapeur n'est pas plus heureusement choisi Supposez qu'un pilote connaisse la rivière Hudson depuis sa source jusqu'à son embouchure, celà prouve-t-il qu'il serait capable de guider un bateau à vapeur à travers les bancs de sable et les chicots du Mississippi. Le fait qu'un homme comprend le droit coutumier ne prouve pas qu'il connaisse le droit civil. Les connaissances requises ailleurs ne sont les mêmes que celles qui sont exigées ici. Quant à l'examen dont on a parlé, il ne peut pas effrayer un homme capable; s'il est capable, il le passera.

M. McCay—La possession d'un diplôme est-elle une preuve de capacité ?

M. King—Je ne soutiens pas qu'il en soit toujours ainsi, mais c'est la meilleure que nous puissions avoir. Il va sans dire que ce n'est pas toujours une garantie certaine, puisque l'honorable membre dit qu'il a été admis quand il eût dû être rejeté. La question de courtoisie ne peut pas s'appliquer à nous. Les autres Etats suivent le droit coutumier et nous sommes regis par le droit civil. En franchissant la frontière, on trouve un système totalement différent. Nos lois ressemblent beaucoup à celles de la France. Devons-nous admettre à les professer, ceux qui les ignorent entièrement ? S'il en est ainsi, pourquoi nous borner à recevoir des citoyens des Etats Unis ? Pourquoi ne pas admettre des Chinois et des Tartares?

M. King—L'honorable membre croit-il que tout le monde a assez de perspicacité pour n'être jamais trompé ? Je suis, autant que qui que ce soit, ami du progrès, mais pas de cette espèce de progrès qui ressemble beaucoup à celui de l'écrevisse. Toutes les figures de rhétorique possibles ne parviendront pas à changer les faits.

M. Martin—L'honorable membre appartient au parti de la liberté du commerce et de la concurrence. Il est en faveur de l'admission du sucre étranger qui fait concurrence à mon sucre, à la production duquel j'applique toute mon intelligence. Il faut avoir autant d'intelligence pour produire du sucre que pour être avocat, et je suis en faveur de la liberté du commerce du droit, aussi bien que pour la liberté du commerce du sucre.

M. Short—Le sénateur de la Nouvelle-Orléans a parlé de figures de rhétorique. Peut-être le temps viendra-t-il où ces explications tirées de la rhétorique seront mises au ban de cette respectable assemblée; mais maintenant, je demande de nouveau pourquoi nous employons tel ou tel pilote ? C'est parce que nous savons qu'il est capable; parce qu'il a conduit son bateau à bon port par mainte nuit couverte d'un épais brouillard. Pourquoi beaucoup d'affaires sont-elles confiées à l'honorable membre de la Nouvelle-Orléans ? C'est parce qu'il a conduit à bonne fin maint procès couvert d'un épais brouillard. Quand un pilote demande une place, on l'interroge sur son expérience; s'il n'en a pas, on ne veut pas de lui; il pourrait faire côte au Tournant-du-Diable, ou échouer le bateau sur un banc de sable. Il en est de même des avocats: S'ils ne sont pas reconnus capables, ils ne se font pas de clientèle. J'ai connu dans ma jeunesse un jeune homme d'une rare intelligence et d'une solide instruction, qui étudiait le droit. Il se présenta devant un comité dont faisait partie un vieil homme de chicane, dont les idées ne s'élevaient pas au-dessus d'un cas d'assaut et batterie ou de vol. On l'interrogea sur Turner, sur Remainders et puis sur

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les cas de Shelley. Peut-être ne se rappelait-il pas tout ce que contiennent ces ouvrages érudits; en tout cas il fut rejeté. Un nouvel examen eût le même résultat; mais il était aussi pauvre et fier qu'il était rempli de talent. Il fit un troisième effort et il fut admis. A son premier procès il se trouva avec le vieux chicaneur qui avait fait tout son possible pour l'empêcher de réussir, et la présence d'un homme si profond fit sur lui une telle impression, qu'il lui fut impossible de faire un discours digne de lui. Six mois après il se trouva de nouveau face à face avec son ennemi, mais il avait acquis de l'expérience depuis leur première rencontre, et il obtint un triomphe complet. Se retournant alors vers son adversaire, il s'écria: Est-il possible qu'un homme comme vous m'ait fait peur pendant si longtemps? J'ai vu plus de talent, éloigné du barreau par le système actuel, que n'en couvre tout le parchemin auquel vous semblez attacher tant de prix.

Sur motion de M. Dupré, toute l'affaire est déposée sur le bureau.

JEUDI, 14 avril.

ORDRE SPECIAL DU JOUR.

ACTE POUR L'ENREGISTREMENT DE LA PREUVE DES HYPOTHÈQUES, &C.

Le comité judiciaire rapporte le bill sur l'enregistrement des hypothèques sans amendements.

M. Nicholls.—J'ignorais que ce fût l'intention de la majorité du comité de présenter un rapport par écrit aujourd'hui. Le comité a eu une conférence hier, et les opinions étaient tellement partagées qu'il a été impossible d'arriver à une décision. Je m'étonne que le bill soit maintenant renvoyé, avec l'approbation du comité. Je croyais qu'il devait être renvoyé avec avis que le comité n'avait pu parvenir à s'entendre.

M. Lacey.—Le rapport renvoie simplement le bill au Sénat. La majorité du comité n'a pas voulu l'amender parce que le comité judiciaire l'a examiné avec un soin tout particulier; il a purement et simplement renvoyé le bill au Sénat. Comme ledit le sénateur, les différences d'opinion dans le sein du comité étaient trop tranchées pour qu'il fût possible d'arriver à une conclusion.

M. Nicholls.—N'eût-il pas suffi que le comité annonçât simplement ce fait? Il était inutile qu'il se donnât tant de peine pour défendre le bill.

M. Lacey.—Si l'honorable membre avait lu le rapport il n'y aurait trouvé aucun argument, ni pour, ni contre le bill. Il ne fait que donner respectueusement les raisons pour lesquelles le bill est renvoyé sans amendements.

Le bill, dont suit le texte, est pris en considération pour la seconde lecture.

Acte pour pourvoir à l'enregistrement de la preuve des hypothèques en faveur des mineurs et des femmes mariées.

Sec. 1 Il est décrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane, reunis en assemblée générale;

Qu'à partir du 1er janvier 1854, aucune hypothèque n'existera contre une troisième personne agissant de bonne foi, à moins que l'acte, la nomination, le reçu ou tout autre document par écrit, donnant naissance à une hypothèque, ne soit dûment enregistré. Cet enregistrement sera fait dans le but de peser sur les propriétés foncières et les esclaves dans la paroisse où ladite propriété est située et, sur d'autres esclaves dans la paroisse où le débiteur a son domicile ou sa résidence ordinaire.

Sect. 2. Qu'il sera du devoir du notaire public, ou de l'officier exerçant les fonctions de notaire public, de faire enregistrer dans le bureau du recorder des hypothèques de la paroisse dans laquelle les personnes intéressées demeurent, et contre lesquelles l'hypothèque créée existe, tout acte passé par devant lui, dans lequel, en vertu des lois existantes de l'Etat, une hypothèque légale est donnée en faveur de la femme sur la propriété du mari; soit que l'acte soit un contrat de mariage ou tout autre acte qui existera pour montrer les sommes d'argent ou toute autre propriété que la femme a apportées en dot au temps de son mariage; ou les reçus ou autres actes servant à montrer le montant de l'argent ou toute autre propriété reçue par elle, ou par son mari pour son compte durant le mariage.

Sect. 3. Il est de plus décrété, &c., Que toutes les fois que des femmes mariées auront des droits à une propriété ou à une somme d'argent par héritage ou par testament, il sera du devoir des exécuteurs, curateurs ou administrateurs, par l'entremise desquels la propriété ou l'argent sera reçu de prendre du mari un reçu authentique de l'argent ou de la propriété, lequel sera enregistré comme hypothèque contre le mari dans la paroisse où il demeure s'il demeure dans cet Etat; mais la propriété ou l'argent ne sera pas délivré au mari jusqu'à ce qu'il prête serment que ledit reçu a été enregistré dans la paroisse où il demeure, et toute autre paroisse de l'Etat dans laquelle il aura des propriétés immobilières. Pourvu que cette section ne s'applique pas au cas où la femme est séparée de biens de son mari, et administre elle-même ses propriétés; pourvu, de plus, que ledit reçu ne soit pas une preuve que ledit mari ait reçu ladite propriété ou ledit argent, à moins que ledit reçu ne soit endossé, payé par la personne recevant le paiement ou la délivrance, lequel endossement devra être daté subséquemment à l'enregistrement.

Sect. 4. Il est de plus décrété, &c., Que toutes les fois qu'un tuteur de mineurs, ou un curateur d'absent ou de personne interdite, sera nommé par le juge ou toute autre personne ayant droit de nommer des tuteurs et des curateurs, le greffier de la cour devra délivrer à la personne ainsi nommée ou à son agent, ou avocat, une copie de la nomination, pour qu'elle soit enregistrée au bureau du recorder des hypothèques, conformément à cet acte, et les lettres de tutelle et de curatelle ne seront pas données jusqu'à ce que ledit ordre ait été enregistré, et que la personne nommée tuteur ou curateur n'ait prêté et signé le serment suivant:

Je [A B] tuteur de l'enfant [ou des enfants] nommé —ou curateur de————absent ou de————interdit, selon cas, jure solennellement (ou affirme si la personne a des scrupules de conscience de faire un serment) que j'ai fait enregistrer ma nomination dans le bureau du recorder des hypothèques de la paroisse dans laquelle je demeure, et de toutes les paroisses où j'ai des propriétés immobilières.

Lequel serment sera enregistré par le greffier dans son bureau.

Rien dans cet acte n'empêchera les tuteurs de donner une hypothèque spéciale en place de l'hypothèque générale en faveur des mineurs dans la manière prescrite par la loi; mais dans tous les cas semblables, chaque tuteur, avant d'entrer dans l'exercice de ses fonctions, à la place de la dernière clause de l'affidavit ci-dessus, devra prêter serment que l'hypothèque spéciale a été enregistrée dans la paroisse ou les paroisses, selon le cas, dans cet Etat où est située la propriété ainsi spécialement hypothéquée.

Sect 5. Il est de plus décrété, &c.; Que toutes les tutelles, curatelles d'absents, et de personnes interdites, maintenant existantes dans l'Etat, expireront le 1er juillet prochain, à moins que dans l'intervalle, tout dit officier ne fasse enrégistrer les lettres de tutelle ou de curatelle qui lui auront été premièrement données, ou les copies desdites lettres, ou un certificat du greffier montrant la date de sa nomination, dans la manière prescrite dans la section précédente de cet acte, pour l'enrégistrement des nominations, et aura prêté le serment exigé, lequel serment sera enrégistré comme il est prescrit ci-dessus. Lesdites lettres quand elles seront enregistrées, seront la preuve de l'existence d'une hypothèque à partir de la date de la nomination première dudit tuteur ou curateur. Si un tuteur remplit ce devoir, en donnant une hypothèque spéciale, dans la manière prescrite par la loi, en place de l'hypothèque générale sur ses biens, ledit tuteur continuera à agir comme tel, après avoir prêté serment, dans l'intervalle du temps ci-dessus prescrit, que ladite hypothèque spéciale a été enrégistrée de la manière prescrite dans la section précédente, pour l'enrégistrement des hypothèques spéciales.

Sect. 6. Il est de plus décrété; &c.; Que le premier de juillet ci-dessus mentionné, il sera du devoir de tous greffiers dans cet Etat, (les greffiers de la Cour Suprême exceptés) dans les bureaux desquels les documents des nominations des tuteurs et curateurs de personnes interdites ou absentes seront gardés, de faire un examen exact des dits documents, et dix jours après ledit 1er de juillet ils devront faire une liste exacte de toutes lesdites tutelles ou curatelles que les

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dits régistres prouveront exister encore ; laquelle liste désignera les noms des mineurs et des personnes nommées tuteurs ou curateurs, qui n'ont pas rempli les formalités exigées par cet acte, avec la date de leur nomination. Cette liste ainsi achevée sera conservée comme faisant partie des archives de la Cour.

Il sera de plus du devoir du greffier de faire trois copies de ladite liste dont une restera affichée en évidence dans son bureau pendant l'espace de quarante jours; une autre à la porte ou dans l'intérieur de la salle du palais de justice pendant un laps de temps égal; et l'autre sera remise au juge de sa Cour, ou de la Cour qui a juridiction sur ces affaires, immédiatement, si la Cour est en session, sinon, au premier terme qui sera tenu subséquemment. Le greffier recevra pour la confection desdites un dollar pour chaque tutelle ou curatelle.

Il sera de plus du devoir dudit greffier s'il a le pouvoir voir de lancer des avis, si non, du juge ou toute autre personne ayant d'après la loi, l'autorité compétente pour le faire, d'ordonner au greffier d'émettre des avis, lesquels seront servis par le shérif de la manière que les citations sont servies aux tuteurs ou curateurs résidant dans la paroisse qui auront manqué de remplir ces formalités, d'apparaître cinq jours après le service dudit avis, par devant ledit greffier ou juge, ou toute autre autorité compétente, pour être réelus d'après cet acte.

Si le shérif néglige de servir ledit avis dans les affaires dans lesquelles le service peut être fait par lui, ou de faire le retour certifié du service de ladite notice quand il aura été fait dans un intervalle de cinq jours de sa date, en outre d'être responsable des dommages et frais que les mineurs et autres personnes intéressés pourront encourir, il sera sujet à une amende de vingt piastres imposée par le juge au bénéfice des mineurs, pour chaque fois qu'il ne servira pas la notice ; et si la notice ne peut être servie, le shérif devra en faire le retour dans vingt jours à partir du temps qu'elle lui a été donnée, la même amende sera imposée au shérif pour avoir négligé de remplir les devoirs qui lui sont imposés par cet acte.

Si un tuteur ou curateur apparaît en Cour avant le terme désigné, et demande à être renomme, il devra remplir les formalités exigées par cet acte, prêter le serment prescrit dans la 4me section précedente, et de plus il devra prêter serment qu'il a fait enregistrer dans la paroisse de sa résidence ou dans toute paroisse de cet Etat où il aura des propriétés immobilières une copie des lettres de tutelle ou curatelle qui lui auront été premièrement envoyées, ou un certificat du greffier, montrant la date de sa nomination, les dites lettres ou certificats du greffier, ainsi enregistrées, serviront comme hypothèque spéciale sur ses propriétés à partir de sa première nomination. Mais si le tuteur a donné une hypothèque spéciale, il devra alors prêter serment que la dite hypothèque spéciale a été spécialement enregistrée dans la paroisse dans laquelle est située la propriété hypothéquée. L'enregistrement exigé par le présent acte, doit être fait dans un intervalle de 40 jours après que le tuteur aura été renommé.

Si le tuteur ou curateur n'apparaît pas en Cour dans le temps spécifié, ou si après sa comparution, il ne remplit pas dans quarante jours les formalités requises, le greffier, s'il en a le pouvoir, ou le juge ou toute autre autorité compétente, devra procéder à la nomination d'un autre tuteur ou curateur, selon le cas, à sa place, ayant égard aux préférences qu'accorde la loi dans le choix des tuteurs ou curateurs, lequel remplira les formalités exigées dans cet acte, dans un intervalle de quarante jours, et il sera de son devoir immédiatement de demander au greffier copie des lettres de tutelle ou de curatelle qui ont été données premièrement à la personne qui aura manqué de remplir les nouvelles formalités, ou un certificat montrant la date de la nomination première de son prédécesseur, lesquelles lettres ou certificats il fera enregistrer, à moins que les mêmes ne l'aient déja été dans la paroisse où résidait son prédécesseur, ou s'il est mort dans la paroisse où il résidait, ainsi que dans toutes les paroisses de l'Etat, dans lesquelles il présume que son prédécesseur possède ou possédait des propriétés immobilières, et si son prédécesseur a donné une hypothèque spéciale, qui n'a pas été enregistrée en place de l'hypothèque générale, il sera de son devoir de faire enregistrer la dite hypothèque spéciale dans la paroisse ou les paroisses de cet Etat, dans lesquelles les propriétés sont situées ; il sera de son devoir de faire enregistrer de la même manière les mêmes preuves de toute tutelle ou curatelle antécédente ou de toute hypothèque spéciale antécédente, lesquelles seront considérées comme une hypothèque sur les propriétés de tous tuteurs ou curateurs precedents à dater de leur nomination respective.

Pour toute négligence des devoirs imposés par cette section, le tuteur ou curateur ainsi nommé sera responsable envers les mineurs ou autres personnes qui y sont intéressées, de tous les dommages et frais qui pourront être encourus, et il sera de plus sujet, en cas de perte ou de dommage que le mineur pourrait soutenir, aux lois criminelles décrétées contre les tuteurs qui détourneront les fonds de mineure, et sur conviction du dit délit, après une poursuite légale en due forme, il sera condamné aux travaux forcés pour un temps n'excédant pas deux ans.

Il sera de plus du devoir de tout tuteur ou curateur, nommé d'après cette section, de poursuivre s'il est nécessaire tous les tuteurs et curateurs précédents, pour recouvrer ce qui pourrait revenir aux mineurs ou personnes dont il aura eté nommé tuteur ou curateur—pourvu qu'avant que le tuteur ou curateur nouvellement nommé ait rempli les formalités requises, il sera à la discrétion de la personne exerçant le pouvoir de nomination de nommer le tuteur ou curateur précédent apparaissant en cour et montrant qu'il n'etait coupable d'aucune négligence et offrant de remplir les formalités requises par cet acte.

Sect. 7. Il est de plus décrété &c. ; Que lorsqu'un tuteur ou curateur viendra à changer de paroisse, ou ne résidera pas dans la paroisse dans laquelle il aura été primitivement nommé, l'avis exigé dans la section précédente, sera envoyé par le greffier au shérif de la paroisse dans laquelle le dit tuteur ou curateur demeure, et il sera accordé vingt jours pour apparaître et faire son application pour son retablissement, et il sera accordé au shérif quarante jours pour faire son retour, mais il devra toujours faire son retour dans un intervalle de vingt jours après le service de l'avis.

Tout shérif qui négligera de se conformer aux devoirs prescrits par cette section, sera passible des peines prescrites pour une négligence semblable dans la section precédente.

Sect. 8. Il est de plus décrété &c. ; Que toutes les fois qu'un tuteur ou curateur nommé antérieurement aura changé ou ne résidera pas dans la paroisse de sa nomination première, et que sa nomination sera inconnue, s'il ne paraît pas et ne réclame pas un rétablissement dans un intervalle de quarante jours après le 1er de juillet prochain, il sera du devoir de l'autorité compétente de procéder à une nouvelle nomination de tuteur ou de curateur, selon le cas ; pourvu qu'il soit établi dans les procédures pour la nomination que la résidence du dit tuteur ou curateur absent est inconnue.

Sect. 9. Il est de plus décrété &c. ; Que toutes les fois qu'un tuteur ou curateur nommé en second lieu, change de paroisse au temps de la nomination, il sera de son devoir, à moins qu'il n'ait donné une hypothèque speciale en place de l'hypothèque générale contre lui immédiatement après son changement de demeure, de faire enrégistrer les preuves des hypothèques existant sur ses biens comme tuteur ou curateur dans la paroisse où il vient demeurer et devra faire de même pour tout changement de demeure.

En cas de négligence de remplir les formalités requises par cette section, il sera du devoir de tout tribunal compétent, de changer le dit tuteur ou curateur et d'en nommer un autre à sa place.

Le dit tuteur ou curateur sera de plus condamné à payer à la personne nommée à sa place, pas moins de cent piastres, et pas plus de mille piastres, laquelle somme sera recouvrable pardevant tout tribunal compétent.

Si le mineur ou les mineurs, ou absents, ou personnes interdites, venaient à éprouver une perte ou un dommage occasionné par le le fait tuteur qui ne fait pas enrégistrer l'hypothèque existant en faveur des dits mineurs ou absents ou personnes interdites, en changeant sa résidence d'une paroisse à une autre, en outre d'être responsable civilement envers le mineur absent ou personne interdite, de tous les dits dommages, le dit tuteur sera juge coupable de détournement de biens et sur conviction sera condamné à une amende et emprisonné à la discrétion de la cour.

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Sect. 10. Il est de plus décrété &c; Qu'il sera légal pour toute personne, en payant les frais légaux, de demander l'inscription dans tout bureau d'hypothèque, de tout acte ou document montrant l'existence d'une hypothèque légale, et aussi tous documens ou certificats qui sont, par cet acte, la preuve de l'existence d'une hypothèque, et il sera du devoir de tous les recorders des hypothèques, sur ladite application, d'enregistrer les dits actes ou preuves de l'existence d'une hypothèque.

Sect. 11. Il est de plus décrété &c; Que tout greffier de cour de cet Etat, qui négligera de remplir les devoirs qui lui sont imposés par cet acte, ou sera coupable d'une négligence préméditée des dits devoirs, sera renvoyé de sa place par le juge de la cour dont il est le greffier, et sera de plus responsable de tous les dommages que pourraient encourir les mineurs par la dite faute ou négligence de remplir ses devoirs, avec un droit d'appel du dit jugement à la Cour Suprême de l'Etat.

Sect. 12. Il est de plus décrété &c; Que tout juge ou officier judiciaire, qui manquera de remplir les devoirs qui lui sont imposés par cet acte, sera trouvé coupable de mauvaise conduite dans sa place et pourra être renvoyé sur une dénonciation ou pétition.

Sect. 13. Il est de plus décrété &c; Qu'il ne sera pas nécessaire de faire enrégistrer de nouveau, après le laps de temps de dix années, la preuve de l'hypothèque légale en faveur des mineurs, de femmes mariées, ou de personnes interdites ou absentes, mais l'inscription une fois faite, sera valide jusqu'à ce que l'hypothèque cesse par payement, prescription ou autrement.

Sect. 14. Il est de plus décrété &c; Que toutes les lois ou parties de lois contraires aux dispositions de cet acte soient et demeurent abrogées par le présent.

M. Hodge—Ayant été absent pendant plusieurs jours durant la discussion de ce bill, je n'ai pas eu l'occasion de préparer un amendement qui réponde à mes vues sur cette question. Je ne puis pas affirmer non plus que je voterai contre le bill tout entier. Je crois qu'il est inutile d'entrer dans de longs raisonnements sur ce sujet. Les sénateurs ont pesé la question et voteront selon la conclusion à laquelle ils sont arrivés après mûre déliberation. Afin que mon vote soit compris, j'expliquerai les raisons qui me guideront en le donnant.

Il n'y a pas le moindre doute sur l'utilité du principe général qui exige l'enrégistrement de tout acte ou droit possédé par un citoyen et de nature à affecter les interêts d'un autre citoyen. Tout droit, hypothèque, privilége ou prétention, doit être inscrit de manière à ce que d'autres personnes puissent en avoir connaissance. J'admets volontiers que nous devons rendre la propriété profitable en la mettant dans des conditions qui permettent de découvrir aisément les droits qui existent sur ces biens. Mais tout en l'admettant, je soutiens qu'il est du devoir de la Législature de rester fidèle à une politique de protection, en faveur des classes qui ont été pendant si longtemps sensées incapables de se protéger elles-mêmes. La politique constante de la Louisiane depuis qu'elle est entrée comme Etat dans l'Union a été de sauvegarder les intérêts des mineurs et des femmes mariées. Je crois qu'aucun sénateur n'oserait dans cette enceinte, se montrer disposé à depouiller ces classes des droits dont elles jouissent et des garanties dont la loi les entoure. Si cette politique que nous avons suivie pendant si longtemps est equitable et juste, la question se réduit à une question de pure utilité, à savoir: si nous devons détruire les garanties qui existent maintenant, pour soulager la propriété au détriment de femmes et d'enfants sans defense.

Devons-nous faire des lois dans le seul but de permettre aux particuliers de réaliser des capitaux avec lesquels ils puissent entreprendre des speculations ? Devons-nous le faire sans examiner s'il n'y a aucun autre intérêt qui ait droit à notre consideration. S'il en est ainsi, effaçons de nos lois tous droits, hypothèques et privilèges, et que celui qui, pour le moment, est en possession du proprieté, en soit le propriétaire dans tous les cas. C'est une conséquence logique. Mais aussi longtemps qu'il y aura des classes dont les intérêts ont besoin de protection, je combattrai toute tentative de ce genre. Je ne m'oppose pas à ce que tous ces droits et réclamations soient rendus publics; mais si j'en veux l'inscription, je ne puis consentir à ce que, si cette formalité est négligée, la peine en retombe sur les mineurs et les femmes mariées. Si l'honorable membre présente un bill pourvoyant à ce que la peine tombe sur le fonctionnaire qui aura negligé de faire son devoir, il ne trouvera pas d'appui plus décidé que le mien. Je sanctionnerai de mon vote les penalités les plus rigoureuses pour forcer les fonctionnaires à remplir leurs obligations, mais jamais une mesure qui tend à priver de ses droits une classe nombreuse de notre population. Examinons l'effet que produira ce bill. Il déclare qu'après le 1er janvier 1855, il n'y aura plus que des hypothèques conventionnelles, legales ou judiciaires. D'où il résulte qu'à moins que le tuteur ou curateur n'enrégistre l'hypothèque, le mineur perd ses droits. Qui, permettez-moi de vous le demander, qui veillera a ce que le greffier ou le recorder de la paroisse fasse son devoir ? Sera-ce le mineur ? Non, sans doute. Qui est chargé des intérêts du mineur ? Le tuteur qui, certainement, se souciera fort peu de veiller à l'execution d'une formalité qui engage ses propriétés. La loi sera donc une lettre morte en tant que la protection des intérêts des mineurs est concernee ? Plus tard, quand le mineur devient majeur, il demande ses propriétés à son tuteur. Nous savons tous qu'il n'y a pas un tuteur sur cent qui s'acquitte fidèlement de ses devoirs. Il est reconnu que l'administration des biens qui leur sont confiés est pour eux une affaire de spéculation et qu'ils ne consultent guère d'autre intérêt que le leur propre. Quand donc, comme je le disais, le mineur demande ses propriétés à son tuteur, celui-ci répond qu'elles sont sans valeur: Il les a dissipées ou vendues, ou il les a hypothéquées en faveur de quelqu'agent de change de Wall street. Le document n'a pas été enrègistré et il n'y a pas de recours. Le capitaliste étranger qui vient acheter des propriétes ici et qui les revend se met à couvert par une hypotheque conventionnelle. Il aura la préference sur le mineur et la femme mariée de notre propre Etat. Cela est-il juste ? Une loi obligeant les greffiers des cours à enrégistrer ces hypothèques et les rendant responsables pour les dommages resultant de leur négligence, ne satisferait-elle pas l'honorable membre ? C'est tout ce qu'en bonne justice on peut demander. Nous pouvons obliger le greffier à envoyer, dans les vingt jours, la copie d'une obligation au bureau du recorder, et s'il néglige de remplir cette obligation, le rendre responsable en dommages, pour l'obligation. Si le greffier ne fait pas son devoir il n'en resulte pas de perte. Je vais au bureau du recorder et je vois que telle propriété est libre de toute hypothèque. Je l'achète. Le mineur, plus tard, me poursuit pour avoir porté atteinte à son hypothèque tacite. Je m'adresse au greffier et j'ai recours à son obligation. Si elle ne suffit pas pour m'indemniser, la faute n'en est pas à la loi. L'obligation est supposée bonne. Si elle ne l'est pas, c'est un mal que la legislation ne peut pas atteindre. Quand le greffier saura qu'il est responsable pour tous les dommages qui résulteraient de sa negligence, il sera plein d'activité et de vigilance. Il n'est pas un enfant et il peut avoir soin de ses intérêts. Il n'en a aucun dans la propriété des mineurs. Il n'a d'autre intérêt à sauvegarder que les siens propres, et l'on est généralement fort soigneux quand c'est l'intérêt personnel qui est en jeu.

La protection des intérêts des mineurs a certainement peu d'importance pour les greffiers et les recorders, mais si vous en faites leur affaire en les tenant personnellement responsables de leur négligence, le cas change tout-à-fait d'aspect ; il n'y aura pas un oubli sur mille cas. Voilà en peu de mots le système que je propose ; mais je ne prêterai pas mon appui à un bill qui viole le droit et la justice. Pour ma part, je ne vois pas que les hypothèques tacites aient les resultats fâcheux qu'on leur attribue. Ce n'est qu'un épouvantail. Je n'ai jamais vu d'exemple d'un acquéreur qui ait été dépouillé de ses droits par suite d'une hypothèque tacite en faveur d'un mineur. Nous ne pouvons pas en dire autant du système que propose ce bill. C'est une attaque directe et violente aux droits de tous les mineurs et femmes mariées de l'Etat. Je voterai en faveur de l'enrégistrement de cette sorte d'hypothèques. J'irai même plus loin. Je consens à ce que les femmes mariées n'aient pas d'hypathèques tacites qui puissent nuire aux intérêts d'autrui. Mais je ne sanctionnerai jamais la destruction des garanties dont la loi entoure les droits des mineurs. Partout les mineurs sont ex-

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posés à être dépouillés et opprimés, et cependant on nous demande d'abattre le rempart qui les protège. Pour ma part, je n'y prêterai jamais les mains. Nous voulons donner des garanties à l'acquéreur de bonne foi, rien n'est plus juste, mais nous n'avons pas le droit de le faire aux dépens des intérêts des autres. C'est ce que fait le bill de l'honorable membre.

« Incidit in Scyllam cupiens vitare Charybdim. »

En voulant éviter un extrême, il tombe dans l'autre. M. Nicholls fait la motion d'effacer tout ce qui se trouve dans la première section, après le mot « reunis » dans la troisième ligne, jusqu'au mot « enrégistré » dans la septième ligne, et d'insérer le substitut suivant :

Qu'aucune hypothèue n'aura force de loi ou n'existera contre une troisième personne agissant de boane foi, lorsque le dit acte, nominat on, reçu ou autre document par écrit, donnant naissance à cette hypothèque, sera daté postérieurement au 1er janvier 1854, à moins que l'acte, la nomination, le reçu ou autre document ne soit dûment enrégistré dans le bureau du recorder des hypothèques.

M. King—Le changement proposé aurait pour résultat de différer les avantages qu'on attend de ce bill, jusqu'à ce que toutes les hypothèques tacites existantes aient expiré par limitation ou aient été éteintes de quelqu'autre manière, et ce délai détruirait l'objet que le bill a en vue. Le but du bill est que les registres fassent foi de toutes les charges qui existent sur toutes les propriétés de l'Etat. Cette mesure doit entrer en vigueur en 1854. Nous n'avons pas voulu qu'elle fût mise en force immédiatement, parce qu'on eût pu le consideror comme une atteinte aux droits acquis ; mais la période fixée laisse une marge amplement suffisante et débarrasse le bill de toute objection de cette nature. J'espérais qu'alors les registres indiqueraient la condition de toutes les propriétés de l'Etat, et qu'il serait mis un terme aux fraudes nombreuses qui jusqu'à ce jour ont été commises au détriment de tierces personnes innocentes. D'après le substitut présenté par le sénateur de St-Martin, ces avantages ne pourront être réalisés avant que tous mineurs de l'Etat n'aient atteint leur majorité et que toutes les femmes mariees ne soient décedées. Ce serait faire des lois pour les générations futures au lieu d'en faire pour le présent. Ce serait nous priver nous mêmes des avantages que nous accordons à ceux qui viendront après nous. Je désire augmenter la nature des propriétés foncières, les rendre convertibles en argent et inspirer aux capitalistes étrangers une confiance qu'ils ne possèdent pas maintenant. Le bill originel assurera ce résultat, mais le substitut l'empêchera.

M. Hodge—Un mineur en faveur duquel il existe une hypothèque, perdra-t-il ses droits dans le cas où l'hypothèque ne serait pas enregistrée ?

M. King—Nous croyons que le bill que nous avons présenté assure l'enregistrement de ces hypothèques. Notre but est d'assurer les droits d'un chacun et nous soutenons que ce bill le fait beaucoup plus efficacement que le système actuel. Supposons, par exemple, qu'il y ait une hypothèque sur un nègre. Aucun régistre public n'en fait foi. Le nègre est vendu à une tierce personne qui après toutes les recherches nécessaires, ne trouve aucune hypothèque. Quelques années plus tard elle découvre qu'une hypothèque tacite existe sur ce nègre. Elle se hâte de l'envoyer au Texas ou dans quelque autre endroit où il ne puisse pas être découvert, et l'hypothèque devient sans valeur. Ainsi cette hypothèque tacite tant vantée, qui pèse sur les biens-fonds et nuit au commerce, n'atteint même pas son but. Celui qui a acheté des propriétés honnêtement et de bonne foi ne les abandonne pas volontiers, il mettra en œuvre tous les moyens possibles pour empêcher qu'elles lui soient enlevées. Notre bill accorde à tout le monde une protection plus efficace. Nous voulons que les régistres mettent les hypothèques en évidence devant le monde entier. Mais les fraudes dont nous sommes témoins tous les jours deviendront impossibles. C'est là un des grands avantages de ce bill. Je préférerais pour mes enfants une hypothèque enrégistrée à une hypothèque tacite. Mais toutes les fois que des intérêts garantis sont en question, il convient d'accorder un temps raisonnable pour cet objet. Nous devons rassurer ceux qui tremblent pour les droits de leurs enfants, et avoir égard aux desirs des parents agés qui, voyant une nombreuse famille s'élever autour d'eux, attendent avec anxiété le sort de ce bill qui doit assurer leurs biens à leurs enfants et empêcher qu'ils ne soient dépouillés par leurs tuteurs ou curateurs.

M. Nicholls—Je partage en tout point les sentimens exprimés par le sénateur de Caddo [M. Hodge]; ce sont ceux que j'ai émis il y a quelques jours. Mais si le Sénat est decidé à se prononcer sur le principe du bill, je désire qu'il soit le moins possible sujet à objection.

C'est dans ce but que j'ai présenté l'amendement. L'honorable membre de la Nouvelle-Orleans (M. King) dit qu'il détruira l'objet que le bill a en vue; que ce serait faire des lois pour la postérité. Et quand bien même nous le ferions, où serait le mal ? Est-il hors de propos de faire des lois pour nos neveux ? La différence qu'il y a entre nous est, que tandis que je veux en faire pour nos descendants, il veut en faire pour nos ancêtres. Il veut rétrograder et dire que les droits qu'assure la loi cesseront d'exister. Une hypothèque existant aujourd'hui en faveur d'un mineur est aussi solide qu'une hypothèque conventionnelle.

La Législature a-t-elle le droit de dire aux parties contractantes : « Vos droits seront annulés, vous ne jouirez plus du bénéfice de cette hypothèque. » Supposons que dans le but d'avancer les intérêts du commerce, la Législature s'avise d'ordonner que toute vente de propriétés foncières faite ou à faire dans la Louisiane, sera enrégistrée dans tous les Etats de l'Union et que si l'enrégistrement n'en est pas fait dans un temps donné, la vente sera nulle. Je vous demande si un bill de cette espèce mériterait un instant de considération. Et cependant, la portée du bill qui nous occupe est la même Si la loi actuelle garantit les droits, il n'est pas possible de les assurer davantage.

Nous ne pouvons pas rendre un droit parfait, plus parfait. Si le tuteur dissipe les biens qui lui sont confiés, le mineur a une hypothèque qui le met à couvert. Ni la présente Législature, ni vingt législatures futures ne pourraient invalider ce droit ainsi acquis, et existant en vertu de lois antérieures. On nous parlera de lois de recours et de prescription. mais le cas qui nous occupe est fort différent. Le bill attaque des droits et non des recours.

Il y a des gens qui désirent un changement. Ils ne savent pas si le nouveau système protégera les mineurs, s'il favorisera l'acquéreur, ou s'il violera des droits acquis. Ils veulent un changement. Nous n'ignorons pas cependant que les changements ne sont pas toujours avantageux. Je connais les avantages du système proposé, mais ils ont été grandement exagérés par ceux qui veulent ici faire plier tout sous le joug de fer du commerce, qui proclament, qui voudraient nous persuader que le commerce doit régner en souverain et qui veulent nous forcer à nous incliner devant les intérêts commerciaux de la Nouvelle-Orléans. Je consens à toute mesure qui tend à accroître la prospérité de la Nlle-Orléans, pourvu que vous ne me demandiez pas de fouler aux pieds les intérêts qui me sont les plus chers. Vous voulez arriver à vos fins au milieu des gémissements des orphelins et des pleurs des femmes mariées.

Devons-nous accepter cette législation ? Etions-nous appelés à une discussion de ce genre ? Les membres de la campagne qui désirent un changement sont sur le point de s'assujettir au joug du commerce. Le seul argument qui ait été présenté est, que le commerce serait favorisé et que les capitalistes acquerront de la confiance. Et pour ces considérations nous devrons sacrifier les droits de nos enfants et de nos femmes. J'ai pratiqué à la campagne pendant 10 ans et je n'ai eu que rarement occasion de voir des abus résulter du système des hypothèques tacites. J'ai vu rarement des honnêtes gens expropriés sous l'empire de ce système. Celui qui achète des propriétés foncières est un homme arrivé à l'âge de raison, et à même de faire toutes les recherches nécessaires. S'il est lesé par une hypothèque non-enregistrée, c'est un malheur pour lui. Mais c'est un mal moins sérieux que de mettre le mineur à la merci de son tuteur, et de lui ôter tout recours contre ceux qui auraient dissipé ou vendu ses biens illégalement. Vous me direz que le subrogé tuteur veillera aux intérêts du mineur, mais nous savons qu'il ne le peut pas, attendu qu'il est généralement considéré comme l'espion du tuteur.

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Je dis que la législation de ce pays n'est pas préparée à un tel changement. Il nous reste trop peu de temps pour discuter ce bill et les sénateurs admettent eux-mêmes qu'ils ignorent quels en sont les effets. Il vaut donc mieux nous en tenir au sytème existant que de nous embarquer dans des spéculations dont la fin serait peut être désastreuse. Une proposition a été faite à la Chambre pour référer la question à un comité avec instructions de raporter à la prochaine Législature un bill pour parer aux inconvénients du système des hypothèques tacites. Laissons cette question à des mains plus habiles. Refléchissons et voyons si les changements que nous voulons faire ne seraient pas plus nuisibles qu'utiles. Est-il donc nécessaire que la question soit resolue immédiatement ? Jusqu'à présent le système des hypothèques tacites ne nous a occasionné aucun préjudice. Réflechissons donc avant d'adopter un nouveau système dont les suites pourraient être fâcheuses.

M. Short—Je ne pensais pas qu'un travail approfondi fut necessaire pour découvrir que le système des hypothèques tacites peut avoir de défectif et pour developper les changements qui devraient y être apportés. Ce qui, pour moi, est le plus important, c'est de faire connaître ce qui est resté ignoré jusqu'à present. Il est vrai, comme le dit mon collègue, que nous devons nous montrer généreux pour l'avenir et ne pas nous occuper à faire des lois pour le bénéfice de nos ancêtres; mais précisément ce bill fait l'un et ne s'inquiète pas de l'autre. Notre but est de poser des règles pour les actions des hommes et gouverner leur conduite dans leurs rapports entre eux.

Nous voulons que ces règles régissent particulièrement leurs transactions afin que l'acquereur d'une propriété puisse être certain qu'il n'en sera pas dépouillé. Ces règles sont pratiques et équivalent aux lois. Toutes les fois que la législature pose des règles pour gouverner uniformément les hommes, elle fait un pas en avant dans la législation. Mais il a été dit que nous ne pouvions faire le pas. Et pourquoi donc ? Depuis nombre d'années il existe en Louisiane un système d'hypothèques qui est inconnu dans tout autre Etat. Pourquoi n'adopterions-nous pas un système uniforme ? Les changements ne sont pas aussi radicaux que mon collegue se le figure. Quand le comité a examiné le bill tous les membres l'ont considéré avec la plus grande attention, mais le sénateur n'a fait alors aucune mention de ses objections. Je m'étonne qu'avec le talent et le jugement sûr que nous lui connaissons, il nous conseille de remettre cette question à des mains plus habiles. Croit-il donc que ceux qui viendront après nous seront d'une race supérieure à la nôtre ? Il a été reconnu depuis longtemps que les inconvénients du système des hypothèques tacites sont insupportables, cependant mon collègue n'approuve pas ce bill, tout en admettant que la fraude se pratique maintenant, et quoiqu'il soit reconnu que le système actuel est un de ceux qui la favorisent le plus.

Le vieux système anglais des reliquats contingents qu'un jurisconsulte seul pouvait comprendre, était loin d'encombrer les propriétés et de multiplier les procès comme le fait le système des hypothèques tacites. Je ne veux pas que l'on croie que l'amour des innovations seul me pousse à attaquer ce vénérable système; mais si nous en trouvons un meilleur, mon lespect pour une vieille erreur ne l'emportera pas sur r'espoir des bienfaits qui doivent résulter d'une innovation On dirait que lorsqu'il n'y a que deux ou trois pas à faire, on ne veut pas en faire un seul, et qu'on consent à supporter les maux dont on se plaint, sans chercher à y porter remède. Mais nous ne voulons pas dépasser la limite qui sépare le connu de l'inconnu, ni échanger les maux que nous avons, contre d'autres que nous ne connaissons pas. Nous cherchons à améliorer notre système et nous le rendre pire. Nous voulons faire un pas que nous croyons dirigé vers le progrès, et que pour cette raison il est de notre devoir de faire.

M. Hodge.—Je désire savoir si un tuteur qui vendrait les biens qui lui sont confiés serait responsable civilement ou criminellement.

M. Short.—Si un homme vend un bien sur lequel il sait qu'il existe un droit superieur, il se rend certainement coupable d'une certaine espèce de fraude, mais ce n'est pas comme s'il les eût obtenus sous de aux prétextes.

M. Hodge.— Je prouverai à l'honorable membre qu'il est dans l'erreur. [Il lit un article du Code.] Il est donc évident que si le tuteur le faisait, il serait un escroc, et pourrait être poursuivi comme tel.

M. Short.— Un tuteur ne donne jamais d'hypothèque sur les propriétés d'un mineur; il ne peut le faire qu'avec le consentement d'un conseil de famille.

M. Hodge.—L'honorable membre se trompe. Le Code contient l'article suivant. [Il lit.]

M. Short—C'est vrai, mais ce bill a en vue de remédier aux défauts de la loi, c'est pour remédier au système des hypothèques tacites qu'il a été presenté. L'honorable membre prétend-il que ce système n'a pas d'inconvénients; veut-il nous faire croire que le systeme des hypothèques tacites est le seul supportable. Prenons un exemple : Un homme épouse une femme qui a trente ou quarante mille piastres; ils vont a New-York ou ailleurs et depensent cette somme. La femme a sa part des jouissances et du luxe que donnent quarante mille piastres, et je crois que pour cet argent on peut se procurer une somme assez considérable de plaisirs Elle revient ici et dit que son mari dépense son argent, que ses biens dotaux et paraphernaux sont en danger. Elle obtient un jugement pour $25,000, et son mari eût-il vendu ou hypothéque la plantation, elle n'en peut pas moins l'enlever au créancier. Voilà le mal auquel nous voulons porter remède; nous voulons empêcher que la femme puisse aider son mari à frustrer ses créanciers; nous ne voulons pas qu'un homme descende du rôle de chef de famille a celui de sommelier; nous ne voulons pas qu'après avoir dépensé sa propre fortune une femme puisse enlever celle de son mari à ses créanciers. Y a-t-il personne qui soit assez aveugle pour ne pas apercevoir les abus qui peuvent résulter de ce système, abus tellement clairs et palpables qu'on en voit des exemples tous les jours. Je le répète, je ne veux pas un changement pour le seul amour des innovations Je demande seulement que ces hypothèques qui jusqu'à ce jour sont restées inconnues, soient rendues publiques. Si après cela l'acquéreur ignore l'hypothèque, il n'a pas le droit de s'en plaindre, il n'avait qu'à ouvrir les yeux. Mais ne punissez pas une personne innocente, une personne qui n'a en son pouvoir aucun moyen de connaître l'existence d'une hypothèque.

M. Hodge.— Je dirai quelques mots en réponse aux remarques que vient de faire le sénateur de Carroll. Comme je l'ai déjà dit, j'ai été absent pendant quelque temps et je n'ai pas pu donner au sujet toute l'attention qu'il mérite. J'ai dit déjà qu'il ne se pratique pas sous le système actuel autant de fraude qu'il le suppose, parce qu'il y a une loi qui déclare, que si un tuteur qui vend ou hypothèque ses propriétés, ne fait pas connaître l'existence de l'hypothèque tacite dont elles sont grevées, il sera considéré coupable d'escroquerie. Le Code Civil est explicite sur ce point. Et puisque nous parlons du Code, permettez-moi de vous dire que jamais le monde n'a vu d'œuvre aussi éclairée, aussi admirable, que celle que nous devons aux esprits vraiment dignes de faire ces lois pour un peuple libre et intelligent, qui ont rédigé notre Code.

Le Code indique les differentes espèces d'hypothèques et la maniere dont elles doivent être faites. Il appelle celle qui nous occupe, tacite, non pas parce qu'elle n'est pas inscrite, mais parce qu'elle est créée sans qu'il intervienne un contrat special. Le Code prescrit des règles pour l'inscription de toutes les classes d'hypothèques, excepté celles en faveur des mineurs et des femmes mariées.

L'article suivant exige que tous les actes créant des hypothèques soient enrégistrés. Tout fonctionnaire public qui passe un acte d'où il résulte une hypothèque doit le faire enrégistrer, que l'hypothèque soit conventionnelle ou qu'elle soit légale. Il ordonne aussi aux juges de faire enrégistrer la nomination des tuteurs, curateurs, &c.

Ainsi tout acte qui donne naissance à une hypothèque, sinon l'hypothèque elle-même, doit être enrégistré, et celui qui néglige de remplir cette formalité est responsable pour les dommages qui pourraient en résulter. L'argument de l'honorable membre tombe devant le fait que la loi de 1854 déclare, que toute personne qui empruntera de l'argent sur des propriétés sans déclarer préalablement les hypothèques dont ces biens pourraient être grevés, sera considerée coupable d'escroquerie. Je n'ai jamais eu connaissance d'un cas où

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un tuteur ait obtenu de l'argent par ce moyen par ce qu'aucun tuteur ne voudra s'exposer à subir les pénalités que font encourir la violation de cette loi. La loi est assez sévère et avec quelques légers amendements elle suffirait à toutes les exigences. Je veux que le procès-verbal fasse foi que moi pour ma part, je refuse de sanctionner par mon vote, la destruction des droits de ceux qui sont incapables de les defendre eux-mêmes.

M. Short—Si l'honorable membre a découvert dans le code ou dans la loi de 1821 un remède aux abus dont on se plaint, il a fait une découverte precieuse et le peuple lui en devra la plus grande reconnaissance. L'honorable membre dit qu'un homme qui ne déclare pas l'existence d'une hypothèque sur ses propriétés est sujet à poursuite. Rien de plus vrai, quand il a connaissance de l'existence de cette hypothèque ; mais quand il l'ignore et doit l'ignorer, peut-on le déclarer coupable d'escroquerie? Aucune cour dans le monde civilisé ne l'entendrait ainsi. Il ne peut être considéré coupable qu'en tant qu'il a connaissance de l'hypothèque. Mais qu'il soit sujet à poursuite pour ne pas avoir déclaré une chose qu'il ignore, voilà une doctrine que je n'admettrai jamais.

M. Hodge—L'honorable membre ne me comprend pas. Tout tuteur ne sait-il pas qu'il y a une hypothèque sur ses propriétés ?

M. Short—Prenons l'exemple d'un jeune homme qui épouse une femme qui a $25,000. J'ignore l'existence d'une hypothèque sur sa propriete, je l'achète ou je lui prête de l'argent sur cette propriété ; quelques mois après sa femme se présente, et, grâce à son hypothèque antérieure, elle me l'enlève ou m'empêche d'y exercer mes droits. La Cour Suprême a décide que si un homme va dans le Kentucky ou le Mississipi et s'y marie, si les parties contractantes ont déclaré leur intention de venir ici, l'argent reçu par le mari constitue une hypothèque sur les propriétes. C'est un autre mal que je voudrais prévenir.

M. King—Je crois que le Sénat comprend maintenant la portée du substitut ; le voici en peu de mots : Les avantages du bill que nous voulions realiser immédiatement seront différés de telle sorte que la génération présente ne pourra pas en jouir. Peut-être pas un de nous ne vivra pour voir le jour où le grand mal qui nous afflige maintenant, qui retarde notre prospérité et diminue la valeur de nos propriétés, cessera d'exister. Nous voulons avoir le benéfice de ce bill en 1854. Le substitut l'ajourne indéfiniment.

Adopter ce substitut, ce serait tromper la juste attente du peuple et manquer à ce que nous devons à nos commettants; ce serait les bercer d'espérances flatteuses et en renvoyer indéfiniment la réalisation.

M. Wickliffe—Avez-vous jamais entendu un mineur ou une femme mariée se plaindre du système des hypothèques tacites ?

M. King.—J'ai entendu des femmes mariées dire qu'il leur était fort désagréable d'être obligées de faire des renonciations et de remplir d'autres formalités qui maintenant sont necessaires; telles que d'aller au bureau des hypothèques et beaucoup d'autres choses qui répugnent à des femmes. Je vois maintenant que les differences qui existent dans nos opinions sont irréconciliables. Je représente les interêts et les désirs de mes commettants auxquels ce bill sera d'un avantage plus réel que tous les chemins de fer et toutes les banques que cette Législature peut créer. Un sénateur a dit qu'il ne connait pas un seul cas où une hypothèque tacite en faveur d'un mineur ait agi au detriment d'une tierce personne. La maison dans laquelle loge l'honorable membre fut achetée par un honnête artisan qui la paya de son argent et la croyait bien sa propriété, quand tout à coup il s'en vit dépouille par l'existence d'une hypothèque tacite. Si l'honorable membre a ignoré ce cas, je ne m'étonne pas qu'il soit si oublieux de ce qui se passe dans sa propre paroisse ! Pourquoi remettre cette affaire ? Il prétend qu'il n'y a pas sujet de plainte, et cependant il propose de référer le bill à comité d'avocats.

Mais ce bill a été composé par des avocats, rédigé par des avocats, examiné par des avocats, et approuvé par des avocats les plus distingués de l'Etat; et non pas par un ou deux, mais par vingt au moins. A la dernière session de la Législature, un bill de la même teneur que celui-ci fut presenté au Sénat par M. Benjamin. Ce bill-ci est base sur son aîné, mais il pourvoit à plusieurs cas qui n'étaient pas prévus dans l'autre Je suis autorisé à citer les noms de quelques avocats distingués qui ont donné leur approbation à ce bill. D'abord je nommerai M. Benjamin parce que le présent bill est fondé sur le sien; puis M. Micou, un avocat distingué, et les juges Eustis et Strawbridge. Je suis fier aussi de citer mes collègues du comité judiciaire, MM. Lacey et Short, Je crois que sur une question de jurisprudence les noms que je viens de citer doivent être une autorité suffisante pour tout le monde. Je ne prétend pas que le bill soit parfait. On peut imaginer des cas difficiles qui pourraient se présenter sous le régime de ce bill; mais où est la loi qui soit exempte de ces objections? Ce que je soutiens est que ce bill porte remède au mal qui existe et qu'il est aussi exempt de toute conséquence fâcheuse qu'on peut raisonnablement l'espérer de quelque loi que ce soit.

M. Todd.— Je suis opposé au substitut. Je crois qu'il détruirait l'effet du bill à cause des raisons alleguées par le sénateur de la Nouvelle-Orléans. Ce serait en effet faire des lois pour la posterité, au lieu d'en faire pour la génération présente, qui certainement a droit à notre sympathie et à notre considération. Il est hors de doute que le système actuel pèse lourdement sur la propriété et s'oppose à la libre transmissibilité des biens, ce qui est une des conditions essentielles d'une société prospére. Il y a dix ans que le peuple réclame à hauts cris l'abolition de ce système. Les membres qui nous sont opposés sur cette question avouent qu'il favorise la fraude, ils admettent au moins implicitement qu'elle pèse comme un cauchemar sur la propriété de la Louisiane ; qu'il empêche l'entrée des capitaux et diminue la confiance que, sous un autre régime, les étrangers auraient en nos lois.

Ils admettent tout cela, et cependant ils refusent de porter remède au mal. Je veux qu'on brise les liens de la victime et qu'on la rende à la liberté. Il est du devoir de cette Législature d'adopter cette mesure. Si notre œuvre n'est pas parfaite, on la perfectionnera plus tard. Je porte aux orphelins et aux femmes mariées un intérêt aussi vif que qui que ce soit dans cette enceinte, mais je crois avec le sénateur de la Nouvelle-Orléans que ce bill les protége plus efficacement que le régime actuel. Guide par ces idées et persuadé que l'intérêt de la Louisiane demande impérieusement un changement dans ce système actuel, je voterai en faveur du bill.

M. Hodge—Je prie l'honorable membre de me dire si une hypothèque qui n'aurait pas été enregistrée sera perdue, tandis qu'elle a pris naissance sous le régime d'une loi qui n'en exigeait pas l'enregistrement. S'il en est ainsi, le bill serait-il constitutionnel ?

M. King—Il n'y a pas le moindre doute que nous n'ayons le droit d'exiger l'enregistrement de toutes les hypothèques. Mais si vous le croyez inconstitutionnel, faites objection au bill. Cela ne peut nuire en rien à votre théorie. S'il est inconstitutionnel, il ne peut pas être mis en vigueur et par conséquent ne peut causer aucun mal.

Le substitut est déposé sur le bureau.

M. Hodge—J'avais demandé que la section fût déposée sur le bureau, mais ensuite j'ai retiré ma motion, afin que la section pût être soumise à un vote direct, quoique cette courtoisie soit rarement faite à notre parti.

M. Mouton propose d'étendre le temps jusqu'au premier avril 1854.

M. King—Le bill satisferait-il alors l'honorable membre ?

M. Mouton—Non, mais j'y aurai moins d'objections.

M King—Je ne vois de bonne raison pour l'amendement à moins que l'honorable membre veuille donner à la prochaine Législature l'occasion de rappeler la loi.

M. Mouton—L'honorable membre se trompe, ce n'était pas là mon intention.

M. King—Eh bien, j'accepte l'amendement.

M. Palfrey—Je voudrais savoir si le bill contient une disposition qui exige que le tuteur fasse enregistrer l'hypothèque sur ses propriétés immobilières dans différentes paroisses immédiatement après leur acquisition. D'après la loi actuelle, l'hypothèque existe sur une propriété immobilière aussitôt qu'elle est acquise dans quelque partie de l'Etat que ce soit

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Quelque système que nous adoptions, je considère cette clause comme essentielle. Supposons qu'un tuteur qui n'a pas de propriétés soit nommé. Il dispose des fonds de son pupile comme il l'entend. Quelle garantie la loi offre-t-elle dans ce cas ? Pourvoit-elle à ce que le tuteur fasse enregistrer l'hypothèque dans différentes paroisses ? Cela est absolument nécessaire pour prévenir les malversations.

M. King—Il y a une section du bill qui pourvoit à ce cas

M. Palfrey—Cette section fait de l'omission de l'enregistrement une offense pénale. Mais nous ne demandons pas des pénalités, nous voulons des garanties qui protègent les mineurs. Si le tuteur venait à mourir quelle garantie y aurait-il ? Quel recours aurait le mineur ? Vous ne pouvez pas punir les morts.

M Nicholls—Je trouve la remarque du sénateur de Ste-Marie parfaitement juste.

M. Taylor présente l'amendement suivant, pour être ajouté à la fin de la troisième section, lequel est adopté :

Il sera du devoir des greffiers des cours dans lesquelles il existera dans ce temps une preuve d'une hypothèque legale sur les biens du mari en faveur de sa femme, si ladite preuve n'est pas déjà enregistrée, de l'enregistrer dans le bureau des hypothèques; et si un greffier négligeait de le faire, vers ou avant le 1er avril 1854, il sera responsable envers toute femme mariée, des dommages qu'elle pourrait encourir par la dite négligence, et de plus il sera passible d'une amende de cent piastres, une moitié au bénéfice de la personne intentant le procès,—ledit greffier recevra pour cet enregistrement un salaire d'une piastre et demie pour chaque enregistrement.

La 3ème section est alors adoptée telle qu'amendée.

La 4me section est adoptée.

M. Palfrey présente l'amendement suivant, comme section additionnelle.

Sect. 5.— Il est de plus décrété, etc., Qu'en outre des bureaux d'hypothèques maintenant établis par la loi, il sera établi au siége du gouvernement de cet Etat, un bureau central pour l'enregistrement de toutes les hypothèques projettées par cet acte, soit en faveur des femmes mariées, soit en faveur des mineurs, et toutes les hypothèques projetées par les dispositions de cet acte seront enregistrées dans leur bureau, comme il est pourvu dans cet acte pour l'enregistrement des mêmes hypothèques dans les autres bureaux.

Et aucune reconnaissance de reçu d'argent ou de propriété de la part du mari, ne sera considérée comme preuve de la délivrance de ladite propriété ou dudit argent, à moins qu'elle ne soit accompagnée d'un certificat de l'officier occupant ledit bureau central des hypothèques pour montrer que ledit reçu a été duement enregistré dans son bureau, et aucune lettre de tutelle ou de curatelle ne sera donnée à des personnes demandant lesdites lettres, jusqu'à ce que le certificat de l'officier dudit bureau central des hypothèques ait été exhibé et montrant que l'ordre de ladite nomination a été duement enregistrée dans son bureau, et l'enregistrement dudit reçu du mari ou dudit ordre de nomination dudit tuteur ou curateur, selon le cas, aura force de loi comme hypothèque générale sur les propriétés immobilières et les esclaves dudit mari ou dudit tuteur ou curateur, selon le cas, et contre des troisièmes personnes à partir du temps de l'enregistrement dans ledit bureau.

M. Short.—Je n'approuve pas la création d'un bureau central tel que le propose la section additionnelle proposée par le sénateur de Ste-Marie. Le siége du gouvernement est tellement éloigné de quelques parties de l'Etat, qu'avant qu'un homme puisse venir ici pour obtenir un certificat, une autre personne aura pu obtenir une hypothèque Ce serait accroître les difficultés que nous nous efforçons d'aplanir et surcharger le bill, qui est déjà assez long maintenant. J'espère que l'honorable membre n'insistera pas pour en augmenter les proportions et le surcharger de sections additionnelles et inutiles. Si l'honorable membre présente beaucoup d'amendements de ce genre, il finira par écraser le bill. J'espère sincèrement qu'il ne montrera pas ces dispositions à l'égard d'un bill qui a été si amplement considéré.

M. Palfrey.—Quelque temps que nous ayons mis à la considération du bill, il n'est pas encore mûr. L'honorable membre nous a dit et répété que l'objet du bill est de convertir des hypothèques inconnues en connues, et c'est là précisément le but de son amendement.

M. King.—Il y a une objection solide à l'amendement. Il faudrait aller à Bâton-Rouge pour obtenir un certificat de toutes les hypothèques, ce qui occasionnerait une grande perte de temps, sans que nous soyons mieux renseignés sur la situation de la propriété de l'Etat.

Le bill qui nous est soumis exige que le tuteur fasse enregistrer l'hypothèque dans toutes les paroisses où il a des propriétés et décrète des pénalités contre toute négligence de cette formalité.

M. Nicholls.—Mais quelle garantie offre-t-il aux mineurs ?

M. King.—La garantie est en ce que l'enregistrement et l'hypothèque sont assurés, au moins c'est là notre opinion.

M. Palfrey.—Le bill ne pourvoit à l'enregistrement d'aucune hypothèque après la nomination du tuteur. Je reconnais l'existence des abus dont se plaignent les défenseurs de ce bill, mais que sont-ils auprès de la destruction des droits des mineurs ?

L'amendement est repoussé.

La cinquième section est adoptée.

La sixième section est prise en considération.

M. Nicholls. — Cette section prétend protéger les droits des mineurs. Il n'en est rien. Au lieu d'être une protection, elle n'est qu'un manteau pour couvrir un odieux système de contributions et cela lorsque le peuple est déjà écrasé de taxes. Il exige que les greffiers somment tous les tuteurs d'enregistrer les hypothèques pesant sur leurs propriétés. L'honorable membre sait-il quelles dépenses cette mesure entraînerait ! Je n'exagère pas en disant que dans mon district il y a au moins 500 cas de cette espèce et les frais de greffier et de shériff se monteraient à dix piastres pour chaque cas. 500 multiplié par 10 donne pour la paroisse de St-Martin seule une taxe de $5,000. Quand le receveur des contributions fera sa tournée pour toucher ces comptes et dira aux veuves et aux orphelins : Votre bourse est bien mince, mais les officiers de la loi la mettent de nouveau à contribution ; quand le collecteur des taxes se présentera à nos portes, les défenseurs du bill pourront-ils résister à la force de l'opinion populaire?

Le bill dit qu'il sera du devoir du greffier de citer une personne quand il aura des raisons pour croire que cette personne a été tuteur, etc Les dix piastres qu'il doit toucher pour chaque citation ne seront-elles pas une raison suffisante pour qu'il se croie peut-être trop souvent tenu de le faire.

De la sorte la taxe serait considérablement augmentée et si vous ajoutez les honoraires des procureurs elle sera plus que quadruplée. Eh ! messieurs, si les avocats s'étaient assemblés en conseil pour aviser aux moyens de multiplier les procès, ils n'auraient pas pu en trouver un meilleur que celui qu'offre ce bill. Peut-être aurais-je part moi-même à la curée. Mais nonobstant cela, je dois protester contre ce système d'impôt qui au lieu de subvenir aux besoins du gouvernement ne ferait que remplir les poches d'un tas de misérables employés, et faire la fortune d'une bande d'avocats rapaces. Le peuple de mon district veut bien prêter ses propriétés au soutien du crédit de l'Etat, mais il ne consentira jamais à prodiguer son argent à un tas d'employés avides. La provision est écrasante, oppressive, odieuse ; la contribution qu'elle impose est onéreuse au possible. Elle nuira à notre crédit et fomentera le mécontentement. L'honorable membre croit qu'elle est destinée à relever notre crédit. Comment en serait-il ainsi quand elle impose une charge de cinq ou dix milles piastres à chaque paroisse Je n'ignore pas qu'on dira que je présente un tableau exagéré, mais je suis prêt à répondre à cet argument. Ces hypothèques remontent à 25 ans et dans la paroisse de Ste-Marie il y en a au moins 500. Ce côté du bill est odieux et jamais je ne pourrai l'accepter. Pourquoi ne pas adopter une mesure dont l'influence bienfaisante se fasse sentir dans tout l'Etat, au lieu de celle-ci qui tend à dépouiller les mineurs et à accabler le peuple? Je dis que ce bill donnera naissance à un monstrueux système de pillage et de fraude au détriment des mineurs et des femmes mariées, tel qu'on n'en a jamais vu sous le régi-

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me d'aucun bill qui ait jamais été adopté. Voulez-vous que le shérif parcoure l'Etat en proclamant que toutes les successions seront rouvertes et réglées de nouveau, et que de nouvelles taxes seront imposées, et tout cela pour la sécurité du capital et le plus grand avantage du commerce. Le commerce ! le commerce ! le commerce le veut, le capital l'exige ; tout doit céder. Qu'importe ceux qui sont ruinés ! qu'importe ceux qui sont dépouillés ! qu'importe ceux qui sont foulés aux pieds.

quid non mortalia pectora cogis,
Auri sacra fames !

Les défenseurs de ce bill nous disent que le système des hypothèques tacites nuit au commerce et gêne les capitaux ; cela se peut mais ce sont des maux qui m'affectent moins que de voir les droits des mineurs anéantis et d'innocents orphelins dépouillés de leurs proprietes. Je m'y opposerai de tout mon pouvoir, de toutes mes forces, et j'espère qu'un jour viendra où le peuple découvrira dans quel but ce bill a été adopté.

M. Short—L'honorable membre vient de tracer un tableau très brillant, et je suis vraiment désolé de devoir détruire l'objection sur laquelle son imagination l'a brodé à si grands frais. Le bill ordonne simplement que certaine chose soit faite. Il n'y a pas de citation, pas de frais, pas de taxe. L'honorable membre nous a peint les énormites de ce bill ; il nous a montré la Louisiane se débattant dans les griffes de fer du commerce ; ce spectacle me serait certainement fort penible, si je ne croyais qu'il n'est autre chose qu'un fantôme créé par l'imagination exaltée de l'honorable membre. C'est un tableau magnifique mais l'ho membre ne nous a pas dit dans quelle galerie il a l'intention de le placer. J'ai un petit amendement à presenter qui, je le ponse, ne peut manquer de satisfaire mon honorable collègue ; c'est de faire payer les frais au tuteur. En somme tout se réduit à ceci : la loi ordonne au tuteur de faire une chose et s'il ne la fait pas, c'est lui qui en souffrira. L'intention de l'honorable membre etait je crois, de faire la motion de deposer la section sur le bureau. Je ne l'en empêcherai pas en faisant un long discours. Je voulais seulement faire voir que les objections qui ont été presentees contre ce bill n'y sont pas applicables, je voudrais depouiller le bill de tout semblant de taxes et d'honoraires d'avocats. Si nous pouvions passer une loi pour nous débarrasser tout à fait des avocats tout n'en irait que mieux. C'est un résultat que nous devrions appeler de tous nos vœux, quoiqu'alors je pourrais dire en toute vérité « Otello n'a plus d'occupation. »

M. King—L'honorable membre a évoqué un fantôme de son imagination pour nous effrayer. A quoi aboutirait sa motion d'effacer la section ! Nous avons déjà voté une section qui oblige les tuteurs et curateurs à faire enrégistrer ces hypothèques avant le 1er avril 1854. Cette section-ci pourvoit au mode d'enregistrement et le senateur qui s'est constitue le champion particulier des mineurs (quoique je pense qu'il n'en a pas beaucoup à sa suite) qui a rêvé oppression et fraude et qui a découvert ces vices précisement là où en est le remède, ce même sénateur dis-je, veut effacer cette section. Si nous adoptons son amendement, au premier avril prochain les droits de tous les mineurs de l'Etat seront annihilés d'un seul coup et sans qu'il leur reste aucun recours. C'est ce que je veux éviter. Si cependant l'honorable membre voulait le faire, je me verrais forcé de lui disputer la défense de ces intéressantes créatures qu'il a prises sous sa protection spéciale. Si mon collègue voulait se donner la peine de compulser les régistres de son district, il trouverait que presque toutes les hypothèques sont enregistrées, et tout tuteur honnête s'empressera de remplir les formalités requises par ce bill. S'ils ne le font je voudrais pouvoir les punir au centuple de ce bill. Un tuteur qui serait assez indifferent ou assez coupable pour négliger les droits sacres qui lui sont confiés, merite le châtiment le plus sévère. Cette section a en vue la protection des mineurs. Si le tuteur manque à ses devoirs, il en portera la peine. Je croyais qu'il allait sans dire que les cours condamneraient aux frais un tuteur qui aurait failli à ses devoirs ; mais pour rendre ce point plus certain, je voterai avec plaisir pour l'amendement du sénateur de Carroll [M. Short.]

M. Nicholls—L'honorable membre dit que cette section a en vue la protection des mineurs. S'il en est ainsi c'est la protection que le loup accorde à l'agneau.

La section est adoptée:

Finalement le bill est adopté section par section.

BANQUE DES ARTISANS ET DES MARCHANDS.

M. Palfrey, du même comité, soumet le rapport suivant de la minorité :

Le soussigné, membre du comité des banques et maisons de banques, auquel avait été référé l'acte intitulé : Acte pour prolonger la charte de la Banque des Artisans et des Marchands, de la Nouvelle Orléans, différant d'opinion avec la majorité du comité dans le rapport qu'ils ont fait sur ledit acte, demande la permission de rapporter, qu'en justice, la manière dont cette institution, a été administrée et conduite jusqu'à sa fin, en donnant une circulation bonne et valable, et des facilités financières libérales aux intérêts du commerce et de l'agriculture, aussi bien que les considerations d'utilité qui s'opposent à ce qu'on retire subitement une quantité si considerable de numéraire au commerce de notre Etat, recommande qu'il soit permis par le dit acte à la dite banque de terminer ses affaires de manière à ne causer aucun embarras dans sa liquidation ou au commerce en rappelant trop soudainement les paiements dûs à la Banque.

Signé : P. W. PALFREY,
Chambre du Sénat,
14 avril 1853.

M. Clifton, du comité des banques et maisons de banque, présente le rapport suivant :

A l'Hon. W. W Farmer, Lieutenant-Gouverneur.

De la part du comité des banques et des maisons de banque, auquel avait été référé un « Acte pour prolonger la Charte de la Banque des Artisans et des Marchands, » le soussigné demande la permission de rapporter que comme la Charte de la dite Banque expire le 12 avril prochain par prescription, et comme aucune action du comité ne pourrait affecter cet acte, le dit comité le renvoie au Senat sans amendement ou commentaire.

Signé : C. W. CLIFTON,
Président.
14 Avril 1853.

M. Martin—Je demande l'impression de 500 exemplaires des rapports. Mon but, en proposant le renvoi du bill était de l'etouffer. C'était une ruse parlementaire et je veux que le peuple en soit informé.

Le Sénat ordonne l'impression de 500 exemplaires du rapport.

M. Lacey introduit la résolution conjointe suivante:

Il est résolu par le Senat et la Chambre des Representants de l'Etat de la Louisiane réunis en Assemblée Générale :

Que nos Sénateurs au Congrès soient requis et nos Représentans priés d'employer leur influence et de faire tous leurs efforts pour obtenir l'établissement d'un bureau de poste additionnel dans la paroisse de Livingston, Etat de la Louisiane, devant être situé sur la residence actuelle de Robert Brulon ou près de là.

Resolu—Qu'une copie de ces résolutions soit envoyée par le Gouverneur, à chacun de nos Sénateurs et Représentants au Congrès.

M. Martin.—Je propose d'effacer le mot « requis »

M. Mouton.—Je m'oppose à la motion. Je crois que nous avons le droit de donner des instructions.

M. Martin.—C'est precisément pour cela que je fais la motion. Je ne crois pas que nous ayons ce droit.—Requerir nos Sénateurs de faire une chose, est simplement ridicule.

L'amendement est adopte.

M. Rivers demande la prise en considération d'un acte intitulé :

« Acte pour l'achèvement des bâtisses dans le Pénitentiaire de la Louisiane. »

Sur motion d'adopter la première section conçue comme suit :

Sec. 1.—Il est décrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane réunis en Assemblée generale :

Que la somme de dix mille piastres soit et demeure appropriée par le présent à l'effet d'achever la nouvelle chambre de cellules dans le Pénitentiaire de la Louisiane.

Et après quelque discussion, le bill est adopté.

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MESSAGE DE LA CHAMBRE.

Le messager spécial du Sénat informe la Chambre que le Sénat a donné son concours aux actes suivans :

«Acte pour émanciper Alexander Green.»

«Acte pour autoriser Aachibald Baron et Mary Murphy, sa femme, à adopter un enfant nommé Mary Lucy.»

«Acte pour donner certains droits au Maire de la ville de Port Hudson.»

«Acte pour empêcher les corporations municipales de cet Etat de lever des taxes sur des personnes vendant des articles manufacturés par elles-mêmes dans les limites de cet Etat.—Substitut à un «Acte pour empêcher le Conseil Municipal de la Ville de la Nouvelle-Orléans de lever une taxe sur les personnes vendant des objets manufacturés par elles-mêmes.»

Acte pour punir toute tentative de dommages aux levées ou digues de toute rivière navigable de cet Etat.

Acte pour incorporer la Compagnie du télégraphe de la Nouvelle-Orléans, de la Rivière Rouge et du Texas.

Acte pour améliorer Big Creek.

Acte pour autor ser Rufus D. Killgore et sa femme Sarah C. Killgore à adopter Robert Bliss Read, et pour changer son nom en celui de Robert Read Killgore.

Acte pour émanciper François Nicholas.

Acte pour pourvoir à la manière de canceller les bons et hypothèques donnés par les collecteurs de taxes de paroisse.

Résolution conjointe présentant les remercîments de l'Assemble Générale au capitaine Ricketts, de l'artillerie des Etats-Unis, pour avoir tiré un salut en l'honneur des restes mortels de l'ex-gouverneur Johnson.

Résolution requérant l'ingénieur de l'Etat de faire un examen exact des canaux de la Vieille Rivière, entre l'embouchure de la Rivière Rouge et le Mississippi, et ceux de la Grande Pointe sur la Rivière Rouge.

Résolution pour venir au secours de l'Hôpital de Charité.

Et il demande le concours de la Chambre pour les actes suivants du Sénat :

Acte pour mettre en force d'une manière plus efficace les dispositions d'un acte intitulé :

Acte pour le progrès de l'éducation médicale en Louisiane, approuvé le 21 mars 1850.

Acte pour venir au secours de Mme Joseph Dubuclet, de la paroisse de St-Martin.

Acte pour incorporer la Compagnie du chemin en planches de Bâton-Rouge et de Clinton.

Acte pour empêcher les greffiers de Cours et leurs députés, d'agir dans certains cas comme encanteurs.

MESSAGE DE LA CHAMBRE.

M. Eastin, messager spécial de la Chambre, demande la signature du président pour les actes enrôlés suivants :

Acte pour réorganiser le jury de police de la paroisse St-Landry.

Acte pour amender les différents actes relatifs à la police et au gouvernement de la ville de Franklin, paroisse de Ste-Marie.

Et il demande le concours du Sénat pour les actes suivants :

Acte pour réorganiser les écoles publiques dans l'Etat de la Louisiane.

Acte pour régler l'élection des avocats de districts, le Ier district judiciaire excepté.

Acte pour émanciper Geo. Millette.

Acte pour mettre en force les principes contenus dans l'article 28 de la Constitution.

Acte pour assurer la collecte et le paiment des deniers publics.

Acte pour définir d'une manière précise les limites entre les paroisses d'Orleans et de St-Bernard.

Acte pour pouvoir à l'enregistrement des étampes et marques d'animaux.

Acte pour pourvoir à l'appropriation et au remboursement des sommes payées pour des warrants de certaines terres des écoles, vendues pour location dans le district du Sud-Est.

Acte supplémentaire à un acte intitulé, Acte pour pourvoir à l'expropriation des terres pour chemins de fer et autres travaux d'utilité publique, approuvé le 8 mars 1852.

Acte pour venir au secours de John Rains, de la paroisse de Morehouse.

Acte pour venir au secours des propriétés des banques en liquidation.

Acte pour pourvoir à l'accomplissement des devoirs des recorders de paroisse en cas de vacance.

Résolution recommandant à nos sénateurs et priant nos représentants au prochain Congrès d'obtenir l'abrogation de tout réglement refusant l'admission dans l'hôpital de marine des Etats-Unis, à tous marins ou autres personnes attaquées de maladies supposées incurables, et que la Chambre a donné son concours à un amendement.

Acte pour venir au secours d'Emile La Sère, imprimeur de l'Etat.

Et que la Chambre a donné son concours à une section additionnelle au substitut du Sénat à un acte de la Chambre intitulé :

Acte pour venir au secours des personnes possédant des certificats d'entrée ou warrants émis par Richard Loucks, arpenteur du bureau des terres.

Et que la Chambre a donné son concours à l'acte suivant émanant du Sénat :

Acte pour créer deux notaires publics additionnels dans et pour la paroisse de Morehouse.

Et que la Chambre a refusé de donner son concours aux amendements du Sénat à un acte de la Chambre intitulé :

Acte relatif au judiciaire de l'Etat, le premier district judiciaire excepté.

Il demande le concours du Sénat à un acte intitulé :

Acte pour l'achèvement des constructions dans le pénitentiaire de la Louisiane.

VENDREDI 15 avril 1853.

M. Martin obtient la permission de presenter un acte imposant sur les nègres et sur les mulâtres libres, une taxe destinée à creer un fonds pour pourvoir à leur transportation en Liberie.

M. Martin—Je présente ce bill à la requête de l'orateur qui a fait un discours sur ce sujet aux citoyens de Bâton-Rouge, avant-hier. Il m'assure que cette méthode a été adoptee avec le plus grand succès en Virginie.

M. Wickliffe—Je propose de référer le bill au comité des affaires paroissiales.

La motion est repoussée.

M. Short—Il y a bien des années que la société de colonisation a été établie dans les Etats du Sud. Si le bill n'avait pas été présenté par le sénateur d'Assomption et s'il n'avait pas reçu la sanction de la Virginie, je l'aurais pris pour un projet de quelque ville du Nord dans les Etats du Sud.

Le bill est adopté.

RAPPORTS DES COMITES.

M. Lewis du comité spécial, auquel avaient été référes les actes suivants intitulés :

Acte relatif aux avis judiciaires.

Acte relatif aux avis publics.

En fait un rapport favorable.

M. Short, du comité de conférence nommé pour se joindre au comité de la Chambre, d'après une résolution conjointe passée à cet effet, par rapport à une différence d'opinion entre le Sénat et la Chambre des Représentants sur les amendements du Sénat à un acte de la Chambre intitulé :

Acte pour canaliser et dessécher les terres marécageuses et inondées—présente le rapport suivant, lequel est lu.

A l'honorable Président du Sénat de l'Etat de la Louisiane.

Le comité de conférence nommé pour se joindre à un comité de la Chambre en vertu d'une résolution passée à cet effet, par rapport à une différence d'opinion entre le Sénat et la Chambre des Représentants sur les amendements du Sénat à l'acte émanant de la Chambre intitulé :

Acte pour canaliser et dessécher les terres marécageuses et inondées, rapporte respectueusement :

1o Qu'ils ont eu une entrevue avec le comité de la Chambre et qu'il a été décidé que la Chambre accéderait aux amendements de la 11me section du dit acte, lesquels la Chambre avait repoussés.

2o La Chambre accepte le substitut du Sénat à la section 12me comme proviso après le mot «compensation» et commençant par le mot «pourvu,» ajou-

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tant à la fin du substitut les mots «en ce qui concerne les levées maintenant existantes.»

3o La Chambre accepte les amendements du Sénat à la 16me section en ajoutant les mots «pourvu que la dite compensation s'applique aux travaux construits en vertu des dispositions de cet acte.»

4o La Chambre accepte le substitut du Sénat à la section 19me.

5o La Chambre accepte l'amendement du Sénat, en retranchant la 20me section.

6o Le Sénat retire sa section additionnelle No 28.

(Signé) SHORT.

Le rapport est adopté.

M. Kenner, du comité des Banques et Maisons de Banque, présente le rapport suivant:

Le comité des Banques et Maisons de Banque, rapporte le bill suivant, auquel des amendements seront présentés par une partie du comité, et dont l'autre partie du comité demande l'adoption.

D. F. KENNER, Président.

Acte pour autoriser la Banque des Citoyens de la Louisiane, à convertir des actions garanties par hypothèque, en actions au comptant.

M. Kenner—J'ai rapporté ce bill dans le but de mettre la Banque des Citoyens à même de convertir certaines actions en comptant. Je ferai observer verbalement qu'il existait une grande différence d'opinion dans le sein du comité.

M. Lewis—Je voudrais voir la discussion de ce bill ajournée jusqu'à ce que nous ayons pu prendre quelques renseignements sur ce sujet.

M. Kenner—Je suis opposé à ce retard. Il y a plusieurs semaines que le bill est devant la Législature et nous avons eu tout le temps de l'examiner. Je tâcherai d'expliquer l'objet du bill. La Banque a été créée en émettant des bons et l'Etat est responsable de ces bons si la Banque n'était pas en état de les payer; des considérations d'équité et de justice l'y obligent. Le capital se monte à $6,000,000 dont $5,800,000 sont placés en prêts à longue échéance, de cinq à trente ans. C'est ce qu'on appelle capital immobile; il ne peut pas servir aux opérations de la Banque. Il porte un intérêt très faible, à peine plus élevé que celui du bon. Il ne reste donc plus que $5000,000 de capital actif. Comme ce chiffre est insuffisant aux opérations de la Banque, elle demande le léger privilége, de disposer d'une partie de ses actions jusqu'à concurrence de $1,000,000, ce qui élèverait son capital actif à $1,000,000. Cela équivaut à transférer $1,000,000, du capital immobile au capital actif de la Banque. Tel est le but pur et simple du bill. Je m'étonne qu'aucun sénateur puisse soulever la moindre objection à cette mesure. L'année dernière un acte fut adopté, autorisant les commissaires à faire rentrer $12 par action, ils ont déjà fait rentrer sept dollars par action et cette mesure a été fort onéreuse pour les actionnaires. S'ils faisaient rentrer le montant entier il s'élèverait à $740,000, presque le total de la somme demandée. Les nouveaux actionnaires auraient dix mille voix, en d'autres termes le quart du nombre total, c'est un avantage offert aux acheteurs.

M. Short.—L'objet de ce bill à ce qu'il paraît, est de convertir une certaine somme du capital immobile en capital actif, afin de mettre la Banque à même de faire face au paiement des bons garantis par l'Etat. L'Etat a émis des bons dont $7,500,000 sont tenus en Europe. Les prêts à longue échéance sont, comme l'a dit l'honorable membre, un capital immobile, et le capital actif de la Banque est insuffisant à faire face aux paiemens des bons. L'Etat est intéressé aux affaires de la Banque au moins en tant qu'il s'agit de le délivrer de cette responsabilité. Les hypothèques primitives données par les actionnaires s'élevaient à quatorze millions de dollars. On comptait émettre des bons pour douze millions et l'on croyait qu'ils seraient garantis par les hypothèques, mais il n'en fut pas émis pour plus de sept millions. Ainsi ces bons sont garantis par des hypothèques sur des propriétés d'une valeur de 14 millions. Il ne peut donc y avoir aucun inconvénient à convertir un million du capital immobile en capital actif. Ce sera un avantage pour l'Etat et pour le commerce. Il me semble que le plus chaud partisan de la circulation des espèces métalliques ne pourrait pas avoir d'objections à ce bill.

M. Lewis.—J'insiste sur ma motion de différer notre décision.

M. Kenner.—J'espère que l'honorable membre n'insistera pas sur sa motion. S'il veut des renseignemens, il lui sera facile de se les procurer. Si les partisans du bill ne pensent pas pouvoir le rendre assez clair maintenant, ils ne le pourront jamais. Ajourner le bill équivaut à le rejeter.

M. King.—Il me semble que le mot « additionnel » devrait être effacé du bill. Nous ne faisons que changer la nature d'une partie du capital; nous n'y ajoutons rien. Bien des gens sont opposés au système des Banques et à toute augmentation de leur capital.

M. Kenner.—Nous n'augmentons pas le capital de cette Banque; nous ne faisons que lui permettre de convertir un million de ses propres actions en fonds profitable.

M. Lacey.—Je demande l'appel nominal sur la motion qui occupe le Sénat, attendu qu'il se peut que je sois absent quand le vote sur le passage final du bill aura lieu.

M. King.—L'augmentation d'un million dans le capital actif de cette Banque, augmenterait d'autant ses ressources, bien qu'elle n'élève pas le chiffre de son capital. Comme l'Etat est dans une forte mesure responsable pour les bons de cette banque, il occupe vis-à-vis de cette Banque une position plus particulière que vis-à-vis de celles où il n'est pas intéressé.

M. Wickliffe.—Cet acte accroîtra-t-il les garanties de l'Etat?

M. King. — Certainement, puisqu'il augmente la masse active la Banque d'un million, tandis que la garantie reste la même.

M. Mouton —A quoi ce million de dollars est-il destiné? Est-ce à accroître d'autant la circulation de la Banque?

M. Kenner.—Non. Seulement à augmenter d'autant son capital actif. Elle est déjà autorisée à émettre des billets jusqu'à concurrence de telle somme qu'elle voudra, pourvu qu'elle ait en mains un tiers de cette somme en argent comptant et un tiers en effets à courte échéance; cela garantit la circulation.

M. Mouton.—Donc, en ayant plus d'espèces dans ses caveaux, elle pourra émettre plus de billets.

M. Kenner.—Messieurs, le seul but de ce bill est de tirer les actionnaires de la position difficile où ils se trouvent. C'est comme pour nourrir un cheval; si vous ne lui donnez rien à manger il faut qu'il meure. Si vous ne mettez pas la Banque à même de payer, nous devrons payer nous-mêmes, ou répudier la dette. Voilà où il faudra en venir.

M. Wickliffe.—Ce n'est pas cette raison qui me fera voter pour le bill. L'année passée un acte fut adopté pour autoriser la Banque a se procurer $1,728,000, en faisant un appel de $12 par action. L'on disait que cela suffirait et que les facilités accordées par l'acte mettraient la Banque à même de continuer ses opérations. Ce bill aurait pour effet de retirer la direction des affaires des anciens actionnaires qui ont eu à combattre toutes les difficultés, pour la donner aux nouveaux.

M. Mouton présente ce qui suit comme substitut à la cinquième section du bill:

Qu'avant que ledit acte ait force de loi, il faudra que la majorité des actionnaires en nombre et montant, signifient leur assentiment à l'article 118 de la Constitution et qu'ils seront obligés de se conformer aux dispositions dudit article de la Constitution.

M. Kenner.—Le substitut détruira l'objet que ce bill a en vue.

M. Rivers propose de déposer le substitut sur le bureau.

M. Mouton.—Le sénateur de Concordia veut-il me permettre de dire quelques mots en défense du substitut avant d'insister sur sa motion? Le but de ce bill, si je le comprends bien, est de permettre à la Banque des Citoyens de tirer un capital additionnel de $1,000,000, de ce qu'on appel le capital immobile de la Banque Par cette opération, elle aura les moyens et le pouvoir d'augmenter sa circulation actuelle de $1,000,000 et d'émettre de nouveaux billets. Voilà la raison pour laquelle je voudrais contraindre la Banque à se conformer à l'article 118 de la Constitution. Quelle objection peut-on y présenter. Je ne vois pas comment nous pourrions autoriser la Banque à augmenter son capital actif et à émettre des billets, sans exiger qu'elle se conforme aux dispositions de l'article 118 de la Constitution.

Le bill est adopté.

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L'acte pour organiser les écoles publiques dans l'Etat de la Louisiane est pris en considération.

M. Dupré fait la motion d'excepter les nègres libres de la taxe.

M. Mouton—Il me semble que l'amendement est juste. Nous ne devons pas leur faire payer l'éducation des enfants des autres, tandis que les leurs sont privés de cet avantage.

M. Rivers—D'après ce principe nous devrions excepter aussi toutes les personnes qui n'ont pas d'enfants.

La motion est rejetée.

Après l'échange de quelques mots, le bill est adopté.

SAMEDI, 16 avril 1853.

M. Derbès, du comité des réclamations, présente un rapport du dit comité et un acte pour venir au secours de Shaderick Brooks et de David Sherley, lequel subit sa première lecture.

M. Short—Le sénateur d'Est-Bâton-Rouge ayant été obligé de s'absenter de la ville, m'a prié de présenter le bill suivant, avec demande qu'il soit référé au comité judiciaire:

« Acte pour régler les procédures dans les Cours de District. »

Le bill est référé au comité judiciaire.

M. Griffin—Je suis autorisé par le comité des affaires paroissiales à rapporter favorablement à l'adoption de l'acte pour pourvoir à la representation uniforme de la paroisse de St-Jacques dans le jury de police de la dite paroisse.

Après dispense des règles, l'acte subit sa 3me lecture et passe.

M. Wiekliffe demande la prise en considération d'un acte émanant de la Chambre, et intitulé:

Acte pour autoriser l'achat &c. de 250 exemplaires d'une édition revue du Code Civil, du Code de Procédure et des Rapports de la Louisiane par Thomas Gibbs Morgan.

M. Mouton—Je m'oppose à la dispense des règles pour la troisième lecture de cet acte, et je demande quelques explications sur la nécessité qu'il y a pour l'Etat d'encourir cette dépense

M. Wickliffe—J'apprendrai à l'honorable membre qu'il n'y a pas un seul exemplaire de ces ouvrages dans la bibliothèque de l'Etat, qu'une édition revue est indispensable et que dans mon opion l'achat est absolument nécessaire.

M. Mouton retire son objection, et l'acte est adopté.

M. King demande la permission de présenter un rapport du comité des améliorations intérieures, et un acte pour construire des ouvrages à l'embouchure du Bayou Plaquemines, comme substitut à l'acte primitif.

M. Slack demande la dispense des règles pour la seconde lecture du substitut.

La dispense est accordée.

M. Slack propose d'adopter la première section.

M. Short—Quoique je ne demeure pas dans le 2nd District, je m'intéresse vivement à cette question, et je ne puis m'empêcher d'exprimer mon étonnement de voir proposer une mesure qui, d'après ma manière de voir, viole la loi, nommant des commissaires des terres marécageuses et qui viole également la loi du Congrès, qui veut que les fonds provenant de la vente des terres dont il nous a fait don, soient appliqués exclusivement à la construction de levées et au desséchement de ces terres. L'acte qui est maintenant soumis au Sénat est un acheminement vers un système de législation auquel j'espérais que nous avions renoncé. L'acte qui vient d'être adopté par les deux Chambres pour créer un conseil de commissaires des terres marécageuses, autorise le Gouverneur à en nommer un dans chacun des trois Districts qui divisent l'Etat, et ce conseil nomme pour chaque District un ingénieur chargé de faire les études nécessaires et de constater les travaux à exécuter. Ces commissaires et ces ingénieurs sont autorisés à déterminer quels ouvrages entrent dans l'acception des mots Levées et Desséchement et un fonds est mis à leur disposition pour mettre à exécution les dispositions de cet acte. Le bill qui est maintenant devant le Sénat, nuira au système général des levées qui vient d'être établi et s'opposera à la réalisation de l'objet que l'acte a en vue.

L'acte du Congrès dit que les fonds provenant de la vente des terres marécageuses et inondées seront appropriés exclusivement à la construction de levées et au desséchement; le bill qui est maintenant devant le Sénat ne pourvoit il pas à l'application de ces fonds à un objet qui n'est ni dans l'esprit ni dans la lettre du don? Je ne crois pas que la construction d'un brise-mer à l'embouchure d'un bayou, ou d'une digue pour empêcher l'entrée des bois flottants dans l'embouchure d'un bayou, ait encore été considérée comme équivalente à la construction de levées et au desséchement; et quand même il en serait ainsi, le conseil des commissaires et des ingénieurs des terres marécageuses nommés en vertu de la loi sur les levées, peut décider ces affaires et faire exécuter tous les travaux qui rentrent dans les dispositions de cet acte. J'espère donc que le Sénat ne reviendra pas à ce système de législation spéciale qui faisait des appropriations tantôt pour une localité, tantôt pour une autre, tandis que nous avons créé un conseil pour mettre à exécution un système de levées et de desséchement, et que nous avons mis à leur disposition le fonds des terres marécageuses dans ce but. Vous portez atteinte au principe de la loi du Congrès, et j'espère que le bill ne sera pas adopté.

M. Slack—Je demande la lecture du rapport du comité des améliorations intérieures qui, j'en suis persuadé, détruira plusieurs objections présentées contre ce bill. Je suis certain que si l'honorable membre de Madison et Caroll connaissait la nature du pays où l'amélioration est proposée, il retirerait son objection. Il est absolument nécessaire de construire ces ouvrages à l'embouchure de ce bayou avant de songer à aucune opération de levée ou de desséchement. J'ai vu en cet endroit une crue de deux pieds se déclarer en un seul jour et inonder un district considérable, et cette crue était produite exclusivement par l'accumulation du bois flottant à l'embouchure de ce bayou. Les eaux de ce bayou sont maintenant plus hautes de 4 pieds que celles d'aucune autre partie de l'Etat, et jusqu'à ce que cet amas de bois soit enlevé, il est inutile de songer à faire des levées. Je pense que le bill est strictement conforme au sens et à l'esprit de la loi, et que l'équité et la justice nous obligent à l'adopter.

M. Griffin—Je regarde le bill qui occupe en ce moment l'attention du Sénat, comme inconstitutionnel, et je ne le soutiendrai pas de mon vote. Si le fonds des terres marécageuses peut être appliqué à cet objet, on pourrait en disposer pour draguer et canaliser, ou pour tout autre objet étranger aux levées et au dessèchement.

M. Nicholls—Il me semble que ce bill fait un emploi convenable du fonds des terres marécageuses, et qu'il est conforme à l'objet du don du Congrès. Beaucoup de membres savent que l'embouchure de ce bayou s'est considérablement agrandie, et que le courant y porte presque tout le bois flottant qui descend le Mississippi et y forme un amas de bois qui ferme presque tous les cours d'eau qui se dirigent vers le golfe et qui obstruent la navigation. Les terres qui avoisinent ces bayous ont été couvertes de 4 pieds d'eau, et sont pour la même raison constamment exposées aux mêmes désastres. Si ce bill, qui a en vue de débarrasser l'embouchure du bayou de l'amas de bois qui est la cause reconnue de ces inondations, si ce bill, dis-je, met ces terres à sec, n'est-ce pas dessécher? N'est-il pas d'accord avec la loi si sans faire disparaître la cause des inondations, il n'y a pas de dessèchement possible? Si cela ne s'appelle pas dessécher, j'avoue que je ne comprends pas la signification de ce mot. Le seul moyen de dessèchement praticable pour venir au secours de cette section de l'Etat, est d'enlever le bois en dérive qui s'est accumulé à l'embouchure de ce bayou.

M. Short—Je ferai une observation sur le principe adopté par ce bill et dont on n'a pas encore parlé. Le conseil des commissaires des terres marécageuses est autorisé par la loi à exécuter les travaux projetés dans le bill qui occupe maintenant l'attention du Sénat. Et que voulez vous faire? Vous voulez retirer de leurs mains les travaux dont la loi leur donne la direction, et envoyer un ingenieur dans telle ou telle partie de l'Etat, en violation d'une loi faite par vous-mêmes. Permettez-moi de vous demander ce que signifie le mot dessécher; n'est-ce pas de débarrasser les terres de l'eau qui les couvre, en creusant des ca-

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naux pour faire écouler ces eaux vers les terres plus basses. S'il y avait moyen de faire déboucher le Mississipi ou l'Ohio de l'autre côté des montagnes Rocheuses, ce serait donc aussi dessécher d'après le système des défenseurs du bill.

M. King—Je suis en faveur du bill. Je pense que par dessèchement on entend tout ce qui empêche les terres d'être inondées et je crois que ce bill fait un usage juste et convenable du fonds des terres marécageuses.

M. Short—L'honorable membre n'a-t-il pas créé des commissaires des terres marécageuses pour aviser aux affaires de cette nature et ne veut-il pas maintenant leur enlever ces fonctions? Je ne partage pas l'opinion du sénateur de la Nouvelle Orléans, que c'est faire un emploi légitime du fonds des terres marécageuses. Je propose que l'appropriation demandée dans ce bill soit prélevée sur le fonds des améliorations intérieures, au lieu d'être tirée du fonds des terres marécageuses.

M. Todd—Je propose de déposer l'amendement sur le bureau. Je trouve qu'il est injuste d'approprier le fonds des améliorations intérieures à cette fin. Le bill a toute mon approbation et j'espère qu'il sera adopté. Le principe me paraît juste. Le fait d'enlever cet amas de bois est une opération de dessèchement et ne peut être considéré sous aucun autre point de vue.

M. Palfrey—Je ne crois pas que la législature ait renoncé à tout droit de faire des lois sur les levées et le dessèchement, lorsqu'elle a créé le conseil des commissaires des terres marécageuses. J'approuve le bill et d'après mon opinion, il est conforme aux vues de la loi. Des considérations d'utilité me feront voter en faveur du bill primitif, car je crois qu'il pourvoit au moyen le plus expéditif et le moins coûteux de dessécher ce district de l'Etat.

L'amendement de M. Short est repoussé et le bill subit sa seconde lecture.

M. Griffin demande la prise en considération d'un acte intitulé :

Acte pour pourvoir au déficit des appropriation pour l'année finissant le 31 mars 1853.

M. Griffin fait remarquer que l'appropriation pour le département de l'ingénieur avait été omise.

Sur motion de M. Wickliffe le bill est référé au comité des finances.

M. Rivers demande la dispense des règles pour la prise en considération du bill de la Banque des Citoyens. La motion est adoptée et l'appel nominal est demandé sur la passation finale de l'acte.

M. Mouton—Je prie le sénat de me dispenser de voter sur ce bill, attendu que j'ai fait un compromis avec M. Kenner qui a quitté la ville Je suis pourtant opposé au bill et je voterais dans ce sens si M. Kenner était présent.

La dispense est accordée et le bill est adopté.

M. McCay demande la dispense des règles pour la prise en considération d'un acte pour pourvoir à la place d'avocat-général et pour la régler. La motion est adoptée.

M. Todd.—Ce bill est très important. Je ne l'ai encore ni vu, ni lu, et je voudrais avoir le temps de l'examiner et d'y réfléchir avant de voter. Je demande donc qu'il soit imprimé et mis à l'ordre special du jour pour mardi prochain.

M. McCay.—Il me semble que les sénateurs ont eu amplement le temps d'examiner ce bill. L'importance de ses dispositions exige que nous nous en occupions sans délai. Le bill devrait être adopté maintenant, et j'espère que l'honorable membre retirera sa motion d'en ajourner la discussion.

M. Todd.—Je dois au contraire insister sur ma motion d'imprimer le bill et d'en remettre la discussion.

La motion est repoussée.

M. McCay propose d'adopter la 1re section du bill.

M. Mouton.—Je regrette de devoir m'opposer au bill. Les fonctions de l'avocat-général deviennent plus onéreuses du moment où il doit remplir une partie de celles qui étaient autrefois du ressort de l'avocat de district de la paroisse d'Orléans. Les appointements devraient donc être augmentés et ceux de l'avocat de district diminués en proportion des charges dont il est débarrassé.

Sur la motion d'adopter la 10me section du bill, M. Todd dit: Je propose d'effacer $3,500 et d'insérer $3,000 comme chiffre des appointements de l'avocat-général. Je crois que $2,500 serait suffisant mais je veux bien faire une concession. Bien que les devoirs qu'impose cette place soient difficiles et que le travail qu'elle exige vaille bien $3,500, je crois qu'aujourd'hui que l'Etat est presque insolvable, $3,000 doivent suffire. L'économie est un de nos devoirs et il est temps que nous fassions le premier pas dans la voie de la réforme.

M. McCay.—La somme que nous proposons de donner à ce fonctionnaire est la même qui lui fut allouée l'année passée: $3,500. Subséquemment la Législature la réduisit à $1,500 avec un fonds contingent de $500 qui fut mis à sa disposition, faisant ensemble $2,000. Je crois que $3,500 n'est qu'une rémunération équitable de ses services, puisque nous avons étendu le cercle de ses fonctions dans la paroisse d'Orléans. Je ne vois pas pourquoi l'avocat-général ne se rendrait pas dans toute partie de l'Etat où les intérêts de la Louisiane réclament sa présence; il ne plaide dans les cours fédérales que lorsqu'il s'agit d'une somme qui dépasse $2,000. Il y a en moyenne dans la paroisse d'Orléans 60 affaires criminelles par an, dans la poursuite desquelles l'avocat de district est seul, attendu que l'avocat-général ne remplit pas ces fonctions. Je le demande à tout avocat ou procureur dans cette enceinte: Voudrait-il poursuivre et plaider 60 cas criminels pour moins de $3,500, je crains que des appointements médiocres ne procurent que des hommes médiocres, et qu'un avocat ne donne pas la même attention, le même temps et le même soin à une affaire pour laquelle il est mal rétribué, qu'à une affaire pour laquelle il reçoit une compensation libérale. Je ne le ferais pas moi-même et il n'est pas dans la nature humaine de le faire. Les fonctions de l'avocat de district sont trop onéreuses et si le cercle de celles de l'avocat-général est élargi, il faut que ses appointements soient augmentés. J'espère que l'amendement réduisant les appointements ne sera pas adopté.

M. Wickliffe.—Je ne comptais d'abord pas voter pour ce bill, parce que loin d'être partisan des appointements élevés, j'en suis l'ennemi déclaré; mais je crois maintenant que le bill est juste et je voterai pour conserver les appointements à $3,500.

M. Nicholls.—Il me semble que $3,500 est bien modeste pour les appointements de l'avocat-général et je soutiendrai mon opinion de mon vote.

M. Todd demande l'appel nominal sur son amendement d'effacer $3,500 et d'y substituer $3,000.

L'amendement est rejeté par 15 voix contre 5 et le bill primitif est adopté.

Le Sénat prend en considération l'ordre du jour.

Acte relatif au judiciaire de l'Etat, le premier district judiciaire excepté. Ce bill est renvoyé par la Chambre qui n'accepte pas les amendements du Sénat.

M. Boatner propose que le Sénat revienne sur son amendement.

M. Mouton J'espère que le Sénat ne se désistera pas; la Chambre veut que les juges de la campagne reçoivent $1,000 de moins que ceux de la ville. Le même talent est requis et les mêmes devoirs leur sont imposés; je ne consentirai jamais à cette distinction injuste.

M. Wickliffe—Pourquoi insister sur ces amendements tandis que nous savons parfaitement bien qu'ils ne peuvent pas être adoptés par la Chambre.

M. Short—Je crois que le Sénat ne doit pas abandonner la position qu'il a prise, et j'espère qu'il ne le fera pas. Je ne vois pas pourquoi un juge qui demeure à la Nouvelle-Orléans, qui n'a pas de bayous à traverser, dont la cuisine de la campagne ne mine pas l'estomac, qui, en un mot, vit mieux et se fatigue moins, serait mieux rétribué qu'un autre dont les fonctions sont plus difficiles à remplir et exigent le même talent. Je ne vois pas de bonne raison pour me faire adopter une autre opinion et je me tiens à la mienne.

L'appel nominal est fait sur la motion de revenir sur les amendements du Sénat; elle est adoptée par 11 voix contre 11, le président votant dans l'affirmative.

Le Sénat est informé que la Chambre donne son concours à l'amendement à un bill intitulé :

Acte pour venir au secours d'Emile La Sère, imprimeur de l'Etat.

Et qu'elle demande son concours à un amendement de la Chambre, qui change la date et porte «le pre-

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dier lundi de mars)» au lieu de «le premier lundi de ce mois.»

Sur motion de M. Short, le Sénat donne son concours à l'amendement de la Chambre.

L'acte suivant est envoyé par la Chambre qui a refusé son concours aux amendements du Sénat :

Acte pour organiser les Cours de District dans la paroisse et la ville de la Nouvelle-Orléans. Dans la 14me section, le Senat avait effacé les mots «excepté la première Cour de District, etc., etc..» et la Chambre y avait refusé son concours et avait rétabli ces mots.

M. McCay—Il y a deux raisons pour lesquelles le Sénat ne peut pas abandonner la position qu'il a prise sur cette question : la première est la juridiction criminelle exclusive et la seconde a trait au droit de juridiction, c'est-à-dire, qu'une poursuite ne sera pas renvoyée. Je m'y oppose parceque je crois que ce serait un grand désavantage pour les personnes qui ne résident pas à la Nouvelle-Orléans, d'y être poursuivies ; je m'y oppose parce que c'est inique.

M. Short—Je ne veux pas que des personnes qui résident dans d'autres parties de l'Etat, puissent être poursuivies à la Nouvelle-Orléans et je suis d'avis que le Sénat ne doit pas revenir sur cette partie de l'amendement.

M. McCay propose que le Sénat ne retire pas son amendement et la motion est adoptée.

Un amendement ajouté au bill, du consentement unanime de la Chambre, portant que : «Cet acte aura force de loi immédiatement après son adoption,» est adopté par le Sénat.

M. King demande qu'un comité de conférence soit nommé pour s'entendre avec la Chambre sur ce bill. La motion est adoptée.

Le président nomme Messieurs King, McCay et Short.

L'acte intitulé : Acte pour régler l'élection des avocats de district des différents districts judiciaires de l'Etat est pris en considération, après dispense des règles. Les mots «excepté le 1er district judiciaire» sont effacés ; une section additionnelle portant que l'acte aura force de loi immédiatement après son adoption est ajoutée, et ainsi amendé, l'acte est adopté.

L'acte pour venir au secours des banques foncières en liquidation, est pris en considération et subit sa première lecture.

Sur motion de M. Wickliffe, la dispense des règles est accordée pour la seconde lecture de l'acte accordant une compensation à Charles Fitz, régister du bureau des terres de la paroisse d'Orléans.

M. Short.—Il y a quelque temps, le comité des terres et levées rapporta un bill accordant à M. Fitz la compensation à laquelle le comité croyait qu'il avait droit. Le bill fut retiré et M. Fitz soumit sa réclamation à la Chambre des Représentants, d'où émane ce bill, qui lui accorde une somme plus forte que celle que le comité du Sénat estima lui revenir. Je demande donc que ce bill soit référé au comité des terres et levées. Référé.

Sur motion de M. Wickliffe, la dispense des règles est accordée pour la seconde lecture de l'acte accordant des pensions aux vétérans de 1814-et-15.

M. McCay.—L'adoption de ce bill exigera une appropriation de $40,000, et il me semble que dans les circonstances presentes, nous devrions avant de la faire, soumettre le bill à un comité compétent.

Sur motion de M. Martin, le bill est référé au comité des finances.

L'acte suivant est pris en considération, et la dispense des règles est accordée pour la seconde lecture:

Acte pour pourvoir à la nomination d'un avocat ou agent de l'Etat dans chaque paroisse.

Sur motion de M. Wickliffe, le bill est déposé sur le bureau par un vote unanime.

M. McCay.—Je donne avis que lundi je ferai la motion de reconsidérer le bill réglant les appointements des juges de district.

Sur motion de M. Short le bill No 394 de la Chambre, intitulé : Acte accordant une extension de temps aux colons actuels pour faire des demandes de terres et pour les payer, est pris en considération, adopté et envoyé à la Chambre.

ORDRE SPECIAL DU JOUR.

Acte relatif aux hypothèques et aux privilèges.

Sur motion de M. King la discussion de cet acte est différée, et il est mis à l'ordre spécial du jour pour le mardi suivant.

L'acte pour pourvoir à l'enrégistrement des votans dans la ville de la Nlle-Orléans, est pris en considération.

M. King.—Comme ce bill concerne la ville de la Nlle-Orléans seule, je demande qu'il soit référé à la délégation de cette ville.

M. Nicholls.—Je suis opposé à ce que cet acte soit référé à la délégation de la Nlle-Orléans. Je crois que la campagne a autant d'intérêt que la ville à ce que le vote ait lieu de bonne foi, et qu'elle doit être également admise à la considération de cette affaire. Je demande que le bill soit référé au comité judiciaire.—Référé au comité judiciaire.

L'acte divisant l'Etat en districts congressionnels est pris en considération, et sur motion de M. Wickliffe la discussion en est remise au lundi suivant.

L'acte présenté par M. King pour pourvoir à l'enrégistrement des hypothèques en faveurs des mineurs et des femmes mariées, est pris en considération et adopté avec son titre.

M. Wickliffe donne avis que lundi il fera la motion de reconsidérer le vote sur la passation finale du bill.

L'acte pour prolonger la durée de la charte de la banque des Artisans et des Marchands de la Nouvelle-Orléans est pris en considération

M. Short demande que la discussion de ce bill et le rapport du comité soient mis à l'ordre du jour pour mercredi suivant.—Adopté.

M. Short.—Je suis en mesure d'annoncer positivement au Sénat que la banque ne désire pas un plus long délai que le 1er juillet, et que les directeurs de la banque ont adopté la résolution de ne pas demander une nouvelle charte. Je donne cette explication dans le but de calmer les craintes de plusieurs de mes collègues et de les engager à voter avec moi.

Sur motion la dispense des règles est accordée pour la prise en considération du bill, mais sur motion de M. Short la reconsidération ultérieure de l'acte est remise au mercredi suivant.

Lundi, 18 avril.

M. Wickliffe fait la motion de mettre à l'ordre du jour l'acte pour l'enrégistrement des votans, lequel avait été mis par erreur à l'ordre du jour pour mercredi prochain.

M. Wickliffe, suivant l'avis préalable donné par lui, fait la motion de reconsidérer le vote donné samedi passé sur un acte intitulé :

Acte pour pourvoir à l'enrégistrement des hypothèques en faveur des mineurs et des femmes mariées.

Sur motion, cet acte est reconsidéré, et sur motion de M. Nicholls, cet acte est référé à un comité spécial de trois, avec instructions de le rapporter mercredi prochain.

Messieurs Wickliffe, King et Kenner sont nommés de ce comité par le président.

ORDRE SPECIAL DU JOUR.

BILL DES BANQUES LIBRES.

Le bill suivant est pris en considération :

ACTE

Pour établir un système général de Banques dans l'Etat de la Louisiane.

Sect 1.—Il est décrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane, réunis en en assemblée générale ; Que toute personne ou association de personnes, ou corporation formée conformément aux dispositions du présent acte, pourront faire des affaires de banque dans cet Etat, et établir des bureaux d'escompte, de dépôt et de circulation dans ce but, aux termes et conditions et sous les responsabilités et les peines dont il est fait mention dans le présent acte.

Sect. 2.— Il est de plus décrété &c. ; Que les banquiers et les banques incorporées faisant des affaires de banques en vertu de cet acte, pourront escompter des billets et effets de commerce, et autres reconnaissances de dette, recevoir des dépôts, acheter et vendre des lingots d'or et d'argent, des monnaies étrangères et des lettres de change, et prêter sur garanties réelles et personnelles, et exercer tous les pouvoirs nécessaires pour faire les dites affaires de banque ; mais le montant total du fonds capital du dit banquier ou de

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la dite corporation ne sera pas moindre de cent mille piastres.

Sect. 3.— Il est de plus décrété &c.; Que lorsque plus de cinq individus s'associeront dans le but de tenir une banque, conformément au présent acte, ils pourront se constituer en corporation, et sont par les présentes, autorisés à se constituer en corporation avec les pouvoirs qui en dépendent, savoir:

1o. De succéder sous un nom d'incorporation qu'ils choisiront pendant un espace de temps qui sera limité dans les articles d'association, pourvu que ce temps n'excède pas vingt ans, et sous ce nom, de citer et d'être cités, plaider, comparaître, répondre, poursuivre et être poursuivis dans toutes les cours de justice et ailleurs.

2o. De posséder, recevoir, acheter et vendre, sous leur titre d'incorporation, tels biens réels et personnels qui seront nécessaires aux fins de l'association. Il est bien entendu que les biens fonds que la dite corporation pourra acheter, posséder et transférer seront: Premièrement, des biens nécessaires à la transaction de leurs affaires; Secondement, les biens qui leur auront été hypothéqués de bonne foi, en garantie des prêts faits par eux; Troisièmement, des biens à eux transférés en paiement des dettes précédemment contractées de bonne foi dans le cours de leurs affaires, et Quatrièmement, les biens qu'ils pourront acheter aux ventes faites en vertu d'hypothèques ou de jugemens à eux appartenant ou dans lesquelles ils pourront avoir un intérêt comme subrogés aux droits d'autres personnes, conformément à l'article deux mille cent cinquante sept du Code Civil. Mais ils ne pouront posséder des biens-fonds acquis d'une autre manière que de celle requise pour la transaction de leurs affaires pendant plus de cinq ans.

3o. De faire et employer un sceau d'incorporation qui sera décrit dans les articles d'association.

4o. De nommer pour l'administration des affaires de la corporation tels administrateurs et directeurs qu'ils jugeront nécessaires, et dont le nombre et le titre devront être énoncés dans les articles d'association; de fixer le salaire de tous les employés. Tous les dits administrateurs et directeurs devront être citoyens de l'Etat.

5o. D'adopter en vue d'une bonne administration des affaires de la corporation, tels statuts particuliers qu'ils jugeront nécessaires, et qui seront conformes aux dispositions de la loi, des articles d'association et du présent acte, de rappeler et amender les dits statuts à leur gré.

Sect. 4— Il est de plus décrété &c.; Que les corporations établies en vertu du présent acte seront organisées d'après des articles d'association, par écrit, rédigés en acte passé pardevant notaire et enrégistrés au bureau du conservateur des hypothèques, ou de tout autre officier exerçant les fonctions de conservateur des hypothèques dans la localité désignée dans l'acte comme étant le domicile de la corporation; une copie dûment certifiée du dit acte sera déposée dans le bureau de l'auditeur des comptes publics et sera publiée une fois par semaine, pendant quatre semaines, dans le journal officiel de l'Etat, et si le journal officiel de l'Etat ne se publiait pas à la Nouvelle-Orléans, le dit acte devra être publié pendant le même espace de temps, au moins dans un journal quotidien de la ville de la Nouvelle-Orléans, et dans un journal publié dans la localité désignée dans l'acte comme le domicile de la corporation, s'il s'en publie un dans la dite localité; dont copie dûment certifiée du dit acte sera admise en preuve pour ou contre les dites corporations.

Sect. 5.—Il est de plus décrété &c.; Que l'acte ainsi publié et enrégistré devra contenir et énoncer les signatures des souscripteurs et des associés, le nom qui distingue la dite compagnie de banque, et dont elle se servira dans ses transactions, le lieu où les affaires de la dite association doivent être conduites, en spécifiant le nom de la paroisse, ville ou village; le montant du fonds capital de la dite compagnie de banque et le nombre d'actions qui composent le dit capital; les noms et la résidence des actionnaires, le nombre d'actions appartenant à chacun d'eux, et l'époque et le mode de paiement du capital souscrit, l'époque à laquelle la dite association doit commencer, et sa durée, le nombre de ses directeurs et administrateurs, et le mode d'élection d'iceux, et la manière dont s'opèrera la liquidation à l'expiration du terme. Il pourra également pourvoir à l'augmentation du capital, du nombre des associés et à toute modification, addition ou changement à introduire dans les articles d'association. Bien entendu que la dite augmentation et toute modification, altération, addition ou changement à introduire dans les articles d'association, seront soumis à une assemblée générale des actionnaires, tenue après trente jours d'avis, et devront être approuvés par les deux tiers en valeur des actionnaires. Toute augmentation, modification, altération ou addition, sera exécutée, enrégistrée et publiée de la manière déterminée dans la présente section pour les articles originaux.

Sect. 6.— Il est de plus décrété &c.; Que toute souscription au fonds capital des compagnies de banque, conformément à cet acte, devront être payées en entier en espèces, dans un délai de douze mois après que les dites compagnies auront commencé leurs affaires.

Sect. 7. Il est de plus decrété, &c., Que lesdites compagnies de banque ne pourront faire de prêts à leurs actionnaires sous la garantie de leurs propres actions.

Sect. 8. Il est de plus décrété, &c., Que les actions desdites compagnies de banque seront considérées comme propriété personnelle et pourront être transférées sur leurs livres de la manière déterminée par les statuts particuliers; mais les actionnaires ne seront responsables des dettes et contrats desdites compagnies que jusqu'à concurrence du montant total de leurs actions; les banquiers non incorporés seront responsables du montant total de leurs obligations et de leurs contrats La responsabilité des actionnaires s'appliquera non-seulement aux individus portés comme tels sur les livres de la compagnie, mais aussi à tout détenteur légal d'actions inscrites sur les livres sous un autre nom, à tout individu qui aura acheté des actions ou effectué les paiements à terme, dûs sur lesdites actions, au nom d'un mineur, et pendant sa minorité, à tout tuteur ou administrateur qui aura volontairement employé des fonds à acheter des actions; les fonds d'administration ne seront pas responsables des dettes de la compagnie; mais tout tuteur ou administrateur sera personnellement responsable jusqu'à ce que la personne intéressée puisse contrôler et gérer ses intérêts, et ssixante jours après; mais lorsqu'un tuteur ou administrateur sera détenteur des dites actions par le transfert que lui en aura fait un tiers, de bonne foi ou en vertu d'ordres positifs, la personne qui aura fait ledit transfert ou donné lesdits ordres ou sa succession, dans le cas de mort, sera responsable des dettes et des engagements touchant les actions.

Sect. 9. Il est de plus décreté, &c., Que les actionnaires de toute compagnie de banque formée conformément à cet acte, seront exonérés de toute responsabilité à l'égard des actions dûment transférées sur les livres de la compagnie, de bonne foi et sans intention d'éluder ladite responsabilité avant que ladite compagnie ait failli à payer ses dettes; dans ce cas l'individu auquel le transfert aura été fait, assumera la même responsabilité que s'il avait été actionnaire au moment où la dette ou engagement dont les actionnaires sont responsables, a été contracté, la même règle relativement à la responsabilité s'appliquera à tous les transferts subséquens.

Sect. 10. Il est de plus décrété, &c., Que toute compagnie de banque établie en vertu de cet acte, quand il sera prouvé qu'elle est insolvable ou qu'elle ne s'est pas conformée aux dispositions du présent acte perdra ses droits d'incorporation, et il sera du devoir de la Cour de District où ladite corporation se trouve, à la demande des créanciers ou de l'auditeur des comptes puplics, et après que les faits allégués auront été prouvés à la satisfaction de la Cour, de décréter lesdits droits forfaits et de nommer des commissaires pour liquider les affaires de ladite corporation, convertir en espèces dans le plus bref délai possible, et sous la discrétion de la Cour, tout l'actif de la corporation, y compris les sommes dûes par les actionnaires sur leurs actions respectives, et de le répartir après avoir pourvu à la balance due aux détenteurs de billets, conformément à l'article cent vingt de la Constitution, de la manière déterminée par la loi pour les faillites particulières.

Sect. 11.—Il est de plus décrété, &.; Que ledit Auditeur des Comptes Publics de cet Etat est, par les présentes, autorisé et invité à faire graver et imprimer de la manière la plus propre à éviter la con-

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trefaçon, la quantité qu'il jugera convenable de billets de circulation, en blanc, de différentes dénominations, d'au moins cinq piastres chaque, tels que les banques incorporées de l'État sont autorisées à en émettre, et ce, à fûr et à mesure qu'il le jugera nécessaire, pour donner effet aux dispositions du présent acte. Lesdits billets de circulation en blanc seront signés par ledit Auditeur, numérotés et enrégistrés dans son bureau, sous sa direction, par des employés nommés à cet effet, de sorte que les billets de chaque dénomination de billets de circulation, délivrés au même banquier ou à la même compagnie de banque soient uniformes. Tous lesdits billets de circulation de toute dénomination seront marqués d'un timbre en ces mots " Avec garantie des fonds publics." La forme et les devis desdits billets de circulation pourront être choisis par les banquiers et les compagnies de banque qui ont droit à les recevoir de l'Auditeur, conformément aux dispositions de cet acte, mais l'Auditeur devra exiger que tous les billets gravés soient uniformes quant au devis destiné à recevoir la signature de l'Auditeur, et au numéro qui doit être inscrit sur les billets par ledit Auditeur ou par ses employés.

Sect. 12.—Il est de plus décrété, &.; Que lesdites banques et compagnies de banque établies en vertu de cet acte, en déposant entre les mains dudit Auditeur des bons ou reconnaissances de dettes des Etats-Unis, des bons de l'Etat ou des bons de la dette consolidée de la ville de la Nouvelle-Orléans autorisés et assurés par la trente-septième section d'un acte pour consolider la ville de la Nouvelle-Orléans et pourvoir à l'administration de ses affaires," approuvé le vingt-trois février mil-huit-cent-cinquante-deux, et la cinquième section d'un acte approuvé le 23 février mil-huit-cent cinquante-deux, intitulé : "Acte supplémentaire à un acte pour consolider la ville de la Nouvelle-Orléans et pourvoir à l'incorporation de la ville de Lafayette avec la ville de la Nouvelle-Orléans," auront droit à recevoir dudit Auditeur, un montant égal de billets de circulation en blanc des dénominations que lesdites banques préféreront, numérotés, enregistrés, contresignés et marqués d'un timbre comme il est dit ci-dessus; mais ces valeurs publiques seront toujours ou seront rendues égales aux fonds publics de l'Etat, portant au moins six pour cent d'intérêt, et ledit Auditeur ne pourra prendre lesdits bons à un taux au-dessus du pair ou de leur valeur sur le marché.

Sec. 13. Il est de plus decrete, &c; Que ledit auditeur collectera aux époques régulières, l'intérêt provenant des bons et des valeurs déposés entre ses mains comme sécurité des billets mis en circulation ou émis conformément à la section précédente, et paiera cet intérêt sur demande, aux intéressés par qui ils ont été fournis, et ce, tant que le prix desdits bons sur le marché, ne sera pas tombé au dessous du taux auquel ils ont été pris par lui. Dans le cas d'une dépréciation, ledit Auditeur est autorisé à retenir, et il est requis de retenir ledit intérêt, jusqu'à ce que lesdites sécurités aient recouvré leur valeur intégrales, telle qu'elle est établie dans le reçu donné au moment du dépôt, ou jusqu'à ce qu'il ete fait un nouveau dépôt qui remplisse le montant pour lequel les billets ont ete émis. L'Auditeur est également autorisé en cas de dépréciation des sécurites déposées, à exiger du banquier ou de la compagnie de banque un nouveau dépôt de bons pour compléter la sécurité premièrement donnée pour les billets émis, ou l'abandon de la part de ceux qui ont fait les dépôts, d'autant du montant de billets reçus de l'Auditeur, qu'il en faut pour remplir la sécurité devenue incomplète par la dépréciation sur le marché des sécurités déposées, et quand un banquier ou une maison de banque n'aura pas obtempéré à cette demande dans un délai de vingt jours après ladite demande, tous les privilèges acquis en faveur de cet acte seront forfaits, et l'Auditeur prendra immédiatement les mesures nécessaires pour la liquidation des affaires du dit banquier ou de ladite compagnie de banque, ainsi qu'il est prévu pour les cas de faillite. Bien entendu que lesdits banquiers ou compagnies de banque auront le droit d'en appeler à la décision de l'Auditeur auprès de la Cour de District du lieu où lesdits banquiers ou compagnie de banque ont leur domicile et la dite Cour est par les présentes, requise d'entendre et décider la question de préférence à toutes autres affaires, soit pendant la session soit pendant l'ajournement de la Cour. Il pourra être fait appel de la décision de ladite Cour de District à la Cour Suprême qui sera alors en session au temps qui sera fixé par la Cour de District afin que la Cour Suprême décide ladite affaire le plus promptement possible, comme l'exige l'intérêt des parties et du public. Bien entendu en outre, que pendant ledit appel, toutes les affaires desdits banquiers ou compagnie de banque seront suspendues.

Sec. 14. Il est de plus décrété, &c; Que toutes les sécurités déposées entre les mains dudit Auditeur d'après cet acte, seront gardées exclusivement pour le rachat des billets de circulation émis en échange, mais il pourra, sur la demande de ceux qui auront fait le dépôt, les échanger et les transférer de nouveau, en recevant un montant égal de sécurités recevables d'après la présente loi, ou en recevant et annulant un montant équivalant des billets pour lesquels lesdites sécurités ont été données. Il pourra également recevoir tous les billets mutilés et remettre en échange d'autres billets d'un montant correspondant; mais les billets ainsi reçus seront enregistrés et gardés comme preuve jusqu'à l'enquête annuelle des comités de la Législature.

Sec. 15. Il est de plus décrété, &c; Que toutes les fois que lesdites sécurités seront déposées entre les mains de l'Auditeur de la manière susdite, une description complète desdites securités signées de l'Auditeur, et le nom de ceux qui ont fait le dépôt seront enregistrés dans le bureau du dudit Auditeur ainsi que dans le bureau du Trésorier de l'Etat, et leur changement, transfert ou substitution seront aussi décrits et enregistrés de la même manière. Les sécurités seront confiées à la garde du Trésorier, lequel devra en donner reçu à l'Auditeur; et toutes les fois qu'elles seront remises entre les mains de l'Auditeur pour les fins du présent acte, l'Auditeur donnera par écrit un ordre spécifiant les motifs qui les font demander. Ledit ordre sera enregistré et gardé dans le bureau du Trésorier, avec les reçus qu'aura donné l'Auditeur pour les sécurités, ou toute partie d'icelles à lui délivrées. Le rapport de l'Auditeur sur toute vente et autre disposition desdites sécurités sera aussi enrégistré au bureau dudit Trésorier.

Sec. 16. Il est de plus décrété, &c; Qu'il ne sera pas permis à l'Auditeur, de contresigner des billets pour un banquier ou pour une compagnie de banque, pour un montant s'élevant au-dessus des valeurs ou des bons déposés et ce d'après leur valeur estimative faite conformément à la présente loi. Toute violation de la disposition qui précède rendra l'Auditeur passible d'une amende de cinq mille piastres et d'un emprisonnement aux travaux forcés de dix ans.

Sect. 17. Il est de plus décrété, &c; Que les plaques et les matériaux que ledit auditeur se sera procures pour faire graver et imprimer lesdits billets ainsi qu'il est prescrit par le présent acte, resteront à la garde et sous la direction du dit auditeur. Les dépenses occasionnées par l'achat des plaques et matériaux susdits par l'impression, la contre signature apposée, le numerotage et l'enregistrement des billets, seront payés respectivement par les banquiers et les compagnies de banque pour l'usage desquels ils auront été reçus, avant que les dits billets soient délivrés par l'auditeur, et ledit auditeur est de plus autorisé à demander et à recevoir de tout banquier et compagnie de banques, tant pour cent sur la somme nécessaire pour payer selon une proportion équitable, les dépenses occasionnées par l'operation du présent acte.

Sect. 18. Il est de plus décrété, &c; Que les banquiers et compagnies de banque qui auront reçu de l'auditeur les dits billets en blanc, devront les signer de manière à les rendre légalement obligatoires comme des billets à ordre, payables au porteur sur demande et sans intérêt au lieu des affaires desdits banquiers ou compagnies de banque et pas ailleurs, à moins qu'il ne soit autrement pourvu par cet acte, et pourront les mettre en circulation de même que des espèces, selon le mode ordinaire des affaires de banque ainsi qu'il est prescrit dans le présent acte et conformément aux lois et usages de l'Etat; tous lesdits billets seront signés par lesdits banquiers ou lesdites banques, par leur caissier ou par le président, et le caissier de la compagnie de banque qui émet lesdits billets et par aucune autre personne en leur nom; bien entendu qu'aucun individu, qu'aucune société ou corporation, excepté les banques actuelles ayant une

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charte légale, ne pourront faire et émettre en circulation d'autres billets que ceux autorisés par le présent acte, sous peine d'une amende de mille piastres, avec les frais de cour dont la moitié reviendra à l'individu qui aura intenté une action à ce sujet et obtenu un jugement définitif devant toute cour de juridiction compétente, et l'autre moitié sera versée dans le trésor de l'Etat.

Sect. 19. Il est de plus décrété, &c; Dans le cas ou le souscripteur, ou les souscripteurs de billets contresignés, numérotés, enregistrés et émis de la manière ci-dessus énoncée, négligeraient ou refuseraient aux heures habituelles des affaires et au lieu où les billets sont payables, de payer ou racheter sur demande lesdits billets en monnaie courante des Etats-Unis, le porteur du billet ou des billets présentés par lui et dont le paiement n'aura pas été effectué devra faire protester lesdits billets pour non paiement; l'auditeur en recevant et en enliassant le billet ou les billets ainsi protestés, donnera aussitôt avis aux souscripteurs desdits billets d'avoir à les payer avec les frais. Si lesdits souscripteurs négligent de faire le susdit paiement dans un délai de trois jours après le service de la notice, ledit auditeur devra sur ce, ordonner avis public dans le journal officiel de l'Etat, et dans une autre journal publié tous les jours à la Nouvelle-Orléans, et si le journal officiel ne se publie pas à la Nouvelle-Orléans, au moins dans deux des journaux publiés à la Nouvelle-Orléans, et dans le journal publié au lieu des affaires du souscripteur ou des souscripteurs desdits billets, s'il n'est pas dans la ville de la Nouvelle-Orléans et s'il se publie un journal au dit lieu; ledit avis annonçant que tous les billets émis par le souscripteur ou souscripteurs desdits billets seront rachetés par lui au moyen des fonds déposés comme sécurité entre ses mains.

Sect. 20. Il est de plus décrété, &c; Que toutes les fois qu'une notice de protêt pour non paiement d'un billet, ainsi qu'il est dit dans la section qui précède sera mise dans ladite Cour de district accompagnée de l'affidavit du creancier, déclarant que le montant du billet n'a pas été payé, la Cour lancera aussitôt un ordre de séquestre et nommera un receveur pour prendre charge de l'actif dudit banquier ou compagnie de banque, et y apposera un sceau en attendant l'action ultérieure de la Cour, et ladite Cour lancera un ordre enjoignant audit banquier ou compagnie de banque, d'avoir dans un délai de dix jours à déduire les raisons pour lesquelles lesdits billet ou billets n'ont pas été payés sur présentation; et si à l'audition de l'affaire, ledit défendeur ne peut pas déduire ses raisons, la Cour devra rendre un jugement d'insolvabilité et pourvoir à la liquidation des affaires desdits banquiers ou compagnies de banque.

Sect. 21. Il est de plus décrété, &c; Que les banquiers ou compagnies de banque ne pourront pas, après que la notice du protêt de leurs billets aura été donnée de la manière énoncée dans la dix-neuvième section du présent acte, céder, transférer ou vendre leurs biens ou leur actif; toute cession, transfert ou vente de cette nature sera nul et de nul effet; et tout banquier, président directeur, administrateur et officier consentant à la cession, transport ou vente susdite des biens et de l'actif, sera personnellement responsable du montant total des dettes de la compagnie, sera déclaré coupable au second degré, et sera passible d'une amende et d'un emprisonnement; pourvu que le protêt des billets d'abord protestés sera regardé comme une garantie pour les créanciers de ladite banque sur toutes les valeurs de ladite banque qui ne sont pas entre les mains de l'auditeur.

Sect. 22—Il est de plus décrété, &c., Que le dit auditeur, immédiatement après avoir donné avis public, ainsi qu'il est requis pas la dix-huitième section du présent acte, du non paiement des billets ou effets protestés qui auront été émis conformément au présent acte, devra, par avis, mettre en vente publique à l'encan dans la ville de la Nouvelle-Orléans, les bons ou valeurs déposés entre ses mains par le souscripteur ou les souscripteurs des dits billets protestés; et le jour de la vente, laquelle n'aura pas lieu moins de trente jours après le dit avis, et après que cet avis aura été publié au moins deux fois par semaine pendant quatre semaines dans deux des gazettes quotidiennes de la ville de la Nouvelle-Orléans. Le dit auditeur fera vendre les dites sécurités au comptant, sous sa propre surveillance et après avoir déduit les frais d'avis et de vente, il fera servir le produit de la dite vente à racheter au prorata tous les billets mis en circulation, qu'ils aient eté protestés ou non, faits et mis en circulation par le souscripteur ou souscripteurs des dits billets protestés : bien entendu qu'aucune disposition de cet acte ne sera considérée comme impliquant une garantie donnée par l'Etat pour aucun paiement qui excéderait l'emploi fidèle des sécurités déposées entre les mains de l'auditeur.

Sect. 23—Il est de plus décrété, &c, Que si le produit de la vente des dites sécurités excède le montant requis pour racheter et payer intégralement les susdits billets, l'auditeur versera cet excédant du fonds général de l'actif des dits banquiers ou compagnie de banque insolvable; mais si le produit de la dite vente est insuffisant pour payer intégralement les billets mis en circulation, et qu'il en ordonne la distribution au prorata, l'auditeur devra délivrer par écrit au commissaires des liquidateurs, un certificat spécifiant le montant ou déficit; lequel servira de notice légale, les autorisant à recevoir de toutes sommes dues aux dits insolvables qui pourront être mises entre leurs mains, un montant suffisant pour faire face au dit déficit. Il délivrera en outre au porteur du billet ou de billets à lui présentés, pour être rachetés ou en partie rachetés, un certificat du montant non payé sur les dits billets ou billets, le dit certificat donnera au porteur le droit d'être payé intégralement, du mentant y désigné, sur les fonds appartenant à la banque insolvable, si les dits fonds sont suffisans pour payer intégralement tous les dits billets, ou au prorata, s'ils n'étaient pas suffisans, et ce, de préférence à toute autre réclamation ou dettes, excepté les frais de liquidation si le produit de la vente des dites sécurités est insuffisant pour racheter tous les billets mis en circulation par une corporation quelconque, établie en vertu du présent acte, les actionnaires de la dite corporation seront responsables du montant total de tous les billets non rachetés, en proportion du nombre d'actions que chacun possède.

Sect. 24—Il est de plus décrété, &c., Que le porteur de billets protestés pour non paiement, aura droit à des dommages à raison de vingt pour cent par an, au lieu d'intérêt pour le paiement final, lesquels dommages seront payés sur le fonds général de la banque insolvable.

Sect. 25—Il est de plus décrété, &c., Que les banquiers et les compagnies de banque, faisant des affaires en vertu du présent acte, pourront demander et recevoir un escompte dont le taux n'excédera pas le maximum accordé par la loi, ou les obligations conventionnelles, et leurs autres contrats seront réglés par les lois qui établissent l'intérêt dans les contrats passés entre les individus.

Sect. 26—Il est de plus décrété, &c., Que tout banquier ou compagnie de banque, faisant des affaires en vertu du présent acte, devra, outre les sécurités qu'il ou qu'elle aura déposées entre les mains de l'auditeur, avoir à sa disposition, en tous temps, un montant égal au tiers de ses engagements à vue, et pour les autres deux tiers des dits engagements, un montant égal en espèces, en lettres de change ou en effets escomptés, payables durant un délai de quatre-vingt-dix jours et non sujets à renouvellement.

Sect. 27—Il est de plus décrété, &c., Que si à un moment quelconque, les dites espèces et les effets à courte échéance, appartenant aux dits banquiers ou compagnie de banque, tombaient au-dessous de leur proportion avec les engagements à vue, telle qu'elle est décrite dans la section qui précède, et que cet état de choses continuât pendant l'espace de dix jours, les dits banquiers ou compagnie de banque, n'auront plus le droit de faire aucun prêt ni aucun escompte, jusqu'à ce que leur position soit rétablie, conformément aux termes de la dite section : Toute violation de cette disposition sera considérée comme un acte d'insolvabilité, et l'auditeur fera prendre les mesures nécessaires pour la liquidation des affaires des dits banquiers ou compagnies de banque, de même que dans les cas d'insolvabilités; et tout directeur ou administrateur d'une compagnie de banque qui aura participé ou consenti à la dite violation, deviendra personnellement responsable de toutes les dettes et obligations.

Sect. 28. Il est de plus décrété &c., Que tout banquier ou compagnie de banque établi ailleurs qu'à la Nouvelle-Orléans, faisant des affaires en vertu du présent acte, et mettant des billets en circulation,

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ainsi qu'ils y sont présentement autorisés, pourront tenir un bureau ou désigner le bureau d'un agent dans la dite ville, pour le rachat des dits billets. La nomination du dit officier ou agent sera faite par écrit et enregistrée dans le bureau de l'auditeur, dans celui du bureau de circulation, et dans le bureau du conservateur des hypothèques, dans lequel la charte est enrégistrée. Bien entendu que cette disposition ne pourra être interprêtée de manière à autoriser les dits banquiers ou compagnie de banque à refuser de racheter les billets au comptoir de la banque principale, ainsi que la présente loi le requiert.

Sect. 29. Il est de plus décrété, &c., Que le bureau de circulation, tel qu'il est maintenant établi ou qu'il pourra être organisé par la loi dans la suite, surveillera l'exécution du présent acte, aura tous les pouvoirs et remplira tous les devoirs que lui imposent les lois relatives aux banques incorporées ou autres. Il pourra examiner l'état des affaires des banquiers et des compagnies de banque faisant des affaires en vertu du présent acte, toutes les fois qu'il jugera à propos, et exigera d'eux un rapport hebdomadaire, attesté sous serment par les dits banquiers et leurs caissiers ou par le président et le caissier de toute compagnie de banque, lequel rapport donnera sur les affaires de la banque les détails suivans. 1o Le capital payé. 2o Le montant des valeurs deposées entre les mains de l'auditeur avec une liste, et le taux auquel elles ont été reçues en échange des billets de circulation. 3o Le montant dû placé en biens-fonds. 4o Les prêts ayant plus de quatre-vingt dix jours à courir, en distinguant s'ils sont faits sur hypothèques ou autrement et les prêts sur actions, et quelles actions. 5o Les paiemens suspendus, et les effets protestés. 6o Toutes autres créances non-réalisables dans les quatre-vingt-dix jours. 7o Les prêts sur billets arrivant à échéance dans les quatre-vingt-dix jours. 8o Le change, soit du pays, soit de l'étranger. 9o Les dépôts. 10o. La circulation. 11o Tous les autres engagemens à vue, 12o Les espèces et les créances à vue, par articles séparés.

Sect. 30. Il est de plus décrété, &c., Que les dits rapports seront régulièrement enregistrés sur *les dits livres* du bureau de circulation. Les rapports, *ainsi fournis* le dernier samedi de chaque *mois par les* banquiers et les compagnies de banque faisant des affaires dans la ville de la Nlle-Orléans, seront signés par le bureau de circulation et publiés dans le journal officiel, le premier mercredi de chaque mois. Le bureau de circulation déterminera pour chaque banquier ou compagnie de banque faisant leurs affaires ailleurs qu'à la Nlle-Orléans, un espace de temps, dans lequel ils devront fournir leurs rapports hebdomadaires au dit bureau ; et le rapport mensuel, publié par le bureau de circulation, indiquera le dernier rapport hebdomadaire, reçus desdits banquiers ou compagnie de banque.

Sect. 31. Il est de plus décrété, &c., Qu'une liste des actionnaires de chaque compagnie de banque faisant des affaires en vertu du présent acte, attestée sous serment, par le président ou le caissier, sera fournie tous les mois au bureau de circulation ; mais il ne sera pas nécessaire de publier la dite liste avec leur rapport mensuel.

Sect. 32. Il est de plus décrété, &c., Que la législature nommera tous les ans, un comité conjoint des deux chambres, lequel sera chargé d'examiner les sécurités déposées par les banquiers et les compagnies de banque, ainsi que les livres et papiers relatifs aux affaires de banque faites en vertu de cet acte. Le dit comité devra aussi compter tous les billets de circulation, vendus par les banquiers ou les compagnies de banque, et après les avoir confrontés avec les livres, les canceller et les détruire, en donnant à l'auditeur un certificat suffisant ; et de faire en général toutes les enquêtes qu'il jugera nécessaires pour les mettre à même de faire un rapport correct de la situation de banques mises en opération en vertu du présent acte.

Sect. 33. Il est de plus décrété, &c., Que tout banquier, directeur, officier, agent ou commis d'un banquier ou d'une compagnie de banque, faisant des affaires en vertu de cet acte, qui fera de fausses entrées sur les livres des dits banquiers ou compagnies de banque, ou qui exhibera de faux papiers, ou cachera volontairement des faits qui sont à sa connaissance, dans l'intention de tromper le bureau de circulation ou toute personne légalement autorisée à faire une enquête, et pour tromper le public sur la situation des affaires de la dite compagnie, et tout individu qui, en vue de commettre une fraude au préjudice des dits banquiers ou compagnie de banque, tirera ou paiera à dessein un ou plusieurs checks, ou aidera comme accessoire, à tirer ou payer quelque check, sans que la compagnie sur laquelle le check est tiré ait les fonds pour ce, ou à la soustraction de l'argent et des créances des dites banques ou compagnie de banque par tout commis, officier ou agent, sera passible d'un emprisonnement au pénitentiaire de l'Etat, dont la durée sera d'au moins un an, et de trois ans au plus. Dans le cas ou de fausses entrées auraient été faites, l'auteur ou les auteurs des dits faux, seront considérés coupables de parjure et punis comme tels.

Sect. 34. Il est de plus décrété, &c., Que toutes les Banques, établies par les présentes, seront des Banques de dépôts et d'escompte aussi bien que de circulation.

Sect. 35. Il est de plus décrété, &c., Que les banquiers et Compagnies de Banque, faisant des affaires conformément à cet acte, seront taxés sur leur fonds capital, au même taux que le sont les autres biens personnels, conformément aux lois de l'Etat.

Sect. 36. Il est de plus décrété, &c., Que toutes les fois qu'un banquier ou autre Compagnie de Banque aura racheté pour quatre-vingt peur cent de ses billets, et délivré à l'auditeur un certificat de dépôt, mis au crédit du trésorier de l'Etat, dans la Banque que l'auditeur aura choisie, jusqu'à concurrence d'un montant équivalent aux billets non rachetés, il pourra recevoir lesdits billets et restituer toutes les sécurités déposées par lesdits banquier ou Compagnie de Banque pour le rachat des billets mis en circulation.

Sect. 37. Il est de plus décrété, &c., Que lesdits banquiers ou Compagnie de Banque, après avoir rempli les dispositions de la trente-sixième section de cet acte, pourront donner avis, une fois tous les quinze jours, pendant un an, dans la gazette de l'Etat, ainsi que dans une des gazettes publiées à la Nouvelle-Orléans et dans un journal publié dans la paroisse où lesdits banquiers ou Compagnie de Banque ont leur domicile, si toutefois il s'en publie une, que tous les billets mis en circulation aient à être présentés au bureau de l'auditeur dans le courant d'une année, à dater de la première publication dudit avis, et que les fonds déposés seront restitués auxdits banquiers ou Compagnie de Banque ; et après qu'il lui sera prouvé, d'une manière satisfaisante, que ledit avis a été publié pendant le susdit temps, l'auditeur restituera auxdits banquiers ou Compagnie de Banque, tous les bons mis entre ses mains pour le paiement des billets non rachetés.

Sect 38. Il est de plus décrété, &c.; Que l'auditeur de l'Etat aura le droit, avec l'approbation du Gouverneur, d'employer dans son bureau tous les commis additionnels qu'il jugera nécessaires pour remplir les devoirs à lui imposés par ledit acte, et de leur allouer le salaire qu'il jugera suffisant, lequel sera payé, d'après une proportion équitable, par les banquiers et les Compagnies de Banque pour lesquels les services desdits commis ont été rendus.

Sect. 39. Il est de plus décrété, &c., Que les salaires et les revenus casuels que la loi accorde actuellement aux membres du bureau de circulation seront entre toutes les Banques placées sous leur surveillance conformément à cet acte, et les Banques incorporées, et seront payés dans la même proportion et de la même manière.

Sect. 40. Il est de plus décrété, &c , Que si un banquier qui a fait des affaires conformément à cet acte vient à mourir, les fonds, bons, actions et garanties qu'il aura déposés entre les mains de l'auditeur, ne seront portés à l'actif de la succession qu'après que toutes les obligations contractées par ledit banquier, conformément à cet acte, auront été acquittées.

Et, si vingt jours après que l'auditeur aura donné avis au representant légal ou aux héritiers dudit défunt, toutes les obligations par lui contractées ne sont pas acquittées :

L'auditeur procédera à la vente desdites garanties, selon le mode prescrit par la section 22 de cet acte, et il appliquera les fonds provenant de ladite vente à la liquidation de toutes les obligations contractées par ledit défunt en sa qualité de banquier, il paiera tous les frais, et il paiera le surplus, s'il y en a, aux représentants légaux ou aux héritiers dudit défunt.

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Le bill est lu section par section.

Les débats à demain

La huitième section étant prise en considération,

M. Kenner dit :—Je prends la parole pour demander qu'on retranche du bill les mots : « Les banquiers non incorporés seront responsables du montant total de leurs obligations et de leurs contrats. » Je ne vois pas quelle différence il y a entre un établissement de banque exploité par quatre ou cinq individus et un autre qui l'est par un seul. Tous sont responsables pour leurs actions. La section qui nous occupe en ce moment rend le particulier qui dirige à lui seul une banque responsable jusqu'à concurrence de tout ce qu'il possède. Alors, pour éviter de se conformer aux dispositions de l'acte, celui qui voudrait établir une banque au capital de $100,000 s'associera trois ou quatre prête-nom.

M. Wickliffe propose un amendement qui rend chaque actionnaire personnellement responsable.

M. Kenner.— Si je n'avais en vue que mes propres sentiments, je voterais pour l'amendement; mais, dans l'état actuel de l'opinion publique, je pense que l'amendement serait incompatible avec les vues de la communauté, et qu'il rendrait le bill sans effet.

M. King pense que le sénateur d'Ascension ne comprend pas bien le sens de la section. Elle s'applique aux personnes qui ne se conforment pas aux dispositions du bill. Par exemple M. Jacob Barker et autres de la Nlle-Orléans. Je crois pourtant qu'il serait bon de reconsidérer la 3me section parce qu'elle n'accorde le droit de former une corporation pour les opérations de banque qu'autant qu'elle sera composée de plus de cinq personnes. Je pense comme mon collègue que ce droit devrait appartenir à tout le monde. Je demande donc la reconsidération de la 3me section afin qu'elle soit amendée selon les vues de mon collègue.

M. McCay.— La 1re section dit que « toute personne ou association de personnes » pourra faire des opérations de banque dans l'Etat. Ceci admet clairement que tout particulier pourra faire ce genre d'affaires pourvu qu'il satisfasse aux exigences de la loi. Par contre, la 3me section dit que tout nombre de personnes audessus de cinq pourra s'engager dans ces opérations. Cette clause empêche-t-elle un plus petit nombre ?

M. Wickliffe.— Je demande que les actionnaires soient personnellement responsables.

M. Short.—Ceci détruirait entièrement l'efficacité du système. Il est vrai que les banques libres tendent à changer l'ancien système ; faisons-en l'essai ; mais cela devient impossible, si nous établissons pour la responsabilité des actionnaires une base différente de celle qui était adoptée sous l'ancien système.

M. Mouton.—Je suis entièrement de l'avis du sénateur d'Ouest Féliciana (M. Wickliffe.)

M. Wickliffe —J'entends dire partout que les banques libres vont faire prospérer tout le monde. Pourquoi ? J'ai entendu dire depuis mon entrée que les banques contribuent à l'aisance et au bonheur du peuple. Si ces institutions doivent accomplir tout ce qu'on promet pour elles, pourquoi ne les rendrions-nous pas responsables? Quant à moi, je ne voterai jamais pour un système qui ne rend pas les actionnaires aussi responsables que l'est un débiteur dans les transactions ordinaires. Nous allons permettre les opérations de banque sur des bons de la ville. On nous dit que ces bons ne peuvent pas diminuer de valeur et qu'il est impossible qu'on y perde. Un de mes collègues les a représentés comme une des bases les plus sûres qu'on puisse adopter. Comment les banques établies sur ce système pourront-elles manquer. Le dépôt de leur garantie est exigé par l'Etat, pourquoi hésiterions-nous à rendre responsables tous les actionnaires *in solido*, puisque la garantie est si satisfaisante ? Insérons cette clause dans le bill et nous aurons un bon système.

M. King.—Que je sois conséquent ou non, cela n'affecte en rien les mesures à prendre. Je ne suis pas en contradiction avec moi même. J'ai dit que, si mes collègues espéraient trouver un système qui rende toute perte impossible, c'était se donner une peine inutile. Ce système est aussi introuvable que la pierre philosophale; ce serait donc du temps perdu. J'ai dit que ce bill valait mieux que tous ceux que nous avons eus et donnerait lieu à moins de pertes; j'ai ajouté que les bons de la Nlle-Orléans représentaient une sécurité supérieure à toutes celles qu'on pourrait donner. Outre l'obligation morale qui force la ville à payer, il vous reste un recours à la Législature qui l'y oblige. Ces décisions sont sans appel pour la ville, et, conséquemment, elle ne trouve pas moyen d'éviter le paiement quand bien même elle le voudrait. Il y a donc pour la ville une obligation directe et une obligation indirecte. C'est pour cette raison que ces bons présentent une meilleure sécurité que tout autre qu'on pourrait offrir. Quant aux autres fonds publics, il n'y a qu'une obligation morale, mais aucun pouvoir ne peut en exiger le paiement. Quand le sujet fut discuté dans le Sénat, l'honorable membre l'a vigoureusement combattu; je croyais qu'il se serait contenté de se reposer sur ses lauriers. Mais je suppose qu'il agit sous l'influence du principe que, quoique ayant eu le dessous dans une première rencontre, un homme ne doit pas se tenir pour battu.

L'honorable Sénateur de Carroll (M. Short) a raison de dire qu'en surchargeant le bill on nuirait à son efficacité. Nous avons exigé des garanties plus complètes que celles qu'offre maintenant aucune Banque de cet Etat, et ces garanties sont plus complètes que celles qu'exige aucun autre système. Indépendamment des fonds déposés entre les mains de l'Auditeur des Comptes jusqu'à concurrence du montant intégral de la circulation, le bill contient encore une disposition très rigoureuse concernant le montant des espèces qui doivent être constamment tenues en caisse. Outre cette garantie amplement suffisante, l'honorable membre voudrait que tous les actionnaires fussent tenus responsables *in solido*. Supposons que je souscrive des actions dans une banque pour 500 ou 1000 piastres. A quelle responsabilité ne serais-je pas exposé ! Sur un chiffre d'affaires d'un million, je serais responsable pour cinq millions; mais, qui voudrait être actionnaire d'une banque avec une responsabilité pareille ? Mon collègue, j'en suis sûr, ne le voudrait pas. Si nous ne tenons pas à tourmenter inutilement le public, nous rejetterons la proposition. Je ne veux pas en faire accroire au public ; je veux lui accorder ce qu'il désire.

M. Wickliffe.—J'ai vainement taché de démêler un argument plausible dans tout ce que vient de dire l'honorable préopinant, mais tous ses arguments se réduisent à dire que l'amendement causerait la perte du bill. Je ne partage pas son opinion ; je ne vois pas comment il en serait ainsi. Si tout ce que les défenseurs des banques libres ont avancé en faveur de ce système est vrai, et si réellement ce système offre toutes les garanties qu'on lui attribue, si dans les transactions ordinaires de la vie, un homme est responsable jusqu'à concurrence de ce qu'il possède, pourquoi cesserait-il de l'être en devenant actionnaire d'une banque ? On dit que cela détruirait le système. Est-ce donc un système d'escroquerie que nous voulons établir ? Si cela n'est pas, pourquoi devons-nous craindre de rendre les actionnaires responsables ? Est-ce peut-être par ce que nous craignons les suites de la mauvaise administration de ces institutions ? Nous n'aurons un système sûr qu'en tant que les actionnaires seront responsables.

M. Short.—Un point paraît ne pas être compris suffisamment. C'est que la différence entre les deux systèmes consiste dans la garantie qu'ils offrent aux détenteurs de billets. En ce qui concerne les dépôts et l'escompte le nouveau système ne diffère pas de l'ancien, puisqu'un actionnaire n'est responsable que pour le montant de ses actions. Mais c'est à la circulation que le public est le plus intéressé ; il croit qu'elle demande de plus amples garanties et qu'un système plus sûr doit être adopté pour obvier aux inconvénients des fluctuations de la circulation, tel par exemple que celui qui est adopté dans la récente loi sur la Banque d'Angleterre, et qui sépare la circulation des dépôts et de l'escompte.

M. Mouton.—Le Sénateur de la Nouvelle-Orléans dit que le substitut causerait la perte du système des banques libres ; s'il en est ainsi, je n'en suis pas fâché, et je désire que le substitut soit adopté. L'honorable membre craint d'imposer une trop lourde responsabilité. Nous exigeons bien que d'amples garanties mettent les détenteurs de billets à couvert de toute perte, mais nous ne voulons pas mettre en péril les intérêts des actionnaires.

Si vous craignez que ce système ne réalise pas les espérances qu'on en a conçues, faites supporter les pertes qu'il peut occasionner à ceux qui l'ont adopté

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dans le but de s'enrichir. S'il doit y avoir une perte, qu'elle pèse plutôt sur les actionnaires que sur des tierces personnes de bonne foi qui ont fait un contrat avec eux. Si ce système ne présente pas de dangers, il ne peut y avoir aucune objection à l'amendement ; s'il existe un danger, il faut que les actionnaires supportent les pertes. Voilà pourquoi je voudrais les rendre responsables *in solido*.

M. Kenner—Je ne croyais pas que cette question donnât lieu à une si longue discussion. Je ne suis pas de ceux qui se figurent que banques libres veut dire abondance d'argent. C'est une erreur qu'il convient de dissiper au plus tôt.

Mais venons au fait. Le système qui rend tous les actionnaires d'une banque responsables *in solido*, est calqué sur la loi Écossaise ; mais c'est la seule garantie qu'exige cette loi. Si donc vous l'adoptez ici, rayez de ce bill toutes les autres garanties que vous y avez incorporées ; rayez l'article qui exige qu'il y ait constamment un tiers en espèces en caisse ; enfin effacez toutes les autres sécurités, toutes les autres garanties que présente le bill ; et alors, si vous le voulez, rendez les actionnaires responsables in solido. Mais si vous adoptez la loi écossaise, n'y ajoutez pas les garanties américaines. Ce serait aller un peu trop loin. Quelles sont les dettes que peut contracter une banque ? Elle peut acquérir des propriétés ; mais ce pouvoir est limité ; puis elle est redevable pour sa circulation, qui est garantie par d'amples sécurités, et enfin pour les dépôts. Voilà les trois espèces de dettes qu'une banque peut contracter. Nous avons pourvu aux dettes provenant d'achats en limitant la faculté d'acheter. Nous ne voulons pas aller plus loin. Comment avons nous pourvu aux dépôts ? En obligeant les banques à avoir constamment en caisse une somme en espèces égale à un tiers de leur circulation, et en portefeuille, un tiers en effets. A moins donc que le banquier lui-même ne soit un voleur et un escroc, il est impossible que qui que ce soit éprouve des pertes.

M. Short—Je propose que la section qui exige que tous les billets de banque soient marqués d'un timbre portant ces mots «Avec garantie des fonds publics,» soit amendée de manière à spécifier l'espèce de ce fonds. Si le détenteur du billet ne sait pas à quelle classe appartiennent les fonds qui garantissent ces billets, il aura moins de confiance et il ne peut pas être sur ses gardes si ces fonds fléchissaient à la bourse.

M. Kenner—Il est à supposer que comme trois espèces de fonds sont admises, un tiers du montant sera garanti par chaque espèce.

M. McCay—Il me semble que le bill y pourvoit. Les exposés mensuels qui doivent être publiés dans les journaux sont un exellent moyen d'informer le public à cet égard.

La 12me section est prise en considération.

M. Short—Je suis opposé à l'admission des bons de la Nouvelle Orléans dans ce bill, comme base d'opérations de banque. Je crois que la ville a émis des bons pour une valeur de neuf millions, au moins sa dette totale se monte-t-elle à près de $7,500,000. Je ne voterai jamais pour un bill qui prend des bons municipaux pour base de la circulation. Il y a une différence entre le projet du sénat et celui de la chambre. La chambre veut que les cours de justice interviennent avant que, sur refus de payer un billet, la forfaiture devienne finale. Le bill de la chambre dit que le billet doit être protesté pour non-jugement. Ce qui veut dire évidemment que la personne intéressée doit se presenter devant un notaire pour remplir les formalités. Car lorsqu'il exige un protêt sans spécifier de quelle manière il doit se faire, il est clair qu'il entend qu'il soit fait comme le protêt d'un effet de commerce. Alors six ou huit jours s'écouleront avant que l'actif de la banque devienne responsable et pendant ce temps elle peut en avoir disposé et enlever tout recours au détenteur du billet. Les honoraires du notaire s'élèvent à deux piastres, ce qui est beaucoup pour des gens pauvres. Ne vaudrait-il pas mieux que le banquier endosse son refus de payer sur le billet et que cela équivaille à un protêt ; de cette manière on pourrait se dispenser de le faire pardevant notaire.

M. King—Je préférerais que ce premier protêt fût entouré de toutes les formalités et de toute la solennité connues à la loi, dans le but d'y donner toute la publicité possible, pour éviter que les intérêts de tierces personnes ne fussent lésés. Je voudrais rendre un protêt aussi public que possible.

La 24me section est prise en considération. Le bill du sénat portait 12 pour cent et je crois que c'est assez. Car. si ce cas se présentait, la banque serait insolvable et les dommages équivaudraient à une contribution sur ceux qui ont fait des depôts. Si ces dommages devaient être prélevés sur les fonds de la banque seule, je n'aurais pas d'objections à les élever même à 50 pour cent, mais comme ils seront payés par des tierces personnes innocentes, je trouve que 20 pour cent est trop

M. Short—Je ne crois pas que nous devions nous occuper du cas de l'insolvabilité d'une banque.

La section est amendée.

La 34me section est prise en considération.

M. Kenner—Cette section a le même objet que la section 34 du bill du Sénat, mais il est moins bien exprimé.

Le système adopté dans l'Etat de New-York avait établi des banques de circulation qui n'étaient ni des banques d'escompte ni des banques de dépôt Elles tenaient leurs portes fermées et l'on ne pouvait pas faire convertir ses billets en espèces. Ce système donne naissance à une grande quantité de mauvais billets. Le dernier surintendant des banque de l'Etat de New-York appela l'attention de la Législature sur ces abus et demanda qu'on y remédiât en forçant les banques à devenir banques d'escompte et de dépôt aussi bien que de circulation.

M. Kenner propose d'effacer la 40me section.

M. McCay—Une disposition de cette espèce est nécessaire. Les fonds sont inventoriés et délivrés aux héritiers, où est la garantie des détenteurs de billets ?

M. King—Je suis opposé à la section. Il me semble que si un homme qui possède une quantité considérable de fonds meurt, la société est dissoute *ipso facto*.

La section est effacée.

Une question d'ordre est soulevée, à savoir si le bill a été définitivement adopté, ou s'il en est seulement à sa troisième lecture.

M. Wickliffe—Je voterai contre le bill.

M. Kenner—Nous avons adopté le bill section par section et c'est une affaire terminée en tant que nous avons donné notre concours au bill de la Chambre. Je suis désolé que l'honorable membre qui a déjà proclamé son vote onze ou douze fois, soit privé de l'occasion de le faire une treizième fois.

M. Short—Je crois que le bill en est à sa troisième lecture C'est un nouveau bill émanant de la Chambre et il n'a pas passé par les formalités requises.

M. Nicholls—Il y a les mêmes raisons ici pour lire le bill trois fois, qu'à la Chambre dont il émane ; c'est à dire de le soumettre à un examen approfondi. Pour nous, ce bill est entièrement nouveau, il doit passer par toutes les formalités, et être soumis à toutes les épreuves voulues pour un bill nouveau.

M. Rivers—La question est fort simple. La Chambre a donné son concours au bill du Sénat, au moyen d'un substitut. Ce n'est donc pas un nouveau bill ; c'est notre bill amendé, et tout ce que nous avons à faire est de donner notre concours aux amendements de la Chambre.

M. Wickliffe—Je ne vois rien qui justifie cette conclusion. Ce bill nous est envoyé comme un bill émanant de la Chambre et il faut qu'il subisse ses trois lectures.

Le bill est adopté par 14 voix contre 7.

Le titre du bill est pris en considération.

M. Nicholls propose de l'amender en substituant aux mots «banques libres» les mots «liberté de raser.»

Sur motion de M. Taylor, l'amendement est déposé sur le bureau.

ACTE POUR L'ENREGISTREMENT, ETC.

L'acte pour pourvoir à l'enregistrement des votants dans la ville de la Nouvelle-Orléans est pris en considération.

M. Wickliffe propose de renvoyer le bill au comité judiciaire.

M. Nicholls—Ce bill ne souffre pas de retard ; la Constitution exige que nous réglions cette question pendant la présente session Le comité judiciaire s'est déjà occupé de ce bill et il a maintenant devant lui plus d'affaires qu'il n'en peut terminer.

La motion de renvoyer le bill est adoptée et le co-

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mité est requis de présenter son rapport le mercredi suivant.

L'acte pour diviser l'Etat en districts congressionnels est pris en considération.

M. Todd—La minorité du comité a présenté un rapport sur ce bill.

M. King—Je ne voudrais pas que nous promissions de recevoir le rapport de la minorité.

M. Rivers—Si nous discutons le bill maintenant nous le faisons en l'absence du sénateur qui a le rapport de la minorité. Dans ce cas il a le droit de le faire insérer dans le procès-verbal. Je donne avis que ce rapport a été rédigé et qu'il sera présenté au Sénat.

M. Short—Quand le bill a été référé au comité, il y a été longuement discuté. La question est ou devrait être, de savoir si le Sénat adoptera le rapport de la majorité ou celui de la minorité. Mais comment peut-on comparer deux idées lorsqu'elles ne sont pas en présence et comment peut-on décider entre deux rapports quand on n'en lit qu'un seul ?

M. Todd—Lorsque le bill fut référé, le sénateur de Jefferson, [M. Burthe] et moi nous nous mîmes d'accord sur la teneur d'un rapport, je suppose qu'il l'a préparé et par égard pour lui, je voudrais que l'affaire fût remise à mercredi.

M. Nicholls — Si je ne me trompe, ce bill a été référé afin qu'il fût discuté dans le sein du comité et que l'opinion du comité ou de ses membres fût soumise au Sénat. Et que proposez-vous maintenant ? D'adopter le bill séance tenante et de donner à la minorité le droit de s'expliquer et de se justifier plus tard. Mais la minorité ne demande pas seulement à se justifier. Elle n'a rien fait qui exige une justification. Elle veut soumettre ses vues au Sénat avant qu'une décision soit prise. Si elle est remise à mercredi, la majorité n'en aura pas moins le faculté d'adopter le bill, et je suppose qu'elle le fera en dépit de tout ce que nous pourrons dire. Elle peut accorder la dispense des règles ou prendre le bill en considération le lendemain, et l'adopter en dépit de nous Tout cela est bel et bien préparé, et nous le savons. Elle peut alors l'envoyer à l'autre Chambre, où son parti à une majorité de 20 voix au moins. Qui donc peut douter que le bill n'y soit adopté ? Tout ce que nous demandons est qu'on nous entende avant de nous frapper.

M. Wickliffe.— Si les honorables membres sont si persuadés qu'ils devront en passer par là mercredi, pourquoi ne s'y résigneraient-ils pas aujourd'hui. Je suis opposé à tout délai ultérieur ; le bill a été déjà remis une fois, et cela doit suffire.

M. Todd—Comme le sénateur de Jefferson, un des membres du comité auquel le bill a été référé, est absent, j'espère qu'on sera assez juste envers lui pour ne pas l'adopter sans lui avoir donné l'occasion d'exposer ses vues au Sénat.

M. Wickliffe—L'honorable membre croit-il qu'elles changeraient le résultat ?

M. Todd—Si les arguments mis en avant dans le rapport étaient écoutés avec attention par le Sénat, ils auraient certainement une grande influence sur le résultat.

La motion d'ajourner est rejetée, et le bill est adopté.

ELECTION DES TRESORIERS DE PAROISSE.

M. Evans demande la prise en considération d'un acte pour pourvoir à l'élection des trésoriers de paroisse.

M. Wickliffe—Je ne crois pas que le peuple de la Louisiane ait jamais exprimé ou même éprouvé le désir de choisir ses trésoriers de paroisse. Cette place n'est pas assez importante pour que le peuple veuille la rendre sujette à l'exercice de son droit de suffrage. Dans quelques-unes de nos paroisses les plus riches, les honoraires de cette place ne s'élèvent qu'à $300 par an ; il est même difficile de trouver un homme compétent qui veuille l'accepter. D'ailleurs le peuple est surchargé d'élections ; ils en ont déjà bien assez pour occuper leurs loisirs. Si le bill est adopté, je demande que ma paroisse soit exceptée des dispositions de l'acte. Si nous élisions nos trésoriers de paroisse, ce serait supposer qu'on peut trouver un homme compétent pour $300 par an, tandis qu'il en faudrait au moins mille. Les jurys de police nomment maintenant les trésoriers ; ce système n'a jamais donné lieu à aucune plainte, et je ne vois pas la nécessité de le changer.

Motion est faite de remettre la discussion du bill au troisième lundi de juillet.

M. Nicholls—Si la motion ne prévaut pas, je demanderai à ce que ma paroisse soit exemptée des dispositions du bill, et certainement je crois, en le faisant, exprimer le vœu de mes commettants.

M. Short—D'après la manière de voir du sénateur d'Ouest-Féliciana, la principale objection à ce bill est, que la place de trésorier n'est pas assez respectable pour qu'un homme puisse se porter candidat.

M. Wickliffe—Ce n'est pas ce que j'ai dit. J'ai dit que les émoluments n'étaient pas suffisants pour engager un homme compétent à se porter candidat.

M. Short—Je ne partage pas l'opinion de mon collègue sur ce point. Dans ma paroisse j'ai toujours vu qu'il y avait concurrence entre des hommes compétents pour obtenir cette place, et j'avoue que cela m'a étonné. Ce bill nous assurera des trésoriers responsables, car le peuple y est intéressé. Dans mon district on se plaint beaucoup de ce que les professeurs des écoles, des personnes qui se consacrent à l'enseignement de la jeunesse, soient obligés de venir ou d'envoyer ici pour faire solder leurs comptes. Un des objets du bill est de garder les fonds des écoles dans les paroisses auxquelles ils sont destinés.

M. Short—Ce bill ne peut causer aucune difficulté. Le peuple prendra plus d'intérêt à la place, s'il nomme le fonctionnaire. Le peuple n'a-t-il pas un intérêt assez grand dans le fonds des ecoles pour vouloir qu'il soit confié à des personnes responsables. Les objections qui sont mises en avant contre ce bill pourraient s'appliquer à l'élection de tout autre fonctionnaire par le peuple. N'est-il pas capable d'élire un gouverneur, un grand juge, un juge de district. S'il en est ainsi, n'est-il pas capable d'élire aussi un trésorier ? C'est pourtant là l'objection que l'on fait valoir contre ce bill.

M Wickliffe—Je n'ai pas dit cela. J'ai dit que le peuple de la Louisiane est surchargé d'élections.

M, Short—Je suppose que le peuple de la Louisiane se trouve dans les paroisses de la Louisiane. S'il est surchargé, qu'il prenne un émétique. Mais on n'a pas répondu à l'argument que, s'il est capable d'élire un gouverneur et d'autres fonctionnaires importants, il l'est aussi de choisir un trésorier de paroisse. S'il y a quelque fondement dans l'argument que le peuple est harassé d'élections, il faut en rendre l'application générale Pourquoi ne choisirait-il pas les trésoriers de paroisse ? Il est a supposer qu'il votera pour des hommes compétents. Quel mal y a-t-il à lui en laisser le choix ?

M. Wickliffe—Je n'ai que quelques mots à dire. Je m'étonne que l'honorable préopinant s'obstine à me prêter des idées que je n'ai pas.

M. Short—Telle n'a pas été mon intention.

M. Wickliffe—L'argument que j'ai fait valoir ne peut pas etre interprété comme attaquant le droit ou la capacité du peuple, en ce qui concerne l'élection de ses fonctionnaires. Qu'ai-je dit ? Que les émoluments de cette place sont si minimes qu'il sera difficile de trouver un homme capable qui veuille se porter candidat. L'honorable membre parle des plaintes des professeurs des écoles Les écoles ont elles rien de commun avec ce bill. Se plaint-on de ce que le jury de police ne fasse pas son devoir ? Il dit que le peuple est intéressé à ce que les fonds des écoles soient entre des mains responsables. Le jury de police n'est-il pas responsable ? N'est-il pas intéressé dans cette affaire ? L'honorable membre affecte de croire que je suis l'ennemi du principe électif. Il se trompe. J'ai dit seulement qu'aucune plainte n'a été proférée contre le jury de police, et que les émoluments du trésorier de paroisse sont si minces qu'il serait difficile de trouver un homme compétent qui voulût briguer cette place. Il n'y a là rien qui puisse être travesti en opposition au principe de l'élection par le peuple.

Mon collègue dit que le peuple a été considéré capable d'élire un gouverneur, un grand-juge. Mais, ai-je jamais dit le contraire ? Je crois seulement qu'il est fatigué d'être forcé d'intervenir dans des affaires d'une si mince importance; surtout quand ils peuvent en toute sécurité remettre ce soin à d'autres. Si quelque sénateur dit que sa paroisse est mécontente du système actuel, je passe condamnation, au moins pour cette paroisse.

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M. Short—Le bill émane de la Chambre où chaque paroisse est représentée, je trouve donc qu'il a droit à quelque considération.

M. Wickliffe—L'honorable membre n'a pas répondu à ma question. Y a-t-il aucun sénateur qui puisse dire que sa paroisse est fatiguée du système actuel ?

M. Evans—Mes commettants désirent un changement.

M. Todd—J'approuve le bill. Je suis surpris d'entendre des sénateurs qui sont en faveur du système électif y faire opposition dans cette circonstance parce que la place à peu d'importance.

M. Wickliffe—Je répète pour la dernière fois que mon objection est l'impossibilité de trouver des hommes compétents qui veuillent accepter la candidature

M Todd—Qu'ils se portent candidats ou non, cela ne change rien à la question. Le peuple est aussi capable de choisir de bons employés que le jury de police, quand même personne ne se présenterait pour solliciter ses suffrages. L'honorable membre dit que le système actuel ne soulève pas d'objections; je ne partage pas son opinion, et d'ailleurs le vœu général est que tous ces fonctionnaires soient élus par le peuple.

Après l'échange de quelques mots, le bill est déposé sur le bureau.

RAPPORTS DES COMITES.

M. Rivers, de la part du comité des terres et levées, présente le rapport suivant qui est lu.

A l'honorable W. W. Farmer, président du Sénat.

Le comité des terres et levées, auquel avait été référé le rapport de l'ingénieur de l'Etat sur le projet du Raccourci à Cole's Creek Point, dans la paroisse de Tensas, après avoir examiné ledit plan, rapporte :

Qu'ils croient la session maintenant trop avancée pour prendre aucune résolution définitive sur ledit rapport, mais en comparant le bénéfice partiel qui résulterait en faveur de cette partie du pays qui se trouve au-dessus du raccourci qui doit être fait, comparé à l'étendue des pertes et dommages qu'éprouveront les terres et levées qui se trouvent au-dessous et qui doivent nécessairement en résulter, considérant les nombreuses réclamations et les demandes d'indemnités qui seraient présentées à la Législature par ceux qui en seraient affectés, considérant aussi qu'il est du devoir de l'Etat, lorsqu'il le peut, d'interposer à propos et d'une manière efficace son assistance pour empêcher de semblables calamités, votre comité demande la permission de renvoyer ce rapport et d'en demander l'adoption par le Sénat, comme base de toute décision que la Législature jugera convenable de prendre à ce sujet.

Respectueusement soumis,
D. L. RIVERS,
De la part du comité des terres et levées.

M. King, du comité des améliorations intérieures, présente le rapport et l'acte suivants :

A l'Honorable W. W. Farmer,
Président du Sénat.

Le comité des améliorations intérieures auquel avait été référé le mémoire de l'hon. Samuel Ricker, président du comité nommé par le Sénat dans la session de l'année 1750, ayant par une résolution plein pouvoir d'agir et de prendre des informations pendant le recès de la Législature relativement aux lois actuelles réglant la construction et la reparation des levées, ainsi qu'au système actuel de desséchement mis en usage dans tout l'Etat et tout ce qui y a rapport, et de suggérer tels amendements qu'il jugera convenables, afin de mieux protéger contre l'inondation les dites terres d'alluvion du Mississippi et pour dessécher les dites terres, et de rapporter un acte en conséquence—demande la permission de rapporter qu'ils ont examiné ce sujet autant que le peu de renseignements qu'ils avaient, le permettait.

Le comité est d'opinion que le président du comité du Senat de 1850 a exercé un pouvoir bien douteux en faisant les fortes dépenses qui ont donné lieu aux réclamations présentées contre l'Etat.

Mais comme le comité paraît avoir agi de bonne foi, il est raisonnable que les personnes employées par le dit comité soient payées pour les services qu'elles ont rendus.

En se référant au mémorial, on verra qu'une grande partie des réclamations a été déjà renvoyée par le comité et que beaucoup d'autres ont été diminuées.

Le tableau suivant est une liste des réclamations que le comité croit devoir être payées.

Pour le paiement des dites réclamations, le comité présente l'acte suivant et en recommande la passation.

Signé : W. W. KING.
Président.

LISTE DES RECLAMATIONS.

Pour rembourser à Samuel Ricker pour dépenses payées par lui.....	$ 787 85
Aux propriétaires du bateau à vapeur «Fernan,» employé pendant sept jours	1,200 00
Aux propriétaires du bateau à vapeur «Créole,» employé pendant quatorze jours.....	1,200 00
C. S. Folshy, ingénieur civil.....	1,500 00
Hugh Grant.....	400 00
H. L. W. Wallas.....	350 00
Benj. Buisson.....	75 00
Thos. Lafarelle.....	200 00
Thos. J. Burke, pour avoir copié des documents à la bibliothèque de l'Etat..	100 00
Henry Droz pour avoir copié des documents à la bibliothèque de l'Etat....	100 00
Total.....	$ 5,912 85

Acte pour pourvoir au paiement des réclamations pour services rendus à l'Etat par des personnes employées par un comité nommé par le Sénat dans l'année 1850, et duquel comité l'hon. Samuel Ricker était président.

MESSAGE A LA CHAMBRE.

Le messager du Senat demande le concours de la Chambre pour un acte intitulé :

Acte pour l'appropriation d'une somme d'argent pour la construction de travaux à l'embouchure du bayou Plaquemines.

Le messager spécial du Sénat informe la Chambre que le Senat a adhéré à l'amendement de la 14ème section que la Chambre avait refusé d'accepter, que le Sénat a donné son concours à une section additionnelle proposée par la Chambre, et que le Sénat demande la nomination d'un comité de conférences.

Que MM. King, McCay et Short ont été nommés de ce comité par le Sénat.

Il informe de plus la Chambre que le Sénat, persistait dans son amendement à un acte intitulé :

Acte relatif au judiciaire de l'Etat, le premier district excepté.

MESSAGE DE LA CHAMBRE.

Le messager spécial de la Chambre demande le concours du Sénat pour les actes suivants :

Acte pour pourvoir à la manière dont l'Etat viendra au secours des compagnies de chemin de fer et de chemins en planches.

Acte relatif aux élections des greffiers des Cours de District, la paroisse et la ville de la Nouvelle-Orléans exceptées.

Acte relatif aux élections de Shériffs et de Coroners.

Acte pour déterminer les limites entre les paroisses d'Iberville et d'Ouest-Baton-Rouge.

Acte pour remettre à Joseph Walker une somme d'argent se trouvant dans le Trésor comme lui étant due.

Acte pour incorporer l'Institut de demoiselles de la Nlle-Orléans.

Acte pour pourvoir à l'élection des trésoriers de paroisse et pour définir leurs devoirs.

Acte pour autoriser l'auditeur à canceller les bons donnés par John T. Sterling et James A. McHatton, comme commissaires pour l'achat des esclaves et bateaux à l'usage du département des améliorations intérieures de l'Etat.

Acte relatif à la distribution des livres et statuts.

Acte relatif aux devoirs et pouvoirs des jurys de police de cet Etat et des autorités constituées des villes incorporées.

Résolution recommandant au secrétaire d'Etat de notifier les officiers délinquants chargés de faire les retours de la dernière élection et de le faire immédiatement.

Acte pour amender la 10me section d'un acte pour

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pourvoir à l'organisation des corporations dans cet Etat, approuvé le 16 mars 1848.

Acte pour pourvoir à la vente d'une moitié indivise d'un morceau de terre dans la paroisse de St-Landry, réclamé par l'Etat.

Acte pour amender et remettre en vigueur la 20ème section d'un acte intitulé : «Acte pour consolider la Ville de la Nlle-Orléans et pour pourvoir au gouvernement et à l'administration de ses affaires.»

Le messager spécial du Sénat demande la signature de l'orateur pour l'acte enrôlé suivant :

Acte pour expliquer un acte intitulé : «Acte pour pourvoir au déficit des appropriations dans les poursuites criminelles jusqu'au 31 mars 1853.»

Et rapporte comme signé par le président l'acte enrôlé suivant :

Acte pour rendre à Henri Scott, de la paroisse de Catahoula, le produit de la vente d'un esclave marron lui appartenant.

Et il demande le concours du Sénat pour l'acte suivant :

Acte pour exempter la paroisse de Catahoula de toute taxe à venir pour construire des levées dans la paroisse de Madison.

MARDI, 19 avril 1853.

M. Kittridge demande la prise en considération d'un acte pour amender un acte intitulé :

Acte relatif à l'Hôpital de Charité, approuvé le 20 mars 1850.

M. Palfrey—Si ce bill n'exige pas que toute personne âgée de plus de dix ans donne garantie et sécurité, j'avoue que je ne comprends pas la langue anglaise.

M. Short—Je propose de déposer le bill indéfiniment sur le bureau.

La motion est rejetée.

M. Derbès propose de référer le bill à un comite spécial.

M. Kittridge—Je ne vois pas la nécessité de référer le bill de nouveau. Il a déjà été référé une fois. Si les sénateurs désirent s'éclairer sur le bill, qu'ils l'examinent. Il pourvoit au seul mode possible de soutenir l'hôpital. Après avoir consulté les directeurs de cet établissement, nous en sommes venus à la conclusion qu'en imposant cette taxe additionnelle, nous pourrions soutenir l'hôpital sans demander une nouvelle allocation à l'Etat. Comme presque tous les patients sont des étrangers et que c'est principalement cette classe qui recueille le bénéfice de cette institution, il n'y a pas d'injustice à adopter ce bill.

Sur motion de M. Derbes, la discussion du bill est remise au lendemain.

M. Boatner—Un comité a été nommé au commencement de cette session pour faire la révision du digeste et pour d'autres fins. Un des membres de ce comité est absent depuis longtemps et je pense qu'un autre membre devrait être nommé à sa place.

Le président nomme M. Todd membre de ce comité.

M. Kenner, du comité de finance auquel avait été référé un acte pour pourvoir au déficit des appropriations pour l'année finissant le 31 mars 1853—fait un rapport favorable.

Le bill est adopté.

M. Wickliffe demande la reconsidération du vote sur le bill donnant l'élection des trésoriers de paroisse au peuple, dans le but d'y introduire un amendement accordant aux jurys de police le droit de choisir les dits trésorier comme par le présent.

La motion de reconsidérer est adoptée.

Sur motion de M. Wickliffe, le bill est déposé sur le bureau sujet à l'appel.

Le bill pour entourer la Maison d'Etat et les terrains qui en dépendent d'une palissade en pieux, est prise en considération.

M. Kenner—Je crois en effet qu'une palissade est indispensable pour retenir les honorables membres.

M. Boatner—Je remercie beaucoup mon collègue de sa délicate allusion. Mais je le prie de croire que lorsque je voudrai me retirer d'un lieu dont le séjour me déplaît, ce ne sera ni une palissade ni une grille de fer qui m'en empêchera.

M. Derbes—Une grille en fer coûterait au moins $40,000.

M. Kenner—J'ai fait cette proposition parceque je la croyais opportune. L'année passée le coût d'une grille en fer avait été évalué à environ $10,000. Nous avons un édifice magnifique, le dessein en est grandiose et l'architecture élégante, et cependant les terrains qui en dépendent sont entourés d'une misérable palissade en planches. Une palissade en pieux ne serait pas une amelioration : ce serait mettre la lumière sous le boisseau. Personne certainement n'aimerait à voir notre beau palais d'Etat entouré d'une méchante palissade en pieux. Je veux bien cependant qu'on limite le coût d'une grille en fer a $10,000.

M. Derbes—A la Nouvelle-Orléans un grillage en fer d'une étendue beaucoup moindre qu'il ne le faudra ici a coûté $35,000.

M. Mouton—Si nous commençons par donner $15000 quand cette somme sera dépensée, il faudra en donner 15,000 de plus

M. Boatner—D'après ce principe nous ne devrions faire aucune espèce de clôture. J'ai inséré dans le bill «clôture en pieux,» parce que je croyais qu'on pourrait faire des objections à un plan plus coûteux. Mais je crois que tout bien calculé, un grillage en fer reviendrait moins cher parce qu'il durera plus longtemps et qu'il n'aura pas besoin d'être repeint aussi souvent que s'il était en bois.

M. Kenner—Je veux prouver à nos commettants que nous ne nous refusons pas à remplacer la méchante palissade en bois qui entoure notre capitole. Les vaches et autres animaux entrent maintenant dans cet enclos et viennent y paître à leur aise. Les dames osent à peine y venir pour assister à nos séances, de peur de souiller leurs robes. Nous avons besoin d'une clôture, faisons-en donc une qui soit en rapport avec l'édifice qu'elle est destinée à protéger.

M. Mouton.—Je suis opposé à la motion, non pas parce que je n'approuve pas que l'on établisse une grille autour des terrains, mais parceque je trouve la dépense trop forte pour le moment. Je crois que le sénateur d'Ascension partagera cet avis, s'il veut bien réfléchir à l'état presque desesperé de nos finances: Quand nous serons plus riches, nous pourrons dépenser de l'argent en grilles de fer, mais pour le moment, je crois qu'une palissade en pieux suffit à empêcher les animaux d'entrer. et les sénateurs de sortir.

L'amendement pourvoyant à l'érection d'une grille en fer, pourvu que le coût ne dépasse pas $10,000,— est adopté.

M. Kenner.—Les entrepreneurs chargés de la construction du Capitole etaient messieurs Avery, Brochear et Maunsel White. Les charges les plus lourdes ont pesé sur M. Avery. et il a accompli sa tâche avec une conscience dont j'ai vu peu d'exemples. L'exactitude et le soin qu'il a mis à remplir son contrat, ont été généralement remarqués. S'il eut construit une bâtisse pour lui-même, il n'eût pas pu y mettre une plus scrupuleuse attention. Ces considerations m'encouragent à vous proposer de le nommer un des entrepreneurs pour cet ouvrage.

La motion est adoptée et le bill passe.

L'acte relatif à l'élection des greffiers des Cours de District, [la paroisse et la ville de la Nouvelle-Orléans exceptés] — est pris en considération.

M. Mouton.—D'après cette loi, les greffiers des Cours actuellement existantes, seront continués dans leurs fonctions, jusqu'à ce que de nouveaux greffiers soient nommés. Sous le régime de l'ancienne loi, les paroisses de Lafayette, Vermillion et Calcasieu comprenaient le 15me District judiciaire de l'Etat. Lafayette au lieu d'être maintenant compris dans le 15me District judiciaire, est dans le 14me. Il me paraît que le greffier du 15me District ne peut pas remplir ses fonctions dans le 14me, parce que la Constitution dit que ces fonctionnaires seront élus, et nous n'avons pas le droit de leur faire remplir les fonctions de greffiers dans ces nouvelles Cours.

M. Short.—Les greffiers sont des fonctionnaires de paroisse et non de District. Ils sont élus par les paroisses. A mon sens, l'article 143 de la Constitution résout cette difficulté. [Il lit l'article.] L'article suivant est plus explicite encore. [Il le lit] Les greffiers élus sous la nouvelle Constitution ne seront pas choisis avant le mois de décembre, jusqu'à cette époque, l'ordre de choses actuel reste en vigueur. Par exemple le greffier de la paroisse de Carroll, est le greffier de la paroisse et non du District, et du moment où un nouveau greffier est élu, il entre en fonctions. Jusqu'à là l'ancien greffier conserve les siennes, en vertu de l'article de la Constitution que je viens de citer. Je ne

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vois pas que cette question puisse donner lieu à la moindre difficulté

M. Palfrey.—L'objection du sénateur de Vermillion [M. Mouton] est très fondée. Le greffier nommé pour le 14me District ne peut pas agir pour le 15me, ce serait une absurdité. Il y aurait pourtant un moyen de régler cette difficulté, ce serait d'autoriser le juge qui sera élu à nommer son greffier jusqu'à ce qu'un autre ait été choisi.

M. Mouton.—Alors ces fonctions cessent d'exister légalement, du moment où les juges sont élus, parce que le gouvernement est réorganisé. La Constitution dit qu'elles continueront jusqu'à l'organisation du gouvernement, mais pas plus longtemps. Sous la Constitution de 1845, les greffiers étaient élus, non comme le prétend le sénateur de Carroll [M. Short], pour les paroisses, mais pour les Cours situées dans ces paroisses. Aussitôt que les nouvelles Cours seront établies, leurs fonctions expireront. La Constitution porte qu'un greffier sera élu pour chaque Cour inférieure. Le bill veut que nous donnions aux anciens greffiers, la même place dans les nouvelles Cours; c'est une violation manifeste de la Constitution qui dit que ces employés seront élus. Le greffier de mon District est nommé pour le 15me et cette Cour est abolie, elle n'existe plus. Le greffier de cette Cour peut-il exercer ces fonctions dans le 15me District? je prétends que non, attendu que la Constitution veut que ces fonctionnaires soient élus. Le sénateur de Carroll se fonde sur l'article 144 de la Constitution qui dit que les anciens officiers resteront en place jusqu'à l'organisation du gouvernement. Eh bien, le gouvernement n'est-il pas organisé. Les anciennes Cours ont cessé d'exister et la loi ne peut pas transférer les greffiers aux nouvelles Cours.

M. Short—L'honorable membre a mal compris mon interprétation de l'article en question. Nous n'avons pas créé de nouvelles Cours, elles restent ce qu'elles étaient. Nous n'avons fait que changer les numéros et les paroisses dans quelques cas, mais leur juridiction reste la même. La seule différence est que le juge est nommé d'une manière différente. Il était alors nommé par le Gouverneur avec l'avis et le consentement du Sénat; maintenant il est élu par le peuple; et le District pour lequel il est élu est déterminé par la loi. Dans quelques cas les paroisses sont les mêmes, dans d'autres elles sont différentes. Tensas, Madison et Carroll formaient le 10me District, maintenant c'est le 9me. Il n'y a de différence que dans les noms des Districts et dans le fait que les juges sont élus par le peuple. Il n'y a pas de changement quant aux greffiers. La question est de savoir jusqu'à quel point nous avons poussé l'organisation décrétée par la nouvelle Constitution. Nous avons d'abord pourvu à l'élection des juges. C'est un pas de fait. Quand nous aurons pourvu à celle des greffiers, ce sera un second pas, et jusqu'alors l'article 144 de la Constitution fait face à la difficulté. Jusqu'à ce que l'organisation soit complétée, les dispositions de l'article 144 restent en vigueur Le greffier de quelque Cour que ce soit, peu importe que ce soit de la 1re, de la seconde ou de la 3me, a le droit de rester en fonctions jusqu'à l'élection de son successeur. Cette élection a été fixée au 3me lundi de décembre. Jusqu'à cette époque, d'après l'ancienne et la nouvelle Constitution, les Cours ne sont pas complétement réorganisées. On prétend que les nouveaux juges ont le droit de nommer leurs greffiers: cette prétention est inadmissible; ils ont le droit de suppléer aux vacances, non d'en créer. Il n'y a pas de vacance avant que le nouveau greffier ne soit élu, et jusqu'alors l'ancien doit rester en fonctions.

M. McCay—Il me semble que l'art. 84 de la Constitution pourvoit à ce cas. Je propose un amendement à ce Bill, portant que les greffiers actuels conserveront leur place jusqu'à ce que leurs successeurs soient élus. S'il y a vacance, cet amendement y pourvoit; dans le cas contraire, il ne peut en résulter aucun inconvénient.

M. Mouton—Ce Bill contient certainement une inconséquence. Supposez qu'un greffier, qui autrefois appartenait au 7me District, se trouve être maintenant dans le 18me. Quel titre prendra-t-il? Sa nomination ne l'autorise pas à exercer ses fonctions dans le 18me, et il n'a pas été réélu pour ce District.

M. Short—Je ne vois pas cette inconséquence. Le numéro du District ne fait rien à la chose. Le greffier de la Cour de Caddo est greffier pour tout District qui embrassera cette paroisse, jusqu'à ce que son successeur soit élu. Il n'y a pas la moindre ambiguité.

M. Mouton—Simplifions la question. Supposons que dans la paroisse de Madison un homme soit accusé de meurtre et que le greffier signe comme greffier de la Cour, pour laquelle il a été nommé. L'avocat de l'accusé se fonderait sur cette irrégularité pour demander l'annulation de l'acte d'accusation. Il consulte la loi et y trouve que ce fonctionnaire est greffier du 14me District et non du 15me. Sa demande ne sera-t-elle pas fondée?

M. Short—Tout cela ne fait rien à la chose. Si le District d'un greffier est divisé et que sa paroisse passe du 9me au 10me District, il ne résulte pas de ce que le titre de la Cour est changé, qu'il soit déplacé, pas plus que le shérif. Pour qu'un employé soit déplacé, il faut dabord que la place elle-même et les fonctions qui en dependent soient changées. L'idée que le changement d'une ligne mathématique peut affecter les droits de ceux qui occupent une place, ne peut trouver place que dans les cerveaux qui ont rêvé que la nouvelle Constitution est une révélation d'en haut, et que non seulement elle détruit le passe, mais encore qu'elle pourvoit à tout pour l'avenir.

M. Mouton—La comparaison qui vient d'être établie entre les greffiers et les shérifs n'est pas juste. Ces derniers sont des officiers strictement paroissiaux, il n'en est pas de même des premiers.

M. Boatner—Je respecte les opinions du sénateur de Caroll, elles sont généralement fondées. Mais dans le cas qui nous occupe je ne puis m'en remettre qu'à mes propres convictions. La question me paraît fort simple. Quelle preuve un greffier a-t-il de son droit à la place qu'il occupe? C'est sa nomination comme greffier de telle ou telle Cour pour telle ou telle paroisse ou paroisses. La loi a crée de nouveaux districts, qui n'étaient pas reconnus antérieurement et dont les greffiers d'aucune paroisse n'ont connaissance. Un greffier qui a exercé ses fonctions dans le 17me District, a-t-il le droit de les remplir dans le 18me? Certainement il ne l'a pas. L'article de la Constitution qu'on a cité, ne s'applique pas à ce cas. Il a trait aux fonctionnaires dont les attributions ne sont pas changées; mais la loi a introduit un changement dans les fonctions dont il s'agit Elle établit de nouveaux Districts et de nouvelles Cours. La Législature doit pourvoir à cette difficulté. Un greffier ne peut agir qu'en vertu d'une seule nomination et elle ne l'autorise pas à exercer ses fonctions dans le 17me District quand il est nommé pour le 18me. La raison en est fort simple. Je partage l'opinion du sénateur de Vermillon, qu'il ne faut pas mettre cette précipitation inconsidérée au changement de nos institutions. Je ne pense pas qu'il faille tout démolir par la seule raison que c'est ancien. Mais il est absolument nécessaire de pourvoir à ce cas difficile. Les juges ne peuvent pas faire de nomination parce qu'il n'y a pas de vacance, et la Constitution les autorise à le faire lorsqu'une vacance a lieu.

M. Short—Je remercie mon collègue de l'honneur qu'il veut bien me faire Pour ma part je ne demande pas mieux que de me laisser éclairer, de quelque part que vienne la lumière. Mais: *Humanum est errare*. La difficulté soulevée par cette question semble résulter du changement introduit dans le nom et les limites de quelques Districts. Si un District est changé, toutes les poursuites intentées par la Cour qui est située dans ce District, le seront au nom de cette Cour. Le fait que le District porte un nouveau nom n'y fait rien. Un greffier, est greffier d'une Cour dans et pour un certain District. Il n'y a pas d'inconvénient à ce qu'un greffier intente une poursuite pour une Cour sous un nom, s'il a été nommé greffier d'une Cour sous un autre nom. Il n'y a de changé que le nom et c'est là la seule contradiction.

M. McCay—Et si une paroisse était divisée?

M. Short—Pourquoi supposer des cas qui ne se sont jamais présentés?

M. McCay—Ce cas s'est offert. La paroisse de Jefferson a été divisée, et une partie a été réunie à la paroisse d'Orléans.

M. Short—On pourrait aisément y pourvoir en permettant au greffier d'exercer des poursuites de la part d'une Cour sous un titre, et de la part de l'autre Cour sous un autre.

M. Mouton—Oui, quand le bill en sera à sa 3me lecture. Cette question est fort importante, et je suis

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persuadé qu'elle donnera naissance à une foule de contradictions et de difficultés auxquelles nous devrions tâcher d'obvier.

M. McCay—Je voterai contre ce bill à cause des objections qu'il soulève. Le sénateur de Carroll (M. Short), base son opinion sur ce que les anciennes Cours existent encore. Cette Législature a organisé de nouveaux Districts, et quand les nouvelles Cours seront organisées, les anciens greffiers devront nécessairement quitter leurs places. Elles sont vacantes maintenant ou au moins elles le seront aussitôt que les nouveaux juges seront élus.

M. Short—Les greffiers resteront en place jusqu'à ce que leurs successeurs soient élus, puisque jusqu'alors il n'y aura pas d'organisation complète. Il ne peut pas y avoir d'organisation jusqu'à cette élection, et nous ne pouvons pas désorganiser avant d'avoir organisé. Si nous n'adoptons pas ce bill nous retomberons dans l'ancien ordre des choses.

M. Mouton—Nous ne nous trouverons pas dans cette position, puisqu'alors il y aura une vacance et que les juges seront autorisés à la remplir.

M. Short—J'en doute.

L'appel nominal étant demandé, M. Mouton présente l'opinion suivante, qui est insérée dans le procès-verbal :

Mon opinion est que les places de greffiers sont vacantes par l'adoption de la Constitution et de la nouvelle division de l'Etat en nouvelles Cours de District Judiciaires; que les greffiers des Cours de la Nouvelle-Orléans doivent être élus, et que la Législature n'a pas le pouvoir de constituer les greffiers actuels, greffiers des nouvelles Cours ou des Cours dernièrement organisées.

C. H. MOUTON.

Le bill est adopté.

M. Nicholls.—Ayant voté avec la majorité, je demande la reconsideration du bill afin de permettre au sénateur de Ste-Marie de proposer un amendement.

Le bill est repris en considération.

M. Palfrey présente un amendement portant que les greffiers actuels resteront en fonctions jusqu'à ce que leurs successeurs soient élus.

L'amendement est adopté et le bill passe.

L'acte réglant les hypothèques et les privilèges, et pour empêcher la levée desdites hypothèques et desdits privilèges par les syndics executeurs, etc., est pris en consideration.

M. King.—Je suis préparé à la discussion de ce bill, mais je ne tiens pas précisément à ce qu'elle ait lieu aujourd'hui. Cependant j'en expliquerai le but en peu de mots: C'est de donner une garantie additionnelle aux personnes qui font des prêts sur hypothèque en augmentant cette garantie; de diminuer le taux de l'intérêt; de rendre l'argent plus abondant et d'élever la valeur des propriétes foncières. Voilà quels seront les effets du bill. Les inconvénients qui résultent du système actuel, se rapprochent beaucoup de ceux que présentent les hypothèques tacites et par conséquent ce bill ressemble dans ses dispositions à celui qui a été présenté sur les hppothèques tacites. Il aura les mêmes résultats, sans donner lieu aux mêmes objections. Je donnerai un exemple des abus auxquels le système actuel donne lieu. Il y a quelques années, John Jacob Astor prêta $60,000 à une personne de la Nouvelle-Orleans qui lui donna une première hypothèque sur ses propriétés, en garantie. Cette personne fit faillite. Un syndic fut nommé, qui ne péchait pas par trop d'honnêteté. Il leva l'hypothèque, empocha les fonds, et Astor perdit son argent. Il va sans dire qu'il informa tout le monde de l'insuffisance de nos lois, dans ces cas, et cette publicité eut pour résultat d'ébranler la confiance des capitalistes étrangers. Maintenant en cas de banqueroute, un syndic a le droit de lever une hypothèque et la même chose a lieu en cas de mort. Cela ne doit pas se faire. Les banques foncières de la Louisiane insèrent toujours dans leurs contrats une clause qui s'opposait à ce que les syndics ou les exécuteurs testamentaires levassent une hypothèque en cas de faillite ou de mort de la personne avec laquelle elles faisaient un contrat Ce système n'avait pas d'inconvénients. Qu'on ne se figure pas qu'en pratique, ce bill n'offrira pas les avantages qu'il présente en théorie. La Louisiane est le seul Etat où de tels pouvoirs soient donnés aux syndics. Tout le système est basé sur cette théorie fausse. Un homme qui emprunte de l'argent donne certains droits à d'autres. S'il meurt ou s'il fait faillite, les propriétés qui lui appartiennent sont portées à sa succession et deviennent responsables pour tous les frais. Je sais par expérience que dans ces cas, après que les commissions du syndic et les honoraires des avocats ont été payés, celui qui avait prêté de l'argent, le croyant garanti par hypothèque, découvre souvent que son argent a été absorbé par les frais de la banqueroute ou de la succession, tandis qu'il est le véritable propriétaire bénéficier de ces propriétés. Voilà les abus auxquels ce bill est destiné à porter remède.

Après beaucoup d'étude et de réflexion, j'ai trouvé qu'il était difficile de le rendre appliquable à tous les cas. Je l'ai enfin rédigé de manière à ce que la première hypothèque générale ne puisse être invalidée par aucune autre hypothèque générale. J'aurais préféré enlever entièrement aux syndics le pouvoir qu'ils ont maintenant, mais je n'ai pas pu reussir à rédiger le bill de manière à y comprendre certains cas où il faut que les syndics aient le pouvoir de lever certaines hypothèques pour régler une succession. J'ai donc rédigé le bill de sorte à empêcher les syndics et exécuteurs de lever une première hypothèque, Si nous adoptons le bill, nous augmentons la valeur des propriétés foncières dans 99 cas sur 100; mais la proportion ne fût-elle que de 75 sur 100; cela suffirait à recommander le bill à l'opinion favorable du Sénat.

M. Mouton.—Je voudrais savoir si le bill pourvoit à ce que dans les cas de vente de succession, l'hypothèque suive la propriété dans les mains de tierces personnes.

M. King.—Certainement, comme dans les autres Etats.

M. Short.—Le comité judiciaire a fait un rapport sur ce bill, mais quoiqu'il n'eût pas mon approbation, je n'ai pas eu le temps de faire un rapport en mon nom propre. Quand le bill sera discuté, j'exposerai mes vues sur ce sujet.

M. King.—L'honorable membre semblait d'abord favorable au principe général du bill, quoiqu'il pensât qu'il était de nature à embarrasser le réglement des successions. Mais depuis le bill a été refondu et il n'est pas le même que celui contre lequel il élevait cette objection. Si l'honorable membre veut se donner la peine d'examiner le bill, il trouvera que de grands changements y ont été introduits et qu'ils sont de nature à détruire les objections qu'il avait contre les dispositions du bill.

Sur motion, l'acte est mis à l'ordre du jour pour le jeudi suivant.

M. McCay demande la prise en considération du bill pour taxer les compagnies d'assurance de la Nouvelle-Orléans au profit du département des pompiers de cette ville.

Le bill est pris en considération et adopté.

L'acte pour régler l'indemnité des jurés pour la paroisse d'Orléans, est pris en considération.

M. Kenner propose de référer ce bill au comité judiciaire.

M. Short.—Je m'oppose à la motion. La session est déjà avancée. Le comité a eu beaucoup à faire et ne désire pas qu'on le charge encore de ce bill.

M. Mouton.— Je crois que la loi accorde actuellement $1,50 aux jurés à la Nouvelle-Orléans, mais il n'y a pas eu d'allocation pour mettre cette disposition à exécution.

M. Short.—Si l'Etat paie les jurés de la ville, il doit aussi payer ceux de la campagne.

N. King.— Je suis opposé à ce que l'Etat paie les jurés soit de la ville, soit de la campagne. Mais si vous voulez que ceux de la campagne soient payés par l'Etat, ceux de la ville doivent l'être également.

Le bill est référé au comité judiciaire.

RAPPORTS DES COMITÉS.

M. Kenner, du comité des finances, auquel avait été référé un acte pour accorder aux differents collecteurs de taxes de la ville de la Nouvelle-Orléans, le montant de leurs commissions déduit sur les collectes des licences d'Etat pour les années 1850 et 1851.

Le rapporte défavorablement et recommande qu'il soit déposé sur le bureau.

M. Taylor, du comité des réclamations, auquel avait été référé un acte pour venir au secours des héritiers de Patrick Flinn, vétéran de 1814 et 1815, le rapporte favorablement.

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Ainsi qu'un acte pour venir au secours de Henry Force, de la paroisse d'Orléans.

Sur motion, après dispense des règles, cet acte subit sa troisième lecture et passe.

M. Neal, du comité spécial, présente le rapport suivant qui est lu et adopté.

Le comité spécial auquel avait été référé l'acte intitulé « Acte pour améliorer la navigation de la rivière Sabine. Rapporte respectueusement

Que le but de cet acte ne peut être rempli par une application des fonds designés dans le dit acte pour les raisons alléguées dans le rapport fait sur cet acte quand il a été référé au comité des terres et levées.

Le seul fonds qu'on pourrait employer pour remplir ce but, est celui qui appartient aux améliorations intérieures, ou du moins pourrait-il être exécuté par les ouvriers appartenant aux améliorations intérieures, et par un des bateaux qui se trouvent sous les ordres de l'ingénieur de l'Etat ; c'est pourquoi nous recommandons la passation de la résolution suivante :

Il est resolu par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane réunis en assemblée générale ; Que l'ingénieur d'Etat soit et demeure autorisé par le présent, à faire un plan de la rivière Sabine pour montrer quelles sont les travaux qui peuvent y être faits pour en améliorer la navigation.

Et si sur ce plan, il paraît matériellement praticable d'améliorer la navigation de la dite rivière, de prendre tel nombre de forces des améliorations intérieures qu'il sera necessaire pour exécuter les ouvrage exigés par cette résolution. Pourvu que ces forces des améliorations intérieures ne soient pas détachées de tout ouvrage maintenant en voie d'exécution.

Sur motion, après dispense des règles, cette résolution subit ses différentes lectures et passe.

MESSAGE DE LA CHAMBRE.

Le messager spécial de la Chambre informe le Sénat que la Chambre a donné son concours aux actes suivans :

Acte pour venir au secours de J. Johnston, maître du bateau à vapeur Sidonia.

Acte pour émanciper Jane Mary esclave et fille de Patsey f. c. l.

Acte pour arrêter l'extension des maladies contagieuses et malignes, apportées par les navires arrivant dans la baie de l'Atchafalaya et ses tributaires.

Acte pour pourvoir au jugement des affaires quand les juges sont récusés.

Résolution conjointe relative à l'établissement d'un bureau de poste dans la paroisse de Livingston.

Acte pour venir au secours de Pierre Gellouseau ex-surintendant de la paroisse d'Iberville.

Et que la Chambre a adopté avec amendemens un acte pour transférer des fonds des écoles du troisième aux 1er et 2me districts de la paroisse Saint-Charles.

Et que l'Orateur a nommé messieurs :

Ranney, Sandidge, Day, Sterling, Pierce d'un comité de conférences relativement à un acte intitulé :

Acte relatif au judiciaire de l'Etat, le premier district judiciaire excepté.

Et MM. King de St-Landry, Wilson, Nixon, Wheat et Marks d'un comité relatif à un

Acte pour organiser les cours de districts dans et pour la paroisse et la ville de la Nlle-Orléans.

MESSAGE A LA CHAMBRE.

Le messager spécial du Sénat rapporte à la Chambre que les actes suivans ont été adoptés par le Sénat.

Acte pour autoriser l'auditeur à canceller les bons souscrits par J. Sterling et James A. Mc Hatton, comme commissaires pour l'achat d'esclaves et de bateaux destinés à l'usage des améliorations intérieures de l'Etat.

Acte pour changer le nom de George Ross de la paroisse de Plaquemines.

Acte pour créer un juge de paix et un constable additionnels, dans et pour la paroisse de Saint-Bernard.

Et il demande le concours de la Chambre pour l'acte suivant émanant du Sénat.

Acte pour pourvoir à la représentation uniforme de la paroisse de St-Jacques, dans le jury de police de la dite paroisse.

Et il demande la signature de l'orateur pour l'acte enrôlé suivant :

Acte pour venir au secours d'Emile Lasère, imprimeur d'Etat.

Et il informe la Chambre que le président a signé l'acte enrôlé suivant :

Acte pour amender la 20me section d'un acte intitulé « Acte pour consolider la ville de la Nouvelle-Orléans, et pour pourvoir au gouvernement et à l'administration de ses affaires.

Et il demande le concours de la Chambre à une résolution relative à la construction d'une grille en fer autour de la Maison d'Etat, et du terrain qui l'entoure.

Et il informe la Chambre que le Sénat a donné son concours aux amendements du Sénat à un acte intitulé :

Acte pour incorporer la compagnie du chemin en planches de Grosse-Tête et de Baton-Rouge.

Le messager spécial de la Chambre demande le concours du Sénat pour les actes suivans :

Acte pour venir au secours de H. Labat.

Acte pour déterminer les limites de la paroisse de Jefferson.

Acte pour améliorer le chemin de Holmesville.

Acte pour autoriser le recorder de la paroisse de Morehouse à nommer un député.

Acte autorisant W. Sherwin de la paroisse de Claiborne à nettoyer le bayou Danchitte, &c.

Acte supplémentaire à un acte intitulé " Acte pour former un district de levées composé des paroisses de Carroll, Madison et Catahoula, afin de les mieux proteger contre l'inondation, adopte le 18 mars 1852, et amendé le 25 mars 1853.

Acte pour autoriser la levée d'un plan des basfonds dans la rivière Ouachita, près de Harrisonburg.

Acte pour égalisor la représentation dans le jury de police de la paroisse de Jefferson.

Acte pour incorporer la ville de Mont-Liban.

Acte pour taxer les compagnies d'assurance de la ville de la Nouvelle-Orléans, au bénéfice des compagnies à feu de cette ville.

Acte pour pourvoir à l'organisation de la milice dans l'Etat de la Louisiane.

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20 avril 1853.

Le bill pour définir la limite entre les paroisses d'Ouest-Bâton-Rouge et d'Iberville, est pris en considération

M. Slack—Je demande que le bill soit déposé indéfiniment sur le bureau, et je prie le Sénat de vouloir bien me prêter quelques instants d'attention, pendant que j'expliquerai les motifs qui me guident en faisant cette motion. En premier lieu, ce bill affecte directement les intérêts de mes commettants, et ma position dans cette question est d'autant plus délicate, que je représente deux paroisses dont les intérêts sont diamétralement opposés dans le bill qui nous occupe. Un coup-d'œil rétrospectif sur la législation est indispensable à l'intelligence de cette affaire.

Voici en quels termes la loi de 1826 décrit la limite entre les deux paroisses :

« Qu'à partir de l'adoption de cet acte, la limite méridionale de la paroisse d'Ouest-Bâton-Rouge sera, et qu'elle est par les présentes ainsi fixée, à savoir une ligne se dirigeant au sud-ouest, à partir du point de division actuel entre les paroisses d'Ouest-Bâton-Rouge et d'Iberville, jusqu'à la rivière Atchafalaya.

» Sect. 2. Il est de plus décrété, &c., qu'à partir de l'adoption de cet acte, la rivière Atchafalaya et ses différents cours d'eau seront et sont par les présentes faits la limite occidentale de la paroisse d'Ouest-Bâton-Rouge.»

L'acte supplémentaire suivant fut adopté plus tard :

« Que l'acte intitulé acte pour déterminer les limites méridionales et occidentales de la paroisse d'Ouest-Bâton-Rouge, approuvé le 8 avril, ne sera pas mis en vigueur avant la fin de la session de la prochaine Législature, pourvu cependant que dans l'intérim les commissaires nommés par le susdit acte fassent ou fassent faire les travaux d'arpentage requis par ledit acte, et qu'ils en présentent un rapport à la prochaine Législature.»

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C'est cet acte qui fixe les limites actuelles.

Avant d'aller plus loin, il est nécessaire de dire que l'Atchafalaya et le Mississippi suivent une direction parallèle à une distance de 30 milles l'un de l'autre. Cet espace contient deux établissements; Grosse-Tête en est un. A cette époque aucune relation n'existait entre ces points et Ouest-Bâton-Rouge, quoiqu'ils fussent plus rapprochés du centre de cette paroisse que du centre de celle d'Iberville. Les habitants de ces établissements présentèrent une pétition demandant qu'ils fussent admis dans la paroisse d'Iberville. Cette pétition fut referée à un comité spécial qui présenta le rapport suivant: (Extrait du journal de 1827.)

«Le comité auquel a été référé le bill intitulé acte pour fixer la limite entre les paroisses d'Iberville et d'Ouest-Bâton-Rouge,» a l'honneur de rapporter qu'il a examiné ledit bill avec toute l'attention requise, et qu'il est d'avis que, bien que la nature semble avoir inclus le bayou Grosse-Tête dans la paroisse d'Ouest-Bâton-Rouge, l'impossibilité de toute communication entre l'établissement sur le bayou Grosse-Tête et la paroisse d'Ouest-Bâton-Rouge, le porte à recommander l'adoption du bill qui accompagne ce rapport, ce qu'il soumet respectueusement. »

Voici l'acte dont le rapport fait mention :

« Il est décrété, &c., Que Messieurs Wm Joyce, Joseph Osillion et Horsey P. Swindler sont et demeurent nommés commissaires pour examiner s'il est possible d'établir une route conduisant du bayou Grosse-Tête à la paroisse d'Ouest-Bâton-Rouge, à une distance de trois milles de la maison de Cour de la dite paroisse.

» Sect. 2. Il est décrété, &c., Que les susdits commissaires seront tenus de présenter un rapport sur ce sujet à la Législature pendant sa prochaine session, et que dans ce rapport ils présenteront un devis estimatif du coût de la dite route.

» Sect. 3. Que jusqu'à l'adoption du rapport requis par cet acte, l'établissement sur le bayou Grosse-Tête sera compris dans la paroisse d'Iberville.

» Sect. 4. Que l'acte intitulé : « Acte pour déterminer les limites méridionales et occidentales de la paroisse d'Ouest-Bâton-Rouge est et demeure rappelé. »

Le rapport du comité fut adopté, et l'acte qui l'accompagnait fut passé par la Législature.

Je trouve dans le journal de 1828, que le comité nommé par cet acte présenta une pétition qui fut référée à un comité qui rapporta l'acte suivant :

«Que tout le territoire situé entre le bayou Goorse-Tête et le bayou Maringoin, est et demeure compris dans la paroisse d'Iberville, et que tous les propriétaires dont les terres sont sises dans ledit territoire, seront soumis aux mêmes règlements publics pour les routes et les levées, et aux mêmes charges que s'ils eussent été compris dans les dispositions de l'acte auquel le présent est un supplément;—Pourvu qu'aucune portion de la paroisse de la Pointe-Coupee ne soit comprise dans les dispositions de cet acte.

Sect. 2—Il est de plus décrété, &c., Que jusqu'à ce qu'une route bonne et praticable soit construite entre les établissements sur le Bayou Grosse Tête et un point de la paroisse d'Ouest-Bâton Rouge, qui ne soit pas à plus de trois mille à la droite ou a la gauche de la Maison de Cour de cette dernière paroisse, toute personne qui est maintenant établie ou qui pourrait plus tard s'établir sur le Bayou Grosse-Tête comme ci-dessus mentionné, continuera à être comprise dans les limites et la juridiction de la paroisse d'Iberville.

Sect 3. Que tout acte ou partie d'acte contraire aux dispositions du présent acte, est et demeure rappelé.

Cet acte fut adopté en 1828 ; il était basé sur le rapport des commissaires et c'était un contrat entre la Législature et les parties intéressées. La paroisse d'Ouest Bâton Rouge n'a rien épargné pour remplir les conditions du contrat. Le jury de police fit une allocation de $1,500 qui, réunie à différentes allocations subséquentes et aux souscriptions individuelles, se monta à $20,000. Ouest Bâton Rouge s'imposait ces sacrifices dans le but d'alléger ses taxes en étendant son territoire. Intervenir maintenant serait violer directement l'article 105 de la Constitution qui dit qu'aucune loi *ex post facto* ne sera adoptée. Il me semble qu'il n'y a jamais eu aucun conflit réel de juridiction entre les deux paroisses et que cette question n'a jamais soulevé de difficulte, bien que le bill fasse présumer que la loi de 1828 peut y donner lieu. Quoique disposé à faire tout ce que je pourrai raisonnablement faire pour la paroisse d'Iberville, je ne puis cependant pas consentir à sacrifier les droits et les intérêts d'Ouest Bâton Rouge. Je demande donc que le bill soit déposé sur le bureau afin de permettre à Ouest Bâton Rouge de les sauvegarder. Il n'en peut résulter un détriment pour aucune des deux paroisses Iberville possède ce territoire maintenant. C'est les neuf dixièmes du point en litige. Laissons les tribunaux décider à laquelle des deux paroisses, il doit appartenir d'après les dispositions de la loi de 1828.

M. Short—C'est une question qu'il n'est pas sisé aux tribunaux de décider. Si je comprends bien l'acte, le territoire en question appartenait autrefois à Ouest Bâton Rouge. Cependant comme par suite de sa position topographique, ce district ne pouvait avoir de communication avec Ouest Bâton Rouge, ses habitans demandèrent à être réunis à Iberville, ce que la Législature leur accorda. Plus tard, d'après les dispositions de cet acte, des commissaires furent nommés pour tracer une route du Mississipi au Bayou Grosse Tête. Ouest Bâton Rouge a-t-elle ou n'a-t-elle pas rempli les conditions imposées par cet acte ? C'est la réponse à cette question qui déterminera mon vote. On ne prétend pas, je crois, qu'Ouest Bâton Rouge ait rempli ces conditions. La route a-t-elle été construite ? Le peuple ne veut pas que cette question reste éternellement en suspens. La loi dit que jusqu'à ce que cette route soit achevée, le district en litige continuera à faire partie d'Iberville. Mais quand cette question sera-t-elle résolue. Le peuple n'aime pas à être tenu dans l'incertitude. On dit que des souscriptions ont été ouvertes et que de l'argent a été collecté pour la construction de cette route ; mais cela ne fait pas partie du contrat. Il exige une route qu'on puisse en tout temps parcourir sans frais ; non pas un chemin planchéié ou un chemin du fer, mais une route d'après l'ancien système, une route qui conduise au Mississipi, sans soumettre ceux qui la parcourent à aucune dépense. Ouest Bâton Rouge n'a pas le droit de priver Iberville de l'avantage qui résultera pour cette paroisse de la fixation de ses limites et de la tenir en suspens. Le peuple veut savoir à quoi s'en tenir, il veut savoir quelles seront les limites de la paroisse et quelle en sera l'étendue.

M. Slack.— L'acte ne spécifie pas l'époque à laquelle la route devra être achevée et ses dispositions ne contiennent aucune limitation de temps. Je représente également les deux paroisses et je n'ai aucune partialite en faveur d'une d'elles en particulier. Ce que je désire, c'est que si Ouest-Bâton-Rouge a des prétentions, et je crois qu'il en a, il soit mis à même de les établir. Nous sommes ici pour faire des lois et non pour décider entre des prétentions rivales. Donnez à Ouest-Bâton-Rouge le droit et le privilège de remplir son contrat. Peut-être ne pourra-t-il pas le faire d'ici à quelques années, mais il se peut qu'il le fasse dans soixante ans. Ne lui otez pas tout moyen de defendre ses droits. En 1844, le territoire en litige et qui, bien entendu, n'est en litige que dans cette enceinte, contenait des propriétés imposables pour une valeur de $400,000, et ce chiffre s'élève aujourd'hui à un million et demi. La question en litige n'offre donc pas une mince importance.

Le bill est déposé indéfiniment sur le bureau.

M. Kenner, sans en avoir donné avis préalable, demande et obtient la permission de présenter un

Acte pour fixer la compensation à donner à l'auditeur des comptes pour les charges que lui impose la loi des banques libres de cet Etat.

M. Kenner.— Un mot suffira pour expliquer l'objet de ce bill. Le bill des banques libres impose à l'auditeur de nouvelles charges et il n'est que juste que ses appointements soient augmentés en raison du surcroît de travail que nous exigeons de lui. Je ne propose pas cependant que cette augmentation soit payée par le peuple, je demande qu'il le soit par les banques.

Le bill est adopté.

RAPPORTS DES COMITÉS.

M. Derbès, du comité des réclamations, présente le rapport suivant:

A l'Hon. W. W. Farmer,

Lieut.-Gouverneur et Président du Sénat.

Le comité des réclamations demande la permission de rapporter que B. C. Winfer, ex-shérif et collecteur

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de taxes pour la paroisse Morehouse, s'étant échappé de l'Etat devant au trésor une balance de $1873 37/00,

Ses cautions, au nombre de dix-huit, demandent maintenant à être déchargées du paiement de la dite somme; ils avancent aussi que le dit Winfer n'a jamais reçu le montant réclamé contre lui dans les livres de l'auditeur des comptes publics, que ce déficit est occasionné par des montants chargés sur les tableaux de taxes à des personnes qui sont reconnues insolvables et desquelles il est impossible de rien collecter de quelque manière que ce soit, et de montants imposés sur des propriétés réclamées par des absents, les dites dernières propriétés n'étant pas en réalité sujettes à la taxe, comme faisant partie de la donation Bastrop, dans les limites de laquelle la presque totalité de la paroisse de Morehouse est située

Le soussigné pense que c'est un sujet qu'il faut laisser à la décision des cours de justice de cet Etat, en tant que cela touche à une question de faits et vu que le comité n'a pas eu devant lui d'autres preuves que celles avancées par les parties intéressées; le dit comité rapporte contre la dite réclamation et demande à être déchargé de toute responsabilité à cet égard.

A. DERBES,
Président

M. Boatner, du comité conjoint, présente le rapport suivant:

A l'Hon. W. W. Farmer,
Lieut.-Gouverneur et Président du Sénat.

Le comité conjoint des deux chambres qui était chargé d'examiner la consolidation et la révision des statuts de l'Etat par Levi Pierce, Miles Taylor et Wm W. King, nommés à cet effet en vertu de l'acte du 20 décembre 1845 et du 21 mars 1850, demande la permission de rapporter que l'immense importance de l'ouvrage qui se trouve devant eux, a mis dans l'impossibilité de faire un examen approfondi et exact du sujet.

Nous trouvons cependant que ce travail a déjà été mis devant un comité nommé par une Législature précédente, et que ce comité recommande une appropriation de cinq mille deux cent cinquante piastres; le comité recommande l'adoption d'un acte qui est ci-inclu, appropriant la dite somme d'argent, comme une compensation entière et complète aux dits commissaires.

M BOATNER,
Président du comité du Senat.

M. Kittridge, du comité des institutions charitables, auquel avait été référée la pétition de l'Asile des Orphelines de Bâton-Rouge, présente le rapport suivant:

Le comité rapporte respectueusement qu'ils ont dûment examiné la dite pétition, et recommandent unanimement la même appropriation qui a été donnée par la dernière Législature pour aider cette institution.

Signé: E. E. KITTRIDGE,
Président.

Sur motion de prendre en considération un acte intitulé:

Acte pour pourvoir à l'enrégistrement des hypothèques en faveur des mineurs et des femmes mariées.

M King demande l'appel nominal.

Messieurs Boatner, Burthe, Clifton, Derbes, Evans, Kemp, Kenner, Lacoste, Lauve, Lacey, Lewis, McCay, Patterson, Rivers, Short, Taylor, Kittridge, Palfrey King et Todd, votent pour—20 voix.

Messieurs Dupré, Griffin, Mouton, Neal et Nicholls, votent contre—5 voix.

Conséquemment, l'acte est repris en considération

M. King, du comité spécial, présente le rapport suivant qui est lu:

A l'Hon. W. W Farmer,
Président du Sénat.

Le comité spécial auquel avait été référé l'acte intitulé « Acte pour pourvoir à l'enrégistrement de la preuve des hypothèques en faveur des mineurs et des femmes mariées, » demande la permission de rapporter qu'un des membres du comité, M. Kenner, a suggéré un amendement, qui aurait pour effet de retirer la peine de nullité de l'hypothèque si elle n'était pas enrégistrée.

Le président est opposé à cet amendement.

M. Smith est opposé à l'acte et à l'amendement.

Le comité n'étant d'accord sur aucun amendement, rapporte l'acte au Sénat sans aucun changement.

Signé: WM. KING,
President.

M. Kenner.—Je ne prétends pas que ce rapport n'exprime pas l'opinion de l'honorable membre de la Nlle-Orléans, mais je soutiens qu'il ne presente pas correctement les vues des autres membres Il y a eu dans le sein du comité une espèce de duel triangulaire. L'honorable membre de Natchitoches tirait sur moi, je tirais sur lui et le sénateur de la Nlle-Orléans faisait feu sur nous deux. Il me semble donc singulier que mon collègue rapporte ce bill sans amendements. S'il persiste à le faire je présenterai un rapport de minorité dans le but de soumettre au Sénat l'amendement que j'ai proposé dans le sein du comité.

M. Lewis présente un bill autorisant les propriétaires riverains dans les villes à reclamer les accroissements qui se font à leurs terrains.

M. Derbes propose de référer le bill au comité judiciaire.

M. Short.—Il n'est pas nécessaire de référer ce bill au comite judiciaire. La session est déjà avancée et le comité n'a pas le temps d'examiner cette question.

M. King.—Il est vrai que ce bill est très important, mais le principe en est fort simple. Il ne fait que déclarer les droits des propriétaires riverains dans les villes. Dans les districts ruraux ces droits sont définis et connus; dans la ville au contraire ils sont douteux.

Les villes ont besoin d'un réglement de cette espèce et elles y ont autant de droit que les districts ruraux. On a vu des cas où des propriétaires ont été forcés par les corporations des villes à renoncer à une partie de leur propriété afin de conserver le reste. Le bill a entre autres choses pour objet de remédier à cet état de choses.

Après quelques remarques de l'honorable membre, le bill est référé.

Le bill pour pourvoir à l'enrégistrement des hypothèques &c., est pris en considération.

Le président fait remarquer que chaque membre du comite a presenté un rapport. L'un d'eux a offert un amendement au bill.

M. King.—Je crois qu'un membre d'un comité n'a pas le droit d'offrir un amendement à un bill; il faut pour cela qu'il y ait une majorité. Je ne veux pas que le bill soit remis à sa seconde lecture. Cela en causerait la perte. Ceux qui sont en faveur de l'amendement combattraient le bill en tout cas, et ceux qui sont opposés à l'amendement defendraient le bill. Je ne vois donc pas quel bien peut résulter du renvoi du bill à sa seconde lecture.

Le secretaire lit le rapport.

M. Short.— Je comprends maintenant l'état de la question. Le bill nous revient tel qu'il a été envoyé au comité. Un membre propose une chose, un autre, une autre chose et le troisième veut faire adopter une troisième mesure opposée aux deux premières. Le bill n'a donc pas subi le moindre changement; le comité n'y a introduit aucun amendement. Le rapport de la majorité est celui du comité. Si elle ne recommande aucun changement, le bill nous revient sous la même forme qu'auparavant. Le comité, ou au moins la majorité du comité, n'a recommandé aucun changement et c'est là ce qui détermine la forme sous laquelle le bill nous est renvoye, mais il va sans dire que la minorite a le droit de présenter son rapport.

M. Mouton.—Je désire que le bill soit mis à sa seconde lecture, afin que nous puissions présenter des amendements, quand même celui que propose un membre du comite ne serait pas adopté Les sénateurs du parti opposé peuvent croire que ce bill est tellement parfait, que tout amendement devient superflu; mais d'autres ont le droit de ne pas partager leur opinion sur ce sujet. J'espère qu'on nous fournira l'occasion de présenter un amendement: je ne vois pas quel mal peut en résulter. Je crois qu'on devrait au moins nous accorder ce mince privilège.

Un des membres rapporte un bill, le second rapporte le bill avec un amendement et le troisième se déclare opposé aux vues de ses deux collègues. Il n'est donc pas exact de dire que le bill a été rapporté sans amendements, puisque la majorité du comité n'est pas en faveur du bill tel qu'il lui a été envoyé. Le prési-

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dent n'a pas plus de droit qu'un autre membre de rapporter son opinion comme étant celle du comité. J'espère que le Sénat ne considérera pas le bill si pa fait, qu'aucun amendement ne puisse le rendre meilleur, et j'aime à croire qu'il nous permettra de presenter nos vues.

M. Kenner.—L'honorable membre de Carroll qui aime à plaisanter....

M. Short.—Je ne veux pas m'égayer aux dépens du comité ; mais quand on admet qu'on s'est livré à un duel triangulaire, il faut admettre qu'on se met dans une position assez comique.

M. Kenner.—Je disais donc que l'honorable membre, en voulant jeter du ridicule sur le comité, n'a réussi qu'à le faire rejaillir sur le président et son rapport. En effet, que dit-il? Il prétend que parceque le Sénateur de Natchitoches (M. Smith) a voté avec le président contre l'amendement, l'amendement tombe. Mais il a également voté avec moi contre le bill. Cette règle s'applique à un cas aussi bien qu'à l'autre, et d'après son argument il n'y a pas de rapport du tout. Le Sénateur de la Nlle-Orléans n'a pas le droit de rapporter le bill sans amendement. Je croyais qu'il aurait rapporté le bill avec mon amendement et qu'il aurait en même temps annoncé son opposition à cet amendement. Je prétends que mon rapport de minorité est soumis au Sénat.

M. Short—L'honorable membre n'a pas touché la question de savoir si le bill en est à sa seconde lecture Je soutiens qu'il nous revient du comité tel qu'il lui a été soumis. Quant à la question de ridicule j'en fais juges mes honorables collègues.

M. King—Voici comment j'entends la question ; j'avais compris que l'honorable membre voulait rapporter le bill. En rédigeant le rapport je ne savais trop que dire ; mais je ne vois pas ce que j'aurais pu dire de plus que je n'ai dit. Le bill nous revient certainement sans amendements. La minorité n'a pas le droit d'en rapporter un. Il y a si longtemps que nous nous occupons de ce bill, que je considère toute discussion ultérieure comme inutile. Hier quand le Sénat était au complet, j'ai déclaré que j'étais preparé à la discussion de tout amendement qu'on voudrait présenter. Personne n'en a offert un, excepté celui de l'honorable membre d'Ascension qui fut proposé dans le sein du comité et qui est de nature à perdre le bill. Le bill a subi sa seconde et sa troisième lecture. Deux fois nos adversaires ont eu l'occasion d'y introduire des amendements. L'ont-ils fait ? Se sont-ils montrés disposés à le perfectionner et à le soutenir sous une forme quelconque ?

Si le bill doit être rejeté que la responsabilité pèse sur ceux qui en sont la cause. La question est des plus simples : Le bill sera-t-il adopté maintenant, ou doit-il passer par l'épreuve d'amendements qui, s'ils sont adoptés, se détruiront, et qui, s'ils ne le sont pas, causeront un délai inutile? La session touche à sa fin et nous avons fort peu de temps par devers nous. Ajourner le bill c'est en vouloir le rejet. J'espère que le Sénat soutiendra l'opinion, qui, je le crois, est celle du président, à savoir que : le bill nous est renvoyé sans amendements et n'est pas remis à sa seconde lecture.

MORT DU VICE-PRESIDENT.

M. Kenner—Monsieur le Président, je prends la parole pour accomplir un pénible devoir, pour annoncer au Sénat la mort d'un de nos concitoyens les plus distingués. Après de longues souffrances, son âme vient de quitter sa dépouille mortelle, et il est entré au champ du repos où finit notre pénible pélérinage sur cette terre. Il n'était pas, il est vrai, un de ces génies aux conceptions gigantesques, un de ces orateurs dont l'éloquence sublime a entouré le nom américain d'une auréole impérissable ; mais il avait des titres plus sacrés encore à notre estime ; ceux d'un homme juste, d'un bon citoyen, d'un representant fidèle. Depuis longtemps le peuple n'avait pas eu à déplorer la perte d'un homme qui réunit au même degré toutes les qualités qui font l'ornement de l'humanité et qui eussent su se conquérir dans leur amour et leur estime la place qu'y occupait William R. King. Passez en revue les actions de sa vie; considérez-le comme membre du Congrès pour la Caroline du Nord, son Etat natal, comme représentant son pays à la cour du czar et comme sénateur pour l'Etat de l'Alabama, et vous n'y trouverez pas un acte qu'un patriote voudrait voir effacer de son histoire. Ce n'est pas un éloge ordinaire, mais c'est un tribut que nous ne pouvons refuser à notre ex vice-président Je n'ai pas la prétention de prononcer le panégyrique de ses vertus. Cette tâche est au dessus de mes forces et elle est inutile. Je me contenterai donc de presenter une résolution, qui n'est pas une simple formalité, mais qui est l'expression des sentiments du Sénat dans cette triste circonstance.

Les résolutions suivantes sont adoptées à l'unanimité :

Résolution du Sénat de l'Etat de la Louisiane.

Résolu, Que le Senat a appris avec le plus profond regret la mort de l'Hon. Wm. R. King, vice-President des Etats-Unis ;

Resolu, Que par la mort de cet homme d'Etat distingué, la république a perdu un [illegible] fils les plus capables et les plus chéris. Conseiller experimenté et fidèle, depuis de longues années au service du pays, citoyen d'un patriotisme dévoué, homme de rares vertus et d'une pureté sans tâche dans sa vie privee, voilà ce qui lui a valu l'estime et la confiance du pays.

Résolu, Qu'en témoignage de respect pour sa haute position officielle, et d'orgueil et d'affection pour la bonté de son caractère personnel, les deux Chambres s'ajournent.

Résolu, Que comme une autre marque de respect, les membres de ce corps porteront au bras le signe usuel de deuil pendant trente jours.

MESSAGE DE LA CHAMBRE.

M. Eastin, messager spécial de la Chambre, informe le Sénat que la Chambre a donné son concours aux actes suivants :

Acte pour venir au secours de l'Hôpital de Charité.

Acte pour amender l'article 1264 du Code Civil.

Acte pour amender un acte pour l'expropriation des terres pour les chemins de fer et autres corporations.

Acte pour pourvoir au transfert de toutes les affaires maintenant pendantes devant la Cour Suprême de l'Etat, établie d'après la Constitution de 1845 à la Cour Suprême, établie en vertu de la nouvelle Constitution.

Acte pour autoriser les avocats de districts à se récuser dans certains cas.

Acte pour autoriser les poursuites "in rem" pour recouvrer les pertes et dommages occasionnés par tout manque de soin ou d'adresse, par négligence dans la direction ou la conduite de tous bateaux à vapeur, barges, chalands, navires ou radeaux.

Et demande le concours du Sénat pour les actes suivants :

Acte relatif aux chemins publics.

Acte supplémentaire à un acte pour diviser l'Etat en districts judiciaires, — approuvé le 12 avril 1853.

Acte pour amender l'acte No 120 intitulé : "Acte pour incorporer la ville de Clinton."—Approuvé le 9 mars 1852.

Acte pour autoriser l'émancipation de certains esclaves.

Acte pour diviser la paroisse de Pointe-Coupée en nouveaux districts, et pour limiter le nombre et les pouvoirs des membres de son jury de police.

MESSAGE A LA CHAMBRE.

Le messager spécial du Sénat informe la Chambre que le Sénat a donné son concours aux actes suivans :

Acte pour taxer les compagnies d'assurance de la ville de la Nouvelle-Orléans au bénéfice des compagnies à feu de cette ville.

Acte pour pourvoir au déficit des appropriations pour l'annee finissant le 31 mars 1853.

Acte pour incorporer l'Institut des demoiselles de la Nouvelle-Orléans.

Acte relatif à l'élection des Shérifs et des Coroners.

Acte pour renouveler la charte de la Chambre de Commerce de la Nouvelle-Orléans.

Acte pour rappeler un acte intitulé « Acte pour nommer des commissaires chargés de tracer un chemin de Trinité au ferry de Whatley, sur le lac Catahoula. »

Acte pour changer le nom de Léonard M. Bradford en celui de Harrison Bradford.

Acte pour venir au secours de Henry Forno de la paroisse d'Orléans.

Acte relatif aux élections de greffiers des Cours de districts, la paroisse et la ville de la Nouvelle-Orléans exceptées.

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Acte ayant rapport à la ville de la Nouvelle-Orléans.

Et que le Sénat a donné son concours à une résolution recommandant au Secretaire d'Etat de notifier les officiers delinquants chargés de faire les retours des élections des juges, d'avoir à faire lesdits retours.

Et il demande le concours de la Chambre à une résolution pour correspondre avec le rapporteur de la dernière Convention pour faire une nouvelle Constitution et pour d'autres objets.

JEUDI, 21 avril 1853.

Le bill suivant est pris en considération :

Acte relatif aux avis judiciaires.

Sect. 1re.—Il est décrété par le Sénat et la Chambre des Representans de l'Etat de la Louisiane, réunis en Assemblée générale,

Que toutes les fois qu'il sera nécessaire de publier des avis relativement aux procédures judiciaires, ou de ventes de propriétés en vertu d'un jugement judiciaire, lesdits avis seront publiés dans une gazette imprimée dans la paroisse dans laquelle lesdites procedures judiciaires seront faites ou dans laquelle ladite vente doit avoir lieu; s'il n'y a pas de gazette dans ladite paroisse, lesdits avis seront publiés en les affichant sur la porte de la maison de cour et en deux autres différents endroits publics. Pourvu qu'il soit du devoir du sherif ou de tout autre officier publiant lesdits avis, de les publier en anglais seulement, excepté quand le défendeur du procès judiciaire ou la personne dirigeant la vente demandera que lesdits avis soient aussi publiés en français.

Sect. 2me.—Il est de plus décreté, &c.—Que lorsqu'il y aura deux ou plus de deux gazettes publiées dans la paroisse, dans laquelle lesdites procédures ont lieu ou que ladite vente sera faite, la personne dirigeant la vente ou le defendeur du procès judiciaire aura le droit de choisir la gazette dans laquelle ledit avis sera mis, pourvu que ledit choix soit fait dans un intervalle de trois jours après l'avis desdites procedures ou de la saisie faite en vertu dudit jugement.

Sect. 3me.—Il est de plus decrete, &c.—Que le prix de l'avis publié requis par la loi, comme il est pourvu par le présent, n'excedera pas le taux de une piastre pour chaque cent mots pour la première publication, et au taux de cinquante cents pour chaque avis subsequent, pourvu qu'en cas que lesdits avis ne puissent pas être publiés au prix ci-dessus fixé, ils seront publiés en les affichant à la porte de la maison de cour et en deux autres endroits différents dans la paroisse dans laquelle ladite publication doit être faite.

Sect. 4me.—Il est de plus décrété, &c.—Que la 3me section de cet acte ne s'appliquera pas à la ville de la Nouvelle-Orléans, et toutes les lois contraires sont rappelées par le présent.

M. Mouton.—Je propose d'effacer le proviso qui permet de publier les avis en français ou en anglais au choix des parties intéressées. Il y a des paroisses où les habitants parlent presque exclusivement le français, tandis qu'il y en a d'autres où l'anglais seul est parlé et où les avis devraient être publiés en cette langue seulement. Il y a enfin des paroisses où le caractère de la population exige qu'ils soient publiés dans les deux langues. Un avertissement a pour but d'informer le public, autant que d'être utile aux parties intéressées.

M. Palfrey.—Le rejet du proviso équivaut au rejet du bill.

M. Todd.—Je propose de déposer la motion sur le bureau. Le bill ne s'oppose pas à la publication des avis en français, on peut les publier dans l'une ou l'autre langue. Il vaut mieux adopter le bill sans amendement

M Mouton.—Comme je viens de le dire, le but des avertissements est de donner avis au public. Dans quelques paroisses, on ne parle presque que le français Mais cela n'eût-il lieu que dans une seule paroisse, nous devons en respecter les droits. Nous savons fort bien qu'il y a des personnes qui ne désirent pas que le jour et l'heure d'une vente soient connus, parce qu'elles veulent racheter les propriétés elles-mêmes. Il n'est que juste que toutes les classes de notre population aient l'avantage de comprendre les avis. C'est tout ce que je demande et j'espère que le Sénat ne le refusera pas.

M. Nicholls.—Le comité a rapporté ce bill parce qu'il désirait présenter une loi générale. Je propose un amendement qui excepte certaines paroisses.

Sur motion de M. Nicholls de mettre à la fin de la 1re section le proviso suivant :

M. Mouton demande l'appel nominal.

Et pourvu aussi que ce proviso ne s'appliquera pas aux paroisses de St-Landry, Calcasieu, Lafayette, Vermilion, St-Martin et Ste Marie.

Messieurs Clifton, Dupre, Griffin, Kemp, Lacoste, Lacey, Lewis, McCay, Millard, Mouton, Neal, Nicholls, Palfrey, Short, Slack et Taylor votent pour—17 voix.

Et Messieurs Boatner, Evans, Kittridge, Patterson, Rivers et Todd votent contre—6 voix.

Conséquemment le proviso est adopté.

La première section est alors adoptée telle qu'amendée.

Sur motion de M. McCay, les mots «et si le défendeur néglige de choisir, alors le plaintif aura le droit de le faire,» sont insérés à la fin de la 2me section et les mots «la personne dirigeant la vente de» sont effacés de la 2me section.

L'acte est alors adopté tel qu'amendé.

MESSAGE A LA CHAMBRE.

Le messager spécial du Sénat informe la Chambre, que le président a signé les actes enrôlés suivans :

Acte pour pourvoir à et pour régler la place d'avocat-général.

Acte pour venir au secours de Henry Parish et John Moore Norman, de la paroisse d'Orléans.

Acte pour donner certains pouvoirs au maire de la ville de Port-Hudson.

Et il demande la signature de l'orateur pour les actes enrôlés suivans émanant du Sénat :

Acte pour venir au secours de J. Johnson, maître du bateau à vapeur Sydonia

Et il informe la Chambre que le Sénat a substitué l'acte intitulé suivant comme copie, l'acte original ayant été égaré dans la Chambre des Representans.

Acte pour amender la 2me section d'un acte intitulé "Acte pour pourvoir à la souscription par les paroisses et corporations municipales de cet Etat au capital des corporations entreprenant des travaux d'améliorations interieures et pour le paiement et la disposition du capital ainsi souscrit.

Acte pour émanciper Jane Mary, esclave et fille de Patsey, f. c. l.

Et que le Président a signé les actes enrôlés suivans émanant de la Chambre.

Acte pour incorporer la compagnie du chemin de fer de la Nouvelle-Orléans, de Jackson et du Nord.

Acte pour autoriser l'achat d'une nouvelle édition des Code Civil et de Procédure, ainsi qu'une nouvelle édition des rapports de la Louisiane.

Acte pour incorporer la compagnie du chemin de fer de la Nouvelle-Orléans, des Opelousas et de l'Ouest.

Acte pour pourvoir à la manière dont l'Etat viendra au secours des compagnies de chemin de fer.

Et il informe la Chambre que le Sénat a adopté le rapport du comité de conférence sur l'acte intitulé : « Acte relatif au judiciaire de l'Etat », le premier district judiciaire excepte.

Acte pour venir au secours d'Ambroise Lacour, de la paroisse de Vermillion.

Acte pour pourvoir au paiement des personnes nommées en vertu de l'acte du 20 decembre 1848 et du 21 mars 1850 pour consolider et réviser les statuts.

Et il demande le concours de la Chambre à l'acte suivant :

Acte pour pouvoir à l'enregistrement des hypothèques en faveur des mineurs et des femmes mariées.

Et que le Senat a donné son concours aux amendemens de la Chambre à un « Acte pour autoriser la compagnie du chemin de fer de Pontchartrain à construire un chemin de fer à Mobile.

M. Derbès ayant rapporté les actes suivans comme correctement enrôlés, le messager du Sénat les rapporte à la Chambre et demande pour eux la signature de l'orateur.

Acte pour venir au secours de l'Hôpital de Charité.

Acte pour amender l'article 1954 du code civil.

Et il demande le concours de la Chambre à une résolution pour améliorer la navigation de la rivière Sabine.

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Et il informe la Chambre que le Sénat a donné son concours aux actes suivants :

Acte accordant une compensation à Charles Fitz, de la Nlle-Orléans.

Acte pour diviser la paroisse de Pointe-Coupée en de nouveaux districts et pour diminuer le nombre et restreindre le pouvoir des membres de son juri de police.

Et le substitut à l'acte No 288 pour incorporer les actionnaires de la compagnie du chemin de fer de Bâton-Rouge et de la Nlle-Orléans.

Et il demande le concours de la Chambre pour les actes suivans :

Acte supplémentaire à un acte pour incorporer la compagnie du chemin de fer de la Nlle-Orléans, des Opelousas et de l'Ouest.

Acte pour diviser l'Etat de la Louisiane en districts congressionnels

M. Todd demande la prise en considération des bills pour l'amélioration du bayou Bartholomé et du bayou Bœuf.

M. Todd.—J'expliquerai en peu de mots l'objet de ces bills. Plusieurs bills ont été adoptés pour l'amélioration de ces bayous, mais les ingénieurs s'y sont toujours trouvés dans une saison où leurs efforts causèrent plus de mal que de bien. Ils s'y sont généralement rendus à l'époque des hautes eaux quand il leur était impossible d'enlever les chicots. Ils ne pouvaient que couper des arbres, mais en laissant debout les troncons, ce qui était plus nuisible qu'utile à la navigation de ces rivières.

Le bill est adopté.

RAPPORTS DES COMITES.

BE BILL JUDICIAIRE.

Le rapport du comité de conférence sur le bill relatif au judiciaire de l'Etat est pris en considération.

M. Short.—Pour ma part, je voudrais que le Sénat maintint son amendement. Je suis certainement en faveur de l'économie et des réformes, mais je ne conçois pas qu'on veuille les introduire dans une action et pas dans une autre. D'un autre côté, je crois que $3000 par an est loin d'être trop pour rétribuer le talent et l'instruction que nous exigeons pour ces fonctions. Nous voyons dans d'autres Etats que les places dont ils disposent ont si peu de valeur, qu'on n'y recherche plus que les places qui dépendent du gouvernement fédéral, ce qui est tout-à-fait incompatible avec les idées que nous professons sur les droits des Etats.

M. Boatner.—Comme membre du comité, j'ai voté avec la majorité et je crois que j'ai bien fait. J'admire cependant la conduite conséquente de mon collègue. On se fonde sur la différence qui existe entre les juges de la ville et ceux de la campagne. L'occasion s'offrait à l'honorable membre de reduire les appointements des juges de la ville, et j'en fis moi-même la proposition. Il a dit que les juges de la campagne gagnent trois fois autant qu'eux. Il n'en est pas ainsi. Quand l'ordre judiciaire fut la première fois réorganisé sous la Constitution de 1845, les cours étaient obligées de tenir quatre termes par an. On n'avait pas de peine alors à trouver des juges compétents pour $2500 par an. Deux termes furent plus tard abolis à la requête des avocats, et l'expérience prouva en effet qu'ils n'étaient pas nécessaires, parceque le nombre des affaires n'était pas assez considérable. Un Sénateur qui prétend que dans son district il y a plus d'affaires que dans aucun autre, nous assure qu'on pourrait au besoin en expédier le double. Cependant, il y a des membres qui demandent une augmentation d'appointements, tandis que dans le district où il y a le plus d'affaires, on pourrait aisément en expédier le double. On nous dit que dans la ville les juges gagnent bien leurs appointements et qu'ils sont de service pendant neuf mois de l'année. Nous avons adopté une loi réduisant le temps nécessaire pour rendre les jugements définitifs, pour la seule raison qu'on nous disait que les cours n'auraient pas assez d'occupation pour les tenir employées.

Le sénat renonce à son amendement.

Le rapport suivant du comité de conférence est lu et adopté :

Le comité de conférence auquel avait été référé le désaccord entre les deux chambres sur la 14me section d'un acte intitulé « Acte pour organiser les cours de districts dans et pour la paroisse et la ville de la Nouvelle Orléans, recommande que le sénat retire ses amendements de manière à ne garder, que les mots de la 14me section jusqu'au mot «affaires» au commencement de la 12me ligne, effaçant le reste de la section et rapporte que la Chambre consent à l'amendement fait à cette section de manière que la section soit conçue comme suit :

Sect 14me—Il est de plus décrété, &c, Que toutes lesdites Cours de district, organisées en vertu de cet acte, auront et exerceront une juridiction concurrente sur toutes les affaires civiles, lesquelles ne sont pas spécialement référées à la jurisdiction particulière d'une Cour spéciale, excepté la première Cour de district qui aura jurisdiction exclusive sur les affaires criminelles.

Comité du senat. { H. SHORT. TOM. McCAY.

Comité de la Chambre. { JOHN E KING. J. W. NIXON. C. R. WHEAT. S T. MARKS,

M. King soumet le rapport suivant lequel est lu :

A l'hon W. W. Farmer,
Président du sénat.

Le soussigné nommé membre du comité de conférence sur le désaccord entre les deux chambres pour un acte organisant les cours de district dans la ville de la Nlle Orléans, demande la permission de présenter le rapport de la minorité.

Le désaccord entre les deux chambres était, touchant ce qui concernait la jurisdiction de la première Cour de district.

La chambre des représentants était en faveur de faire une Cour criminelle seulement, — le sénat avait passé l'acte dans lequel les affaires criminelles auraient préférence, mais la Cour aurait une jurisdiction concurrente sur toutes autres affaires civiles.

Une majorité du comité de conférence était en faveur de retirer de l'amendement du sénat le droit de concurrence avec les autres Cours.

Le soussigné est opposé à cela principalement sur le terrain que par la loi en force maintenant, le salaire du greffier de cour, c'est-à-dire quinze cents piastres par an, est entièrement insuffisant.

Que le greffier de cour était principalement payé par les affaires civiles. Si toutes les affaires civiles sont retirées de cette cour, une appropriation doit être faite pour pourvoir au salaire de ce greffier Qu'un greffier est indispensable pour l'organisation de la cour—sans un greffier aucune affaire ne peut être faite dans cette cour—D'après l'évidence, il faut trois personnes pour remplir les devoirs imposés au greffier de cette cour- Une personne doit être employée comme greffier au journal.

Une personne pour lancer les citations et ordres d'arrêt des témoins, et une autre pour faire les documents ayant rapport aux appels. Que le salaire alloué présentement par la loi est insuffisant pour obtenir les services de personnes compétentes pour remplir les devoirs. Sans une disposition pourvoyant à cela, le soussigné est d'opinion que le sénat ne devrait pas revenir de ses amendements à l'acte de la chambre, à moins qu'un salaire convenable ne soit donné audit greffier.

L'idée de donner à la Cour juridiction seulement pour les affaires criminelles, est peu appropriée, spécialement en ce que le juge de cette Cour a avance qu'il avait le temps nécessaire pour juger beaucoup de causes civiles en outre des affaires criminelles.

Il est sans doute peu convenable d'organiser la Cour sans accorder une compensation nécessaire au greffier, qui est indispensable à la Cour.

S'il n'est pas accordé de compensation suffisante au greffier, la Cour ne peut procéder à ses affaires.

C'est pourquoi toutes les affaires criminelles de la ville dépendront de l'éventualité de la compensation qui sera allouée par la Législature au greffier de cette Cour.

Le soussigné est d'avis que sans une compensation suffisante au greffier, la Cour ne peut proceder aux affaires importantes qui lui sont assignées par la loi.

D'après cela l'organisation de la Cour est incomplète et imparfaite. Il a été suggéré que le salaire du greffier pouvait être reglé par un acte séparé, lequel peut ne pas passer, ou que le salaire sera si bas qu'aucune personne compétente ne voudra remplir la place.

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Dans ce cas, l'organisation de la Cour serait incomplète et les affaires criminelles de la ville seraient négligées.

Le soussigné est d'opinion que la compensation allouée au greffier, lequel est indispensable à l'organisation de la Cour ne doit pas dépendre de l'éventualité de la passation d'un acte séparé fixant le montant de son salaire.

Le comité conjoint comme condition de son accord aurait dû rapporter un acte pourvoyant à une compensation suffisante pour les services d'un greffier de Cour. Signé: W. W. KING.

M. Mouton soumet le rapport suivant de la minorité:

Le soussigné, du comité choisi nommé pour examiner le livre intitulé «Consolidation et revision des statuts de l'Etat» par messieurs Levi Pierce, Miles Taylor et Wm W. King, demande la permission de présenter ce qui suit comme le rapport de la minorité.

Par un acte de la Législature, approuvé le 20 décembre 1848, le gouverneur a été requis de nommer trois commissaires pour réviser les Codes et pour consolider et réviser les statuts de l'Etat de la Louisiane et de compiler les statuts d'un caractère local.

La somme de douze mille piastres a été appropriée pour le paiement de ces commissaires, mais l'acte dit que le dernier paiement ne peut être fait sans un certificat de l'Orateur de la Chambre des Représentants et du Président du Sénat, montrant que l'ouvrage a été approuvé par la Législature.

La confusion dans laquelle nos lois se trouvent, rendent cet ouvrage très utile; comment ce but très désirable a été atteint par l'ouvrage publié par les dits commissaires,—le soussigné n'entreprend pas de le décider. Sans prétendre être capable de juger les mérites de cet ouvrage, le soussigné fera observer que le peu de temps qu'il a eu pour examiner ces livres ne lui permet pas d'exprimer une opinion favorable et de recommander à la Législature de les approuver. Mais il croit de son devoir de soumettre au Sénat les faits suivants qui pourront le guider dans la décision qu'il prendra dans cette question.

L'acte du 20 decembre 1848, avait en vue la révision de nos codes, avec les amendements insérés immédiatement après le texte original, ainsi que la consolidation de nos statuts.

Il paraît que les commissaires avaient préparé une révision des codes et l'avaient présentée à l'Assemblée générale de 1850, mais le soussigné n'a pas vu cet ouvrage, la publication n'en a pas eu lieu à la demande des commissaires. Voyez le rapport des dits commissaires à la Législature de 1850 et le rapport de l'honorable W. B. Philippe, président du comité choisi de la Chambre, auquel ce sujet avait été référé, (Journal de la Chambre de 1850 p. 115)

Sur une enquête faite au bureau du Trésorier, le soussigné a trouvé que la somme de huit mille deux cent cinquante piastres avait été payée aux dits commissaires laissant une balance de $3,750 de l'appropriation première de $12,000.

Le soussigné est d'opinion qu'en vertu de l'acte de 1848, cette balance de $12,000 ne peut être payée avant que l'Assemblée generale n'approuve l'ouvrage publié par les dits commissaires et ne peut recommander la passation d'une loi les autorisant à recevoir la balance, avant que cet ouvrage soit approuvé par la Législature.

Le tout vous est respectueusement soumis.

Signé: C. H. MOUTON.

MESSAGE DE LA CHAMBRE.

M. Kennedy, secrétaire de la Chambre, demande le concours du Sénat pour les actes suivans:

Acte pour accorder le secours de l'Etat à la compagnie du chemin de fer de la Nouvelle-Orleans, de Jackson et du Nord en souscrivant au capital de la dite compagnie

Acte pour accorder le secours de l'Etat à la compagnie du chemin de fer de Vicksburg, Shreveport et du Texas, par une souscription au capital de ladite compagnie.

Acte pour accorder le secours de l'Etat à la compagnie du chemin de fer de la Nouvelle-Orléans, des Opelousas et de l'Ouest, en souscrivant au capital de la dite compagnie.

M. Eastin demande le concours du Sénat pour l'action de la Chambre sur les amendements du Sénat à l'acte intitulé:

Acte pour établir un système de banques générales dans l'Etat de la Louisiane.

ORDRE SPECIAL DU JOUR.

Ce jour étant celui fixé pour la prise en considération de l'acte suivant:

Acte pour amender un acte intitulé « Acte relatif à l'Hôpital de Charité »—approuvé le 21 mars 1852, le dit bill est pris à son tour.

Sect. 1re—Il est décrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane réunis en Assemblée générale;

Que les sections 2 et 3me d'un acte intitulé « Acte relatif à l'Hôpital de Charité »—approuvé le 21 mars 1859, soient et demeurent amendées et remises en vigueur de manière à être conçues comme suit:

Sect. 2me—Toute personne, non citoyen des Etats-Unis et au-dessus de dix ans, arrivant et débarquant à tout endroit situé dans les limites de l'Etat de la Louisiane, devra se rapporter à tout commissaire de l'Hôpital résidant dans l'endroit et de souscrire un bon de la somme de $1000 piastres, avec une ou plusieurs cautions solvables, résidant dans la paroisse où la dite personne aura débarqué sous condition que le principal du dit bon, ne devra pas, durant l'espace de cinq ans, à partir de la date du dit bon, être ou devenir par quelque raison que ce soit, à charge de quelque manière que ce soit à l'Etat, à ses citoyens ou à toute institution charitable située dans ses limites; à moins que la dite institution ne soit entretenue par des étrangers ou des citoyens nés à l'étranger; et toute personne qui refusera ou qui négligera volontairement de faire le rapport et de donner le cautionnement exigé dans cette section, pendant les 24 heures qui suivront son arrivée et débarquement, sera passible d'une amende de $30; pourvu que les personnes qui arriveront dans les paroisses de Plaquemines, St-Bernard, Orléans et Jefferson, feront le dit rapport à la Nouvelle-Orléans et fourniront le dit cautionnement avec des garants qui résideront dans la dite ville de la Nouvelle-Orléans.

Sec. 3.—Il sera permis à toute personne mentionnée dans la section précédente, qui ne voudra ou ne pourra pas fournir le cautionnement ci-dessus requis, de le remplacer par le payement de la somme de deux piastres cinquante sous, durant les 24 heures qui suivront son arrivée.

M. Palfrey.—Je croyais que lorsque ce bill serait pris en considération, il serait débarrassé des clauses qui avaient soulevé tant d'objections la première fois qu'il fut soumis au sénat. Il exige que même des enfants en bas âge donnent un cautionnement. Nous savons tous que d'après les lois qui nous régissent ces personnes sont incapables de faire un contrat, la loi suppose qu'ils ne sont pas encore en état de discerner le bien et le mal, et cependant vous voulez les obliger à fournir caution et garantie.

M. Kittridge. Malgré tout ce qu'on peut dire contre ce bill, la sagesse de plusieurs autres états à sanctionné des mesures analogues. Lorsque le comité a examiné l'hôpital, il a trouvé que la loi actuelle était satisfaisante. On n'exige jamais de garantie des mineurs dont parle l'honorable membre. La taxe est payée de bon gre comme cela doit être, et elle est provient de la classe qui retire les plus grands avantages de cette institution. En effet, les 17|18 des personnes admises dans cet hôpital sont des émigrants. Le bill actuel introduit deux changements dans la loi existante.

D'abord toute personne âgée de 10 ans est soumise à l'action de la loi, tandis qu'auparavant, l'âge requis était 14 ans; et en second lieu, la taxe est augmentée de 50 cents. En rédigeant ce bill, nous avons consulté notre propre expérience et l'exemple d'autres états. Dans l'état de New-York, on a essayé une fois d'arriver au même résultat en taxant les armateurs et les consignataires des navires et les passagers. Mais l'exécution de ce projet a été trouvée impossible. Cette contribution s'élève maintenant à $60,000; pouvons nous maintenant la remplacer par une allocation prise sur les fonds généraux? Dans ce cas, il vaudrait mieux abolir la loi toute entière. Ce bill ne diffère pas en principe de la loi qui est maintenant en vigueur, le degré seul est changé. Si nous ne sommes pas disposés à faire une allocation de $60,000 ou $70,000, il faut que nous votions ce bill. Si nous l'adoptons, ce

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sera une économie de $14,000 ou $15,000, non seulement pour cette année ci, mais encore pour l'avenir. Nous ne nous trouverons plus dans la nécessité de voter chaque année une allocation, qui ne pèse que trop lourdement sur notre trésor déjà épuisé.

M. Mouton.—Je ne sanctionnerai jamais de mon vote, une loi qui est de nature à entraver l'émigration dans notre état. L'intérêt de l'état exige que nous favorisions l'émigration plutôt que d'y mettre des entraves. Quel est en effet le but de la loi ? D'imposer une taxe indirecte sur les étrangers qui arrivent dans notre etat. Je n'approuve pas qu'on fasse indirectement ce que la loi ne permet pas de faire directement. Si je ne me trompe, il n'y a pas longtemps qu'une resolution fut passée, requérant nos senateurs et nos représentants d'adopter une loi permettant l'imposition de certaines taxes pour le même objet. Quand nous demandons la raison de cette manière d'agir, on nous répond que la Constitution ne nous permet pas d'imposer des contributions directes sans le consentement du Congrès. La loi qui nous est soumise propose de frapper les étrangers d'une taxe de $2,50. Nous ne pouvons pas le faire directement, il faut donc que nous tâchions de le faire indirectement, en demandant un cautionnement. Généralement ces émigrants sont pauvres et n'ont dans ce pays ni amis ni connaissances. L'Etat dit à ces étrangers : « Il faut que vous donniez un cautionnement de $1,00C, mais nous vous en dispenserons moyennant deux piastres et demie. » C'est faire indirectement ce qu'on ne peut pas faire directement, il vaut mieux ne pas le faire du tout ; d'ailleurs comme je l'ai déja dit, je ne voterai jamais pour une loi qui met des entraves à l'émigration.

M. Short.—Je ne désire pas que la loi soit changée. S'il est vrai que dans la pratique, elle produit d'aussi bons résultats qu'on le dit, je n'y vois aucune necessité. Je ne suis pas d'opinion d'étendre les effets d'un bill que je trouve absurde. La loi exerce un effet très rigoureux pour les pauvres gens qui viennent de pays étrangers a la Nouvelle Orléans ; l'Etat leur fournit des moyens de soulagement en cas de maladie et de dénuement, dans une mesure plus grande qu'aucune ville ne l'a fait ; Londres même ne saurait rivaliser avec la Nouvelle-Orléans, sous ce rapport. L'honorable sénateur dit que la loi actuelle produit $6,000, eh bien, laissez la subsistuer, ne forcez pas les enfants à fournir un cautionnement qu'ils ne sauraient se procurer, ou à payer une somme qu'ils peuvent ne pas avoir.

M. Kittridge.—J'admets que l'institution a reçu $60,000, c'est-à-dire, $18,000 par an, mais ce n'est pas assez, il faut une somme plus forte ; il est nécessaire de construire des nouvelles bâtisses. Si nous n'adoptons pas ce bill, il nous faut allouer une somme suffisante qui devra être tirée du trésor général. Le Sénat est-il disposé à adopter une pareille mesure, quand il sent que le trésor est épuisé ? C'est une mauvaise plaisanterie que de parler de cautionnement. Je doute que jamais un étranger ait été forcé d'en fournir.

M. McCay fait la motion que le bill soit deposé sur le bureau.

La motion est perdue.

M. McCay fait la motion de référer le bill au Comité Judiciaire.

M. Nicholls.—Je suis opposé au renvoi. La session est très avancée, le renvoi équivaudrait à la mort complète du bill. Il est de toute nécessité que nous maintenions cette institution, et le moyen proposé est le seul praticable.

M. McCay.—Je pense aussi qu'il est nécessaire de soutenir l'institution, mais pour atteindre ce but, tout désirable qu'il peut être, il n'est pas nécessaire de passer une loi inconstitutionnelle. Nous avons un comité auquel nous sommes dans l'habitude de renvoyer de pareilles questions. S'il n'est pas convenable de référer ce bill, pourquoi l'honorable sénateur a-t-il fait la motion de référer le bill relatif aux hypothèques tacites ? Ce bill devrait être référé, ne serait-ce que pour qu'il pût recevoir les amendements qui sont nécessaires. Il a été admis que le bill avait pris un biais pour tourner une difficulté constitutionnelle. Je ne consentirai jamais à de pareils subterfuges.

M. Palfrey—On s'est mépris sur ma position vis-à-vis du bill. Je suis opposé à la section qui exige un cautionnement des enfants au-dessous de l'âge de dix ans.

M. Kittridge—Si cette clause était retranchée, tout le bill tomberait. En vain tenterait-on de collecter cette taxe, si d'abord nous n'exigeons pas un cautionnement. Il est aussi hors de propos de parler d'objections constitutionnelles ; c'est une question qui peut être réglée par les Cours. Nous devons soutenir cette institution. Il faut ou passer le bill ou faire une forte allocation.

M. Short—La question n'est pas de savoir combien d'argent nous serons forcés de donner, mais si nous devons faire une chose ridicule.

M. Mouton—Je désirerais présenter encore quelques observations sur cette question. Il sied mal à la Louisiane d'imposer une taxe sur les étrangers, quand nous avons lieu de croire que la taxe est inconstitutionnelle. Comme je l'ai déjà dit, il n'y a que quelques jours que nous avons adopté une résolution par laquelle nous requerons le Congrès de passer une loi qui nous autorise à taxer les étrangers. S'il n'y a rien d'inconstitutionnel dans ce bill, le Sénat s'est placé dans une positisn ridicule ; parceque nous faisons indirectement ce que nous admettons ne pouvoir faire directement sous l'empire de la Constitution et des lois des Etats-Unis. Nous demandons à un pauvre malheureux qui vient, étranger sur notre sol, chercher un asile contre l'oppression qui l'exile de sa patrie, nous lui demandons de fournir un cautionnement de mille piastres, ou a défaut de cautionnement de payer $2 50 a l'Hopital de Charite. Si nous ne pouvons maintenir cette institution par nous-mêmes, abandonnons-là, mais n'ayons pas recours à des subterfuges tels que celui-ci. Je pense que le Sénat ne devrait pas passer le bill. Je pense que nous devrions rappeler la loi de 1852, qui a fait descendre l'Etat déjà bien bas. C'est une mauvaise politique d'adopter aucune mesure qui doit arrêter l'immigration, et ma position de représentant du peuple m'empêche de donner ma sanction à une pareille loi

M. Short—L'étranger doit payer $2 50 ou forfaire à son bon. Je n'ai pas examiné attentivement la loi mais je pense qu'en consultant les rapports de Howard on se convaincra qu'il a été décidé dans la Caroline du Sud qu'un Etat ne peut exercer un pareil pouvoir.

M. McCay.—Comme un senateur a dit que les dix-sept dix huitièmes des admissions à l'hôpital de Charité se composaient d'étrangers; je me suis procuré des renseignements sur la question. Je les communiquerai au Sénat.

Le nombre des admissions à l'hôpital a été comme suit :

Personnes venant d'autres Etats,	7,559
Personnes venant de pays étrangers,	73,156
Personnes venant la Louisiane,	1,011
Inconnus,	704
	89,430

Après quelques observations présentées par d'autres sénateurs, le bill est adopté avec un amendement.

Le bill à l'effet d'accorder une certaine somme au collége médical est pris en considération.

Un amendement avait été introduit dans ce bill par la Chambre, lequel avait pour effet de mettre le mot *indigent* à la place du mot *méritoire*.

M. Mouton.—Je m'oppose à l'amendement. Dans beaucoup de paroisses, il y a des jeunes gens qui ne sont pas, à strictement parler indigents et qui ne consentiraient pas à implorer l'assistance de l'Etat. Ils sont cependant dignes à tous égards de recevoir cette assistance. Les juris de police auxquels est devolu le devoir de recommander les élèves, n'en recommanderaient aucun qui, d'après eux, seraient capables de payer pension. Ils sont les meilleurs juges comme ils ont un pouvoir discrétionnaire dans tous les cas. En même temps, nous ne pouvons esperer que ces jeunes gens ou leurs parents viendraient demander l'aumône. Un sentiment de fierté honorable et naturel les empêcheraient de le faire.

M. Rivers.—Je pense que l'amendement répond précisément à l'objection soulevée par le senateur.

M. Short.—Quand un jeune homme désirera aller au collége, la question qui sera posée sera : Est-il digne ? Et : Est-il riche ? Mais il peut se trouver des gens honorables parfaitement capables de payer pension mais qui soient cependant trop peu fiers de profiter des avantages que présente cette loi. Alors un pauvre jeune homme qui à la fois est digne et en même temps indigent, pourrait n'être pas admis parce qu'un jeune

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homme riche aura déjà été reçu seulement à cause de sa conduite honorable.

M. Mouton.—Je désire faire tout ce qui est en mon pouvoir pour assister les jeunes gens indigens; mais je suis convaincu que le juri de police donnera toujours la préférence au pauvre sur le riche.

M. Todd.—Je ne vois pas pourquoi l'on montrerait tant de délicatesse dans les termes. Appelons les choses par leur nom.

Le Sénat donne son concours à l'amendement.

M. Boatner demande la considération d'un acte à l'effet d'exempter la paroisse de Catahoula de toute taxe additionnelle pour l'érection des levées dans la paroisse de Madison.

M. Short propose un proviso.

M. Short.—Je puis expliquer toute la question en quelques mots. Par la loi de 1852 les paroisses de Madison, Catahoula et Carroll sont constituées en un district de levee. Trois commissaires furent nommés dans chaque paroisse. Beaucoup de personnes ont payé la taxe, mais d'autres ont arrêté par la voie d'injonction, la collection de la taxe en se fondant sur un motif d'inconstitutionnalité. On a, je crois, déjà fait justice de cette objection dans le rapport présenté au Sénat. Un système général a été adopté. Je ne pense pas que cette paroisse soute encore le besoin d'une taxe. Le seul motif de ceux qui s'opposent au bill c'est qu'il pourrait mettre à même les personnes qui ont pris une injonction de la faire maintenir. Je n'ai objection contre la section qui exempte Catahoula de toute taxe ultérieure. Je suis disposé à exempter Catahoula. Mais en tant que le bill donne un prétexte à ceux qui ont pris une injunction, je ne puis le soutenir. Tous les contrats passés sous l'empire de ce bill peuvent être payés par des taxes déjà collectées, pourvu que ces injonctions soient mises de côté et que les parties soient forcées de payer une dette qu'ils doivent depuis longtemps. Quelques personnes ont payé à l'avance, et elles ne devraient pas être les seules victimes.

M. Boatner—J'ai beaucoup de respect pour les opinions légales du Sénateur qui vient de parler. Mais ses craintes sont imaginaires. Il a peur que quelques uns de ses commettants ne soient soutenus dans de certains procès actuellement pendants. La question est déjà exposée, les parties n'attendent que le jour de l'audition de la cause, et le jugement de la cour ne peut être effectué par ce bill. La question n'offre aucune difficulté. Le Sénateur dit qu'il est disposé à exempter Catahoula de toute taxe ultérieure. Lorsqu'il lira le bill, il verra que c'est là tout ce que nous demandons. Si la question était laissée aux citoyens de Catahoula, qui certainement sont les meilleurs juges de leurs propres intérêts, il n'y aurait pas cinq votes pour conserver la loi que le Sénateur défend. Je vais lire une lettre écrite par l'un des plus riches habitans sur la rivière Tensas, qui retirerait de cette loi un avantage, si quelqu'un pouvait en retirer aucun. (Le Sénateur lit la lettre). Quant au bayou « Roundaway » qui est le seul qui présente quelqu'interet pour Catahoula, je dirai qu'il n'est pas fermé pour la simple raison qu'il a son embouchure dans la paroisse Madison, pour laquelle il n'est d'aucune importance. Catahoula est forcé par une majorité des voix de trois paroisses de payer pour l'érection de levées qui ne lui sont d'aucune utilité. Tel est le véritable état de la question. L'équité exige l'adoption de ce bill. Sans doute le Sénat eut avec cette habileté qui le caractérise pourrait rédiger un meilleur bill, mais celui-ci convient aux habitants de Catahoula.

M Short.—J'espère que le sénateur ne se méprendra pas sur ma position. Au commencement de la session, les représentants de Catahoula étaient désireux d'obtenir le rappel de la loi qui constitue les trois paroisses en un district de levée, les représentants de Carroll et de Madison s'y opposèrent, ils demandaient qu'auparavant une loi générale fut passée, disant que si Catahoula était mis en dehors du district, Madison et Carroll, pour les mêmes raisons, demanderaient la même chose, mais les habitants de ces paroisses sont disposés à payer leur part de la taxe aussi longtemps qu'il sera nécessaire, pour qu'ils se protégent eux-mêmes. Mais ils n'étaient pas disposés à voir Catahoula mis en dehors du district avant cette dite époque, attendu que toute inondation qui leur cause des dommages, lui en cause pareillement.

M. Boatner.—Je suis opposé au PROVISO présenté par le sénateur, parce que tout ce qu'il se propose est compris dans le bill qui ne se rapporte pas aux contribuables de Madison et de Carroll, mais seulement à ceux de Catahoula.

Le proviso est rejeté et le bill adopté.

Le bill à l'effet d'autoriser les femmes mariées à disposer de leurs biens dotaux et paraphernaux, etc., est pris en considération.

M. Todd—Il n'y a pas de question si embrouillée que celle qui se rapporte aux obligations des femmes mariées. Il y a des décisions en sens contraire sur ce sujet qui tendent à rendre la matière encore plus confuse. Dans quelques cas, des individus ont contracté avec des femmes mariées et les cours ont décidé qu'elles n'étaient pas obligées, de sorte que les créanciers ont été frustés. Auprès des hommes sensés, cet état de chose a fait considérablement tomber le crédit des femmes mariées. Il est nécessaire d'y apporter un remède.

M. Lacey—Le bill est bon. Il ne change aucun principe de notre jurisprudence. J'ai eu moi-même une affaire qui montre les dangers dont on se plaint. Une femme fit un emprunt et donna une hypothèque spéciale comme garantie. Je ne pus prouver que l'argent avait tourné à son avantage, et quoiqu'il lui eût été prêté, je ne pus obtenir jugement. Je ne veux changer aucun principe. Je ne veux pas que les femmes deviennent obligées pour les dettes de leurs maris, mais pour leurs propres dettes. Ce sera un avantage pour les femmes mariées. Que cette incertitude qui existe aujourd'hui quant à leurs obligations disparaisse, leur crédit s'en relèvera. Ce bill ne porte atteinte à aucun droit, il ne propose qu'une chose juste et convenable.

Vendredi, 22 avril 1853.

La Chambre prend en considération le bill à l'effet de régulariser les hypothèques, privilèges &c, lequel se trouve à l'ordre du jour.

M. King — Je crois que le Sénat comprend ce bill. Je n'ai pas besoin de dire que ce bill est d'une grande importance, et devra, s'il est adopté, avoir pour effet de rendre l'argent plus abondant.

M. Burthe.—Le sénateur nous a dit précédemment que le bill empêcherait les syndics &c. de lever les hypothèques. Il me semble que la seconde section est susceptible d'une différente interprétation.

M. King.—J'aurais voulu pouvoir empêcher les syndics de lever les hypothèques dans cette occasion; mais par suite des particularités que présentent les lois de la Louisiane nous avons vu qu'il était impossible de le faire. Cependant, tel qu'il est, le bill présentera de grands avantages. C'est à peine si dans un cas sur dix on rencontre une hypothèque générale. La première hypothèque spéciale ne peut être levée, et le créancier qui a avancé de l'argent sur une première hypothèque est sûr de ne pas perdre ses droits. Nous aurions aimé à étendre cet avantage à toutes les classes d'hypothèques; mais si nous l'avions fait il eut été impossible de régler les successions et les faillites. Dès l'origine la loi de la Louisiane a été ainsi; si, par exemple, un individu a une réclamation de $5,000 et que la propriété sur laquelle elle repose soit vendue pour une réclamation subséquente, la vente est nulle à moins que la propriété ne rapporte plus de $5000. Si par exemple, elle rapporte $7000, l'acheteur paie $5000 au shérif et prend la propriété grévée de la première hypothèque de $5000. Il est étrange que cette disposition ayant toujours eu un excellent effet, la loi eut donné aux syndics le droit de lever les hypothèques. La meilleure garantie devient incertaine quand un syndic peut aller au bureau des hypothèques et par une seule ligne lever toutes les hypothèques. La Louisiane est le seul Etat où les biens d'un failli peuvent être vendus sans égard aux hypothèques dont ils sont grevés. Tout homme d'affaire sait combien il est dur de voir changer une garantie certaine en une autre qui ne l'est pas. Tandis qu'en Angleterre et à New-York la propriété est une garantie pour sa valeur au comptant presque tout entière, à la Louisiane ce n'est pour ainsi dire pas une garantie. J'irai jusqu'à dire que le plus riche habitant de l'Etat, possédant une propriété libre de toute hypothèque, pourrait à peine obtenir 8 pour cent sur la valeur de cette propriété. Pourquoi cela? C'est à cause du système d'hypothèque tacite,

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et du peu de certitude qui résulte des causes dont j'ai parlé. Ce bill aura pour effet de rendre l'argent plus abondant, et augmentera la valeur des propriétés foncières. Je ne vois pas le mal qui peut en résulter, tandis que je vois en résulter des avantages inappréciables. Examinez le bill avec attention. Ne le lisez pas comme vous feriez d'un journal ou d'un roman, mais étudiez-le avec soin, et je suis sûr que vous le trouverez digne de votre faveur.

M. Nicholls.— Le sénateur n'a-t-il pas dit qu'à peine si dans un cas sur dix l'on rencontrait une hypothèque générale.

M. King.—Oui.

M. Nicholls —J'ai compris que le grand argument contre les hypothèques tacites étaient qu'elles couvraient une grande partie des propriétés de l'Etat.

M. Short—Ce bill a pour effet de changer la manière de regler les successions et les faillites. Quand un individu meurt, tous les créanciers sont placés sur un tableau des biens de la succession ou de la faillite sont divisés entre eux et ils sont payés selon le rang qu'ils occupent. Le règlement est très simple en cas de mort ou de faillite L'idée qui préside à ce bill n'est pas une nouveauté pour moi. J'en ai vu faire l'essai dans un Etat voisin et je ne désire pas le voir adopter en Louisiane.

M. Lacey—Je crois qu'il est de mon devoir de présenter quelques observations sur ce sujet. J'ai le regret de voir chez plusieurs personnes une disposition à repousser certaines mesures pour la simple raison qu'elles opèrent un changement. Pour ma part je ne me sens pas inféodé à une loi ancienne, parce qu'elle est ancienne. Si je trouve qu'elle encombre la route, je la repousse. Peu m'importe la date de sa naissance. Lorsque le bill relatif aux hypothèques tacites était devant le sénat, le sénateur de Lafayette et d'autres l'ont combattu seulement parce qu'il changerait le système établi. Je ne suis pas surpris qu'aujourd'hui on fasse usage du même argument. Si le bill est de nature à produire un grand bien, s'il doit augmenter nos ressources et notre prospérité, nous devons l'adopter sans égard à l'antiquité de la loi qu'il est destiné à remplacer.

M. Mouton—Le sénateur se trompe lorsqu'il dit que je me suis opposé au bill relatif aux hypothèques tacites simplement parce qu'il opérait un changement. Je m'y suis opposé parceque je croyais le changement dangereux, parceque le bill ne donnait pas une protection suffisante aux mineurs J'ai toujours été en faveur de l'inscription des hypothèques, et je voterais pour un bill qui abolirait les hypothèques tacites en faveur des femmes mariées.

M. Lacey—Pourquoi alors le sénateur n'a-t-il pas voté pour le bill. Il dit qu'il voulait faire porter la pénalité de la loi non sur le mineur mais sur la personne qui le représenterait. Mais une pareille disposition serait de nulle valeur. Le sénateur dit qu'il est d'avis d'abolir les hypothèques tacites, mais qu'il ne veut pas toucher celles qui existent aujourd'hui. Mais le senateur pourrait parcourir une longue et utile existence et mourir chargé de tous les honneurs que l'Etat peut conférer, avant qu'un pareil bill eut pu produire aucun bien appréciable. Je desire favoriser l'expansion du commerce et briser les entraves qui aujourd'hui l'arrêtent. Un sénateur a tracé un tableau desolant où il montre l'Etat écrasé sous le talon de fer du commerce, il a attribue tous nos maux au commerce, et cela simplement parcequ'un changement nécessaire et avantageux était proposé.

M. Nicholls—Si le sénateur veut parler de moi, je puis lui dire que j'étais opposé à un changement dans le système auquel le peuple était habitué jusqu'à ce qu'une loi meilleure et plus sage aurait été proposée. C'est là le changement auquel je me suis oppose.

M. Lacey—Il doit y avoir alors quelque méprise. J'ai cru que l'un des arguments par lesquels on a combattu le bill était que c'était un changement. Le système des hypothèques tacites qui permet qu'une hypothèque subsiste sans aucun indice de son existence, attaque les forces vives de l'Etat, diminue la valeur des propriété, détruit la confiance et éloigne les capitaux étrangers. N'est-ce pas là l'effet du système actuel? Qui peut le nier? Il fait que les propriétes hypothéquées ne se vendent qu'avec des frais énormes, et quand le créancier hypothécaire se croit bien garanti, la mort du débiteur anéantit ses droits. Tel est le système que la Législature, je l'espère, fera disparaître du recueil de nos statuts. Que propose ce bill? Lorsque nou l'etudions, nous y trouvons à chaque ligne le langage et les principes de l'equité et de la justice. Nous voulons protéger le creancier hypothecaire de telle manière que la mort même ne puisse avoir effet sur ses droits? Y a-t-il à cela de l'injustice? Y a-t-il du danger? Cette disposition existait pour les banques hypothécaires et personne ne s'en est plaint. N'est-il pas juste que quand une hypothèque existe, elle ne puisse être levée qu'autant que la dette a été remboursée?

M. Short—Ce principe a été adopté en ce qui regarde les banques hypothécaires dans l'intérêt de l'Etat et non des individus.

M. Lacey—Très bien. Il n'en est résulté aucun inconvénient. L'imagination ne peut susciter aucune objection valide. Voici donc deux principes hostiles; l'un pesant d'un poids énorme sur nos propriétés, et l'autre de nature, s'il est adopté, à être d'un grand avantage à l'Etat et aux individus par l'effet qu'il aura d'amener ici le capital et d'augmenter la valeur des propriétés foncières. Aujourd'hui, à peine a-t-on inscrit son hypothèque et quitté le bureau que la mort ou la faillite peuvent vous enlever vos droits et votre garantie. J'espère que le système sera changé. J'espère que le bill qui est devant le Sénat sera adopté; il produira un bien immense et ne peut faire aucun mal.

M. Short.—Un mot d'explication. Je ne désire pas que l'on mêle ensemble la position que j'ai prise à l'égard de ce bill, et celle que j'ai occupée à l'égard du bill relatif aux hypothèques tacites. Je ne puis laisser confondre ensemble les deux positions, à moins qu'on ne démontre une assimilation parfaite entre elles. Mais je dirai au sénateur que pour moi, de ce qu'une chose a longtemps existé, il ne s'ensuit pas nécessairement qu'elle doive être continuée, quoique cette considération doive être de quelque poids. Il est raisonnable de supposer qu'un système ne subsisterait pas aussi longtemps, si dans ce système il n'y avait pas du bon. Quant à la position que j'ai tenue à l'égard du bill des hypothèques tacites, je dirai que j'étais en faveur du bil parceque je pensais qu'il ferait sortir l'ordre du chaos; mais ce bill agit d'une manière contraire, il introduit la confusion là ou régnaient auparavant l'ordre et la simplicité. La même raison qui m'a fait voter pour le premier bill, me détermine à combattre le second. Le principal objet que se propose le bill, est de détruire ou de changer le mode actuel si simple de liquider les successions et les faillites. Aujourd'hui, il y a un système positif et certain qui ne laisse pas de place aux méprises. Sous l'empire de ce bill il en serait tout différemment. Deux estimateurs seraient appelés qui déclareraient qu'elle est la part qui reste aux créanciers, après que ces hypothèques ont été satisfaits; puis, si le montant de la vente n'excède pas le montant de l'hypothèque antérieure, la vente est nulle. Vous parlez du danger de voir les propriétés éloignées du marché; mais n'est-ce pas là l'effet du bill? Il fournirait l'occasion de présenter toutes sortes de réclamations fictives et frauduleuses, et d'empêcher les créanciers ordinaires, de recouvrer leurs droits Je tombe d'accord avec ces messieurs, quant à quelques imperfections que présente le système actuel, mais je ne crois pas que ce bill puisse les corriger. Je présenterai donc un substitut, tendant à ce que la propriété au lieu d'être vendue par le syndic, le soit par le shérif sur un ordre de Cour.

M. King. —Je suis heureux de voir que les vues des sénateurs qui ont parlé, se rapprochent autant des miennes.

Je ne suis pas étonné qu'un bill aussi long que celui qui nous occupe ne soit pas parfaitement compris. Tout ce qui est contenu dans le substitut se trouve déjà dans le bill. Le seul changement qu'il introduit consiste en ce que la vente doit être faite par le shérif au lieu de l'être par le syndic ou l'exécuteur Aux termes du bill, c'est le syndic qui vend, mais de la même manière que le shérif. Le but que le Sénateur se propose est dès lors atteint. Qu'il me permette de porter son attention sur une difficulté qui se présenterait si le substitut était adopté. Supposes que la première hypothèque soit une hypothèque générale, le substitut ne pourvoit pas à ce cas. Je ne crois pas que la modification proposée soit judicieuse. Je rappellerai au Sénat l'affaire d'Astor à laquelle j'ai précédemment fait allusion. Il avait prêté à un homme d'ici une somme de $60000 qui a été empochée par un syndic qui devint lui-même insolvable, et Astor perdit

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ton argent. De pareils faits détruisent la confiance des capitalistes. Ils n'enverront pas ici leurs capitaux pour qu'ils soient engagés sur des garanties hypothécaires. C'est ainsi que les propriétés foncières sont à peine considérées comme offrant une garantie quelconque, tandis qu'elles devraient être la meilleure garantie et devraient mettre le propriétaire à portée de se procurer de l'argent au taux le moins élevé. Chacun connait les frais d'une faillite, chacun sait qu'ils sont en proportion de la valeur nominale de la propriété. Bien que le bilan ne laisse pas un sou vaillant aux créanciers, il faut encore que les frais soient payés par les propriétés hypothécaires. Dans ma clientèle particulière, j'ai vu un créancier hypothécaire perdre tous ses droits par suite des frais exorbitants de la faillite. Je ne puis voir l'objection que l'on peut soulever contre ce bill. Je ne puis comprendre comment le réglement des successions en deviendra plus difficile. Je ne puis voir comment les ventes de syndics peuvent être plus embarrassées lorsqu'elles sont faites de la même manière que les ventes de shérif. Le Sénateur d'Est-Bâton-Rouge a fait allusion aux banques hypothécaires. Je n'ai jamais su que la disposition qui leur était particulière ait jamais causé aucun embarras ; et si cette disposition était générale, elle produirait certainement d'excellents effets.

M. Nicholls.—Je suis opposé au bill, non parcequ'il produit un changement, mais parce que ce changement n'est pas une amélioration et parce qu'il entravera la liquidation des successions.

Sur motion de M. Lacey, de suspendre les règles afin de prendre en considération les actes sur les chemins de fer,

M. Clifton demande l'appel nominal.

MM. Dupré, Evans, Kemp, King, Lauve, Lacey, Lewis, McCay, Millard, Mouton, Neal, Nicholls, Palfrey, Patterson, Rivers, Short, Slack et Todd votent pour—18 voix.

MM. Barthe, Derbès et Clifton, votent contre—3 voix.

Conséquemment, les réglements sont suspendus et les actes sur les chemins de fer sont pris en considération et passent.

MESSAGE DE LA CHAMBRE.

M. Eastin, messager spécial, demande le concours du Sénat pour les actes suivans :

Acte pour émanciper Robert Scott Pyburn de la paroisse d'Est Bâton-Rouge.

Acte pour accorder le secours de l'Etat à la compagnie du chemin en planches de Grosse-Tête et de Bâton-Rouge,

Et il informe le Sénat que la Chambre a donné son concours en l'amendant à un acte intitulé :

Acte pour venir au secours de Purvis et Dugué.

MESSAGE ENVOYE A LA CHAMBRE

Le messager spécial du Sénat demande le concours de la Chambre pour les actes suivans :

Acte pour permettre aux femmes mariées de contracter des dettes et d'hypothequer leurs propriétés.

Acte autorisant F. Bennett et sa femme à adopter Georgiana C. Kimball.

Acte pour l'amélioration de la navigation du bayou Bœuf.

Acte pour l'amélioration de la navigation du bayou Barthelémy.

Et il informe la Chambre que le Sénat a donné son concours aux actes suivans :

Acte pour permettre à Baptiste Dupeyre où à ses representans legaux d'émanciper l'esclave Zoé, et pour lui permettre de demeurer dans cet Etat.

Acte aux avis judiciaires.

Acte pour pourvoir à l'accomplissement des devoirs des recorders de paroisses en cas de vacances.

Acte pour exempter la paroisse de Catahoula de la taxe, pour faire construire des levées dans les paroisses de Madison et de Carroll.

Acte pour faire une appropriation tirée des fonds des terres marécageuses, à l'effet de completer la grande levée dans la paroisse de Pointe-Coupée.

Acte autorisant Minor W. Sherwin, de la paroisse de Claiborne, à retirer du bayou Danchitte, certaines obstructions qui en gênaient la navigation.

Acte autorisant l'amélioration de certains cours d'eau dans la paroisse Bossier.

Acte pour venir au secours de H. Labat.

Acte pour autoriser le recorder de la paroisse de Rapides à nommer un député.

Acte pour amender l'acte No 120 intitulé « acte pour incorporer la ville de Clinton, approuvé le 9 mars 1852. »

Acte supplémentaire à un acte intitulé « Acte pour former un district de levées, composé des paroisses de Carrol, Madison, et Catahoula, afin de les mieux protéger contre l'inondation, » passé le 18 mars 1852 et ameudé le 25 mars 1853.

Et il informe la Chambre que le Sénat a adopté le rapport du comité de conférence, auquel avait été référé le désaccord entre les deux Chambres, sur un acte intitulé « Acte pour organiser les cours de districts dans et pour la paroisse et la ville de la Nouvelle-Orléans.

Et que le Sénat a adopté le rapport du comité de conférence sur un acte intitulé « Acte relatif au judiciaire de l'Etat, le premier district judiciaire excepte.

Et que le Sénat a donné son concours aux amendements à un acte intitulé :

Acte relatif aux avis judiciaires.

Et il demande le concours de la Chambre pour les actes suivans :

Acte pour accorder le secours de l'Etat à la Compagnie du chemin de fer de la Nouvelle-Orléans et de Bâton-Rouge, en souscrivant au capital de la dite compagnie.

Acte pour accorder le secours de l'Etat à la compagnie du chemin de fer Pontchartrain

Et que le Sénat a donné son concours aux actes suivans :

Acte pour accorder le secours de l'Etat à la Compagnie du chemin de fer de Vicksburg, Shreveport et du Texas.

Acte pour accorder le secours de l'Etat à la compagnie du chemin de fer de la Nouvelle-Orléans, de Jackson et du Nord.

Acte pour accorder le secours de l'Etat à la Compagnie du chemin de fer de la Nouvelle-Orléans, des Opelousas et de l'Ouest.

Acte pour accorder le secours de l'Etat à la Compagnie du chemin en planches de Grosse-Tête et de Bâton-Rouge.

Acte pour émanciper Robert S. Pyburn de la paroisse d'Est Baton-Rouge.

LUNDI, 25 avril 1853.

M. McCay, présente un bill pour venir au secours de William K, Stiles.

M. Mc Cay. J'expliquerai aussi brièvement que possible l'objet de ce bill. Dans l'année 1848 trois personnes se portèrent cautions pour William K. Stiles, collecteur de taxes pour la ville de la Nouvelle Orléans. Subséquemment Stiles devint concussionnaire. Les cautions avaient à plusieurs reprises averti l'auditeur qu'il devait agir judiciairement contre le principal, attendu qu'elles pensaient qu'il y avait quelque chose de suspect. Aux termes de la loi l'auditeur est autorisé, en cas de concession, à poursuivre immédiatement le principal et les cautions. C'est ce que fit l'auditeur. Les cautions prirent une injonction qui fut soutenue par la Cour. L'auditeur fit appel. La décision se fit attendre, quand tout-à-coup sans qu'aucune raison fût donnée, sans qu'aucun avocat fût présent pour représenter les cautions, la décision de la cour inférieure fut renversée et l'injonction mise à néant. L'objet de ce bill est seulement de faire mettre de côté l'exécution et de donner aux cautions la chance de faire valoir leurs moyens de défense.

M. Hodge—L'objet du bill est-il d'anéantir le jugement ?

M. McKay—Non. Seulement de mettre de côté l'exécution.

M. Hodge—Je ne vois pas comment les parties retireront aucun profit du bill, à moins qu'il n'affecte le jugement.

M. McKay—En mettant à néant l'exécution, portons nous atteinte aux droits de l'Etat ? Nullement. Le jugement a été enregistré à l'époque, et une hypothèque pèse sur les propriétés des cautions.

M. Hodge—Il me semble que le bill équivaut à l'anéantissement du jugement, attendu qu'il en suspend au moins l'exécution pendant un temps. Il me semblerait mieux de soumettre la question à fond à la législature, et de la laisser décider si les parties méritent une faveur exceptionnelle de la part de l'Etat. Il est évidemment injuste qu'elles cherchent à échap-

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per aux dispositions de la loi de 1847 et à se prévaloir de la loi de 1850. Si par suite d'une erreur, leur conseil a été absent quand l'affaire a été plaidée, ç'a été leur faute. Je ne suis pas disposé à anéantir le jugement à moins qu'il ne soit erroné. Car c'est ce que signifie cette mise à néant de l'exécution.

M. Derbès—Comme je comprends cette affaire, les parties ont signé une obligation en faveur de M. Stiles. Il devint concessionnaire. Une instance judiciaire fut formée contre les parties, une injonction fut accordée, puis rendue absolue. L'auditeur fit appel et l'injonction fut mise de côté. Qu'adviendrait-il si nous adoptions ce bill ? L'affaire serait remise précisément dans le même état où elle se trouvait avant que la Cour Suprême rendît sa décision.

La seule chose que demandent les parties est le droit de se présenter devant la Cour et de plaider contre l'exécution lancée par l'auditeur. Le bill ne peut avoir pour effet de détruire l'hypothèque qui pèse sur les biens des cautions.

Naturellement cette hypothèque subsiste. La seule chose qu'elles demandent c'est de pouvoir présenter leur défense devant une cour.

M. Mc Cay—J'avais songé au plan proposé par le sénateur de Caddo, mais, après réflexion, j'ai pensé qu'il vaudrait mieux renvoyer l'affaire devant une Cour. Le bill porte que les parties auront le droit de se présenter devant une cour de justice et de faire valoir leurs moyens de défense.

M. Mouton—Je ne suis pas disposé à profiter d'un accident pour oppresser ces messieurs, mais la somme au paiement de laquelle on cherche à se soustraire est très-considérable. Je suis de l'opinion du sénateur de Caddo. Je crains que le bill porte atteinte aux droits qu'a l'Etat contre les garanties. Il paraît que l'affaire a été plaidée devant la cour inférieure. Elle fut portée devant la cour d'appel et par suite d'une négligence de la part du conseil des cautions, le jugement fut renversé.

Je ne doute pas que les faits ne soient cités correctement, mais il est étrange qu'on ait négligé une affaire aussi importante, une affaire dans laquelle il s'agissait de $28,000. Les cautions ont un recours contre les avocats s'ils ont été lésés par suite de leur négence. Je ne suis pas préparé en ce moment à voter pour ce bill, quoique, comme je l'ai dit, je ne désire pas profiter d'un accident.

M. Burthe—Je ne suis pas préparé à voter sur cette question. Tous les faits ne nous sont arrivés que par oui-dire. J'ai demandé le dossier et je n'ai pu le voir.

M. Lacoste—Quel mal peut-il y avoir à accorder aux cautions une nouvelle audition de la cause ? Si le jugement est correct, le résultat sera le même, si non, elles seront à même d'obtenir justice.

M. Hodge—Tout cela est très-vrai, mais on semble oublier un point très-important, c'est que l'acte de 1850 diffère de l'acte de 1847 sous l'empire duquel les poursuites ont eu lieu. Je ne pense pas que les cautions puissent avec aucune raison demander à être soustraites à l'effet de l'acte de 1847, sous l'empire duquel la caution fut fournie. Je suis disposé à faire tout ce qui est juste. Je désire que justice soit rendue à toutes les parties ; mais je ne suis pas disposé à aller aussi loin qu'on le propose. Je sens qu'il est de mon devoir de voter contre le bill.

M. Mc Cay—Je ne pensais pas que le bill pût être l'objet d'aucune opposition. L'Etat ne perdra aucun de ses droits. Il a une hypothèque judiciaire sur tous les biens des cautions, et cela en vertu de la loi sous l'empire de laquelle le cautionnement fut fourni. Le bill ne fera que donner aux cautions la chance de presenter leurs moyens de défense, que je crois puissants. Ils ont à plusieurs reprises averti l'auditeur que le principal dépensait l'argent de l'Etat et lui ont demandé d'exiger ses comptes, ce qu'il a négligé de faire.

Le bill est adopté.

Le bill régularisant les hypothèques et les privilèges est pris en considération et adopté.

M. Hodge.—Je demande une reconsidération du vote qui vient d'être donné. Je trouve que le bill opère un changement trop soudain dans l'économie de notre jurisprudence et qu'il produira plus de mal que de bien. Comme le Sénateur qui a présenté le bill doit le savoir, c'est une question d'une grande importance. Ce bill affecte les lois et le système politique établi dans la Louisiane. D'après un examen rapide du bill, je suis porté à croire que quoique le bill puisse faire quelque bien, il fera certainement beaucoup de mal. J'avoue qu'il amènera dans l'Etat de forts capitaux, qu'il donnera de la confiance aux capitalistes, mais cependant, je ne suis pas préparé à dire que la Louisiane en retirera un grand avantage. Si je suis disposé à attirer ici les capitaux, je ne suis pas disposé à sacrifier les intérêts de la Louisiane pour protéger les capitalistes étrangers. Je crois que le Sénateur de la Nlle-Orléans a cité le cas de M. Astor qui prêta une forte somme d'argent. L'individu devenant insolvable, et Astor ayant été obligé de se contenter de la garantie personnelle du syndic, il perdit son argent. Si d'un autre côté, je pense que ça été une affaire malheureuse, d'un autre, je ne vois pas que pour cette raison nous devions changer notre système de jurisprudence, et placer nos propriétés hypothéquées entièrement sous le contrôle des capitalistes. Si je comprends l'objet du bill, il a pour objet de mettre les personnes qui ont prêté sur des propriétés foncières à même de retenir ces propriétés jusqu'à ce que le prêt soit remboursé. Quel serait l'effet de ce changement? Il enchaînerait toutes les propriétés de l'Etat jusqu'à ce que les capitalistes étrangers soient payés. C'est un principe reconnu que les biens du débiteur sont le gage commun de tous ses créanciers, et que, lorsqu'il devient insolvable, ses biens doivent être divisés également. Quand il meurt, il en est de même, et l'on ne retient pas la propriété un temps indéfini afin que les capitalistes étrangers puissent jouir de l'intérêt. Supposez un homme riche de $300,000. Il va dans Wall Street et emprunte $100,000 à 8 pour cent. Il devient insolvable et a des créanciers qui ont autant de droits à être payés que les créanciers de Wall street. Vous ne pourriez trouver personne qui voulût acheter la propriété et se faire substituer au débiteur hypothécaire ; que deviendrait alors la propriété ? Etes-vous disposés à maintenir nos lois sur les faillites ? Vous ne pouvez le faire et passer une loi pareille, parce que, jusqu'à ce que le créancier hypothécaire ou renonce à ses droits ou se détermine à exercer ses droits hypothécaires, la propriété est enchaînée. Tel serait l'effet du bill.

Tandis que je suis disposé à faire tout ce qui est raisonnable pour soutenir le principe mis en avant par le sénateur de la Nouvelle-Orléans, je ne désire pas que tous les intérêts de l'Etat plient devant ceux du commerce. Je ne suis pas disposé à sanctionner par mon vote une loi qui est faite tout simplement dans l'intérêt des capitalistes étrangers. J'ai parlé de même à une personne qui me pressait vivement à ce sujet. Réfléchissez à l'économie des lois de la Louisiane.

Lorsque j'ai pris mon siége, j'ai vu une différence d'opinion radicale sur ce sujet. Par mon vote nous allons décider si nous adhérons à un système ancien et depuis longtemps établi ou en adopter un nouveau. Quand une personne meurt, un principe d'humanité implanté dans les lois de la Louisiane, protége ces êtres que la mort a privés de leur protecteur naturel et qui sont incapables de se protéger eux-mêmes. Je ne désire pas appuyer sur ce point, il a déjà produit d'assez longs débats. Cependant la propriété doit être estimée et elle ne peut être vendue pour un prix au-dessous de l'évaluation.

Est-ce là un principe adopté arbitrairement ? Non ! au contraire. Le but qu'on se proposait était de protéger ces personnes qui sont incapables de veiller à leurs propres intérêts. Tant que je vis, il est à supposer que je puis payer, si je contracte une dette ; mais si je meurs, la loi dispose, et cela avec beaucoup d'humanité, que ma propriété ne sera pas vendue pour un prix moindre que la valeur estimative. C'est là une loi sage et humaine. J'espère qu'elle ne sera pas rappelée. Si vous hypothéquez votre propriété et que vous mouriez, un curateur est nommé. Il ne prend aucun intérêt à la succession. Un créancier hypothécaire se présente et demande à être payé. Le curateur n'emprunte pas de l'argent pour le payer, et de cette manière la propriété serait sacrifiée. Je rougis de dire que le curateur s'entend souvent avec les créanciers pour retirer de la succession des avantages personnels. J'espère que le Sénat réfléchira. Je pense que le sénateur de la Nlle-Orleans lui-même pensera comme moi lorsqu'il considérera la question attentivement. Telles sont mes opinions relativement au bill qui est devant le Sénat. Il se peut qu'elles n'aient

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pas beaucoup de poids, mais telles qu'elles sont, je me crois tenu de les exprimer.

M. King.— Cette question a été l'objet d'une discussion approfondie. On avait épuisé les arguments avant que le sénateur qui vient de parler fut descendu dans l'arène. Le sénateur parle de mûre délibération. S'il avait étudié la question avec autant de soin que je l'ai fait moi-même, ses propres réflexions auraient été plus approfondies. Il pense que le bill s'éloigne trop des formes existantes. Il verra que les ventes seront faites de la même manière que précédemment. La politique générale du bill est de nature à produire les effets les plus heureux. Il fera disparaître un obstacle qui s'oppose à notre prospérité. Il augmentera la valeur de nos propriétés foncières, et accelerera l'arrivée de capitaux dont le sénateur lui-même reconnaît le besoin. Enfin, les heureux effets en sont si évidents qu'ils ont à peine besoin d'être énumérés, et comme ils ont déjà été suffisamment décrits, je ne perdrai pas le temps du Sénat en revenant sur le même point.

La motion de reconsidération est perdue.

M. Lewis présente un bill relatif à l'émancipation de certains esclaves et à l'effet de leur permettre de rester dans l'Etat.

M. Martin.—Je ne voterai pas pour le bill.

M. Lewis.—Ces esclaves sont bien connus à la Nlle-Orléans. Ils appartenaient à un homme âgé qu'ils ont servi fidèlement. Quand il mourut il leur a légué la liberté et quelques moyens, et il a demandé par testament que l'on obtînt pour eux la permission de rester dans l'Etat. Nous avons adopté d'autres bills de la même nature, et je ne vois pas pourquoi nous n'adopterions pas celui-ci.

M. Martin.— Je suis opposé à ce bill, à moins que les dispositions de la loi de 1852 ne soient observées, loi aux termes de laquelle les esclaves seraient envoyés à Liberia.

Le bill est adopté.

M. Lacey présente un bill de la même nature.

M. Hodge.—Plusieurs bills de ce genre ont déjà été adoptés. Je les ai laissé passer sans opposition, mais celui-ci est une si palpable infraction que je ne puis le laisser passer. Nous n'avons que trop d'esclaves libres dans l'Etat. Dans les Etats où il y en a un trop grand nombre, ils deviennent intolérables. Cette considération devrait nous prémunir contre ces émancipations en masse. Je préférerais l'adoption d'une loi générale; je sais que nous en avons une aujourd'hui, mais elle est si rigoureuse que virtuellement elle est inapplicable. C'est la raison qui fait que nous avons tant de demandes de ce genre.

M. Lacey.— J'espère que le sénateur ne s'opposera pas à ce bill. La dame qui demande cette faveur est une personne d'une réputation sans tâche et qui ne la demandrait pas si elle portait atteinte à la justice. Je suis sûr que l'Etat n'aura jamais à souffrir de l'émancipation de ces nègres et qu'il n'y a aucun danger à redouter de leur affranchissement.

M. Hodge.—Je retire mon opposition.

M. Martin présente un amendement à l'effet d'exiger un cautionnement de $1000.

M. Lacey.—Je n'aurais aucune objection à l'amendement, si la session n'était pas tellement avancée que le bill, au cas où il serait amendé, ne pourrait pas arriver à l'ordre.

M. Martin.—C'est la loi générale de l'Etat. Je n'ai jamais entendu parler d'esclaves émancipés sans qu'un cautionnement fut exigé.

M. Derbès.— Le sénateur d'Est-Bâton-Rouge est, sans aucun doute, fondé dans son objection. Nous avons tout lieu de croire que si le bill était amendé au Sénat il ne pourrait pas arriver à l'ordre dans la Chambre et qu'il serait par conséquent perdu. Nous ne devons pas mettre le bill en péril, en insistant sur l'amendement.

M. Martin—Les observations du sénateur sont basées sur cette idée que tous les nègres d'une bonne conduite devraient être émancipés. Rien ne prouve que ces esclaves aient rendu à leur maîtresse aucun service extraordinaire. Sur dix esclaves dans cet état il y en a neuf qui jouissent d'une aussi bonne réputation.

L'amendement est repoussé.

M. Barthe fait la motion d'amender en exigeant un cautionnement de $150.

M. Lacey—La même objection se présente encore pour cet amendement. Si ce bill est le sujet d'un amendement quelconque, il se peut qu'il ne puisse jamais reparaître devant la chambre.

M. Barthe—Je dirai au sénateur qu'un bill qui a été adopté par le sénat vendredi dernier a passé à la chambre ce matin.

M. Hodge—Le bill ne devrait pas passer sous sa forme actuelle, à moins d'urgence absolue. Le sénateur de Jefferson nous a dit qu'un bill qui a été adopté ici vendredi dernier a passé à la chambre aujourd'hui même. Aucun autre bill de ce genre n'a passé sous cette forme. Que le bill soit amendé, essayons-nous la chance de le voir succomber; autrement nous créerons un mauvais précédent.

M. Lacey—Je n'en suis pas certain, mais je pense qu'aucun bill de ce genre n'a passé au Sénat avec une clause exigeant un cautionnement.

M. Martin—Je demande que le bill soit référé au comité judiciaire, afin de donner au savant président de ce comité le temps de connaître la loi applicable au sujet.

M. Lacey—Ce n'est certainement pas à la paroisse d'Assomption que nous irons pour obtenir des lumières.

Le bill est adopté.

ORDRE DU JOUR.

Le bill à l'effet d'amender la loi relative à l'Hôpital de Charité, est pris en considération.

M. Hodge—Je désire voter contre ce bill. Je suis opposé à une taxe additionnelle imposée aux étrangers.

M. Millard—On a présenté des objections contre bill en s'appuyant sur des motifs d'inconstitutionnalité. J'ai entendu dire que la Cour Suprême avait rendu des décisions en faveur de la loi. M. Molse qui, je crois, est l'auteur de la loi actuelle, m'a dit qu'elle était parfaitement inconstitutionnelle.

Le bill est adopté.

Le bill à l'effet d'organiser un bureau des travaux publics est pris en considération.

M. Hodge—Je voudrais que le bill fut référé au comité. Les districts peuvent être mieux formés dans un comité qu'en plein sénat. La constitution exige que les districts soient formés selon la population. Cela ne peut être effectué qu'en renvoyant la question au comité. Par exemple, le quatrième district est trop étendu. Il court du golfe à la ligne de l'Arkansas. Cela n'est pas juste et je désire voir l'égalité rétablie.

M. Mitchell—La seule raison qui me fasse m'opposer au bill est que je suis fermement convaincu que la législature a l'intention de s'ajourner sans agir sur le bill d'enregistrement, ni sur ce bill, deux choses qu'exige la constitution. Il y aura de l'opposition dans la chambre, et si le bill y retourne, il succombera. Je crois qu'il doit succomber de toute manière, mais je veux que les sénateurs se montrent à visage découvert. Voici la dernière semaine de la session, et, si nous voulons agir sur ce bill, il faut le faire immédiatement. Je voudrais moi-même voir une modification apportée au bill. Mon district contient une grande quantité de terres inondées. Cela demande une attention immédiate. Ce district devrait être réuni au district de Bâton-Rouge, où si l'on voulait être juste, au district des Attakapas. Je crois que la division faite par la constitution est de beaucoup préférable, et plus juste. Je ne crois pas que le bill soit équitable, mais je ne suis pas disposé à m'en faire un moyen politique.

Je voudrais que les divisions fussent faites selon le travail qu'il y a à faire. Il me semble que la clause qui prend pour base la population est injuste. Suivant cette division la Nouvelle-Orléans formerait à elle seule un district. Mais comme nous devons faire les divisions de cette manière, nous devons aussi avoir égard au travail. Je désire que justice soit rendue à toutes les parties de l'Etat, mais comme la session est si avancée, prenant en considération la manifeste opposition que l'on fait à l'organisation de ce bureau, je suis convaincu que, si ce bill est renvoyé, même pour un jour, la Législature s'ajournera sans avoir statué sur la question.

M. Hodge—Je désire montrer au Sénateur l'injustice énorme commise à l'égard de mon district, en faisant par ce bill les districts correspondre avec les districts congressionnels qui ont été formés il y a nom-

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bre d'années. Je ne veux cependant pas faire une opposition violente, je me soumettrai de bonne grâce. Je suppose que l'objet que se propose la majorité démocratique est de former les districts de manière à assurer l'élection de leurs hommes. Aux vainqueurs les dépouilles. Mais nous leur donnerons une leçon semblable à celle que nous leur avons donnée l'année dernière dans mon district, lorsque le peuple choisit un homme qui représentait leurs sentiments et leurs vœux, et cela en dépit de toutes les cabales.

M. King—Ce bill forme les districts d'après le même plan qui avait été adopté par les whigs il y a nombre d'années. L'année dernière ils entreprirent de recommencer ce travail, et manièrent et remanièrent l'Etat admirablement. Maintenant ils veulent que nous adoptions leur remaniement.

Après quelques débats le bill est adopté.

MESSAGE ENVOYE A LA CHAMBRE.

Le messager spécial du Sénat demande le concours de la Chambre pour les actes suivants :

Acte pour venir au secours de Hugh Y. Waddill de la paroisse des Natchitoches.

Acte pour pourvoir au transfert de certains documents publics du 4me district de la ville de la Nouvelle-Orléans à la paroisse de Jefferson.

Acte pour émanciper Marie Mélanie, esclave de Moïse Hébert, de la paroisse de St-Landry.

Acte pour régler les sessions des cours de district.

Acte pour empêcher d'obstruer les rivières navigables, les baies et lacs de cet Etat.

Et il informe la Chambre que le Sénat a donné son concours aux actes suivans:

Acte pour émanciper George Millette.

Acte pour régler et définir les devoirs des trésoriers de paroisses.

Acte pour incorporer la compagnie à feu des Opelousas.

Acte relatif à l'élection des greffiers de cour, pour la paroisse et la ville de Jefferson.

Acte pour émanciper Wm. Desdemona et Elisabeth Robertson, enfans de George Robertson h. c. l. de la paroisse d'Est Bâton-Rouge.

Acte pour amender un acte pour pourvoir à la perte des documens publics et autres papiers, consumés par l'incendie de la maison de cour de la paroisse de Claiborne, le 6 novembre 1849

Et il demande le concours de la Chambre aux actes suivans:

Acte pour régler le temps des sessions de cours de districts.

Acte pour émanciper les esclaves appartenant à la succession de feu J. B. Cajus, de la paroisse d'Orléans.

MESSAGE ENVOYE PAR LA CHAMBRE.

Le messager spécial de la Chambre demande le concours du Sénat pour les actes suivans:

Acte pour amender et remettre en vigueur l'article 270 du code civil.

Acte pour venir au secours de Wm Long.

Acte pour régler le salaire et les dépenses contingentes de l'ingénieur de l'Etat.

Acte pour autoriser la construction de bateaux pour le département des améliorations intérieures de l'Etat.

Acte pour venir au secours de B. L. Hodge, de la paroisse de Caddo.

Résolution concernant un plan du bayou Plaquemines.

Et il informe le Sénat que la chambre a donné son concours aux actes suivants :

Acte pour pourvoir au paiement des personnes, en vertu de l'acte du 20 décembre 1848, du 21 mars 1850, pour consolider et reviser les statuts &c.

Et que la Chambre rejette le premier amendement du Sénat et donne son concours au 2me amendement du Sénat à un acte intitulé - « Acte pour régler le temps des sessions des cours de districts, la paroisse d'Orléans exceptée. »

Et que la Chambre a donné son concours pour un substitut à un « Acte amendant un acte relatif aux pouvoirs des greffiers des cours de districts, les paroisses d'Orléans et de Jefferson exceptées.

Et que la Chambre a donné son concours avec amendements du Sénat à un acte intitulé : « Acte relatif aux avis judiciaires. »

Ainsi qu'aux actes intitulés : « Acte pour l'amélioration de la navigation du bayou Bœuf. »

Résolution pour améliorer la navigation de la rivière Sabine.

Acte pour l'amélioration de la navigation du bayou Barthélemy.

Et il informe de plus le Sénat que la Chambre a donné son concours à l'amendement du Sénat changeant le temps des services de la cour dans la paroisse de Calcasieu.

Et que la Chambre a resusé de donner son concours à l'amendement changeant le temps des sessions du 12me district, composé des paroisses de Ouachita, Union, Morcheuse et Jackson.

Mardi, 26 avril 1853.

M. Lacey présente un bill pour indemniser certaines personnes qui avaient acheté des terres et dont les ventes n'étaient pas régulières.

M. Lacey.— La Législature a déjà passé un bill à cet effet, mais il paraît que la somme allouée était insuffisante Ce bill a pour but d'accorder le surplus. Je demande une suspension des réglements afin de l'introduire.

M. Rivers.—On supposait que la somme déjà allouée était suffisante. Je ne suis pas prêt à voter en ce moment pour le bill.

M. Lacey.— J'ai appris que la somme n'était pas suffisante.

M. Martin.— Je fais la motion de référer le bill au comité des terres.

M. Lacey.— Cette mesure aurait pour effet de tuer le bill et j'espère qu'elle ne sera pas adoptée. Nous avons déjà reconnu la justice de ces réclamations, et je ne vois pas pourquoi nous ferions de semblables distinctions.

M. Martin.—Le sénateur n'est pas meilleur juge du montant nécessaire que ne l'était le comité. Nous avons encore du temps devant nous, et renvoyer le bill n'est pas le tuer.

M. Lacey.— Je ne pense pas que nous aurions le temps de statuer sur cette question. J'espère que le Sénat soutiendra son propre bill. Ces parties ne peuvent pas obtenir justice par une autre voie, car la Cour Suprême a décidé qu'elles doivent s'adresser à la Législature.

M. Martin.— Je désire savoir si ces parties ont présenté leurs réclamations au Register et s'il a fait un rapport. Il était autorisé par un acte de la dernière Législature à faire des publications à l'effet d'inviter toutes les personnes ayant des réclamations de ce genre à se présenter et à les faire connaître.

M. Rivers.— Ce que je désire savoir c'est si ces réclamations sont comprises dans le rapport du Register. Il a rapporté à peu près un millier d'acres

Mr Slack—J'espère que le bill sera renvoyé. J'étais moi-même du comité. Le président a examiné le sujet attentivement et a dit que le montant rapporté serait suffisant pour toutes les réclamations fondées. Je ne prétends pas dire que l'allocation couvrait toutes les réclamations fondées, mais que les réclamations qui restent découvertes soient examinées comme les autres.

M. Martin—Le sénateur d'Est Bâton Rouge n'a pas répondu à ma question. Je lui ai demandé si ces réclamations étaient comprises dans le rapport du Register. Il a dit que la somme de $3000 serait suffisante.

M. Lacey—Je ne connais rien de relatif au Register.

M. Martin—Eh bien je n'hésite pas à dire que ces réclamations me sont suspectes.

[Ici la discussion prend un caractère tout à fait personnel entre MM. Martin et Lacey.]

Finalement le bill est référé.

M. Hodge demande la prise en considération d'un bill ayant pour effet de relever une personne du nom de William Shaw des effets de la loi relative aux héritiers forcés.

M. Hodge—Il est vrai que le bill relève une personne des effets d'une loi générale de l'Etat ; mais quand je ferai connaître les circonstances de l'affaire, je suis sûr que le Sénat ne repoussera pas le bill. Le père est un homme âgé. Les héritiers forcés sont tous des hommes faits. Quelques-uns sont morts, laissant des enfants. Quand les mineurs arriveront à leur majorité, ils auront une propriété considérable. Il y en a quatre.

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Le désir de ce vieillard est que la Législature fasse une exemption à la loi générale des heritiers forcés, afin que ses petits enfants puissent être tous mis sur un pied d'égalité.

M. King—Bien que je ne pourrais jamais arriver à appuyer ce bill ; cependant, si le bill devait passer, j'insisterai pour que ce vieillard laissât son héritage à ses petits enfants en faveur desquels il sollicite cette exception. Car rien ne prouvsque, lorsque la loi aura été adoptée, il n'épousera pas une jeunne femme à laquelle il laissera toute sa fortune Individuellement, je suis opposé à ce genre de législation spéciale et personnelle. Je suis opposé à porter atteinte à ce que la loi considère comme des droits acquis. Je ne désire pas faire ces distinctions. Je ne désire pas mettre certains individus en dehors de l'application d'une loi générale. La loi de ce pays diffère de celle des autres Etats. On peut discuter sur la supériorité de l'une ou de l'autre, mais j'avoue ma préférence pour notre loi. Mais quelleque soit notre opinion nous devons nous en tenir à la loi que nous avons. Nul doute qu'il n'y ait à la Louisiane des milliers de personnes qui aimeraient à faire de ces préférences entre leurs enfants. Si nous adoptons cette loi, nous aurons une foule de demandes à la prochaine Législature, et nous ne saurions où nous arrêter.

M. Lacey—En ma qualité de président du comité judiciaire, je puis dire que, d'après l'exposé des faits présentes par le sénateur de Caddo, j'étais disposé à envisager ce bill d'après ses mérites, et à voter en sa faveur. Je suis encore disposé à lui donner mon vote.

M. Mouton—Je regrette de ne pas pouvoir donner mon appui au bill. Je ne suis pas disposé à commettre une infraction à la jurisprudence bien établie de l'Etat. Je suis forcé de voter contre le bill, bien qu'il soit d'un caractère local.

Le bill est adopté.

Le bill à l'effet de transporter l'asyle des sourds-muets aux Opelousas est pris en considération.

M. Mouton—Ce bill a été rapporté comme substitut par un comité dont je faisais partie. Dans l'année 1831 la Législature fit une allocation et une institution fut établie sous le nom de Franklin Collége. Les bâtisses sont vastes, commodes et bien adaptées à l'objet que l'on a en vue. Des raisons d'économie devraient nous persuader d'en faire usage. L'emplacement est bon, l'endroit est sain. L'établissement est placé sur la ligne du chemin de fer des Opelousas.

M. Lacey—Je ne crois pas qu'il serait sage de déplacer cet asyle. Ainsi s'est exprimé en me parlant, le surintendant de cette institution. Nous ne savons pas si l'Etat a un bon titre pour les bâtisses des Opelousas. Dans tous les cas j'ai appris qu'il faudrait faire des dépenses considérables pour les approprier au but que l'on se propose, J'ai appris du surintendant qu'il est venu ici de l'Indiana sous la promesse formelle que l'asyle serait placé au siége du gouvernement. Serait-il juste de demander à M. Brown, le surintendant qui s'est rendu ici de l'Indiana sous cette convention expresse, de briser ses relations et d'abandonner un établissement florissant ? serait-il juste de lui demander aujourd'hui de se transporter aux Opelousas ? Cela ne serait pas juste. Et êtes vous disposé à faire une chose qui est contraire à tous les usages reçus ? Allez-vous faire de la législation expérimentale ? J'espère que non. J'espère que la petite allocation nécessaire sera votée, et l'institution demeurera au siége du gouvernement.

M Millard.—Le titre sur lequel le sénateur a tant appuyé est aussi bon que n'importe quel autre titre de propriété. Toute la question se réduit à une question d'argent. Les bâtisses déjà élevées aux Opelousas sont vastes et salubres. Cet emplacement a l'avantage de se trouver sur la ligne du chemin de fer et est recommandable sous une infinité d'autres rapports.

M. Mouton.—En réponse à ce qu'a dit le membre d'Est-Bâton-Rouge, je ferai remarquer que le but que l'on se propose n'est pas de défaire ce qu'a fait la dernière législature, mais au contraire de remplir ses intentions. On veut empêcher une dépense additionnelle de $25,000 pour des bâtisses quand nous les avons déjà prêtes. Elles sont déjà assez vastes pour contenir 200 pensionnaires.

La question n'est pas de savoir si nous accommoderons le surintendant; c'est, comme l'a dit le sénateur, une question d'argent. La question est de savoir si nous dépenserons $25,000 de plus ou si nous transférerons l'asile aux Opelousas. Le bureau peut rester tel qu'il est aujourd'hui si les membres le désirent, sinon le Gouverneur peut en nommer un autre. Le but que l'on se propose est simplement de remplir les vœux de la dernière législature

M. Millard.—Les bâtisses sont neuves, mais n'ayant pas servi pendant deux ou trois ans, elles peuvent avoir besoin de quelques réparations, mais les dépenses ne seront rien.

Le bill est adopté.

M. Hodge demande la prise en considération de l'acte relatif aux devoirs et pouvoirs des jurys de police de l'Etat et des autorités constituées des villes incorporées.

M. Hodge.—J'ai à faire quelques remarques qui n'occuperont le sénat que peu d'instants Le bill est si juste dans son principe que j'espère qu'il ne rencontrera pas d'opposition. Il ne fait qu'incorporer dans notre système de paroisse le principe énoncé dans le 118me article de la Constitution. Si la Constitution exige que l'Etat pourvoie aux moyens de faire face à ses obligations au fur et à mesure qu'il les contracte, le même principe est applicable aux jurys de police et aux villes. Le bill a une première fois succombé dans la Chambre, mais la discussion ayant recommencée il n'a rencontré aucune opposition, bien que le comité ait fait un rapport défavorable au bill. Cependant après que le rapport fut fait, M. McCay, l'un des membres du comité, me dit qu'il était en faveur du bill. De même M. Rivers, après que je le lui eusse expliqué, me dit qu'il ne ferait pas d'opposition au bill. Le sénateur de la Nouvelle-Orléans a été jusqu'à me dire qu'il l'appuierait.

M. Patterson.—Je ne ferai pas d'opposition au bill pourvu qu'Est-Félicïana soit exceptée.

M. Hodge.—Si le sénateur l'exige, j'y consentirai, bien que je préférasse que la loi fût générale Je crois qu'amender le bill, c'est le mettre en peril. Mais si je ne puis rien obtenir de plus, je désirerais que le bill s'appliquât à ma paroisse. Dans le premier bill, la Nouvelle-Orléans était exemptee, mais, à la demande de ses représentants, la Nlle Orléans subsequemment fut incluse. Passez le bill et à l'avenir les corporations seront plus circonspectes à contracter des dettes.

Si elles sont forcées de pourvoir aux moyens de faire face à leurs obligations, elles réfléchiront avant de s'endetter. Le principe de ce bill est le même que celui qui est contenu dans la loi qui consolide la ville de la Nlle-Orléans et dans le 118me article de la Constitution. Il aura pour effet de donner plus de valeur aux bons de nos paroisses et de nos villes et d'augmenter leur crédit. Le créancier aura une garantie d'être payé.

MESSAGE ENVOYÉ A LA CHAMBRE.

Le messager spécial du Sénat demande le concours de la Chambre pour les actes suivans :

Acte pour organiser un bureau des travaux publics.

Acte pour émanciper l'esclave Eulalie, appartenant à Amédée Landry, de la ville de la Nouvelle-Orléans.

Et il informe la Chambre que le Sénat a donné son concours aux actes suivans :

Acte supplémentaire à un acte intitulé « Acte pour diviser l'Etat en districts judiciaires »—approuvé le 12 avril 1858.

Acte pour amender un acte intitulé « Acte pour augmenter le nombre des jurys dans les paroisses de St-Bernard et Plaquemines de quarante huit à soixante-dix »—approuvé le 11 mars 1852.

Acte pour pourvoir à la vente d'une moitié indivise d'une portion de terre dans la paroisse de de St-Landry, réclamée par l'Etat.

Et que le Sénat a donné son concours à l'acte suivant, en l'amendant :

Acte pour amender un acte intitulé « Acte relatif à l'Hôpital de Charité » —approuvé le 21 mars 1850.

MESSAGE ENVOYÉ PAR LA CHAMBRE.

M. Eastin informe le Sénat que l'orateur de la Chambre a signé les actes enrôlés suivans :

Acte pour permettre aux actionnaires de la société de l'Ecole des demoiselles d'Iberville de faire et d'effectuer une liquidation.

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Acte pour rappeler un acte intitulé « Acte pour exempter de la saisie et vente le domicile d'un propriétaire, et aussi pour exempter de la saisie et saisie-arrêt pour loyer, certaines propriétés personnelles et certains effets ainsi que les salaires du travail et les compensations pour services rendus dans une profession ou autrement.

Acte pour autoriser la Banque des Citoyens à convertir en actions au comptant les actions assurées par hypothèques.

Acte pour incorporer le président et les membres du Collége de la Louisiane.

Acte pour autoriser les avocats de district à se récuser dans certains cas.

Acte autorisant les procédures « in rem » pour recouvrer les pertes et les dommages occasionnés par négligence, manque de soins, ou d'adresse dans la conduite, ou la direction des bateaux à vapeur, barges, chalands, navires ou radeaux.

Acte pour autoriser la compagnie du chemin de fer Pontchartrain à construire un chemin de fer jusqu'à la Mobile.

Acte pour mettre en force d'une manière plus efficace les dispositions d'un acte intitulé « Acte pour le progrès de l'Education médicale en Louisiane », approuvé le 21 mars 1856.

Et il demande la signature du président pour les actes enrôlés suivans :

Acte supplémentaire à un « Acte accordant une extension de temps aux colons actuels, pour faire l'application, la preuve et le paiement des terres marécageuses et inondées données à l'Etat de la Louisiane par les actes du Congrès », approuvés le 2 mars 1849, le 23 septembre 1850 et le 16 mars 1853.

Acte pour autoriser le recorder de la paroisse de Morehouse à nommer un député.

Acte accordant le secours de l'Etat à la compagnie du chemin de fer de la Nouvelle-Orléans, de Jackson et du Nord, en souscrivant à son capital.

Acte relatif au judiciaire de l'Etat, le premier district judiciaire excepté.

Acte pour dispenser du réenregistrement des hypothèques en faveur des commissaires de la donation Poydras dans les paroisses d'Ouest-Bâton-Rouge et de la Pointe-Coupée.

Acte pour diviser en de nouveaux districts la paroisse de Pointe-Coupée, et pour diminuer le nombre et restreindre les pouvoirs du juri de police.

Acte supplémentaire à un acte intitulé « Acte pour former un district de levées, composé des paroisses de Carroll, Madison et Catahoula, afin de les mieux protéger contre l'inondation », passé le — mars 1852 et amendé le 25 mars 1853.

Acte pour améliorer le Big Creek.

Acte pour accorder le secours de l'Etat à la compagnie du chemin de fer de Vicksburg, Shreveport et du Texas, en souscrivant à son capital.

Acte pour exempter la paroisse de Catahoula de toute taxe à venir pour construire des levées dans les paroisses de Madison et de Carroll.

Acte pour permettre a Baptiste Dupeyre ou à ses représentans légaux d'émanciper l'esclave Zoé, sans qu'elle quitte cet Etat.

Acte pour organiser les Cours de District dans et pour la paroisse et la ville de la Nouvelle-Orléans.

Acte pour accorder le secours de l'Etat à la compagnie du chemin de fer de la Nlle-Orléans, des Opelousas et de l'Ouest, en souscrivant à son capital.

Acte pour pourvoir à la manière de canceller les bons et hypothèques donnés par les collecteurs de taxes des paroisses.

Acte pour incorporer les actionnaires de la compagnie du chemin de fer de la Nouvelle-Orléans et de Bâton-Rouge.

Acte autorisant Minor W. Sherwin, de la paroisse de Claiborne, à retirer certaines obstructions qui gênent la navigation du bayou Danchitte, &c.

Acte pour amender la première section d'un acte intitulé : « Acte relatif à la corporation, à la police et au gouvernement de la ville de Shreveport, »—approuvé le 18 mars 1850.

Acte pour venir au secours de H. Labat.

Résolution requérant l'ingénieur d'Etat de faire un examen exact du lit de la Vieille Rivière, entre l'embouchure de la rivière Rouge et le Mississipi, et celui de la Grande Pointe, sur la rivière Rouge.

Il informe le Sénat que la Chambre a donné son concours aux actes suivans :

Acte pour autoriser les marguilliers de l'église St-Louis, de la ville de la Nlle-Orléans, à disposer de certaine propriété.

Acte pour émanciper John J. Croft.

Acte pour régler les termes de session des Cours de districts.

Acte pour amender les actes intitulés : Actes pour incorporer la ville de Jefferson, approuvés le 9 mars 1850.

MERCREDI, 27 avril 1858.

M. Kenner demande la suspension du réglement afin d'introduire un bill ayant pour objet de régulariser la manière de compter les votes dans les élections de juges.

M. Kenner—Dans deux ou trois jours cette session sera terminée. Il est impossible de dire quels seront les élus pour la Cour Suprême. Je présente ce bill afin d'établir la manière de compter les votes dans les élections. Si, comme un membre l'a dit, un bill a déjà été proposé pour cet objet, pourquoi ne demande-t-il pas qu'il soit pris en considération.

M. King—L'on m'a dit qu'un bill à cet effet avait été adopté par la Chambre.

ORDRE SPECIAL DU JOUR.

Ce jour est celui fixé pour la prise en considération de l'acte suivant :

Acte pour pourvoir à l'enregistrement des votants de la Nouvelle-Orléans, conformément à l'article 11 de la Constitution.

Sect. 1—Il est décrété par le Sénat et la Chambre des Représentants de l'Etat de la Louisiane, réunis en assemblée générale, Que le Conseil des Aldermen de la ville de la Nouvelle-Orléans devra, le premier lundi de décembre de chaque année, nommer trois personnes convenables et prudentes, pour chacun des districts de la Nolle-Orléans, lesquelles devront résider dans le district pour lequel elle sont nommées et seront connues sous le nom de « bureau pour l'examen des droits des votants.

Sect. 2—Il est de plus décrété, &c., Que le dit bureau des différents districts de la ville, devra immédiatement après sa nomination donner avis dans le journal de l'Etat, et dans d'autres journaux principaux publies dans la ville de la Nouvelle-Orléans, qu'ils s'assembleront dans leur district respectif dans la dite ville, le second lundi de janvier après leur nomination, à l'effet d'examiner et de décider des applications des personnes résidant dans la dite ville pour l'enregistrement de leur noms comme votants qualifiés de la ville de la Nouvelle-Orléans ; et dans le dit avis le dit bureau désignera l'endroit de leurs réunions respectives.

Sect. 3—Les différents membres du bureau nommés conformément à la première section de cet acte, devront avant d'entrer dans l'exécution des devoirs de leur place, excepté celui de l'avis ci-dessus prescrit, prêter le serment exigé par l'article 90 de la Constitution ; lequel serment pourra être administré par tout juge ou juge de paix de la dite ville de la Nouvelle-Orléans ; et ayant été signé par les membres du dit bureau et signé par le juge pardevant lequel ce serment a été pris, le dit serment devra être envoyé par le dit bureau d'examen au Conseil des Aldermen de la ville de la Nouvelle-Orléans, avec la liste des votants comme il est dit ci-dessus.

Sect. 4—Il est de plus décrété, &c., Qu'il sera du devoir des différents bureaux d'examen des qualifications des votants de se réunir le jour et à leur endroit respectif comme les avis publiés par eux le diront ; et ainsi en assemblée, les dits bureaux resteront en session pour cet objet et pour les objets ci-après prescrits, de 10 h. A. M. jusqu'à 6 h. P. M. du même jour, s'il est nécessaire, et ils pourront ajourner de jour en jour, (les dimanches non compris) jusqu'à ce que le but de l'assemblée soit rempli.

Sect. 5—Il est de plus décrété, &c., Qu'en cas qu'une personne résidant dans la ville de la Nouvelle-Orléans se déclare être un votant légal et demande que son nom soit enregistré sur la liste des votants, et que la dite personne ne soit pas connue par le bureau avant sa comparution, comme un votant légal ou si son droit d'être reconnu comme un votant légal est con-

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testé par toute personne, il sera du devoir du dit bureau pour l'examen des qualifications des votants, de faire prêter et signer par l'un d'eux à la personnne ainsi inconnue au dit bureau comme votant légal ou dont le droit est contesté comme dessus, le serment suivant qui sera préparé pour cela et lequel sera envoyé avec la liste des votants, comme il est ci-après exigé, à la Première Cour de District de la ville de la Nouvelle-Orléans pour être soigneusement conservé.

Je, [A B] jure ou affirme que je suis citoyen naturalisé, il devra dans son serment spécifier l'endroit où il a été naturalisé, que j'ai atteint l'âge de 21 ans ; que j'ai résidé dans cet Etat douze mois précédant l'élection, et les six derniers mois dans la paroisse, et demeure maintenant dans la ville de la Nouvelle Orléans, et de plus je jure ou affirme solennellement que depuis l'adoption de la présente constitution, étant citoyen de cet Etat, je ne me suis pas battu en duel, avec des armes qui peuvent donner la mort, avec un citoyen de cet Etat, ni que je n'ai pas agi comme second en portant un cartel, ou donné avis ou assisté qui que ce soit—que Dieu me soit en aide.

Sect. 6.—Il est de plus décrété etc.,—Que toute personne non naturalisée au temps de l'enregistrement comme votant, et si son droit de naturalisé arrive, et s'il espère être dûment naturalisé dans l'interval d'une année à partir du jour que le bureau aura ses séances, ou si toute personne applicant alors n'a pas atteint l'âge de 21 ans, ou a acquis les six et douze mois de résidence prescrits par la constitution, ou s'il a atteint l'âge de majorité, ou le temps nécessaire pour lui donner la résidence légale, expire dans une année à partir du temps qu'il aura fait l'application au bureau commençant ses séances, alors et dans ce cas, le serment prescrit dans la section précédente, sera changé suivant le fait ; le dit serment quand il sera pris, sera envoyé dans la manière et la forme prescrites par le serment exigé dans la précédente section ; pourvu cependant, que dans tous les cas, quand la partie fera affidavit, comme l'exige cette section, il sera du devoir des commissaires d'élections quand la personne demandera à voter, d'exiger de lui, le serment prescrit par la loi pour être administré aux votants dont les votes seront contestés.

Sec. 7.—Il est de plus décrété etc —Que chacun des dits bureaux quand il se réunira pour examiner et décider des qualifications des votants, ou pour entendre et juger des contestations, comme il est ci-dessus prescrit, devra non seulement entendre l'applicant dans la manière et dans la forme prescrites, et dans les cas prévus par les sections 5me et 6me de cet acte, mais ils peuvent faire examiner par un des membres les témoins sous serment et l'applicant ainsi assermenté, ou les témoins ainsi examinés, qui seront coupables de mauvais desseins ou de faux serment seront passibles des peines imposées aux parjures.

Sec. 8.—Il est de plus décrété, etc.—Qu'il sera de plus du devoir de la dite ville de la Nouvelle Orléans, au temps de ces séances et avant leur fin, de garder une liste complète et juste des noms des personnes qui demeurent dans la dite ville et qui auront été reconnues comme votants qualifiés par les différents bureaux pour donner droit de vote dans la dite ville de la Nouvelle Orléans, ainsi que la résidence des dites personnes, de mettre aussi sur la dite liste tous ceux qui désirent devenir votants, suivant les dispositions de la section 6me de cet acte, avec leur résidence et sur quoi se base leur droit de citoyen, de désigner ceux dont le droit de vote aura été contesté, ce qui aura donné lieu à cette contestation et la décision du bureau ; et tous les tableaux des faits qui pourront permettre un autre examen conformément à la section suivante, et il sera de plus du devoir du dit bureau, de faire deux copies des dites listes, dûment signées et certifiées par les membres du dit bureau, l'une sera envoyée par les dits bureaux respectifs au greffier de la cour de district de la Nouvelle Orléans et l'autre au Conseil des Aldermen de la dite ville pour être placées dans les bureaux des dits greffiers et secrétaires du dit conseil, pour être soigneusement gardées et préservées.

Sect. 9.—Il est de plus décrété &c.; Que si une personne inconnue à chacun des dits bureaux, est reconnue comme votant, ou si les qualifications d'une personne réclamant d'être reconnue comme votant légal, sont contestées, le nom de la personne sera placé sur la liste des votants; ou si le nom d'une personne quelconque est rejeté de la liste, toute personne ou personnes désirant prendre des informations, aura le droit, avant que le bureau qui aura rendu la décision soit dissout, de faire référer la dite affaire pardevant toute cour de juridiction compétente, laquelle cour devra aussitôt que possible, examiner de préférence la décision du bureau dans cette affaire, et devra donner son opinion et sa décision le plus promptement possible, en tout ce qui concerne la question soumise, et le jugement de la cour ainsi rendu, sujet au droit d'appel, comme la loi le prescrit, et par lequel les commissaires seront gouvernés sur ce sujet ; et les listes seront renvoyées aux commissaires et considérées comme amendées en ce qui regarde cette affaire.

Sect. 10.—Il est de plus décrété &c.; Que le conseil des aldermen de la ville de la Nlle-Orléans, devra—— jours après que les listes des votants auront été envoyées à ce dit corps, faire une liste alphabétique des votants, envoyée par les dits bureaux pour l'examen des qualifications des votants au dit conseil des aldermen, avec les notes et remarques des dits bureaux, accompagnant les dites listes ; et laquelle liste alphabétique sera gardée et préservée par le dit conseil des aldermen et il sera aussi du devoir du dit conseil des aldermen, de fournir aux commissaires des élections, pour chaque arrondissement, à chaque élection, et à l'ouverture des polls, une copie certifiée des listes alphabétiques ci-dessus exigées ; de plus, de déposer une copie certifiée de la dite liste alphabétique dans le bureau du greffier auquel le dit bureau d'examen des qualifications des votants, aura envoyé ses listes, conformément à la 8me section de cet acte ; et lorsque le conseil des aldermen de la ville de la Nlle-Orléans, aura ainsi déposé dans le bureau du dit greffier la dite liste alphabétique, le nom d'aucune personne ne sera ajouté ou retranché à moins d'un ordre de la cour, comme il est ci-dessus prescrit, et aucune personne, pendant une année à partir du commencement des séances des différents bureaux d'examen des qualifications des votants, ne pourra voter à quelque élection que ce soit, à moins que les commissaires d'élection ne soient satisfaits de l'identité de la personne demandant à voter et trouvent son nom inscrit sur la dite liste alphabétique.

Sect. 11.—Il est de plus décrété ; Que si un membre du conseil des aldermen de la ville de la Nouvelle-Orléans, ou si une des personnes mentionnées dans cet acte, et à qui certains devoirs sont imposés par cet acte, néglige avec intention ou refuse de remplir un des devoirs qui lui sont ci-dessus imposés, ou autorisera ou permettra qu'il soit fait aucune chose contraire à la véritable disposition de cet acte, les dits membres du conseil et toute autre personne que ce soit seront passibles d'une amende qui ne sera pas moindre de —— piastres et n'excédera pas cinq cents piastres, une moitié au bénéfice de l'Etat, l'autre au bénéfice du dénonciateur et de plus seront condamné à payer les frais de cour, et à un emprisonnement dans la prison de paroisse pour un terme n'excédant pas et pas moindre de trente jours.

Sect. 12.—Il est de plus décrété &c. Que les différents membres du bureau d'examen recevront en considération des services exigés par cet acte la compensation suivante, payable des fonds du trésor de la dite ville de la Nlle-Orléans

M. Palfrey.— Je fais la motion d'effacer de la première section du bill les mots : 2me lundi de décembre et d'insérer le premier lundi de juin. Le but que je me propose en présentant cet amendement est de donner aux bureaux le temps de préparer leurs listes pour l'élection qui devra avoir lieu au mois de novembre suivant.

L'amendement est adopté.

M. Palfrey propose un amendement à la section 2 par lequel le bureau devra s'assembler le second lundi d'octobre au lieu du second landi de janvier.

Adopté.

Le bill passe à la seconde lecture.

M. Hedge—Je demande une dispensation des règles et que le bill reçoive une troisième lecture.

La motion est adoptée.

M. Derbès—Je suis forcé de voter pour le bill parce que la Constitution déclare que nous devons passer une loi de cette nature. Non que j'approuve ce bill. Je suis persuadé qu'il privera du droit de suffrage un grand nombre de votants de la Nlle-Orléans.

M. Lacey—Je ne puis voter pour le bill tel qu'il est.

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Je crois que l'article de la Constitution avait pour but de prévenir les fraudes qui pourraient être commises entre l'époque de l'enregistrement et celle des élections. Le bill, tel qu'il est amendé, ne peut atteindre ce but. Le délai est trop court. Il faudrait huit ou neuf mois.

M. Palfrey— Le sénateur aurait dû faire connaître ses objections quand les amendements étaient devant le Sénat. Il aurait pu ainsi déterminer l'auteur de ces amendements à les retirer.

M Mouton— Je n'approuve pas toutes les dispositions de ce bill, mais comme un article de la Constitution nous fait un devoir de passer quelque loi à ce sujet, et comme aucun substitut n'est présenté, je me vois obligé de voter pour le bill.

Le bill est adopté.

M. Todd appelle la discussion sur le bill relatif aux améliorations de la Rivière-Rouge.

M. King— Les barres sont les seules choses qui retiennent les eaux dans la rivière. Tous les bateaux à draguer du monde ne pourraient atteindre ce but.

M. Hodge— Le sénateur est un si grand admirateur de la science, qu'il devrait quitter le Sénat et s'y dévouer entièrement. Il peut montrer beaucoup de dédain pour le bill, mais je puis lui dire qu'il a été préparé par l'un des hommes les plus savants de l'Etat. J'ai remarqué fréquemment une disposition dans le Sénat à traiter avec dédain la partie septentrionale de la Louisiane, chaque fois que l'on propose quelque chose dans l'intérêt de cette section. Nous demandons peu. Nous pensons que ce bill nous sera utile et nous sommes disposés à en courir les risques.

M. King— Le sénateur a adopté un genre d'argument tout-à-fait particulier. Il confond les personnalités avec la raison. J'admire la science, et bien que je ne prétende pas la connaître à fond, je crois pouvoir comprendre quelques uns de ses principes. Et si aucun sentiment de misérable jalousie sectionnelle, comme a voulu le faire entendre le sénateur, a jamais surgi dans mon âme, je le déclare, c'est à mon insu. Je désire que bonne et égale justice soit rendue à toutes les sections de l'Etat. J'ai à cœur les intérêts de l'Etat tout entier. Relativement à ce bill, je dirai que, dans mon opinion, il serait nuisible de faire disparaître toutes les barres de sable qui se trouvent dans la Rivière Rouge et dans le Ouachita. Dans les eaux hautes, ces barres ne sont pas utiles, parcequ'alors il n'y a pas assez d'eau. Dans les eaux basses elles retiennent les eaux dans le fleuve. La Virginie a fait l'essai de ce moyen pour le Kenawha, mais sans succès. Elle a dépensé un million de piastres pour cette entreprise, mais elle n'a obtenu aucun bon résultat. L'expérience devrait nous profiter. Je répète que tous les bateaux à draguer du monde ne pourraient pas remplir l'objet que l'on se propose. Je ne prétends pas être un flambeau de science, mais je crois que la science démontrera la vérité de ce que j'avance.

M. Todd— Je ne puis être de l'opinion du sénateur. C'est la première fois que j'entends dire qu'en faisant disparaître des barres on crée des obstacles à la navigation. Dans le Ouachita il n'y a qu'un très petit nombre de barres qui forment obstacles; et, si celles-là disparaissaient, la rivière deviendrait navigable d'un bout à l'autre. Dans tous les cas nous désirons en faire l'essai.

M. Hodge—J'ai quelques mots encore à dire Les hommes de science souvent diffèrent à un tel point sur ces questions qu'ils laissent le monde dans l'obscurité. M. de Russy m'a parlé de ce bill et il l'a approuvé C'est un homme de science. Je crois que le bill a reçu aussi l'approbation de l'Ingénieur de l'Etat. Ce doit être une bonne autorité attendu qu'il a reçu les compliments du Sénateur.

Le colonel de Russy a déclaré, j'en suis sûr, qu'il approuve le bill, et le Sénateur ne peut prétendre qu'il ne soit un homme de science et de talent. Je crois que l'Ingénieur de l'Etat a dit que le plan était praticable, et que le major Ranney a exprimé la même opinion. Ce plan ne présente pas les inconvénients signalés par le Sénateur. Et qu'il me soit permis de dire au Sénateur que, si j'ai parlé avec vivacité, c'est que je n'ai pu me retenir. Je ne désire pas attaquer sa réputation de science acquise, par la manière dont il a traité les questions de ce genre pendant cette session. Mais, pour revenir à ce bill je doute que le Sénateur puisse dire ce qui produit les barres dans la rivière Rouge et dans le Ouachita. Elles sont produites par la chute d'arbres qui détournent le cours des eaux. Depuis Shreveport à Alexandrie c'est-à-dire sur un trajet de 200 milles, il y a un grand nombre d'obstacles de ce genre.

J'ai entendu dire à certaines personnes que si l'on faisait disparaître les chutes à Alexandrie, les eaux pourraient s'écouler, comme si de pareils travaux pouvaient modifier la rivière à sa source. Cependant le Sénateur paraît être de cette opinion. J'ai assez de bon sens pour savoir qu'un pareil effet ne peut être obtenu. Si le lit de la Rivière était sur un plan incliné, de manière que le courant pût avoir une grande vitesse cette opinion serait correcte. Mais tel n'est pas le cas. La partie septentrionale de la Louisiane a surgi comme par magie. Là où était un désert s'étend aujourd'hui un jardin fleuri.

Le Sénteur n'a pas connu les difficultés et les périls qui entourent l'homme qui marche à tatons à la lumière douteuse de l'aurore de la civilisation, autrement il serait plus disposé à appuyer ce bill. Je répète que la partie septentrionale de la Louisiane est un nouveau pays. Elle est entreprenante et prospère; mais, pendant les eaux basses, elle est privée de toute communication avec le reste du monde. La conséquence est que, dans cette saison, les prix deviennent exorbitants. La farine, par exemple se vend $15 le baril, tandis qu'à la ville on peut l'avoir pour $5. Les habitants demandent que cet état de choses cesse. Ils demandent que ces barres qui obstruent la navigation disparaissent. Ce bill a pour effet d'établir des facilités de communication pour la navigation. J'espère que le Sénat l'appuiera.

M. Kenner—Je ne désire pas prendre part à une discussion scientifique, attendu que l'on sait que je ne suis pas un homme de science. Je demanderai au sénateur ce que c'est que la science ? Il ne répond pas Je me vois alors forcé de tirer une conclusion défavorable, et de présumer qu'il ne sait pas ce que science veut dire. Il est très-facile de jouer la dignité lorsqu'on ne peut pas répondre. Le sénateur aurait répondu s'il l'avait pu. Quel est l'objet de ce bill ? De donner l'usage d'un de nos bateaux pour un certain objet qui ne coûtera pas un sou au trésor. Le bateau est destiné simplement à remuer le sable de manière à ce qu'il puisse être emporté par le courant. Par ce moyen le chenal serait ouvert et la navigation deviendrait possible. Si nos bateaux n'étaient pas employés à ce travail sur la Rivière Rouge, ils le seraient sur un autre point. Si ce travail ne peut pas être achevé en une année, commençons-le et faisons tout ce que nous pourrons. Les barres de la Rivière Rouge deviennent chaque jour plus considérables. Il faut qu'elles disparaissent. Les hommes les mieux renseignés, bien qu'ils n'aient peut-être pas autant de science que le sénateur, disent que le moyen de rendre la rivière navigable est de faire disparaître ces obstacles, de remuer le sable et de le faire emporter par le courant. Le bateau peut être occupé à ce travail pendant quelque temps, probablement pendant toute la durée des eaux basses; mais à quoi tout cela aboutit-il ? Comme ce que l'on demande est si peu de chose; puisqu'on ne demande aucune dépense additionnelle, je pense que nous devrions adopter le bill.

M. King—Ce n'est pas à cause de la dépense que je combats le bill, je ne désire pas que nos ressources soient employées à une entreprise impraticable, faite sans relevé préalable, sans avoir obtenu l'opinion de personnes compétentes.

Maintenant quand au malheureux usage que l'on a fait du mot «Science,» ce n'est pas moi qui l'ai employé, le Sénateur est le premier qui l'ait mis en avant. Je ne prétends pas être un homme de science, mais je prétends être un admirateur de la science. Je n'essaie pas de courtiser des préjugés vulgaires en ridiculisant la science ou les hommes de science. Je ne descendrai jamais aussi bas que cela. Je ne serais pas surpris de voir un membre présenter un bill faisant un crime du fait d'employer le mot science dans cette enceinte.

M. Boatner—Les objections du Sénateur sont fondées sur une erreur, quand à la nature de ces cours d'eau. La science est une excellente chose, mais elle est quelquefois en désaccord avec les connaissances pratiques. L'une alors doit céder, l'autre l'emporter. Je connais bien la rivière Ouachita. J'ai voyagé sur cette rivière en esquifs et en bateaux à vapeurs. Il n'y a que trois barres jusqu'à Monroe, et si elles disparaissaient l'effet que redoute le Sénateur n'aurait pas lieu.

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J'espère que le bill sera adopté. Le Sénateur de Caddo a fait un tableau fidèle des maux auxquels nous sommes soumis pendant la saison des eaux basses; il a représenté avec raison les prix énormes que nous avons à payer pour les objets de première nécessité. Je le répète, j'espère que le Sénateur retirera ses objections et ne combattra plus le bill.

Le bill est adopté.

JEUDI, 28 avril 1853.

Le bill du revenu est pris en considération.

M. Nicholls demande l'appel nominal sur l'adoption définitive du bill. Il déclare qu'il votera contre.

Le bill relatif aux cautions de William R. Stiles est de nouveau pris en considération.

M. Nichols.—Je suis opposé en principe au bill. Ces messieurs ont fourni un cautionnement; ils doivent être liés par leur contrat. Il serait inutile d'exiger des cautionnements, si à chaque session de la législature, nous délions les cautions de leurs engagements. Aussi bien serait-ce de rappeler toutes les lois relatives au cautionnement,

M. McCay.—Comme je l'ai déjà dit, le bill n'a pas pour objet de détruire le cautionnement. Le cautionnement conservera son plein effet, mais les circonstances de l'affaire semblent reclamer l'intervention favorable de la legislature. Ces messieurs se sont engagés pour la somme de $28,000 sur le bon fourni par le collecteur de taxes. Aux termes de la loi de 1848, l'auditeur était autorisé à lancer immédiatement une exécution contre les cautions sans leur donner les moyens de se défendre. La loi exigeait que le collecteur de taxes fît un rapport dans les cinq premiers jours de chaque mois, à défaut de quoi l'exécution était lancée. Les cautions prirent une injonction s'appuyant sur ce que la loi était inconstitutionnelle. Elles avaient au préalable donné avis à l'auditeur de forcer Stiles à se conformer aux dispositions de la loi.

La Cour de District décida en leur faveur et rendit l'injonction absolue. L'Etat fit appel. L'avocat-général déclara à plusieurs reprises qu'il n'avait pas l'espoir d'obtenir un jugement. Néanmoins, pendant l'été, au mois de juin, l'affaire fut appelée et décidée contre les cautions. Eh bien, quel est l'objet du bill? C'est de mettre de côté l'exécution lancée par l'auditeur et de laisser l'affaire être plaidée de manière que les cautions puissent faire valoir leurs moyens de défense. L'Etat n'y peut rien perdre, parceque l'hypothèque résultant du cautionnement subsiste toujours. Nous ne voulons que donner aux cautions une chance de présenter leurs moyens de défense. Cette affaire présente encore une autre particularité. Il est en preuve par le dossier, que la Cour Suprême ordonna que la Cour de District examinerait l'affaire quand à la question de faits. La question semblait rouler sur le droit qu'avait l'auditeur de lancer une exécution. Les faits prouvent que l'auditeur fut notifié par écrit d'exiger le rapport requis par la loi dans les cinq premiers jours de chaque mois. Si cela avait été fait, le montant soustrait eût été fort petit. Si le chiffre réclamé des cautions s'est augmenté par suite de la négligence de l'auditeur. Les cautions doivent avoir la chance de faire valoir leur défense, même en supposant qu'elles ne soient pas entièrement déliées. Je ne puis croire que le Sénat prendra avantage d'un moyen technique pour lier les parties. Une caution peut tirer avantage d'un pareil moyen, mais à coup sûr, un Etat souverain ne peut s'abaisser à de pareils moyens. Des individus peuvent plaider la prescription, l'Etat ne le peut pas. Prenez le cas d'un nègre qui avait été emprisonné, il y a vingt ans; malgré ce long laps de temps, nous avons accordé une indemnité. Je vous demande de ne pas prendre avantage de cette fiction de la loi. Son absence est la faute des cautions, mais en fait, l'avocat seul est à blâmer. Par la loi stricte, j'admets que l'Etat a un jugement, mais la question est si nous devons nous en tenir à ce jugement seulement parce que nous l'avons obtenu.

M. Hodge—Comme j'étais membre du comité spécial auquel avait été référé ce bill et que j'ai différé d'opinion avec la majorité, je pense qu'il est de mon devoir de donner les motifs de mon opinion. J'espérais être à même de produire le jugement de la Cour Suprême, mais comme je n'ai pu le faire, je me contenterai d'en présenter les motifs brièvement. J'ai là la décision de la Cour Suprême afin de la prendre pour guide dans l'examen de cette affaire. Il paraît qu'en 1847 cet individu W. K. Stiles fut nommé collecteur de taxes et fournit caution.

Aux termes de la loi de 1847, l'Auditeur avait le droit, dès qu'il connaissait qu'un officier était concussionnaire de lancer une exécution contre l'officier et ses caution. Il paraît que Stiles était en retard pour le rapport qu'il devait faire. L'auditeur lança son exécution.

Le rapport fait sur cette exécution fut qu'on ne lui connaissait aucune propriété. Exécution fut alors lancée contre les cautions. Elles prirent une injonction. Autant que je peux m'en souvenir, aucune opposition ne fut faite à l'injonction dans le moment, parce que l'injonction n'avait pas été lancée en temps convenable.

Le juge de district décida en faveur des cautions, sur le motif que l'exécution aurait dû être lancée contre elles et le collecteur en même temps. Le Sénateur aurait pu se dispenser de parler autant de moyens techniques, puisque les cautions elles-mêmes n'échappent que par un moyen technique. Le juge de district parla du pouvoir extraordinaire et terrible donné par la loi à l'Auditeur et exprima quelque doute sur la constitutionnalité de ce pouvoir. Mais néanmoins il ne décida l'affaire que sur un point technique. Après la lecture de la décision de la Cour Suprême, je n'ai plus douté que justice n'aie été rendue. La décision est très-longue, mais il me semble qu'en fait il est suffisant de prouver au Sénat que, s'il y avait eu aucun fondement dans les réclamations des cautions, la Cour aurait décidé en leur faveur. La décision fut rendue par le juge Preston, dont la bonté est proverbiale. Il passa en revue les arguments du juge de district et les réfuta complètement.

M. Mc Cay—Le Sénateur verra qu'aucun défendeur ne parut pour les cautions.

M. Hodge—L'opinion n'établit pas que l'affaire fut plaidée en Cour, et, comme le Sénateur le dit, je ne doute pas qu'elle ne l'a pas été. Mais il me semble qu'elle l'a été sur mémoire. Je me croirais tenu de voter contre le bill, même si les avocats n'avaient pas dit un mot.

Ce n'est pas l'affaire de l'Etat de fournir des avocats aux parties qu'elles poursuivent. Je suis fâché pour les cautions; mais je connais la loi, et je sais que l'Auditeur avait le droit d'agir comme il l'a fait. Maintenant on demande de soustraire les cautions aux effets de la loi de 1847.

Que cette somme fut exorbitante c'est ce que je nierai pas. Le collecteur était concussionnaire. La seule défense qu'opposèrent les cautions furent que l'Auditeur ne lança pas l'exécution en temps opportun! La Cour Suprême répond qu'il n'était pas tenu de la lancer en même temps qu'il la lançait contre le collecteur. C'est précisément la question qui fut décidée à la Cour Suprême.

M. King—En supposant que tout ce qui avait été dit touchant les obligations des cautions fût prouvé, devons nous, comme Shylock, nous en tenir rigoureusement à notre "Bound". Même si la loi est telle qu'on l'a représentée, (bien que les parties prétendent que leurs droits n'ont pas été défendus devant la Cour Suprême), devons-nous opter pour Shylock et demander jusqu'à la dernière goutte de sang. La somme est très-forte. Elle est de $34,000, somme dont la perte peut porter la désolation dans beaucoup de familles. S'il y avait le moindre soupçon que les cautions eussent agi de connivence avec le concussionnaire et tiré projet de ses actes, alors je repousserais leur demande.

Mais leur haute réputation de probité, le fait qu'en bons citoyens, ils prévinrent l'auditeur du danger, lorsque ce fonctionnaire s'endormait à son poste, ces faits ne permettent peu un pareil soupçon. Cette considération doit avoir un grand poids. Admettons les objections qui ont été mises en avant, cependant lorsque les cautions se présentent et demandent non par une décharge, mais par la permission de se faire entendre devant une cour de justice, comment pouvons nous avec équité repousser leur demande? Ce qu'il s'agit d'accorder n'est pas sans précédent. Nous avons, en maintes occasions, déchargé les cautions de personnes accusées de crimes très graves. Il est à ma connaissance personnelle que Styles a subi un long emprisonnement. Allons nous poursuivre des parties innocentes qui n'ont eu rien à faire avec le crime. Je me rappelle une affaire semblable. Lorsque Morgan était collecteur du port de

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la Nouvelle Orléans, il devint concessionnaire pou la somme de $100,000. Le gouvernement se convainquit qu'il n'y avait rien à reprocher aux cautions et les decharg.a. C'est là un bon précédent. Il est vrai que la somme dans cette affaire est considérable mais ce n'est là qu'une raison de plus pour nous encourager à l'indulgence.

Le bill restreignant la juridiction de la Cour Suprême dans les affaires civiles aux questions de fait est prix en consideration.

M. Hodge—Ce bill a cté référé au comité judiciaire et a été l'objet d'un examen approfondi. Il a été rédigé d'après les avis d'un avocat distingué qui vient d'être récemment élu à la Cour Suprême. Je puis dire avec assurance que les neuf dixième du barreau de la Louisiane sont en faveur de cette disposition. Le principe sur lequel repose le bill a été discuté dans la convention et n'a été exclu de la Constitution que par une faible majorité. L'on pensa qu'il valait mieux laisser la décision à la Législature. Une objection que fait naître le systeme actuel est qu'il est difficile pour les juges de connaître les faits de manière à les décider avec certitude. L'opinion de tous les jurisconsltes de l'Etat est que la juridiction de la Cour Suprême devrait être restreinte aux questions de droit et les writs devrait être laissés aux jurys. Leur jugement sur la question de fait devrait être final ; tandis que, dans les affaires civiles, la Cour Suprême est investie du pouvoir oxtraordinaire de renverser le verdict des jurys, et ce pouvoir lui est refusé dans les affaires criminelles. S'il est mieux de donner à la Cour Suprême le droit de réexaminer la question de fait, et, s'il est vrai que les jurys ne sont pas dignes de confiance dans les affaires civiles, pourquoi le seraient-ils dans les affaires criminelles ?

Personne ne doute que les juris ne soient plus compétents à décider les questions de fait. Ils voient les témoins, observent leur contenance, et leurs observations ainsi faites sont des sources de lumière. Un témoignage mis par écrit est tout-à-fait incolore. Si nous donnons aux juges de la Cour Suprême le droit de juger les questions de droit nous abolissons virtuellement le jugement par jury, parce que le témoignage par écrit ne peut presenter cette certitude qu'offre l'examen oral. De plus le système actuel crée une forte dépense, une grande perte de temps, puisqu'il est nécessaire de prendre tous les témoignages par écrit. Ce seul fait rend les sessions des Cours neuf fois plus longues qu'elles ne le seraient autrement. Si le bill est reconnu défectueux dans la pratique, il sera facile de le rappeler. J'espère que le Sénat l'adoptera. C'est faire injure aux jures que de dire qu'ils ne sont pas capables de decider une question de fait.

M. Kittridge—J'espère que le bill ne passera pas. Ce bill rendrait impossible aucun jugement final dans la partie que j'habite. L'affaire serait plaidée cinquante fois, et les parties auraient à subir de plus fortes dépenses par ces allées et venues de la meme affaire qu'elles n'en ont dans le système actuel.

M. Short— Je pense avec le sénateur de Caddo qu'il est absolument nécessaire de modifier la loi de la Louisiane à ce sujet. J'ai été moi-même témoin des inconvénients qui resultent de la mise à néant des verdicts de juris sur les questions de fait. Si la Cour Suprême avait les mêmes moyens d'arriver à la vérité que les juris, la difference ne serait pas grande. Les juges ont sans doute des idées du droit plus justes et par conséquent et sont plus aptes à juger une affaire. Mais la valeur d'un témoignage dépend fréquemment de la manière dont le témoin la donne. S'il était permis de donner *dägwerréotypement* à la Cour Suprême le témoignage et toute les circonstances qui l'entourent, il n'y aurait alors aucune difficulté, mais il n'en est pas ainsi. Dans l'état actuel des choses la déposition d'un témoin de mauvaise foi peut avoir autant de poids que celle du témoin le plus honnête. Ajoutez à cela la perte de temps et d'argent. Je voterai pour le Bill.

M. Nicholls—Je suis opposé au bill. L'adopter serait pour ainsi dire établir un déni de justice perpétuel. Il faut bien se rappeler que notre système de jurisprudence diffère entièrement de celui des autres Etats. Les points en litige sont tellement confondus qu'il est presqu'impossible de les distinguer les uns des autres. Il est presqu'impossible que justice soit rendue par un jury dans les affaires civiles. Mon expérience me conduit à croire que, sous l'empire de ce bill, dans plusieurs sections de l'Etat, les frais n'en seraient qu'augmentés.

M. Kenner—Je désire mentionner un fait. Dans la convention, cette question a été discutée avec talent. Quiconque en doute n'a qu'à lire les rapports du comité judiciaire dont Randell Hunt était président et dont MM. Roselius, Richardson et autres faisaient partie.

Tous les arguments avancés par le Sénateur se sont produits devant la convention avec une force et une clarté bien supérieures, je peux le dire sans injure, à tout ce qui a été dit ici sur le même sujet. Là la question fut traitée à loisir Elle ne se présenta pas à la fin de la session, à l'époque où chacun désirait retourner chez soi, au contraire, elle fut discutée à une époque où l'on avait tout le temps de l'etudier à fond.

M. Hodge—Le rapport du comité ne fut-il pas favorable à sa proposition ?

M. Kenner.—Je puis dire que le rapport de M Hunt, tel qu'il le présente, fut adopté à l'unanimité. Il peut y avoir eu un rapport de la minorite, mais je n'en ai pas le souvenir. Je ne relate ces faits que pour montrer que le sujet a été discute et si je ne présente pas maintenant d'argument contre la proposition, c'est simplement parce que je ne veux pas occuper le temps du Sénat et non parce qu'il n'y pas de de bons arguments à opposer.

Le bill est déposé indefiniment sur le bureau.

MESSAGE ENVOYE A LA CHAMBRE.

Le messager spécial du Senat informe la Chambre que le Sénat a donné son concours aux actes suivans:

Acte pour remettre à Joseph Walker une somme d'argent restant au trésor comme lui appartenant.

Acte pour emanciper Joseph Ard et John T. Ard, mineurs, de la paroisse de Washington.

Acte pour autoriser et enjoindre à l'ingénieur de l'Etat de retirer du canal de la Rivière Rouge et de la rivière Ouachita des bancs de sable qui en gênaient la navigation.

Acte pour autoriser Asahel Curtis à construire un chemin à barrière de péage, de Point Pleasant à la rivière Bœuf.

Acte accordant certains pouvoirs au maire de la ville de Bâton-Rouge.

Acte pour pourvoir à l'enregistrement des étampes pour marquer les animaux.

Acte pour amender la 3me section d'un acte intitulé «acte pour autoriser les proprietaires de plantations et d'autres terres, à se protéger eux mêmes contre l'inondation, approuvé le 18 mars 1853.»

Et que le Sénat a donne son concours à l'acte suivant en l'amendant :

Acte pour pourvoir au support du gouvernement de cet Etat.

Et que le Sénat a donné son concours aux actes suivans:

Acte pour autoriser l'auditeur et le trésorier d'Etat à placer certains fonds des écoles au crédit des paroisses qui y ont droit.

Acte pour régler le salaire et les dépenses contingentes de l'ingénieur d'Etat.

Acte relatif à la sauvegarde et à la conservation des armes de l'Etat dans les arsenaux publics de la Nouvelle-Orléans.

Et il demande le concours de la Chambre pour les actes suivans:

Acte accordant une compensation à J. N. Carrigan, surintendant de l'education publique de l'Etat.

Acte pour venir au secours des securités de Wm. K. Stiles.

Acte relatif aux avis publics.

M. Derbès, du comité aux enrôlements, ayant rapporté comme correctement enrôlés les actes suivans, le messager spécial est requis de les rapporter immédiatement à la Chambre comme signés par le président.

Acte pour régler et définir les devoirs de trésorier de paroisse.

Acte supplémentaire à un acte pour diviser l'Etat en districts judiciaires.

Acte pour venir au secours de Wm. Long.

Acte pour incorporer la ville de Mount-Lebanon.

Acte concernant la ville de la Nouvelle-Orléans, le titre est amendé de manière à être conçu comme suit :

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Acte pour étendre les lois de la Nouvelle-Orléans sur ses limites actuelles.

Acte pour émanciper Robert Scott Pyburn, de la paroisse d'Est Bâton-Rouge.

Acte relatif à l'élection des greffiers de cours de districts de la paroisse d'Orléans.

Acte pour amender un acte intitulé : « Acte pour augmenter le nombre des jurés dans les paroisses de St-Bernard et de Plaquemines, de quarante-huit à soixante-dix, approuvé le 11 mars 1852. »

Acte pour émanciper Wm Desdemona et Elizabeth Robertson, enfans de George Robertson h. c. l., de la paroisse d'Est Bâton-Rouge.

Acte pour pourvoir à la vente d'une moitié indivise d'une portion de terre située dans la paroisse de St-Landry, et réclamée par l'Etat

Acte pour venir au secours de B. L. Hodge, de la paroisse de Caddo.

M. Derbès du comité aux enrôlements, ayant rapporté les actes suivans comme correctement enrôlés, le messager spécial est requis de demander pour eux la signature de l'orateur :

Acte donnant aux juris de police juridiction sur les arrondissements, levées, chemins et autres travaux publics.,

Acte pour améliorer la navigation du bayou Barthélemy.

Acte pour amender les actes intitulés « Acte pour incorporer la ville de Jefferson, approuvé le 2 mars 1850, et Acte incorporant la ville de Jefferson, approuvé le 11 mars 1852. »

Acte pour régler les sessions des cours de district

Acte pour incorporer la compagnie du chemin en planches de Grosse-Tête et de Bâton-Rouge.

Et il informe la Chambre que le Sénat a donné son concours à l'acte suivant :

Acte pour amender un acte intitulé « Acte pour pourvoir à l'organisation des corporations de cet Etat, approuvé le 30 avril 1847, »

La communication suivante est reçue du gouverneur et lue.

BUREAU DE L'EXECUTIF,
Bâton-Rouge, 28 avril 1853.

A l'Hon. Senat de la Louisiane.

Je vous transmets ci-inclus, une copie de la lettre de résignation de M. Pierre Soulé comme Sénateur de la Louisiane au Congrès.

Très-respectueusement
Votre serviteur.
Signé : P. O. HEBERT,
Gouverneur de l'Etat de la Louisiane

Washinton, 11 avril 1853.

A son Excellence P. O. Hébert,
Gouverneur de l'Etat de la Louisiane.

Monsieur,

Ayant accepté aujourd'hui la charge d'envoyé extraordinaire et ministre plénipotentiaire des Etats-Unis à la cour d'Espagne, auquel le président m'a nommé, il est de mon devoir de résigner, et je résigne maintenant entre vos mains le siège que m'avait assigné la Louisiane dans le Sénat de la nation

Profondement pénétré des obligations que je dois à mon Etat chéri pour toute l'importance politique dont j'ai joui, je me retire de son service avec le plus profond regret, et demande la permission de lui offrir par votre entremise, ma reconnaissance pour toutes les faveurs qu'elle m'a conferées et mes souhaits ardents pour son honneur, sa prospérité et sa grandeur.

Avec profond respect, votre obéissant serviteur,
PIERRE SOULE.

SESSION CONJOINTE.

Le messager spécial informe le Sénat que la Chambre était prête à recevoir le Sénat dans son enceinte pour procéder à l'élection d'un Sénateur au Congrès.

Le Sénat se rend dans l'enceinte de la Chambre des Représentans. L'appel nominal ayant été fait, il appert que soixante-dix-huit représentans sont présents et les senateurs suivans repondent à l'appel de leurs noms.

L'hon. W. W. Farmer, Lieutenant-Gouverneur et président du Senat.

MM. Boatner, Burthe, Clifton, Derbès, Dupré, Evans, Griffin, Hodge, Kemp, Kenner, Kittridge, King, Lacoste, Lauve, Lacey, Lewis, Martin, McCay, Millard, Mouton, Neal, Nicholls, Palfrey, Patterson, Rivers, Short, Slack, Taylor, et Thériot, 29 Sénateurs.

M. Marks nomme M. John Slidell.

M. Burthe nomme l'Hon. F. G. Hunt comme candidat pour sénateur des Etats-Unis pour remplir la vacance occasionnée par la résignation de l'Hon. Pierre Soulé.

En comptant les votes donnés en balot joint il appert que :

L'Hon. John Slidell a reçu 70 voix.

L'Hon. F. G. Hunt a reçu 37 voix.

Le président du Sénat déclare l'Hon. John Slidell dûment élu Sénateur au Sénat des Etats-Unis pour le terme non expiré de l'Hon. P. Soulé, résigné.

VENDREDI, 29 avril 1853.

M. Kenner demande la prise en considération de la résolution suivante :

Résolu que la somme de 500 piastres soit payée à J. B. Walton, sur les fonds destinés aux dépenses casuelles du Sénat, comme rémunération des services qu'il a rendu en qualité de secrétaire temporaire à l'ouverture de la session du Sénat; et que la somme de trois cents piastres soit prise sur les mêmes fonds pour être payée à Jules Cassard, en récompense de ses services comme assistant-secrétaire à la même époque.

En réponse à la question d'un membre qui demande quels sont les services pour lesquels on demande une rémunération,

M. Kenner dit : Je ne puis spécifier les services en particulier, mais je sais qu'il est d'usage d'accorder une certaine somme aux officiers du Sénat, qui ont fidèlement rempli leurs devoirs. Je puis déposer du zèle avec lequel ces services ont été rendus, et je ne crois pas que ce soit le moment de rompre avec les précédents établis.

M. Mouton—Je ne me lève pas dans le but de combattre cette demande en particulier; mais je suis déterminé à ne sanctionner aucune demande de rémunération extraordinaire. Ce peut être un usage; mais l'usage est mauvais. Nos salaires sont fixes; ils sont connus des individus lorsqu'ils acceptent les places. Que ces officiers aient bien rempli leurs devoirs, c'est là un argument insoutenable. La Louisiane a le droit de s'attendre à ce que tous ses officiers fassent leur devoir; elle nomme ses officiers avec cette persuasion. Ce n'est pas une raison suffisante pour nous décider à accorder une rémunération additionnelle que les officiers ont rempli fidèlement leurs fonctions. Pour mériter cette rémunération additionnelle, l'officier doit avoir rendu des services additionnels. Mais lorsque le salaire était fixé par la loi, et qu'il le connaissait au moment ou il a accepté sa place, il n'a pas droit à rien demander de plus. Ces arguments ne s'appliquent pas spécialement à la personne pour laquelle la résolution est présentée; ils s'appliquent à toutes les demandes de la même nature. Elles sont toutes basées sur un faux principe. Aussi bien devrions nous voter une compensation additionnelle à nos avocats-de-districts, à nos juges, parce qu'ils ont fait leur devoir. J'entends le senateur de Caddo demander comment j'ai voté à propos du bill qui augmentait le salaire de l'avocat-général. C'est là une question toute differente.

En votant en faveur du bill, je n'ai pas voté pour une rémunération additionnelle; ce n'était pas parceque l'avocat-général avait bien fait son devoir, mais parce qu'on lui imposait des travaux additionnels. Hier, un bill ayant pour effet d'augmenter le salaire de l'arpenteur-général, a été présenté. Je l'ai combattu, parce que j'ai pensé que nous ne devions pas faire de pareilles exceptions; que c'était fournir des motifs de plainte aux autres officiers et à leurs amis, auxquels on n'accordait pas la même faveur. Je suis en faveur d'un bill général ayant pour bût d'augmenter tous les salaires qui sont trop faibles.

M. Kenner.—Le sénateur insiste beaucoup sur les mots de rémunération additionnelle. Cette résolution ne parle pas de rémunération additionnelle; c'est une rémunération accordée à ces messieurs pour être venus ici nous assister à l'ouverture de la session.

M. Hodge.—Il y a une autre raison qui doit nous décider à accorder cette rémunération. Car le bill général d'allocation de la dernière session, une somme de $200 fut allouée pour payer le salaire de l'officier en question. Il vint ici pour l'ouverture de la session, perdit son temps, et changea tous les arrangements

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qu'il avait précédemment pris pour ses propres affaires.

La discussion se poursuit, puis la résolution est adoptée.

Une résolution est présentée par M. Millard, accordant $500 de rémunération additionnelle à A. Lavison, assistant-secrétaire

M. Kenner fait la motion d'insérer $700 pour Horatio Davis, lequel amendement est accepté.

M. Mouton —Je regrette de me voir forcé de combattre cette résolution, mais si nous accordons cette somme à ces officiers, nous avons à donner quelque chose aux autres officiers Nous avons à donner des rémunérations additionnelles à nos commis, nos traducteurs, notre portier, notre sergent d'armes, etc. Ne sont-ils pas de bons et fidèles officiers ; pourquoi ne seraient-ils pas aussi rémunérés ? c'est là un précédent, à l'aide duquel on justifiera plus tard le gaspillage des fonds de l'Etat. Je dénonce cette doctrine de rémunérations additionnelles Si les salaires que nous payons sont trop faibles, augmentons les dès maintenant. Nous comptons que tous les fonctionnaires de l'Etat font leur devoir, et cette fidelité à remplir leurs devoirs ne peut être avancée comme une raison suffisante pour leur accorder une compensation additionnelle. Voyez le rapport du dernier trésorier d'Etat, un homme qui occupe une haute position dans son parti; voyez ce qu'il dit, voyez comme il dénonce cet usage. Peu m'importe si ma conduite sera approuvée, tant que je croirai avoir pour moi le bon droit. Je demande l'appel nominal, attendu que je veux faire enrégistrer mon vote contre la résolution, bien que ces Messieurs soient mes amis politiques.

Après quelques débats, la résolution est adoptée.

M. Lewis demande la prise en considération du bill à l'effet d'augmenter le salaire du greffier de la cour du premier district.

M. McCay.—J'expliquerai la nature et l'objet de ce bill. Le salaire du greffier de cette cour a été jusqu'à présent de $1500 par an. La cour avait une juridiction concurrente avec les autres cours en affaires civiles. Les frais provenant de ces affaires joints à $1500 constituent un salaire suffisant pour le greffier et les deux députés dont les services sont indispensables. En sus de ces deux commis, il lui faut un commis aux minutes et un commis aux *subpœnas*, La Législature a enlevé à la cour de district la juridiction civile, conséquemment, il y a trois individus, le greffier et ses députés qui doivent vivre sur ce salaire annuel de $1500.

Nous avons retranché la juridiction civile de la cour, parceque nous avons pensé qu'elle avait à faire autant qu'elle le pouvait. Nous devrions lui donner au moins $4000 : $2500 pour le greffier et $750 pour chacun de ses députés. Ce serait encore un salaire fort modéré.

Si nous ne le lui accordons pas, cette cour perdra de sa valeur. Je me suis opposé à ce qu'on enlevât à cette cour sa juridiction civile, parceque je savais que l'Etat aurait à payer d'autant plus, Je pense avec le juge Larue, dont j'ai ici la lettre, qu'aucun homme compétent ne consentirait à remplir ces fonctions pour la somme de $1500. Nous devons augmenter le salaire.

M. Mouton.—J'ai l'intention de voter contre ce bill. Quand le bill judiciaire fut présenté, la Nouvelle-Orléans demanda une cour additionnelle. Cette cour lui a été accordée. Elle demanda un salaire de $3500 pour ses juges. Cela encore fut accordé. Quand le bill ayant pour but d'organiser les cours dans les différentes paroisses, fut pris en considération, je demandai un salaire de $3000 pour les juges. Ce chiffre fut repoussé et réduit à $2500. Aujourd'hui, un greffier de cour à la Nouvelle-Orléans demande $4000. Un greffier de cour! La Législature accordera-t-elle $4000 à un greffier de cour lorsqu'elle a refusé $3000 aux juges de la campagne? J'ai voté contre la proposition d'enlever à la première cour de district la juridiction civile, parceque je savais que la cour pouvait s'occuper de ces sortes d'affaires. Les représentants de la Nlle-Orléans étaient divisés sur cette question. S'ils ne l'avaient point été, la juridiction civile eût été conservée à cette cour, et par là, le salaire du greffier eût été suffisant. Dans les autres paroisses, les greffiers sont payés par leurs paroisses respectives.

M. Derbès—Voici quelle a été ma manière d'envisager la question à laquelle on vient de faire allusion. J'ai désiré que les cours de la ville fussent organisées de manière à satisfaire les membres de la campagne. J'ai voté avec la majorité des membres de la campagne sur la loi du judiciaire pour la ville. J'étais opposé à ce que la juridiction civile fut enlevée à la première cour de district.

Dans le Sénat, la délégation de la ville était opposée à cette proposition. Mais si ce bill n'est pas adopté, ce sera pour ainsi dire fermer la première Cour de District. Le greffier est obligé d'avoir des députés, et, s'il ne reçoit que mille piastres par an, qu'est ce qui restera au commis ! Vous ne pouvez avoir un homme capable pour moins de $2,000 et il est juste qu'il soit payé en même temps que ses employés le sont. Si vous n'adoptez pas ce bill, autant vaut laisser la cour sans greffier.

M. Mc Cay—Si je ne me trompe, un bill a été adopté à cette session qui donne aux paroisses les amendes et les forfaitures encourues pour les contraventions aux lois pénales.

M. Kenner—Je demanderai au Sénateur si le greffier ne reçoit pas un casuel dans les affaires criminelles on a beaucoup appuyé sur ce que nous avons enlevé le casuel dans les affaires civiles ; mais le greffier n'en a-t-il pas un dans les affaires criminelles. L'on m'a dit que ce casuel s'élevait jusqu'à $4000 par an.

M. Lewis—J'ai été shérif pendant 6 ans, et comme tel, c'est à moi que revenaient les droits à percevoir dans les affaires criminelles Je puis assurer le Sénat que ces droits ne s'élevaient pas à vingt piastres par mois.

M. Kenner—Je connais le bon cœur du Sénateur et sais qu'il aimerait mieux lâcher un criminel que de le presser pour les droits qui lui reviennent. Si le bill est amendé de manière à ce que la ville paie le greffier, comme Ascension paie le sien, je ne le combattrai pas.

M. Hodge—Comme nous avons donné aux paroisses les amendes et forfaitures dans les affaires criminelles, et cela pour le même objet, il est juste que nous les appliquions de manière à les faire servir à l'objet de la donation.

M. Derbès—Il est vrai que les paroisses de la campagne paient leurs greffiers, mais leurs cours ont à la fois des affaires civiles et des affaires criminelles. S'il en était autrement elles ne pourraient le faire.

M. Kenner—Les motifs sur lesquels je m'appuie, sont ceux-ci. Le juge de la cour du premier district nous a fait savoir qu'il n'avait pas assez à faire, que pendant plusieurs jours de la semaine il était sans occupation. Il voulait être occupé et pour cette raison désirait garder sa juridiction civile. Nous la lui avons enlever cependant, et maintenant on nous demande de donner $4,000 à une cour qui déjà n'a pas assez à faire !

M. Derbès.— J'ai toujours été opposé à ce que l'on enlevât à cette cour sa juridiction civile. Il est vrai que les amendes et les forfaitures dans les affaires criminelles ont été données aux paroisses, mais qui peut dire qu'elles seront suffisantes ? Qui peut prétendre que la ville doit payer pour des affaires qui regardent l'Etat en propre ? Pourquoi aurait-elle à supporter cette dépense ?

M. Lewis—Je puis dire avec assurance que le casuel dans les affaires criminelles ne s'élèvera pas à cent piastres par mois.

M. Kenner— C'est parce qu'il n'est pas collecté Mais si nous forçons la ville à payer le greffier de ses propres fonds, nous ne verrons plus prendre pour cautions des hommes de paille, ce qui est aujourd'hui si fréquent.

Le bill est adopté avec un amendement.

Le bill de la Chambre ayant pour but de diviser l'Etat en districts congressionnels est pris en considération.

Le président décide que, comme le bill n'était pas à l'ordre, un vote des deux tiers était nécessaire pour qu'il fut pris en considération.

Sur motion, le Sénat se réunit en session exécutive.

Les portes ayant été ouvertes, le bill est de nouveau appelé et le président répète sa décision.

M. McCay.— Je fais appel de la décision du président.

M. Kenner.—Est-ce là la marche à suivre ? Le sénateur fait appel, et pourquoi ? Le président a décidé et conformément à l'esprit et à la lettre de l'article 60 du réglement. Le sénateur a fait appel parce qu'il

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sait qu'il a une majorité et qu'il peut faire mettre de côté la décision du président.

M. McCay—L'objet de la majorite est de faire marcher les affaires. C'est dans ce but que les réglements sont faits. Quand on les emploie pour entraver les délibérations, nous avons le droit de les suspendre.

M. Martin—Le sénateur semble croire que nous sommes une minorité factieuse, et il nous fait la leçon. Les réglements sont faits pour protéger la minorité. Cette proposition est une insulte faite au president. Une juste estimation de votre dignité devrait vous engager à abandonner votre fauteuil. Je répète que c'est une insulte que l'on vous fait.

M. Nicholls— La question est simple et n'offre aucun doute. La majorité sait que votre décision est juste. Il y a assez d'indépendance dans le parti démocratique pour empêcher l'accomplissement d'un pareil outrage. Je connais quelques uns des membres de ce parti, et je sais qu'ils ne se rangeront jamais en faveur d'une pareille mesure. Je sais qu'il y en a quelques uns ici qui ont refusé de se retirer pour faire cesser le quorum, et je ne pense pas qu'ils donneront la main à de pareilles menées.

M. Patterson—Oui, et comme l'un de ceux qui n'ont pas eu recours à cette mesure, je vous demande si vous voulez faire aujourd'hui ce que vous avez condamné alors? Vous avez reproché alors aux membres d'entraver les travaux du Sénat et aujourd'hui vous cherchez à faire la même chose.

M. Nicholls—Notre conduite peut être factieuse, mais elle est autorisée par les réglements. Nous ne briserons certainement jamais un quorum, quelle que soit la conduite de la majorité.

M. Short—J'ai quelques mots à dire sur ce sujet. Il me paraît que ces messieurs se jouent des intérêts du peuple. Nous voici arrivés à la fin de la session, et ils ne devraient pas agir ainsi. Ils devraient aborder la question franchement. Si le bill est juste, qu'ils l'appuient, s'il est mauvais qu'ils le repoussent. Mais pourquoi recourir à des moyens de cette nature, pour entraver la législation. Je demande aux sénateurs si cette conduite est franche, si le peuple doit l'approuver. Je ne demande pas mieux que de laisser toute la question à être décidée d'après les principes. La motion du sénateur de la Nouvelle-Orléans est juste. A des maux extrêmes il faut des moyens extrêmes, et s'il en est besoin, je voterai pour la proposition. Quand les motifs d'opposition sont de ceux sur lesquels s'appuient nos adversaires, je suis d'avis de les combattre à outrance. Lorsque mon ennemi se sert de flèches empoisonnées, je suis d'avis d'employer les mêmes armes.

Dès le commencement j'ai été disposé à agir honorablement. Ceux qui agissent de cette façon pour entraver les délibérations, mènent une conduite indigne de Louisianais. Je n'ai jamais attaqué les motifs qui faisaient agir mes frères en Démocratie. Je me suis rangé du côté des whigs lorsque j'ai pensé qu'ils avaient raison. J'ai reconnu qu'en politique comme en autre part, l'honnêteté est la meilleure des politiques.

M. Kenner—Je pardonne au Sénateur les observations qu'il a fait à cause de cette dernière phrase à l'honnêteté politiques." Je sais que généralement il se laisse guider par le bon sens. Je puis répondre pour le parti. Whigs, nous voulons tuer ce bill parceque nous croyons qu'il est d'une honnête politique de le faire Il y a une vieille maxime française qui dit: qui n'entend qu'une cloche n'entend qu'un son. Les Sénateurs répètent fraction! faction! espérant faire croire que nous avons tort quand ils savent que nous avons raison. Eh bien! quel est l'état de la question? L'année dernière une loi fut passée divisant l'état en circonscriptions congressionnelles. Qu'y voyons-nous? Nous voyons les districts divisés de manière à représenter les intérêts distincts de l'Etat; le Commerce, le Sucre, le Coton, et les autres branches d'Agriculture. Nous pensâmes que les Districts devaient être divisés d'une manière homogène, selon la nature de leurs intérêts, de telle manière que, lorsqu'un représentant de la Louisiane se lève au Congrès il peut faire un Discours pour le District qu'il représente. Nous donnâmes un représentant à la paroisse d'Orléans Nous établîmes un district sucrier un district cotonnier et nous fûmes forcés d'en faire un qui représentait la culture du sucre du coton et des autres cultures. Nous les divisâmes, en ayant égard à la population, mais sans perdre de vue la nécessité de faire représenter chaque intérêt. Le parti démocratique arriva au pouvoir. Il rétablit les anciens districts. Chaque sénateur me comprendra quand je dirai que les démocrates divisèrent la ville de la Nouvelle-Orléans en donnant la moitié à l'intérêt sucrier qui a son siége dans les paroisses inférieures.

M. Derbès—Je me lève pour une question d'ordre. Le sénateur discute-t-il la question qui est devant le Sénat?

M. Kenner—Si je ne suis pas à l'ordre, je m'arrêterai. Mais je suis convaincu que le sénateur a trop d'honneur pour vouloir m'empêcher de discuter cette question. S'il ne désire pas entendre mes raisons, libre à lui, et le plus tôt qu'en le saura, le mieux ce sera. Je désire seulement que mes commettants connaissent la vérité. Le bill dont j'ai parlé n'a tenu aucun compte du chiffre de la population. Dans leur soif de pouvoir, les auteurs du bill n'ont jamais songé à cette partie du sujet. Le 1er district représentatif aurait une population de 65,000 âmes, le second, 12,000. Voyez comme ils ont consulté la population et les différents intérêts, la justice et l'égalité. Ils disent au peuple dans le premier district: l'un de vous vaut autant que deux hommes dans le second. Ce bill était une échelle destinée à l'élévation de certains individus que l'on voulait envoyer au Congrès, sans égard à la justice ou à l'égalité. Mais cela même n'était pas assez outrageant pour la Chambre inférieure. Dans cet ancien quatrième district, connu sous le nom de district de Morse, parce que celui-ci le représenta pendant 6 ans, le peuple à la fin prit pour le représenter un vieillard qui avait les mêmes opinions.

L'on pensa qu'il pourrait être élu de nouveau. Qu'y avait-il à faire? Il fut décidé de retrancher Ste-Marie et St-Martin et de les ajouter non pas au district inférieur, mais au district supérieur. Et l'opposition à une mesure semblable est appelée factieuse! C'est un bill d'abomination. Nous connaissons les règlements et nous savons les interpréter. Je prends Dieu à témoin qu'il n'y a rien de factieux dans notre conduite. Je dis au parti whig: Je sais que vous avez raison; maintenez votre position et, par le Dieu Eternel, vous ne pouvez être condamnés. Retournez vers vos commettants, dites leur ce qui est arrivé, expliquez leur la position que vous avez prise, et ils approuveront votre conduite.

Tenez bon, je le répète, car si vous ne le faites pas vous êtes indignes d'être Sénateurs de la Louisiane. Tenez bon. Je vous dis que vous avez le bon droit pour vous; si vous maintenez votre position, je sais que vous serez soutenus. Je prendrai ma part de la responsabilité.

M. Derbès—J'ai voté pour fixer l'ajournement à demain, mais ces messieurs ne nous dirent pas alors qu'ils avaient l'intention de s'opposer à ce bill. Le Sénateur dit: c'est l'intention de la majorité d'ajouter Ste-Marie et St-Martin. Personne n'est plus opposé que moi à cette mesure—Le fait est que toute la conduite de ces messieurs, n'est qu'une opposition factieuse.

M. Martin—Je demanderai au Sénateur s'il n'a pas laissé le Sénat et brisé le quorum dans une certaine occasion C'était là faire une opposition plus factieuse que nous n'en saurions faire en restant à nos sièges.

M. Derbès—Quand le sujet viendra à la discussion, je montrerai au Sénateur que j'avais raison. J'agirai ainsi de nouveau.

M. Kenner—Je fais la motion de prendre en considération un bill important, le Bill relatif à la manière de compter les votes dans les élections des juges de la Cour suprême.

Le Président—Le Sénateur n'est pas à l'ordre.

M. Kenner—J'en appelle de la décision du Président et procéderai à montrer.

Le Président—Le fonds de la question n'est pas devant le Sénat, la question pendante est le point d'ordre.

M Kenner—Je voudrai savoir qui peut dire, qui peut deviner ce que je dis avant que je l'aie dit. Eh bien! d'après le réglement 36.

M. Derbès—Je voudrais savoir si le Sénateur est à l'ordre.

Le Président—On ne peut pas encore discuter la question au fonds.

M. Kenner—Je veux discuter non pas les mérites,

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mais les démérites de la question. Je désire montrer que le Présipent a tort. Ce bill declare que le Secrétaire d'Etat, le Trésorier et l'Auditeur devront procéder à une époque donnée.

M. Derbès.—J'en suis fâché ; mais je suis obligé de rappeler le sénateur à l'ordre. Jusqu'à ce que le président décide contre moi, je dois insister sur ce point.

M. Kenner.—Le sénateur doit mettre son objection par écrit. Je ne le comprend pas. Je disais donc que, suivant la Constitution, le Secrétaire d'Etat.....

M. Derbès.—J'appelle de nouveau le sénateur à l'ordre.

M. Kenner.—Je ne vois pas comment le sénateur peut savoir ce que je veux dire. Du moment que je lâche le mot de Secrétaire d'Etat, il me rappelle à l'ordre. Eh bien donc, le Secrétaire d'Etat....

M. Derbès.—Je rappelle le sénateur à l'ordre.

M. Martin.—Que le sénateur mette son objection par écrit.

M. Derbès.—Je ne sais comment je puis être forcé de mettre par écrit mon objection sur une question d'ordre quand je réfère à la question elle-même.

M. Hodge fait une motion d'ajournement. Elle est perdue.

M. Mouton.—Je donnerai notice demain de mon intention de présenter une résolution à l'effet de rappeler la résolution fixant l'ajournement à demain et à l'effet de fixer l'ajournement à jeudi, 4.

M. Martin—Le sénateur n'est pas à l'ordre. La parole est au sénateur de l'Ascension.

M. Kenner—Comme j'étais en train de le dire, quand je fus rappelé à l'ordre, l'article 66 de la Constitution.

M. Derbès—Je rappelle le sénateur à l'ordre, l'article 86 n'a rien à faire avec le point d'ordre.

M. Kenner—Je suis fâché que le sénateur ne me comprenne pas. Je n'ai pas parlé de l'article 86 mais de l'article 66. Cela ne montre-t-il pas qu'il ne sait pas ce que je disais ? Où donc est maintenant l'opposition factieuse ? Comme je le disais, quand on s'est si grossièrement mépris sur mes paroles, l'article, 66 dit : (Ici le sénateur lit l'article 66.) Eh bien, monsieur, ce bill dit :

M. Derbès—Je suis forcé de rappeler encore le sénateur à l'ordre. Il a adjuré les démocrates de ne pas voter contre la décision du président. Sa conduite est-elle différente ?

M. Kenner—Le sénateur doit être persuadé que je ne puis montrer l'erreur du président à moins que je n'avance un peu—pas beaucoup peut-être—sur le fond de la question. J'aime à appeler d'un tribunal inférieur à un tribunal supérieur. Si le sénateur n'est pas satisfait, je fais la motion d'ajourner.

M. Short—Les dernières paroles du sénateur ont été, si je ne me trompe, une motion d'ajournement.

M. Kenner—J'ai fait une motion d'ajourner avec l'intention de reprendre la parole demain. C'est une politesse que l'on fait d'usage à un membre, lorsqu'il n'a pu achever son discours et qu'il se sent fatigué.

La motion d'ajourner est perdue.

M. Derbès—Je demande la question préalable.

M. Martin—Je fais la motion d'ajourner à demain neuf heures et demie, et je demande l'appel nominal La motion est perdue.

M. Hodge—Je fais la motion d'ajourner à huit heures.

M. Short—Je prends la parole sur une question d'ordre. Quand une motion d'ajourner est faite et perdue, une autre motion du même genre est-elle à l'ordre à moins que dans l'intervalle on ne se soit occupé de quelqu'autre question ?

M. Martin—Où est la règle qui pose ce principe ? lisez le règlement.

M. Short—La règle est basée sur ce qu'il y a de plus imposant sur la terre, sur le sens commun.

M. Martin—Ce n'est pas le sens commun, c'est le réglement qui gouverne ici.

M. Short—J'ai vu que ce n'était pas le sens commun qui gouverne ici ; mais j'espère que cela changera.

M. Hodge—Si je suis à l'ordre, je ferai la motion de prendre en considération le bill du revenu.

M. McCay—Ce bill a déjà été adopté au Sénat et est devenu loi.

M. Hodge—Eh bien, le bill général d'allocation. C'est celui que je voulais dire.

La motion est perdue.

M. Hodge—Je fais la motion d'ajourner.

La motion est perdue.

M. Derbès—Je donne notice que demain je présenterai une résolution à l'effet de rapporter la règle du Sénat.

Sur motion, le Sénat se réunit en séance exécutive.

Les portes ayant été ouvertes, M. Hodge fait la motion d'ajourner.

La motion est perdue.

M. Derbès—Je fais la motion que le Sénat procède dans l'ordre régulier de ses travaux, parce qu'aussi long-temps que cette question n'aura pas été décidée, je croirai qu'il est de mon devoir de garder mon siége. Le résultat sera, que plus de cent bills n'auront pas été enrôlés au moment de l'ajournement.

M. Hodge—Je fais la motion de prendre en considération le bill général des allocations. Nous cherchons a empêcher l'adoption d'un certain bill ; ces messieurs tâchent de le faire passer. Il y a d'autres bills importants à discuter. Occupons nous en, ce ne sera une concession, ni de part ni d'autre.

M. Derbès.— Eh bien ! je donne avis au sénateur que nous ferons passer le bill.

M. Hodge—C'est ce que nous verrons.

M. Martin—Je fais la motion de prendre en considération le bill général des allocations.

M. Boatner— Je voudrais savoir s'il y a un pareil bill sur le bureau du secrétaire.

Le Secrétaire— Le bill général des allocations n'est pas ici. Il y a un bill pour venir en aide au trésorier de l'Etat.

M. Martin— Très bien ; c'est le bill dont je veux parler.

La motion est perdue.

M. Derbès— Je fais la motion de suivre le cours régulier de nos travaux.

M. Kenner—Avant d'aller plus loin, je soutiens que j'ai le droit de demander le rejet d'un bill qui a été lu ce matin, et je le fais.

Le Président—Le sénateur n'est pas à l'ordre.

M. Kenner— Je fais appel de la décision du président. L'article 38 dit : (Le sénateur lit l'article.) Je crois que j'ai pleinement le droit de faire la motion, et je ne puis dire la raison pour laquelle je fais cet appel, sans recourir à l'article 66 de la constitution. L'article 66 dit.....

M. Derbès— J'appelle le sénateur à l'ordre. J'appelle son attention sur l'article 12 du réglement. Je l'ai déjà lu ; mais il paraît que je n'ai pas été compris. Je pourrai peut-être mieux réussir cette fois. (Il lit l'article.)

M. Kenner— J'appelle l'attention du sénateur sur l'article qui exige que les mots injurieux soient mis par écrit.

M. Martin—Je ne comprends pas la question d'ordre. Je désire qu'elle soit mise par écrit.

M Short.— Je ne vois pas que la question d'ordre ait trait aux mots injurieux. J'espère que le sénateur ne voudrait pas faire usage d'un pareil langage.

M. Nicholls—Je fais la motion que nous ajournions jusqu'à demain à neuf heures.

La motion est perdue.

L'appel de M. Kenner de la décision du président est rejeté.

M. Nicholls— Je demande la prise en considération du bill à l'effet de venir au secours du trésorier de l'Etat.

Le Président— Je donne avis que je n'aurai aucun égard aux motions oiseuses ou à celles qui ont déjà été présentées.

M. Martin—La motion n'est pas oiseuse; elle n'est pas faite avec l'intention de manquer au respect dû au président. Nous n'avons nulle intention pareille. Le bill est d'une grande importance; et devrait être adopté sans délai.

La motion est perdue.

Le bill à l'effet de marquer les limites des cimetières de la rue du Canal à la Nouvelle-Orléans, vient à la discussion d'après l'ordre régulier.

Motion est faite d'ajourner. Elle est rejetée.

M. Martin fait la motion de rejeter le bill.

M. Kenner fait la motion de déposer la motion sur le bureau. Cette motion est emportée.

M. Martin—Je demande la suspension des réglements afin de faire passer le bill à sa seconde lecture. Je suis en faveur de ce bill.

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M. Kenner fait la motion de déposer la motion sur le bureau. La motion est emportée.

M. Derbès—Je demande la prise en considération du bill relatif aux Districts Congressionnels, et je demande la question préalable.

M. Martin—Je demande l'ajournement jusqu'à 5 heures, afin de donner au secrétaire, au secrétaire-assistant, au rapporteur et à diverses autres personnes attachées à ce corps, le temps de se reposer. Prenons ce temps pour dîner et nous reposer, et, alors, s'il est nécessaire, nous pourrons apporter nos lits ici.

La motion est rejetée.

M. Derbès—Maintenant j'insiste pour la prise en considération de ma motion.

M. Kenner—Je désire connaître la question, comme membre du Sénat, j'ai le droit de la connaître.

Le Président—La question est sur la suspension des réglements.

M. Derbès—Le Président se trompe. Ce n'est pas là ma motion, j'ai demandé de prendre le bill en considération.

M. Kenner—Je soutiens que la motion n'est pas à l'ordre. Nous ne pouvons prendre le bill sans une suspension des réglements.

Le Président—Telle est la décision du président.

M. Kenner—Eh bien, je demande que la question soit mise par écrit, afin que nous puissions savoir sur quoi nous votons, afin que sachions que le sénateur fait la motion de prendre en considération un bill hors de son tour d'ordre; que le président a décidé qu'une suspension des réglements était nécessaire, et qu'un sénateur a fait appel de la décision du président. Je désire voir ces faits placés sur le journal.

M. Kenner.—J'insiste pour qu'il soit bien établi que le sénateur a fait la motion de prendre le bill hors de son tour de rôle. Il ne vient pas à l'ordre régulier. Conséquemment, il faut un vote des deux-tiers pour la prise en considération. Je désire que la décision du president soit bien connue.

M. Derbès.—Je n'ai pas fait la motion que le bill fût pris hors de son tour de rôle. J'ai simplement demandé que le bill fut pris en consideration.

M. Kenner—Je fais la motion de déposer l'appel sur le bureau. Je dirai en deux mots à mes adversaires que s'ils sont déterminés à faire une pareille chose, à renverser une decision qui est si éminemment juste, si claire, qu'un enfant peut la comprendre, ils ne peuvent le faire que d'une manière. Le sénateur a demandé que le bill fût pris hors de son tour de rôle. Le président a dit que cela ne pouvait se faire sans une suspension du réglement, laquelle requiert un vote des deux-tiers. Les sénateurs qui nous sont opposés peuvent pretendre que la decision n'est pas correcte. Je défie n'importe qui de se lever et de dire qu'elle n'est pas correcte. Maintenant, si vous êtes déterminés à voter contrairement à vos convictions, c'en est fait de nous. Il faut courber la tête sous le joug. Si vous êtes déterminés à le faire, si vous désirez seulement satisfaire l'ambition de deux ou trois personnes qui desirent aller au Congrès, eh bien, vous renverserez la décision du president.

Je repète que personne ne peut prétendre que la décision n'était pas correcte. Maintenant, quel sera le résultat d'une pareille conduite? J'en appelle à votre conscience, j'en appelle à ceux qui pensent avant d'agir; et je suis heureux d'en pouvoir compter quelques-uns ici. Je suis heureux de voir qu'il y a deux ou trois membres du côté opposé qui ont quelque respect pour le droit. J'en appelle à eux, je leur demande de faire usage de la raison. S'ils sont déterminés à faire une pareille chose, c'en est fait des droits de la minorite; elle n'est plus protégée, et le plus tôt qu'elle quittera cetteenceinte, le mieux ce sera. Je ne désire pas briser le *quorum*; je désire montrer ma soumission aux lois, mais je proteste contre ces moyens violents.

M. Derbès—Le senateur montre une grande sollicitude pour l'inviolabilité du réglement, mais aujourd'hui il l'a violé plusieurs fois, et cela sérieusement. Il a parlé contrairement à l'ordre, lorsque le président le rappelait au réglement, et, il a persisté à le faire, même après avoir été rappelé à l'ordre.

M. Kenner—Voilà une question de faits sur laquelle je ne demande pas mieux que d'engager le combat avec le sénateur. Sur mon honneur, je déclare que je n'ai pas violé sciemment le réglement J'ai cherché à maintenir mon parti en ordre; j'ai tâché de le maintenir dans le réglement, parce que je sais que le réglement est sa seule égide contre la majorité. Je pense que le président commettait une injustice à mon égard, lorsqu'il décidait que je n'étais pas à l'ordre. J'aurais pu montrer que j'étais à l'ordre, si l'on m'avait permis de procéder.

M. Short.—Lorsque le sénateur a dit qu'aucun homme d'honneur n'agirait comme l'ont fait les membres de la majorité, il s'est servi d'un pitoyable argument.

M. Kenner.—Je n'ai pas dit cela. J'ai dit que la majorité agissait comme si elle n'avait aucun respect pour les lois de l'honneur et de la justice.

M. Short.—J'avais compris ainsi le sénateur. Si j'étais dans l'erreur, j'en suis enchanté. Je reconnais la puissance du réglement comme loi, mais le réglement est entre les mains de la majorité. Lorsqu'on le détourne de son but légitime, la majorité qui l'a établi, a le droit de le rappeler ou de le suspendre. Nous n'avons que peu de temps devant nous et beaucoup d'ouvrage à faire. Chacun doit y mettre du sien. Quand nous avons consenti à ajourner, nous savions que nous pourrions passer ce bill et la majorité le savait aussi.

M. Martin.—Je demande au sénateur s'il y avait aucune convention à cet égard.

M. Derbès.—Oui, il y avait une convention.

Mt Kenner.—Le sénateur prétend qu'il y avait une convention?

M. Short.—Je ne sais rien à cet égard.

M. Kenner.—Ne sait-il pas qu'il n'y avait pas de convention?

M. Short.—Je ne prétends pas qu'il y eût une convention par laquelle tous les bills qui étaient devant le Sénat seraient passés; mais quand nous consentîmes à abréger la durée de la session, nous ne pensions pas qu'au lieu d'expédier les affaires on les entraverait. Nous pensions que tous les bills seraient pris et discutés sur le fond. Nous nous plaignons du genre d'opposition que l'on nous fait. Il y a des exceptions à toutes les règles. Si nos adversaires ont recours à une tactique sauvage, en se renfermant dans le réglement, ils doivent s'attendre à la pareille. Il y a des circonstances où l'on peut mettre de côté le reglement, et on le peut quand une tactique semblable à celle dont nous sommes témoins a été adoptee.

M. Hodge—Je vais rectifier les observations du Sénateur. Il n'y a pas eu de convention à ma connaissance.

M. Kenner—Je dirai ce qui a eu lieu lorsque nous étions dans l'enceinte de la chambre occupés de l'élection d'un Sénateur au Congrès, l'orateur m'appela et me demanda si nous passerions une résolution à l'effet d'ajourner Samedi. Je lui répondis, je suis Whig, et je pourrais être soupçonné de quelque dessein ultérieur, si je tentais de faire passer cette résolution. Mais je dis clairement que j'en conférerais avec mes amis politiques, qui, j'en suis sûr voteront pour la résolution. Voilà tout. Si le Sénateur dit qu'il y a eu convention, je dis que non. S'il y a eu une convention avec d'autres, je l'ignore. Je n'en ai jamais entendu parler. S'il y a eu aucune supercherie, accusez-en qui de droit, accusez l'orateur de la Chambre, mais ne m'accusez pas.

M. Short—Je n'ai pas dit qu'il y ait eu une convention positive. Il n'y en a pas eu quant à moi. Je dis seulement que quand nous consentîmes à l'ajournement nous espérions que tous les bills qui devaient passer seraient pris en considération, et ne seraient pas écartés à l'aide d'une tactique qui entraverait tous les travaux.

M. Kenner—Le Sénateur a dit: "Quant à moi" n'est-ce pas donner à entendre qu'il y a eu convention avec d'autres?

M. Short.—Personne, à moins d'être doué de facultés surnaturelles, ne peut dire ce qui se passe dans la conscience d'un autre homme. La Bible dit «ne juge pas les autres, de peur d'être jugé toi-même.» En conséqueuce, je n'entreprendrai pas de dire ce qui s'est passé dans la conscience d'autres membres. J'ai dit toutefois, bien que je n'aie pas toujours le bonheur de me faire comprendre, que, quant à ce que je savais, il n'y avait pas eu de convention. Mais je supposais que l'ajournement avait été fixé d'une manière amicale, et que chacun était disposé à finir les travaux qui etaient devant le sénat et que l'on n'aurait pas recours à la tactique qui a été employée ce matin.

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Voilà ce que j'ai entendu dire. Je ne pense pas que personne puisse s'offenser de pareilles paroles. Je pensais que nous devions procéder dans un esprit de concorde, que chaque Bill devait être examiné selon ses mérites, et que les questions politiques seraient décidées par la force respective des partis.

Si vous aviez le pouvoir, supposez-vous que je demanderai l'appel nominal vingt fois, que je proposerais de nous former en séance exécutive, quand nous n'avons rien à faire comme partie de l'exécutif, et demanderais l'ajournement quand il nous reste encore beaucoup à faire? Quand je condamne de pareils actes, j'espère qu'il ne sera pas dit que je le fais, poussé par d'indignes motifs. J'ai adjuré les Sénateurs de se conduire de telle manière que leur conduite puisse être approuvée par leurs commettants. Mais si je connais le peuple, je sais aussi que si un homme allait dire à ses commettants qu'il a présenté des motions à l'effet de se réunir en séance exécutive à l'effet d'ajourner et qu'il a demandé l'appel nominal sur chaque question seulement pour tuer le temps et pour empêcher le Bill de passer, je sais qu'il ne recevrait pas l'approbation du peuple Le peuple comprendra-t-il cette manière de travailler? Lorsqu'il comprendra qu'une majorité politique a établi certains règlements, afin d'expédier les affaires, que l'on a fait usage de ces mêmes réglements pour entraver l'action de la Législature, et que j'ai passé à travers ces réglements, comme je passerai à travers une toile d'araignée; je suis sûr qu'il applaudira à ma conduite. Voilà la raison qui me fait demander l'appel nominal.

M. Nicholls.— Le sénateur prétend-il que la question a pour but de rappeler le réglement? Aucune question semblable n'est devant le Senat. Le senateur sait que la décision du président est correcte. La question qui est devant nous est si la décision est correcte et si nous devons la maintenir.

M. Short—Quand le Senat a le droit de rappeler les réglements, il importe peu qu'ils soient rappelés ou que la décision soit renversée.

M. Nicholls—Je désire savoir si le sénateur prétend que la décision est juste ou non?

M. Short—Le president peut être gouverné par les réglements écrits et par un texte formel. Le Sénat a certainement le droit de rappeler les réglements.

M. Derbès—Je dirai quelques mots d'explication, non seulement comme sénateur, mais aussi comme homme. Quand j'ai dit qu'il y avait eu une convention et que j'ai été interrompu d'une manière fort peu parlementaire, j'allais dire que cette convention n'avait pas été passée, avec le senateur, qui depuis l'a niée, d'une manière si positive; mais que cette convention avait eu lieu avec une autre personne à laquelle je dis que, si nous ajournions demain, nous ne pourrions pas finir nos travaux. Elle me dit que nous avions tout le temps; que nous pourrions finir tout ce que nous avions à faire. Ce bill ne fait-il pas partie des travaux que nous avons à terminer? S'il est vrai que nous pouvons finir tout ce que nous avons à faire, et que ce bill fasse partie de ces travaux, ne devons-nous pas nous en occuper? Si ces messieurs persistent dans leur opposition, il ne feront que créer un délai qui empêchera l'enrôlement d'un grand nombre de bills. Il y a à peu près 150 de ces bills. Je le demande, n'est-ce pas le sénateur d'Ascension lui-même qui a dit que nous pouvions terminer? Je donne cette explication, parce que je crois que je me la dois à moi-même. J'ai tâché d'être poli envers tous les sénateurs et j'espère que je le serai toujours.

M. Martin—Je n'ai pas eu l'intention d'attaquer la parole du sénateur. Je nie seulement qu'il y ait eu une convention de ma part.

M. Derbès — L'explication du sénateur est suffisante.

M. Hodge—J'essaierai de montrer tout ce qu'il y a de faux dans l'argument du sénateur de Carroll. Comme il paraît être devenu très consciencieux, et comme je désire qu'il ne puisse y avoir aucun doute sur les motifs qui nous font agir, je vais montrer qu'il a tort sur la question de convenance. Je montrerai combien il a tort de prétendre que ce qui paraît mauvais sur le dossier peut devenir juste par une combinaison de circonstances, et je désire qu'il comprenne qu'il n'entre pas dans mes idées de manquer à aucun engagement, même tacite, que j'aurais pu prendre. Mon désir est que les réglements reçoivent leur plein effet. Ils sont l'expression de notre volonté, telle qu'elle s'est manifestée au commencement de la session. Je nedis pas qu'aucun homme d'honneur n'agirait comme la majorité a agi, mais je pose cette question: est-il un sénateur qui pût manquer à ses engagements sans faire violence aux principes d'honneur et de justice? Les réglements constituent un engagement contracté par les sénateurs les uns avec les autres; c'est un véritable contrat. J'aurais été aussi disposé à croire que la Constitution de la Louisiane devait être violentée, qu'à penser que ce contrat solennel devait être enfreint. Je n'ai pas assez d'imagination pour faire un tableau de tous les maux qui peuvent résulter d'un pareil acte. Mais qu'il me soit permis de dire qu'il aura pour effet de faire que la volonté passagère de la majorité soit la loi absolue, au mépris de tous les droits de la minorité. Je rappellerai l'affaire du bill de la Banque des Artisans et Marchands Ces messieurs présentèrent des motions à l'effet d'ajourner, de se réunir en séance exécutive; ils demandèrent la lecture formelle des bills à leur première lecture; tout cela pour empêcher l'adoption d'un bill particulier, bien que le senateur pense que cette conduite soit épouvantable. Mais nous savions qu'ils ne violaient aucun engagement. Ils se tenaient dans les réglements. Nous ne désirions pas enfreindre la convention que nous avions passée avec la minorité, lorsque nous avions adopté les réglements. Nous restâmes patients, bien que nous prissions plus d'intérêt à ce bill que ces messieurs n'en peuvent prendre à celui-ci.

Nous savions qu'il était d'une grande importance pour la ville et la campagne, qu'il affectait la prospérité de l'Etat; tandis que ceci n'est qu'une question politique, et n'affecte que l'intérêt d'un parti. Voici à mon avis quelle est la règle: Au commencement de la session nous convînmes qu'aucun bill ne serait pris hors de son tour de rôle, sans le consentement des deux tiers. Les sénateurs ne peuvent pas nier que tel n'ait été l'engagement pris par nous, et que les réglements ne soient pas l'expression de ce contrat. Ils ne peuvent nier que la décision du président ne soit correcte. Mais ces messieurs trouvent que les réglements ne valent rien; parce qu'ils ne leur permettent pas de faire tout ce qu'ils veulent, ils ne sont pas complets; ils ne lient pas assez l'ennemi, et conséquemment ils veulent que les réglements soient rappelés parce qu'ils ont le pouvoir de le faire. Ce n'est pas ainsi que j'interprète un contrat et une convention. Nous avons passé un contrat les uns avec les autres; nous avons pris un engagement, et nous sommes convenus de ne pas le dissoudre, si ce n'est sous certaines conditions. Ces conditions ne sont pas remplies, cependant le sénateur désire briser le contrat? Etait-ce compris dans votre contrat que s'il ne vous convenait pas vous pourriez le briser à votre plaisir. Je n'ai pas fait de pareil contrat, parce que je savais qu'un cas semblable à celui-ci pourrait survenir, et que nous aurions à recourir au contrat pour sauvegarder nos droits.

M. Short—Si le Sénateur m'adresse la question, je lui dirai que quand une motion d'ajournement est présentée, perdue et représentée immédiatement après, je ne reconnais plus le contrat que j'ai fait.

M. Hodge—Le plus jeune apprenti politique sait que cette tactique est très-usuelle. S'il ne le sait pas, c'est qu'il n'a pas suivi avec attention les débats du Congrès. J'ai pratiqué devant les cours de la Louisiane, et là j'ai appris que s'il n'y avait pas de règlement, tout serait plongé dans le désordre et le chaos. Vous pouvez violer des lois, vous pouvez violer la constitution, et quand le sens moral de la Louisiane sera être relaché, que vous en viendrez à enfreindre vos contrats, les cours ne voudront pas le parchemin sur lequel elles sont constituées. Je ne voudrais pas retourner dire à mes commettants que j'ai manqué à mon contrat. Je voudrais tout autant violer une loi de la Législature. Mais je ne suis pas effrayé de dire que j'ai voté pour un ajournement; que j'ai demandé l'appel nominal; que j'ai fait la motion de nous réunir en séance exécutive, tout cela afin d'empêcher une mesure injuste, et je le ferai parce que je serais sûr d'être approuvé. Mais je suis fier de penser que je n'ai violé aucun contrat. Les règlements du Sénat sont des lois. Les sentiment de justice qui nous fait les respecter n'a pas une origine terrestre; il vient du ciel. Je ne consentirai pas plus à les fouler aux pieds que je

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ne consentirais à plier sous la main de fer de la tyrannie et du pouvoir.

Cette question : « la motion du Président sera-t-elle maintenue » est mise devant le Sénat, et le Sénat refuse de la maintenir.

M. Kenner—Je demande maintenant au Président. Si un vote des deux tiers n'est pas exigé pour que le Bill soit pris en considération.

Le Président—Selon la décision du Sénat une simple majorité est suffisante.

M. Kenner—Je demande que le secrétaire lise l'article 14 du réglement.

Le Président—Je désire qu'il soit compris que ma conduite en ce moment n'est pas conforme à ma conviction, mais à la décision du Sénat.

M. Kenner—Je demande si ce Bill est à l'ordre.

M. Short—Nous avons révoqué le réglement en tant qu'il est applicable à ce Bill.

M. Kenner—Je demande que le Secrétaire lise l'article 60 du réglement.

Le Secrétaire le lit :

M. Kenner—Cet article dit qu'un réglement ne peut être revoqué ou amendé sans au moins un jour de notice. La notice requise a-t-elle été donnée. Je demande au Président s'il peut continuer à sieger et voir prendre ce Bill pris hors de son tour d'ordre et au mépris des réglements.

Le Président.—J'ai déjà décidé qu'un vote des deux-tiers était nécessaire. Le Sénat en a décidé autrement

M. Kenner.—Eh bien, je donne avis en mon nom et au nom de ceux qui agissent avec moi, que nous allons protester contre la conduite de la majorité, contre cette violation inouïe du réglement, contre cette insulte faite au droit et à la justice.

La question de la prise en considération du bill est mise aux voix.

Elle est emportée par 16 voix contre 10.

Le Président.—Suivant la décision du Sénat, le bill est devant lui.

M. Kenner.—J'en appelle du Sénat au Président. Souffrira-t-il cette infraction palpable du réglement ? Permettra-t-il que nos droits soient foulés aux pieds ? Le Président a le droit de sauvegarder les intérêts de la minorité, lorsqu'il les voit attaqués. Il ne doit pas permettre une pareille usurpation. Il sait que c'est un acte injuste ; il sait que c'est un outrage et il ne doit pas le permettre.

M. Patterson.—Le parti démocratique dans cette enceinte demande au Président de garder son siège et de se faire respecter.

M. Kenner—C'est là ce que nous désirons. Nous ne nous adressons pas au président comme whig ou démocrate ; nous désirons qu'il se place dans une sphère plus élevée, dans les régions de la vérité et de la justice ; nous désirons qu'il protége les droits de la minorité, et alors il tiendra une conduite conforme à la dignité de sa position.

Le président veut que sa position soit bien comprise. Le président a déclaré qu'il était contraire aux réglements de prendre en considération ce bill, sans un vote des deux tiers. La question a été décidée par le Sénat contrairement à l'avis du président et conséquemment, d'après cette décision, le bill est devant le Sénat.

Le bill est mis aux voix.

M Kenner—Je vote dans l'affirmative et donne avis que je demanderai une reconsidération demain. Mes droits seront-ils protégés ? Je le demande avec toute la déférence voulue, comme je suis convaincu que ces messieurs viennent de faire un acte qu'ils se reprocheront lorsqu'ils seront de sang-froid.

Le président—Le sénateur a le droit de donner avis qu'il demandera la reconsidération.

Le bill est adopté.

M. Kenner donne avis que demain il demandera la reconsidération.

—

SAMEDI, 30 avril 1853.

Le bill établissant une prescription pour les paiemens après dix années est pris en considération.

M. King.—Quoique je sois trop mal pour disputer cette question d'une manière approfondie, je dirai brièvement les raisons pour lesquelles je pense que le sénat devrait le rejeter. D'abord le bill doit entrer immédiatement en opération. C'est là une grande injustice. Il périme des jugemens qui, peut-être, n'avaient pu être executés précédemment. Il peut porter une atteinte considérable à des droits existants ; il peut ruiner ou léser beaucoup de gens qui s'endorment dans une sécurité illusoire, sans songer à une pareille loi.

Un bill à l'effet de payer les frais de levées faites depuis 1852, est pris en considération.

M. Martin.—Dans mon opinion, c'est là une mesure fort judicieuse.

M. Kenner.—Je ne pense pas comme le sénateur. Il a fixé dans son esprit une époque après laquelle certaines paroisses peuvent tirer avantage de la caisse des terres marecageuses. Nous qui avons eu à supporter en 1851 une taxe énorme, nous ne devons en retirer aucun avantage, mais les paroisses qui ont fait des levées depuis 1852 doivent en payer les frais. Ce bill est destiné à certains cas particuliers; il est fait pour l'avantage de quelques sections, et non de quelques autres dont les droits sont aussi fondés. Pourquoi ce bill n'embrasserait-il pas toutes les paroisses ?

Le bill est déposé sur le bureau.

Le bill à l'effet de fixer le salaire du greffier de la 1re cour de district, venant de la chambre avec un amendement qui retranche l'amendement par lequel le sénat avait ordonné que le salaire du greffier fut payé au moyen des amendes et des forfaitures, est pris en consideration.

M. Kenner.—Cela équivaut à annuler entièrement l'amendement du Sénat Cela équivaut à dire que le salaire sera payé des fonds de l'Etat. Les amendes et forfaitures s'elèvent à $50,000. Ces réclamations de l'Etat restent sur le bureau des greffiers de cour, et jamais le recouvrement n'a lieu. Un des objets du bill est de forcer les greffiers et les officiers de cour à faire leur devoir et à collecter ces amendes et forfaitures. C'est parcequ'ils vont dans le trésor et non dans la poche d'un individu, que la collecte s'en fait d'une manière si peu active.

M. Lewis.—Je demande pardon au sénateur. L'avocat de District a droit à une somme considerable sur ces fonds

M. Kenner.—Pourquoi alors ne voit-il pas à ce qu'ils soient collectés?

M. Hodge.—Je désire expliquer le vote que je donnerai dans cette question. Les sénateurs de la Nlle.-Orléans me disent que les amendes et forfaitures ne sont pas suffisantes, et que si nous persistons à maintenir notre amendement, la cour sera peut-être sans greffier. Je suis fâché que la Nouvelle-Orléans ne puisse payer l'ouvrage fait dans son propre intérêt, comme le font plusieurs paroisses. En vue de ces circonstances, je consens à ce que nous soyons taxés encore une année, mais quand la question se représentera, j'insisterai pour que la Nlle-Orléans fasse elle-même cette dépense. Néanmoins, je ne veux pas encourir le risque de la laisser sans cette cour, considérant surtout que les amendes et forfaitures vont à l'hôpital de charité.

L'amendement de la Chambre reçoit le concours du Sénat.

Le bill relatif au Canal de Barataria et de Lafourche est pris en considération.

M. Martin—Il a été passé un contrat par lequel l'Etat s'est chargé de finir les travaux, pour la somme de $53,000. Ce bill décrète une allocation de $33,000 pour l'achèvement des travaux. La Compagnie a dépensé plus de $300,000. Ce sont des travaux utiles et l'Etat a le premier gage sur ces travaux.

M. Kittridge—J'ai une autre observation à faire. L'Etat a déjà dépensé beaucoup d'argent pour ces travaux, et s'il ne les achève pas, il perdra toutes les avances qu'il a faites. Dans l'état où ils se trouvent, ils donnent un profit net de 4 pour cent.

M. Martin—C'est un contrat. Si nous ne remplissons pas les conditions du contrat, nous perdrons ce que nous avons déjà dépensé. Les personnes qui se sont faites les gardiens fidèles du trésor devaient y réfléchir.

M. Mouton—J'espère que je ne suis pas plus que le sénateur de l'Assomption le gardien du trésor; j'espère que je n'y ai pas plus d'intérêt que lui. S'il en était ainsi, j'en serais fâché. Mais je voterai contre cette aliénation du canal de Barataria, parce que j'ai entendu parler de cette question; je n'ai entendu parler que de cela pendant 14 années, et mes commettants sont opposés à cette aliénation.

Le bill est adopté.

Le bill à l'effet de restreindre la charge du juge aux

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questions de fait dans les affaires criminelles, est pris en considération.

M. Mouton—Je ne suis pas préparé à voter pour ce bill. Je ne vois pas comment le juge peut faire sa charge au jury sans examiner la question de fait.

M. Short—C'est là le mal auquel on veut porter remède. Le juge peut dans sa charge représenter les preuves, de telle manière qu'il pourra substituer le jugement de la Cour à la décision du jury. Le sénateur pense qu'il sera difficile de faire une charge sans s'occuper de la question de fait. Il n'y a là aucune difficulté. Si le juge dit que son opinion est telle et telle d'après les preuves; s'il dit par exemple que d'après les faits prouvés l'accusé ne pouvait pas se croire en danger, qu'il ne peut prétendre avoir agi à son corps défendant, s'il repasse les témoignages, et de là déduit la loi applicable au cas, il va au-delà de ses devoirs, c'est une usurpation des pouvoirs du juri.

M. Mouton — Peut-il le faire sous la loi existante ?

M. Short— Maintenant la seule chose qu'il ne puisse pas faire, c'est de dire au juri quel est le côté des preuves qui l'emporte. C'est là la loi anglaise. Mais s'il récapitule le témoignage, et d'après ce témoignage établit quelle est la loi, il substitue le jugement au verdict du juri ; parce que le juri prendra presque toujours l'opinion de la Cour. Ce Bill produira un excellent effet et portera remède à un grand mal.

M. Nichols— Ce Bill ne pas empêcher que le Juge ne présente un état de faits sous une forme hypothétique.

M. King— Je suis opposé à ce Bill. Il est de nature à faire des juges une simple machine et à entraver l'administration de la Justice. Il aurait pour résultat d'empêcher une décision dans beaucoup de cas, et produirait beaucoup d'autres inconvénients, Le Juge est le guide dans l'examen des affaires ; il ne doit pas être réduit au rôle de machine. Le système actuel a été en usage pendant des siècles; nos ancêtres ont vécu sous son empire sans inconvenient. Le changement proposé serait fatal à l'administration de la Justice. Souvent le mieux est l'ennemi du Bien. Mieux vaut, même en fait de maux, un certain qu'un incertain.

M. Short— Je suis étonné d'entendre un membre du barreau aussi ancien, raisonner de cette manière. Mais c'est là le plus fort argument que l'on pourrait faire valoir en faveur du Bill. Si le juri doit accepter les opinions du Juge comme paroles de l'Evangile, s'il ne doit être guidé que par lui, autant vaut supprimer les Juris. L'argumentation du Sénateur m'a rendu encore plus favorable au Bill que je ne l'étais d'abord.

Le Bill est adopté.

Le Bill général des allocations est pris en considération.

M. Kenner—Mon opinion est qu'un bill général d'appropriations doit s'occuper des allocations pour les salaires déjà fixes, que dans un bill général d'allocations, les salaires ne peuvent être augmentés. Je désire examiner le dossier afin de voir jusqu'à quel point il est vrai que ces changements ont été faits. Si ces messieurs désirent suivre l'acte de 52, je ne vois pas pourquoi ils ne le suivent pas dans son entier. Mais, par ce Bill nous ferions ce qui ne saurait être l'objet d'un Bill d'allocations. Ce Bill ne devrait pourvoir qu'aux salaires déjà fixés par la loi, Eh bien ! ce Bill a été dans le principe préparé par le Comité de Finances qui avait pourvu à tous les salaires d'après la loi Tout changement aurait dû prendre naissance à la Chambre. Je soutiens que ce n'est pas un moyen légitime d'arriver au but que l'on se propose. Si les salaires ont été augmentés, je ferai la motion de référer le Bill au Comité de Finances. Je ne le ferai pas pour gagner du temps, mais je ne désire pas favoriser un pareil mode de législation. Si nous voulons augmenter les salaires, passons une loi à cet effet, mais ne glissons pas cette disposition dans cette loi. Ce n'est pas l'objet d'un Bill général d'allocations.

Motion est faite d'effacer la somme de $2,000, et d'insérer $1,500 pour le salaire du secrétaire d'Etat.

M. Mouton— Je pense qu'il y a une loi fixant le salaire du Secrétaire d'Etat à $1500. En conséquence, je crois qu'il est de mon devoir de voter pour le salaire tel qu'il est fixé par la loi.

La motion est perdue.

La section allouant $1000 au commis du Secrétaire d'Etat est lue.

M. Kenner— Je voudrais voir la loi qui fixe ce salaire. Nous venons de donner au secrétaire d'Etat une augmentation de salaire de $500, et maintenant il faudrait donner à son commis mille piastres. Puis viendra une allocation pour le Copiste du Secretaire d'Etat. Je ne sais pas ce que tout cela signifie.

M. Mouton—Je pense qu'il y a une ancienne loi qui autorise le Secretaire d'Etat à employer une personne pour copier tous les actes de la Legislature pour être livrés à l'Imprimeur. Le montant alloué est certainement fort minime.

M. Kenner— Si cette loi existe, je serais curieux de la voir dans le Bill général d'allocation de l'année dernière.

M. McCay— Je pense que ce fait est susceptible d'explication. L'année dernière le secrétaire d'Etat avait $2,000 de fonds pour les dépenses eventuelles. Cette année cette somme a été reduite à $500. L'on a pensé en conséquence qu'il fallait porter cette somme comme allocation.

M. Kenner—Le Bill dont il s'agit ne semble s'occuper que d'augmentations de salaires ; ce n'est pas un Bill général d'allocations.

M. King— Qu'importe, l'effet est le même que s'il y avait un Bill séparé relatif au même objet. Je désire qu'il soit bien compris que je suis en faveur d'une augmentation de salaires.

M. Kenner — Si ce Bill est réellement un Bill à l'effet d'augmenter les salaires, et n'est pas un Bill general d'allocations, je ne vois pas pourquoi il n'est pas fait mention de l'adjudant général. Je fais la motion de porter son salaire à $1000.

M. King—Cette question a déjà été discutée dans la Chambre. Je ne crois pas que l'amendement ait chance de passer dans cette chambre.

M. Kenner—Si nous ne pouvons changer un mot à un bill, mettre un point sur un *i*, barrer un *t*, sans le consentement de la Chambre, je ne vois pas ce qui reste à faire au Senat de la Louisiane. Mieux vaudrait alors retourner chacun chez soi et économiser à l'Etat les quatre piastres par jour que nous recevons.

M. Martin—Ce n'est pas une chose extraordinaire que de nommer des comités de conference à propos du bill general d'allocation et cela le dernier jour de la session. Ces comités arrangent les differends en ce moment.

L'article pourvoyant aux arrerages dûs au greffier de la première Cour de District est pris en consideration.

M. Kenner—Voici la première fois que des réclamations ont été reconnues dans un bill général d'allocations, sans qu'une discussion prealable en eût decidé. Il faut que ce fait soit connu et je le déclare pour la satisfaction des Senateurs. Je ne pense pas que je puisse changer leurs opinions, mais je veux qu'ils sachent le fait.

M. Derbès fait la motion d'insérer $1,500 pour la Légion de la Louisiane et le Bataillon de Washington.

M. Derbès—Je fais cette motion parce que je sais qu'elle est juste. Ces compagnies sont toujours appelées au moment du danger. On ne saurait exagerer les services qu'elles rendent ; et cependant si l'Etat ne vient pas à leur aide, elles seront dissoutes; elles ont des dépenses considerables, ces dépenses s'élèvent à $10 ou $15 par an pour chaque homme. Quand l'Etat vient au secours d'autres associations, je ne vois pas pourquoi il n'assisterait pas les compagnies qui sont d'une si grande utilité. En outre du caractère général que présente cette milice, je puis dire que la Legion et le bataillon sont des associations charitables. Même avec cette allocation chaque homme n'aura pas plus de $2, ce qui certainement n'est pas considerable. Il est inutile d'énumérer tous les avantages que présentent ces compagnies. Au moment du danger, lorsqu'il y a une émeute elles sont toujours appelées et sont toujours prêtes à répondre à l'appel. En cas d'insurrection ou d'invasion, elles nous serviront de point de ralliement ce serait notre seule ressource. La prudence nous fait un devoir d'empêcher qu'elles ne se débandent.

M. Nicholls—J'abonde entièrement dans le sens du Senateur. Je pense que ce serait les deux meilleurs

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articles du bill. L'Etat doit contempler avec orgueil ces deux corps. Une saine politique doit nous dicter de les encourager, attendu que c'est d'eux que les citoyens attendent tout secours. Je ferai de plus la motion que $500 soient accordées aux canonniers de Donaldsonville un beau corps, qui est toujours mentionné avec éloges.

L'amendement est adopté.

Le bill passe.

M. Kenner présente le protet suivant, qui, sur motion, est insére dans le journal du Sénat.

Les soussignés croyant qu'une flagrante violation des réglemens du Sénat a eu lieu hier par l'action de la majorité de ce corps sur un acte, ou discussion pour diviser l'Etat en districts congressionnels, demandent la permission de faire insérer dans le journal leur protestation contre les procédures dans cette occasion.

Pour comprendre l'injustice qui a été faite dans cette occasion aux droits de la minorité, il est nécessaire que les faits qui se sont passés soient exposés. Pendant la lecture des ordres du jour, motion a été faite par M. Derbès, de la Nouvelle-Orléans, de prendre en considération, en dehors de son ordre régulier l'acte pour diviser l'Etat en districts congressionnels et pour procéder à la discussion et au passage dudit acte.

L'effet de cette motion fut de donner à cet acte la préséance sur tous les autres actes déposés sur le bureau du secrétaire.

Le réglement 14me du Sénat dit: Aucune motion ne sera faite pour prendre en considération un acte en dehors de son ordre régulier, à moins d'avoir le consentement des deux tiers du Sénat present.

D'après cette règle aussi claire dans son langage qu'il est impossible de se méprendre sur ses intentions, le president du Sénat, le lieut.-gouverneur Farmer, décida que la motion de M. Derbès, de prendre cet acte en considération en dehors de son ordre, demandait le vote des deux tiers des votes présents. Le Senat vota sur cette question, et il apparut que seize sénateurs votèrent pour la motion de M. Derbès, et dix contre.

Le nombre exigé des deux tiers n'ayant pas été obtenu, le president décida que la motion de M. Derbès était rejetée.

A cette decision du fauteuil, si conforme à l'esprit et à la lettre de la 14me règle, M. Short en appela à la décision du Senat.

Le Sénat vota encore par oui et par non.

Sur l'appel de M. Short, de la décision du fauteuil, il apparut que seize sénateurs, qui sont: MM. Boatner, Chilton, Derbès, Evans, Griffin, Kemp, Lacey, Lacoste, Lewis, Millard, Mouton, McCay, Neal, Patterson, Short et Thériot votèrent pour renverser la décision du fauteuil, et que dix senateurs qui sont: MM. Dupre, Hodge, Kenner, Kittridge, Lauve, Martin, Nicholls, Palfrey, Slack et Taylor votèrent pour le maintien de la decision.

Conséquemment, par ce dernier vote, le Sénat renversa la décision du président et décida que les deux tiers des votes n'étaient pas nécessaires pour prendre un acte en considération en dehors de son ordre, en face du fait que la 14me règle exprimait, c'est-à-dire —«Qu'aucune motion de prendre en consideration un acte en dehors de son ordre ne pourra être faite à moins d'être soutenue par les deux tiers des votes presents.»

L'effet de ce dernier vote fut de suspendre le réglement 14me et de permettre à la majorité de prendre en considération et de passer un acte extrêmement nuisible à une grande minorité et à une violation positive des réglements qui avaient été adoptées par cette même majorité au commencement de la session par lesquels la minorité espérait être protégée contre tout exercice arbitraire du pouvoir par la majorité,

Nous sommes forcés de dire qu'une violation si positive, si ouverte et si palpable des réglemens d'un corps législatif, est sans exemple dans les annales de la Legislature de notre pays.

Il n'existe pas d'exemple, soit dans notre Congrès fédéral, soit dans nos Législatures d'Etat qu'une majorité, dans le but de forcer le passage d'un acte, ait renversé les réglements qu'elle s'était imposés pour se gouverne.

Il ne peut être dit non plus que le Sénat ait eu le droit inhérent de rappeler en tout temps ses réglements par une majorité de voix.

La règle 16me du Senat est ainsi concue: Ni aucun réglement du Sénat ne sera suspendu à moins d'un vote des deux tiers au moins du Sénat présent.

Conséquemment il était aussi impossible de suspendre la 14me règle par une simple majorité que de prendre un acte en considération en dehors de son ordre par une simple majorité.

Mais l'acte pour diviser l'Etat en districts congressionnels devait passer sinon en suivant l'ordre des réglemens du moins en les renversant

Voilà ce qui a été fait par le Sénat, hier, et nous présentons notre plus solennelle protestation contre cet exercice arbitraire du pouvoir.

Nous demandons de plus, respectueusement, la permission d'appeler l'attention de la minorité sur les notes suivants du manuel de Jefferson sur l'importance attachée aux réglemens

M. Onslow, le plus capable des orateurs de la Chambre des Communes avait l'habitude de dire que c'était une maxime qu'il avait souvent entendu dire quand il était jeune homme, par des membres vieux et expérimentés, que rien ne tendait plus à jeter le pouvoir dans les mains de l'administration et de ceux qui agissaient de concert avec la majorité de la Chambre des Communes, qu'une négligence ou un oubli des règles parlementaires: Que ces formes telles qu'elles sont faites par nos ancêtres, étaient un frein et un contrôle sur les actions de la majorité et que souvent elles avaient été un abri et une protection pour la minorité contre les atteintes du pouvoir.

M. Jefferson commente ainsi les paroles de l'orateur Onslow. Autant cette maxime est vraie et fondée sur le bon sens et comme il est toujours au pouvoir de la majorité d'arrêter par son nombre toute mesure impropre proposée par ses adversaires, les seules armes avec lesquelles la minorité peut se défendre contre de semblables attaques de ce pouvoir, sont les formes et les règles parlementaires qui ont été adoptées, quand on les a trouvées nécessaires de temps en temps et qui sont devenues les lois de la Chambre des Communes, pour l'adhésion stricte avec laquelle le parti faible peut se protéger contre les irrégularités et les abus que ces formes doivent contrôler, et que le pouvoir a trop souvent essayé de renverser de gaieté de cœur par de grandes majorités, soit que ces formes soit rationnelles dans tous les cas, ou ne soient pas de si grande importance. "Il est plus essentiel qu'elles nous gouvernent; car qu'elle est cette regle? qu'il y ait une uniformité régulière dans les procédures des affaires, non sujette au caprice de l'orateur, ou à la susceptibilité des membres.

Il est très essentiel que l'ordre la décence et la régularité soient conservées dans un corps public honorable.

Avec ces remarques de M. Jefferson comme un commentaire sur la conduite de la majorité de la veille, nous demandons la permission respectueusement de signer, etc.

N. A. LAUVE,
CHAS. A. SLACK,
THOS. C. NICHOLLS,
WM. B TAYLOR,
R. C. MARTIN,
B. L HODGE,
W. T. PALFREY,
E. R. KITTRIDGE,
ACH. DUPRE,
DUNCAN F. KENNER.

Le Sénat lève pour un moment la seance.

Le Sénat s'étant réuni de nouveau, plusieurs bills sont adoptés sans discussion.

Le secrétaire informe la Chambre que le Sénat n'avait pas d'autre communication à faire à la Chambre des Représentans et était prête à ajourner "sine die."

Mr. Boatner présente la résolution suivante qui subit ses différentes lectures et est adoptée.

Résolu qu'un comité conjoint consistant de trois membres du Sénat et membres de la Chambre, soit nommé pour se rendre auprés du Gouverneur et l'informer que la Législature etait maintenant prête à s'ajourner "sine die" et de lui demander s'il n'avait pas d'autre communication à faire à la Législature.

Le président nomme de ce comité,
MM. Boatner, Nicholl et Hodge.

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Le secrétaire demande le concours de la Chambre pour ladite résolution:

Le Sénat est informé par le secrétaire de la Chambre, que la Chambre a donné son concours à la susdite résolution et que l'orateur a nommé dudit comité de la part de la Chambre,

Messieurs Théard, Sandidge, King, de Saint-Landry, Texada et LeBlanc.

De la part du comité conjoint, conformément à la susdite résolution, Mr. Boatner rapporte que le comité a rempli son devoir et que le Gouverneur n'avait pas d'autre communication à faire à la Législature.

Par un message de la Chambre, le Sénat est informé que la Chambre n'a pas d'autre communication à faire au Sénat et était prête à ajourner "sine die."

Le President du Sénat W. W. Farmer délivre aux Sénateurs l'adresse d'adieu suivante:

Messieurs,

Je vous ai souvent obligé pendant votre session, [illegible] vous remercie pour la résolution flatteuse adressée au fauteuil, que vous avez passée, quoique je sens que je mérite très peu ce compliment.

Vous êtes au moment de retourner parmi vos constituants, après une session fatiguante, pour leur rendre compte de vos travaux. Vous avez tout lieu d'espérer qu'il sera satisfaisant, quoique des plaintes fréquentes ont été faites sur l'inaction de la présente Législature. Je n'ai aucun doute que lorsque vos travaux seront réunis en un volume, qu'il se soit trouvé peu de Legislatures qui aient passé plus d'actes que celle-ci, dans une session de la même longueur.

Quand les actes sur le judiciaire, les écoles, les améliorations intérieures, la milice, etc., qui ont été passées, seront réunies et comparées, aucune n'aura eu plus de sujets d'importance à agir dessus. C'est pourquoi je répète que les Représentans qui sont maintenant sur le point de rentrer dans leurs foyers, ont de grandes raisons d'espérer l'approbation de leurs constituants.

Cette nuit sera témoin pour la dernière fois, dans cette salle de la réunion du premier Sénat en vertu de la Constitution de 1852. Dans peu d'instans vous vous dirigerez vers vos foyers. Que Dieu vous conduise en sûreté dans les embrassements de vos familles qui vous attendent, et les félicitations de vos amis.

Suivant toutes les probabilités humaines, vous ne [illegible] ici encore: c'est avec cette pensée que je vous demande à votre départ comme une faveur, que s'il existe entre quelques-uns d'entre vous des mauvais sentimens individuellement, pardonner et oubliez-les comme différences politiques, et souvenez-vous les uns des autres comme amis et non comme ennemis.

Je déclare le Sénat ajourné "sine die"

DURANT DA PONTE, Rapporteur.

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OFFICIAL REPORTS OF THE SENATE

OF THE

STATE OF LOUISIANA.

MONDAY, January 16, 1854.

At 12 o'clock, M. the Senate met; present, W. W. Farmer, Lieut. Governor and President of the Senate in the chair; and present Messrs. Lacoste, King, McCay, Braud, Taylor, Trudeau, Kittridge, Key, Hebert, Lacey, Munday, Wickliffe, Clifton, Rivers, Scott, Palfrey, Moore, Pellerin, Boatner and Richardson.

The Senate then proceeded to elect officers, when the following named were unanimously chosen: Secretary, W. F. Wagner; Assistant Secretary, A. Levisson; Sergeant-at-Arms, B. Childers; Door-keeper, E. Drox; Translating Clerks, Oscar Arroyo, Emile Wiltz; Jules Dossat; Enrolling Clerks, R. C. Wederstrandt, L. B. Haynes, S. E. Hamlet, J. D. Stewart, M. Rills and P. Bienvenu.

Reporter, Durant da Ponte.

Mr. Rivers offered a resolution extending the thanks of the Senate to Horatio Davis, late Secretary, for the able manner in which he had performed the duties of Secretary. The resolution was unanimously adopted.

The Senate then took a recess.

MESSAGES FROM THE HOUSE.

On reassembling, a message was received from the House, informing the Senate that the House was organized.

A message was received from the House informing the Senate that the house had appointed a committee of three to wait upon the Governor.

On motion of Mr. Wickliffe, a committee of three was appointed to act conjointly with the committee appointed on behalf of the House.

Mr. McCay offered a resolution providing for the appointment of a special committee to report rules and regulations for the government of the Senate, and that till the said committee report, the rules and regulations of the last session be considered in force.

The resolution was adopted.

The Senate then adjourned.

TUESDAY, January 17, 1854.

Mr. Rivers—I have a resolution to offer, which I hope will meet with the favorable consideration of the Senate. It relates to the imprisonment of slaves, in the Penitentiary, a practice which has been found extremely deleterious to the public interests. The resolution simply instructs the Judiciary Committee to bring in a bill remedying the evil.

Mr McCay—On the part of the Special Committee to report rules and regulations for the government of the Senate, I beg leave to report the rules and regulations of the last session, with a single amendment concerning the construction of committees. On examination, it will be found that the only change occurs in the 33d section, by the consolidation of the two committees, last year called the Committee on Lands and Levees, and the Committee on Internal improvements.

The Secretary read the Report.

The President—I observe that the number of the Consolidated Committee is not specified in the Report.

Mr. Rivers—It should be a large committee, as the duties thrown upon it will, necessarily, be very onerous.

Mr. Palfrey—I would suggest nine as a proper number, so as to comprehend members from all parts of the State. There will be various, and perhaps sometimes conflicting interests to be represented, and they should all be entitled to a hearing in the committee.

The President—I would remark that in case the number of the committee is to be left discretionary with the Chair, I shall certainly appoint nine.

Mr. King—I have a subject, which I consider of some importance, to bring to the attention of the Senate. It is a motion, which I am about to make, for the amendment of the 11th rule; as that rule now stands, it is to the following effect—(Reads.)

I propose to make the following amendment: "provided that a motion to adjourn, once made, shall not be renewed until the Senate has made progress in some other business." The necessity and policy of the amendment must be obvious to every one at a glance. Its object is to prevent the recurrence of what has actually happened here in the Senate during the last session. On one occasion, a motion for adjournment which it was evidently the desire of the Senate not to entertain, was continually renewed til finally the Senate was forced to adjourn, even against its own will. As the rule now reads, and as I believe it was decided by the President at the last session, it seems to sanction this proceeding, and to give a member the right of perpetually renewing the motion to adjourn, even when no other business has intervened.

MESSAGE OF THE GOVERNOR.

The following message from the Governor was received and read by the Secretary.

Fellow-Citizens of the Senate and
House of Representatives:

The fearful Epidemic which prevailed during the summer months of the past year, over a greater portion of the State, while it filled with sorrow many a once cheerful and happy home, and consigned to a premature grave thousands of our best and most useful citizens, served to develope in others and to stimulate into active exercise the highest and noblest virtues that adorn the human character. Good Samaritans sprung up from the very hot-bed of the pestilence, in every condition and class of society—among the laity and the clergy, the rich and the poor—who, careless of their own safety, and following in the wake of the deadly scourge, ministered to the sick and relieved the less fortunate and more helpless sufferers. Many perished in the prosecution of these labors of brotherly charity—many a hopeful young physician—many a devoted minister and priest—many of those amiable sisters, the living types of the law of love, whose heroism is an every-day and familiar tale. Although they have passed from the sphere of human action, and are now enjoying their rich rewards with Him, whose agony on the mountain was closely followed by a divine glorification, their names will live in the memory of their grateful fellow-citizens, and be proudly cherished by their Mother-State, whilst their example—the golden chain which still may bind us to them—will serve to encourage and guide us in the path of honor and duty which they have followed.

But our debt of gratitude is not due these our citizens alone. When the Epidemic had progressed in malignity and enlarged the field of its destructive operations to an extent which defied our power to check its advance and our means to relieve its victims, the citizens of our Sister-States, with open hands and sympathizing hearts, hastened to our assistance, and cheerfully assumed a large share of our burdens. It is my pleasing duty, as the Executive of the State, to acknowledge with heartfelt thankfulness, these tokens of fraternal benevolence and affection, which have exhibited our country to the world, not only as a nation of sovereign States, united by frail paper compacts, but as a great patriarchal family—a nation of brothers and kindred.

Painful as it must be to you and to me to dwell upon a topic which recalls to our memories the me-

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lancholy scenes through which we have passed, the bitter experience acquired at the cost of so many valuable lives, must not be lost. The sanatory condition of the city of New Orleans, is no longer a question of local interest. When the meshes of railroads, which must eventually connect every part of the State with its great emporium, shall have been completed, the most distant villages on our frontiers will be as suburbs of New Orleans. The main threads of that vast system of intercommunication have already been laid and in a year or two the fertile and populous parishes of the West will be be brought into close and constant contact with Algiers; whilst the rattling trains, starting from the very centre of the city, will waft its atmosphere to the balmy forests of the Eastern parishes. The fate of all is therefore involved in the fate of New Orleans—the public health of the State must depend, more or less, upon the public health of its metropolis. In view of this fact, it becomes your duty, and I am sure it will be your pleasure, to bestow your most serious attention upon such measures as you may deem most advisable and efficient to mitigate the effects, if not to prevent the recurrence of such fatal diseases as the one which swept over our State during the past summer. This object is not entirely beyond your reach; but like all the great prizes which Providence holds up to the legitimate desires and ambition of man, it will be the reward of exertion, of scientific investigation and of repeated trials. Thus much, however, we know from experience and observation, that epidemics are bred and fostered to fatal maturity in large cities, and that their first appearance in certain localities may be traced to the time when the population of those localities had acquired a certain magnitude. The circumstances which attend these extensive agglomerations of human beings, must, therefore, have some agency either in producing these diseases, or increasing their virulence. Many of these circumstances, fortunately, are amenable to judicious and well-timed interference, and large and wholesome reforms have been effected in the densely populated cities of the Old World by skilfully directed systems of Hygiene looking to the general cleanliness of the inhabitants, the proper ventilation of their dwellings, the prompt drainage of the streets and the sewerage of other reservoirs of animal and vegetable detritus. It will be for you to consider what part, if any, the State will take in carrying out the plans which you may devise and sanction, or whether you will only delegate to the Corporation of New Orleans such powers as they may deem necessary to achieve the much desired ameliorations in their social and sanatory conditions But, whatever may be the result of our deliberations upon this matter, it seems to me but an act of sheer justice to allow them, for the drainage of the swamps and morasses which lie behind the city, and which are doubtless co-operative causes of disease, their due proportion of the proceeds of the swamp lands. A part of that munificent donation, made for the benefit of all, could not receive a more appropriate and generally useful destination than to secure the vigorous and healthy workings of the very heart of the body-politic.

In connection with this subject, permit me to invite your attention to the communication, which is herewith transmitted to you, from the sanatory commission appointed during the prevalence of the epidemic, to investigate its origin. character and causes. Composed as the commission is, of gentlemen of great attainments in their respective departments of science and of distinguished zeal for the public service, its suggestions will necessarily carry much weight with them. You will find in these gentlemen safe guides to consult and abundant sources of information in the prosecution of a part at least of your labors.

The report of the Treasurer will exhibit the financial condition of the State. It will be seen that the State debt proper, including the bonds issued for subscriptions of stock to the New Orleans and Jackson; the New Orleans and Opelousas, and the Shreveport and Vicksburg Railroad, is $3,281,809 41.

Under the operation of the law passed at the last session to provide for the deficiency of the State Resources by a loan of $750,000, the receipts of the Treasury for the current year have amounted to $2,148,467 65.

The expenditures for the same period, for the ordinary expenses of the Government, and to meet the appropriations made by the last Legislature, amount to..... $1,340,443 80

Showing a surplus of receipts over expenditures, of..... 808,021 35

But it must be remembered that this large surplus is due to loans authorized by the last Legislature and by their predecessors, which, deducted from the table of receipts, and from the balance now in the hands of the Treasurer, as shown by his report, would leave a deficiency. With these silent but persuasive vouchers of truth before you, it is unnecessary for me to advise you that the Treasury is not in a condition to meet extraordinary demands, and to dwell upon the necessity of husbanding our resources in order to enable us to meet our obligations as they mature, without resorting to taxation. The investment of a large proportion of the surplus in the hands of the Treasurer, which will not be needed, in productive securities, would at once place this surplus beyound the reach of improvident appropriations, and relieve the State of a corresponding amount of interest upon an equal portion of her debt. The friends of Public Education might well avail themselves of the opportunity to demand payment of the sum due to its fund; which properly invested would, before many years, provide in great part at least, to the support of the Schools, and thus insure their permanency.

I would not, however, be understood as recommending that false and contracted economy of the miser or the faithless steward, who hoards up his treasure, or conceals his talent under the ground; but the liberal and enlightened economy which invests the public money only in well-advised, well-timed and well-digested undertakings, promising the greatest benefits; and refuses every demand, however inconsiderable, to projects whose positive utility is not fully and clearly ascertained. The enormous sums of money thoughtlessly wasted upon wild and fanciful schemes, without any previous investigation by competent judges, even of their feasibility, and often actually expended in ridiculous efforts to achieve impossibilities, would have enabled the State, if concentrated and judiciously disposed of, after a full and conscientious examination of the proposed work, to put the finishing hand to many of the magnificent canals which Nature has excavated in every portion of our territory—leaving us to bestow but a mite of our labor and intelligence, to render them subservient to our uses. It is true that the money in these cases has been drawn from the internal improvement fund, but the mode of proceeding in appropriations out of the general fund, has not been essentially different.

A remedy to this evil is suggested by the cautious practice of the governments of the old world—a practice which their positive and negative experience recommends with equal force—never to hazard the hard-earned contributions of the tax-payers upon new measures or schemes which have not been subjected, in every aspect in which they may be viewed, to the test of the opinions and discussions of scientific and practical men. These examinations, conducted by Parliamentary Committees or by Commissioners appointed by the Government, although they may, at the first blush, appear tedious and expensive, result in the main in material savings of time and treasure, furnish a secure basis for legislation and impress the policy of the State with a character of consistency and unity of purpose which, it must be confessed, is not always apparent in our country. This slow, but safe process, would yield other fruits not less worthy of your appreciation. It would serve to exclude much of the private and special legislation which mars our system of laws and disturbs the jurisprudence of the State, by engrossing the time and attention of the Legislature with more serious subjects and more laborious and thoughtful methods of investigation.

In compliance with an Act of the last Legislature, providing for the draining and reclamation of the swamp and overflowed lands donated to the State by the General Government, I appointed a Board of Commissioners to execute the great works from which so much benefit was very reasonably expected by your predecessors and their constituents. The Board met

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at the Capitol in May last and appointed Engineers for the respective districts, as provided for in the Act.—The duties of these Engineers were, in part, to determine the locality, extent and dimensions of the necessary levees and drains to protect and reclaim the swamp lands of the State; and to require all contracts for the construction of levees and repairs thereto to be completed by the first Monday in December of each year. The other requirements of the Act are ample and judicious. The Auditor is authorized to pay all expenses incurred upon the warrant of the Commissioners, the money to be taken out of the sales of the swamp lands, which fund cannot be diverted to any other purpose than that contemplated by the Federal grant.

The Report of the Commissioners, to which I would direct your special attention, will enable you to comprehend fully the situation of this most important matter at the present time. It will be seen that they encountered insurmountable obstacles at the commencement of their labors. When they assembled, the Swamp Land Fund in the Treasury amounted to $250,000. Payment of the first warrant presented, was refused by the Auditor, for reasons doubtless satisfactory to himself, though they failed to convince the law-officer of the State and the Executive. It will be your duty to consider the matter promptly, and to take such measures as will enable the Board to execute the duties imposed on them by law. I have no doubt that your decision will exhibit a clear conviction and appreciation of the vast interest involved in the successful prosecution of the labors of the commission. No time should be lost. The portion of the year most suited to labor has, it is true, passed away; but with the opening of spring, or sooner, if found practicable, the work should be commenced and pushed forward with unflagging zeal and industry until the gratifying end in view is obtained.

The Report of the Commissioners is, from the cause above mentioned, necessarily confined to matters of preliminary preparation and plans, and to suggestions as to their future course. It will be seen, however, that embarrassed as they were in the very outset, and deprived of the means which the Legislature had placed at their command, they have not been entirely idle. It is due to the State and to them, to give the system which called them into action, a fair and impartial trial. Whatever may have been the differences of views at the time of its creation, it is the wiser course, now that it exists, to leave the test of its efficiency to time and experience.

Four Rail and several Plank Road Companies were chartered by your predecessors. The State was authorized by law to become a party to these enterprises, and to issue, from time to time, its bonds in payment of its subscriptions, "for an amount equal to one-fourth of the amount actually received by and paid to the company." In obedience to the mandates of the Legislature, I issued, on the 27th day of May, 1853, seventy-six bonds of one thousand dollars each, in favor of the New Orleans, Opelousas and Great Western Railroad; on the 30th of July ensuing, another series of forty-five bonds, of one thousand dollars each; and in October, sixteen others of the same denomination were executed and delivered to that Company. The New Orleans, Jackson and Great Northern line received, on the 18th of August, one hundred and sixty-five bonds of the State, also of one thousand dollars each.

I am happy to inform you that all these lines of intercommunication have been pressed forward with commendable energy. The New Orleans and Opelousas road has reached a point seventeen miles distant from its eastern terminus. The New Orleans and Jackson, and New Orleans and Mobile Roads, are moving onward under able management; and I am assured that the work upon the Shreveport road will soon be commenced, the surveys having been made, and a considerable amount of stock subscribed. The Plank Road Companies appear, also, to be animated by a laudable desire to prosecute vigorously their respective works.

Obstacles not contemplated, and against which no provision could be made, produced embarrassments in the management of these enterprises, which I am glad to inform you are not of a serious character.—Soon after the State bonds were issued, the money markets of Europe and of our own country assumed a material change, the rate of interest increasing to a considerable amount. The bonds were, in consequence, rendered unsaleable for the time. But neither this event, nor the prevalence of the pestilence in the city, dampened the ardor of the Directors. They have not, I believe, suspended operations at any time, and are now putting forth all their resources to meet the expectations of the public, and protect the interests of stockholders.

Provision was made by an act of the 10th of March, 1852, to relive the Citizens' Bank from the forfeiture decreed against it; but this rehabilitation is coupled with the condition that "the Bank shall restore to the Governor of the State, bonds of the State to the amount of $800,000. The requirements of the law were complied with by the exchange of $300,000 of Bank bonds for the bonds of the State, which were cancelled, and an additional capital of $984,430 was raised by the stockholders by means of a contribution of seven dollars per share, three of which have already been received by the Bank, the remainder to be paid in 1854, '55, '56 and 1857.

These provisions of the act having been carried into effect by the Directors then in charge of the Bank, an election was held, under the seventh section, for five Directors, on the part of the stockholders, who, together with the two appointed by me, were duly installed on the 1st day of July of last year. One of the first acts of the new Directors was to avail themselves of the benefits of the act "to authorize the Citizens' Bank of Louisiana to convert the shares secured by mortgage into cash shares," to increase their available capital by obtaining the payment in cash for 10,000 out of the 141,000 shares composing the capital stock of the Bank. This transaction brought about an agreement between the cash and mortgage stockholders, by which the entire assets, as they existed on the 1st of September last, (less $500,000 transferred to the Banking department) are to be worked for the benefit of the latter, and remain specially pledged for the then liabilities of the Bank. The mortgage stockholders are, besides, relieved from the expenses of administration, with the exception of the salary paid to the officer specially charged with the books and accounts of the mortgage stock department. This arrangement, while it secures the redemption of the liabilities of mortgage stockholders, secures the States to a corresponding extent against eventual liability upon the bonds issued to the Bank. A judicious managament of that institution, under the present agreement, will, it is hoped, produce a considerable surplus of profits to be divided between the mortgage stockholders and the State, according to the terms of the charter.

The Free Banking law passed at the last Legislature has gone into successful operation, and it is believed, will realize the expectations of its projectors.

In pursuaannce of act passed by your predecessors, and approved on the 28th of April, 1853, authorizing me to appoint a commissioner to ascertain and receive the amount due by the Union Bank to the State, by virtue of the 7th section of "an act to incorporate the Union Bank of Louisiana, approved the 2nd day of April, 1832," I entrusted the charge to Mr. Pemberton, of New Orleans, who, after a full examination, consented to receive the sum of sixty-two thousand dollars in payment of all the interest of the State in that institution Fifty thousand dollars of this amount to be paid in cash upon the order of the State Treasurer; and twelve thousand dollars in a note of the Bank, subscribed by the President and Cashier, dated on the third day of June, and payable four months after date. In consequence of this agreement, the connection of the State with that institution is at an end.

It was made my duty by an Act passed by the last Legislature, to provide the means necessary for the relief of the Treasury of the State, to cause to be advertised in due form, a notice inviting proposals for the purchase of State Bonds to the amount of seven hundred and fifty thousand dollars. At the expiration of the time prescribed by law, it was found that the only bid offered, was that of Messrs. J. Corning & Co., at par. The loan was therefore adjudicated to these gentlemen. Some delay occurred in the delivery of the bonds, on account of the failure of the Eu-

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graver to execute his contract within the specified time.

Early in the month of November, the State Engineer repaired to the vicinity of the Raccourci cut-off which was represented as doing great injury to the lands immediately below it. His report on the "grand Levee" will point out the consequences of that unfortunate innovation. My views on this subject were fully expressed when I had the honor to hold the office of State Engineer, and subsequent reflection has confirmed them. I will, I trust, be pardoned for referring to them, when some of our good citizens still cling to a system, which, already tried, has proven so disastrous.

"How are we to reclaim the inundated lands of Louisiana? How are we to bring into safe cultivation those immense swamps and low-lands, by far the most productive lands of the State? How are we to protect the upper parishes, without injuring those lower down? And how are we to secure the lower sections without prejudice to the upper? In a word what means must we adopt to protect and reclaim the State at large, without injury to any portion of it? This is the problem to be solved. Can it be accomplished by levees? For local and temporary purposes levees will answer; but as forming a general and permanent system, they are defective. In addition to a great and constant expense, the gradual elevation of the bed of the river is the inevitable consequence of confining its turbulent waters between levees. This operation of course increases the danger of inundation. Experience has proved this, wherever it has been applied. The most superficial observer must have noticed this effect upon the Mississippi river. The characteristic danger of this operation is, that it is slow, almost imperceptible in its progress, but certain and fatal is its effects.

"The bed of the river is finally raised to a point where there is no remedy but the demolition and destruction of those very levees, constructed at so great a cost and loss of time. General inundation is of course the consequence; the waters resume the old, or make new channels, and the main body of the river returns to very nearly its original state, with the exception of its bed, which remains elevated. The situation of the country is therefore in no way improved by the final result; on the contrary, we find the difficulties of protection and draining greatly and permanently increased. To this state of things are we approaching, and to these fatal consequences are we rapidly bringing ourselves, if we persist in leveeing the Mississippi, and at the same time close its natural outlets. There is no fancy in this. It is the inevitable result of existing causes. It is as certain and true as that the waters of the Mississippi contain matter to deposit, and that these waters will seek their own level.

"Can we fix upon a better system? The question is easily answered, if we consider the formation of the country through which the Mississippi flows.

"The upper strata of the Mississippi, at high water, by which I mean those above the level of the lowest lowlands, on either side, flow apparently along the crest of a ridge. (Here I do not, of course, refer to the Mississippi in its whole depth, as must be evident to any one, but plainly to the surplus waters—the inundating portion which it is our object to dispose of.) This ridge has two slopes, or inclinations—one in the direction of the general course of the river, and one at right angles to it. Every one is aware of this. Can we desire or meet with a case, where the mode and means of drainage and protection are so clearly pointed out and so easy of application? Take a similar case, on a small scale, upon the land of a planter of ordinary intelligence. A small bayou, subject to overflow during heavy rains, runs through his plantation; the land falls in the direction of, and falls from the bayou on both sides. How would he permanently protect the banks of this bayou from inundation without an embankment? Naturally by throwing the surplus water upon the low grounds, on either side, through outlets or canals leading from the bayou. In this way the object is immediately and easily accomplished.

"Now suppose, that after increasing the facilities of discharge of the stream itself at its mouth, we should, along the lowest line of the adjacent low grounds, which line will be nearly parallel to the course of the stream, extend these lateral canals to the lake or reservoir, into which the bayou is discharged.

"Is it not plain that in this manner the whole surplus water can be disposed of, the banks of the bayou completely secured, and the very adjacent low grounds and swamps drained and reclaimed, down to the lowest level of the lake or gulf into which the waters are discharged? Is not this almost self-evident? Is it not practicable, no matter how immense the quantity of water to be disposed of? Clearly it is. The question then becomes one of expense, not of truth. Any country can be drained, any river brought within its banks, and reduced to its bed at highest flood, no matter how extensive the one, or how high the elevation, or great the quantity of water of the other. The very waters assist in this system, by washing out their own channels. In most cases it would be sufficient to commence the work, and leave the balance to be finished by the velocity of the water. So that water, now to us an element of destruction, becomes the strongest and most effective agent in the system.

"This is the system to be applied to the Mississippi. As firmly am I convinced of its practicability and successful operation, as I am of the truth of the clearest mathematical demonstration. The water can be reduced to near the level of the Gulf of Mexico, and every foot of land above high tide, brought into safe and successful cultivation. Of this there is not a particle of doubt. Shall we do it? Shall we adopt and vigorously prosecute an enlarged system, calculated to develop a thousand fold the vast resources of this State, regardless of local and particular interests, and unawed by the magnitude of the project? Nature has commenced the work—will it be left unfinished? Untold millions lie concealed in the beds of our swamps; shall we lay them bare? The world offers no country more susceptible of improvement; none where it is more needed; none where it can be accomplished at so little outlay; none where the results can be as grand and beneficial."

Permit me to call your serious attention to the present system of Internal Improvements, and entreat you to devise a remedy for its defects, the evil consequences of which will at no distant day be felt by all. The State Engineer has no discretion whatever as to the improvements to be first accomplished, nor as to the time to be employed in any particular work. Many works of a local nature, are ordered without any preliminary surveys, or examinations, and required to be finished in a given time, without any regard to their magnitude or importance. The natural consequence is, that the State hands, after passing from bayou to bayou, and oscillating from point to point, leave no visible traces, or permanent improvement behind them. The system has fallen in such disrepute, from its total failure to achieve the most insignificant results, that the fund itself, by which it is supported, is abandoned to the most unreasonable demands.

Any drain upon it will receive the assent of the Legislature, either because experience has proved it to be valueless, or because many who do do not live in the districts in which most of this fund is expended, suppose they have no interest in fostering or protecting it. It would be well, however, for all to reflect that when the sources from which this fund is derived shall have been exhausted, general taxation will have to be resorted to. From this there will be no escape. The fertile lands bordering upon the great net work of our Bayous, and Streams, are daily receiving occupants, who will soon have the power of imposing upon the inhabitants of other parts of the State the penalty of their own improvidence. The Legislature will, it is hoped, apply a corrective. The Internal Improvement force of the State is too small to be divided: all human contrivances, looking to great ends, aim at the accumulation of power—the system now in force is based upon a contrary principle, it atomizes power. Besides, no appropriation should receive the sanction of the Legislature before correct preliminary surveys have been made and a thorough conviction of the importance of the proposed improvement produced. The work should then be commenced and permanently completed, when a reasonable toll might be imposed for its maintenance.

I was authorized by an act of the last Legislature, to appoint commissioners to modify the contract existing between the State and the Barataria and La-

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Barche Canal Company. This duty was performed, and a satisfactory adjustment of the whole matter, it is believed, has been obtained. The contract made by the former Engineer of the State was so altered as to throw the completion of the work upon the company on certain specified conditions. The State consents to pay the appropriation of 1833, the balance of the appropriation of 1852, and transfers to the company all the materials, implements, &c., purchased with the several sums granted at different times. The company binds itself under heavy penal obligations, to execute the contract made under the law of 1848, so modified as to dispense with the lock on the west side of the Lafourche, and with one gate at the Mississippi terminus of the canal. The bond furnished by the company secures both the amount of the appropriation and the faithful performance of the contract.

By this arrangement the State loses the labor already bestowed upon the work while she gains the improvements upon Bayous Black, Terrebonne and Caillou. The payment and application of the State funds are under the control of the State Directors, and the appropriation of twenty-three thousand dollars deposited in the New Orleans Bank is subject to the order of these latter only. The entire work must be completed by the 1st of February, 1855.

After a thorough examination of this contract, I have no hesitation in saying that the commissioners have consulted the best interest of the State. The ill advised agreement which was superceded by it, would have resulted in constant demands upon the Treasury, and in ultimate loss to a very considerable amount. We have now, as far as human prudence can command it, the assurance of the speedy completion of a work which must prove, at no distant day, a great artery of our internal commerce.

The official report of the commissioners, which I submit to you, will furnish you with a more detailed account of their transactions with the company.

The other specific duties enumerated in the act of 1853, above named, have been performed in accordance with the directions of the law.

The interesting subject of public education will be brought to your notice by the Superintendent of that Department. The system, thus far, has produced admirable results in densely populated districts, whilst in the sparsely settled parishes it has fallen below the expectations of the public and surely disappointed its best friends. But these partial short-comings will, it is believed, be gradually remedied as our population increases. In the meantime such palliatives may be applied as the local circumstances of each school district may suggest to your judgment. The object to be attained is of such a magnitude as to challenge your constant zeal and attention—in such a cause even unsuccessful experiment deserves credit.

The Report of the Secretary of State will exhibit the condition of his department and of the State Library. Too much praise cannot be awarded to the Librarian for the intelligence which he has displayed in the exchanges which he was authorized to make of our own public documents and reports for other foreign and domestic works.

500 volumes have thus been added to our stock, which, if continued under the same good management and zeal, will soon compare with the largest and the most select in the Union.

The passage of laws entailing additional labors upon the Office of the Executive and that of the Secretary of State, calls for a remuneration corresponding with the onerous duties which the clerks in those offices have to perform. In order to effect this object, without trenching upon the Treasury, I would particularly recommend the enactment of a law, similar to that existing in nearly all of the States, conferring upon said officers the right of demanding certain adequate fees for the filling out, registering and sealing of all blanks—as, for instance, commissions issuing from the Executive, for all offices of a pecuniary character, whether appointed or elective. I cannot too strongly urge upon your honorable body, the propriety,—nay, the real economy—of rewarding every public officer in accordance with the duties and responsibilities of his trust. The justness of such a principle is apparent, and it is equally clear, that by the exercise of this principle, we ensure to the State the most competent and faithful officers.

The report of the committee appointed in virtue of a law passed at the last session, to examine the Insane Asylum at Jackson is herewith transmitted to you.—I have not as yet received that of the administrators of the Charity Hospital of New Orleans and of other institutions of the same character in and out of the city. I will lay them down before you as soon as they reach me. But it is within my knowledge, that the hospital is not only free from debt but has a surplus on hand. The usual annual appropriation, however, together with an additional sum of twenty thousand dollars, will be required in order to make the repairs in the building which have now become absolutely necessary. The Institution for the Deaf and Dumb and the Blind has been in successful operation during the past year. The new buildings, delayed somewhat by the prevalence of the epidemic, are now being vigorously prosecuted. The number of pupils has considerably increased, and the want of adequate accomodations is beginning to be seriously felt. Additional appropriations will be required for the completion of the buildings and for the current expenses of the school. The Board of Administrators have evinced a laudable spirit in carrying out the designs of the Legislature with regard to this noble institution, and the peculiar fitness of the Superintendent, manifested in his paternal care of the pupils, in his superior qualifications as a teacher, and in his general management, has largely contributed to the good standing and prosperity of the Institution.

The lease of the Penitentiary expires in October next. It will become your duty to decide upon the expediency of releasing it, or of placing it under the exclusive and immediate management of the State.—The question involves considerations of a moral and social character, compared to which all others sink into utter insignificance. The sums heretofore received by the State under the present system are certainly too trifling to exercise any influence upon your decision, whilst large amounts have been appropriated to the erection of new buildings and workshops. If these advances were not intended as mere gratuities, if they were made with the expectation that they would produce, at some future day, some corresponding returns, the time has come to devise and adopt some scheme by which these anticipated advantages may be realized. In a word, if economical considerations prevail, competition for the lease should be invited; if moral ones, neither the present plan of electing the lessees, nor that just suggested, of selling the lease to the highest bidder, deserves commendation—the former being amenable to all the objections urged against the latter, besides being less advantageous in a pecuniary point of view. Whatever is desirable in all these, might perhaps be obtained by selling the lease to the highest bidder and reserving to the State the appointment of the officers and wardens of the institution.

The Report of the Directors will inform you of the condition and management of the Institution during the year which has just elapsed.

I have thus endeavored, fellow-citizens, to sketch rapidly the administrative history of the State for the past year, and to offer such suggestions as would, in my judgment, promote the interests of our common constituents. But my duty to you and to the State at large would be but partially and imperfectly accomplished, if, confining myself entirely to questions of internal policy, I did not call your attention to a subject which, although not within your immediate jurisdiction, is of too vital importance to this and to the other Southern States of our confederacy to be passed unnoticed. It is impossible to resist the conviction produced by a close scrutiny of the events now transpiring in the Island of Cuba—events which were foreshadowed by the appointment of the present Captain-General of that colony—that Spain, urged on by the interested counsel of England and France, and by that blind fanaticism of hatred which has often marked her political and social history, has determined to follow the example of her powerful allies, and to add another State to the black empire which would then extend from the mouths of the Orinoko to the outlets of the Mississippi. Under the pretext of a compliance with her treaty obligations, she has already inaugurated the new policy, and she is preparing to consummate it by the introduction of what she terms free laborers to-

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supply the place of still larger numbers of emancipated Africans. The interested and ambiguous contradictions of European diplomatists cannot diminish the significance of these facts, and of the quasi-official declarations of the organs of the Cuban Government. Neither are the inferences drawn from them fairly and satisfactorily met by the argument such a course would be suicidal to Spanish interests The question of emancipation will not be decided in Cuba, but in Madrid, in London and in Paris, where opinions, widely different from ours, are entertained upon this matter; and by philanthrophists who will bear no part of the consequences of their gratuitous benevolence; the Cubans will have no voice—no representation—in these councils. The truth of this is fully attested by the history of the West India Islands. The French and Danish possessions were precipitated into the abyss of emancipation, even when the warning voice of the English Colonies could be heard from the depths below; and Brazil, although an independent empire, and vast as her interests are in the maintenance of her present system of labor, is gradually yielding to the threats of England and to the influences of her transatlantic affinities. But Spain has another—an European—interest which she must consult, and which, coming home to the prejudices and pride of her governing classes, may outweigh any mere pecuniary consideration she might attach to the preservation of the actual order of things in Cuba—an interest whose cohesive action has produced remarkable, although apparently unpremeditated, concert between the monarchial powers of the old world in every difficulty which has arisen of late years between any one of them and our government. Jealousy of our increasing power and prosperity, and fear of the influence of our example, are the bonds of this Union—to thwart and impede our progress, is the common advantage, and must be the common aim. Besides, of all the States of Europe, Spain is the least able to resist the machinations of that government which has pursued not only the emancipation, but the actual Africanization of some of her finest colonies, to an extent and by means which would stagger the easiest credulity—had they not been avowed and published to the world by their very authors. With a meagre treasure to provide for a proverbially profligate administration and a constantly widening chasm between her receipts and expenditures, her indebtedness to English subjects amounts to upwards of £50,000,000 sterling, upon which the unpaid interest has been accumulating for many years

Threatened as she is by internal dissension, circumstances may easily be imagined in which the action of the causes above enumerated would prove irresistible. Will the Federal Government, charged with the international interests of States, anticipate the threatened peril; or patiently and quietly await the occurrence of it? The evil would then be irremediable. Confiding as we may justly be in the firmness, patriotism and truly national spirit of the Chief Magistrate of the Union, the deliberate expression of the sentiments of the people of Louisiana upon this all-important subject would at once sustain the watchfulness of the Administration, and strengthen their hands in executing any measure for our protection which they might deem necessary to adopt. P. O. HEBERT.

January, 1854.

Mr. Wickliffe.—I move to print 5000 copies of the Message.

Mr. Rivers.—That will be too large a number. I think 2500 will be enough.

Mr. Wickliffe – The cost of printing 5000 will be very little more than the cost of printing 2500. We printed 5000 copies of Governor Walker's message. This is an equally important document, and ought to be extensively disseminated.

Mr. Rivers.—I thought we had only printed 3000 copies of Governor Walker's message. I shall make no captious objection to the printing of the number desired by the gentleman. I withdraw my objections.

AMENDMENT OF THE 11TH RULE.

Mr. King's motion for the amendment of the 11th rule then came up.

Mr. King.—I have already specified the object with which I have made this motion. I think the Senate will agree with me that it ought to be adopted, in order to rescue the Senate from the danger of being placed entirely in the power of one or two members, and thereby prevented from doing business whenever it may suit any member to act on the construction given to this rule at the last session.

Mr. Rivers.—I have no disposition to interpose any objection which might appear captious or ill-founded; but I must say, that I cannot see any good reason for the change proposed by the gentleman from New Orleans. We have managed, hitherto, to proceed with our business well enough under the rules as they stand, and I do not think an alteration is required now. The allusion made by the gentleman in relation to a certain occurrence at the last session, is, I presume, intended for myself. The gentleman is right in saying that I did what he has mentioned. But it was done under a strict sense of duty, on an occasion when I thought a monstrous injustice was about to be perpetrated, and the rights of the minority trampled on and annihilated by a domineering majority. We, on this side of the House, were in a hopeless minority. A great wrong was about to be perpetrated upon us—a wrong which, I felt confident, would not be insisted on when reason should reassert her sway over the minds of the majority on the other side. I therefore, in order to prevent the consummation of the wrong which I feared, did move to adjourn, and I did renew the motion until finally the Senate consented to adjourn. But this is an extraordinary case. It is a case which may not happen again. It certainly may not occur for a long time to come; and it is to be hoped that the circumstances which gave rise to it at the last session may never have their counterpart in the future. Under these circumstances, I can see no good reason for adopting the amendment. The rule, as it stands, affords some protection to the minority, and we know that the rules are, in a great measure, intended to protect them. Make the change proposed by the gentleman from New Orleans, and you virtually sweep away all the defences which the rules interpose to shield them from tyranny of a domineering and unscrupulous majority. I hope the Senate will not adopt the amendment.

Mr. King—In speaking of the occurrences during the last session, when a motion was continually renewed, with the design of interrupting the business before the Senate, I had no reference to the gentleman from Concordia, who has just taken his seat. I did not know, or at least I did not recollect the connection of that gentleman with any such event. If it happened, with him, and that it did so there can be no better authority than his own acknowledgment, it must have been at some time when I was absent. I alluded to another occurrence of the same kind, and which, I presume, is still within the recollection of every Senator who was present on the occasion. It appears then that this thing was done twice—not once only as I had supposed—and this fact makes the necessity of the change which I have proposed still more apparent. It is a serious thing for the Senate to be placed in the power of one man, who, by a privilege given to him under our own rules, may not only retard business, but actually prevent us from doing anything at all. This is entirely too great a power to be placed in the hands of one or two men. The only objection made to the amendment is that the case I have recited is an extraordinary one and may not occur again. If so there can be very little necessity for the rule even if it be, as the gentleman insists, only an adequate protection for the rights of the minority. But if it is not likely to occur frequently, let us prevent its occurring at all. Let us make it impossible for the whole Senate to be placed in the power of one man.

Mr. Rivers—If the object of the Senator is to secure justice, he ought to be opposed to placing the minority entirely at the mercy of the majority.

The motion was lost.

Mr. Ryan—I have a resolution which I am about to lay before the Senate, and to facilitate the speedy passage of which I shall ask for a suspension of the rules. In connection with this bill, I shall offer a few remarks by way of explanation, in order that the Senate may understand the facts of the case. The Tax Collector of the parish of Rapides, Mr. H. M. Neal, died a short time before the period at which he should have made his payment into the Treasury of the

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State. In consequence of his not having made payment at the time fixed by law, he became, apparently, a defaulter.

Since his death, his administrators have paid everything due by him to the State, a receipt to which effect, from the Auditor, I now hold in my hand. I therefore offer a resolution to pay the Commissions to which H. M. Neal, late Collector of the Parish of Rapides, would have been entitled, had he made his payments in time, and to strike his name from the list of defaulters. I hope the Senate will dispense with the rules, and allow the resolution to pass immediately.

Mr. Rivers.—I have no objection to the introduction of the resolution, but I think it ought to be referred.

Mr. Griffin.—I shall oppose the reference. There can be no good objection to a resolution so manifestly just.

Mr. Kenner.—I think that every bill of this kind ought to be referred. Members naturally wish to favor their constituents, and think that their claims are superior to all others. But I do not think we should act in this hasty manner I have no objection to suspend the rules to permit the introduction of the bill, but I am not willing to pass it without an examination. I move that it be referred to the Committee on Claims.

Mr. Griffin.—Who are the Committee on Claims?

Mr. Ryan. I move that it be referred to a Special Committee of three.

Mr. Kenner.—There is no objection to a Special Committee. I only want the resolution examined.

The resolution was referred to a Special Committee.

PUBLIC HEALTH.

Mr. Trudeau.—I am about to offer a resolution which, inasmuch as it relates to a very important subject, I do not desire to be hastily acted on. It concerns the health of the State—a subject on which there are so many conflicting opinions, that it seems to me nothing but thorough investigation and mature consideration can produce any permanent good There are many discrepancies of opinion, even in regard to the simple matter of quarantine; and in New Orleans itself, ideas are by no means concentrated and harmonious on that point. It is therefore incumbent on us to inquire, and, if possible, ascertain, whether a system of quarantine will, in reality, be productive of beneficial results.

Mr. Trudeau then offered a resolution, providing for the appointment of a committee of three, to inquire into the best means of preserving the health of the State.

The resolution was laid over.

JOINT SESSION.

The Senate then proceeded to the hall of the House of Representatives, to count the votes for State officers.

The Senate then adjourned till to-morrow morning, at 10 o'clock.

WEDNESDAY, Jan. 18, 1854.

Mr. Palfrey—I have a bill which I am about to offer to the Senate, and for the purpose of facilitating the speedy passage of which, as it is a matter of some importance, I shall call for a dispensation of the rules. It is a bill to extend to certain officers the time for the procuring of certificates of not being defaulters. I shall trouble the Senate with a very few words on the subject, merely to show the necessity which exists for the passage of this bill. At the last session of the General Assembly an act was passed to secure the more prompt payment of the public moneys, of which act the 2d section was in the following words: (reads 2d section.) Now, sir, when we consider the general terms in which the title of the bill is expressed, and the little information afforded by it as to the contents and nature of the bill, we cannot view it as a matter for much surprise that many persons, even those directly interested in its operation, remained ignorant of it, and failed to comply with its provisions. I have consulted with the Secretary of State in relation to this subject, and I learn from him that many officers have, up to this time, omitted to fulfill the requirements of this law, either through ignorance or some other cause, and their commissions have consequently been withheld. It will be seen at once that the public business might be seriously delayed if these offices be declared vacant, and new elections ordered to fill the places of those who have failed to furnish the required certificate. My attention has been called to this subject by the fact that the Assessor of the parish which I have the honor to represent on this floor, finds himself in this dilemma. It was at one time my intention to introduce a bill for his relief. But, on consultation with the Secretary of State, I learned that there were many other cases of the same kind, and consequently I have introduced this bill to cover them all.

The rules were dispensed with and the bill passed.

Mr. Ryan—On behalf of the Special Committee, appointed yesterday, to inquire into and report on a bill for the relief of H. M. Neal—I beg leave to report, that Mr. Neal was lately tax collector of the parish of Rapides, and died a short time ago, being only a few days before the time appointed by law for the payments to be made. At present all his indebtedness is paid up, and the committee has therefore reported the bill which I shall read to the Senate. (Reads the bill.) I now, Mr. President, ask for a suspension of the rules, in order to have the bill passed with as little delay as possible.

The rules were suspended and the bill passed.

Mr. Trudeau—I beg leave to be excused from serving on the Committee on Enrollment. Of the six persons appointed by the Senate to perform the duties of clerks to this body, only two understand both the French and English languages, and of those two, one only understands both languages well. This, it will be observed, will operate as a serious inconvenience. I have no idea of doing the business of the clerks, and I therefore desire to be excused from serving on this committee. Last year, I understand, Mr. Barthe, the gentleman whose successor I am, occupied a place on the committee, and I am informed that almost all the labor devolved on him.

Mr. Wickliffe—I have no desire to pluck any laurels from the brow of my friend, Mr. Barthe, but I have been under the impression, and it is an impression which still exists on my mind, that last year most of the work fell on Mr. Derbes.

Mr. King—I think the objections urged by the honorable member from Jefferson, against serving on the Committee on Enrollment, are at least premature. So far, nothing has occurred to justify them. It appears to me that only four enrolling clerks are positively necessary at this time—two for each language. That number will certainly be sufficient for the first three or four weeks of the session. I hope, therefore, that the Senator will not press his desire to be excused from serving on he committee, and that the Senate will not be deprived of his valuable services.

Mr. Trudeau—I must insist on being excused. Nevertheless, I will consent to serve if the Senator will add his valuable services to the committee. I will then cheerfully undertake the task.

Mr. King—If the gentleman will assume the duties of three or four places which devolve on me, I will accept his proposition.

The vote was taken, and the Senate refused to excuse the Senator from Jefferson.

APPORTIONMENT.

Mr. Boatner—The 16th article of the Constitution makes it incumbent on this Legislature, at this session, to make an apportionment of the State, in accordance with the census recently taken. I shall therefore move to appoint a Special Joint Committee of five on apportionment.

Mr. Kenner—Does the 16th article of the Constitution require a committee to be appointed, in order to pass the apportionment bill?

Mr. Boatner—It does not require a committee to do it, but it requires the Legislature. I do not pretend to have the legislative experience possessed by the gentleman, and I am willing to accept suggestions from those who are better versed in such matters than I am.

Mr. Kenner—The only suggestion that I have to make, is to change the character of this resolution so as to form a Special Committee of the Senate, to which the subject of apportionment should be referred.

Mr. Boatner.—I offered the resolution in accordance

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with the advice and suggestions of abler Senators than myself.

Mr. Kenner.—I move to insert 7 in place of 5 as the number of the committee. It is a matter of importance, and various interests are to be consulted in framing a bill. The members of the committee should be selected from different parts of the State.

Mr. Boatner.—I accept the amendment. I have no objections to seven.

The resolution was adopted.

THE LATE TREASURER.

Mr. Macmurdo.—I have a resolution to offer providing for the cancellation of the official bond of Mr. McWhorter, late Treasurer of the State. I will state that, at the last session of the Legislature the accounts of that officer were examined and found correct. This resolution was not introduced then as it should have been, and I therefore offer it now.

The resolution was adopted.

EXTRA COMPENSATION.

Mr. Wickliffe introduced a resolution to pay $500 to Gen. Horatio Davis, late Secretary, for services rendered by him in assisting to open this session of the Senate.

Mr. King—I move to refer the resolution to the Committee on Contingent Expenses.

Mr. Wickliffe.—I shall oppose the reference of this resolution to the Commitee on Contingent Expenses, or any other committee. It is a very plain resolution and does not require a report from a Committee to elucidate it. I presume that every Senator present understands it thoroughly, and is now prepared to vote on it. It has always been the custom to grant this compensation under similar circumstances, and I hope the Senate will not refuse it now when the recipient is an old and faithful servant, who certainly deserves this slight recognition of his long services. I hope the Senate will pass the resolution, and not refer it to a committee, a course which can do no good, because it can throw no new light on the subject, nor make it any plainer to the Senate.

Mr. King.—I am opposed to the resolution. On a previous occasion, during the last session my views upon the subject were made known. A habit has grown up of squandering the public money in mere bounties to the officers of the Legislature. In this manner at each session, thousands of dollars are voted away. I do not consider that we have any right thus to use the public Treasury. This money is paid by the people, to meet the necessary expenses of Government. To bestow it in mere gratuities and bounties is in my estimation an abuse of the trust reposed in us. In the present instance, it is peculiarly objectionable as Mr. Horatio Davis in addition to his per diem, which was fourteen dollars per day, last session received extra compensation to the amount of seven hundred and fifty dollars, which was a mere bounty, and not founded upon any pretence of extra services.

I object to the allowance now of five hundred dollars, not from considerations peculiar to this case, but because I am opposed to all such applications of the public money. This is the first motion of the kind which has been made this session, and in order to put a stop to this description of legislation I feel it my duty to meet it at the thresh-hold. I wish the Senate to adopt some uniform rule of action on the subject which they will adhere to. If this application be refused, I hope all similar ones will meet with the same fate. If it passes then prepare to open your hands widely, and to lavish thousands of the public money, in useless and gratuitous bounties.

Mr. Wickliffe.—I have listened with attention.—the remarks which have fallen from the Senator to They are of such a nature that, if I did not know him as well as I do, I should imagine he was striving to obtain and merit the appellation of the watch dog of the Treasury. But, on reflecting on the course he has hitherto taken in the Senate, I find that such a conclusion as that would be unwarranted by facts. I remember well, and I presume it is, likewise within the recollection of other Senators on this floor, that, during the last session of the Legislature, the honorable gentleman as Chairman of the Committee on Internal Improvements reported to this body in favor of printing certain documents which were not of sufficient importance to justify the heavy expenses to which the printing of them subjected the State. They cost, I believe, many thousand dollars, and yet, though the gentleman was not only willing to incur, but actually recommended this lavish expenditure, he now rises in his seat and opposes the payment of the small sum of $500 to our late Secretary in accordance with the invariable custom of the Senate,—a custom which has never yet, to my knowledge, been departed from, and which was sanctioned by this body even as recently as last winter.

The gentleman has called this an application of Gen. Horatio Davis. I must correct the gentleman on that point. It is not an application. General Davis never spoke to one on the subject. I informed him this morning that I intended to introduce such a resolution, and that is the only communication that has passed between us in reference to the matter. I represent a constituency which I know will warrant me in voting $500 to an old and faithful servant who retires from among us after many years devoted to the services of the State. I do not fear for a moment that my constituents will condemn me for introducing and urging this resolution. On the contrary, sir, they will feel as I feel, and as I had hoped every Senator would feel, that it is only the observance of a good custom, which, being sanctioned by so many precedents should not now be violated. I move, sir, to lay the gentleman's motion to refer on the table.

Mr. King—I am extremely sorry, Mr. President, that I have been under the necessity of making objections to the motion at present before the Senate. It has not been from any personal feeling on my part. My object has been to induce the Senate to adopt some general rule in reference to all such applications. This is the first one of the kind which has occurred during this session, and I think this the proper time to make a stand. The public treasury has been squandered to a vast amount heretofore by this species of legislation. So far as precedence has been invoked to sustain the motion, it was a bad precedent, and the sooner we change it the better. The reformation must be begun at some time, and I think this the most appropriate.

The honorable gentleman insists that the present application is not a mere bounty. I should like to know by what rule of compensation he estimates the services of our former Secretary at $500 for the present session.

He has already received his *per diem* of $14 per day for the last session; and, in addition to this, had received some $750 at the end of the last session, bestowed upon him as a mere gratuity. What are the services performed by him the present session, which entitle him to the sum of $500?

He appeared here at the opening of the Senate, and officiated as our Secretary some two or three hours, until we elected a successor to him. This is all he has done, and upon it is based the claim of $500, in addition to his *per diem* of $14, to which he was entitled. It is said he had to come all the way from New Orleans to open the Senate. Who asked him, in the first instance, to come all the way from New Orleans here to run for the office? He did so of his own volition, and was, no doubt, very happy to be elected after he came here. There is no law which requires us to elect a Secretary from a distant part of the State, much less any law which authorises us to pay a Secretary extraordinary compensation because, at his own choice, he came here from a distant part of the State to run for the office. Suppose Mr. Davis had resided in Baton Rouge, would there have been any foundation whatever for the present application. Now, I contend he has no more right to expect the compensation now asked, than if he had resided in Baton Rouge. The services, then, for which he is entitled to ask compensation, are two or three hours service as our Secretary. For this the law allows him $14; a very ample compensation? For what are we to pay him the $500? The honorable gentleman insists it is not a bounty. What is the meaning of a bounty? I understand that it is where money is given without any adequate services performed therefor. If I be right in this definition of the term, then I insist that the proposition to give Mr. Horatio Davis $500 was properly characterised as a bounty. The members of the Senate serve for four dollars per day; the Lieutenant-Governor for eight dollars. When we pay our Secretary fourteen dollars per day, I think he is fully

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compensated for his services. Anything beyond that sum, without even the pretence of any extraordinary services, I consider a mere bounty; and a use of the public money which we cannot grant without a betrayal of the trust confided to us by our constituents.

For uttering sentiments like these, the Hon. Senator has thought proper to call me the "bull-dog of the Treasury."

Mr. Wickliffe—The gentleman is in error. I did not call him the "bull-dog" of the Treasury. I said he seemed to be anxious to gain the name of the "watch-dog" of the Treasury. For my part, I do not think he is any such thing.

Mr. King—Well, sir, he said "bull-dog," or "watch-dog," or something of that kind.

Now, if I am to be stigmatized with epithets for endeavoring to discharge my duty here, I must be content to endure them; and can assure the honorable gentleman that their humiliation will be relieved by a consciousness of the justness of the cause in which they are incurred.

The Hon. Senator has thought proper to allude to a bill introduced by myself the last session as chairman of the Committee on Internal Improvements. I was instructed by the Committee to report the bill, which I did with my own cordial concurrence. I may have been wrong, but I thought the bill right then, and think so now.

Mr. Wickliffe—Will the gentleman inform us how much that Ricker expedition cost the State?

Mr. King—I shall explain the whole subject. A committee had been appointed under a resolution by the Senate to report to the next Legislature upon the best means of preserving the State from the danger of inundation. They were required to act during the recess of the Legislature, and to report to the next session. Under the resolution, the committee felt authorised to employ various persons to make the necessary examination of the Mississippi river, and the principal outlets of that river. In making that examination, it became necessary to employ steamboats and other *vessels*. The services of a number of the most competent engineers of the State were secured, and the result of their labor reported to the State. Most of the persons thus engaged have presented their claims against the State for compensation. The aggregate amount of those bills, as well as I can now recollect, was about $75,000. A considerable number of those bills were for money actually expended, and others for compensation for services proved to have been rendered. Some of the individuals were pressing their claims separately, and had even obtained favorable reports from committees on them.

I considered it unjust to pay some and refuse to pay others. I thought they ought all to be paid or that none should be paid. The Committee of Internal Improvements, after an investigation on the subject, reported a bill, reducing the amount of the claims to about five thousand dollars. This the Committee at the time did not consider as a full compensation for all the services; but as it was somewhat doubtful whether the Senate Committee had the right to incur the large amount of expenditure made by them, a sum was allowed by the Committee of Internal Improvements only sufficient to save the persons thus employed from absolute loss.

The laborers, the owners of the vessels and the engineers employed, very naturally supposed that the Senate Committee had the right to employ them. It was not for them to presume that the Committee were transcending their powers. They performed important and arduous services. Some of them were engaged for months in this service. The result of their labor was reported by the Senate. Their reports have been printed by the Senate.

The Hon. Senator has taken me to task for having voted in the last session for the printing of those reports. He has estimated the expense of the printing at some fifteen thousand dollars. I have not seen the printer's bill and cannot therefore say, with certainty, what was the cost. I, however, well recollect that, before the printing was ordered by the Senate, I made an estimate, which fixed the cost at some $900. I am sure the Hon. Senator is grossly mistaken in stating the expense of the printing of those reports at the very large figure he has assumed.

The Hon. gentleman seems disposed to cast a slur upon those reports by insinuating they were worthless. I can only say that I considered them of the utmost importance. They were calculated to throw much light upon the most vital of all questions affecting the interests of Louisiana. The documents, when printed, were more sought after than any other documents printed during the last session. In my opinion it was the best used money expended in printing documents during the last session.

With regard to the bill reported by the Internal Improvement Committee of the last session, allowing some $5000 to cover all the expenses incurred by Mr. Rickers' Committee, I believe that if some such bill does not pass, the various claimants will separately present themselves and will finally get the original amount of their claims. Last session some of them succeeded in obtaining favorable reports on their claims from committees. The bill reported by the Internal Improvement Committee would have put an end to all such claims, and would, in the end, as I believe, save the State some $20,000. The bill unfortunately was not acted on the last session, and the subject will again probably be brought to the notice of this Legislature. In supporting that bill, then, I believed I was right. But suppose I was not, does that justify the Hon. Senator in lavishing the public money in mere bounties? In giving to Mr. Horatio Davis $500, to which he is entitled by no rule of compensation for the services he has performed?

The Hon. Senator objects strenuously to paying the engineers and laborers employed by Mr. Ricker anything for their faithful and arduous labors; he objects to reimbursing the owners of the various vessels engaged by him in the service of the State the expenses they actually incurred, and yet is willing to bestow upon Mr. Horatio Davis $500 for some two or three hours' work, for which the law already allows him fourteen dollars per day. I am opposed to this bounty to Mr. Davis, and hope the Senate will sustain me in that opposition.

Mr. Wickliffe.—I have no disposition to trouble the Senate with a speech, after the manner of the Honorable gentleman from New Orleans, (Mr. King) who has just taken his seat. But I feel constrained to say a very few words in reply to one position which that gentleman has assumed. In the course of the remarks he has just made, he has told us that the Ricker expedition was authorized by the Senate. Now, sir, I join issue with him on that point. I contend—and an examination of the records will fully justify me in making the statement—that Mr. Ricker was not authorized to do what he did. She Senate never contemplated any such thing. The gentleman has complained that I imputed to him a reproach that he had introduced the bill at the last session appropriating $5000 to pay the expenses of that unauthorized expedition. I do reproach him with it. The gentleman has informed us that $25,000 would be a reasonable amount at which to estimate our liabilities on account of that expedition, if all the bills were paid in full. Is not that a startling proposition? Let me ask again, whether Ricker really had any authority to engage in that wild expedition? If he had not,—and I here repeat that he was invested with no such authority,—it is evident that we are not responsible for the liabilities incurred by him. Yet the gentleman introduced here a bill which is the entering-wedge of a system, under which Mr. Ricker and his employees will receive that whole amount of $25,000, if we should once begin. And let me tell the gentleman, that by getting those documents printed to which he seems to attach so much importance, he has established a precedent for the payment of these claims; he has used the labor of a number of persons, —and he could not, therefore, refuse to pay them for it.

Now, sir, I will take this opportunity of repeating my hope that the Senate will pass the resolution I have laid before it. I hope the Senate will cheerfully give this small amount, as an act of justice to a grey-headed old man, who has for so long officiated as our Secretary; who came here at his own expense, from another part of the State, and assisted to open the Senate. Hon. Senators should take these facts into consideration. He is certainly entitled to something for the services he has rendered, and I do not see why

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we should act towards him in a sordid and niggardly spirit.

Mr. Ryan.—I have listened with attention to the arguments which have been presented to the Senate by gentlemen who have spoken on either side of this question. It seems to me that the discussion has taken a course entirely irrelevant to the main point at issue. The question is not what has been spent in other matters; or whether this or that gentleman has been consistent or inconsistent in the course he has hitherto chosen to pursue in the Senate; the only question before us is, whether this appropriation is usual and proper. If it is in accordance with the usual custom of the Senate, I shall certainly vote for it.

Mr. Wickliffe's motion to lay the motion of Mr. King on the table, was lost.

The motion of Mr King to refer the resolution to the Committee on Contingent Expenses, was carried.

COMMITTEE CLERKS.

Mr. Kenner.—I am about to offer a resolution that no committee be allowed to appoint a clerk without the consent of the Senate. My object in presenting this resolution, is to save the State an expense of about $5000. I am perfectly aware of the fact, that the business of some of the committees compels them to have a clerk; but there are only a few on which so much labor devolves. It is a moderate estimate to place the compensation of each clerk of a committee at $200. If every committee had a clerk, this would amount to nearly $5000. But most of the committees do not need any clerk at all. I recollect perfectly well one committee which employed a clerk during the last session, and only one bill was referred to it during the whole time—and that bill did not require fifteen minutes' consideration! I think that this whole thing ought to be stopped, and it is time for us to begin the good work. I do not like to see every committee, whether it has work before it or not, appointing a clerk, merely because it is fashionable to do so. I wish to save the State the expense to which this system subjects it. But, as I have said before, there are some committees which need clerks. I have in my eye one gentleman, the chairman of the Judiciary Committee, who has arduous duties to perform—perhaps more arduous than those of any other gentleman on this floor. If he, at any time, should rise in his place in the Senate and ask permission to employ a clerk for some specific duty, I presume the Senate will readily grant his request. But I do not want to see the money of the State expended in the lavish manner which the general appointment of committee clerks would induce.

Mr. Lacey—As a member of the Judiciary Committee, I must inform the gentleman from Ascension (Mr. Kenner) who has introduced this resolution, that it will be impossible for the committee to get along in the manner proposed by him. The duties of the committee are not only arduous, but they are also incessant. If we can only employ a clerk for a specific duty, and then are compelled to ask permission of the Senate every time we have something for a clerk to do, we shall be utterly unable to get through with our work. I hope the gentleman will consent to modify his resolution, so as to eliminate this feature.

Mr. Wickliffe—If gentlemen will consider, they will recollect that a resolution of nearly precisely a similar character was passed at the last session, and in three days all the committees which had clerks at all were supplied with them. I was chairman of a committee last year, and did all the writing myself—I did not ask for a Clerk. The gentleman from New Orleans had a clerk.

Mr. Kenner—I have no objection to amending the resolution so as to make it acceptable to the gentleman from East Baton Rouge. I hope notice will be taken of the fact that the gentleman from West Feliciana (Mr. Wickliffe) had no clerk. The fact was creditable to him.

The resolution was amended and passed.

Mr. Trudeau—I beg leave to call up the resolution appointing a joint committee to inquire into the best means of preserving the health of the State—the resolution which I introduced yesterday. It is certainly my earnest desire that this resolution pass the Senate, and I hope we shall be enabled to avoid unnecessary discussion in regard to it. It relates to a subject in which we are not well versed; and it is in order that we may, by investigation, acquire such information as will enable us to legislate wisely, that I have introduced this resolution. A great calamity visited our State during the last summer. The pestilence swept over us like the Destroying Angel, and snatched too many of our friends and brothers from among us. To ward off such a calamity for the future should be our earnest care. We should use every means in our power to preserve the health of our citizens, and to prevent the attacks of another epidemic like the one which has so recently visited us. But, sir, as time fades away into the dim regions of the past, our memory of even the greatest calamities becomes obscured. The history of the human mind shows that the impressions of an event which to-day is deep and vivid, may to-morrow be almost imperceptible. As instance of this truth, I may mention the flood which five years ago devastated a portion of the city of New Orleans and the surrounding country. It ruined many a family, and caused the loss of an immense amount of property. Yet, now we repose in fancied security on the borders of the Great Father of Waters, as if his waves, which roll in silent grandeur to the ocean, might not again rise and overwhelm us. We live on as if the mighty Mississippi had no longer any claim on our fears. And now, the badge of our mourning has scarcely been thrown aside; the lines of sorrow have scarcely faded from our faces, and yet we have nearly forgotten that 12,000 of our citizens, in one city, were but recently swept into eternity. During that fearful epidemic, the city of New Orleans suffered much. Grievously, indeed, was she afflicted. But not alone the city suffered. The country was scourged as severely. Almost every portion of our wide-extended State felt the force of the deadly blow. It is due, therefore, to all sections, that measures should be taken to prevent the recurrence of such a calamity. But the city may be assured that I will not support any bill which does not consult her interests, equally with those of the country. I desire to do injustice to no section; I ask justice for all.

The resolution was taken up and passed.

The Senate adjourned till to-morrow at 11 o'clock.

THURSDAY, Jan. 19.

The report of the Attorney General was laid before the Senate.

The report was ordered to be printed and referred to the Judiciary Committee.

Mr. Kenner—Is it a long report?

The Secretary—Yes, sir.

Mr. Kenner—I should like to know what it is about.

Mr. King—The Attorney General is compelled by law to make a report.

Mr. Kenner—I know he is; but I am as far from knowing the contents of the report as I was before. I merely wish some gentleman to state what the report is about; but I am not myself willing to inflict the reading of it on the Senate in order to satisfy my curiosity.

BILL TO REGULATE SUCCESSION SALES.

Mr. McCay called up the bill to regulate succession sales in the parish of Orleans.

Mr. Trudeau—It seems to me that there is no necessity for a change in the law as it stands. The system established by the statute now in force is one which accords with the general spirit of our laws and institutions, and against which no complaint has reached us. Under that statute, the party having the disposal of succession property is empowered to select either the sheriff or any auctioneer he may please, to make the sale. The supposition is that he will make that selection which he considers most conducive to the interests of the succession. If he thinks it will be more advantageous to have the property sold by an auctioneer than by the sheriff, why deprive him of the right? Why compel him to select one person, in preference to another, to make the sale? Why interfere with him in the matter at all? I am perfectly willing to admit that if the sale be a sale on execution and seizure, it ought to be made by the sheriff. But there is no analogy in the case of succession sales. In such cases the administrator ought to have the privilege of selecting whom he pleases, and I can see no

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reason why he should not be permitted to choose a licensed auctioneer if he choose to do so. I am perfectly willing that the sheriff should have every seizure sale; but not that he should enjoy a monopoly of succession sales. To give him such a monopoly would be improper, and injurious to the interests of the public.

Mr. Lacey—On behalf of the Judiciary Committee, by which committee this bill was reported to the Senate, I wish to explain the reasons which, I believe, influenced the committee in its decision. At the time this bill was brought before us for action, the committee was full, with the exception of one member, a gentleman who has not been present during this session. The committee was unanimous in favor of the bill, with the exception of the absent member. It appeared to us that there were considerations of a legal character which strongly recommended the bill. When succession sales are not made by the sheriff, there is not so much security in the title. The *proces verbal* is not so full, and omissions may be, and I believe they are frequently made, of such a nature as greatly to interrupt the business of the Court. Another recommendation for the change proposed by bill is, that sheriffs' sales have more publicity than those of auctioneers. The sheriff is the proper officer to make judicial sales, of all kinds. He is the executive officer of the Court, and if it be known that these sales are all to be made by him, they will certainly obtain a higher degree of publicity than they could in any other manner. The committee, after consideration, came to this conclusion. They thought, for reasons —some of which I have mentioned, and for others to which I have not alluded—that the sheriff is the proper officer to take charge of judicial sales of all kinds. The committee has, therefore, recommended the change proposed by the bill. The Senate will, of course, take such action as it deems right.

Mr. Kenner—I shall certainly call for the yeas and nays on this bill. I have heard no reasons to satisfy me that the change proposed by it is desirable.

Mr. Palfrey—I would ask the gentleman who introduced this bill, whether it is intended to apply to succession sales?

Mr. McCay—Yes; to all sales under an order of Court.

Mr. Ryan—I coincide in opinion with the gentleman from Jefferson, (Mr. Trudeau,) who has opposed this bill. I am not satisfied of its expediency by the arguments of the Chairman of the Judiciary Committee, highly as I respect the acquirements and opinions of that gentleman. In the first place, the bill proposes nothing that cannot be obtained under the present law. If it be to the interests of the parties concerned that the sheriff makes the sale, they have the power to select him for that purpose.

If a sale by the sheriff gives publicity to the transaction, as we are told by the distinguished Senator from East Baton Rouge, (Mr. Lacey,) then that publicity can easily be secured now by the parties interested, because the law gives them the right to select the sheriff. There are cases where it is evidently to the advantage of the party having succession property to dispose of, to select an auctioneer to make the sale. If it were not so, auctioneers would not be chosen for the purpose. The cost in such cases is less than it would be, were the sheriff to have exclusive control of the matter, because the commissions paid to auctioneers are less than the fees paid to the Sheriff. This advantage is one which is not to be overlooked, because to compel an increase of the expenses attending judicial proceedings will be very much like the imposition of additional taxation. The system now in force has everything to recommend it to us. Parties have the right to select either the sheriff or an auctioneer to make the sale, and consequently to avail themselves of the advantages of either method. If they think a sale by an auctioneer more expedient, they can select an auctioneer; if, on the contrary, they think a sale by the sheriff would give greater publicity, as contended by the gentleman from East Baton Rouge, they can choose him. There is no restriction on their action. They have all the rights that are extended to them by this bill, with others of which the bill deprives them. Under these circumstances, great as is the respect which I have for the Judiciary Committee, I cannot consent to give my vote for the bill. It is recommended by no considerations of policy; but, on the contrary, would, in my opinion, be productive of evil results by establishing a monopoly, in place of what is now free and unrestricted.

Mr. Kenner—I cannot let the occasion pass without making use of it to express my views in regard to this bill. My opinion of it coincides with those expressed with so much force by the Senator from Jefferson, (Mr. Trudeau,) and the Senator from Rapides, (Mr. Ryan.) I think the effect of the bill, if passed, would be to establish an odious monopoly. The idea that when people have property to sell, the right of making the sale must all be vested in one man is so preposterous that I had scarcely imagined it could be expressed, much less receive the support of any one on this floor.

The gentleman from East Baton Rouge (Mr. Lacey) in the remarks he made in favor of this bill, spoke of the greater publicity which would be given to a sale of property by placing it in the hands of the sheriff; of the great crowds which would attend the sales by that officer, and the consequent advantages therefrom. Now, sir, this argument is a fallacy from beginning to end. The sheriff advertises in only one newspaper, and that one probably not the newspaper having the largest circulation. The auctioneers, on the contrary, publish their advertisements in several different papers, so that the knowledge of the sales they are to make necessarily reaches a much larger number of people. We all know, sir, that sheriff's sales are not, and cannot, be attended by that degree of publicity which characterise sales made by auctioneers. And again, sir, the effect of the bill would be to compel persons having charge of these sales to give them all to the sheriff. This is anything but Democratic. It is opposed to the spirit of the age, and of our own institutions. It encourages monopoly of the worst kind. I am in favor of giving the poor debtor a chance of selecting the person who is to sell his property. Our object should be, in part, to preserve the rights of the poor debtor, not to oppress him still more than he is oppressed by his own misfortunes. I ask whether there is one country member on this floor who would be willing to extend the principle embodied in this bill to the country parishes? Is there one country member here who would say that the sheriff is the only officer in his parish capable of making sales of property? I am sure there is not one who would proclaim such a doctrine. Why, then, attempt to establish it in the city? Why hand over the poor debtor to the tender mercies of the sheriff, who may perhaps be his enemy, or interested some way in oppressing him? Why seek to create an odious, an unindurable monopoly, in place of the present liberal system. For I contend, sir, that the principle involved in this bill would, if acceded to by the Legislature, establish a monopoly more odious and more oppressive than exists in any country in the world, merely in order to swell the already enormous income of one pampered official. I ask gentlemen from the city, who ought to be acquainted with the subject, what fees the sheriff now receives for every piece of property he sells, and then state the amount sold in the course of the year. We can then form some estimate of the amount of fees now received by the sheriff, and of the amount he would receive under this bill.

There are gentlemen here from the city conversant with commercial affairs, not lawyers; but gentlemen who represent the commercial interests of the city. I want to hear from them on this subject. I want them to give us the information on this subject which is doubtless in their possession. Then we may find that the sheriff would receive under this bill at least a hundred thousand dollars.

Mr. McCay.—This bill is no new thing. Previous to 1847, succession sales were made exclusively by the sheriff. At that time a change was made. This bill only contemplates a restoration of the system which isted before the passage of the act of 1847. That act, ex- in its second section, which I shall read to the Senate, fixes the amount of fees to be received by the sheriff. (Reads.) It makes no difference whether the fees be received by the sheriff or an auctioneer. The cost to the public would be precisely the same. There is another reason in favor of this bill which

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ought to have some weight. The auctioneers give a bond of only five thousand dollars, while the amount of succession property sold in the course of the year is immensely greater. They are, of course, liable to an action at law for any injury they may cause, but there is no certainty that they are responsible for so large a sum as they might be made liable for. At all events, the amount of their bond bears no proportion to the amount of the risk incurred. Another objection to the present system is that the auctioneers hold their sales in different places. Two, or three or more sales of succession property may be going on in various parst of the city on the same day. It is impossible for a person who may wish to purchase to be present at all of them. Consequently competition is, to that extent, prevented. It is our policy to simplify the operations of the law as much as possible. We should not let a thing be done by a dozen which can be performed by one. By concentrating the sales in the hands of the sheriff, we give greater security to the purchaser, and obtain higher prices for the property. Thus the interests of all parties would be subserved.

Mr. Ryan.—The gentleman from New Orleans advances as an argument in favor of this bill, that the auctioneers give a bond of a small amount in comparison with that given by the sheriff. Now, sir, in the country, where a large amount of property is sold annually, the sheriff gives a bond of only $5000. Consequently, by analogy, if the gentleman's argument is well founded, the sheriffs in the country are not competent to make sales. In the parish of Rapides, which I have the honor in part to represent, the sales amount to at least $120,000 a year, and yet, as I have said, the bond given is for only $5000.

I have no doubt the same thing is the case in other parishes, yet we are not told that the sheriffs are, on that account incompetent to make judicial sales.—Therefore the gentleman's argument leads to conclusions which I am sure he will himself admit are untenable. If the object of this bill were to increase the facilities with which sales are made, by adding more officers for that purpose, I would agree with the gentlemen who support it, but where it is evidently intended to create restrictions, I must vote against it.

Mr. Kenner. The question which I asked a few moments ago in relation to the fees of the sheriff, and the amount of property annually sold, has not yet been answered by any gentleman from New Orleans. While that question remains unanswered we are without the light which an explanation of that kind would throw on the subject. Now, sir, I wish it distinctly understood that I am opposed to any legislation for the especial benefit of any individual or class. I think that this bill is intended for the especial benefit of one official; I therefore want to know what is the amount of fees already received and how much they would be increased by the operation of this bill. We shall then see the enormity of the proposition to concentrate all these sales in the hands of one man, merely in order to swell to an unprecedented extent, his already large income. The people are the best judges of the proper persons to sell their property. They are certainly much better judges than we can by any possibility be. If in every case of the sale of property we were to say to the people, "you must go to one particular officer to sell your property for you," they would say we were fools, and they would say so with justice, too. We could scarcely be regarded in any other light than as fit subjects for a lunatic asylum. If we should pass a law declaring that people, having property to sell, should go the sheriff of Concordia and get him to do it, every body would see the absurdity of the proceeding. You do not say exactly this in the bill, but you tell me, if an inhabitant of the city, that when I am dead, and my property is to be divided among my children, they must go to the sheriff to have it sold. I call this, sir, a monopoly—a monopoly of the wort kind. Why, sir, it is as bad as that Russian despotism, which we regard as the synonyme fo oppression.

There is one point on which I beg leave to correct the gentleman from New Orleans, (Mr. McCay.) That gentleman remarked that the bill only contemplated restoring the position of things as they existed before 1847. In this the gentleman is in error. No such thing, as contemplated by this bill, existed before or since 1847. There was no such monopoly. Before that time the administrator had the right to make the sales. From what the gentleman said, it seemed as if the sheriff had the exclusive right of making them all.

Mr. Munday—After examining this bill, and listening to the arguments which have been urged by the different gentlemen who have spoken on the subject, I have come to the conclusion to support this bill. I will state a few of the reasons which influence me in this course. Under the Constitution of 1813, judicial sales were made by the parish judge. That officer concentrated in himself the various duties of judge, clerk, and even auctioneer. By the Constitution of 1845, the parish judgeships were abolished. Now, the sales are made by the sheriff, the administrator, or an auctioneer, as the administrator may determine. The administrator receives no fees, in case he makes the sale himself. The sheriff now, as always before, sells all property disposed of under a fi. fa. In these cases, the man whose property is sold has no right to select the officer who is to sell it. That power is vested exclusively in the sheriff. Yet we hear nothing said about that being a monopoly, although the man whose property is sold under a fi. fa. has as direct an interest in the sale, perhaps even a greater interest, than an administrator has in the sale of succession property. This cry of monopoly is based on false premises, and is therefore a false conclusion. Now, sir, it is correct policy to concentrate the operations of the law in as few hands as possible. It is simpler and more economical, than to diffuse the administration of the law among a great number of irresponsible parties. If we give to the sheriff the right of making these sales of succession property, we secure the advantage of thus simplifying legal operations. On the score of economy, it is evident that the public are not injuriously affected by the change. The only difference is, that the fees now paid to the auctioneers will then be paid to the sheriff. What difference can this make to the administrator? In either case the payments come out of the succession, and not out of the administrator. These are some of the reasons which will induce me to cast my vote for the bill. In order, however, still further to curtail the expenses of judicial proceedings in these cases, I think something could be done by the Legislature. I should recommend the appointment of a Special Committee, with instructions to prepare a proper fee bill for the whole State. I must reiterate my opinion that the sheriff is the officer most competent to make succession sales. He is, to some extent, possessed of legal knowledge, and is acquainted with the various forms of law. At all events, he has a legal adviser, whose counsel can be given in every case. Purchasers, buying from him, would run less risk than in buying from an auctioneer, and title would have a more secure basis—would be clearer, and not so liable to contain errors. I can see, therefore, no reason to agree with those gentlemen who oppose the bill. I think it presents so many advantages over the system now in operation, that we should not hesitate to adopt it.

Mr. King—I did not expect to take any part in this discussion, but the manifest errors which have appeared in the course of the debate, constrain me to say something to clear up the obscurity in which the subject seems now to be involved The gentleman from Ascension (Mr. Kenner) seems to be under the impression that the debtor has now the right to select the person who shall sell his property when it is seized under an execution.

Mr. Kenner—I did not say he could do so now. I said persons having succession property to dispose of can do so, and I wanted to give the poor debtor the same right.

Mr. King—Well, sir, the poor debtor, by whatever title you may designate him, is, in the sense in which the Senate alludes to him, a person against whom there is a judgment. Now, sir, I would ask the gentleman how we are to collect debts, if the debtor or the person whose property is to be sold under judgment and execution, should have the right of selecting the person who is to sell it. To give him the right would be an innovation on all legal principles, which, I imagine, the gentleman himself would not seriously contend for. But the bill makes no change in that re-

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pose. It does not affect—it does not contemplate affecting, that point at all. The only change from the present system, which it makes, is in the manner of conducting succession sales. It simply devolves that duty on the sheriff, and this change involves no increased expense. The fees to be paid are the same; the expense will be in all respects the same as at present. The public will not be affected by it in a pecuniary point of view. There is still another error which has been made during this debate. It has been said that, at one time, the administrator made the sales; as if he had taken the stand in person, and acted the part of an auctioneer. Now, sir, during my experience as a lawyer, and I have had some, there has never been that day in Louisiana when the administrator could mount the stand, and, in person, dispose of succession property. Previous to 1847, the business was conducted in a different manner. The administrator procured an order of Court, and the sheriff sold the property.

Mr. Palfrey—Previous to 1845, the sales of succession property were made by the Register of Wills.

Mr. King—I believe the gentleman is right I remember now that previous to that time the Register of Wills was the person who made these sales.

The gentleman from Ascension, (Mr. Kenner,) has painted to us a very sombre picture as the consequence of passing this bill. He has told us that it would be a piece of despotism worse than Russian in its nature—that it would be contrary to the spirit of the age, and of the institutions under which we live. It is, not long, sir, since this very system that the gentleman denounces as so bitterly oppressive, was in operation among us. It was not then stigmatised as despotic. I do not believe that our love for liberty, and our abhorrence of despotism are any more intense than that of our ancestors, who risked their lives to save these shores from the perils of invasion, or even than that of the people who lived but a very few years ago. If the system contemplated by the bill were such an odious and insupportable tyranny, I do not believe the gentleman from Ascension would be the first to make the discovery. We all know, sir, the history of the Legislature by which the change was made from the old system to the new. It was done at a time when the office of sheriff was held by a person not pleasing to the dominant party in the Legislature. The majority were opposed to him in politics, and they thought they could do their party a service by plucking a feather from the sheriff's wing. He was no favorite of theirs, and they therefore wished to cut down his fees. It was not a very admirable motive. It was not such a motive as should have influenced the legislation of the State of Louisiana. But our motives in restoring the old method of selling succession property are very different. Our object is to protect the minor and the widow in their just rights. We wish to secure to them their property, and to prevent the possibility of their being defrauded by dishonest Administrators. We wish to have succession property fairly sold, so that both the purchaser and the minor will be more secure.

It is not of the slightest possible interest to the public whether Mr. A., B. or C. makes these sales, as a mere question of expense. The only question involved is, whether the sheriff is the proper officer to make them, and whether anybody would be benefited by making it a part of his duty to sell succession property. This is a question which can be easily settled. Everybody knows that at sheriff's sales bids are eagerly made. They are attended by numbers of persons who are convinced that there will be no jockeying, no tacit understanding between the sheriff and other parties. They know that the sales must necessarily be conducted fairly, and they have confidence in the titles to property thus acquired. At sheriff's sales higher prices are obtained than at any other kind of forced sales. Now, sir, I repeat that it is not only good policy, but it is our imperative duty to protect minors and widows against the possibility of being defrauded. If we do not protect them who will? The present system is liable to the grossest abuses, and is an incentive to the greatest frauds. Under it the rights of minors and married women are open to attack from any corrupt administrator into whose power they may be thrown. We all know that many of these successions get into the hands of designing persons. In the city of New Orleans there is a class of persons who, I am sorry to say, make a business of watching for successions in order to procure the curatorship. When a man dies and his succession is left vacant, these harpies watch even his funeral with greedy eyes, calculating the profits they may derive from administrating on his property. They wait eagerly for a moment when they can fasten their talons on the dead man's estate. They rush to the court, they get appointed administrators. And with what object? What motive actuates them to such indecent haste? It is the *auri sacra fames*—the love of gain. And the opportunities offered for this, under the present system, are such as to tempt cupidity. The administrator has the full control of the estate. At its most important crisis—the sale—he disposes of it entirely without the supervision of the court. The law abandons the minors and their interest to his mercy. He has the whole city before him from which to select an auctioneer. There are many auctioneers in New Orleans. Most of them are undoubtedly honorable men. I cannot say positively that any are dishonest; but I would not swear by all of them. And if the administrator wishes to act dishonestly—if he has made up his mind to defraud those whom he should protect—the honest auctioneer would be the last one he would select; he would choose some creature of his own—some knave obedient to his will, whom a share of the spoils could tempt to join the conspiracy. This may be done, and I believe has been done. In addition to those dangers, to which a succession is now subjected, the property, when sold by an auctioneer, does not bring so high a price as it would if sold by the sheriff, even if the auctioneer sell it fairly. The stands of the auctioneers are scattered through various parts of the city; sometimes five or six of them are making sales at one time; no one man can attend them all. At sheriff's sales, on the contrary, there are always large crowds of eager and expectant bidders. Now, sir, it is important to the public interests that these sales should take place in the broad light of day, in some place known to every body, so that the estate, when sold, will bring its full value. At present, some man of straw may make the sale, pocket the proceeds, and be off; he has given no security of any considerable amount, and therefore there is no redress. When a rich man dies, half a dozen auctioneers are immediately found knocking at the doors, in order to obtain the sale of the estate. In such cases the estate is sometimes divided out among five or six different auctioneers, who may all make their sales on the same day. Is that a fair method? Is that the way to obtain the highest price for the property? Every one can see that it is not.

There is another part of this subject to which I shall advert, and that is the subject of fees. There is much misapprehension as to the amount of fees received by the Sheriff. It is true there is much succession property left every year, but it belongs mostly to the estates of rich men. This is rarely sold. There is generally money enough left to pay the debts of the succession, and the remainder of the property goes to the heirs. It may happen sometimes that a rich man may die, leaving a large amount of property to be sold. But the chance of such an event is very small. But even admitting that the Sheriff should receive a large amount, in the way of fees, what difference would it be to the public whether he or an auctioneer be the recipient? And what would be the importance of the fees, in comparison to the rights of minors and married women.

I did not expect the opposition which this bill has encountered. It is intended entirely for the benefit of the city. It affects the city alone. But it appears that we have civil guardians where we did not expect them. I should feel much more indebted to them if they would be as kind to the widows and orphans of our city as they are to the auctioneers.

Mr. Ryan.—I have no desire to follow the various ramifications of the elaborate argument of the Senator from New Orleans, (Mr. King.) I am a new member of this House, and consequently cannot be expected to be acquainted with facts which the gentleman has said were familiar to the old members. I

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am not familiar with the secret motives which may have governed the Senate in framing the present law, nor do I think I should be in any degree influenced by them. In coming to a conclusion on the subject, I shall be governed by the law as it stands. I have heard the bill read, and have listened attentively to the arguments, pro and con. I must say that I think it liable to the objections which have been urged against it. I should not reply to the gentleman at all, if he had not, in the course of his remarks, insinuated that we wished to throw the property of minors and widows into the hands of speculators The gentleman, sir, is not felicitous in his argument. He has stated suppositious cases, which have no counterpart in law or fact. He has spoken to us of harpies who hang around the Courts and watch for opportunities of getting themselves appointed administrators, in order that they may fatten upon the spoils of the succession. The gentleman, sir, is a lawyer. Does he not know that when an application is made for a curatorship or administratorship, the Court is the judge of the propriety of granting the request of the applicant, and in all cases fixes the amount of the bond required. And even if the property be sold by the Sheriff, would not the administrator have the right to go to that officer and demand the proceeds of the sale? and after obtaining them, could he not leave the city and go to California, or anywhere else, just as well as the auctioneer? If he were disposed to be dishonest, he could do it just as well in one case as the other.—The conclusion of the gentleman is not warranted by his premises. There is no logical analogy between the facts and his illustrations. There may be good grounds for passing this bill, but they have not been stated by the gentlemen who favor it. Their arguments are by no means forcible enough to induce me to vote for it. They have shown no reason for the proposed change. If they have any reasons more pressing than those they have already stated, I should like to hear them.

I am willing to give all due credit to the opinions of the Judiciary Committee. Their views would, under ordinary circumstances, have great weight with me. I once had the honor to occupy the position of chairman of that committee in the other House, and I know the responsibilities it entails, and the careful investigation it requires. But I must repeat that the committee has shown no good reasons for the change it proposes to make in the law relating to succession sales. I profess to act on principle, and though I have great respect for the opinion of the Judiciary Committee, I cannot consent to yield my honest convictions. My duty to the public, as a Senator of Louisiana, requires me to vote against this bill, and I shall do it without fear.

Mr Lacey—I cannot help expressing my surprise that a bill which, like this, is entirely local in its nature, and which receives the support of the city delegation, should encounter so much opposition. We, who do not represent the city, and whose interests are in no manner affected by the bill have, it seems to me, nothing to do with the question. We should put the responsibilities of those measures which affect the citizens of New Orleans alone to the gentlemen who are so well able to represent them.

When the gentleman from Rapides asks something which is purely local in its nature, which has no bearing beyond the limits of his own district, I shall take great pleasure for voting with him. I shall take his word for the fact that it is desired by his constituents, because I do not believe any gentleman on this floor would ask the Senate to pass a bill which he did not know to be desired by the people of his district, and I for one, am willing to extend the same courtesy to the Senators from New Orleans. Now, sir, in what does the opposition to this bill consist? I am sorry to say that it has been made a mere question of fees. The whole controversy seems to be whether we shall give these sales to the sheriff or an auctioneer. For my part, I am as willing to give them to the sheriff as to an auctioneer, and even though he may happen to be a member of the party to which I belong, I do not see any reason why, on that account, I should refuse to him what I think, on principle, ought to be given to him. The opposition to this bill has no weight. Gentlemen have stated their objections with much force, but they have certainly failed to convince me. On the contrary, what are the advantages which it presents?

I have alluded to them before; but I shall repeat them now. In the first place, if the sale be made by the sheriff, greater publicity is insured, which is surely a great desideratum. This is secured by various attendant circumstances. The place where the sheriff makes his sales is fixed, and is known generally to the community. The time also is fixed. These facts give greater publicity to the sale than if it be made by an auctioneer. He advertises in some trifling paper, which, perhaps, is never read by the commercial portion of the community. The sheriff selects one paper of large circulation, in which he advertises. In addition to all this, the titles given by the sheriff are more secure. The auctioneer is not so careful, and does not devote so much attention to the proces-verbal. If any property in New Orleans presents a perfect chain of title, it is that which has passed through the hands of the sheriff. I do not say that the auctioneers are dishonest—I do not say that I know any of them who would engage in frauds.

But the system which now prevails will open the door for fraud; it will, at least, be an incentive to fraud which the law ought to avoid instead of encouraging. Suppose, for instance, that I have control of a certain succession, which has to be sold; if I am dishonest, and feel inclined to commit fraud, I have the best possible opportunity presented by the liberty which the law gives me, of selecting an auctioneer. Of course, under such circumstances, an honest auctioneer would be the last I would choose. I would select some one whom I could influence, to join me in the intended fraud, and his profession would afford him the means of carrying out the object. Thus, as I have said, a door is opened for fraud. To prevent this, is one of the objects of the bill. I hope the Senate will endorse the action of the Committee, by passing the bill. I feel some interest in having the action of the Committee, of which I have the honor to be the Chairman, endorsed by the Senate.

Mr. Kenner.—One position has been assumed by the gentleman from East Baton Rouge, which I consider so untenable that I cannot help saying a few words in reply. If the doctrine be once admitted here, that because a question is purely local in its nature we are only to sit here to ratify the decision to which the Senator representing the district in question may come, we might as well go home and let each district legislate for itself. There would no longer be any use for a Senate of Louisiana. If four Gentlemen from New Orleans can meet in a room and decide on all matters which relate to that city, and then gentlemen of distinction, like the Chairman of the Judiciary Committee (Mr. Lacey) and the Chairman of the Committee on Internal Improvements, (Mr. King) rise in their places and tell little outsiders like us, to go home and mind our own business, I think we might just as well follow their advice. Now, sir, if no better reasons than this can be advanced in favor of this bill, is it not evident that there must be something evil about it—some hidden motive which gentlemen do not like to avow? The gentleman (Mr. King) has said that, as we have undertaken to be the guardians of Senators, he would prefer that we should extend our guardianship to the city of New Orleans. I would not undertake to act as the guardian of any person so erratic as some of the gentlemen from New Orleans on this floor.

Mr. King —I beg leave to correct the gentleman. I said that since he seemed to have to taken the city of New Orleans under his protection, he would extend that kindness to our widows and orphans.

Mr Kenner—But, sir, this is not so entirely a local question as gentlemen seem to consider it. Nothing connected with the great city of New Orleans can be entirely local. I hope gentlemen will not try to hush us down, and prevent our expressing an opinion on an important subject of this kind, by telling us that it is exclusively local, and that we have nothing to do with it. And again, sir, I do not know that the entire delegation from New Orleans is in favor of this measure. Only two have advocated it, and they are both lawyers. When the commercial interests come to us and tell us that this measure is necessary, I might then hesitate; but when only lawyers advocate it, I cannot believe that it is required by

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others than those who live in the purlieus of the courts.

Mr. King—I do not live in the purlieus, but in the courts.

Mr. Kenner—Well, I dare say the gentleman lives in the courts themselves. I know that he sat at the feet of Gamaliel for a long time. I know that, for a number of years he reported the decisions of the Supreme Court, and therefore I am the more surprised that, but a few months ago, he made an eggregious mistake in quoting a law. Gentlemen have spoken as if we made this a mere question of fees. I would ask whether the very object of this bill is not to place fees in the pockets of a certain official. The gentleman (Mr. King) gave, what he called, a history of the manner in which the present law was passed. He says it was done by a Whig majority in order to reduce the perquisites of a Democratic sheriff. Now, as the gentleman seems to be so well informed in everything that relates to this subject, let him tell us who was Sheriff at the time.

Mr. King—General Lewis was sheriff at that time.

Mr. Kenner—Well, in that year the House contained a Whig majority, and the Senate a Democratic majority. Why did the gentleman not tell us that? As he seems to know so much about the subject, he must have known that. He did not mention that fact because he wished to make an appeal to the Democratic party on this floor. He wished to carry his point by exciting partisan feelings. But I hope that such a motive will be spurned by the intelligent gentlemen who compose the majority of this Senate. I do not oppose this bill from any personal feelings. On the contrary, my personal predilections would induce me, if anything, to favor its passage. I have the highest regard for the present sheriff of the parish of Orleans, the gentleman for whose benefit this bill is intended. We were boys together, and have known each other from youth. But I am not willing to create the monopoly which would result from this bill, even to increase his emoluments. I voted for the present law, not with the motive the gentleman has attributed to me, but to liberalize the system, by giving the heirs or the administrator the right of selecting the person he might wish to sell his property. I said the effect of the bill before the Senate would be to create a monopoly, and that to pass it would be an act of despotism. I repeat it, sir—it would be an act of tyranny unworthy of this enlightened age. The gentleman (Mr. King) said that no administrator in this State ever had the right of selling property himself. I refer the gentleman to the law of 1847, which, I think, will disprove his assertion.

But to return to this bill. Is there any petition in its favor, from the commercial interests of New Orleans. Has the slightest whisper of a desire for this change reached us? No, sir; there is not the slightest indication that it is needed, or desired. The gentleman from East Baton Rouge, (Mr. Lacey) said that the Sheriff had fixed times and places for his sales.—Does he not know that there is no fixed time for succession sales? Therefore, no greater publicity attends a Sheriff's sale than an Auctioneer's

But to return to that portion of the subject which elicited these remarks. If the idea prevails that this bill is entirely local, and therefore we have nothing to do about it, of course our opposition will be of no avail. But if reason prevail—if the subject be attentively examined, and gentlemen act on their mature convictions of right and wrong, the bill will be rejected. I asked gentlemen who urged the passage of this bill, to state the amount of property sold in the course of the year, in New Orleans, and the fees received by the Sheriff. I have received no reply to the question. I call attention to the fact, that I have received no reply to these important inquiries. It is ridiculous to tell us what New York was in 1812—thirty years since—when it was but a village in comparison with what it is now. The idea that all the succession busines of New Orleans can be transacted by one man, is absurd.

In conclusion, I move that the bill be referred to a special committee, in order to ascertain the facts I have alluded to—the amount of property sold, and fees received—and report the result of their investigation to the Senate.

The bill was referred to a special committee.

Monday Jan. 23d 1854

The report of the State Librarian was read, and 800 copies ordered to be printed.

The report of the State Engineer was read. (For reports, see appendix)

Mr. Evans asked for a suspension of the rules to enable him to call up a bill for the emancipation of a minor named Gilmer. This young man, said Mr. Evans, is a brother of Col. James Gilmer, of Bossier parish. He is heir to a considerable estate, and his mother wishes to have him emancipated in order that he may take charge of the property.

Mr. Moore.—I object to a suspension of the rules with any such object. I prefer to have the bill referred and reported on by the appropriate committee. I see no good reason for passing bills of this kind. The law already furnishes an easy method of accomplishing the object sought for, and I can see no necessity for the Legislature to meddle in the matter at all. When the law points out an easy path to be pursued in such cases. I do not see why we should be troubled with applications of this kind. The object can be attained by the intervention of a family meeting composed of the friends and neighbors of the applicant. These should know the merits of the case. If they do not see fit to grant the request, there must be some good reason why it should be refused. At all events, I am opposed to passing the bill in such haste. I move that it be referred to the Judiciary Committee.

The bill was referred.

Tuesday, January 24th 1854.

APPORTIONMENT.

The report of the Committee on Apportionment was laid before the Senate.

Mr. Moore--The minority of the Committee on Apportionment have prepared a report. I shall ask the permission of the Senate that the minority be allowed to make their report before the bill is acted on. With the permission of the Senate, I shall read the report now.

(Mr. Moore read the report of the minority.) I move that these documents be printed, in order that the public may be enabled to judge of the merits of the question.

Mr. Boatner.—Does the gentleman mean that the documents must be printed immediately, and no action on the subject till they are printed? If so, I consider it a useless waste of time. We may proceed to action on the matter now, and print the documents afterwards.

Mr. King.—Does the report include the census?

Mr. Boatner.—The majority report does.

Mr. Moore.—The minority report includes the electoral census. By having this printed, the people will be enabled to see that they are deprived of a large representation by the report of the majority.

The documents were ordered to be printed.

Mr. Boatner—I move a dispensation of the rule, in order to take up the bill.

The motion was carried, and the bill taken up, and passed to a second reading.

LEVEES IN CONCORDIA AND TENSAS.

Mr. Rivers—I hold in my hand, sir, a resolution for which I claim the favorable consideration of the Senate. It relates to that section which I have the honor to represent, the parishes of Concordia and Tensas. It is known to all who are acquainted with the topography of that section of the State, that it is very peculiarly situated. It is bounded entirely by water. The rushing waters of the Mississippi roll past it on the east; while bayous Black and Tensas form its western boundary. It is thus rendered peculiarly liable to inundation. In fact, these two parishes are, I believe, more exposed than any other portion of the State. It might, with truth, be said of it—

"Sic erat instabilis terra, innobilis unda."

The inhabitants are annually kept in fear of inundation. They do not know at what hour the swelling waters may rise and sweep off their crops and their dwellings, and devastate their lands. The dangers to which they are subjected, is increased by the large bayous which traverse the country, and are liable to overflow their banks whenever the parent streams, whose exhaustless reservoirs supply them, are swollen beyond their ordinary limits. Under these circum-

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stances the inhabitants have not been idle. They have not contented themselves with imploring the aid of the State, as long as they possessed any power or means to avert the evil. They have, therefore, imposed upon themselves an annual tax of from 5 to 10 per cent, which goes towards the formation of a general levee fund. Sometimes special taxes are imposed in double this proportion. The amount thus paid, every year, by one of these parishes alone, is not less than $10,000. There are now levees around this exposed section, with the exception of a few places on two bayous, which subjects to inundation a space eight miles wide, by forty miles long. The resolution simply provides that the engineer of that district shall examine the locality, and report the result of his investigations. It is but justice to that heavily burthened portion of the State that this should be done. The people there have suffered long, and much, without a murmur of complaint. They have done all that they could do to protect themselves from the devastating flood. The State has, up to this time, done nothing to assist them. I hope, therefore, the Senate will view this resolution with a favorable eye, and suffer it to pass under a dispensation of the rules. The expense will, of course, come out of that portion of the fund belonging to that district, if the Engineers and Commissioners take action in the matter.

Mr. King—I move to refer the resolution to the Committee on Internal Improvements.

Mr. Rivers—I hope the resolution will not be so referred. There is no necessity for a report on the subject. To refer it to the Committee on Internal Improvements would only be unnecessarily delaying its passage. I hope the gentleman will withdraw his motion. Senators can vote understandingly on this subject now, just as well as at any future time.

Mr. King—This is a matter of more importance than the gentleman seems to think. I should be disposed, as far as I am concerned, to grant him any courtesy he might ask; but in this case my duty interferes with my desire to favor the gentleman. I remember, and I have no doubt other gentlemen now present remember the same thing, that last year the Senator from Ascension, (Mr. Kenner) in some remarks made by him on a kindred subject, demonstrated the evil effects of pursuing a system of which this resolution is one of the concomitants. He showed how injurious it was to the very interests we were endeavoring to cherish, for Legislators to abandon their legitimate functions, and usurp those of professional Engineers. We are here, sir, as Senators, not as Engineers. We have provided for a general system, which, we think, ought to carry out our designs. We have competent men to carry into effect and develope the objects of that system. They are supposed to know what is right and proper to be done, better than we can by any possibility know it. I am, therefore, opposed to converting ourselves into a Board of Engineers, and keeping our regular Engineers dancing from one end of the State to the other, on missions which may or may not be of importance and utility. This is the first appropriation of this kind that has been asked at this session. If it pass, there will be probably, forty more of the same kind brought forward, and if we grant one we cannot refuse the others. For my part, I do not wish to fetter the Commissioners in their operations. They will have enough to do without our imposing additional labor on them. They are supposed to be competent men; if they are not, they ought not to hold the position they occupy. We should not take on ourselves to do what they are appointed to do. The vicious effects of such action have already been manifested and appreciated, and I hoped we had abandoned it. Legislation of this kind cannot prove otherwise than injurious. We ought not to fetter the Commissioners. We ought to give them full scope for carrying out the system we have established.

Mr. Rivers—I am under the impression that the gentleman has misunderstood the object of this resolution. I think, on investigation, he will find it to be different from that which he imagines it to be The object of the resolution is not to fetter the Engineer or the Commissioner of that District. It simply provides that the Engineer shall make an examination of a part of the State which, I am sorry to say, is very little known. The Parish of Concordia does not ask the State to do this work, though she might ask it with a great deal of propriety. The resolution simply directs the Engineer to proceed to the spot, and report on the practicability, and the expense of, reclaiming from the danger of inundation, a district which is, as I have said eight miles broad and 40 miles long. It is desirable he should report on the extent to which the district is inundated, and on the amount of money which would be required to protect it—He should also inquire and report how much money has been paid into the State Treasury on the faith of these lands being reclaimed by individual enterprise. He will find that the amount is certainly not less than $15,000. If this work be done, the additional amount which will be secured to the treasury will be at least $10,000. Now, all that the resolution asks, and it is certainly not an exorbitant request, is that the Engineer report on these facts, and then if he think the State ought to do the work, let it be done by the State. When the gentleman from New Orleans made the motion to refer, I am sure he could not have correctly understood the object of the resolution. It does not ask an appropriation of money. It does not ask that anything be drawn from the Internal Improvement Fund. If the work ought not, or cannot be done by the State, then it will be done by individual enterprize, although it is scarcely fair that our section of the State should be the only one on which such a burthen is thrown. Nevertheless, in spite of the objections raised by the gentleman. I am convinced the enterprise is of so much importance, the State owning a large quantity of land in the vicinity, which is directly affected by the measure, that the State itself will, on examination, take the matter in hand: I hope the gentleman will withdraw his opposition, and not insist on a reference.

Mr. De Russy—I would ask the gentleman whether this subject has been brought to the notice of the Commissioners of the District.

Mr. Rivers—I believe it has not.

Mr. King—I feel constrained to adhere to my motion. The gentleman, I have no doubt, is perfectly sincere in all that he has said on this subject. When he says he does not intend to fetter the Commissioner, or the Engineer, I believe he does not see that such would be the effect of his resolution. He tells us that the Engineer may do the work or not; but if the Engineers may disregard the resolution, what use can there be in passing it. I take it for granted that, if the work is necessary and proper, the Engineer will perform it, if he is a competent officer; and if it is not needed it ought not to be done. We are told that the section of country referred to by the resolution is very little known to the rest of the State, and the object is to call the attention of the Commissioner and Engineer to its situation. Now, sir, it is the duty of those officers to know all the facts of the case. The gentleman says that they do not, but I have no doubt that they will make an examination for themselves, and act as they may find expedient. It is their duty to do what the gentleman asks, if it is right and proper, and no one can deny that they are, or ought to be the best judges of the propriety and necessity. If we adopt the plan recommended by the gentleman, we assume the duties of Engineers. I, sir, for one, am not an Engineer; I am not paid as an Engineer; I have no pretension whatever to be an Engineer. At the last session the gentleman from Ascension (Mr. Kenner) convinced us of the impolicy of adhering to that old system of legislation from which so many evils have sprung. He showed the bad effects which had resulted from the habit of legislators usurping the functions which properly appertain to Engineers, and attempting to regulate and decide what we do not understand. These are duties which can be performed by the officers appointed especially for the purpose. When we interfere in the matter we are liable to do much more harm than good. It is possible that, after an attentive examination, I may agree with the gentleman as to the propriety of this resolution. But I cannot consent to vote for it without investigation. It appears to me objectionable on its face as violative of the system we have established. When we have a system let us adhere to it. If not, we had better abandon it altogether.

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But let us at least give every part of the State a clear field; let us make no invidious distinctions. There is no section of the State I would rather improve than that to which this resolution refers, but I cannot think that necessity demands our interference. We cannot understand the case. We have to take it altogether on *ex parte* statements, which, although no doubt made in perfect good faith, must be biassed by sectional or local feelings and interests.

It is the duty of the Commissioner and Engineer of the District to do the very thing contemplated by the resolution, if it is necessary. To them it should be left. I repeat again, sir—and I hope Senators will reflect well on it, because my words are only the echo of experience—that if we once enter on this system of special legislation, we shall only impede the march of improvement, and may produce the most disastrous results.

Mr. Rivers.—I would like to ask the gentleman whether the Commissioners are not divided in their opinions as to their powers under the present law—whether they are agreed that they have the right to construct levees where there are riparian proprietors? If such a doubt has arisen in the minds of the Commissioners, it would be necessary to take some action.

Mr. King.—I have not read the reports, or held any conversation with the Commissioners on the subject. I am, consequently, unable to answer, definitely, the question propounded by the gentleman. I must say, however, that I have heard rumors to such an effect. I believe I have heard a report that the Commissioners had taken up an absurd idea that the law does not mean what it says. But I paid no attention to these reports. I hear a thousand idle rumors, which do not merit a thought—and this one is so improbable, that I did not bestow a single thought on it. As I said before, I have not read the reports, and I shall not read them till they are printed. Until then, I cannot give an opinion on the subject to which the gentleman has directed my attention.

Mr. Rivers.—In order to show the gentleman that there is a conflict of opinion among the Commissioners, I shall read a letter which I have received from one of them. [Reads letter.] I have caused this letter to be read, in order to show the gentleman that what I have stated was no idle rumor. It will thus be seen that the State ought to take this case in charge, as the Commissioner hesitates to do it, and it is of pressing importance.

The resolution was referred.

WEDNESDAY, Jan. 25, 1854.

THE JACKSON RAILROAD COMPANY.

Mr. McMurdo—I move to take up the resolution from the other House, appointing a Joint Committee to inquire into the condition and affairs of the Jackson Railroad Company. The resolution is of some importance, and I hope will be taken up and passed without delay. I would ask the indulgence of the Senate while I say a few words in explanation of its object. It is a fact of such general notoriety, as to have escaped the attention of but few persons, that during the last summer, there was some discusion in the public press, as to the manner in which the affairs of the Jackson Railroad Company were conducted. At the same time, serious charges were preferred against the President and Directors of the Company. As the State has a large interest in the Company, she owes it to herself to make some inquiries touching the matter, and it is also due to those gentlemen who had been arraigned before the public, that an investigation should be instituted. It would, no doubt, be more satisfactory to them, and it is the duty of the State, no less towards them than towards herself, to make this examination. I hope, therefore, that the resolution will pass the Senate without delay.

Mr. Martel—I move to take up the bill to repeal an act to organize the Police Jury of the parish of St. Landry.

Mr. Kenner—I would ask the Senator whether the bill meets the approbation of his colleague. If it does not, as that gentleman is not present, I think the bill ought to be laid over.

Mr. Martel made a remark, after which the bill was taken up and passed.

APPORTIONMENT BILL.

The Apportionment bill was then taken up.

Mr. Moore—I move to substitute the following report and bill of the minority of the Joint Committee, for that of the majority:

Minority Report.

The undersigned, members of the Joint Committee appointed to divide the State into Senatorial Districts, and apportion representation among the parishes and election districts, ask leave to present the following minority report:

The undersigned are fully apprised of the importance of the duties assigned them, and deeply regret that there was not unanimity of opinion on this important subject in your committee.

The undersigned, disclaiming all intentions of a factious opposition on their part, submit the following as some of the reasons that compel them to dissent from the report of the majority.

The undersigned believe that the doctrine of Equal Representation is too well settled to admit of a cavil in this place. And the undersigned are equally certain that when circumstances prevent or positive law forbids that exact equality which constitutes the beauty and strength of the Representative system, it is nevertheless an imperative duty to approximate as nearly as possible to that equality.

Have the majority done this?

Most assuredly they have not

There are nineteen Parishes in this state, (nearly one half) with an aggregate population of 88,551, and they are represented at the ratio of 4660—only a little over half of the ratio adopted by the majority. The undersigned having these facts before them, and the constitution declaring and commanding that Representation shall be equal and uniform, feel impelled, from a high sense of duty, to recommend the lowest ratio possible under the constitution, which is 6503; and in so doing, feel that they are simply fulfilling a constitutional obligation. The undersigned would further suggest, as a consideration worthy the attention of this House, that we are now making this apportionment on a basis that is entirely novel to the people of this State, and one, too, that is already, in anticipation, odious to a large portion, if not a majority of them, as depriving them of their proper right and influence in this House; for which reason, policy as well as duty should dictate to us to adopt that ratio that would be least likely to deprive any parish or district of its present Representation.

The undersigned have also to state that they dissent from the report of the majority in the division of the State into Senatorial Districts.

The undersigned are clearly of opinion that the formation of large districts, (out of the city of New Orleans) with two Senators, is in contravention to the spirit and true intent of the 16th article of the Constitution, and is only permitted by the Constitution when absolutely requisite in carrying into effect the other great features—equal and uniform representation.

The undersigned are fully convinced that the district composed of the Parishes of Caddo, DeSoto, Sabine and Natchitoches, is in express violation of the latter clause of article 16 of the Constitution, which says—"If a Parish or District fall short of, or exceed the ratio one-fifth, then a district may be formed having not more than two Senators, but not otherwise." Caddo and De Soto are two contiguous parishes, having an aggregate population (19,130) large enough for one district, and do not exceed the ratio, (16,011) one-fifth; therefore, there cannot be any plausible reason for that district being joined to another.

Sabine and Natchitoches are two contiguous Parishes, having an aggregate population (18,485) large enough for a district, and do not exceed the ratio one-fifth—demonstrating clearly that the contingency under which, alone, such districts may be formed, not having occurred, such district can only be formed by doing violence to that clause of the Constitution.

The undersigned herewith submit a project showing the number of Senatorial Districts and their population, together with the population of each Parish,

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and the number of representatives every Parish has, under each ratio, 6503 and 7000.

All of which is respectfully submitted.

A. BONNER,
H. J. HEARD,
JOHN MOORE,
PHILIP B. KEY.

AN ACT

To divide the State into Senatorial Districts and apportion Representation among the several Parishes and elective Districts.

SECTION 1. Be it enacted by the Senate and House of Representatives in General Assembly convened, That hereafter, until the next apportionment, the city of New Orleans and several parishes in the State, shall be entitled to elect Senators as follows, namely:

The city of New Orleans five.

The parishes of Plaquemines, St. Bernard and Orleans, on the right bank of the Mississippi river, one.

The parish of Jefferson one.

The parishes of St. Charles and Lafourche one.

The parishes of St. John the Baptist and St. James one.

The parishes of Ascension, Assumption and Terrebonne two.

The parish of Iberville one.

The parishes of West Baton Rouge and Point Coupee one

The parish of West Feliciana one.

The parish of East Feliciana one.

The parish of East Baton Rouge one.

The parishes of Livingston, St. Helena, St. Tammany and Washington one.

The parishes of Concordia and Tensas one.

The parishes of Madison and Carroll one.

The parishes of Catahoula, Caldwell and Franklin one.

The parishes of Ouachita, Morehouse, Union and Jackson together, two.

The parishes of Claiborne, Bossier, Bienville and Winn, two.

The parishes of Caddo and DeSoto one.

The parishes of Sabine and Natchitoches one.

The parishes of Calcasieu, Rapides and Avoyelles two.

The parishes of St. Landry and Lafayette two.

The parishes of Vermillion and St. Martin one.

The parish of St. Mary one.

SEC. 2. Be it further enacted, &c., That hereafter until the next apportionment, the several elective districts in the city of New Orleans, and parishes of this State shall be entitled to elect members to the House of Representatives as follows, viz:

The parishes of Plaquemines, St Bernard and Orleans on the right bank of the Mississippi river, each, one.

The first, fourth, fifth, sixth, seventh, and eighth districts of the city of New Orleans, each, two.

The second and tenth districts, each, three.

The third district four.

The ninth district one.

The parishes of St. Charles, St. John the Baptist, West Baton Rouge, Livingston, St. Helena, St. Tammany, Washington, Madison, Catahoula, Caldwell, Franklin, Ouachita, Morehouse, Jackson, Union, Bienville, Bossier, Winn, DeSoto, Sabine, Calcasieu, Lafayette and Vermillion, each, one.

The parishes of Jefferson, St. James, Ascension, Assumption, Lafourche, Terrebonne, Iberville, Point Coupee, East Baton Rouge, East Feliciana, West Feliciana, Concordia, Tensas, Carroll, Claiborne, Caddo, Natchitoches, Avoyelles, St. Martin, and St. Mary, each, two.

The parishes of Rapides and St. Landry, each three.

APPORTIONMENT.

Apportionment of Senators and Representatives made under the census of 1853, in compliance with the 8th, 15th, and 16th articles of the Constitution The ratio for a Senator out of the city of New Orleans being 16011; ratio for Representative being 6503.

parishes and dists.	population.	population in the Senatorial dists.	number of Senators.	No. of Reps ratio of 6503	No. of Reps ratio of 7000
1 Plaquemines	6348			1	1
1 St. Bernard	4011			1	1
1 Orleans rt bank	3404	13763	1	1	1
N. Orleans 1st dist	13457			2	2
2d do	18679			3	3
3d do	23243			4	3
4th do	15053			2	2
2d 5th do	14415	15307	5	2	2
6th do	15905			2	2
7th do	16451			2	2
8th do	11769			2	2
9th do	9449			1	1
10th do	18586			3	3
3d. Jefferson City		14225	1	2	2
St. Charles	5734			1	1
Lafourche	12134	17868	1	2	2
St John Baptist	6674			1	1
St James	12462	19136	1	2	2
Ascension	10622			2	2
Assumption	12134			2	2
Terrebonne	1963	82719	2	2	1
Iberville		15112	1	2	2
West Baton Rouge	6060			1	1
Pointe Coupee	11747		1	2	2
West Feliciana		12679	1	2	2
East Feliciana		13825	1	2	2
East Baton Rouge		15916	1	2	2
Livingston	5734			1	1
St. Helena	5105			1	1
St. Tammany	4409			1	1
Washington	5491	16739	1	1	1
Concordia	9794			2	1
Tensas	10233	20027	1	2	1
Madison	8756			1	1
Carroll	10359	19085	1	2	1
Catahoula	6931			1	1
Caldwell	3365			1	1
Franklin	3441	13768	1	1	1
Ouachita	5975			1	1
Morehouse	5426			1	1
Union	9393			1	1
Jackson	7575	28169	2	1	1
Claiborne	10599			2	2
Bienville	7489			1	1
Bossier	8792			1	1
Winn	2631	29612	2	1	1
Caddo	9950			2	1
De Soto	9180	19130	1	1	1
Sabine	4692			1	1
Natchitoches	13793	18485	1	2	2
Calcasieu	3500			1	1
Rapides	18548			3	3
Avoyelles	9853	31901	2	3	1
St. Landry	22084			3	3
Lafayette	7631	29715	2	1	1
St. Martin	1977			2	2
Vermillion	3818	16795	1	2	1
St. Mary		16101	1	2	2
		585314	32	95	88

The motion was lost.

Mr. Ryan—Mr. President, as a member of the Committee, I feel it my duty to explain my views in relation to this bill. I never intended to vote for that portion of the bill which fixes the Senatorial Apportionment. I will state very briefly, the reasons by which I am influenced. I have no desire to trouble the Senate with a speech; but as a Senator, representing the parishes of Rapides and Avoyelles, I cannot remain silent when I see palpable injustice about to be committed on a portion of those constituents who have confided their interests, in part, to my hands. I consider it my duty towards my constituents at least to protest, if I can do nothing more. I was a member of the Joint Committee, by the majority of which this bill has been reported; but I was not present when the Committee made its decision. I had been called to the city of New Orleans, on pressing business. When I left the Capital, I was assured that in arranging the Senatorial districts, Rapides was to have one Senator; that she was to form a district by herself, an arrangement which would have been only an act of justice towards that parish, since her population is more than enough to entitle her to a Senator. When in the city of New Orleans, I discovered that the arrangement I had supposed was decided on, had been changed, and the parish of Rapides placed in a Senatorial district with the parish of Avoyelles. Rapides has a population of over 18,000. This is more than enough to entitle her to a Senator by herself.

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Now, sir, all that I ask is, that justice be done towards my constituents. I should be false to my trust did I fail to make this appeal. I cannot persuade myself to vote for anything that operates unjustly towards those whom I represent on this floor. No considerations of temporary expediency could tempt me to such a course. I am willing to make all reasonable sacrifices for my party; but a sacrifice of duty and conscience—never. I cannot aid in the perpetration of an injustice on my own constituents. I therefore move to reconsider the vote by which the first section was adopted. I wish to record my vote against it, in order that my constituents may see and know that I have acted towards them the part of a faithful representative.

Mr. Boatner—I move to lay the motion to reconsider on the table.

The motion was laid on the table.

The report, which is as follows, having been adopted, the accompanying bill passed:

REPORT OF THE JOINT COMMITTEE.

To the Hon. W. W. Farmer, Lieut. Governor and President of the Senate.

The Joint Committee to which was referred a resolution to apportion the representation among the several parishes and election districts, also, the apportionment of the Senate, report that they have complied with the duty assigned to them, and herewith submit a Bill as required by articles 8 and 16 of the Constitution.

The Committee, on examining the office of the Secretary of State, found that the census returns had not been made from four parishes, to wit:—St. Charles, Rapides, Caddo and Vermillion. The Committee, however, made estimates of the population of those parishes by allowing four per cent. per annum, on the census returns of eighteen hundred and fifty, as their probable increase.

The total population of St. Charles, in 1850, was 5120; 4 per cent. on this for 8 years gives her a population of 5734. The total population of Rapides in 1850, was 16,561; the same allowance gives her a population of 18,548. The population of Caddo in 1850, was 8884; the same per centage gives her a population amounting to 9950. The population of Vermillion in 1850, was 3409; under the same rule, she now has 3818.

The Committee, after much consultation, assumed 7000 as a representative number in apportioning the representation in the House of Representatives; this basis reduces the actual number from 97 to 88, a circumstance, in the opinion of the Committee, much to be desired, as that body at this time is much too large and unwieldy, and the Committee being firmly impressed, too, with the conviction, that legislation would progress with much more rapidity, before a smaller body.

This consideration, in connexion with the fact, that it would cause an annual saving to the State of about $4000, caused them to decrease the number in that branch of the General Assembly. The Committee, therefore, recommend 7000 as the representative number for the House of Representatives.

The Committee made the Senatorial representation in strict compliance with article 16 of the Constitution, 16011 appearing as the representative number. This gives twenty-one Senatorial districts, as will appear by reference to the Act accompanying this report.

The document marked A. as hereto annexed for reference. The Committee ask for the passage of the Bill based upon the foregoing estimates.

M. BOATNER.
Chairman of the Senate Committee.

AN ACT,

To apportion the representation in the Senate and House of Representatives in the General Assembly of the State of Louisiana, according to the first census made in eighteen hundred and fifty-three, under the eighth Article of the Constitution.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of [redacted] in General Assembly convened, That until the next census and apportionment shall have been made, the State shall be divided into the following Senatorial districts, to wit:

The parishes of Plaquemines, St. Bernard, and all that part of the parish of Orleans on the right bank of the Mississippi river, shall form one district, and shall elect one Senator.

All that portion of the parish of Orleans on the left bank of said river, including the city of New Orleans, shall form one district, and shall elect five Senators.

The parish of Jefferson shall form one district, and shall elect one Senator.

The parishes of St. Charles and Lafourche shall form one district, and shall elect one Senator.

The parishes of St. John the Baptist and St. James shall form one district and elect one Senator.

The parishes of Ascension, Assumption and Terrebonne shall form one district, and shall elect two Senators.

The parish of Iberville shall form one district, and shall elect one Senator.

The parish of East Baton Rouge shall form one district, and shall elect one Senator.

The parishes of West Baton Rouge, Point Coupe, and West Feliciana shall form one district, and shall elect two Senators.

The parish of East Feliciana shall form one district, and shall elect one Senator.

The parishes of Washington, St. Tammany, St. Helena and Livingston shall form one district, and elect one Senator.

The parishes of Concordia and Tensas shall form one district and shall elect one Senator.

The parishes of Madison and Carroll shall form one district and elect one Senator.

The parishes of Morehouse, Ouachita, Union and Jackson shall form one district and shall elect two Senators.

The parishes of Catahoula, Caldwell and Franklin shall form one district and shall elect one Senator.

The parishes of Bossier, Bienville, Claiborne and Winn shall form one district and shall elect two Senators.

The parishes of Natchitoches, Sabine, DeSoto and Caddo shall form one district and shall elect two Senators.

The parishes of St. Landry, Lafayette and Calcasieu shall form one district and shall elect two Senators.

The parishes of St. Martin and Vermillion shall form one district and shall elect one Senator.

The parish of St. Mary shall form one district and shall elect one Senator.

The parishes of Rapides and Avoyelles shall form one district and shall elect two Senators.

SEC. 2. Be it further enacted, &c, That until the next census and apportionment, the representation in the House of Representatives shall be apportioned among the several parishes and districts at a representative number of seven thousand.

The parish of Plaquemines shall elect one.
The parish of St. Bernard shall elect one.
The parish of Orleans, right Bank shall elect one.
The first Representative district in the parish of Orleans and city of New Orleans shall elect two.
The second district shall elect three.
The third district shall elect three.
The fourth district shall elect two.
The fifth district shall elect two.
The sixth district shall elect two.
The seventh district shall elect two.
The eighth district shall elect two.
The ninth district shall elect one.
The tenth district shall elect three.
The parish of Jefferson shall elect two.
The parish of St. Charles shall elect one.
The parish of St. John the Baptist shall elect one.
The parish of St. James shall elect two.
The parish of Ascension shall elect two.
The parish of Assumption shall elect two.
The parish of Laforche shall elect two.
The parish of Terrebonne shall elect one.
The parish of St. Mary shall elect two.
The parish of St. Martin shall elect two.
The parish of Iberville shall elect two.

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The parish of West Baton Rouge shall elect one.
The parish of East Baton Rouge shall elect two.
The Parish of Livingston shall elect one.
The parish of St. Helena, shall elect one.
The parish of Washington shall elect one.
The parish of St. Tammany shall elect one.
The parish of East Feliciana shall elect two.
The parish of West Feliciana shall elect two.
The parish of Point Coupee shall elect two.
The parish of Avoyelles shall elect one.
The parish of Concordia shall elect one.
The Parish of Tensas shall elect one.
The Parish of Madison shall elect one.
The Parish of Carroll shall elect one.
The Parish of Catahoula shall elect one.
The Parish of Caldwell shall elect one.
The Parish of Franklin shall elect one.
The Parish of Ouchita shall elect one.
The Parish of Union shall elect one.
The Parish of Jackson shall elect one.
The Parish of Claiborne shall elect two.
The Parish of Bienville shall elect one.
The Parish of Winn shall elect one.
The Parish of Bossier shall elect one.
The Parish of Caddo shall elect one.
The Parish of DeSoto shall elect one.
The Parish of Natchitoches shall elect two.
The Parish of Rapides shall elect three.
The Parish of Sabine shall elect one.
The Parish of Calcasieu shall elect one.
The Parish of Lafayette shall elect one.
The Parish of Morehouse shall elect one.
The Parish of St. Landry shall elect three.
The Parish of Vermillion shall elect one.

NAMES OF PARISHES.	Qualified Electors.	Number of free white people.	Number of free people of color.	Number of Slaves.	Number of free white Males between 18 and 45 years.	Total Population.
		[A]				
Plaquemines	608	2045	877	3926	603	63541
St. Bernard	323	1447	78	1794	369	4011
Orleans Rt Bank	208	2312	128	994	631	3404
" 1st Rep Dis	1252	11290	435	1732	2489	17467
" 2d " "	2221	16374	228	2077	3733	18679
" 3d " "	2750	20183	824	2234	5629	23243
" 4th " "	2021	12681	9200	11.2	4000	15653
" 5th " "	1167	10356	1214	1815	3054	14415
" 6th " "	1793	11795	2141	1669	1479	15905
" 7th " "	1007	7239	3011	2201	1560	12451
" 8th " "	1453	10110	1288	373	3032	11769
" 9th " "	708	8252	196	1001	1731	9449
" 4th " Laf.	1885	16615	441	1530	3929	18586
Jefferson.....	1074	9254	791	4580	3004	14625
St. Charles.....						5734
St John Baptiste	388	2336	288	4050	350	6674
St. James.....	628	3440	92	8930	719	12462
Ascension.....	673	3520	2 3	6889	660	10622
Assumption.....	1167	6095	70	6407	1086	12572
Lafourche.....	1219	6473	111	56 0	1346	12134
Terrebonne	578	4409	345	5194	808	9903
St. Mary.....	827	3670	589	10846	767	15101
St. Martin.....	1074	5573	731	6673	985	12977
Iberville	860	5426	169	9517	1092	15112
W. Baton Rouge	381	1782	106	4178	325	6060
E Baton Rouge..	905	7895	700	7320	2200	15916
Livingston.....	649	2709	19	916	577	3734
St. Helena.....	494	2621	4	4487	484	5105
Washington.....	502	2 97	0	1094	365	3491
St. Tamany... ..	498	2588	447	1373	382	44 9
E. Feliciana.....	880	3796	39	9090	724	13825
W Feliciana....	560	2331	70	10278	523	12679
Pointe Coupee...	720	3042	695	8000	865	1173
Avoyelles.....	803	4284	121	54 8	786	9853
Madison.....	402	1361	16	7351	429	8726
Tensas.....	313	1078	13	9142	323	10233
Concordia.....	376	1221	14	8559	348	9794
Carroll.....	606	2199	1	78 9	590	10389
Catahoula.....	702	3090	37	3831	588	6961
Calcasieu	441	2367	280	853	385	3500
Natchitoches and Winn.....	1131	5141	982	7670	982	18793
Ouachita.....	79	2831	7	2287	499	5775
Bossier	656	3130	14	5643	688	8792
Caldwell.....	389	1906	0	1460	357	3386
Lafayette	720	3767	215	3649	682	7631
St. Landry	1888	10003	2298	10783	1437	22984
Morehouse	734	2701	27	2696	672	5422
Franklin.....	893	1703	10	1728	376	3811
DeSoto	864	3764	0	5416	852	9180
Sabine	717	3472	2	1218	624	4694
Bienville & Bossier	865	4451	18	3020	727	7480
Union & Claiborne	1236	3863	0	3580	1180	9343
Winn	354	3032	33	567	380	2932
Claiborne.....	1221	6709	0	3890	1000	10529
Rapides						15548
Caddo						9946
Jackson	857	4662	2	2911	856	7575
Vermilion						3884

THURSDAY, January 26, 1854.

Mr. Lacoste called up a bill to attach to the Parish of Plaquemines a portion of the Parish of Orleans situated on the right bank of the river.

A motion was made to refer the bill to a Special Committee.

Mr. Lacoste—There is no good reason for referring this bill. The inhabitants of the portion of the Parish of Orleans, which the bill contemplate attaching to Plaquemines, are all in favor of the measure, and the representative from the right bank in the other House, will not oppose it.

Mr. King—I certainly think the bill should be referred. I understand that it intends a division of my Parish. I do not like to see this done without knowing something more about it.

The bill was referred.

BILL TO APPOINT WEIGHERS OF SUGAR AND COTTON.

Mr. Wickliffe called up the bill to appoint weighers of Sugar and Cotton for the city of New Orleans.

The Secretary read the bill.

Mr. Kenner—I should like to know who introduced this bill.

Mr. Wickliffe—I can give the gentleman the information he desires. I introduced the bill. I will further state that it is the same as the bill which passed the Senate last year. It is imperatively demanded by the interests of the country.

Mr. Ryan introduced a resolution instructing the Finance Committe to inquire and report on the amount of the liabilities to the State, of —— Leckey, late Sheriff of the Parish of Rapides. Mr. Ryan said:—

"This person, Mr. Leckey, was formerly Sheriff of the Parish of Rapides. He became a defaulter, and ran away to California, leaving his securities to pay. There is a contestation now going on as to the amount of his liabilities. The resolution is intended to ascertain the true amount for which the securities are liable, and which they stand ready to pay whenever it is determined on.

The resolution was adopted.

Mr. King called up the bill to amend the 1116th article of the Civil Code.

Mr. King—Gentlemen will observe, that under the law as it now stands, very serious injuries are liable to arise. At present Courts are compelled to appoint two curators, whenever two apply for the office. In New Orleans, where persons make a business of seeking Curatorships, this leads to great evils. The bill which I have brought in, so amends the article as to leave to the Judge the discretion of appointing one or two Curators. It is absurd to compel the Judge to appoint two Curators when his own common sense tells him that one is enough.

The bill was taken up and passed.

The bill to amend article 329 of the Civil Code was taken up.

Mr. King—With the permission of the Senate I will explain the objects of this bill. In accordance with the provisions of the article as it now stands, the Judge appoints the appraisers of property. It so happens that sometimes an inventory is to be taken in a distant parish. The Court is therefore compelled to appoint appraisers in a different part of the State, where probably, it can have no information on the subject. The Judge of the Probate Court in New Orleans is probably compelled to make more appointments of this kind than any Judge in the State. He frequently finds great difficulty in making selections, which in fact is very natural, as he can scarcely be expected to be familiar with persons in distant parishes. In cases of [redacted] the appointment ought to be

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made by the Notary who makes the Inventory. I am told that here frequently difficulties arise from the same cause. The change proposed will be beneficial both to the city and country.

Mr. Moore—If I understand the bill correctly it gives the appointment of appraisers to the Notaries.

Mr. King—Not in all cases. The amendment is so drawn up that when the appointment is to be made within the limits of his own parish, the Judge shall appoint. But when the appointment is to be made in a distant parish the appointment is to be made by the Notary who takes the inventory.

Mr. Moore.—I have no objection to the bill.

The bill passed.

EMANCIPATION OF A SLAVE.

The bill to emancipate the slave ———, of Mrs. J. A. Withers, wife of Joseph M. Kennedy, was taken up.

The Secretary read the report of the Judiciary Committee, showing that the slave had saved the life of a child of Mrs. Kennedy.

Mr. Trudeau.—I should like to know whether the Judiciary Committee, in making their reports on these bills, are guided by any instructions from the Senate. I should like to be informed whether the Senate has made any general rule applicable to these cases. The custom adopted in framing their legislation, by countries and States where slavery exists, is to guard emancipation as much as possible. It must be confessed that sound policy combines with justice; to dictate exceptions in cases like this. But where exceptions are made, and slaves are permitted to be emancipated, they should be sent out of the State. We should have some general rule on which to act. If not, we will become a Board of Emancipation, rather than a State Senate—and the only question for our decision will be, "What slaves in the State shall remain in a condition of servitude?"

Now, sir, I think the time has arrived when we should put a stop to these proceedings. If we continue them, and by our affirmative action sanction the presentation of claims of this kind, we shall soon be unable to attend to any other business. At this moment I have my desk full of applications for emancipation, and I presume other members have at least as many as I have. I would call the attention of the Senate to this subject, in all seriousness. The evil has become one of such magnitude, that it already threatens the most injurious consequences. Let us stop it while we may. Procrastination will but increase the evil.

Mr. Lacey.—I will state that the Judiciary Committee, by whom this bill was reported, has not been unanimous on the subject of emancipation. If the care question of emancipation had been involved in this matter, it would certainly have been extremely difficult to obtain a favorable report from the committee. Indeed, I doubt whether it would be possible to procure a favorable report on such a proposition. But this bill was reported unanimously by the Committee. The case involved in it is one which deserves to be made an exception from our general rule of legislation. The facts are such as to demand our favorable consideration of the request which has been presented to us. I, sir, have felt the strength of parental ties, and I can appreciate and sympathize with those feelings when entertained by others. This is a case which appeals to the heart of every parent. The slave whose freedom is sought, saved the life of the little child of her mistress. The mistress, prompted by gratitude for the preservation of her child, asks us to grant freedom to this slave to permit her to remain in her native State. I am glad to hear the Senator from Jefferson, who is opposed to emancipation in general, declare that he will vote for this bill. I hope that every Senator will vote for it.

Mr. King.—I wish to make a few remarks on this subject, as I consider it one of some importance—perhaps of more importance than it would seem from a merely casual examination. At the last session of the Legislature, the Judiciary Committee of the Senate unanimously reported against emancipation bills in general. It was not long before the practice ceased, of referring such applications to the Judiciary Committee, and they were pressed through [redacted] any reference or report. By a system of begging and representing each one as a particularly hard case, appealing to the sympathies of members, every one was passed. Every appeal for emancipation was granted. Now, sir, we all know that we are called on to act on these cases entirely on *ex parte* statements. We are assured that this girl ought to be emancipated for such and such reasons, or that the other should be emancipated for some other reason. These statements are always made, and no doubt made sincerely. But we should act on evidence, not on mere *ex parte* statements, however much confidence we may have in the gentleman making them.

Now sir, where is the evidence in these cases? Can any Senator point it out? Have we anything more tangible in most of these cases than the mere assertion of the member who may introduce the bill? I have the greatest confidence in the Senator who reported this bill, but I cannot see that he has any good evidence of the statements on which the report is based; if there is such evidence it ought to be laid before us. At the last session I voted for one bill to emancipate a minor. I was under the impression at the time that the reasons were good; they were such as had been presented to me by persons supposed to be worthy of confidence. But I did not then know all the circumstances of the case. I did not know what I afterwards ascertained to be a fact, that the parties had made the same application to a court and failed. They then came before the Senate and asked us to pass an act to grant them that which they could not succeed in obtaining in the regular way. I merely mention this as illustrative of the fact that we are always liable to be betrayed into errors, when we act on merely *ex parte* statements. In this case, when I went home, I found the circumstances very different from those which had been represented to me. I found the record evidence of a court directly opposed to granting the request which we had granted, and for which I had been induced to vote. Applicants for favors of this kind can always bring forward good reasons in support of their claims. They can always show something to recommend their request to the benevolent mind. But who can tell that the statements are true? What evidence is placed before us? They tell us a moving tale, and appeal to our sympathies, and we, in the generosity of our hearts, grant their requests.

There is still another reason why I am opposed to this kind of legislation. I am fully convinced that in granting this prayer, we actually do no favor to the recipient of our intended kindness. On the contrary, I believe the worst evil that can befall her is for us to accede to her request. While she remains in servitude, she lives beneath the protecting power of a kind master, who has shown his love by this very application. Whatever she may be now, if she is freed, if released from the kind control and guidance of her master, she becomes the worst of all things shocking. She may, she probably will be reduced to the lowest condition a human being can occupy, and be an example of the injurious results of a too ready yielding to an amiable impulse. Let me also call the attention of Senators to another fact, deduced from a calculation which is incontrovertible If we emancipate one per cent. per annum of the slaves in this State, in 100 years our whole slave population will have become free. There will no longer be a slave in the State, and by our own act we will have brought on ourselves the subversion of our institutions. One hundred years may be a long time—it may be beyond the span of the life of man; when a century has rolled round, we, and all who now walk the earth, may be mouldering in our graves; but we should remember that what may be a long time to us, is but a short time in the history of a nation or a State. Nor should we legislate for ourselves alone. Those who have truly at heart the prosperity and welfare of their country, look to the future as well as to the present—to posterity as well as to themselves. We ought not to inflict on those who are to come after us, evils or burthens which we would not like to endure ourselves. This consideration should have some weight with honorable Senators.

I am told that even now there are fifty applications of this kind in this House. A favorable action on any

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of them, will be the signal for the presentation of a host of others. If we once embark in this system we cannot tell whither it will lead us. But, sir, if we grant any of these prayers—if we do emancipate any of our slaves, we should send them to a country where freedom is really a boon. We should send them where they can enjoy the social and political privileges of freemen. We should not suffer them to remain here where they fill the State with an anamolous class, the existence of which among us is a continual reflection on our institutions, and may become dangerous to our peace. This, sir, is not good policy. It is fraught with evils, and must inevitably produce the most dangerous consequences. Let us not do anything to encourage it. Our duty is rather to diminish the evil, and avert the danger.

Mr. Kenner—I move that this bill be recommitted, and I offer a resolution that the Judiciary Committee be instructed to bring in a bill authorizing the courts to emancipate a slave who may have saved the life of his master or mistress, or performed eminent services to the State.

Mr. Boatner—The gentleman only proposes to do what the existing law now authorizes. The Code itself provides for the emancipation of a negro under such circumstances.

Mr. Kenner—Then I am still more decided in my determination to vote against the bill. If the courts have power to do this, why do the parties come here to annoy us with their applications.

Mr. Boatner—I do not know why, unless because it is a less expensive process than going through the courts.

Mr. Kenner—It may be less expensive to the applicants, but it is not less expensive to our constituents.

Mr. Munday—The difference simply is, that when they are emancipated by the courts they are not permitted to remain in the State. In regard to the gentleman's resolution, I think it of such a kind as not to be in order. At all events, I hope it will not pass. Now, sir, in regard to the argument of the gentleman from New Orleans (Mr. King.) He tells us that we have no evidence of the truth of the statements made in support of this petition, and that, therefore, we cannot act on it impartially. Now, sir, if I am not mistaken, the Chairman of the Judiciary Committee stated certain facts to the Senate—at least, I believe them to be facts, for as such he tells us they were represented to him by trustworthy persons. This, sir, is the evidence. It is not evidence written down and sworn to; but is the kind of evidence on which we usually act, and I am willing to take the word of the gentleman.

This bill has been reported on favorably by the Judiciary Committee, who have doubtless critically examined the case. Is there a Senator here who will vote against a bill of this nature? It has been the policy of the State for years, to grant emancipation under such circumstances. The subject is a poor slave who has saved the life of the child of her mistress. I do not think we can refuse the request.

Mr. Moore—Have the master or mistress petitioned to have this done?

Mr. Lacey—I do not think there is a petition, but the case was placed in my hands by the master, Mr. J. M. Kennedy, late Clerk of the House of Representatives, a gentleman of respectability and standing in the city. I understand that the mistress is equally anxious for the passage of the bill. All the considerations of policy and humanity should induce us to vote for it.

Mr. Kenner—I think the humanity is all on my side. I propose to do for all what the gentleman wishes to do for this one. He has no advantage of me on the humanity question. The method I propose gives power to the courts to emancipate for certain causes. If a slave go before the court and is emancipated, and then comes here and asks permission to remain in the State, I shall vote to allow him to do so, if I think the circumstances of the case warrant it.

Mr. Trudeau—I think that in the discussion of this bill a wrong issue has been presented to the Senate. I do not desire to impede the emancipation of the slave Angela. I think her case is one deserving of our consideration, and I shall certainly vote for the bill now before us. I would suggest to the Senator from Ascension, (Mr. Kenner) to withdraw his resolution for the present, and we can take it up and pass it afterwards.

Mr. Moore—The only question is whether we will permit the negro to remain in the State. The code positively provides for the rest.

Mr. King—The only way that suggests itself to me is to amend the act of 1850 so as to make exceptions in cases which ought to have been made by the act.

The resolution of Mr. Kenner was laid on the table subject to call.

The bill was then passed.

Mr. Trudeau—I am now about to offer a resolution which I think, will go to the merits of this question. There is no necessity to pass a general law at this moment. The act in existence, which covers most cases, will be found sufficient. The only question is, therefore, whether we shall adhere to the provisions of the act of 1852. The resolution I am about to present to the Senate only proclaims our determination to adhere to the act of 1852. As we are now going on, the Judiciary Committee will soon have little else to do than to report on applications for emancipation. The object of the resolution is to lay down a general rule for the guidance of the Judiciary Committee, and to report against all applications for emancipation except in those cases, in which the slave has saved the life of his master or mistress, or of one of their children, or has rendered some services to the State. I consider this subject, sir, one of great importance to the planting interest. The contact and association with free negroes cannot but have an injurious influence on our slave population. There is no planter on this floor who will not admit this. Indeed the baneful effects of such association are too evident not to be appreciated. If we read history with an attentive eye, and mind its lessons, we cannot avoid coming to the conclusion that the daily contact of a free and slave population of the same race is calculated to produce the most injurious effects on both. It ought to be a matter of surprise that such legislation should be found on the statute books of a Southern State. It is incompatible with the permanency of our institutions, and with the general policy which almost every one admits ought to be pursued. It is so evident that the association of free negroes and slaves must be productive of injurious consequences, that it cannot escape the observation of the most unreflecting person in the State. I now leave the resolution with the Senate, hoping that it will receive the sanction of an affirmative vote.

Mr. Ryan—To pass the resolution presented by the Senator from Jefferson, (Mr. Trudeau) would be entirely a work of supererogation. In 1852 a law passed the Legislature in relation to this subject, which contained the following provisions, (reads.) The conditions of the law are precisely those laid down by the gentleman's resolution. Power is given to the courts to emancipate slaves who have performed any of the actions referred to, and they are then furnished with means sufficient to enable them to remove to some other State or country. The gentleman from Jefferson, (Mr. Trudeau) proposes to instruct the Judiciary Committee to report exactly in the manner indicated in the existing law. I consider such a resolution superfluous. It is not necessary for us to resolve that we will adhere to the provisions of a law already in force. The law of 1852 covers everything contemplated by the resolution of the gentleman from Jefferson. The resolution, if passed, would be nothing more than a declaration of the Senate, through the Judiciary Committee, that the law now in force shall be maintained. There can, therefore, be no use in passing the resolution. The law is now in force, and will remain in force till a case presents itself for consideration which ought to be made an exception. In such a case the Senate shall inquire whether policy and justice require the exception to be made. As a slave owner, I am directly interested in the safety of the institution, and am as careful as any Senator on this floor, not to do anything that may produce injurious consequences. I am therefore opposed to emancipation in general, believing that it must be productive of evil effects. But I can imagine cases which ought to be made an exception to this policy.

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I am conscious of services rendered by a slave, such as saving the life of his master or mistress, or something else nearly as strong, as in the case before us, for instance, which would dictate a relaxing of the rigid general rules of the law. I can imagine also that there may be other inducements nearly as great. I am opposed, therefore, to instructing the Judiciary Committee to report against emancipation for any other causes than those specified in the resolution. There may be other good causes. I do not see why we should limit our action to the narrow bounds of the resolution. We ought to inquire into the merits of each case, and if we find the reasons good, I do not see why we should preclude ourselves from acting on them. A law exists now providing for emancipation by the courts under certain contingencies;

I approve of that law. It is a good law, and I hope it will be adhered to. But to pass a resolution declaring that we will adhere to it, is, as I have before remarked, totally unnecessary and superfluous. We might as well declare our intention of maintaining every law of the statute book. As I have said, cases may arise in which it may be necessary to make an exception to the general law. I myself coincided in passing the law of 1852. I was in favor of it then; I am in favor of it now. I hope it will be maintained and enforced. But I do not see the necessity of passing any resolution on the subject.

Mr. Trudeau.—I beg leave to correct the gentleman in some particulars. He seems to be mistaken in regard to the nature of the question before the Senate. The resolution which I have had the honor to introduce is not a bill; if passed, it will not be an act. It is a simple resolution declaratory of the manner in which we wish the Judiciary Committee to act in certain cases. If it do not pass, I hazard nothing in saying that we shall soon be inundated with petitions for emancipation. But if it be understood that such applications will not be entertained, or that, under a rule of the Senate, they must be reported on unfavorably, we shall cease to be annoyed by them. As I have remarked, the resolution is no bill. It does not declare what the law should be; it does not even declare what the law is; it merely instructs the Judiciary Committee to report on a certain subject, whenever it comes before them in accordance with the provisions of the law. I agree with the Senator that there may be other cases deserving of our consideration. But the resolution would only prevent the Judiciary Committee from making a report on them; it would not prevent their being presented and passing the Senate. They can be brought before the whole House, and considered without a reference. But I want some general rule of action under which these applications can be disposed of without subjecting us to the annoyance and loss of time, consequent on the presentation and consideration of these innumerable applications.

Mr. Ryan—I move to lay the gentleman's resolution on the table.

The motion was carried.

THE SANITARY COMMITTEE.

Mr. Trudeau—I rise, sir, for the purpose of moving that the Senate concur in the resolution of the House to grant a clerk to the Sanitary Committee. I would state to the Senate, that since the organization of the Committee, I have been to New Orleans on business connected with the important subject which induced the appointment of the Committee. I had an interview with the Mayor and other authorities, and the Mayor very kindly granted to the Committee the use of the Council Chamber in which to hold their sessions. In the meantime the Committee have not been idle, but have been busily engaged in the important work confided to their charge. They have propounded inquiries to various physicians as to the probable cause of the late disastrous epidemic, and the effects of quarantine as a preventive measure. Many answers have been received, which will be laid before the Senate when the Committee makes its report. I think the labors of the Committee may be much lightened by having a clerk. I think we can get through our work in ample time for action at this session. Some members of the Committee from the other House have a disposition to sit during the recess, and report at the next session. I wish to get through the work at this session, and it is in order to expedite the business that I ask the resolution of the House to be concurred in.

Mr. King.—I must confess that I do not see any reason for passing this resolution. The Sanitary Commission appointed by the city of New Orleans has been some time engaged in an examination of this subject. They have traveled all over the United States in search of information, and have collected a great many facts and statistics, which, I am informed, will be presented to the Legislature at its present session. What then is the necessity of sending a committee to New Orleans, to do what has already been done? The best use the committee can make of their time, is to obtain from the Sanitary Commission of the city of New Orleans the information which they have obtained. I am told by Dr. Barton, the Chairman of that Commission, that he will be ready to make his report in a short time. That report will contain all the information that our committee can obtain, and probably a great deal more. If this committee really intends to do anything in time for action by this Legislature, they will require half a dozen clerks.

Mr. Lacey—It appears to me that the gentleman from New Orleans (Mr. King) has not touched the real question at issue, in the remarks he has just addressed to the Senate. The senator from Jefferson (Mr. Trudeau) has told us that the committee needs a clerk, in order to get through with its business efficiently and expeditiously. That committee was appointed by the Senate in order to perform a certain duty, which no one can deny is of the greatest importance to the people of the State. The gentleman (Mr. King) has told us that the Sanitary Commission appointed by the city of New Orleans has thoroughly investigated this subject, and that it is composed of men of ability and industry, to follow in whose footsteps would be for us merely a work of supererogation. We are told that the gentlemen composing that Commission have acquried all the information that can be obtained, and that it is unnecessary for us to do anything more. But, Sir, that committee was appointed entirely with reference to the city of New Orleans. The epidemic which but lately scourged our people, visited every section of our wide-extended State. But few parishes were exempt from it—but few were spared its terrors. All parts of the State, then, have an interest in the subject, and it becomes the State itself to take such action as may be necessary to secure our people from any future visitation of the scourge. I do not think, sir, that our committee should play second fiddle to the Sanitary Commission of New Orleans. We should investigate for ourselves, and though we may have every confidence in the ability of the gentlemen appointed to act on the part of the city of New Orleans, we should not make a decision based entirely on their views. I imagine, sir, that our committee will give due weight to the opinions of the Sanitary Commission, but as other interests than those of the city of New Orleans are to be consulted, it is but proper that we should have the views of others than those who are entirely identified with that city. It is therefore evident, sir, to my mind, that we have not done anything superfluous in appointing this committee, and if we desire it to perform its work speedily, effectually and satisfactorily, we should grant the request of the gentleman from Jefferson and permit the committee to employ a clerk.

Mr. Trudeau—I cannot do less than thank the gentleman from East Baton Rouge for the convincing reply he has made to the remarks of the Senator from New Orleans. It is very true, as the gentleman has remarked, that there are other interests to be consulted than those to which the Sanitary Commission of New Orleans would naturally confine their attention. The Senator from New Orleans has a regard for the interests of his constituents, but we are also compelled by our duty towards our own constituents, to pay some regard to their interests. Now, sir, the committee had something more to do than the gentleman from New Orleans seems to imagine. We had not only to inquire into the character and probable causes of the epidemic, but also into the effects of quarantine as a preventive measure. It was useless to tell us that the Sanitary Commission had already done the work; because they had not done that which was one of the most important portions of our

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labors. There were questions presented to us for solution, and I hope that when our report is made it will be seen that our labors have not been useless. Shall we quarantine the Balize? Shall we quarantine Mobile? What will be the effect of quarantine on commercial interests? Shall we shut one door, and leave the other open? These questions all come before us for investigation, and I hope the gentleman from New Orleans will confess that we really had something to do.

The resolution passed.

MONDAY, January 30th, 1854.

The bill for the relief of —— Murphy was taken up.

Mr. Kenner—Before I vote for this bill, I should like to know something of the case. I do not like to vote in the dark. When the bill was up before the Senate, the gentleman who reported it from the Judiciary Committee said that he would inform himself on the subject concerning which I was then desirous to obtain information. What I wish to know is, whether the children referred to in the bill are colored.

Mr. Lacey—The facts, which I can state to the gentleman as they have been stated to me, are these. The father of these children lived with their mother. They are his offspring, and of course he feels towards them the natural affection of a parent. He wishes now to educate them. I believe that so far as their color is concerned, they are not exactly white; but they should certainly be brought up in accordance with the wishes of their father. If he desires to bestow on them such advantages as his means will permit, he ought to be permitted to do so. They are recommended to us by respectable and eminent citizens of New Orleans. I am confident that they would not ask us to do a wrong, or be anxious for the passage of this bill, unless the case were one requiring our intervention. There can be no objection to allowing this person to dispose of his property as he may see fit. There is no good reason why we should interpose the power of the law to prevent him from accomplishing what must be considered a laudable object. After having brought these children into the world, he desires to perform towards them those duties which nature and humanity impose on every parent. He wishes to educate them in such a manner as to make them fit to encounter the perils and trials of the world, and to bestow on them his property, in order to rescue them from want, and to enable them to live without becoming a burthen to society. Why should we deny to him this privilege? We injure no one by it. We confer a benefit without doing any harm. There are no forced heirs in this case, and consequently, in passing the bill, we violate no principle of our law. I cannot say, of my own knowledge, whether the children are white, black or grey—nor would it affect my vote. I think the request of the gentleman is not only a reasonable, but a natural request, and should be granted by the Legislature without hesitation.

Mr. Kenner—The gentleman from East Baton Rouge has not definitely informed us whether or not these children are white. As I have before remarked, sir, I do not wish to vote in the dark. I wish to cast an enlightened vote on this and every other bill that may come before me as a Senator of the State of Louisiana. If I ascertain that these children are white, I will vote for the bill, because then I can do so without violating what I conceive to be the settled policy of our law. If they are not white, I will not vote for the bill. I do not wish in any manner to encourage this illicit intercourse between two races which are separated from each other by nature and by law. One of the greatest evils that afflicts this community is, I regret to say, sir, this intercourse between the two races. We should do all in our power to discourage it, rather than in any manner to give countenance to it. We should endeavor to put a stop to it. It should be remembered that we live in a slaveholding community, and that our safety demands that we do nothing to disturb the permanency of the institution. If this bill pass, there will be fifty cases of the same kind from my own district, and if we grant one request of the kind we cannot refuse another.

Mr. Wickliffe—If these children are black, I shall vote with my friend from Ascension (Mr. Kenner) against the bill. I agree with him in everything he has said on the subject. I cannot consent to do anything to disturb the settled policy of our law in this respect. If, on the contrary, the children, are white I shall vote for the bill.

The bill passed.

TUESDAY, Jan. 31, 1854.

Mr. Lacoste—I would beg leave to call up the bill authorising the Coroner of the parish of Plaquemines to appoint a deputy. I would state in explanation of the object of this bill, that it is absolutely necessary that it should be passed. The parish of Plaquimines is eighty miles in length, extending along both sides of the Mississippi river. It is entirely too large a district for one man to attend to; in fact, it is almost impossible for the Coroner to attend to his duties properly without assistance. This bill simply authorizes him to appoint a deputy.

The rules were suspended and the bill passed.

THE REGISTRY LAW.

Mr. Hodge—I ask leave of the Senate to introduce a bill providing for the registration of voters in the city of New Orleans. I move that it be referred to the Committee on Elections, and made the order of the day for Monday next.

Mr. Wickliffe—This is a very important bill. It will have to be printed and laid before Senators for their examination before we can act on it.

Mr. Hodge—The bill is printed already.

Mr. Wickliffe—Where is the order for printing?

Mr. Hodge—It was printed last year. There is no necessity of going to the expense of having it printed over again.

Mr. Wickliffe—The Chairman may not be able to make a report by Monday next.

Mr. Hodge—I am informed by the Chairman that he will make a report by that time.

Mr. Wickliffe—The reason I oppose making this bill the order of the day for Monday is, that none of the members from the city are present. It is important that we should have a good registry law for the city of New Orleans. Some of the members from the city will not be here by that time, and it is evident that we ought not to proceed in this matter without reference to their desires and advice. I am, therefore, opposed to making a bill of this kind the order for any day during their absence.

Mr. Hodge—If the city members are not here at the time proposed, I will, myself, move for a postponement.

Mr. Wickliffe—Under those circumstance I withdraw my opposition.

A bill in relation to the Destrehan Canal was taken up.

Mr. Boatner—I am not prepared to vote for that bill. I should like to have more information on the subject than I at present possess. It may be a local bill, or it may be a general bill, but I should like it to have the endorsement of a Committee before I vote on the subject. I am sure the gentleman who introduced it can have no objection to a reference. Such a course would delay the bill but a few days, and would be much more satisfactory. Though it purports to be for the benefit of one individual, yet it may affect the interests of a great number of persons. I move, sir, that the bill be referred to the Committee on Lands and Levees.

Mr. Kenner—I will explain the object of the bill, and then if the gentleman insists on his motion to refer, I shall make no opposition. The person who sends in this memorial wishes to build a lock to connect this canal with the waters of the Mississippi. He thinks this will facilitate the means of communication of the planters of that section with New Orleans; and there can be no doubt that his idea is correct. At the same time he will derive a profit from it himself. For my part, I do not think we could prevent him from doing it, even if we wished. He has a perfect right to build this lock without any authority from us. It is no more than every rice planter does when he makes locks to flood his rice fields from the waters of the Mississippi.

Mr. Boatner—I must say that I should prefer to have the endorsement of a committee in regard to this pro

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just. I think this bill is one of great importance, inasmuch, as it may effect the interest of a good many persons.

Mr. Kenner—I have no objection to the reference. The bill was, accordingly, referred.

WEDNESDAY, Feb. 1, 1854.

An act for the relief of Pierre Caze, Bertrand Caze and Jacques Caire, was taken up.

Mr. Hodge—I think it would be impolitic to grant the relief asked for in this bill, as a law passed at the last session of the Legislature gives the fines and forfeitures in criminal cases to the several parishes. It seems to me that the proper party to apply to for relief, in such a case as this, would be the police jury of the parish, as the fines and forfeitures have, by our own act, been given to it. We have no right to go to the parish treasury and take money out of it, after having parted with our title.

Mr. Wickliffe—The bond was forfeited before the passage of the act referred to by the gentleman, and, consequently, his objections does not apply.

Mr. Hodge—That makes no difference. The law applies to all fines and forfeitures, whether they accrued before or after the passage of the act. All fines and forfeitures, of whatever kind, are to revert to the several parishes, and the act does not except those which accrued before its passage, if they were not collected at the time, they go to the parish treasury. I will read the law to which the gentleman alludes.

"SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That all fines and forfeitures hereafter collected, for violations of the criminal laws of the State, and which have heretofore been required by law to be paid into the treasury of the State, shall belong to and be paid into the treasury of the parish in which the same may be collected, and in the city of New Orleans the same shall be paid into the treasury of said city."

A fair construction of this law, in its letter and its spirit, does not justify the interpretation which the gentleman has placed on it. I claim to know something of the intention of this law, because I introduced it myself, and I never had any such idea as that of the Senator. The act speaks of fines and forfeitures hereafter to be *collected*, obviously including all those which were uncollected at the time of its passage. The money on this bond, when collected, must go into the treasury of the parish of Iberville. We cannot take it away, because it does not belong to us.

Mr. Wickliffe—The act certainly was not intended to have a retroactive effect. By no process of reasoning can the Senator make it appear that the money, when collected on this bond, must go into the treasury of the parish of Iberville. The law, as quoted by the gentleman, does not justify such an assumption. It was clearly intended to apply only to such fines and forfeitures as accrue after the passage of the act. The term "collection," is intended by the act to apply to all fines and forfeitures whatever, and the word "hereafter," used in the law, shows to which of them it refers. We have a clear right to dispose of this money in any way we see fit.

Mr. Hodge—I stated before, that I introduced this act myself, at the last session of the Legislature, and I must be allowed to know what I intended by it. If it had meant what the gentleman says, it would have read, "that all fines and forfeitures hereafter due, &c., shall belong to and be paid into the treasury of the parish in which the same may be collected."

But it does not say this. It says that "all fines and forfeitures hereafter collected." The practice in my Parish has been in accordance with this interpretation of the law, which is in accordance with reason and common sense. In my parish, all fines and forfeitures, whenever due, whether before or after the passage of the act, are considered as belonging to the parish treasury, if they had not been previously collected. Of course, in that case, they belong to the State.

Mr. Ryan.—The act itself will settle this disagreement. It says:

"Be it enacted, &c., That all fines and forfeitures hereafter collected for violations of the criminal laws of the State, &c., shall belong to, and be paid into the Treasury of the Parish in which the same may be collected."

I have never read the act before. My attention was drawn to it by the Senator from Caddo, (Mr. Hodge.) But I must say that I do not think the law bears out the construction given to it, that all sums heretofoer due, and not collected, are to go into the several parish treasuries. The sums due before the passage of the act, clearly belong to the State. The law itself does not justify the construction which the gentleman from Caddo places on it. One says that all sums of this kind herctofore due, but not collected, are to enure to the parish treasuries. Another takes the ground that the right to these sums still vests in the State. Now, in my humble opinion, the law only relates to such fines and forfeitures as may thereafter become due. This is a just and reasonable construction. It is not to be presumed that the Legislature of Louisiana intended to donate to the several parishes the large sums which might have been due before the passage of the act. There may have been thousands and thousands of dollars then due, and the Legislature certainly did not intend to give up its right to such sums.

Mr. Hodge.—The reason for passing this law was, that the previous Legislature had passed an act making it incumbent on the several parishes to defray the expenses of criminal prosecutions within their limits. This necessity subjected them to heavy expenses. It was therefore only just to give them the fines and forfeitures, in order to enable them to defray those expenses. It was with this view that I introduced the bill referred to. I intended it to cover all these cases—not only the fines and forfeitures hereafter to become due, but likewise those which were then due ann had not been collected. A case exactly in point occurred in my own parish, and it was decided in accordance with the views I have expressed.

Mr. McCay.—I shall vote for the bill under discussion. It is indifferent to me whether the bill was intended to be retroactive or prospective in its operations. I think the Legislature has full control of the money, in any event, until it has been received into the treasury of the Parish of Iberville. The only question is, whether these persons deserve the relief they seek.

Mr. Hodge.—I shall vote against the bill, and wish my vote to be recorded. I shall therefore call for the yeas and nays.

Mr. Moore.—I have listened with attention to the discussion which has been had on this bill. I shall vote against it, because I am firmly convinced thet we have no right to give away that money. We cannot pass a retroactive law. We have already disposed of the money, and it no longer belongs to us. I. it were not for that, I do not say that I should vote against the bill. But we cannot take this money from the parish to which it belongs, and give it to any individual whatever.

Mr. Kenner—I wish to explain the vote which I intend to give on this bill. It does not make any difference whether this money belongs to us or to the parish of Iberville. The only question is whether the money is due on this bond. We must all admit that it is not. It would be an act of injustice to exact it. Therefore to make an individual suffer, simply because there is a difference of opinion in the Senate, on a point of this kind, would be manifestly unjust. For this reason I shall vote for the bill.

Mr. Hodge—I regret to be compelled to come before the Senate again on this subject, after having, as I thought, already made the point sufficiently clear. I regret, also, that the Senator from Ascension takes such ground as he has taken. I am as much opposed to doing injustice to an individual, whoever he may be, as any Senator on this floor. But there are certain relations between the State and individuals, and the State and the several parishes, which require to be taken into consideration in a case of this kind. The gentleman is willing to acknowledge that the parish of Iberville is the rightful proprietor of this money. Yet he says he shall vote for this bill which takes the money from her.

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Why, sir, if we can do this, we can just as well take a thousand dollars out of the pocket of any citizen of the State. We might just at well pass an act to take the gentleman's sugar plantation from him. I contend, sir, that this money belongs to the parish of Iberville, and it is not only unjust, but unconstitutional to pass an act depriving her of it. The question is not whether the money is due by these gentlemen on this bond. We have nothing to do with that. We have no interest in it. It is a question to be settled between these parties and the parish of Ibervilla. There is a great legal principle involved in this matter, sir We have to decide whether we can pass an act to dispose of money which does not belong to us. The argument of the Senator from West Feliciana (Mr. Wickliffe) does not touch the question at issue. He says the money does not go to the parish because it is not yet collected. I know very well it cannot go to the parish till it is collected. But that proves nothing. Neither can it go to the State. The right to it is in the parish. The State is only the trustee of these funds for the parish, if they were due before the passage of the act of 1853 and not yet collected. They belong to the parigh and we have no right to dispose of them. It would be a violation of a great constitutional right. I, for one, protest against it as an outrage on law and justice which is unworthy of the Senate of Louisiana. I shall vote against the bill, and insist that my vote be recorded on the journal.

On motion of Mr. Hebert, the rules were suspended, and the bill was read twice; and when on motion to adopt the first section, Mr. Hodge called for the yeas and nays.

Messrs. Boatner, Braud, Clifton, Deffreese, Evans Hebert, Kenner, Key, Lacoste, Lauve, Lacey, McCay, Munday, Martel, Pellerin, Ryan, Richardson and Wickliffe—18 yeas.

Messrs. Hodge and Moore—2 nays.

Consequently the first section was passed.

On motion of Mr. Hebert, the bill then passed.

MESSAGES FROM THE HOUSE.

The special messenger from the House requested the signature of the President of the Senate to the following enrolled bills and resolutions:

An act to enadle Wm. A. Shaffer, of the parish of Terrebonne, administrator of the estate of Benjamin and Anastasia Cross, of the parish of Lafourche, to to give security residing without the limits of the parish.

An act for the relief of William Edmund Murphy.

An act to provide for the payment of the members, officers and contingent expenses of the General Assembly.

Resolution authorizing the State Engineer to appoint a special assistant for the purpose of examining Bayou Lafourche.

And he requested the concurrence of the Senate in the following bills and resolution:

An act to amend the thirtieth section of an act entitled "An act for the uniform regulation of elections in the State of Louisiana, excepting the parish of Orleans.

An act to change the name of Assenath Melissa Clayton, to that of Hortense Helena Tiffin.

An act to authorize Pierre Whip, of the parish of Iberville to change his name from Pierre Whip to that of John Reames.

An act changing the time of holding the terms of the District Court of the Ninth and Eleventh Judicial District Courts of this State.

An act to provide for the execution of sentences of death in the parish of Orleans.

Resolution appointing a committee to examine into the system of pilotage established at the mouth of the Mississippi river.

And he informed the Senate that the House had concurred in the following entitled bill and resolution of the Senate:

An act to extend the time allowed to certain parochial and other officers for the purpose of procuring certificates of not being defaulters, in virtue of the second section of an act entitled "an act to secure the collection and prompt payment of public moneys," approved 28th April, 1853.

THURSDAY, February 2, 1854.

Mr. Boatner, from the Committee on Claims, to whom was referred a memorial of J. H. Maddox, reported the same back to the Senate, with request that it be referred to the Judiciary Committee, with instructions that that committee make their report thereon as soon as practicable.

On motion, the request of the committee was granted, and the memorial was referred to the Judiciary Committee.

MESSAGE FROM THE GOVERNOR.

The Private Secretary of the Governor reported that the Governor has approved and signed the following bill, entitled

An act to apportion the representation in the Senate and House of Representatives in the General Assembly of the State of Louisiana, according to the first census made in eighteen hundred and fifty-three, under the eighth article of the Constitution.

MESSAGE TO THE HOUSE.

The Assistant Secretary requested the concurrence of the House in the following bill and joint memorial and resolution, entitled

An act for the relief of Pierre Caze, Bertrand Caze and Jacques Caire.

Joint memorial and resolution in relation to granting public lands within the State of Louisiana, for railroad purposes.

And he informed the House that the Senate has concurred in the bills and resolution, entitled

An act to increase the compensation of Jurors in the parish of East Baton Rouge.

An act to repeal so much of the 3d section of an act entitled an act to regulate the terms of the District Courts, (the parish of Orleans excepted,) approved April 29th, 1853, as relates to the courts of the Eighth Judicial District, and regulate the holding thereof.

An act for the relief of James Upshaw, Sheriff of the parish of Bienville.

Resolution relative to improvements on the grounds of the State Capitol and the Hall of Representatives.

He requested the signature of the Speaker to

An Act to extend the time allowed to parochial officers for the purpose of procuring certificates of not being defaulters, in virtue of the second section of an act entitled "an Act to secure the collection and prompt payment of public moneys, approved 28th April, 1853.

He requested the concurrence of the House in the following bills, entitled

An Act to emancipate Abner Nash Ogden, Jr., of the parish of Jefferson.

An Act for the relief of Henry Hanmoth.

An Act to authorize Pierre Whip, of the parish of Iberville, to change his name from Pierre Whip to that of John Reames.

He informed the House that the President has appointed Mr. Ryan, one of the members of the Special Committee to enquire into the system of pilotage at the mouth of the Mississippi river, in lieu of Mr. Griffin, who is absent.

And he requested the concurrence of the House in an act for therelief of Asa Emanuel, State Tax Collector for theparish of Winn.

REPORTS OF COMMITTEES.

Mr. Lacey, from the Judiciary Committee, to which was referred an act concerning the licensing of drinking houses, and the sale of intoxicating liquors in this State—reported favorably.

And he reported adversely to a memorial of the citizens of St. Landry and Pointe Coupee, asking the passage of a law protecting the timber on the State lands from the depredations of the wood choppers.

Mr. Clifton, from the Committee on Banks and Banking, to whom was seferred "an Act authorizing the Auditor of Public Accounts and the State Treasurer to credit the Union Bank of Louisiana with a certain amount, and for the relief of John Pemberton for settling the interest of the State in the said Bank, reported favorably.

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Mr. Hodge introduced the following resolution, which was read and passad:

Resolved, That the Attorney General of the State, and the District Attorney of the parish of Orleans, be and they are hereby requested to inform the Senate what action has been taken under an act entitled "an Act for the relief of the securities of William K Stiles," approved April 30th, 1853; and particularly whether suit has been instituted as contemplated by said act.

FRIDAY, Feb. 3d. 1854.

Mr. Macmurdo called up

An act authorizing the Auditor of Public Accounts and the State Treasurer to credit the Union Bank of Louisiana with a certain amount, and for the relief of John Pemberton for settling the interest of the State in said Bank.

On motion, the rules were dispensed with, it was read the third time, and it passed.

Mr. Macmurdo also called up a bill authorizing the State Treasurer to sign a certain railroad bond issued by the State to the Nashville Railroad Company.

Mr. Evans--I should like to have some information in regard to this bill before I vote for it.

Mr. Macmurdo—It is very easy to give a satisfactory explanation of the matter. The State issued this bond to the old Nashville Railroad Company, but by some mistake or negligence, it was not signed by the Treasurer. In consequence, whenever the interest became due, it was necessary to make an affidavit to show that this bond had really been issued by the State. The bill simply provides that the Treasurer be now authorized to sign it, in order to obviate the difficulty.

Mr. Moore—There should be no difficulty in this matter. It is perfectly right that the bill should pass. I have myself seen the bond. There appears to have been an omission to sign the coupons on the part of the State Treasurer. There can be no objection to letting them be signed now.

The bill was passed.

Mr. Lacey called up the following bill, and on motion the rules were suspended, and it was read for the second time section by section—

An act authorizing the courts in certain cases to receive judicial sureties residing out of the parish.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That whenever it shall be made to appear to the satisfaction of the judge of any of the courts of this State having jurisdiction thereof, that any person who has been appointed to discharge the duties of administrator, executor, tutor, curator, or of any fiduciary trust whatever, is unable to give security in the parish, then and in such case, the judge shall have power to order that sureties residing in any other parish be received.

SEC. 2. Be it further enacted, &c., That in all cases where suroty is tendered of persons residing out of the parish, the judge alone shall pass upon the sufficiency thereof, and shall require such proof as he may deem necessary.

SEC. 3. Be it further enacted, &c., That all actions on bonds against the sureties aforesaid may be instituted in the parish and court having original jurisdiction of the subject matter, and the parties thereto, when legally cited, shall be subject to the jurisdiction of said court.

SEC. 4. Be it further enacted, &c., That this act shall be in force from and after its promulgation.

Mr. Hodge—I cannot say that I see any necessity for passing this bill. Unless the Honorable Chairman of the Judiciary Committee (Mr. Lacey) will explain it, and show some good reason existing in its favor, I shall feel myself compelled to vote against it. I should like to hear the reasons if there are any. The system now in operation has prevailed for a long time, and I am not aware that it has produced any injurious consequences. I would not consent to change it unless I hear some very cogent reasons in favor of a change.

Mr. Lacey—The only reason I can give for the proposed change is that sometimes the holder of a fiduciary trust may not be able to give security residing in the parish. If he could give security elsewhere, I do not see why it should not be taken. If he be prevented from giving such security, or limited to a place where it may be impossible for him to procure it, he may be precluded from taking the trust at all. The bill was reported unanimously by the Judiciary Committee, which certainly ought to entitle it to some consideration.

Mr. Hodge—The reason given by the gentleman I do not consider sufficient to justify so radical a change in our system of laws as that proposed by the bill. The object of the existing law, that the security must reside in the same parish with the executor or administrator, tutor or Curator, is, that the Judge may see the person offering to become security, and be satisfied personally of his qualifications. It is necessary that the Judge should be satisfied of the solvency of the security. Now, under this bill, security residing at the North, or in some Western State, might be offered. The Judge would then have to rely on the representations of third parties in order to come to a conclusion on the point. While it pretends that the Judge must be satisfied, it leads to great expense and risk in order that he may be satisfied, and even then he would be extremely liable to err. I prefer that the law should remain in its present form, because I have never known any hardships to result from it. If, as pretended, a person might be unable to procure security in the parish, but yet could obtain it elsewhere, it would be easy for him to get such letters of credit as would put it in his power to procure the security in his own parish. During a practice of several years in the courts of this State, I have never known an instance where the holder of a fiduciary trust failed to obtain the security required by law. It is to the interest of the State, and in accordance with the general policy of our legislation, that these bonds should be good and sufficient. Suppose, now, that the security on one of these bonds resides at the North, and it should be necessary to proceed against him; the delay and the injury which might result are obvious. But all this delay and injury might be, and in fact are obviated by making the security reside in the same parish as the executor or administrator. I see no reason for so radical a change in existing laws as is proposed by the bill. I shall vote against it, and call for the yeas and nays.

The bill then passed.

On motion of Mr. King, the vote on the fourth section was reconsidered, and the section stricken out.

On motion of Mr. Evans, the following bill was called up and read for the second time—

An act for the relief of Harmon A. Drew.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the sum of one hundred dollars be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to be paid to Harmon A. Drew, late District Attorney of the Tenth Judicial District, said sum being the amount coming to him as his portion of the fine inflicted on D. W. Trotter for selling liquor to slaves, and which fine he was prevented from recovering in consequence of the same having been remitted by the Executive.

Sec. 2 Be it further enacted, &c., That this act be in force from and after its passage.

Mr. Wickliffe—I will give my reason for opposing this bill. If I understand the bill aright, it is intended to give to the late District Attorney of the Tenth Judicial District a portion of a fine remitted by the Governor and the Senate—that portion to which he would have been entitled had the fine not been remitted. I must say that if I had been here at the time the proposition was before the Senate, I should have voted against remitting the fine. But it has been remitted. I do not think the District Attorney has a vested right in it. It has been wiped out by the deliberate action of the Governor and Senate, the authorities legitimately entitled to perform the act. There is then no longer any fine; there is nothing in

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which the District Attorney can have any right. He has no claim till the party be convicted and the fine collected. The fine cannot be collected till the proceedings have passed through all the forms of law. The action of the Governor and Senate is one of those forms. If they choose to remit the fine, it is equivalent to annulling the proceedings. If we pay the District Attorney what he claims as his portion, we should have to pay it out of the State Treasury. It will not be claimed that we are bound to do that.

Mr. Hodge—I do not remember how I voted at the last session on the proposition to remit the fine referred to in the bill. But I consider that no longer an open question. Last year an application was made by the District Attorney of East Feliciana for a portion of a fine which had been remitted by the Governor and Senate. That was precisely a similar case, and I believe it was decided in favor of the claim of the District Attorney. It may be true that he takes the office *cum onere*, and that the possible action of the Governor and Senate is one of the contingencies to be anticipated in a case of this kind. But there is such a thing as justice in a case of this kind; and we should act justly always. Now, sir, this gentleman has actually done the work imposed on him by law. He has convicted the man, and that is as far as he can go. The Governor and the Senate have seen fit, on account of something outside of the case, to remit the fine. I say "outside of the case," because it is to be supposed that the fine was remitted for reasons which could not come before the Court, but were brought to the notice of the Governor and Senate. The judgment of the Court shows that the fine is collectable. If, then, the Governor and Senate choose to remit the fine, for some reason of their own, should the District Attorney be deprived of that portion to which he would have been entitled? The Senator from West Feliciana (Mr. Wickliffe) draws some very nice distinctions between rights vested and rights not vested. He contends that the District Attorney has no vested right in this fine. I say, sir, that when a conviction has been procured and the District Attorney has attended to the case, and performed every duty required of him by law, he has acquired a right which the State cannot take away. Yesterday we passed a bill remitting a fine imposed on a person in this parish, but reserving to the District Attorney his portion. We should not make the case now before us an exception

Mr. McCay—In the case alluded to by the gentleman, occurring in this parish, the fees were reserved to be paid by the defendant, not by the State. By the bill before us, the fees would have to be paid out of the treasury of the State. They are, therefore, not analogous cases. When the District Attorney accepts his office, he takes it subject to the pardoning power of the Governor and Senate. If I vote for this bill now, I shall probably have to vote for a dozen more of the same kind next year. I am therefore opposed to the bill, and shall vote against it.

Mr. Moore—As I voted against the bill to-day, to remit a fine imposed on certain parties in Iberville, and shall vote against the motion to lay this motion on the table, I would like to explain, briefly, the reasons which influence me. In that case I thought we had no right to remit the fine, as I considered that it belonged to the parish of Iberville. But this is a different case. We have, by our own act, remitted the fine. That is very true. But the District Attorney has done his duty. He has fulfilled every obligation imposed on him by law. He has performed the work, and is entitled to the remuneration which the law promised him. We have no right, by any act of ours, to take it away from him. He has a legal and a constitutional right to his portion of the fine, and if we prevent him from recovering it from the defendant, we are bound to pay it ourselves.

Mr. King—I should also like to explain my views in reference to this matter. We have, before now, given money to others in precisely the same way. I believe, for my part, that the principle on which we have acted is all wrong. But if we refuse to do for this person what we have already done for others on precisely the same ground, we would be committing an injustice. It would be partial legislation. We should not have commenced the system in the first place; but having sanctioned it by several precedents, we ought not to make exceptions in cases which offer no distinct grounds of objection.

Mr. Wickliffe—I do not understand what the gentleman means by partial legislation. I vote for a bill if it appears to be good on the face of it. If I think it bad, I will oppose it without reference to any other bill. In this case I think the District Attorney has no right to the money. I will never vote to give money to District Attorneys in cases like this, when the pardoning power has been exercised by the Governor and Senate.

Mr. Macmurdo—I shall vote for the bill on the ground that it is the policy of the State to encourage District Attorneys in the discharge of their duties.

The motion to lay on the table was lost, and the bill passed.

Mr. Macmurdo gave notice that he would, at some future day, introduce a bill to repeal the act entitled an act granting pensions to the veterans of 1814 and 1815, approved April 30, 1853.

Mr. Macmurdo—The act referred to was intended by the last Legislature to prevent the abuses that had been committed under the act entitled an act granting pensions to the veterans of 1814 and 1815, approved March 17, 1852. That act had entirely failed in its purpose. The demands on the Treasury continued to the same, if not a greater extent. An appropriation of ten thousand dollars to meet the requisitions of the law of 1853 was exhausted in a few weeks after its passage, and there are now numerous claimants under that act. Being convinced that the only way to put a stop to this inroad upon the Treasury is to repeal the act referred to, and leave the system as it existed prior to the passage of the act approved 17th March 1852, I have given this notice.

Mr. Palfrey—If the Senate has no urgent business before it, I move that this bill be now taken up. (The rules were suspended.) I will explain briefly the object of the bill. At the period of the invasion of Louisiana by the British troops, and while it was still uncertain at what point the enemy would land, detachments were sent to different points upon the lake shore for purposes of observation and defence. The men composing these detachments exhibited the same zeal, endured equal hardships, and were supposed to be exposed to as much danger as those who remained with the main body of the army, and who subsequently fought at the lines. Notwithstanding this, however, they are excluded from the privileges of the Pension Law, and it is for the purpose of placing them on the same footing as those who fought at the lines, that this bill is introduced.

The bill passed.

MESSAGE FROM THE HOUSE.

The special messenger from the House informed the Senate that the House had concurred in the following entitled bills of the Senate—

An act creating two additional notaries for the parish of Rapides.

An act to change the time of holding the terms of courts in the Sixth Judicial District, and making jury terms.

And he requested the concurrence of the Senate to the following entitled bills—

An act to provide for the appointment of one notary public for the parish of Plaquemines.

And that the Speaker had signed the following enrolled bills—

An act to authorize Hypolite Chretien and Celestine Cantrelle, his wife, to dispose of, by deed of sale or otherwise, a family of slaves.

An act to extend the time allowed to certain parochial and other officers for the purpose of procuring certificates of not being defaulters, in virtue of the 2d section of an act, entitled an act to secure the collection and prompt payment of public moneys—approved 28th April, 1853.

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MONDAY, February 6th, 1854.

Mr. King, from the Committee on Internal Improvements, Swamp Lands and Levees, to whom was referred an act to create a branch of the State Land Office at Monroe in the parish of Ouachita, made the following report:

To the Hon. the President and Senate of the State of Louisiana:

A majority of the Committee on Internal Improvements, Swamp Lands and Levees have instructed me to report unfavorably upon the bill referred to the committee, entitled an act to create and establish a branch of the State Land Office at Monroe, in the parish of Ouachita.

(Signed) WM. W. KING,
Chairman of Int. I., S. L. and L. Committee.

Mr. Rivers called up said bill, which was read as follows:

AN ACT

To create and establish a branch of the State Land Office at Monroe, in the parish of Ouachita.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That there shall be created and established by this act a branch of the State Land Office at Monroe, in the parish of Ouachita, for the sale of located public lands, and for the sale of such public lands as may hereafter be located, donated by Congress to the State of Louisiana, situated in the district of lands North of Red river.

SEC. 2. Be it further enacted, &c., That immediately after the passage of this act, the Governor, by and with the advice and consent of the Senate, shall appoint a Register and Receiver for said branch of the State Land Office, who shall hold their office for the term of two years, unless removed in due course of law, whose salary shall be the sum of two hundred dollars each, in addition to which said salary they shall be entitled to receive the same fees from the purchasers, and the same perquisites of office as are now allowed to the Register and Receiver of Public Moneys of the United States in the State of Louisiana.

SEC. 3. Be it further enacted, &c., That the Register and Receiver appointed by the Governor in conformity with the second section of this act, shall, before entering upon the discharge of their respective duties, take an oath before one competent to administer oaths, to support the Constitution and the laws of the United States and the State of Louisiana, and to perform the duties of their offices faithfully, and shall give bond, with good and sufficient security, to the satisfaction of the Governor of the State of Louisiana, in the sum of three thousand dollars, for the faithful discharge of the duties of their offices.

SEC. 4. Be it further enacted, &c., That it shall be the duty of the Register of said branch of the State Land Office, to perform all the duties, and subject to the same rules, limitation, penalties and responsibilities that now are or may hereafter be prescribed, for the Register of the State Land Office at the seat of Government, so far as relates to the sale of lands within the district described in the first section of this act, and shall make quarterly returns to the Auditor of Public Accounts of all lands that may have been sold at said branch, describing the same and the amount of sales.

SEC. 5. Be it further enacted, &c., That the Receiver of Public Moneys at said branch shall perform all the duties, and be subject to the same rules, limitations, penalties and responsibilities prescribed by law for the State Treasurer, in relation to the entry and sale of lands belonging to the State, within the limits prescribed by the first section of this act, and shall settle his accounts with the Auditor of Public Accounts and pay over quarterly to the State Treasurer all moneys that may come into his hands belonging to the State.

SEC. 6. Be it further enacted, &c., That so soon as the said Register and Receiver have been appointed and shall have taken the oath and given the bond prescribed by the fourth section of this act, the Register of the State Land Office, at the seat of government for the State of Louisiana, shall deliver over to the Register of the branch of the State Land Office, created and established by this act, all the maps appertaining to the State land within the district hereby established, with a correct statement of all lands sold by the State therein, or located within the same, under warrants sold by the State.

SEC. 7. Be it further enacted, &c., That an act entitled an act to create and establish a branch of the State Land Office at Winnsborough, in the parish of Franklin, approved May 4th, 1847, together with all laws contravening the provisions of this be, and they are hereby repealed, and the Register of the Land Office at Winnsborough is hereby required to deliver over to the Register of said branch of the State Land Office at Monroe, created and established by this act, all maps appertaining to the State land, within the district hereby established, with a correct statement of all lands by the State sold therein, or located within the same, under warrants sold by the State, so far as the same may have come to his knowledge.

Mr. Defrees—I must say that the report made by the Committee on Internal Improvements on this bill is to me a matter of astonishment, as well as regret. I am sorry that the Committee has thought proper to make this unfavorable report. The importance of the subject demanded a different decision. By establishing the office provided for in the bill, a large and very important section of our State would be greatly benefited, by securing facilities of which it is now entirely deprived. In that district there is a large quantity of public lands which would be brought into market more speedily if the contemplated office were established at Monroe. Now, persons desirous of entering those lands, are compelled to come here to the capital, a long distance from home, and thus much unnecessary expense and delay are incurred by them, which might be obviated in the way proposed by the bill. It is, I may say, absolutely necessary to have a branch office at Monroe. The Committee has not thought proper to give us any reasons for reporting unfavorably on this bill. I regret this exceedingly. I should like to hear their reasons for objecting to it. I think it a very important measure—one deserving of more respectful consideration than is manifested by a simple adverse report. We, who are in favor of the bill, can give our reasons for advocating it. I hope the Committee will do us the favor to explain theirs. I hope they will lay before us the reasons which have influenced them in coming to the conclusion indicated in the report. If there are any sound reasons why this bill should not pass, I ask gentlemen to explain them. If there are no reasonable objections, I call on them to support the bill. Let it become the law of the land. It is of great importance to a large and growing section, and will operate beneficially to the interests of the State. I hope the bill will pass.

Mr. King—It is true that the Committee has not, in its report, given expression to the reasons which influenced it in opposing this bill. But the gentleman may be sure that the Committee did not act without substantial cause. The fact is, we thought the establishment of a branch office at Monroe totally unnecessary. If we commence to divide this office, we shall be called on to establish a branch in almost every parish of the State, and the result will be, that the whole revenue derived from our swamp lands will be consumed in the payment of salaries. There is, I am forced to say, no part of the State for which I have a greater sympathy than for that portion for the benefit of which it is proposed to establish this branch Land Office. If we divide the office at all, undoubtedly that section would be entitled to our first consideration.—But the Committee did not think it judicious to divide the office at all, for the reasons I have stated. I cannot think the gentleman from Jackson (Mr. Defrees) will think I am animated by any motives except those of public policy, in opposing the bill.

Mr. Hodge—I move, as an amendment, to insert after the words "Monroe, in the parish of Ouachita," the words "Shreveport, in the parish of Caddo."

Mr. Kenner moved to insert as an amendment to Mr. Hodge's amendment, the words "Donaldsonville, in the parish of Ascension."

Mr Moore moved as an amendment to Mr. Kenner's amendment the words "Opelousas, in the parish of St. Landry."

Mr. King moved to lay the bill and the amendments indefinitely on the table.

Mr. Defrees—I hope the gentleman will not take

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that course. I trust he will allow a vote to be taken directly on the bill.

The bill was laid on the table.

Mr. Macmurdo moved to take up the bill to provide for the payment of coupons of interest, detatched from the bonds issued by the State, and which coupons may be past due.

Mr. Macmurdo—This is, I need hardly inform the Senate, a very important bill, and it is necessary to pass it with as little delay as possible. I will endeavor, in a few words to explain its merits. The Constitution, as is well known, provides that no money shall be drawn from the Treasury except in pursuance of a specific appropriation, and no appropriation shall be made for a longer time than two years. We are in the habit of making our appropriations for the payment of the State debt and interest, from year to year, and if the coupons are not presented within the two years required by law, which is frequently the case, they are not available. Coupons are sometimes detatched from the bonds, and are not offered for payment till long after they are due. This bill contemplates the formation of a fund, out of which these coupons of interest may be paid on presentation. I hold in my hand an extract from the Journal of Commerce, one of the leading papers of new York, which shows the importance of this bill. I will read it for the information of the Senate.

A respectable house in this city, with English connections, recently received from London, for collection, twenty coupons of interest upon Louisiana State Bonds, to the amount of $600 all due, and forwarded them to Baton Rouge for payment. He has just received the cash for seventeen of them, amounting to $510; but three of them, amounting to $90, were returned without payment, the proper officer at the Treasury in Baton Rouge saying that no farther provision had been made for payment, but that the Legislature would meet during the present month, and would, no doubt, provide for them. Is there no one in Louisiana who has $90 to the credit of his bank account to loan that State at this pinch? The following is a copy of one of the coupons returned:

> LOUISIANA STATE BOND.
> Dir. Warrant for $30, due 11th Sept., 1853, and payable at the place named in the endorsement hereof. F. G., Treas'r.
> No. 70.

If this be permitted to continue, it cannot be doubted that the credit of the State will suffer in consequenes. Cases of the kind alluded to in the Journal of Commerce frequently arise, and it is necessary that some provision should be made to meet them.

The bill passed with an amendment.

THE CITIZENS' BANK.

Mr. Clifton, from the Committee on Banks and Banking, reported favorably on the following bill:

AN ACT

Amendatory of the Charter of, and of the several acts relative to the Citizens' Bank of Louisiana.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the proviso contained in the 8th section of the act of 30th January, 1836, entitled, "An act amendatory and supplementary to the several acts relative to the act to incorporate the Citizens' Bank of Louisiana," which reads as follows, viz: "Provided that no person or persons who are not free white citizens of the United States, and domiciliated in the State of Louisiana, shall be directly indirectly owner of any part of the capital stock of idcompany," be, and the same is hereby repealed.

SEC. 2. Be it further enacted, &c., That the ninth section of the act aforesaid, of 30th January, 1836, *authorising the Bank to charge on all notes having more than one hundred and twenty-four days to run six per cent discount, and all loans over one hundred and twenty-four days, seven per cent discount,* and the eighth section of the act of 13th March, 1839, entitled "An act to amend an act entitled an act amendatory and supplementary to the several acts relative to the act to incorporate the Citizens' Bank of Louisiana, *authorizing the Bank to charge eight per cent discount on loans for a term exceeding six months or more,* be, and the same are hereby amended as follows, viz: That it shall be lawful for the Citizens' Bank of Louisiana to charge on all loans (stock loans excepted,) not having more than ninety days to run, six per cent discount, and on all loans over ninety days, eight per cent discount.

SEC. 3. Be it further enacted, &c., That the section of the act of February 12th, 1836, entitled, "An act supplementary to the several acts relative to the Citizens' Bank of Louisiana," which reads as follows: "That hereafter no nomination of the officers of the Bank will take place without having given eight days notice of the same in French and English in two of the papers of this city be, and the same is hereby repealed.

SEC. 4. Be it further enacted, &c., That so much of the seventh section of the act of 1st March, 1852, entitled, "An act for the relief of the Citizens' Bank of Louisiana, authorizing the stockholders to elect five directors, be, and the same is hereby so amended that the stockholders of said corporation shall have the right to elect seven directors, who, with the two appointed by the State, shall constitute the Board of Directors of said Citizens' Bank of Louisiana."

SEC. 5. Be it further enacted, &c., That this act shall be in force only after having been accepted in writing by a majority in number and amount of both the mortgage and cash stockholders of the Bank.

Mr. Macmurdo—I move that the bill be taken up and acted on now.

Mr. Evans—I cannot say that I thoroughly understand this bill, and without understanding it I cannot consent to vote for it.

Mr. Macmurdo—I shall endeavor to explain the nature of the bill so that the gentleman may be enabled to understand it. The object of the bill is a good one, and I think will command the general approbation of the Senate. In plain terms, it is intended simply to allow the Citizens' Bank to charge eight per cent. on loans for more than ninety days, thus putting that Bank on an equality with the others. It is a privilege granted to the free Banks established under the act of the last session, and with which the Citizens' Bank comes in competition. Moreover, this will benefit the country, where the loans made are generally for 90 days, and if the Citizen's bank be not allowed to charge the same rate as the others, it cannot of course extend its loans to a period beyond the ninety days. It is also designed to benefit the mortgage-stockholders, among whom the State has a residuary interest. I can see no possible objection to the bill, and I am sure the gentleman will have none after I have informed him that its only object is to put the Citizens' Bank on an equality with the other Banks, by granting it the same privileges which they enjoy. It will benefit the State and the country stockholders, and cannot have an injurious effect on any one.

Mr. Moore—Does the gentleman intend to increase the interest on mortgage notes?

Mr. Macmurdo—The only intention is to allow the money to be so invested as to give the mortgage stockholders some return for the large contributions which are levied on them.

Mr. Trudeau—If I understand the bill correctly, its object is this: The Citizens' Bank occupies a different position from that which is occupied by others. It has a right to discount paper for longer than 90 days, but on all paper running more than that time, it is restricted to 6 per cent. The object of this regulation is to prevent that Bank from discounting for a longer period than 90 days, by making it against her interest to do so. But the other Banks have the privilege of discounting for a longer period than 90 days, at 8 per cent. This of course operates as a great detriment to the country customers of the Citizens' Bank, because she will not discount at a lower rate than others, and therefore cannot extend her loans beyond 90 days. In fact some banks have the privilege of charging 9 per cent. after a certain time, but she does not ask to be permitted to charge more than the legal rate of interest. She is now, by the operation of the provision I have referred to, restricted entirely to discounts on short paper. She ought to be permitted to have the same privileges as the other

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Banks. As the Senator from New Orleans very justly remarks, the State has a direct interest in the matter, which she should consult, for her own sake at least.

Mr. Moore—The bill ought to be so amended as to exclude loans on mortgage from its operation. By the charter of the Bank she has no right to take more than 7 per cent. on mortgage loans, and the bill should, therefore, be so amended as not to violate that provision of the charter. If the bill is so shaped as simply to affect loans on promissory notes, I have no objection to it, but if it includes mortgage loans, I shall oppose it, because it would contravene a special provision of the charter. The reason for the restriction in regard to mortgage loans, is evidently that when the security is perfect the rate of interest ought not to be so high as when the security is imperfect. If I am wrong in stating that such a restriction exists in the charter, I hope that some gentleman who is better informed on the subject than I am, will correct me.

Mr. Macmurdo—The bill excepts stock loans.

Mr. Moore—Then I move to except loans on mortgage.

Mr. Trudeau—I object to the amendment. The rate of interest in New Orleans, it is well known, is very high. It is even difficult to procure money on mortgage at 8 per cent. If we make the rate which she is permitted to take, lower than the rate of conventional interest, the only effect will be to prevent the Bank from lending money. There is no clause in her charter compelling her to do so. If she cannot make loans at the same rate as other Banks, she will not make any loans of that kind at all, because she can lend money on short time at better rates. If she be put on the same footing with other banks, she will be willing to extend those accommodations to the planting community of which they stand so greatly in need.

Mr. Kittridge—I hope the amendment will not prevail. If it be adopted, it will deprive the country of the advantages which it expected to derive from the re-establishment of this Bank. When planters go to the city to borrow money, they do not expect the Citizens' Bank to lend them money at a lower rate than is charged by other Banks. It could not be expected that the Bank would do it, and therefore the planters would lose the benefits of the institution.

Mr. Palfrey—I am opposed to increasing the rate of interest which this Bank is allowed to charge. My impression is that it is not optional with the Bank what amount she may lend on particular securities. I think she is bound to lend a certain proportion on notes, a certain proportion on mortgage, &c.

Mr. Macmurdo—It is of great importance to the interests of the Citizens' Bank to be put on an equality with the other banks in New Orleans. It is with great difficulty that loans on mortgage can be obtained in the city at 8 per cent. The old banks are authorized to charge nine. This bank is more extensively connected in the country than any other, and it is but just not only to herself, but likewise to her customers, that she should be put on an equality with the rest.

Mr. Hodge—I shall vote against the bill because it gives the bank the right of charging a higher rate of interest than individuals are permitted to receive. There is a difference between eight per cent. interest and eight per cent discount. Allowing the Bank to charge eight per cent discount would entitle it to receive more than eight per cent interest. There is no reason why the bank should be suffered to charge more than an individual. It shall never be done with my consent. It is unfair and unjust, and tends to foster monopolies. I will not make any discrimination in favor of banks simply because they happen to be corporations.

Mr. Macmurdo—Individuals charge more than eight per cent. every day in the year.

Mr. Hodge.—Then that is usury, and vitiates the contract.

Mr. Macmurdo—but the discount usually charged is eight per cent. That is sanctioned by custom.

Mr. Hodge.—Have the Free Banks the right to charge eight per cent?

Mr. Macmurdo—Yes, sir.

A motion was made to lay the amendment on the table.

The motion was lost.

Mr. Hodge—I move to lay the bill indefinitely on the table; but before the question is put, I should like the gentleman to read the section of the Free Banking law which authorizes them to charge eight per cent.

Mr. Evans—Will it be in order to move to lay the bill on the table indefinitely? For my part I am always doubtful about the propriety of giving additional powers or privilges to banks, and as I do not yet thoroughly understand the proposition before the Senate in regard to the Citizens' Bank, I should not at this moment be willing to vote for it. Nevertheless I shall vote against laying the bill indefinitely on the table, because if I can be convinced of its propriety, I shall support it. I would therefore move to have the bill postponed to some future day.

Mr. Kenner—I shall second that motion. There seems to be some misapprehension in regard to the bill, which, I am satisfied, will be removed when senators shall have had time to reflect on it. In a few days I think it will pass without opposition.

Mr. King—I find there is an amendment necessary to the bill. In its present shape it interferes with the charter of the bank, without consulting the stockholders on the subject. We ought to insert a section providing that the stockholders shall accept the amendment before the act can have effect. The charter is a vested right in the stockholders, and we cannot alter it without their consent.

Mr. Moore—As I have before remarked the charter compels the bank to lend a certain proportion on mortgages. Now this amendment proposed in the bill may be necessary, it may be productive of beneficial results to the community at large, but I am inclined to a different opinion. I think its only effect will be to legislate money into the pockets of the stockholders. I have no hesitation in affirming that in two days after this bill passes, the stock of the Citizens' Bank will be worth 110. This is an important fact. I do not consider this a fair method of legislation.

Mr. Hodge—The gentleman from New Orleans, (Mr. Macmurdo) remarked that the banks established under the Free Banking law have a right to charge eight per cent discount. I take issue with him on that point. He says those banks have a right to charge the highest legal interest. In order to come to a just conclusion we have to inquire what the highest legal interest is. It is eight per cent. But eight per cent. discount exceeds eight per cent. interest, as I have before stated, and as the gentleman himself fully knows. Now, sir, I am opposed to granting greater privileges to banks than are extended to individuals. Why should we do it? What claims have they on our favor? I say again, sir, it is a wrong principle, and shall never receive the sanction of my vote.

Mr. Macmurdo—I am sorry the gentleman has taken issue with me on the right of persons to charge eight per cent discount. I would ask the Chairman of the Committee on Internal Improvements, (Mr. King) whose authority as a lawyer I am perfectly willing to take, whether such contracts are not recoverable at law.

Mr. King—Eight per cent is the legal rate of interest, as has been stated. That is called conventional interest. But if a person choose to buy a note, deducting any discount which may be agreed on, he can recover the amount of the note,

Mr. Hodge—Do I understand the gentleman to say that the usury laws of the State can thus be set aside? It is the first time that I have heard it seriously urged that a thing could be changed by changing its name. It is the first time I have heard that a man could thus with impunity violate the usury laws. They are made for the purpose of fixing the amount of profit which a man may make on loans of money, and to prevent imposition on those whose necessities compel them to have recourse to money lenders. To take more than a certain rate is usury; and it is usury still, whether you call it discount or interest. I have frequently heard of this way of getting around the

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usury laws, but I never before heard it said that the law itself countenanced such a system.

The bill was made the order of the day for Wednesday.

THE RICKER EXPEDITION.

Mr. King asked and obtained leave to introduce an act to repeal, in part, art 1546 of the Civil Code. Referred to the Judiciary Committee.

Also an act to compensate various persons employed by the committee of the Senate, appointed in the year 1850, to preserve the State from inundation.

Mr. King—I move to refer the bill last presented to the Committee on Internal Improvements.

Mr. Wickliffe—I move to refer it to the Committee on Claims. That Committee is not pledged on the subject either way. I hope the gentleman will not insist on his motion to refer it to the Committee on Internal Improvements. It is known that the Chairman of that Committee is hopelessly pledged to the payment of these claims. For my part, I think these claims are not founded in justice. I may be wrong, but that is my opinion, and I think when the bill comes up, I can show it to be well founded. Now, sir, this thing is a claim, and as such ought to be examined by the appropriate Committee. All other claims are treated in that way, and I hope an exception will not be made in this case. What has the Committee on Internal Improvements to do with a matter of this kind? The bill contemplates nothing more or less than the payment of certain claims against the State, and the proper Committee to examine a question of that kind is the Committee on Claims I think, as I have said, that I can show that these are not good claims. That famous expedition of Mr. Ricker was a perfect wild goose chase for which he had no authority from the State. I again venture to express the hope that the gentleman will not persist in his motion, when he is irredeemably pledged in favor of the bill.

Mr. King—The gentleman thinks this bill ought not to be referred to the Committee on Internal Improvements, because I am, as he says, irredeemably pledged in its favor. But, sir, I am not the whole Committee I am not authorized to speak for it, except when instructed to do so, or to pledge it for or against any particular measure. I, sir, have introduced this bill. I am certainly pledged to my own bill. It would be strange if I were not. But there are other members on the Committee who are entitled to an equal voice with myself. The gentleman certainly would not be unwilling to trust to their discrimination. The gentleman asks what the Committee on Interna Improvements has to do with this matter. If he had read the title of the bill he would not have asked the question Mr. Ricker was the chairman of a committee appointed by this Senate to devise ways and means to save the State from inundation. The Committee on Internal Improvements is intended to perform the same duties. That shows at once that this Committee is the one peculiarly adapted to the investigation of the bill The gentleman says these are not good claims. I think, on the contrary, that they are eminently just. I think I can show, when the bill comes up, that they are just, though I may fail in convincing the gentleman who is so irredeemably opposed to them. I will show the gentleman now. Mr. Ricker, as Chairman of the Senate Committee, reported the results of his investigations to the Committee on Internal Improvements. That Committee has before it all the maps, plans, papers and other documents which were collected by Mr. Ricker. It has, therefore, at its command, means of information not possessed by the Committee on Claims. The gentleman has thought proper to state that I am pledged in favor of the bill, and has left us to infer that the Committee of which I have the honor to be Chairman is affected in the same way. I contend, sir, that the Committee on Internal Improvements is no more pledged than the Committee on Claims. Last year the claim of Mr. Burke, one of the gentlemen employed by Mr. Ricker, was laid before that Committee. It amounted to $800. The Committee reported on it favorably. The Internal Improvement Committee cut down the same claim to $100. So, if the Committee on Claims, following this precedent, should report favorably on all the bills in full, it would take $25,000 to pay them. The Committee on Internal Improvements, on the other hand, makes the sum only $5,000. I repeat that these are just claims, and I therefore think they ought to be paid. The Committee on Internal Improvements, with all due deference to the Senator from West Feliciana, is precisely the Committee to which the subject ought to be referred, as the one best qualified to investigate it. The Committee on Claims cannot possess so correct a knowledge of the matter, because it has not the means of information. As to the Committee on Internal Improvements being pledged, I have shown that to be a mistaken view of the subject. I do not know a single member who is pledged, so that the fears of the gentleman on that score are utterly groundless.

Mr. Wickliffe—The gentleman says that the Committee on Claims is pledged, equally as much so, I believe he stated, as the Committee over which he presides as Chairman, Now, sir, what will be thought of this statement, when I call the attention of Senators to the fact that not a single member of that Committee of last year now occupies a seat on this floor. I repeat that I see no reason why this bill should be sent before a Committee whose Chairman is pledged to its support, while other bills are sent before unpledged Committees. This, sir, is an invidious distinction. The argument of the gentleman that the Committee on Internal Improvements possesses superior means of information is not tenable. The gentleman himself who takes so much interest in Mr. Ricker will certainly not object to showing those maps and plans and documents of which he has spoken to the Committee on Claims, in order to aid it in its investigations. I know that his amiability and amenity are such as will not permit him to refuse.

Mr. King—I beg leave to assure the gentleman that I will not take the trouble to run to the Committee on Claims to show plans and documents of any kind. That is not my business. I will also tell him that I have no interest in this bill, except that which every Senator should feel. I consider the claims just, and I think they ought to be paid.

Mr. Kenner—I should like to settle this matter without delay, I therefore move to lay the bill indefinitely on the table. This Ricker claim has been before the Senate for the last three years. It has become a decided bore, at least to me, and I am sure there are very few of the other members who want to hear any thing more about it.

Mr. King—If we do not pass a general bill of this kind, we shall be annoyed by numberless petitions and special claims in the consideration of which much valuable time will be unavoidably consumed, and the result may be that the State will ultimately be subjected to much more expense than if this bill were to be passed at once.

Mr. Kenner—As I perceive there is an evident desire on the part of the Senate to investigate this subject, I withdraw the motion to lay on the table indefinitely, and second the motion to refer to the Committee on claims. That is the proper committee.

Mr. King—I have no objection to withdraw my motion to refer the bill to the Committee on Internal Improvements. I do not oppose the investigation of these claims by any committee, as I believe them to be just and proper

The bill was referred to the Committee on Claims.

Mr. King called up House bill entitled,

An act to make effective the provisions of an act entitled an act to reclaim and drain the swamp and overflowed lands donated to the State of Louisiana by an act of Congress entitled an act to aid the State of Louisiana in draining the swamp lands therein, approved March 2d, 1849.

On motion, the rules were suspended, it was read twice, and it was referred to the Committee on Internal Improvements.

Mr. Wickliffe—I move to take up the House bill to provide for the registry of legal and tacit mortgages, and refer it to the Judiciary Committee. The reason I do so is, because the bill is introduced by a distinguished lawyer of the other house, who has devoted much time and labor to preparing it. I have great confidence in his judgment, and I believe he has produced a bill which will command the approval of the Senate, as it did that of the lower House. I wish the committee to have that bill before them before they act on the subject.

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ORDER OF THE DAY—THE REGISTRY LAW.

This being the day set apart for the consideration of the following bills, entitled—

An act to provide for the registering of voters in the city of New Orleans, in pursuance of Art. 11 of the Constitution, and

An act to provide for the registry of the names and residence of all qualified electors in the city of New Orleans.

Mr. McCay said—I have to ask the indulgence of the Senate for not having prepared a report on these bills. The reason I have not done so was, because one of my colleagues on the Committee on Elections, (Mr. Dupré,) was called away from the capital on urgent business. Mr. Ryan, the other member of the committee, was also absent on business. That gentleman has, I believe, two bills on the same subject in his hands. I myself have two, which I should like to place before the committee. I therefore move that the bill be made the order of the day for Tuesday next. The motion was adopted.

THE BILL TO EMANCIPATE W. H. BOATNER.

Mr. Lacey called up the House bill to, emancipate the minor W. H. Boatner.

Mr. Trudeau—I object to the passage of that bill at this time. I must say that that I cannot consent to favor it until I have obtained some information in regard to it. If I recollect aright, all minors have now, by law, the right to be emancipated by a family meeting or the judgment of a court, when properly applied to. If this is so, I do not see why the Legislature should be continually called on to interfere with such matters. I wish to know whether, under the act of 1848, the family has not a right to do this thing, and whether a family meeting has been called in this case. If the family meeting does not wish to do it, there must be some concealed motive which prompts this application to the Legislature. It shows that the tutor wishes to effect the object in direct oppostion to the desires of the family meeting. The fact is, these applications are becoming entirely too numerous. There were so many bills for the emancipation of minors and slaves before the Senate last week, that I am not sorry I was not here to be annoyed by them. Not a general bill was acted on during all that time. Now, sir, I wish the Senate to understand me. I am opposed to legislation on special grounds, and I am therefore adverse to this emancipation of a minor in opposition to the wishes of a family meeting. I think the time has arrived to put an end to this course of proceeding, and I have therefore taken this opportunity of presenting my views to the Senate. We have general laws under which the same results can be obtained as through an act of the Legislature, if the merits of the case demand. Let parties take advantage of those general laws, and cease to annoy us with their applications.

Mr. Lacey—When I inform the gentleman that the minor whose emancipation is contemplated by this bill, is a brother of one of my colleagues, representing the parish of East Baton Rouge in the other House, and also of one of the Senators on this floor, I hope he will see that the case is not of that kind which he suspects. The object in view of the parties is to make a division of property. The estate is small, and would not justify the expense of the legal proceedings which would be necessary under the general law. The Senate has before passed bills of this kind. It has passed them at this very session. I know the gentleman is opposed to the principle. I am myself opposed to it. But the Senate has sanctioned the priuple in a number of instances, and it would be unjust to make an exception in this case, if there are no other reasons than those which applied to the others. This is a peculiar case. It demands action of some kind, and as the parties have come before us for relief, under the precedents which we ourselves have set, I do no not see how we can, in justice, refuse to grant their request.

Mr. Trudeau—I should like to grant all due courtesy to the gentlemen, but I cannot consent to support a bill to the principle of which I am opposed. I do not make an exception in this case, since my action has been adverse in all. I think there is danger in this system of emancipating minors. Members were surprised when I told them there was no necessity for legislation on the subject—that it was already completely provided for in a general law, and that the object could be accomplished by application to a court. I am opposed to the principle, and I shall make no exception in favor of any bill. I shall vote against them all whenever I have an opportunity.

The bill passed.

Mr. Rivers submitted and read the proceedings and resolutions passed by the citizens of the parishes of Carroll, Madison, Tensas and Concordia.

On motion of Mr. Rivers, they were referred to the Committee on Internal Improvements, Swamp Lands and Levees.

TUESDAY, Feb 7th, 1854.

The Senate met at 11 o'clock—17 Senators present.

A memorial was presented from citizens of New Orleans against an act regulating Judicial sales.

Mr. Kenner—I ask for the reading of the names to the memorial. It is not often I agree with the Democratic party, and I want to hear their names.

The names were partly read.

Mr. King—I am glad the names have been read.—If those are Democrats there must be very few Whigs left in New Orleans.

Mr. McCay called up the following bill—

An act to provide for the seizure, upon conservatory process, and under execution of all judgments and all rights and claims in suit.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That from and after the passage of this act, all judgments and all rights and claims to property, moveable and immoveable, money, rights and credits, when asserted in court by way of petition, opposition or reconvention and all claims upon tableau of distribution, shall be subject to seizure under execution in all cases and upon conservatory process in the cases in which by the existing laws, such process can issue.

SEC. 2. Be it further enacted, &c., That all persons entitled to process, whether mesne or final, and who shall have caused the same to issue in any of the cases mentioned in the preceding section, and seizure to be made, shall cause the Sheriff to notify the debtor, when the latter is a resident of the parish in which the seizure is made, as in ordinary cases, and when the debtor is not a resident of the parish, then notice may be served upon any one of his attorneys of record in the case in which the right, claim or judgment shall be seized.

Mr. King—I propose to amend by adding notice to judgment.

Mr McCay—The present law already does that.

Mr. Lacey—I hope the bill will be referred for the purpose of amending and perfecting.

Mr. McCay—The bill seems very clear to me without amendment, but I will interpose no objection to the reference if the gentleman desires it.

Mr. Munday—I think that parties might be injured under the provisions of this bill, and I insist, with Mr. Lacey, that it should be referred.

The bill was made the special order for Wednesday next.

On a resolution to ask for a daily mail between New Orleans and Baton Rouge—

Mr. Kenner—I do not know that the remote, small voice of Louisiana will be heard by the general Government. But every little town, nearly, in the United States, has a daily mail, and Baton Rouge, the capital of the State, has none. I mean nothing political in this, and cast no reflections on the present head of the Postoffice Department. He is only doing what all the Postmasters preceding him have done. We have been refused it because it would not pay to establish a daily mail, but we must have it.

The resolution was adopted.

ORDER OF THE DAY.

An act regulating the retailing of spirituous liquors.

Mr. McCay—I am in favor of the general provisions of the bill, but to require wards in the city to act on their own independent vote, I cannot submit to; and the bill requires that the vote onthis question be taken annually, and we already have enough elections to attend to.

Mr. Munday—Mr. President, I would like to know

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the objection to the vote being taken by wards. I am in favor of letting every ward vote for itself.

Mr. McCay—I will state one objection. Those wards that reject the coffee houses, will thereby concentrate them into particular wards, and wards having a majority in favor of license would thus be increased. For uniformity, let the whole parish vote whether there shall be a license or not.

Mr Munday—I think it is perhaps better to print the bill, and let us examine it, as it concerns the happiness of so many people. I, however, cannot understand the gentleman's special pleading.

Mr. Palfrey—Mr. President, I move to reconsider the vote making the tacit mortgage bill the special order of the day for Thursday week, and change it to Monday week, because several committees would be absent, and there should be a full Senate when the bill was acted on.

Mr. King—I am opposed to delaying this matter, as was done at the last session, for the convenience of fancy committees. If this delay is intended to defeat the bill, I shall oppose it, and insist on the order standing as it is.

Mr. Palfrey—I will inform the Senator that the committees do not go to New Orleans from choice. For my own part I prefer remaining here and attending to the business of the Senate.

Mr. Lacey—I concur with the Senator from New Orleans. I would rather dispense with the committees than that their absence should delay and defeat the bill.

Mr. Munday—I desire to be here as much as any gentleman. I am in favor of the postponement in order to have a full Senate. I am compelled to go away with a committee. I do not suppose that every thing will be swept away, even if this bill should fail.

Under consideration "an act to reenact and amend article 116 of the Civil Code."

Mr. King—Mr. President, I move that the Senate refuse to concur in the House amendments. The bill as it passed the Senate ought not to be amended. The judge should have some discretion in the appointment of curators.

The Senate refused to concur.

MESSAGE TO THE HOUSE.

The Assistant Secretary informed the House that the Senate had concurred in a bill entitled

An act changing the time of holding the term of the District Courts of the 9th and 11th Judicial District Courts of this State.

And he requested the concurrence of the House in a bill entitled

An act to provide for the payment of coupons of interest detached from the bonds issued by the State, and which coupons may be past due.

And that the Senate has concurred with amendment in a bill entitled

An act for the relief of F. L. Glover.

BILLS INTRODUCED.

Mr. Pellerin asked and obtained leave to introduce a bill entitled

An act for the relief of Armand Hulot, of the parish of Lafayette.

On motion the rules were dispensed with, it was read twice, and it was referred to the Committee on Claims.

Mr. Evans gave notice that he would, on some future day, introduce

An act granting State aid for the building and endowing colleges and first class seminaries of learning.

Mr. King, without previous notice, asked and obtained leave to introduce

An act to authorize Joseph Emily Valée to adopt Elizabeth Burnett, his legal heir.

On motion of Mr. King, the rules were suspended, it underwent its several readings, and it passed.

Mr. Macmurdo, without previous notice, asked and obtained leave to introduce

An act to continue in force and amend the act entitled an act to incorporate the Presbyterian Church and Congregation of the city and parish of New Orleans, approved March 1, 1834.

On motion, the rules were suspended, it was read twice, and it was referred to the Judiciary Committee.

Mr. King asked and obtained leave to introduce

An act to fix the time for the election of State Printer.

On motion, the rules were suspended, it was read twice, and it was referred to the Judiciary Committee.

The same Senator introduced

A petition of Eugene Musson and J. F. Pepin—which was referred to the Committee on Claims.

Mr. Kenner asked and obtained leave to introduce

An act to emancipate the slave Louis, belonging to the widow Patrick Uriell, of the parish of St. James.

On motion, the rules were suspended, it was read twice, and it was referred to the Judiciary Committee.

Also, an act to authorize the Recorder of the parish of St. James to appoint a deputy.

On motion of Mr. Kenner, the rules were suspended, it underwent its several readings, and it passed.

Mr. King asked and obtained leave to introduce

An act to provide for the internal improvement of the State, and for making the necessary levees and drainage to reclaim the swamp and overflowed lands of the State.

On motion of Mr. King, the rules were suspended, it was read twice, and on motion of Mr. Kenner, it was referred to the Committee on Internal Improvements, Swamp Lands and Levees.

Five hundred copies were ordered to be printed immediately in Baton Rouge, and that the original be handed to the printer.

By a message from the House, the signature of the President of the Senate is requested to the following enrolled bills and resolutions of the House:

An act to authorize Pierre Whip, of the parish of Iberville, to change his name from Pierre Whip to that of John Reames.

An act to increase the compensation of jurors in the parish of East Baton Rouge.

An act to repeal so much of the 3d section of an act entitled an act to regulate the terms of the District Courts (the parish of Orleans excepted) approved April 29th, 1853, as relates to the courts of the 8th Judicial District, and regulate the holding thereof.

An act to authorize James M. Meredith and Josephine Larsh, his wife, of the parish of Caldwell, to adopt Eliza Jane Rice, an orphan, and to change her name to Eliza Jane Meredith.

An act for the relief of Samuel Patterson, Sheriff of the parish of Livingston.

An act for the relief of James Upshaw, Sheriff of the parish of Bienville.

Resolution instructing our Senators and Representatives in Congress to procure a weekly mail between Stony Point, in the parish of East Baton Rouge, and Springfield, in the parish of Livingston.

And that the House had concurred in the following entitled bills of the Senate:

An act for the relief of H. McNeal.

Mr. Lacey gave notice that he would shortly introduce the following bills:

An act providing for the navigation of the Bayou Manchac.

Also an act granting to the Baton Rouge Grosse Tête and Opelousas Plank Road Company the use of the convict slaves, and the negroes, now under confinement in the penitentiary.

Mr. Trudeau asked and obtained leave to introduce

An act to secure the rights of pre-emption.

On motion the rules were suspended; it was read twice, and it was referred to the Committee on Internal Improvements, Swamp Lands and Levees.

ORDERS OF THE DAY.

First Reading.

An act to authorise Tilmon Hemphill, of the parish of Bienville, to adopt Miranda Indiana Owen and William Napoleon Owen, and to change their names to Miranda Indiana Hemphill and William Napoleon Hemphill.

An act to amend the thirtieth section of an act entitled, "An act for the uniform regulation of elections

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in the State of Louisiana" (excepting the parish of Orleans)

An act to change the name of Henry Lightfoot Williams.

An act relative to the removal of the seat of justice of the parish of Concordia.

An act to change the name of Assenath Melissa Clayton to that of Hortense Helena Tiffen.

An act to provide for the re-districting of the parish of Concordia into police jury wards.

An act to emancipate John Fletcher Wyche, Jr.

An act to incorporate the college of New Orleans.

An act to exempt clerks, workmen and employees of the Branch Mint of the United States, at New Orleans, from serving as jurors in the District Courts of New Orleans.

An act to incorporate the Louisiana German Draymen's Association, of New Orleans.

A bill to amend the tenth section of the act organizing the District Courts of New Orleans.

An act to authorize Louis Auguste Leopold Bernard to make certain disposition of his property.

An act to create an additional Justice of the Peace and Constable in and for the parish of Washington.

An act to authorize Christian Mathes and Wahlburga Stiep, his wife, mutually to adopt Peter Mathes and Josephine Stiep, and to make donations in their favor.

An act for the relief of Ivy F. Thompson.

An act to provide for the appointment of one notary public for the parish of Plaquemines.

An act to emancipate John McWillie, Jr., and Annie McWillie.

Resolution requesting Senators and Representatives in Congress to procure the passage of a law giving to each settler, who is not an owner of any land, 160 acres.

Resolution requesting our Senators and Representatives in Congress to obtain a weekly mail from St. Martinsville, via the Bayou Portage, and crossing Lake Fausse Point to Bayou Chenne, in the parish of St. Martin.

Resolution relative to the printing of bills, resolutions and reports of both Houses.

Second Reading.

An act to protect creditors against the surreptitious distribution of the assets of successions and insolvencies in the parish of Orleans.

An act to regulate parish taxation in the parish of Concordia.

An act to increase the pay of jurors of Carroll parish.

Resolution requiring State Engineer to repair to the Ouachita river and examine the shoals therein.

On motion, it was referred to the Committee on Internal Improvements, Swamp Lands and Levees.

An act concerning the licensing of drinking houses and the sale of intoxicating liquors in this State.

On motion it was ordered to be printed.

Resolution requesting our Senators and Representatives in Congress to procure a weekly mail from New Orleans to Buras Settlement, in the parish of Plaquemines.

On motion the same was laid over, subject to call.

On motion the rules were suspended, the following bills were read a third time by their titles, and they passed, and were concurred in—

An act concerning the payment to owners of slaves condemned to death or the penitentiary by the State.

An act relative to proceedings on judgments rendered by justices of the peace in the parish of Orleans.

An act to provide for the execution of sentences to death in the parish of Orleans.

Resolution instructing Senators and Representatives in Congress to use their utmost exertions to procure the passage by Congress of several bills now pending, having for their object a grant of land by the General Government to the Vicksburg, Shreveport and Texas Railroad.

THIRD READING.

The following bills were laid over, subject to call:

An act to authorize the emancipation of the slave Angela.

An act for the relief of Antoine Joseph Buras.

WEDNESDAY, February 8th, 1854.

Senate met—18 Senators present.

An act to amend and re-enact an act to reclaim the swamp and overflowed lands.

Mr. Kenner—I understand that this bill is to cover works done last year. I would ask what has been done?

Mr. King—I am not furnished with the details of the work for which $50,000 is asked. There is a contract for $12,000 for Grand Levee. Another work would cost $25,000. Then there are the expenses of engineering. The fund intended for them had been refused by the Auditor of Public Accounts, for constitutional reasons.

Mr. Macmurdo—I am in favor of the appropriation.

Mr. Kenner—I do not wish to vote in the dark. Let me ask if the $50,000 is to include $30,000 for Grand Levee?

Mr. Munday—I would state that a portion of this money is to go for a very fine work on Atchafalaya.

First section was adopted.

Mr. Macmurdo—I move a reconsideration. My object is to protect the Internal Improvement Fund, and that this bill shall not make an appropriation for any new works.

Mr. Trudeau—I am preparing an amendment for that purpose.

Mr. Kenner—I have no objection, if it is not intended to pay for new contracts. Bill passed.

An act for the relief of Thomas S. Sanders.

Mr. Boatner—I think, Mr. President, as there is a school fund, the parishes deriving the benefits should pay such claims.

Mr. Moore—The parish of St. Mary has not drawn the fund of $50,000 of 1847, and this bill is for services rendered.

Mr. Boatner—The wording of the act is too general. It ought to be worded so as to show that it goes to the parish of St. Mary only.

Mr. Moore—I think it will be understood, as I have cited, in the bill, the acts referred to. This money is not to come out of the school fund. It is for services rendered before the public schools went into operation. The act of 1847 was for the years 1846, 1847 and 1848, and the services were rendered in 1848. Bill passed.

Mr. Moore asked and obtained leave to introduce the following joint resolutions:

Resolved, By the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the Swamp Land Commissioners and their Engineers be requested to furnish an account of the contingent and other expenses incurred under their administration, and of all contracts made and entered into not already reported.

On motion of Mr. Macmurdo, the following amendment was inserted in the same:

Provided, That the commissioners be instructed to enter into no further contracts for building levees, except in case of some emergency or threatened crevasse.

Mr. Rivers offered the following amendment to be added to Mr. Macmurdo's amendment, which was adopted:

"During the present session of the Legislature."

On motion of Mr. Moore, the rules were suspended; it underwent its several readings, and it passed.

On motion the Assistant Secretary requested the concurrence of the House thereto.

BILLS INTRODUCED.

Mr McCay asked and obtained leave to introduce—

An act to amend an act entitled, "An act to fix the time for making Sheriffs' and Coroners' sales, and for other purposes," approved March 5, 1842.

On motion the rules were suspended; it was read twice, and it was referred to the Judiciary Committee.

MESSAGE FROM THE HOUSE.

By a message from the House the Senate was requested to concur in—

An act to repeal Articles 130, 131, 132, 133 and 134 of the Constitution, said articles relating to the Board of Public Works, and

An act to provide for the revision of the statutes of the State of a general character.

MESSAGE TO THE HOUSE.

The Assistant Secretary of the Senate requested the concurrence of the House in the following bills, entitled—

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An act to authorize the Recorder in and for the parish of St. James to appoint a deputy.

Resolution in relation to the establishment of a daily mail between the cities of New Orleans, Baton Rouge, Bayou Sara, and all intermediate postoffices on the Mississippi river.

An act to authorize Joseph E. Vallée to adopt Elizabeth Brunet his legal heir.

An act concerning the payment to owners of slaves condemned to death or the Penitentiary by the State

An act to amend and re-enact Article 1116 of the Civil Code.

And he informed the House that the Senate had concurred in—

An act to provide for the execution of sentences of death in the parish of Orleans.

Resolution instructing Senators and Representatives in Congress to use their utmost exertions to procure the passage by Congress of several bills having for their object a grant of land by the General Government to the Vicksburg, Shreveport and Texas Railroad.

REPORTS OF COMMITTEES.

Mr. Lacey, from the Judicary Committee, reported favorably on the following bills, entitled—

An act giving permission to certain slaves belonging to the estate of the late H. R W. Hill, of the city of New Orleans, to remain in the State after their manumission by their owner

An act concerning divorces.

Petition praying for a change in the law relative to drawing jurors.

An act to provide for the trial by jury of certain cases of probate jurisdiction.

An act relative to motions in arrest of judgment in criminal cases.

And he reported unfavorably on

An act relative to the proceedings on judgments rendered by Justices of the Peace in the parish of Orleans.

And an act relative to persons injured by the Raccourci Cut-off.

The committee reports that it cannot agree, and report the fact to the Senate, together with the bill, for its action in the premises.

Mr. Moore, from the Committee on Public Education, made the following report:

The Committee on Public Education, to whom was referred the petition of Thomas S. Sanders, have had the same under consideration, and find his accounts duly certified and sworn to, under the provisions of the act of 26th March, 1842, 27th February, 1847, and March 16th, 1848, and that he was employed as a teacher of a public school in the parish of St. Mary previous to putting into operation the act of 1847, to establish free public schools.

The act of 1842, and 27th February, 1847, provides that whenever the police jury of any parish shall have imposed a tax of not less than $200, nor more than $400, then the State Treasurer was authorized to pay double the amount for the support of common schools in such parish. The act of March 16th, 1848, re-affirmed the same principle, but provided that the payments should be made through the Auditor of Public Accounts. On the 4th of May, 1847, an appropriation of fifty thousand dollars was made to defray the expenses incurred under the provisions of the acts aforesaid for the years 1846, 1847, and 1848.

It appears that the parish of St. Mary drew the sum of $800 for each of the years 1846 and 1847, and that the part of that appropriation for the year 1848 remains unpaid to that parish. It appears further, that the petitioner received his pro rata allowance upon the amount received for the years 1846 and 1847, though his entire claim, as certified for those years, was not paid. It appears, further, that of the sum of $1001 71, which he claims, there is due him the sum of $806 83 for services in the year 1848. It appears, further, that there remains in the Treasury, from the appropriation of 1847 for the payment of such claims, the sum of $24,170 dollars. Several precedents are formed for the payment of like claims.

The Committee, under the circumstances, think the petitioner entitled to re ief, not exceeding the amount that might have been drawn by the parish of St. Mary for the payment of such claims, and report a bill accordingly.

SPECIAL ORDER OF THE DAY.

This being the day set apart for the consideration of a bill entitled

An act amendatory of the charter of and of several acts relative to the Citizen's Bank of Louisiana.

On motion the reading of the bill was resumed, section by section, and it passed.

On motion the Assistant Secretary requested the concurrence of the House therein.

The reading of an act to provide for the seizure upon conservatory process under execution, of all judgements and all rights, claims and suits, was resumed as follows:

The section was adopted as amended.

SEC. 3. Be it further enacted, &c., That in all cases where the debtor resides out of the parish in which the seizure is made, and has no attorney of Record, or the attornay of Record is dead or absent, the seizing creditor may, by motion in court, in the case in which the process has issued, obtain the appointment of a curator ad hoc to represent the debtor, and upon said curator the notice of seizure shall be served.

SEC. 4. Be it further enacted, &c., That the Sheriff, upon making a seizure in any one of the cases provided for in the first section of this act, shall make out a notice of the seizure, designating the right, claim, or judgement seized, and the said notice shall serve upon the Clerk of the Court in which the right, claim, or judgment seized, shall exist or be asserted.

SEC. 5. Be it further enacted, &c, That it shall be the duty of the Clerk of the Court upon whom notice of seizure shall be served as provided for in the preceding section, to immediately file said notice of seizure in the record of the case in which the right, claim or judgment seized shall exist or be asserted, and also to state the fact of the seizure upon the docket of the Court, giving the name of the seizing creditor, and the date of the seizure.

Sec. 6. Be it further enacted, &c, That no seizure made in any case provided for in this act shall be postponed to, or defeated by any sale, assignment or transfer, unless evidence of such sale, assignment or transfer shall exist in the record of the suit at the time of the service of the notice of seizure upon the Clerk of the Court, as provided for in this act.

Sec. 7. Be it further enacted, &c, That the purchaser of any right, claim or judgment sold in any case provided for in this act, shall stand in the place of the debtor, and of right be subrogated to all of his actions, rights, privileges and mortgages.

SEC. 8. Be it further enacted, &c, That all sales of rights, claims or judgments seized as provided for in this act, shall be made after ten days advertisement, and no appraisement shall be necessary.

SEC. 9. Be it further enacted, &c, That nothing in this act shall be construed to provide for the seizure of any personal right now exempt from seizure, nor shall anything therein contained be deemed to interfere with the right of garnishment as the same now exists.

SEC. 10. Be it further enacted, &c, That the act shall take effect and be in force from and after its passage.

On motion of Mr. Trudeau, the words in second and third lines of the third section, "parish in which the seizure is made," were stricken out and the word "State" was inserted, and

On motion of Mr. McCay, the words "or by application at Chambers" were inserted, and the third section was then adopted as amended.

Mr. Lacy offered the following as the fourth section of the bill, which was adopted:

SEC. 4. Be it further enacted, &c., That whenever any judgment, right or claim, may be seized as provided for in the first section of this act, notice of such seizure must be given to the defendant in the right, claim, suit, or judgment, seized as aforesaid, and whenever any person or persons other than the defendant in the writ, under which the seizure is made, claims to be the owner of such judgment, right or claim, and has appeared of record, then, and in that event, notice shall also be served upon him; provided, however, that if either of the parties herein above

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orth resides out of the State, and has no Attorney of Record, or the Attorney of Record is dead or absent, a curator ad hoc may be appointed or provided for the defendant in the writ, in section third of the act.

The fifth section, in lieu of the fourth section of the original was then read and adopted; also the sixth section in lieu of the fifth section of the original bill was read and adopted.

Mr. Lacey offered the following amendment as the seventh section in lieu of the sixth section of the original bill:

Section 7. Be it further enacted, &c., That no seizure, made in any case provided for in this act, shall be defeated by any sale, assignment, or transfer, unless evidence of the legality and reality of such sale, assignment or transfer be provided in due course of law: provided, (however, that if evidence of such sale, assignment or transfer shall not exist in the record of the suit, at the time of service of notice of seizure upon the Clerk of the Court, as provided for in this act, the transferee shall be liable for all costs of seizure, notwithstanding the validity of the transfer may be maintained.)

On motion of Mr. Trudeau, all that part of the seventh section of Mr. Lacey's, commencing in the seventh line after the word "law," to the end of the section, was stricken out.

And the section was then adopted as amended.

The eighth section was then read and adopted in lieu of the seventh section of the original bill.

On motion of Mr. McCay, the eighth section of the original bill was stricken out.

The ninth section of the original bill was then read and adopted, and

On motion of Mr. Moore, the tenth section of the original bill was stricken out.

On motion of Mr. McCay, the rules were suspended, and the bill was passed.

THURSDAY, Feb. 9, 1854.

Mr. Wickliffe presented the memorial of Josiah Beams, a veteran of 1814-'15.

Mr. Rivers—I ask that the memorial be referred.

Mr. Wickliffe—I will explain why I desire the bill to be taken up now. The applicant was a pensioner under the act of 1850. He had applied for his pension under the act of 1852, but before his proper certificates were returned to the Auditor the money was all gone.

The first section of the bill was then adopted.

Mr. Deffrees—Mr. President, there is a general law for pensioners, and I prefer to have this case referred to a committee.

Mr. Wickliffe—This individual was entitled to a pension under the act of 1850.

Mr. Deffrees—I withdraw my opposition.

Mr. Macmurdo—Mr. President, I was not in the Senate when the question came up, and I would, therefore, ask if the case has been made out.

Mr. Wickliffe—Yes, sir.

Mr. Trudeau—Mr. President, I shall vote against the bill, and every such bill, until a general bill is adopted.

Mr. Wickliffe—There is a general law now.

The bill was then passed.

Mr. Lacey introduced an act for the improvement of Bayou Manchac.

Mr. Lacey—I will state to the Senators, that there is a necessity to pass this act. The Florida parishes have been very much neglected, while other portions of the State have been attended to. For the small amount asked for in the bill, we can have free navigation 80 miles in the Amite and 15 miles in the Bayou Manchac. This would enable the people who live along these streams to ship every week their sugar, cotton and other products. I trust the Senate will throw no impediment in the way of this improvement, which will only cost the small sum of $3500. The State Engineer has said that great injustice has been done in this matter, and let us not now withhold what has been so amplp awarded to other sections of he country.

Mr. Rivers—I shall not vote for the bill unless it is eferred and comes up regularly endorsed from the nternal Improvement Committee.

Mr. Lacey—The facts are before the Senators. The Internal Improvement Committee have heard the facts, and I cannot think that the pitiful sum of $3500 will frighten them from that liberality which has been bestowed elsewhere.

Mr. Rivers—Then why should the gentleman object to the reference to the Committee, if he knows they could not object? It will only delay it one day.

Mr. Trudeau—I have not received much light from Committees. The sum is small, and I shall vote for the bill now.

Mr. Kenner—Mr. President, I have been along these streams. They are in my district, and if there is any benefit to be derived from it, my constituents will get it. But I must insist on having the bill referred to the Committee. This is a large work. It extends up the Amite and Manchac to Brown's plantation, on the Mississippi. I would like to have a report, to show if this sum would do the work.

Mr. Lacey—The improvement will not extend to the Mississippi river. Soundings have been made; the proper examinations have been made, and nothing but snags have to be removed. I trust the bill will be permitted to pass.

Mr. Moore—This is putting into operation a new principle. We now have an Engineer Corps costing $6000, with boats, etc., costing $10,000, and if this new mode is to be adopted, let us adopt it generally and not specially, and abolish our Engineer Corps. There was an appropriation made to this river years ago, and no very great good had ever been heard of it.

Mr. Rivers—I hope the gentleman from East Baton Rouge will not understand me as being opposed to the bill. I only ask for its reference to a Committee. But if the Senator will agree with Mr. Trudeau, that the Committees have thrown no light on questions before them, I will not insist on the reference.

Mr. Trudeau—Mr. President, I will now favor the reference, because two Senators, whose constituents are interested, are opposed to each other.

The bill was then referred to the Committee on Internal Improvements.

Mr. McCay asked to introduce a joint resolution, instructing the Sanitary Committee to enquire into and report upon the practicability of purchasing Luzenberg's Hospital exclusively for contagious diseases, and moved to suspend the rules.

Mr. Moore—I object to suspending the rules.

Mr. McCay—It is a mere resolution of inquiry. So far as I am concerned, I would vote to purchase the Hospital. Cases of ship fever and other contagious diseases get into our hospitals and spread all over the whole establishment. If the gentleman will examine the resolution and still objects, I will withdraw it.

The resolution was read.

Mr. Moore—There is one word I object to—"practicability." It may be very practicable if they have the money, and thousands of dollars may be expended.

Mr. Trudeau—Necessity would be a better word.

Mr. McCay—No; insert expediency.

This was agreed to and the resolution was adopted.

"An act to provide for the filling of vacancies in District Judgeships," having been passed:

Mr. Moore—Mr. President, that law is unconstitutional. The Constitution says:

"The Judges of the several inferior courts shall be elected by the duly qualified voters of their several districts or parishes." Get over that if you can.

Mr. Wickliffe—The gentleman asks us very emphatically to get over the article in the Constitution he has just read. If he will listen he shall hear.

Mr. Moore.—Very well.

Mr. Wickliffe—(Reads the article of the Constitution) There is no provison for filling vacant Judgeships.

Mr. Moore—It is plain the Judges *shall be* elected. The article the gentleman read only applies where vacancies exist, and unless a vacancy does exist, the bill is clearly unconstitutional.

A motion to reconsider was lost.

"An act giving permission to certain slaves of H. R. W. Hill to remain in the State after their emancipation by their owner," was called up by Mr. Trudeau.

Mr. Trudeau—Mr. President, I understand this bill

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emancipates about twenty negroes in my district, and I want to be here when it is discussed, and would like to have it made the order for some particular day.

Mr. Lacey—I wish to know if the gentleman intends to take charge of Mr. Macmurdo's bill in his absence.

Mr. Trudeau—I am taking charge of a bill to take effect in my district.

Mr. Lacey—It is not usual to take up a bill in the absence of the Senator who introduced it

Mr. Trudeau—He is in the lobbies somewhere. I want to be here when the bill is acted on, and willing the gentleman shall be here also.

Mr. Wickliffe—I want the bill postponed to a day fixed. I have ten or twelve similar bills, and if I support one I shall support all.

Mr. Martel—Mr. President, I have some twenty-five bills of the same sort which I wish passed if others are passed.

Mr. Trudeau—I have in my desk about thirty-five.

The bill was postponed.

An act to exempt the clerks, workmen and employees of the Branch Mint at New Orleans from jury duty was taken up.

Mr. Trudeau—I move to amend so as to exempt all public officers.

Mr. McCay—I would like to have the amendment in writing. I wish to know if it exempts all officers, generals, colonels, &c

Mr. King—Mr. President—I would state that almost all public officers are already exempt.

The bill was then referred to a committee.

BILLS AND RESOLUTIONS INTRODUCED.

Mr. Lacey asked and obtained leave to introduce

An act to authorize the purchase of 175 copies of Eyma's works entitled "The Laws of Louisiana on Insolvency."

On motion, the rules were dispensed with, it was read twice, and it was referred to the Judiciary Committee.

Mr. Trudeau called up an act giving permission to certain slaves belonging to the estate of the late H. R. W. Hill, of the city of New Orleans, to remain in the State after their manumission by their owner.

On motion it was made the order of the day for Tuesday, the 21st February, 1854.

Mr. King called up an act to exempt the clerks, workmen and employees of the Branch Mint of the United States at New Orleans, from serving as jurors in the District Courts of New Orleans.

Mr. Trudeau moved as an amendment to insert, at the end of the seventh section, the words, "and all public officers."

And he moved to lay the bill and amendment indefinitely on the table.

Hon. R. C. Wickliffe, in the chair; Messrs. Clifton, Defreese, Kenner, Key, Kittridge, McCay, Palfrey, Rivers, Scott, Taylor and Trudeau—11 yeas.

Messrs Boatner, Evans, Griffin, King, Lacey, Macmurdo, Munday, Martel, Moore, Pellerin, Richardson and Wickliffe—13 nays.

Consequently the Senate refused to lay the bill and amendment on the table.

On motion, the rules were suspended, it was read twice, and

On motion of Mr. Wickliffe, it was referred to the Judiciary Committee.

Mr, Wickliffe asked and obtained leave to introduce

An act for the relief of Josiah Reames.

On motion of Mr. Wickliffe, the rules were suspended, the second section of the bill was stricken out, it underwent its several readings, title was amended, and it passed.

Mr. Lacey asked and obtained leave to introduce

An act to provide for the navigation of the bayou Manchac and the river Amite.

On motion the rules were dispensed with, it was read twice, and it was referred to the Committee on Internal Improvements, &c.

Mr. Palfrey asked and obtained leave to introduce

An act to amend an act entitled an act to prevent trespasses, approved April 6th, 1842.

On motion the rules were suspended, it was read twice, and it was referred to the Judiciary Committee.

Mr. Rivers asked and obtained leave to introduce

An act to amend the fourth section of an act to reorganize the free public schools in the State of Louisiana.

On motion of Mr. Trudeau, the word "practicability," in the fourth line, was stricken out, and the word "expediency" inserted in lieu thereof.

On motion the rules were suspended, and the resolution underwent its several readings, and it passed as amended

Mr McCay asked and obtained leave to introduce the following joint resolution:

JOINT RESOLUTION:

Be it resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the Joint Committee on Health be instructed to inquire into and report upon the practicability of purchasing the Hospital known as the Luzenburg Hospital in the city of New Orleans, to be used exclusively for the reception of contagious diseases.

REPORTS OF COMMITTEES.

Mr. King, from the Committee on Internal Improvement, &c, made the following reports:

To the Hon. W. W. Farmer, President of the Senate:

The committee on Internal Improvement and Swamp Lands and Levees, to whom was referred the report of the Commissioners appointed by the Governor under the act of 30th April, 1853, in reference to the Barataria and Lafourche canal, have instructed their chairman to report that they consider no action necessary upon said report.

But as the papers referred to the Committee contain valuable obligations in favor of the State, it is proper they should be filed in the office of Auditor of Public Accounts. The Committee recommend the passage of a resolution to that effect.

(Signed,) WM. W. KING,
Chairman of the Committee.

And he submitted the following resolution, which was read and adopted:

Resolved, That the Secretary of the Senate be instructed to deliver to the Auditor of Public Accounts, the report of the Commissioners appointed by the Governor under the act of 30th of April, 1853, in reference to the Barataria and Lafourche Canal Company, and the obligations and documents accompanying this report.

And he submitted the following report, which was read:

The Committee upon Internal Improvements and Swamp Lands and Levees, to whom was referred the resolution of the House requiring the State Engineer to repair to the Ouachita river and examine the shoals therein, beg leave, through their Chairman, to report favorably, with the following amendment:

Strike out in the sixth line the words "with the least possible delay," and insert the words "as soon as practicable.

(Signed,) WM. W. KING,
Chairman of the Committee.

Mr. Lacey, from the Committee on Judiciary, to whom was referred an act concerning the Judiciary, reported favorably by substitute.

On motion of Mr Lacey the rules were dispensed with, the substitute underwent its several readings, and it passed.

Mr. Palfrey moved to reconsider the vote just taken, and he called for the yeas and nays.

Messrs. Defrees, Evans, Kenner, Key, Moore, Palfrey, Rivers, Scott, Taylor and Trudeau—ten yeas.

Messrs. Boatner, Clifton, De Russy, King, Lacey, Macmurdo, McCay, Munday, Martel, Palfrey and Wickliffe—eleven nays.

The Committee on Public Schools reported favorable, with amendments, on said bill.

On motion of Mr. Rivers the bill was taken up, the rules were suspended, it underwent its several readings, and it passed.

On motion the Assistant Secretary requested the concurrence of the House to the same.

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Mr. Rivers, from the special committee to whom was referred a preamble in relation to the imprisonment of slaves in the Penitentiary, &c., reported the following bill, entitled

An act to abolish imprisonment of slaves in the Penitentiary.

On motion the rules were dispensed with, it was read, and it was ordered to be printed.

Mr. King, from the Committee on Internal Improvements, &c., to whom was referred an act to abolish the Board of Public Works provided by the Constitution, reported favorably.

On motion of Mr. Kenner it was made the special order of the day for March 1st, 1854.

MESSAGE FROM THE HOUSE.

The special messenger from the House informed the Senate that the House had concurred in, with amendments, to the following entitled bill:

An act to provide for the payment of coupons of interest, detached from the bonds issued by the State, and which coupons may be past due.

And he requested the concurrence of the Senate to the following resolution:

Resolution requiring the State Engineer to repair immediately to Bayou Plaquemines, and remove the obstructions to the navigation of said bayou.

And that the Speaker of the House had signed the following enrolled bill of the Senate:

An act for the relief Pierre Caze, Bertrand Caze, and Jacques Caire.

And to request the signature of the President of the Senate to the following enrolled bills of the House:

An act to make effective the provisions of an act to reclaim and drain the swamp and overflowed lands donated to the State of Louisiana by act of Congress entitled an act to aid the State of Louisiana in draining the swamp lands therein, approved March 2, 1849.

An act authorizing the courts, in certain cases, to receive judicial sureties residing out of the parish.

MESSAGES TO THE HOUSE.

The Committee of Enrollments reports as being correctly enrolled, the following bills:

An act to change the time of holding the terms of courts in the Sixth Judicial District, and making jury terms.

The Assistant Secretary requested the signature of the Speaker of the House thereto.

And that the President has signed the following bills:

An act to authorize Pierre Whip, of the parish of Iberville, to change his name from Pierre Whip to that of John Reames.

An act for the relief of James Upshaw, Sheriff of the parish of Bienville.

An act to authorize James M. Meredith and Josephine Larsh, his wife, of the parish of Caldwell, to adopt Eliza Jane Rice, an orphan, and to change her name to Eliza Jane Meredith.

An act to increase the compensation of jurors in the parish of East Baton Rouge.

An act to repeal so much of the third section of an act entitled an act to regulate the terms of the District Court, (the parish of Orleans excepted,) approved April 29th, 1853, as relates to the courts of the Eighth Judicial District, and regulate the holding thereof.

And the Assistant Secretary requested the signature of the Speaker to

An act for the relief of H. M. Neal.

The Committee on Enrollments reports as being incorrectly enrolled the following bills:

An act for the relief of Samuel Patterson, Sheriff of the parish of Livingston.

Resolution requesting our Senators and Representatives in Congress to procure a weekly mail between Stony Point, in the parish of East Baton Rouge, and Springfield, in the parish of Livingston.

FRIDAY, Feb. 10, 1854.

THE RIVER AMITE.

Mr. Griffin—I am instructed, by the Committee on Internal Improvements, to report favorably on a bill to provide for the navigation of the bayou Manchac and the river Amite.

SECURITIES OF WILLIAM K. STILES.

The President, pro tem., laid before the Senate the following communication:

NEW ORLEANS, Feb. 8, 1854.

To the Honorable President and Members of the Senate of Louisiana:

Gentlemen—

The act of the last Legislature for the relief of the securities of William K. Stiles, being a private act, had escaped my attention until it was directed to the act by the Resolution of your honorable body making inquiry upon the subject. Upon its reception, I immediately took the necessary steps to carry into effect the provisions of the act, and this morning suit was instituted by me, in the Third District Court of New Orleans, to enforce the claim of the State against the several sureties. As soon as the proper notices have been served upon all the parties, the case will be fixed for trial. This may require some delay, as the parties are numerous, and some of the original parties being dead, it will become necessary to ascertain their legal representatives.

I have the honor to remain

Your obedient servant,

(Signed) B. S. TAPPAN,
District Attorney.

REPORTS OF COMMITTEES.

Mr. King, from the Committee on Internal Improvements, Swamp Lands, and Levees, made the following reports:

The Committee on Internal Improvements and Swamp Lands and Levees, to whom was referred "An act to improve the navigation of the Atchafalaya." The Committee accept the following as a substitute for section one:

"Be it enacted, &c., That the navigation of the Atchafalaya and Courtableu rivers shall be improved from the junction of the former with the old bed of the Mississippi river to mouth of and up the latter to the head of the "Petit Diable," and a levee shall be made on southern bank of the latter, so as to prevent the escape of the current, which draws the drift from the Atchafalaya therein, and a passage shall be cleared of snags sixty feet wide through the whole extent."

Also the following amendment: After the word "required," the last word in section two; add "not exceeding the sum of four thousand dollars at one time."

The Committee being equally divided upon the merits of the bill, beg leave, through their chairman, to report unfavorably.

WM. W. KING,
Chairman of Committee.

The Committee on Internal Improvements and Swamp Lands and Levees, to whom was referred "An act to secure the right of pre-emption to actual settlers and first proprietors on all swamp and overflowed lands, situated in the rear and donated by the General Government to the State," beg leave, through their chairman, respectfully to report that the Committee accept the following amendments:

1. In section one, line five, strike out the word "eigbty," and insert the words "forty-two."

2. In section one, line nine, strike out the words "two sections," and insert the words "one section and a half."

3. In section one, line thirty-nine, insert after the word "time," "at the rate of one dollar and fifty cents per acre."

4. After the word "void," the last word in the last line of section one, insert "provided that any front proprietor, who shall fail to enter the land within the time prescribed, shall be prohibited from entering said land, or any portion thereof otherwise, before or within six months thereafter."

Your Committee beg leave to report unfavorably upon the bill.

(Signed) WM. W. KING,
Chairman.

Mr. Richardson—(after having called up the bill for the relief of Ivy F. Thompson,) I will state, for the information of the Senate, that Mr. Thompson rendered services as District Attorney *pro tem.*, under ap-

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quietment of the Court. When he served in Livingston parish, there was no District Attorney; when in St. Helena, he served in place of the District Attorney, who was ill at the time, and could not attend to the duties of the office. The object of this bill is simply to pay him for his services. There can certainly be no objection to it.

Mr. Taylor—The usual course pursued in cases of this kind, is to refer such bills to the Committee on Claims. I make a motion to that effect.

Mr. Richardson—I shall object to referring the bill, and I hope the Senator will withdraw his motion. The bill has already been examined by a committee of the other House, reported on favorably, and passed. There can be no necessity for the delay which would be occasioned by the reference.

Mr. Taylor—It makes no difference that the bill has been examined in the other House. It is the usual course to refer bills of this kind in the Senate. The action of the House is not by any means binding on us. Bills which have passed the lower House are frequently rejected here.

The bill was passed.

MESSAGE TO THE HOUSE.

The Secretary of the Senate requested the concurrence of the House in the following bills, entitled

An act for the relief of Jonas Reames. And

An act to provide for the filling of vacancies in the office of District Judges.

Mr. Griffin, from the Committee on Internal Improvements, to whom was referred

An act to provide for the navigation of the Bayou Manchac and the River Amite—reported favorably

The Assistant Secretary reported to the House that the President, pro tem., of the Senate has signed

An act to make effective the provisions of an act entitled an act to reclaim and drain the swamp and overflowed lands donated to the State of Louisiana by an act of Congress, entitled an act to aid the State of Louisiana in draining the swamp lands therein—approved March 2, 1849.

MESSAGE FROM THE HOUSE.

The Special Messenger informed the Senate that the House persists in its amendment to the bill of the Senate entitled

An act to amend and re-enact article 1116 of the Civil Code,

And asks for a Committee of Conference.

And that the House has concurred in the following entitled bills and resolutions of the Senate—

An act to authorize Mrs. J. A. Withers, wife of Jos. M. Kennedy, to emancipate her female slave Clarisse, with permission to remain in the State.

An act to repeal an act, entitled an act to incorporate the New Iberia Lodge, No. 36, of the Independent Order of Odd Fellows of the State of Louisiana.

Resolution in relation to granting public lands within the State of Louisiana for railroad purposes.

Resolution in relation to the establishment of a daily mail between the cities of New Orleans, Baton Rouge and Bayou Sara, and all intermediate post offices on the Mississippi river.

And to request the concurrence of the Senate to the following entitled bills of the House.

An act to authorize W. C. Wilson to emancipate his slave David.

An act for the relief of the veterans of 1814 and 1815.

An act to authorize John Cousins, of the parish of St. Tammany, to emancipate the slave Frances and her three children.

An act providing for the subscription by the city of New Orleans to the stock of the New Orleans, Jackson and Great Northern Railroad, and the stock of the New Orleans, Opelousas and Great Western Railroad.

And he requested the signature of the President of the Senate to the following enrolled bills of the House.

An act to provide for the execution of sentences to death in the parish of Orleans.

An act for the relief of Samuel Patterson, sheriff of the parish of Livingston.

An act for the relief of H. McNeal.

Resolution instructing our Senators and Representatives in Congress to use their utmost exertions to procure the passage by Congress of several bills now pending, having for their object a grant of land by the General Government to the Vicksburg, Shreveport and Texas Railroad.

And to report as incorrectly enrolled the following entitled bill of the Senate—

An act to change the time of holding the term of courts in the Sixth Judicial District, and making jury terms.

BILLS INTRODUCED

Mr. King asked and obtained leave to introduce without previous notice the following bills, entitled

An act to amend an act entitled an act concerning the emancipation of slaves in the State—approved March 18, 1852. And

An act to aid in the colonization in Africa of the free people of color.

On motion of Mr. King the rules were dispensed with, and these bills were severally read twice by their title, and they were referred to the Judiciary Committee.

Mr. Evans introduced a memorial from citizens of New Orleans in relation to a bill now pending entitled

An act to create weighers of sugar and cotton in the city of New Orleans—which was read.

On motion of Mr. Evans it was referred to the Committee on Commerce and Agriculture.

Mr. Richardson called up the House bill entitled

An act to authorize John Cousins, of the parish of St. Tammany to emancipate his slave Frances and her three children.

On motion of Mr. Richardson the rules were dispensed with, and it was concurred in.

Also, an act to create an additional justice of the peace and constable in and for the parish of Washington.

On motion of Mr. Richardson the rules were suspended, it was read twice, and on motion of Mr. Richardson, the word "sheriff," in the second line of the second section, was stricken out, and words "President of the Police Jury" was inserted in lieu thereof.

On motion the bill was then read the third time and it passed as amended.

Mr. Taylor, without previous notice, asked and obtained leave to introduce the following bills, entitled

An act to enable married women to contract and bind their paraphernal or dotal property.

An act to repeal articles 1480 and 1491 of the Civil Code, and abolish the legitime.

On motion of Mr. Taylor these bills were severally read by their titles, and they were referred to the Judiciary Committee.

MONDAY, February 13, 1854.

BAYOU MANCHAC AND THE RIVER AMITE.

Mr. Lacey—If there is no objection, I should like to have a suspension of the rules with a view of passing an important bill. It is the bill for the improvement of the navigation of the Bayou Manchac and the River Amite. It has been reported on favorably by the Committee, and I believe a majority of the Senate is in favor of it.

The rules were suspended and the following bill taken up:

AN ACT

To provide for the navigation of the Bayou Manchac and the river Amite.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That Thomas Green Davidson, J. West McMain, Dr. F. M. Hereford, —— Cotton and George S. Lacey, be, and they are hereby appointed Commissioners for the purpose of providing for the navigation of the bayou Manchac, from the mouth of the same to Hereford's landing, and the river Amite, from the mouth of bayou Manchac to Mrs. Johnson's ferrry, and as much further as the waters of the said river will permit.

SEC. 2. Be it further enacted, &c., That in order to enable said Commissioners to take such steps as may by them be deemed necessary for the purpose of improving and securing the navigation of the bayou Manchac, and the river Amite, as set forth in the first section of this act, the sum of thirty-five hundred dollars be, and the same is hereby appropriated out of

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the Internal Improvement Fund, which said sum shall be paid by the Treasurer to the said Commissioners, or to their order, upon the warrant of the Auditor of Public Accounts.

SEC. 3. Be it further enacted, &c. That the said Commissioners, previous to obtaining the warrant allowed by the second section of this act, shall file with the Auditor of Public Accounts, to be approved of by him, bond and security, conditioned that the moneys received by the Commissioners shall be well and faithfully applied by them to the improvemect of the river Amite, and the bayou Manchac, as contemplated by this act, and to no other purpose whatever.

SEC. 4. Be it further enacted, &c., That this act shall go into effect from and after its passage.

Mr. Hodge—I would like the Senator to explain the object of the bill.

Mr. Lacey—I made a full explanation of this bill when it first came before the Senate for consideration, but I believe the Senator was not present at that time. I will, therefore, endeavor to explain it again. The bill is, as I have said, a very important one, contemplating the improvement of at least 100 miles of navigation. The State Engineer, in his report, states that great injustice has been done to the Florida parishes. These are his words:

"I frankly confess that during the last season the Florida parishes have been entirely neglected, and have received no benefit from the State force. Justice to them, seems to me to require, that during this year they should receive something more than their share of the public work."

When I state that the work provided for in the bill will render navigable about 15 miles of Manchac, and 80 miles of the Amite river, I am sure he will interpose no objection, particularly when he reflects on the injustice which has been done to that portion of the State. That section has had nothing from the State. It has seen the State force employed in almost every other parish, and has suffered long and in silence, notwithstanding the pressing nature of its wants. A regular packet is much needed, to carry the produce of that section to market. It would be of incalculable benefit to the planters, and would tend to stimulate and develop the productive industry of the State.

It would be better to pass this bill and make the appropriation required, than for the State to undertake to do the work herself. I am certain it would be much cheaper in the end, besides being better done. I will state in this connection, that some years ago the State attempted to do something in that quarter. During the progress of the work many trees were felled, which, together with much rubbish, were thrown into the stream and thus obstructed the channel, which has never since been cleared out. The State herself has thus committed an injustice which she should repair, if she act on principles of common justice. The third section of the bill makes bond and security necessary to insure that the money received by the Commissioners shall, in the words of the bill, "be well and faithfully applied by them to the improvement of the river Amite and the bayou Manchac." There can, therefore, be no danger that the money will be misapplied. Now, sir, the amount asked for is a pitiful sum. It is small enough in comparison with the immense amounts which have been showered by the Legislature, with a lavish hand, on other parts of the State. I hope the Senate will pass the bill, and thus do justice to a section whose claims and wants have, so far, been entirely overlooked. The State force has hitherto been actively engaged in other quarters, particularly in north western Louisiana. This section has received no benefit, and it now asks that a small sum be appropriated to what must be acknowledged to be an important and beneficial purpose.

Mr. Hodge—I am not prepared to vote for that bill, notwithstanding all which has been said in its favor by the gentleman from East Baton Rouge. In the first place, I consider the method in which it is proposed to do the work to be wrong. It ought to be done by the State hands, under the direction of the State Engineer. I do not deny the assertion of the gentleman, that the section of the State comprised within the Florida parishes has been treated unjustly during the last year. I am willing to take the authority of the Engineer on that point. But I am under the impression that it had previously received as much of the benefit of the State aid, as any other part of the State. I cannot deny, either, that the State hands have been employed in north-western Louisiana. They probably have been; but if so, the result of their labor has not been very extraordinary, as that section has yet received but little benefit. On the other hand, I do not recollect that the State Engineer says that the work done in the Florida parishes has produced injurious consequences. The gentleman admits that the work has been done there. The Engineer, in his report, expresses his willingness and his intention to complete it. I think he is the proper person to attend to it, and that we ought not to interfere in the matter. Under these circumstances, I believe that the work ought to be done by the State hands, and I am opposed to making a special appropriation for it. I shall certainly record my vote against the bill.

Mr. DeRussy—I would suggest to the gentleman who introduced this bill, that he had better consent to its postponement to another day. The Committee made an unfavorable report on it, on the ground that the amount in the Internal Improvement Fund was too small to admit of the subtraction of so large a sum; that there were many applications of this kind before the Committee, and they could not all be acted on. For my part, I think the improvement contemplated in the bill will prove very beneficial to a large section of the State, and therefore ought to be effected. But there are others perhaps equally as important, which ought to be made also. The Chairman of the Committeee is not in his seat. I think it would be better to wait for his return before acting on the bill.

Mr. Richardson—Do I understand the gentleman to say that the Committee had made an unfavorable report on this bill?

Mr. De Russy—Yes, sir.

Mr. Richardson—I am compelled to inform the gentleman that he is laboring under a very serious error. The Committee made a favorable report on the bill.

Mr De Russy—I was under the impression that there was a tie in the Committee, and that the Chairman gave the casting vote against the bill.

Mr. Richardson—The gentleman is again mistaken. The Committee, as I have said before, reported favorably on the bill The bill on which an unfavorable report was made, was the one introduced by the Senator from St. Landry. (Mr. Martel.)

Mr. Hodge—I would ask why the Committee reported unfavorably on that bill, and favorably on the other.

Mr. Richardson—The gentleman will have to apply to the members of the Committee for information on that point.

Mr. Moore—I move to lay the bill on the table subject to call. I have no doubt that a majority of the whole Senate is in favor of it, and that it will ultimately pass. Nevertheless, I would not like to see it pressed at this moment.

Mr. Lacey—I hope the gentleman will not insist on his motion. There is a clear majority in favor of the bill now present, and I should prefer to have the vote taken on it. The amount asked for is not large. It could easily be spared for a purpose whose importance has been demonstrated by the favorable report of the Committee on Internal Improvements.

Mr. Moore—The reason I make the motion is, that there is a bill of the same kind, for the improvement of the Atchafalaya, before the Committee. Some members of the Committee voted differently on the two bills, which I confess I am not able to account for, as they are of the same nature. Both ought to follow the same rule and share the same fate. There is no reason why the Atchafalaya should be drowned in the struggle. It was introduced many long days before the bill which is now brought up for the consideration of the Senate, and certainly should not be overlooked. If either deserves precedence, that one is entitled to it. But surely this one should not be passed and the other left to die an inglorious death. They both stand on

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the same ground; they are both of the same nature; they ought both to be acted on together, and both be disposed off in the same way. I am favorable to this bill because I am favorable to the other. I shall support both, and I hope both will pass.

Mr. Lacey—I must again be permitted to press the hope that the gentleman will not press his motion, as I think it will be disastrous to the prospects of this bill. I am a friend of the Atchafalaya bill, in which the gentleman takes so much interest, and shall cast my vote in its favor when it comes before us. I shall spare no effort to secure its success in the Senate. This I proclaim now. But that does not prevent me from advocating an immediate vote on the bill now under consideration. It ought to be passed now. There is no good reason for postponing it. I hope, therefore, the gentleman will do the same by my bill as I intend to do by his.

On motion of Mr. Lacey, the reading of this bill was commenced, and the first section was adopted.

On the adoption of the second section, Mr. Hodge called for the yeas and nays.

Hon. R. C. Wickliffe, President pro tem, in the Chair; Messrs. Boatner, De Russy, Deffrees, Evans, Hebert, Lacey, McCay, Munday, Martel, Moore, Pellerin, Ryan and Rivers—13 yeas.

Mr. Lauve was excused from voting.

Messrs. Dupré and Hodge—2 nays.

Mr. Moore—I think the gentleman had better consent to the postponement of the bill. It is sure to pass ultimately.

Mr. Lacey—I must object to postponing it. Now is as good a time to pass it as any. The bill is before the Senate. Gentlemen may defeat it or pass it at their option. It is within their power to do either. But if they defeat it, let them beware of their Atchafalaya bill.

> The first are strong, the last are fleet,
> The second and third are exceedingly sweet,
> And all are uncommonly hard to beat!"

Mr. Moore—The Senator seems to take offence because I moved to postpone the bill, for the present, though I have avowed my friendly disposition towards it. I repeat that I am in favor of the bill. I supported it in committee, and I shall support it when it comes before the Senate. But I do not want it pressed now, as there is another bill in which I feel a deep interest, which ought to be acted on at the same time.

Mr. McCay—I move to make the bill the special order of the day for to-morrow."

The motion was lost.

No quorum being present, the Sergeant-at-Arms was directed to bring absent members.

On motion of Mr. McCay, the Secretary proceeded with a call of the House.

Hon. R. C. Wickliffe, President pro tem., in the chair; Messrs. Boatner, De Russy, Deffrees, Dupré, Evans, Hodge, Hebert, Lauve, Lacey, McCay, Munday, Martel, Moore, Pellerin, Ryan and Richardson.—17 Senators answered to their names.

On motion of Mr. Moore to postpone the further consideration of the bill, Mr. Lacey called for the yeas and nays.

Hon. R. C. Wickliffe in the chair; Messrs. Dupré, Hodge, Lauve, McCay, Moore and Wickliffe—6 nays.

Messrs. Boatner, De Russy, Deffrees, Evans, Hebert, Lacey, Munday, Martel, Pellerin, Ryan and Richardson—11 nays.

Consequently, the Senate refused to postpone the bill.

On motion of Mr. Lacey to adopt the second section, Mr. Hodge called for the yeas and nays.

Pending the call,

On motion of Mr. Lacey, the further consideration of the bill was postponed, and it was made the special order of the day for to-morrow.

THE ISLAND OF CUBA.

On motion of Mr. McCay, that portion of the Governor's message referring to the Island of Cuba, was referred to the Committee on Federal Relations.

MESSAGE FROM THE HOUSE.

The special messenger from the House requested the signature of the President of the Senate to the following enrolled bills and resolutions of the House:

An act for the relief of F. L. Glover.

An act changing the time of holding the terms of the District Courts of the 9th and 11th Judicial District Courts of this State.

A resolution instructing our Senators and Representatives in Congress to procure a weekly mail between Stony Point, in the parish of East Baton Rouge, and Springfield, in the parish of Livingston.

And he informed the Senate that the House has concurred in the following entitled bills:

An act to emancipate George E. Gilmer.

An act to emancipate John W. Hewitt.

An act authorizing Robert M. Lea and Letitia M. Lea to adopt Eleanor Lombard.

An act to emancipate Andrew Lawson, jr., of the parish of Bossier.

An act to emancipate Eliza Morin.

An act for the relief of Matthew Watson, sheriff of the parish of Caddo.

An act for the relief of L. F. Steele, tax collector for the parish of Bossier.

An act to emancipate Abner Nash Ogden, Jr., of the parish of Jefferson.

And he requested the concurrence of the Senate to the following bills and resolution of the House.:

An act for the relief of Jesse Sykes, L. W. Baker, A. G. Milbank and Samuel Williams.

An act to emancipate Don Louis Maurin.

An act for the relief of Thomas Kilgore.

An act to emancipate Sally, child and of slave Willis Carney, f. m. c., of the parish of East Baton Rouge.

An act for the relief of Antoine Marrero, late State tax collector for the parish of St. Bernard.

An act for the relief of E. A. Sibley, sheriff of the parish of Sabine.

An act to repeal so much of the tenth section of an act entitled an act relative to the trial of slaves, approved June 1, 1846, as requires slaves convicted of capital offences to be executed within the prison walls.

An act to authorise Edward D. Woods, to accept the tutorship of Lewis E. Woods, a minor.

An act for the relief of the sheriff of the parish of Lafourche.

An act for the relief of J. H. Dillard, tax collector for the parish of De Soto.

An act to emancipate James Y. and Emily L. Williams, of the parish of East Baton Rouge.

An act for the relief of Edgar E Voorhies, late superintendent of public schools in the parish of St. Martin.

An act abolishing the probate terms of courts in the tenth judicial district of this State, and fixing the time of holding the jury terms thereof.

Resolution instructing the Swamp Land Commissioners to cause a survey to be made of that portion of country lying in the parish of Madison, known as Diamond Island Bend.

THE BOARD OF SWAMP LAND COMMISSIONERS.

Mr. Moore, from the joint special committee, made the following report, which was read, and two hundred copies ordered to be printed immediately.

The joint special committee, appointed under a resolution to examine the accounts of contingent and other expenses of the Board of Swamp Land Commissioners and their Engineers, and the contracts made by and under their authority, report that they have performed the duty assigned them, and from the accounts presented, find that the expenses incurred and contracts made are as follows:

General Expenses of the Board.

Salary of Secretary of the Board	375 00		
Stationery, $133 80; Printing, $100	233 80		
Notarial fees	12 00		620 80
Salaries.			
1st Dist—Commissioner, 9m	1,125 00		
Engineer	540 00		
Ass't Engineer	567 74	2,192 74	
2d Dist—Commissioner	1,125 00		
Engineer	838 44		
Ass't Engineer	300 00		
Engineer to fill vacancy	692 46	2,955 90	
3d Dist—Commissioner	1,125 00		
Engineer	1,832 20	2,957 20	5,105 84
Contingent and other Expenses.			
1st Dist—Traveling and other expenses of			

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	the Commissioners and Engineers, supported by vouchers	1,051 51		
	Without vouchers.....	168 05—	1,219 56	
2d Dist—	Traveling expenses of commissioner.....	95 25		
	Engineer Kirkland, deceased ..	40 65		
	Assistance and traveling.....	115 00		
	Do. of present Engineer.....	179 85		
	Advertising $46, for stakes $29 50	75 50		
	For maps from Engineer's office	62 00—	568 25	
3d Dist—	Traveling expenses of commissioner..... ...	133 40		
	Traveling and other expenses of Engineer, with vouchers...	238 60		
	Without vouchers.....	136 90		
	Paid staff-bearer $45 per month .	180 00		
	Advertising.....	17 50—	706 40—	2,494 21
	Contracts.			
1st Dist—	Levee at Drausin Labranche's...	3,137 00		
	Levee at M. Bouligny.....	2,212 00		
	Levee at Mathers	968 00		
	Levee at Messrs. Duncan & Co.'s	900 00		
	do do	400 00—	7,617 00	
2 Dist—	Levee at Lake Bayou. 8529 cubic yards, at 20c..	1,705 80		
	Levee at Middle Bayou. 4000 cubic yards, at 19¾c.....	790 00		
	Levee at Picket's Bayou, 3800 cubic feet, at 20c.	760 00		
	Levee at West Bayou. 3500 cubic ft. at 20½c.—	875 00—	4,130 80	
3d Dist—	Contracts with J. C. Young, at 15c. cubic yard	13,468 00		
	Contract with J. Reynolds, 15c. cubic yard....	399 00		
	Contract with J. Cheny, at 15c. cubic yard.....	4,559 00		
	Contract with D. A. Smith, 15c. cubic yard.....	1,593 00		
	Contract with L. Wilson, at 15c. cubic yard....	10,705 00		
	Contract with S. L Compton, 10c. cubic yard....	4,529 00—	35,263 00—	47,010 80
TOTAL.....				$58,231 65

This Amount is chargeable to three Districts, as follows:

FIRST DISTRICT.		
Salaries of commissioners and engineers	2,192 74	
Traveling and other expenses.....	1,219 56	
Contracts for making and repairing levees.....	7,617 00	
One-third of the general expenses of the Board.....	206 93—	11,236 23
SECOND DISTRICT.		
Salaries of commissioners and engineers	2,965 90	
Traveling and other expenses.....	568 25	
Contracts for making levees.....	4,130 80	
One-third of the general expenses of the Board.....	206 94—	7,861 89
THIRD DISTRICT.		
Salaries of commissioners and engineers	2,957 20	
Traveling and other expenses.....	706 40	
Contracts for making levees.....	35,263 00	
One-third of the general expenses of the Board.....	206 93—	39,133 53
TOTAL.....		$58,231 65

This statement does not include the work on the grand levee at Point Coupee, in the 2d District, the accounts for which were not yet prepared, and the work not yet finished. Mr. Stephen Van Winkle, the Commissioner of that District, who has the superintendence of the work, promises to have them ready in a short time. He states that the amount disbursed for that work amounts to $19,873 95, and that considerable further disbursements will be required to finish the work.

PUBLIC EDUCATION.

Mr. Evans—According to previous notice I introduce a bill to provide for the improvement of our system of public education. I am induced to do so because I have received many communications on on the subject of endowing Colleges. I have no hope of obtaining a special appropriation for the endowment of Colleges, and I have therefore drawn up this bill in the form of a general law. I should like to have it read in order that Senators may know what kind of an act I desire, I wish, then, to have it referred to the Committee on Public Education.

The bill was read and referred to the Committee on Public Education.

TUESDAY, February 14, 1854.

REPORTS OF COMMITTEES.

Mr. Lacey, from the Judiciary Committee, reported favorably on

An act to prevent trespasses.

An act to authorize John Cousin, of the parish of St. Tammany, to emancipate the slave Frances and her three children.

An act to aid in the colonization in Africa of free people of color.

An act to authorize the purchase of one hundred and seventy-five copies of Eyma's work, entitled "The Laws of Louisiana on Insolvency."

And he reported unfavorably on

An act to repeal articles 1480 and 1481 of the Civil Code, and abolish the legitimo.

And favorably, with amendments, on

An act to enable married women to contract debts and lend their paraphernal or dotal property.

Mr. Hebert, from the Committee on Enrollments, reported as correctly enrolled, the following bills, entitled—

An act to repeal an act entitled, "An act to incorporate the New Iberia Lodge, No. 36, of the Independent Order of Odd Fellows of the State of Louisiana."

An act to authorize Mrs. J. A. Withers, wife of James M. Kennedy, to emancipate her female slave Clarisse, with permission to remain in the State.

An act to change the time of holding the terms of Court in the 6th Judicial District, and making jury terms.

An act to provide for the payment of coupons of interest, detached from the bonds issued by the State, and which coupons may be past due.

Joint resolution requesting Swamp Land Commissioners and their Engineers to furnish account of the contingent and other expenses, &c.

And the Assistant Secretary requested the signature of the Speaker thereto.

He also informed the Senate that the following House bills were correctly enrolled—

An act for the relief of Samuel Patterson, sheriff of the parish of Livingston.

An act for the relief of F. L. Glover.

An act changing the time of holding the terms of the District Courts of the 9th and 11th Judicial District Courts of this State.

Resolution instructing our Senators and Representatives in Congress to procure a weekly mail between Stony Point, in the parish of East Baton Rouge, and Springfield, in the parish of Livingston.

Resolutions instructing our Senators and Representatives in Congress to use their utmost exertions to procure the passage by Congress of several bills now pending, having for their object a grant of Lands by the General Government to the Vicksburg, Shreveport and Texas railroad.

BILLS INTRODUCED.

Mr. Ryan, without previous notice, asked and obtained leave to introduce the following bills—

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An act relative to the appointment of administrators under certain circumstances.

An act relative to taking testimony in certain criminal cases.

On motion of Mr. Ryan the rules were dispensed with, they were read separately twice, and they were referred to the Judiciary Committee.

Mr. Munday, without previous notice, asked and obtained leave to introduce the following bills—

An act to emancipate George H. Packwood.

An act relative to the disposition of all forfeited bonds, recognizances and fines imposed in criminal cases.

On motion, they were separately read twice, and referred to the Judiciary Committee.

Also, an act for the relief of Martin Kohler.

Which underwent the same ordeal, and it was referred to the Committee on Claims.

Mr. Hodge, without previous notice, asked and obtained leave to introduce the following bills, entitled—

An act to extend the privilege of the vendors of moveable effects.

And an act to provide for the maintenance, &c., of all persons ordered by the authorities of one parish to another for safe keeping.

On motion of Mr. Hodge, the rules were dispensed with, they were separately read twice, and they were referred to the Judiciary Committee.

Mr. McCay asked and obtained leave to introduce

An act to manumit and emancipate Cecelia and her children, Celeste, Victoria, Emile and Cecelia, slaves of C. Rosalie Morris, of the parish of Orleans.

Mr. Evans asked and obtained leave to introduce

An act to emancipate Moses C. Cavett and James R. Cavett.

On motion, the rules were suspended, it was read twice, and it was referred to the Judiciary Committee.

Mr. Lacey called up

An act to aid the colonization in Africa of the free people of color.

On motion, the rules were dispensed with, and the bill was read the second time section by section.

On motion, the first section was adopted.

On motion of Mr. Richardson to adjourn for the want of a quorum, Mr. Hodge called for the yeas and nays.

Hon. R. C. Wickliffe in the chair.

Messrs. Deffrees, Hodge, Moore and Richardson—4 yeas.

Messrs. Boatner, Evans, Hebert, Lacoste, Lacey, Lewis, McCay, Martel, Pellerin and Ryan—10 nays.

Consequently the Senate refused to adjourn.

The Sergeant-at-Arms was directed to bring in the absent Senators.

WEDNESDAY, Feb. 15th, 1854.

BAYOU MANCHAC AND THE RIVER AMITE.

Mr. Lacey asked leave to call up the bill, entitled

An act to provide for the navigation of the bayou Manchac and the river Amite.

Mr. Hodge—I am opposed to this bill, as the gentleman well knows, and I am therefore averse to taking it up out of its regular order. I should not like to make an opposition to it which might seem factious, but being opposed to it, I of course desire to procure its defeat. I cannot, under these circumstances, vote to grant a dispensation of the rules.

The rules were suspended.

Mr. Hodge—As the rules have been suspended and the bill is now before the Senate, I desire to make a few remarks explanatory of my reasons for opposing it. In the first place, I consider it objectionable because it permits the Commissioners, on their own warrants, to draw from the Treasury, the appropriation of $3,500. In the next place, the bill does not make any provision for the manner in which the work is to be done, but leaves everything to the discretion of the Commissioners. The only restriction in any way placed on them is that they are compelled to give security that they will expend the money for the purpose contemplated in the bill. The Commissioners may draw the whole of the money at once, while no particular time is fixed for the performance, or completion of the work. No time at all is specified, while they can obtain the money on their own warrants whenever they choose to apply for it. I have no desire to impugn the character or motives of the Commissioners; on the contrary, they may be, and doubtless are, highly honorable gentlemen. But, as far as the law is concerned, they may draw the money and retain it as long as they please. In these respects, the bill is objectionable. There is still another objection to it. It creates an office unknown to the law, and foreign to the system of Internal Improvement which the State has adopted. We already have an officer whose special duty is to attend to matters of this kind, and who is in all respects unexceptionable. Are we not giving our State Engineer $3500 a year to perform the very duty which the bill proposes to transfer to Commissioners? Have we not several steamboats, and over a hundred negroes, all of which are supported at a very great cost? Is the State Engineer not capable of doing this work? Has he not already expressed his willingness and his desire to do it? With what propriety, then, can the gentleman ask that $3500 be taken out of the Internal Improvement Fund, and placed in the hands of irresponsible parties? When we have an officer whose capacity is not questioned, and to whom we pay a large salary to superintend our internal improvements, why should we make an exception in this case? The State has already purchased negroes and steamboats; let them be devoted to this purpose, under the superintendence of the proper officer. The only ground, apparently, on which this appropriation is asked, is that the State Engineer has reported that, during the last year, so much work has not been done in that district as in some others; and that it has therefore been treated with injustice. But that officer distinctly informs that he will do the work this summer. Can the Commissioners do it in the same space of time? I think they will consume that much time in having surveys made, and determining what they intend to do. Now, sir, I should like to call the attention of the Senate, for a moment, to the effects of this kind of legislation. If I could not pass a bill on its own merits, if its intrinsic qualities did not recommend it to the favor of the Senate—I should not attempt to force it through by threatening Senators with the defeat of some other measure. When this bill was before the Senate, the other day, the gentleman from East Baton Rouge (Mr. Lacey) said, in a threatening manner to a respected Senator on my left, that he would not support a bill in which that gentleman took a peculiar interest unless he (Mr. Moore) would support the bill then before the Senate.

This, sir, is what I call log-rolling. It is making one bill gain votes for another, and that is a system of legislation which precludes just consideration and impartial action. I, for one, am opposed to it, and will never sanction it. On the contrary, I shall denounce it whenever I have an opportunity. I ask gentlemen if this way of proceeding is fair? Did it not show some weakness in this bill—some inherent defect—when the gentleman threatened to defeat the Atchafalaya bill, unless this one were passed? The Senator on my left (Mr. Moore) wishes to procure an appropriation of $15,000 for the improvement of the Atchafalaya. I, with as much propriety, might ask $100,000 for Red River. The relative importance of that stream would justify and more than justify such a demand. I ask gentlemen to reflect on the consequences of this kind of legislation. This bargaining of votes cannot but be productive of the most injurious results. It is wrong, and should not be tolerated. Every bill ought to stand or fall on its own merits. In that way only can just and impartial legislation be secured. To return to the bill before us. I have conversed with the State Engineer on this very subject. He informs me that, during the coming summer, he will do this work, and will effect as much in four weeks as the Commissioners can do with the whole of $3500 which the bill proposes to appropriate. It is true, as the Senator (Mr. Lacey) has said, that the amount asked for is a small sum; but it is of small sums that large ones are composed. If we pass this bill, where are we to stop? What will be the effect? Who can tell how many of the same kind we will have to pass, or else lay ourselves liable to the charge of partiality and of patriotism? We are told that this work is necessary, and therefore we should pass the bill. So will every other section of the State come to us with applications for appropriations which, we will

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be told, are equally necessary. I say, sir, such a system if once initiated, must be productive of disastrous results. I am opposed to it, and will always continue firm in my opposition. If the importance of the work, and its necessity, be the sole considerations, I might with as much propriety, as I have previously remarked, demand a hundred thousand dollars for Red River, a stream which is of much more importance to the interests of the State. So might every other section, with equal justice, demand an appropriation for some local object. And with what justice could we refuse them, if we establish the precedent by passing this bill? We could not refuse. We should be compelled to pass every bill of the kind that may come before us, and, as a consequence, we should behold the annihilation of our system of Internal Improvements, and the squandering of our Internal Improvement fund. We might then just as well sell our boats and negroes, and discharge our State Engineer. We could certainly have no farther use for them, after expending all our money on objects of this kind. These, sir, will be the inevitable consequences if we once launch out on such a troublous sea as that on which we are about to embark. I ask the serious attention of the Senate to these considerations. I am animated by no spirit of sectional jealousy. On the contrary, I desire that all parts of the State be improved. But I wish to see it done in the proper manner—not wildly and recklessly, but under the system which we have adopted as the most practicable and efficient.

Mr. Lacey—I had hoped, Mr. President, that a bill like this, so just on its face, so important to the interests and prosperity of a large portion of the State, would certainly secure the favorable consideration of every Senator on this floor. In behalf of such a bill, log-rolling is not necessary. The gentleman much mistakes my intentions and my language, if he supposes that to carry it I would resort to such means. I hope he is mistaken when he supposes that such means are necessary to carry it through the Senate. Nor do I think, Mr. President, that anything has fallen from me which could justify such an accusation. The gentleman has certainly misinterpreted my remarks. I said that if Senators who were anxious for the passage of other bills, similar in principle to this one, and having the same claims on our favorable consideration, should throw impediments in the way, and procure the defeat of my bill, they could not reasonably expect my support for their peculiar measures—and why should I not say so? Why should I feel myself called on to support bills similar to this one, after the Senate should have rejected this one? If those gentlemen should refuse to extend to me the courtesy of permitting my bill to come fairly before the Senate for discussion and decision, why should I do anything else in regard to theirs? That was the only argument I used. I did not, nor do I seek to carry one bill by the interest of another. I do not seek to encumber one bill with another. I tell the Senator now—and I hope he will not misunderstand me—that whatever the result may be, whether this bill be destined to success or doomed to defeat, it will not affect my course towards the other. I had hoped that my bill would be considered on its merits; that it would be brought up fully and fairly before the Senate, and receive the attention to which its importance entitles it. And are its merits not patent on its face? Are they not manifest to any one who will take the trouble to examine it, and reflect on its objects. I ask if it is not evidently a good bill, when I show, as I have shown that it opens nearly a hundred miles of navigation, which are now closed against the products of a large portion of the State; when I show that by it a market will be opened for the industry of a large and enterprising population. Will gentlemen not be convinced of its propriety when they see, as they must see from the report of the Engineer himself, that the bill only asks justice for my section of the State, which has not, hitherto, been treated justly? I repeat, sir, that I do not seek to carry this bill by log-rolling. I repudiate any such influences. Confident that its own merits will secure for it success, I ask only the fair and impartial consideration of the Senate. I have shown its advantages; I have shown that its passage is required as an act of justice to a section of the State which has been treated with undeserved neglect. I ask for it the vote of Senators, on the ground that it is good in itself. I do not put it forward as a log-rolling measure. I repudiate any such idea with as much indignation as the gentleman from Caddo himself. Nor do I desire to threaten any Senator, and thus secure support for my bill. My course on any other bill will not be affected by the fate of this one. Far be it from me to let myself be influenced in my votes or acts as a Senator on this floor, by any such considerations. No, sir, I ask the votes of Senators for this bill because I think it is intrinsically good. I hope it will pass by such a majority as will enable us to send it to the other house with the stamp of our decided approval. I am confident that when it reaches our colleagues in the other house, it will pass by as large a majority as I hope it will receive here. It is a good bill, a just bill, an important bill. Considerations alike of justice and of policy demand its passage. Let us, then, give it our sanction without further delay.

Mr. Moore—The observations which have fallen from the gentleman from Caddo, (Mr. Hodge,) makes an explanation, on my part necessary, and I hope therefore, the Senate will grant me time to say a few words. I supported this bill before the Committee, because I was convinced that it provided the best means for accomplishing the object. I could not, conscientiously, oppose this bill, when I support another, based on precisely the same principle, and intended for another section of the State, which was presented by the gentleman from St. Landry, (Mr. Dupre.) I know that bill is necessary for the interests of a large portion of the State. It contemplates the improvement of a stream which is the only outlet to the Mississippi for the inhabitants of a large, fertile and productive section. It has been entirely neglected for the last ten years. Nothing has been done to improve it. In vain have the people of that section waited for the State Engineer to take some action in the matter. Nothing has been done, nor is there any indication that anything will be done. That stream, as I have said, is the only outlet for a large and important portion of the State. It is the channel through which the produce of St. Landry, Avoyelles, Calcasieu, St. Martin and other rich and flourishing parishes, finds its way to market. Those parishes produce, yearly, over 100,000 hogsheads of sugar, and 40,000 bales of cotton. During seasons of low water this immense amount of produce is kept back, and much inconvenience, and sometimes destress is the consequence. At present this is the condition of affairs. The water is very low, and therefore nothing could, at this moment, be made effectual. But the State Engineer, even if he should try, could not accomplish anything with the force at his command. It is therefore necessary to make the appropriation contemplated in the bill introduced by the Senate from St. Landry, (Mr. Dupre.) I therefore feel it incumbent on me to support the bill now before the Senate, because it is the same, in principle, as the other. I will state, also, that I am not to be intimitidated by threats. I never was influenced by them, and never shall be. I shall give my vote as becomes a Senator of Louisiana, in accordance with my honest convictions.

Mr. Hodge—If the Senate will allow me, I will read the passage from the report of the State Engineer, which has been adverted to in the course of this discussion.

"I frankly confess that, during the last season, the Florida parishes have been entirely neglected, and have received no benefit from the State force. Justice to them, seems to me to require that, during this year, they should receive something more than their share of the public work."

"Unless otherwise directed, I will make such examinations as will satisfy me at what places I can do the most good, in the least time, and then apply the labor at the proper moment.

In connection with this, I would state to the Senate that I have called on Mr. Morse, the State Engineer, in relation to this matter. He told me that, in a few weeks, he could send the boats there and commence the work, and that he would be enabled to do as much this season, as the Commissioners could effect with the whole $3500. It is true that the amount comes out of the Internal Improvement Fund, but this is not just to the Engineer Department, which is supported out of that fund.

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The bill passed to a second reading.

Mr. Hodge—I would ask the Senator from East Baton Rouge, (Mr. Lacey,) whether he does not think that this is an office unknown to the Constitution, and if so, can we pass this bill, and vote the money of the State into the pocket of Thomas Green Gavidson, a member of the other House? I merely ask this question in order to get the gentleman's opinion on the subject.

On taking the final vote no quorum voted.

Mr. Ryan asked, and obtained leave to introduce a bill for the relief of John K. Elgee, of Rapides, and of Marie F. Ledoux, his wife.

Mr. Ryan—The reason I ask the indulgence of the Senate, in order to have this bill taken up in this way, is because it is entirely local in its character. It affects only Mr. Elgee and his wife. The gentleman is known to many Senators on this floor, and is one of my own constituents. The bill will on examination be found to be strictly just in every particular. It only gives a right which the parties enjoyed before their marriage, that of making any conditions they choose, in regard to the community of acquets and gains, which subsists under our laws. It may be said that, in passing this bill we should be making an exception to the general law of the State, and deviating from our general policy. But it must be recollected that before 1808, parties had this right, they have it now under the laws of Spain, and in the colonies where her laws prevail. I do not see then any reason for refusing the request in this instance. The high character of the applicants, and their standing in the community, where they reside, preclude the possibility of any wrong motive. It is so entirely local in its character, and so limited in its application that no one could have the slightest cause to complain.

Mr. Hodge—I move that the bill be referred to the Judiciary Committee.

The motion was carried.

Mr. Dupre asked and obtained leave, without previous notice, to introduce an act to authorize Donato Martin, testamentary executor of the last will and testament of Donato Martin, deceased, to emancipate certain slaves.

Mr. Deffrees—I hope the gentleman will not persist in pressing this bill at the present moment. The Senate is not full. Many of our members are not in their seats, and I should prefer that they were here before a vote is taken on a bill of this kind. For my own part, I shall certainly vote against it if it be pressed to-day. If the gentleman insist on urging a vote now, I think I hazard nothing in saying that it must be defeated. It is, to say the least, introduced at an unpropitious time. The gentleman may think it propitious for its passage, since so many seats are vacant, but I differ with him in opinion on that point. He must, I think, concede that we would not be acting justly towards absent Senators if we were to take a vote on the bill now There is barely a quorum present, and under such circumstances, I do not think we ought to act on subjects of importance. A full Senate is necessary to obtain a correct expression of opinion. I must say that, as a general rule, I am opposed to legislation of this kind. There may be rare cases, presenting extraordinarily meritorious features, which might elicit my sanction, but I have yet to learn that this is one of that kind. I must repeat the hope that the gentleman will suffer this bill to lie over till a future day.

Mr. McCay—The Senator from Jefferson (Mr. Trudeau) now absent, has I believe, expressed a wish to have all bills of this kind made the special order for some particular day, as he wished to discuss the general principle involved in them. He did not desire to make a speech on each one separately. and therefore preferred to take all at a single shot, if I can use the term. It would only be manifesting a just courtesy towards that gentleman if we were to defer this bill till his return

Mr. Ryan—I should like to know why we should be called on to make an exception in this case. To use a trite, but very expressive phrase, "what is sauce for the goose is sauce for the gander." We have established a precedent, why should we not follow it? We have passed other bills of this same kind, why should we not pass this one? and why should the Senator prophesy the defeat of this bill, when this very Senate, only a few moments before, passed a bill of a similar kind? We have, in the course of this session, passed many bills of this nature—why should we make this one the limit. If the gentleman can show any good reason for his opposition to this bill, I may be induced to vote with him. I am open to conviction. I am to be influenced by reason. If it can be shown that this bill should be made my exception to our general course of legislation, I shall be ready to join the gentleman in his opposition. But we have passed other bills of this same character, and without further information I cannot consent to go against the precedent which has been established. I have no peculiar interest in this bill. I do not even know the people for whose benefit it is intended. But I do know the respectable Senators from the district in which they live, one of whom has introduced this bill. I know they would not do anything wrong or ask anything is right.

Mr. Moore—I will state, for the information of the Senate, that I know the people for whose benefit this bill is intended. They are considered, although of the colored race, to be among the most respectable inhabitants of country where they reside. They are known through all that region, and respected by all.

Mr. Deffrees—The Senator from Rapides (Mr. Ryan) has given as a reason for the passage of this bill that the Senate has to-day established a precedent by passing others of a similar character. I can inform that gentleman that no bill of this kind has passed the Senate with my assistance or sanction this day. I can tell him also that I never will lend the endorsement of my vote to such legislation. I care not for the respectability of the parties. It is sufficient for me to know that the children are colored children, to induce me to vote against the bill. They are the children of a white man—the fruit of an intercourse condemned, alike by morality and the law. They ought to have the mark of reprobation placed upon them by our laws. Until this is done in all instances of this kind we shall never be enabled to check the flood of immorality which threatens to sap the foundations of society and subvert our institutions. If we grant applications of this kind, immorality will increase instead of diminishing. The law should reprobate instead of encourage it. If a man will cohabit with his own property—if he will violate the laws of decency and morality he should take the consequences. He has no right to call on us relieve him from the dilema which his own evil conduct may place him. If he beget children in this way, let him take them as he finds them. If he can place them above the want of the world, let him do so. I would not desire to interfere with him. If he can send them to another country or another State, where the laws, the institutions and the social habits of the community will allow them to take a superior position to that which they occupy here—where they can enjoy greater privileges, and be relieved from the stigma which our institutions cast upon them—let him send them thither. We have too many free negroes here already. Reliable statistics disclose the fact that there are 28,000 in the State of Louisiana, and it is a well known fact that the number increases every year. They form class of population whose presence is injurious to the State, and whose number should be diminished rather than increased. This should be our settled policy. We are already called on to recognize it by adopting a measure the tendency of which will be to decrease the number of the free negro population. We have before us a bill, taxing every free negro in the State to the amount of one dollar, for the purpose of raising a fund to be devoted to the cause of African Colonization—in other words, of sending the free negroes out of the State. If any refuse to pay the tax, they are to be reduced to servitude for a limited time. This bill is strenuously advocated by many Senators, and its introduction shows the conviction which exists of the impropriety of suffering an increase in our free negro population. Yet we every day act against this principle by passing bills for the emancipation of slaves, thus increasing the number of that class whose presence among us is conceded to be eminently dangerous—a class which we are about to declare must be sent out of the State or again reduced to servitude. Yet, because I am opposed to such proceedings, because I express my opinions against them, I am called

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to an account for it. I am asked for my reasons, and am told that I have no right to prophesy the defeat of this bill, or even to vote against it. But I tell that gentleman that I shall insist on opposing these bills. I am firmly convinced that we ought not to encourage this kind of legislation. We ought, on the contrary, to place a stigma on those who thus violate the decencies of life and place themselves and their innocent offspring in this unfortunate position before the world. As long as we pass such bills, this kind of immorality will go on increasing, and we, by our legislation, will be stimulating, instead of endeavoring to abate the evil. If, in other States or countries, people of this class enjoyed the rights of citizens, let them go there and assume the position which it is impossible for them to occupy here. But let us not be asked to violate our principles by encouraging vice. If these people must be emancipated they should not be permitted to remain in the State. The true policy is, send them away, and that is a policy recognized by existing laws. There are cases in which exceptions might, with propriety, be made, such as where a slave has rendered eminent service to the State, &c. But these are cases of rare occurrence. I do not understand that this is one of them. In opposing this bill, and others of similar kind, I but act in accordance with my conscientious convictions, and my sense of duty as a Senator of Louisiana.

Mr. Martel—I hope that, after I shall have made a few observations explanatory of the merits of this case, the Senator from Ouachita (Mr. Deffrees) will not persist in his opposition. A few days ago a Senator, now absent, remarked, in the way of pleasantry, that he had thirty or forty of this kind of bills in his desk. I am aware that there have been too many bills of emancipation presented. But I can say, with sincerity, that there is no man who has been more constantly opposed to the emancipation of slaves than myself.

I have voted against the system on principle, and I agree with the gentlemen in all that he has said of its evil effects. But my conscience would reproach me if I were to refuse to vote for this bill. The old man, whose children these are was for many long years resident of the section of the State which I have the honor to represent. He was sincerely attached to this country, and proved his devotion by joining the defenders of our soil when they repelled the British invaders from New Orleans. Though a colored man, he was, as my friend from St. Martin has said, respected by all who knew him. This man, old Donato, when on his death bed, recommended these children to his white friends, hoping that they would protect them and secure the preservation of their rights. In his old age he took up with a slave of his own, a young mulatto girl, and being a colored man himself, the act was not so reprehensible. By her he had several children. It was natural that he should desire them to enjoy the benefits and privileges of freedom. He accordingly, in his will, desired that they should be emancipated, and left the subject in the charge of his friends, the whites. Besides these children, he had legitimate offspring. On them he imposed the condition, by testament, that they should permit these children to share his immense fortune. I must here state that old Donato was one of the richest men in Louisiana. He paid taxes on an immense amount of property, and was an honorable and upright man. I am opposed to the emancipation of slaves in general, considering it injurious to our institutions; but this is one of those instances which deserve to be made an exception. As I have said before, my conscience would reproach me if I should refuse to support the bill. Old Donato was nearly a hundred years old when he died, and during the whole of that long life he had enjoyed the confidence and respect of the entire community. The Senator from Ouachita, after my explanation, will pay but very little respect to my appeal, if he should not now consent to withdraw his opposition. I have made an explanation which I consider satisfactory, and if I do not mistake the gentleman it will prove so to him. I hope the Senate will pass this bill, and permit the children of old Donato to remain in their native State where they have spent their whole life, and where they are surrounded by all the associations which make life pleasing, or even endurable. I assure the gentleman that the entire population of my section of the State will not only be satisfied, but will be delighted to see the wishes of old Donato carried into effect.

Mr. Deffrees—Do I understand the Senator from St. Landry to say that the father of these children was a colored man.

Mr. Martel—That is precisely what I said. Old Donato was a colored man who was held in high esteem by all who knew him. He had been a resident of Louisiana for eighty years past, had assisted in repelling the English from before New Orleans, and paid taxes on property valued at more than half a million of dollars.

Mr. Deffrees—The statement of the gentleman places the subject in a very different light from that in which I had previously viewed it. I suppose that the grounds of my opposition have been understood by the Senate. I was under the impression that this was one of those cases in which the father was a white, who, by what is a breach of the proprieties of life, had placed his offspring in this unfortunate position. In such a case I would not interfere to relieve him from the consequences of his own imprudence. I will here state that, in the matter of emancipation, I draw what I consider a just and equitable distinction; where the father is a colored man, and his children are free by will, I do not desire to drive them from the State, where every object is endeared to them through their earliest associations, where they have the home of their birth around which their tenderest affections cluster. Such as these I would permit to remain in their native State. It is only in those cases to which I alluded in the remarks I have already made on the subject. Under the circumstances, as they have been explained to me by the gentleman from Ouachita, I feel compelled to withdraw my opposition to the bill.

The bill passed.

MONDAY, Feb. 20, 1854.

Mr. Palfrey called up the following bill, entitled

AN ACT

To amend an act entitled an act to prevent trespasses, approved April 6, 1843.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the fourth section of the act to which this is an amendment, which is in the following words, viz: "That any person who shall, after the passage of this act, take possession of any tract of land, or any part thereof, or of any house or other tenement, being the property of another person, without any legal right so to do, shall be guilty of a misdemeanor, and on due conviction thereof, shall be punished by fine and imprisonment, or both, at the discretion of the court, in the sum of not less than fifty dollars, nor more than one thousand dollars, and imprisonment of not less than ten days nor more than six months, and pay the costs of prosecution; provided, that such possession shall not have continued one year without disturbance," be amended and re-enacted as amended in the words following, to wit:—That any person who shall, after the passage of this act, take possession of any tract of land, or any part thereof, or of any house or other tenement, being the property of another person, without any legal right so to do, or shall willfully and maliciously burn, tear down, or otherwise destroy the enclosure or fences around the field or lot of ground belonging to another person, shall be deemed guilty of a misdemeanor, and on due conviction thereof, shall be punished by fine or imprisonment, or both, at the discretion of the court, the fine to be in the sum of not less than fifty dollars, nor more than one thousand dollars, and imprisonment of not less than ten days nor more than six months, and pay the costs of prosecution; provided, that such possession shall not have continued for one year without disturbance, and provided also, that the fact being proved, the burden of proof of the absence of malice, shall rest with the defendant.

Mr. Martel—I move that the bill be printed. It is one of the most important that has been before the Senate this session.

Mr. Palfrey—I see no necessity for delay. There can be no particular objection to the bill. It has been referred to a committee and received the endorsement

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of a favorable report. I will briefly state the object of the bill. The law already provideds a remedy for the illegal taking possession of buildings. This bill is intended to prevent the distruction of fences, &c., a thing which is not now provided for by law. The object is certainly a good one, and I imagine the gentleman, after a little reflection, will withdraw his opposition to the bill, or rather his motion for printing.

Mr. Martel—I should like to hear the bill read again. It is possible I may withdraw my motion.

The Secretary read the bill.

Mr. Martel—I waive my motion to have the bill printed, but I shall be compelled to vote against it.—At the first glance, gentlemen not acquainted with our back country, and its peculiarities, might think this a good bill. But this would be a great mistake, as I think I can show. It has for a long time been the custom for persons possessed of large wealth to enclose lands belonging to the Government, and in this way preventing lands from being entered by actual settlers. I have known many instances of the kind where public lands had been appropriated in this way, and could not be reached by settlers because some wealthy individual had enclosed them with a view of preventing squatters from taking possession of them, or settling in the vicinity. This class of persons—these squatters I mean—have all my sympathies. They should have the privilege of squatting on the public lands, even though those lands have been enclosed. It is a privilege extended to them by law and with which no one has a right to interfere. If, by our legislation, we permit this thing to be done with impunity, we will cut off our poor laboring population from all the benefit of the pre-emption laws, not only of the United States, but of the State of Louisiana.—It is so much the habit of wealthy persons to do this kind of thing, that even they ask the Legislature to grant them special privileges But I, for one, think we ought not to interfere with the rights secured by the pre-emption laws, which we will assuredly do if we pass this bill. The law on this subject is already too severe. The State of Louisiana has already gone too far in punishing those who seek to avail themselves of their right to settle on the public domain. The United States has never passed laws so severe as those with which Louisiana oppresses her own children. Our penal law is too stringent now, and I am astonished that it is not modified instead of intensified. We have seen that under the present law a man is not even required to make title to the property which he alleges to have been trespassed upon. Suppose, for instance, a man squats on certain lands which he supposes to be public lands, and which, in fact, are public lands. Some person has, however, enclosed them.—He makes affidavit against the squatter, has him arrested, and brings him before a judicial tribunal. The complainant is not even compelled to prove title; it is sufficient for him to prove possession. The man whose rights the law ought to respect is not even permitted to be heard in his own defence.

When he squats on land claimed by a man who may have no title at all, he is arrested and brought up before a grand jury on a criminal accusation. No inquiry is made into the title The State is the prosecutor, and the unfortunate squatter is compelled to pay attorneys, and be put to many other expenses which he is generally ill able to bear. He is not permitted to show that the complainant has not even a title, but only the bare possession of lands which in reality belong to the Government. For my part I think we ought rather to modify the severity of the law in such cases than increase its rigor. We ought rather to make it milder than to throw additional impediments in the way of the industrious settler. Now, sir, I do not speak from conjecture in relation to the statements I have made. I speak from the record, from facts within my own knowledge.

Mr. Ryan—I should be pleased to hear the Secretary read the bill again. I think the gentleman is mistaken as to its objects. (Secretary reads) I thought the gentleman was mistaken in his view of this bill. The burthen of his remarks consists of an appeal for the protection of the squatter against the encroachments of the rich; for his argument, what there is of it, is in favor of the bill. What is the argument? The gentleman says that many persons of large wealth are in the habit of fencing in lands belonging to the Government. The gentleman believes is a this species of encroachment on those poor people who are entitled to populate the soil by settling on vacant public lands. Now the bill says that whenever any person shall enter on the lands of another or destroy his fences, he shall suffer a certain penalty which is specified in the bill. If the property or fences belong to the United States, the trespasser is equally subject to the penalty. So it appears that so far from tending to oppress the settler, the bill actually gives him more rights than he enjoys now, because it prevents the rich man from doing those things to which the gentleman has alluded in the course of his remarks. So if a person enter on the property of another, whether of a private individual or of the United States, he will be liable to the penalties of the law. The arguments of the gentleman therefore, certainly do not apply, as objections to this bill. Take the instance which the gentleman has specified Suppose a squatter to settle on United States land which has been enclosed by one of these rich persons, and is brought before a court on an accusation of trespass: in that case all he has to do is to say that the land did not belong to the complainant, and that consequently he had a right to enter on it. The land belonging to the United States, of course the argument of the gentleman is not applicable, and can have no weight in a legal sense. If a person should fence in public lands, and bring up a squatter for settling on them, the squatter could oust him with costs, because he could plead that he had a perfect right to settle on the lands; that they did not belong to the complainant, and he could have no title under which to bring an action. This would be the natural and proper course. The argument of the gentleman, or rather his declamation about the poor and the rich, might be suitable for a stump harangue before a political meeting during an election campaign, but certainly is not of such a kind as should characterize debate before Senators of Louisiana, who are supposed to be elevated above such *ad captandum* appeals and to know something of the style of argumentation befitting a Senator. Such appeals may be adapted to the stump, they certainly are not suitable for the Senate chamber.

Mr. Martel—I am sorry, Mr President, to be forced to acknowledge that I can lay claim neither to the political genius nor the legal knowledge of which the gentleman from Rapides seems to have so plentiful a supply. I hope no one will impute to me such pretensions.

But I must be allowed to say that the gentleman, in the course of his remarks just addressed to the Senate, very disingenuously disguised not only what I meant, but actually what I said. I am opposed, sir, to the principle of this bill, I shall oppose the making of such an act a criminal offence as long as I hold a seat on this floor. I did not mean to pass any imputation on the rich as a class. Persons who are fortunate enough, by their enterprise or their industry, to acquire wealth, should be honored for it, as the presumption is, or ought to be, that they acquired it by legal means. But when the gentleman goes beyond this I take issue with him. I say that in no country in the world is there a law of this kind. In no place is it sought to protect such rights by a criminal statute. I have seen many citizens under the present law, brought up on such charges as I have mentioned, and denied the right of being heard. A case is brought to the notice of the court through an indictment by the grand jury. If the unfortunate individual, as is frequently the case, is not rich enough to afford to pay counsel he must abandon his rights without a struggle, and perhaps be told to rejoice that he has escaped so cheaply. I tell gentlemen it is not just to permit such interferance with the rights of these poor people, even though they happen to be opposed by one richer than themselves. It is a violation of the great principle of equal rights—it is unjust and I shall oppose it. I oppose the whole principle on which the bill is based. It is calculated to ruin the poor for the benefit of the rich. It has been justly said by one of the greatest of Roman satirists that,

> Nil habet infelix paupertas durius in se
> Quam quod ridiculos homines facit.

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It is now as it was when the Roman Poet wrote. The poor are still at the mercy of the rich. It should be our business as legislators to soften their condition and smooth the asperities of their path, instead of placing them in a worse position than that to which fortune has assigned them. It seems to me that this point is so clear as not to need illustration. Suppose one of that industrious class called squatters does take possession of a tract of Government land which has been enclosed by some unauthorized person—what is the first step taken against him? There are lawyers here who know the course as well as I do. The person in possession, whether the owner or not, goes before a Justice of the Peace and makes an affidavit against the settler. The magistrate has no right to decide on the title to the property. That question does not come before him. The defendant is then sent before the Grand Jury, which can hear only the prosecutor, and is finally bound over to appear before the District Court, and compelled to give a large bail. Many who are not able to pay a lawyer to defend them, are afraid to go into Court. They feel their poverty, and their inability to contend with their rich rivals. They therefore consent to abandon their rights, because they think they have no power to enforce them. I say, sir, that in cases of this kind, all the rights, whether those of the possessor or the squatter, ought to be enforced in the same way as all other legal rights are, namely by by judicial action. If a party has rights, he can maintain them; if not, let him be cast. The passage of this bill, sir, would inflict a deep wound on our system; it would be an abominable outrage. There are severities enough in the law already, without this additional one, which I trust may not receive the sanction of this enlightened body.

Mr. Palfrey—I must beg leave to differ with the gentleman who has just addressed the Senate. I cannot agree with him that any injustice is contemplated or would be produced by this bill. Its sole object is to protect persons, or rather their property, against the encroachments of others. If an individual has a legal right, he cannot be dispossessed of it by this bill. He has only to show his right, and he will be exonerated. I take it for granted that no one has a right to burn or destroy the fences or enclosures belonging to another. The law is silent now on this subject, and it is to remedy the defect, or rather to supply the omission, that this bill is proposed.

Mr. Wickliffe—I move to strike out that part of the bill which makes the burthen of proof of the absence of malice rest on the defendant.

Mr. Martel moved an amendment providing that an inquiry should be made into the title.

Mr. Palfrey—I move to lay the amendment on the table. I do not think a Justice of the Peace is the proper person to try land titles.

The amendment was laid on the table, and the bill passed to a third reading.

THE RIVER AMITE AND BAYOU MANCHAC.

Mr. Lacey—I would request the Senate to grant a suspension of the rules for the purpose of taking up the bill for the improvement of the river Amite and the Bayou Manchac. The bill has already passed to a third reading by a vote of sixteen to one. I imagine no Senator will be inclined to prevent its passage.

Mr. King—I object to a suspension of the rules. One of my reasons is that the river proposed to be improved is in the district of a Senator (Mr. Kenner) who is now absent. He expressed a desire to be present when the bill is disposed of. Another reason is that I am opposed to the bill itself.

The rules were suspended and the bill taken up.

Mr. King—With the permission of the Senate, I will explain my objections to this bill. I am opposed, as I have heretofore intimated on more than one occasion, to all this kind of legislation. We learn from the report of the Auditor, that the entire annual revenue of the Internal Improvement Fund amounts to only $15,000, and this is to be devoted to the internal improvements of the whol eState. This is scarcely sufficient for the necessary expenses of the system. We have three steamboats running, the expenses of which are necessarily great. Then we have 106 negroes whom we have to maintain. We have a State Engineer to whom we pay a salary of $3,000, an Assistant Engineer, whose salary is $2000, while the contingent expenses of the office amount to $1000. These charges would consume almost all the revenue of the fund. If we pass this bill to-morrow, we shall see another of the same kind presented. There are other streams in the State more important than this one, and, if tried by that test, having higher claims on our consideration. If we give money out of the Fund for this purpose, we cannot refuse it for others, of the same nature. In this way it would not take long to consume the whole fund. Then what will become of our negroes? They might as well be put up at auction, and sold to the highest bidder.

What should we do with our steamboats? Are they to be laid up to rot, or sold for what they will bring? It seems to me that Senators cannot understand the nature of the Internal Improvement fund, if they contemplate voting for this bill. There are other objections to it than those which I have mentioned. The bill appropriates $3500 for the improvement of the Amite. Does any one know that that amount is enough? Have surveys been made? Have accurate estimates been prepared? For all we know, $500 may be enough, or the whole amount proposed by the bill may prove to be but a drop in the bucket. It has been said by a person who ought to be possessed of correct information on the subject, that $15,000 would be needed to accomplish the projected improvements. The $3500 would be a commencement of what we shall be called on to appropriate, and we shall probably be told that it it is necessary to give the additional sums in order to save what will have already been expended. I have before said that I am opposed to our taking upon ourselves the functions which properly appertain to engineers, and which we have delegated to officers in whom we ought to have confidence. I, for one, do not sit here for any such purpose. I do not consider myself, nor do I think the Legislature is competent to say what streams ought to be improved. Private persons do not conduct their business in this manner. They do not build a house without first making some estimate of its cost. No man in his senses would be guilty of such a piece of folly. There is no reason why the State should act differently—there is no reason why she should not conduct her business in accordance with those simple rules by which individuals are guided in the ordinary transactions of life. For my part, I am opposed to taking money from the Internal Improvement fund, and disposing of it for this or any other purpose. The Amite is not the most important river in the State; on the contrary, there are others which have far higher claims. Let the fund remain under the supervision of those officers to whom we have intrusted, and who know much better than we do the best manner in which to apply it. We will pause before we set this precedent for the annihilation of that fund, unless we are ready to disband our negroes, sell our steamboats, and discharge our engineers.

Mr. Wickliffe—I beg leave to offer a few words on this subject by way of explanation. I must say that I am sorry to observe the gloomy forebodings which seem to have possessed the mind of the Senator from New Orleans. The gentleman anxiously asks us what will become of our negroes—what must we do with the engineers if we pass this bill? Why, sir, I hope they will still remain in the land of the living. I do not see that the bill aims any deadly blow at their existence. He also asks us if the Amite is the most important river in the State. It is certainly not as large as the Mississippi, nor does it bear on its bosom the varied products of many different climes; but there are numbers of worthy and industrious citizens residing on its banks who are surely deserving of some consideration.

They have never yet received anything from the Internal Improvement fund; they have, in fact, been strangers to its benefits. For years they have suffered from the inconveniences and injuries consequent on the obstructions existing in the river. I do not say that this is the fault of the State Engineer. I have no desire to cast censure on that officer. He may have had more work than time or means; but I defy any one to point out where he has done any work in that section. The only evidence of the presence, at any time of a State force in that region, are the obstructions adverted to by the Senator from East Baton Rouge. The gentleman is also very fearful lest the Internal Improvement fund should be exhausted as a

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consequence of the passage of this bill. If the gentleman will direct his acuteness to an investigation of the facts, he will find that the State owes the Internal Improvement fund a large amount of money.

Mr. King—The Chairman of the Finance Committee says the Treasury does not owe a dollar to the Internal Improvement fund.

Mr. Wickliffe—I know that gentleman takes very good care of the finances, but I think I could show that he is mistaken in making that statement. I am of opinion that the gloomy picture drawn by the gentleman from New Orleans is in no danger of being realized if we pass this bill, and I hope it will be passed.

Mr. King—I am sorry to be obliged to trespass again on the time of the Senate, but I feel constrained to say a few words more. I am not opposed to the improvement of the Amite river. I think it ought to be improved; but I am opposed to the method of improvement contemplated by the bill. I am opposed to taking money out of the Internal Improvement fund. If we continue in this way, we shall certainly exhaust the fund, and ultimately be reduced to the necessity of abandoning our system of Internal Improvements. We shall be compelled to discharge our engineer, to lay up our boats and sell our negroes. This is a result which must be produced if we continue the system initiated by the bill before the Senate. It is not difficult to foresee that such must be the inevitable consequence, and it would be easy to show precisely how much legislation of this kind would reduce us to that necessity. If the improvement of the Amite river is necessary, let it be done in the regular way, by the State force, acting under the directions of the duly appointed officer. Let the State Engineer make the necessary examinations, and decide what is best to be done. In this manner the work can be accomplished in a regular way, without infringing on our established system.

Mr. Lacey—The phase which this discussion has assumed induces me to offer a few remarks, although it will be, perhaps, a work of supererogation after what has been said by the senator from West Feliciana. The gentleman was right in saying that this district has not been treated justly by the State. An officer, with a search warrant could not find a single trace of any work ever done by the State on the Amite river, except a ta single point, and there he would discover only the wood and rubbish with which the State force had succeeded in obstructing the channel. No, sir; no man can find a single trace of any benefit which that region has ever received from the Internal Improvement fund. If anything of that kind should be sought, the writ would be returned with the endorsement *non est inventus*. I say again, sir that that district, although emminently entitled to favorable considerstiou, has, heretofore, received nothing from the State.

The gentleman from New Orleans (Mr. King,) thinks that the fund should be reserved for objects of greater importance, or if this work be done at all, it should be done by the State force. Why, sir, it would cost more to send one of the State boats around, into that river, than to complete the work under the plan proposed by the bill. When the work can be accomplished by private persons, at a less expense than by the State force, would the gentleman object to its being done by them? Would he insist on paying a large sum for what could be procured for a small sum? Surely the gentleman would not recommend such a policy as that.

This bill, sir, has passed its second reading by a vote of sixteen to one, almost a unanimous vote. After that is it necessary to say anything in behalf of the bill? I have no doubt it will pass finally by as a large majority, as it has passed the other House and that no obstruction will be thrown in its way.

The bill passed.

Mr. King called up an act relative to arrest of judgment in criminal cases, and said:

The object of this bill is expressed in its title. It is intended to relieve the law of an absurdity by which it isat present characterized. In every other State, and even in England, I believe, the incongruity has been done away with. I allude to the right which the prisoner now has to come into Court and plead to an indictment, and then after the case has been tried and the verdict rendered, to escape by some flaw in the amendment.

On motion of Mr. Ryan, the bill was laid over.

Mr. Martel called up the following bill, entitled.

AN ACT

To improve for the navigation of the Atchafalaya river.

Section 1. Be it enacted, &c., That the sum of fifteen thousand dollars be and the same is hereby appropriated for the purpose of removing all obstructions to the navigation of the Atchafalaya river, the mouth of the bayou Courtableu included, for one mile up said bayou, and to make a levee on the West bank of said bayou, from its mouth, ending in the Atchafalaya river, extending as far up said bayou Courtableu as may be deemed necessary by the Commissioners to be appointed under this act.

Sec. 2. Be it further enacted, &c., That William Offatt, of Washington, La., Walthall Burton, William H. Nelson, C. S. Gordon, John J. Morgan, of the Atchafalaya, be and they are hereby appointed Commissioners, with the State Engineer, to carry this act into effect, and the sum of fifteen thousand dollars to be paid out of the Internal Improvement fund, be, and the same is hereby specially appropriated, payable to the contractor or contractors, on the warrant of at least four of said Commissioners, in such sum or sums as may be required.

Sec. 3. Be it further enacted, &c., That said Commissioners shall let out to the lowest bidder the performance of said contract, after giving thirty days notice of the time and place, in two newspapers, to-wit: the Louisiana Courier and the Opelousas Courier; said adjudication to take place at the House of Mrs. Robbin on the Atchafalaya river, on the first day of May next, 1854, between the hours of 10 A. M. and 4 P. M.

Sec. 4. Be it further enacted, &c., That a passage be cleared as straight as possible through all that part of the Atchafalaya river which is now obstructed by rafts, sixty feet wide and five feet deep, in lowest waters, the mouth of the bayou Courtableu to be included one mile up said bayou, and the West bank of said bayou to be leveed as far up from the said mouth as said Commissioners may determine, and that the snags in the channel in the Atchafalaya river be removed.

Sec. 5. Be it further enacted, &c., That three of said Commissioners shall form a quorum to let out said contract, and in case said quorum should not meet on said first day of May, on the premises as aforesaid, then, and in that case one of said Commissioners shall be authorized to adjourn said adjudication until a quorum makes its appearance, and should said quorum not appear on the third day of May, 1854, then said number present, orany shall let out said contract, provided said adjudication, with all expenses, does not exceed the sum of fifteen thousand dollars.

Sec. 6. Be it further enacted, &c., That said Commissioners are authorized and required to take bond and security from the undertaker of said contract, in the sum of five thousand dollars, payable to the Governor of the State and his successors in office, conditioned for the faithful performance of the same, said bond to be furnished on the premises on the day of the adjudication, and in default thereof, said Commissioners shall make a second adjudication on the same day, or they will postpone the same until the next day; and if no sale takes place on that day, the Commissioners shall re-advertise and let out said contract as aforesaid.

Sec. 7. Be it further enacted, &c., That a majority of the Commissioners present at the adjudication shall be sufficient to approve of the bond of the undertaker, but at least four of said Commissioners must agree on receiving said work or contract.

Sec. 8. Be it further enacted, &c., That the conditions of said contract, and all the particulars, shall be published at length in said advertisement.

Sec. 9. Be it further enacted, &c., In case the undertaker should fail to perform his engagement, it shall be the duty of the Attorney General or District Attorney to institue suit before any court of competent jurisdiction for the collection of said bond, its amount to be deposited in the Treasury of the State

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to the credit of the State Engineer, to be afterwards applied by said Commissioners to improve the navigation of the Atchafalaya river.

SEC. 10. Be it further enacted, &c., That the State Engineer be and he is hereby authorized to cause said contract to be published on or before the 15th day of March next, 1854, in the manner aforesaid.

Which, on motion of Mr. Martel, was read the second time, section by section.

Mr. King—I feel called on to make one remark by way of explanation. I have condemned the whole system of special appropriations of this kind. I have condemned this system of taking money out of the Internal Improvement Fund; because, if we persist in it we shall soon be unable to pay our Engineer, and be compelled to sell our boats and negroes. But the Atchafalaya river is one of great importance, and if the thing is to be done, I should like to secure something for its improvement. I would rather vote for this bill than for any other of the kind. I wish it distictly understood that this is my only reason for voting for this bill while I oppose the whole system. If we are to have a general scramble, I shall insist on getting something for the best objects.

On motion of Mr. Moore, the following section was inserted in lieu of the 1st ond 4th sections, viz:

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the navigation of the Atchafalaya and Courtableu rivers shall be improved from the junction of the former with the old bed of the Mississippi river to the mouth of,, and up the latter to the head of "Petit Diable," and a levee shall be made on the southern bank of the latter, so as to prevent the escape of the current, which draws the drift from the Atchafalaya therein, and a passage shall be cleared of snags sixty feet wide through the whole extent.

On motion of Mr. Martel to adopt it, Mr. Deffrees called for the yeas and nays.

Hon. R. C. Wickliffe in the Chair; Messrs. Dupre, Griffin, Hebert, King, Kittridge, Lauve, Lacey, Lawes, Martel, Moore, Palfrey, Pellerin, Ryan, Richardson, Taylor and Wickliffe—16 yeas.

Messrs. Deffrees, Evans, and Macmurdo—3 nays

Consequently the 1st section was adopted in lieu of the 1st and 4th sections.

On motion of Mr. Moore, the words "not exceeding the sum of four thousand dollars at one time," were inserted at the end of the 2d section.

The 2d section was then adopted as amended.

The 3d section was then read and adopted.

The 5th section was then adopted in lieu of the 4th section.

Mr. Defreese offered as an amendment in the 6th line of the 6th section of the original bill, the words "fifteen thousand," and to strike out the words "five thousand."

On motion of Mr. Dupre, the amendment was laid on the table.

On motion to adopt the 6th section, in lieu of the 5th section, Mr. Deffrees called for the yeas and nays.

Hon. R. C. Wickliffe in the Chair; Messrs. Dupre, Evans, Griffin, Hebert, Kittridge, Lauve, Lacey, Lawes, Martel, Moore, Palfrey, Pellerin, Ryan, Richardson, Taylor, Scott, and Wickliffe—17 yeas.

Mr. Deffrees—1 nay.

Consequently the 6th section was adopted in lieu of the 5th section.

The 7th, 8th and 9th sections were read and adopted in lieu of the 8th, 9th and 10th sections.

On motion of Mr. Martel the rules were dispensed with, it was read the third time and passed.

Mr. King—I move to take up the bill to aid the colonization in Africa of the free people of color of this State. As nothing is before the Senate, I think we might as well take up the bill now.

Mr. Macmurdo—The bill has just been printed and laid on the tables of the members. Some Senators may be familiar with the subject, but I am confident that not all are so. I think it would be more judicious to make the bill the special order of the day for another time.

Mr. King—The bill is rather long, it is true. Yet it is not very complex or very important. It is simply intended to tax free negroes in order to raise a fund with which to send such to Africa as desire to go.

Mr. Macmurdo—I am very familiar with the subject myself. I have no objection to taking up the bill, if the Senator desires it.

Mr. Martel—I renew the objection if the gentleman from New Orleans withdraws it. The bill has but just been laid on the tables of the members. It seems to be of some importance, and I think it would be better to make it the order of the day for another time.

The bill was deferred.

MESSAGE FROM THE HOUSE.

The special messenger from the House requested the concurrence of the Senate in the following bills, entitled

An act to amend an act entitled an act to regulate the terms of the District Court (the parish of Orleans excepted) so far as relates to the Second Judicial District.

An act entitled an act to amend an act entitled an act to increase the salary of the clerk of the First District Court of New Orleans.

Mr. Lacey introduced the following resolution, which was adopted:

Resolved, That 500 copies of the Report of the Louisiana Institution for the Deaf, Dumb and the Blind, be printed for the use of the Senate, and an additional number of 500 copies in French and 1000 in English be printed for the use of the Institution, and delivered to the Principal.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was read:

EXECUTIVE DEPARTMENT,
Baton Rouge, February 15, 1854.

To the Honorable the President and Members of the Senate:

I have the honor to transmit the accompanying Report of the Board of Administrators and Superintendent of the Institution of the Deaf and Dumb and the Blind.

The rapid increase in the number of pupils admitted to this noble Asylum, coupled with the fact that there are numerous patients in the Charity Hospital who are afflicted with blindness, and who are likely to become inmates of the former Institution, render it necessary that the Legislature should carry out, with the least possible delay, the good work already commenced, by giving to the Institution the aid it requires, to enable it to accomplish the benevolent ends it has in view.

I would, therefore, particularly call the attention of your honorable body to that portion of the Report of the Board asking for an additional appropriation for building purposes, and which, I trust, will meet with your most favorable consideration.

(Signed) P. O. HEBERT.

On motion of Mr. Wickliffe, the message and accompanying documents were referred to the Committee on Charitable Institutions.

REPORTS OF COMMITTEES.

Mr. Hebert, from the Committee on Claims, reported favorably, with an amendment,

An act for the relief of Armand Halet, of the parish of Lafayette.

Report, by substitute, on an act for the relief of Martin Kohler.

Mr. Hebert, from the Committee on Enrollment, reported correctly enrolled an act to authorize Robert M. Lea and Letitia M. Lea to adopt Eleanor Lombard.

An act to emancipate John W. Hewitt.

An act for the relief of Matthew Watson, Sheriff of the parish of Caddo.

Mr. Lacey, from the Judiciary Committee, reported favorably on the following bills, entitled

An act to emancipate Moses C. Cavett and Jas. R. Cavett.

An act to extend the privileges of the vendor of moveable effects.

An act relative to the disposition of all forfeited bonds, recognizances, and fines imposed in criminal cases.

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An act to emancipate George H. Packwood, a minor.

And he reported favorably,

An act to amend Article 1035 Civil Code.

Mr. Macmurdo, from the Finance Committee, made the following report:

To the Honorable the President and Members of the Senate of the State of Louisiana:

The undersigned, Chairman of the Committee on Finance of the Senate, begs leave to report that the Committee on Finance have had under their consideration a claim of George P. Briant, for services rendered to the State for the collection of the sum of eleven thousand dollars, from the municipalities of New Orleans, in the month of May last, and after due consideration of the same, recommend that he be paid the sum of one hundred dollars for said services, on his own warrant, out of any funds in the Treasury not otherwise appropriated.

J. R. MACMURDO, Chairman.

He also reported that he has found the report on contingent expenses of the office of the Treasurer correct; and he reported favorably on the following bills, entitled

An act for the relief of J. J. Odom, and

An act for the relief of Thos. J. Buffington. M. D.

On motion of Mr. Macmurdo, the rules were suspended, these bills underwent separately their several readings, and they passed.

BILLS, ETC., INTRODUCED.

Mr. King called up an act relative to motions in arrest of judgment in criminal cases.

On motion of Mr. Ryan, it was laid over, subject to call.

Mr. Evans called up House bill, entitled

An act for the relief of Thomas Killgore.

On motion of Mr. Evans, the rules were dispensed with, it underwent its several readings, and was concurred in.

Mr. Richardson called up House bill, entitled

An act for the relief of the veterans of 1814-15.

On motion of Mr. Richardson, the rules were suspended, it underwent its several readings, and it was concurred in.

Mr. Ryan, without previous notice, asked and obtained leave to introduce the following bills, entitled

An act to authorize Robert Huie, of the parish of Rapides, to adopt an orphan boy named James Roach, and change his name to James Huie, and

An act to amend Article 719 of the Code of Practice.

On motion of Mr. Ryan, these bills were severally read twice, and they were referred to the Judiciary Committee.

Mr. Ryan called up the following House Resolutions.

Resolution ordering the State Engineer to repair to Red River.

On motion the rules were suspended, and it was adopted, and

Resolution relative to a Marine Hospital at Alexandria, in the parish of Rapides, was rejected by the Senate.

Mr. Wickliffe, without previous notice, asked and obtained leave to introduce the following bills, entitled

An act for the relief of John Mountjoy, a veteran of the war of 1814 and 1815.

On motion the rules were suspended, it was read twice and it was referred to the Committee on Claims, also

An act for the relief of Moses Lee, a veteran of the years 1814 and 1815, which was read twice and referred to the same Committee.

Mr. Pellerin, without previous notice, asked and obtained leave to introduce

An act for the relief of James H. Stokes, of the parish of Vermillion.

On motion the rules were suspended, it was read twice, and it was referred to the Committee on Finance.

Mr. Griffin introduced a petition of J. H. Barbin and others, which was read, and on motion it was referred to the Committee on Internal Improvements, Swamp Lands and Levees.

Mr. Lacey asked and obtained leave to introduce the following bills:

On motion of Mr. Lacey, they separately read twice and they were referred as follows, viz:

An act for the relief of John H. Martin, Geo. P. Sattenberry, Rufus J. Moore and Alexis Sappington, and

An act for the relief of Louis Dubreuil, of the State of Missouri, were referred to the Committee on Claims.

An act to provide for the establishment of a Union School in the first and second wards of the parish of East Baton Rouge, was referred to the Committee on Public Education, and

An act to incorporate the Society of the Virgins, for the relief of the poor and indigent orphans in the parish of East Baton Rouge, to the Committee on the Judiciary.

Mr. Ryan, without previous notice, asked and obtained leave to introduce

An act to complete the improvement of the falls of Red River at Alexandria.

On motion, the rules were dispensed with, it was read twice, and it was referred to the Committee on Internal Improvements, &c.

TUESDAY, February 21st.

Marine Hospital at Alexandria.

On motion of Mr. Griffin the vote yesterday against the resolution requesting our Representatives and instructing our Senators in Congress to use their efforts to procure a Marine Hospital at Alexandria, was reconsidered.

Mr. Ryan.—I will explain the nature of this resolution. I have no doubt that, owing to its title, it was not correctly understood yesterday. Red River is certainly not an inland sea, and the establishment of a "Marine Hospital" on its banks might be considered rather incongruous. Yet it is a well known fact that the United States Government has established institutions called Marine Hospitals at various points on the Mississippi river, and its tributaries. There is one at Memphis, in Tennessee, one at Paducah in Kentucky, one opposite New Orleans, and there may be others at other places. These places are called Marine Hospitals. Now the word marine is derived from the Latin, *mare*, which signifies the sea; and these institutions are Marine Hospitals though there is not a drop of salt water near them. On Red River, owing to the great trade which is carried on through its channel, there is as much need for one of these establishments as there is on the Mississippi itself. It is necessary to have some place for the reception of sick persons—some place where those unfortunate persons who are attacked by disease can find accommodation. It is also necessary to have some such place for the preservation of the towns and country along the river from the attacks of epidemic diseases, which are liable to be imported from the lower regions of the State. It was in this way that the yellow fever was introduced last summer, and its destructive ravages are well known by their mournful and afflicting consequences. In fact, the Red River country suffered more than other parts of the State in proportion to its population. The establisment of a Marine Hospital at Alexandria would, in addition to the benefits produced by such institutions in other places, have the effect of keeping off attacks of yellow fever epidemics by providing a place for the reception of patients, where they will be excluded from communication with the resident population, and thus from the possibility of spreading the infection. For these reasons I hope the resolution will be pass.

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M. Kenner.—For my part I must confess that I can see no objection to the resolution. It is true as the gentleman from Rapides has very well remarked, that Red River is not a sea; but I have seen it when it was forty miles wide and looked like a sea if it was not one in reality. I have traveled on it for days and days when land was not visible on either side, and the river seemed to be a vast lake of boiling, surging waters. Now, whatever can be said of Red River, it is undoubtedly a large body of water, and so is the sea. Then there are salt springs on its banks, and vast salt plains along its shores, so that it has some analogy to the sea in various respects. Then, why should we not have a Marine Hospital at Alexandria? It would be just as proper to have one there as at Memphis or Paducah. However, as far as any practical result is to be considered, I think it a matter of very little consequence whether we pass this resolution or not. It will take no money out of our pocket, and probably none out of that of Uncle Sam either, for I do not believe, the old gentleman will pay the slightest attention to our request.

Mr. King.—I must say that I am opposed to the resolution in its present form. I agree with the gentleman from Ascension that, even if we pass it, it will not receive much attention from Congress. But notwithstanding that, I cannot vote for the resolution without an amendment. The word marine is derived from a Latin word signifying the sea. Now, if the United States furnish a marine hospital, they ought also to furnish the persons to put in it, and I do not believe there are many old salts in that part of the country.

Mr. Ryan.—I would inform the gentleman that I am a pretty good Latin scholar myself, so that I am aware of the etymological fact which has been stated by the gentleman. In fact I made the same remark myself only a few moments ago. But I presume the Senate will understand the subject without any further explanations. There are hospitals of the same denomination, already established by Congress on the banks of the Mississippi and other rivers so that I do not see any impropriety in our asking for the same thing. The necessity exists on Red River, and whether Congress heeds our request or not, there can, certainly, be no harm in making the effort.

Mr. Trudeau—I shall vote against the resolution for the very reasons given by the gentleman from Rapides. I think if a hospital be established, in which all persons affected by contagious diseases are to be placed, it will be much more likely to injure the health of the town near which the institution is located, than if no such hospital existed.

ORDER OF THE DAY.

The Tacit Mortgage Bill.

The following bill, to provide for the registration of the evidences of mortgages in favor of minors and married women, was taken up.

AN ACT

TO PROVIDE FOR THE RECORDING OF THE EVIDENCE OF MORTGAGES IN FAVOR OF MINORS AND MARRIED WOMEN.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That from and after the first day of April, 1855, no mortgage shall be enforced or exist against a third person acting in good faith, unless the mortgage duly recorded in the office of the Recorder of Mortgages. This record shall be made in order to affect landed property and slaves attached thereto in the parish where such property is situated, and to affect other slaves in the parish where the debtor has his domicil, or usual residence.

SEC. 2. Be it further enacted, &c, That it shall be the duty of every notary public, or other officer exercising the functions of a notary public, to cause to be recorded in the office of the Recorder of Mortgages in the parish where the party resides, against whom the mortgage created may exist, every act passed before him in which under the existing laws of this State, a legal mortgage is created in favor of the wife on the property of the husband; whether the said act be a marriage contract or any other act which may serve to show the sums of money or other property which the wife may have brought by way of dower at the time of marriage; or receipts or other acts serving to show the amount of money or other property received by her, or by her husband for her account during the marriage. That any notary or person exercising the functions of notary, who shall neglect to comply with the requirements of this section as to the recording of the Acts therein mentioned, besides being liable, to the persons injured thereby for all damages which may be sustained, shall be deemed guilty of a misdemeanor in office, and shall, on conviction therefor, upon indictment or information, be dismissed from his office and be sentenced to fine and imprisonment, at the discretion of the Court.

SEC. 3. Be it further enacted, &c., That whenever a married woman shall be entitled to property or money by inheritance or by testamentary disposition, it shall be the duty of the executors, curators or administrators through whom the property or money may be received, to take from the husband an authentic receipt for the money or property, which shall be recorded as a mortgage against the husband in the parish in which he resides, if he be a resident of this State; but the property or money shall not be delivered to the husband until he makes oath that said receipt has been recorded in the parish in which he resides, and in every other parish in this State in which he owns immovable property: Provided, that this section shall not apply to cases where the wife is separate in property from her husband, and administers her own property; and provided furthermore, such receipt shall be no evidence of the delivery of such property or money to the husband until such receipt is endorsed by the person to whom payment or delivery is made "paid," which endorsement must be dated subsequent to the record. Every executor, curator or administrator who neglects to comply with the duty enjoined by this section, besides rendering himself and sureties personally liable for all damages caused thereby to the persons injured, shall be dismissed from his office, and on conviction upon indictment or information of said neglect, shall be fined and imprisoned at the discretion of the Court.

It shall be the duty of the clerks of Courts, in whose Courts there may at this time exist evidence of a legal mortgage upon the estate of the husband in favor of the wife, if the same be not already recorded to record the same in the office of the Recorder of Mortgages, and in case any clerk shall fail to do so, on or before the first day of April, 1854, he shall be liable to any married woman for all damages she may sustain for such failure or neglect, and to the further penalty of one hundred dollars,

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one half for the use and benefit of the person bringing the suit. For making such recordation, the clerk shall receive a fee to be charged as costs in each case of one dollar and fifty cents, besides the fees to be paid to the Recorder for recording the same.

SECT. 4. Be it further enacted, &c., That whenever a tutor for minors, or a curator of an absentee or interdicted person, shall have been designated by the Judge, or other person having the competent authority to appoint tutors or curators, the clerk of the Court shall deliver to the person so designated, or to his agent or attorney, a copy of the order of appointment in order that it may be recorded in the office of the Recorder of Mortgages, in conformity to this Act, and letters of tutorship or curatorship shall not issue until said order shall have been recorded, and until the person appointed tutor or curator shall have made and subscribed the following oath:

I, (A. B) tutor of the child (or children) named ———, or curator of———, an absentee, or of ———, an interdicted person, as the case may be, do solemnly swear, or (affirm, if the party have conscientious scruples against making an oath,) that I have caused the order of appointment given to me to be recorded in the office of Recorder of Mortgages, in the parish in which I reside, and in every parish in this State, in which I own immovable property.

Which oath must be recorded by the clerk in his office.

Nothing in this act shall prevent tutors from giving a special mortgage in lieu of the general mortgage in favor of minors in the manner provided by law, but in all such cases every tutor before entering on the duties of his office, instead of the last clause of the above affidavit, shall be required to make oath that the special mortgage has been recorded in the parish or parishes, as the case may be, in this State, in which the property so specially mortgaged is situated.

SECT. 5. Be it further enacted, &c., That the office of all tutors, curators of absentees and persons interdicted, now existing in this State, shall expire on the 1st day of July next, unless, in the interval, any such officer shall have caused to be recorded, the letters of tutorship or curatorship originally given to him, or copies thereof, or a certificate of the clerk, showing the date of his appointment in the manner directed in the preceding section of this Act, for recording orders of appointment, and shall have taken the oath therein directed, which oath shall be recorded as above provided. Said letters, when recorded, shall be evidence of the existence of a mortgage from the date of the original appointment of said tutor or curator. If any tutor shall have qualified by giving a special mortgage, in the manner provided by law in lieu of the general mortgage against his estate, such tutor may continue to act upon his making oath within the time above prescribed, that such special mortgage has been recorded in the manner directed in the foregoing section, for the recordation of such special mortgages.

SECT. 6. Be it further enacted, &c., That on the before mentioned first day of July next, it shall be the duty of every clerk of a Court in this State, (except clerks of the Supreme Court) in whose office records of appointments of tutors and curators of persons interdicted and absentees heretofore made are kept, to examine thoroughly the said records, and within ten days after said first day of July, to make out a correct list of all the said tutorships and curatorships which the said records show still to exist: which list shall designate the names of the minors, and the persons appointed tutors, and curators who have not qualified under this Act, with the dates of their appointments. The list thus perfected shall be kept as a part of the records of the Court.

It shall further be the duty of the clerk to make out triplicate copies of said list, one of which shall be kept posted up in a conspicuous place in his office for the space of forty days; another on the door in the room of the Court-House for the like time, and the other shall be delivered to the Judge of his Court, or of the Court having jurisdiction in such matters, immediately, if said Court be in session, and if not, at the first term of the Court thereafter held. The clerk shall be allowed one dollar, from each tutorship or curatorship for making out said lists.

It shall further be the duty of said clerk, if he be vested with such power to issue notice, or if not, of the Judge or other person having, under the law, competent authority therefor, to order notice to be issued by the clerk, which shall be served by the Sheriff in the manner in which citations are served upon all such tutors or curators who have failed to qualify as may reside in the parish to appear within five days after the service of said notice, before the said clerk or judge, or other competent authority, and apply for re-appointment under this Act—and for which said Sheriff shall receive the same compensation as is allowed by law for serving citations.

Should the Sheriff neglect to serve the said notice in those cases in which service can be made by him, or to make due return of service of such notice, where it has been made within five days from the date of its service, besides being liable to the minors and other parties interested, for all costs and damages which may have been incurred, he shall be subject to a fine of twenty dollars to be imposed by the Judge for the benefit of the minors, in each case in which he fails to make service, or due return of the service of notice as aforesaid: and if the notice cannot be served, the Sheriff must make his return within twenty days from the time at which it was delivered to him. The same penalty and fine shall be incurred by the Sheriff for the neglect of any duty assigned to him by this Act.

If any tutor or curator should appear within the time designated, and pray for his re-appointment, he must qualify in conformity with the provisions of this Act, by taking the oath prescribed by the preceding fourth section, in addition to which he must further swear that he has caused to be recorded a copy of the letters of tutorship or curatorship originally issued to him, or a certificate of the clerk, showing the date of his original appointment in the parish in which he resides, and in every parish in this State in which he owns immovable property, which letters, or certificate of the clerk, thus recorded shall operate as a mortgage upon his property from the date of his original appointment. But if the tutor has given a special mortgage, then he must swear that the said special mortgage has been recorded in the Parish in which the property mortgaged is situated. The recordation, herein provided for, must be done within forty days after the tutor has applied for reappointment.

If the tutor or curator does not appear within the time specified, or if, after appearing, does not qualify within the forty days, the Clerk, if he has the power, or Judge, or other competent authority, shall proceed to appoint another tutor or cu-

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rator, as the case may be, in his stead, granting such preferences as are now given by law, in the choice of tutors or curators who shall qualify as directed by this Act, within forty days, and it shall be his duty immediately to apply to the Clerk for copies of the letters of tutorship or curatorship originally given to the person who has failed to requalify, or for a certificate showing the date of the original appointment of his predecessor, which letters or certificate he shall cause to be recorded, unless the same shall have been already recorded in the parish in which his predecessor resides, or if he be dead in the parish in which his predecessor resided, and also in every other parish in the State in which he has reason to believe his predecessor owns or did own immovable property; and if his predecessor gave a special mortgage, which has not been recorded in lieu of the general mortgage, it shall be his duty to have such special mortgage recorded in the parish or parishes in this State in which the property has specially mortgaged is situated; it shall further be his duty to cause the same evidences of any previous tutorship, or curatorship, or of any previous special mortgages to be recorded in the same manner, all of which, when recorded, shall operate as a mortgage against the property of any previous tutors or curators from the date of their respective appointment.

For any neglect of the duties prescribed by this section, the tutor or curator so appointed, shall be liable to the minors and other persons interested, for all damages and costs which may be incurred thereby, and shall further be subject, in case any loss or damage to the minor should be thereby sustained, to the criminal laws enacted against tutors who embezzle the property of minors, and upon conviction thereof, after prosecution in due form of law, shall be imprisoned at hard labor for a period not to exceed two years.

It shall further be the duty of every tutor or curator appointed under this section, to institute suit, if it be necessary, against all previous tutors or curators, to recover whatever may be coming to the minors or persons for whom he has been appointed tutor or curator. Provided, that at any time before the newly appointed tutor or curator has qualified under this act, it shall be within the discretion of the person exercising the power of appointing, to reappoint the original tutor or curator, upon his appearing and showing that he has been guilty of no neglect, and offering to requalify in the manner pointed out by this Act. The tutor or curator, neglecting to requalify, shall be liable for all the costs incurred under this section.

SECT. 7. Be it further enacted, &c., That when any tutor or curator has removed from, or does not reside in the parish in which he was originally appointed, the notice prescribed by the preceding section shall be sent by the Clerk to the Sheriff of the parish in which said tutor or curator resides, and he shall be allowed twenty (20) days within which to appear and make application for reappointment, and the Sheriff shall be allowed forty days in which to make his return, but must always make his return within twenty days after service of the notice.

Any sheriff neglecting to comply with the duties prescribed by this section, shall be subject to the penalties prescribed for similar neglect, by the previous section.

SECT. 8. Be it further enacted, &c. That where any tutor or curator heretofore appointed, has removed from, or does not reside in the Parish of his original appointment, and his place of residence be unknown, if he does not appear and claim a reappointment within forty days after the first day of July next, it shall be the duty of the competent authority to proceed at once to supply his place by the appointment of another tutor or curator, as the case may be: Provided it be stated in the proceedings for appointment, that the residence of such absent tutor or curator is unknown.

SECT. 9. Be it further enacted, &c., That where any tutor or curator, hereafter appointed, removes from the Parish in which he resides at the time of the appointment, to another Parish in this State, it shall be his duty, unless he has given a special mortgage in lieu of a general one against him, immediately after his said removal, to cause the evidences of the mortgage existing against his estate, as tutor or curator, to be recorded in the Parish to which he has removed, and the same course shall be observed on each subsequent removal, or in case any tutor or curator, without removing, should acquire immovable property or slaves, in another Parish, subsequent to his appointment, it shall be his duty to record the evidence of the mortgage against him in said Parish. For any neglect to comply with this section, it shall be the duty of the competent tribunal, to remove such tutor or curator from his office, and to appoint another in his stead.

The said tutor or curator shall further be condemned to pay to the person appointed in his place, not less than one hundred, and not more than one thousand dollars, to be recovered in any competent tribunal.

If any loss or damage should accrue to the minor or minors, or absentee, or person interdicted, in consequence of the failure of the tutor or curator, who has removed to another Parish, or who has acquired immovable property or slaves, after his appointment, in other Parishes than that in which he resides, to record the mortgage existing in favor of said minors or absentees, or persons interdicted in the Parishes in which such property is situated, besides being liable, civily, to the minor or absentee, or persons interdicted, for all such damages, he shall be deemed guilty of an embezzlement, and on conviction thereof, be fined and imprisoned at the discretion of the Court.

SECT. 10. Be it further enacted, &c., That any person who shall take possession of any property belonging to any minor, who has no tutor, and shall retain the same for the space of sixty days, without having in the meantime made known the facts to the competent tribunal for the appointment of tutors and prayed for the appointment of himself or some other person who is willing and competent to take charge of said tutorship, besides being responsible personally for all damages caused thereby, shall be deemed guilty of embezzlement, and on conviction therefor upon indictment or information, shall be fined and imprisoned at the discretion of the Court.

SECT. 11. Be it further enacted, &c., That it shall be lawful for any person, on tender of the legal fees, to demand the inscription in any mortgage office of any act or document tending to show the existence of a legal mortgage, and also any of the documents or certificates which are made, by this act, evidence of the existence of a mortgage, and it shall be the duty of all recorders of mortgages, upon such application, to record the said acts or evidences of the existence of a mortgage.

SECT. 12. Be it further enacted, &c., That any Clerk of a Court in this State, who shall

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fail to discharge the duties imposed upon him by this Act, or be guilty of any willful neglect in relation thereto, shall be dismissed from his office by the Judge of the Court of which he is clerk, and shall further be responsible for all such damages as may be sustained by any minor, in consequence of his said failure or neglect to discharge his duties, with a right of appeal, however, from such judgment, to the Supreme Court of the State.

SECT. 13. Be it further enacted, &c., That any Judge or judicial officer, who shall fail to discharge the duties imposed upon him by this Act, shall be deemed guilty of a misdemeanor in office, from which he may be removed by impeachment or address.

SECT. 14. Be it further enacted, &c. That it shall not hereafter be necessary to reinscribe, after the lapse of ten years, the evidence of the legal mortgages in favor of minors or married women, or persons interdicted, or absentees, but the inscription, when once made, shall remain valid, until the mortgaged debt is extinguished by payment, prescription, or otherwise

SECT. 15. Be it further enacted, &c., That all laws and parts of laws contrary to, or inconsistent with this Act, be, and the same are hereby repealed.

SECT. 16. Be it further enacted, &c., That the State Printer be and is hereby directed to publish, for distribution in pamphlet form, five thousand copies of this Act, so soon after the same becomes a law as possible; to be distributed in the following manner, to-wit: One half-dozen to each of the clerks of the District Courts—one copy to every public officer of the State, and the remainder amongst the members of both branches of the present Legislature; the postage and other expenses therefor to be included in his bill against the State for the public printing.

Mr. King.—As there are several Senators present who were not here last year when this bill was discussed, I feel called on to make a few remarks on the subject.

Mr. Wickliffe.—Before the gentleman proceeds any further, I wish to introduce a bill some sections of which I shall offer as a substitute. This bill has been referred to the Judiciary Committee, and doubtless well considered. It is the production of a gentleman in the other House who is every way competent to perform the task, which fact, I think, he has evinced in his bill.

AN ACT

TO PROVIDE FOR THE REGISTRY OF LEGAL AND TACIT MORTGAGES.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That no legal or tacit mortgage shall have effect unless written evidence thereof be inscribed in the mortgage record, at the domicil of the debtor in the manner and form prescribed for conventional mortgages; and then only for the amount for which the same may be inscribed.

SEC. 2. Be it further enacted, &c., That this written evidence as to minors, interdicted persons and absentees, shall be the official bond or bonds of their tutor or curator, to be given as provided for by existing laws, and by the third section of this Act; and when property which is held in common by a minor and his father or mother, is adjudicated to the father or mother, the judgment adjudicating the property shall mention the amount for which the property is adjudicated, and shall be inscribed in the mortgage records; and the judgment adjudicating the property shall be inoperative and without any effect whatever, until such record is made.

SEC. 3. Be it further enacted, &c., That it shall be the duty of the clerks of the several courts of this State to require a bond of all natural tutors, testamentary tutors and others, who by existing laws are exempt from giving bond with security, for the same amounts as would be required of them, where they required to give security; and it shall be the duty of said clerks to cause said bonds, together with the bonds of all other tutors, of the curators of interdicted persons and of absentees, to be inscribed in the office of the Recorder of Mortgages, at the domicil of the tutor or curator, immediately after their execution, and before administering the oath of office or issuing letters of tutorship or curatorship, the costs to be paid by the estate of the minor, interdict, or absentee.

SECT. 4 Be it further enacted, &c., That it shall not be lawful for any tutor or curator to take possession of, or in any way intermeddle with the property of any minor, or interdicted person, which may be acquired by inheritance or donation during the tutorship or curatorship, until he shall have caused said property to be inventoried, and shall have given bond for the same, and caused said bond to be recorded in the office or the Recorder of Mortgages, as provided in the preceding section, and no receipt or acquittance for property acquired shall be valid, or have any effect, unless the bond is inscribed as above provided.

SECT. 5. Be it further enacted, &c., That the office of all tutors and curators in the State shall expire on the first day of January, 1856, unless, in the interval, such tutor or curator shall cause to be recorded in the office of the Recorder of Mortgages, at the domicil of said tutor or curator, his bond, given or to be given as before provided, and shall return the same to the clerk's office, with the certificate of the Recorder of Mortgages, showing that it has been duly inscribed.

SECT. 6. Be it further enacted, &c., That the written evidence required to be recorded in the case of married women, may consist of the marriage contract, acts of sale of the wife's property, the husband's receipt for property of the wife acquired by her during marriage, by inheritance or donations; or of any written statement or memorandum, made by the husband, wife, or any third person, showing the amount and origin of the mortgage claim: provided that the wife shall establish her demands by legal evidence; and the husband's receipts, the statements and memorandums, above referred to, shall be received to prove registry only, unless they be legal evidence in themselves; and provided, that it shall be the duty of parents, tutors and all other persons, making payments or donations to the husband for account of the wife, to cause all receipts for such payments or donations to be registered in the office of the Recorder of Mortgages of the parish where the husband resides; and no receipt shall be valid or have any force or effect unless recorded as above provided. The provisions of this section shall not be in force, as to those who may have married anterior to the promulgation of this Act, until the first day of January, 1856.

SECT. 7. Be it further enacted, &c., That mortgages in favor of minors, interdicted persons, absentees and married women, when once inscribed, shall remain in force without a re-inscription at the end of ten years, until cancelled.

Mr. King.—When this bill was introduced I did

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not take occasion to explain its features and its objects. Had I done so then I should be relieved of the necessity of doing so now. Deeming the subject of vital importance, I cannot consent to let the bill go before the Senate unexplained. I shall, therefore endeavor to give a brief outline of the evils which it is designed to remedy, and shall conclude with a condensed history of the character, and anticipated operations of the bill itself.

I take it for granted that universal assent will be yielded to the proposition that the general policy of our legislation, and the purpose of our laws should be to promote the freest intercourse among members of society, consistent with good government, and that one of our main objects should be to remove restrictions which we may find injurious by their tendency to prevent that easy transmission of property from hand to hand, or from person to person, which is so necessary to the facilities of commercial intercourse. It will not be denied that, *cæteris paribus*, restrictions on trade, or commerce, are injurious and inexpedient, and that, as a consequence, the removal of such restrictions is a benefit to be desired. Or, stated in general terms restrictions are evils. I do not mean to say that a restriction may not sometimes be necessary; the very existence of government would refute such a proposition. But, on the other hand, it would be as fallacious to argue that because restrictions are sometimes necessary, therefore society may be weighed down with all manner of burthens. Such a doctrine leads to tyranny and despotism. I merely lay down these general propositions as a sort of groundwork for the reasoning by which I shall endeavor to show the propriety and utility of the bill before the Senate—or rather I should say, the original bill, for which the Senator from West Feliciana has introduced a substitute.

The evils of that portion of our law, commonly known as the tacit mortgage system, have long been experienced by the people of Louisiana. They have not required the eye of the lawyer to detect them, nor do they exist only in the cunningly devised theories of discontented, or curious innovators; but, it may justly be said, they are evident to the whole community, with the exception, perhaps, of some whose attachment to antiquated forms prevents their appreciating evil, or desiring reform. In order to elucidate the subject, however, it is necessary that, not contenting myself with a bare assertion of these facts, however evident they may be, I should show some of the evils which result from this system—a system which has long weighed, like an incubus, on our prosperity. In the first place, Sir, the very name is indicative of deceit. A tacit mortgage! That, Sir, is a mortgage whose existence being unknown may operate to the prejudice, or even the ruin, of the unwary or unfortunate purchaser. A tacit mortgage is a sleeping mortgage, hidden from the sight, its presence indicated by no sign or evidence, yet possessing all the vitality and powers of a recorded mortgage. It is evident that the existence of such a system as this must make the title to real property uncertain, and diminish its reliability as security. It must cause doubt and hesitation to trammel the mind of any person wishing to invest his money in real estate. The effect of this must necessarily be, to depreciate the value of real estate, because, where it becomes unreliable as a security, and its title is rendered uncertain it is less sought for, and therefore cannot so valuable proportionately, as where such impediments do not exist. Thus the whole real property of the State is depreciated, and its wealth lessened. This is one of the evils which the bill is designed to remedy. Reasoning conversely from the same grounds, we find that the diminution of this evil must be followed by a corresponding and proportionate benefit. Not only will the depreciation of property consequent on the present system be stayed, but it will advance in value immediately. By thus enhancing the value of real estate, and rendering it more certain and reliable as a security, the owner will be enabled to procure money on it, which now is extremely difficult in this State. In other parts of the world real estate forms the best known security, and money can be borrowed on it at the cheapest rate of interest.

In Europe, a short time ago, money could be procured on real estate at 2½ per cent, and now, owing to the political disturbances, it can be obtained at 3 per cent per annum. In New York, money can easily be realized, on a pledge of real estate at 6 per cent. Indeed, it is a well known fact that, other things being equal, capitalists prefer real estate as security. They consider it, with justice, the best that can be offered. Whatever may happen, our old mother earth generally stands firm, unless shaken by an earthquake. From the very nature of things real estate is the best possible security, under a proper system of law. But how is it in this State? Does experience show that these positions would be correctly taken in reference to real estate in Louisiana, at this moment? Every one will answer the question in the negative without the slightest hesitation. The cause must exist in some defect in our system of law. It is our business to investigate and discover that defect, and we shall not have to go far to find it. It originates, Sir, in the nature of the title to real estate, as affected by the tacit mortgage system: The hidden mortgage which may rest upon it always renders the title uncertain, and for this reason, instead of being considered the best, it has come to be regarded as the worst possible security. In Louisiana real estate is practically dead capital. In the city of New Orleans it is not equal, as security, to common mercantile paper. This, sir, is not the natural result of natural causes. It is the effect of bad legislation.

There are other evils resulting from the tacit mortgage system. The whole thing is a lure, a snare by which innocent persons are entrapped and injured. Suppose, for instance, a man wishes to buy a piece of property. He examines the record and finds nothing to warn him of the hidden danger. He buys the property, and parts with his money for it. He thinks he is secure; he thinks he will enjoy the fruits of his honest labor, his industry or his enterprize. In a few years, he is astonished by one of these hidden mortgages, and he sees himself in a moment deprived of the fruit of his labor which he has earned by the sweat of his brow. Such a system should not be permitted to endure. It ought not to be tolerated in any civilized country; and the only wonder is that the people of Louisiana have not long ago swept it from the statute book. And why should we retain it? We are told that it is intended for the protection of minors and married women against the designs of those who might wish to defraud them. If such were the case, if the system really effected an object so desirable as this, there would be some shadow of an excuse for its perpetuation. But it cannot accomplish the object. So far as married women are concerned, it is notorious that they every day renounce these inestimable mortgage rights which the law gives them. Prompted by

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natural affection they seldom refuse the importunities or the requests of their husbands when called on to make the sacrifice. The minor also, even under the operation of this infallible system, is dayly robbed by those whose duty it is to protect him. Notwithstanding the vast expense at which we endeavour to protect the rights of the minor, we find, at last, after all our trouble, and after inflicting innumerable and grievous evils on society, that we have failed in our effort; that the security is not absolute. We do not do what we profess to do. We hold out hopes which we cannot realize, and make promises which we cannot fulfil. The community is bound down beneath the rigors of an oppressive and restrictive system, and a total failure to accomplish the end for which it was instituted is the only result. These mortgages do not and cannot afford the protection which they profess to afford, and this fact is known to other legal gentlemen on this floor as well as to myself.

And now, Sir, let me speak of the benefit which would be produced by the abrogation of this odious system, and the adoption of the bill before the Senate, In the first place, it will have the effect of capitalizing real estate, that is to say, it will make real estate equivalent to cash, by making it easily convertible into money. I hazard nothing in asserting that if we pass this bill, and relieve the State from the incubus which now weighs so heavily upon her prosperity, we shall add at least fifty millions to our aggregate wealth. Let us then free ourselves from this shirt of Nessus which binds our limbs and impedes our action. Let us throw off the useless encumbrance and stand forth unmanacled and unconstrained. If I am not mistaken in the tone and temper of the Senate, gentlemen will assist me in the effort to redeem our law from this blot which now defaces it. I ask Senators whether, if I present a system which secures all the desirable objects of the tacit mortgage system, and which at the same time is free from its defects,—I ask gentlemen, I say, whether they would refuse to support such a system. There is nothing sacred in the present system—it is not the production of an angel from heaven—it is not the result of divine inspiration or revelation. There is nothing sacrilegious in modifying it if it is capable of modification; ameliorating it, if it is susceptible of amelioration, or abrogating it if abrogation is necessary. I believe that the bill before the Senate embodies a better system than the one now in operation. I believe it affords better security to the minor, because I am convinced that one speaking mortgage is better and more effective than a thousand tacit mortgages. In order to illustrate, still more forcibly, the workings of the system, I will take another case Suppose a man buys a negro on which a tacit mortgage rests. If he has any intention to defraud, what could be easier than for him to ship the negro beyond the limits of the State. There are but few who, not knowing the existence of the mortgage, and having paid their money in good faith, could not justify themselves in such an act. There are many supposable cases of the same kind; but it would be useless for me to direct attention to them, inasmuch as they will doubtless present themselves to the mind of any Senator who reflects on the subject. What then, becomes of this infallible system of tacit mortgages? What do we gain by it, after all our sacrifices, but a total failure?

I will now, Mr. President, not wishing to trespass further on the attention of the Senate, by recapitulating evident arguments, or reproducing superfluous illustrations, proceed to give a brief history of this bill. When I first became a member of this body, I was fully impressed with the importance of the subject, and the necessity of making some modification of the existing law. I communicated with a distinguished member of the bar, now a Senator of the United States, in reference to the matter, and discussed it thoroughly with him, before attempting to embody my ideas in writing. Subsequently I drew up a bill which I presented to that gentleman, and of which I sent copies to many eminent lawyers in the State, asking their opinions, and requesting them to make any suggestions for the improvement of the bill. I spared no means of obtaining information and advice, and every suggestion was thankfully received. After the bill was introduced into the Senate it was referred to the Judiciary Committee, before which it underwent a thorough and critical discussion, and after being improved was brought before the Senate. In this body the whole subject was examined and discussed; the bill was amended in various particulars, and finally passed. It was however defeated in the House. During the succeeding summer, after the adjournment of the Legislature, I again directed my attention to the subject, and applied myself to it with great assiduity. I consulted many friends whose opinions were worth asking and then drew up a bill which, in its essential features, agrees with the bill of that year, but which differs from it in some others. And now, Sir, I would remark that this is not my bill; I do not claim its paternity. It is the joint production of 40 or 50 different minds; and those the best minds in the State. Many distinguished gentlemen have contributed to it in various ways, and among them I may mention Mr. Short, last year an honored member of this body; Mr. Lacey, the distinguished Chairman of the Judiciary Committee, and Mr. Benjamin, one of our Senators in the Congress of the United States. It has been drawn with care and industry, and embodies the ideas of many eminent men whose talents and experience amply qualify them for so delicate a task. The general theory of the bill, to which its provisions are made to conform, is that all mortgages ought to be open. I imagine that no one will deny that the records of the State ought to show the position of all the real property of the State. This is not the case at present. The bill seeks to accomplish it. Gentlemen may say that under this bill minors can be injured. That is true; but it is likewise true that they may be injured under the present system. But if we can protect them as well under this bill as they are now protected, the benefits derived in other respects from its operation ought to weigh down the balance on its side. The property of minors ought to be protected in the same way as that of other persons. The law should regard the rights of all with a jealous eye. It ought not to permit one to be injured more than another. It is very true that this bill does not absolutely prevent the possibility of fraud. It is true that fraud may be committed in spite of it. So murder may be committed and is committed, but no one will contend that therefore we should have no law against it. If murder be committed, the perpetrator is liable to be punished. The principle is, that a person guilty in any other way offending, should be punished according to law. If then, crime be committed, we can attribute it only to the fallibility of human nature, and the imperfection of human institutions. We have endeavored in this bill, to do every thing necessary to secure the rights of the minor and the married woman, and to punish any fraud which may be perpetrated against their rights. We

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have given what we consider a good bill. It is the best we could frame, after the most mature reflection, and after consultation with the best legal minds of the State. We approached the subject with a desire to get rid of a great and oppressive evil; an evil whose existence is acknowledged by almost every person whose experience in our law enables him to form a correct judgment. If the bill needs improvement, let it be improved; if it needs modification, let it be modified; if it needs amendments in any way, let it be amended. Indeed there are several amendments which I design to offer myself, and which may perhaps render the bill acceptable to every member. If other gentlemen have amendments to propose, I ask that they be offered, as I shall take great pleasure in receiving any information, or suggestions which may benefit the bill. If such amendments are just and proper they will no doubt be adopted. Let us, at all events, endeavor to fulfill the expectations of the public by doing something towards an improvement of the present law. Let us not assist in retaining and perpetuating an odious and oppressive system, merely because the bill does not suit all of us in every particular.

Mr. Palfrey—At the last session of the Legislature, Mr. President, when a bill of a similar character with that now before the Senate was under discussion, I felt it my duty, although unaccustomed to the investigation of strictly legal questions such as this, to point out, oppose and finally endeavour to amend what I considered very objectionable features of the bill. Some of the amendments which I then proposed, I had the good fortune to make acceptable to the Senate as then constituted, and they passed with the bill; others did not concurred in, reaching no higher vote than a tie, and so were not adopted. Although the bill before the Senate differs in many minor particulars from that of the last session, yet, considering that in its main features it embodies nearly the same provisions, and will, in its effects, bring forth the same disastrous results, I again feel it my duty embarrassed as I still am by a consciousness of my inability to do entire justice to the importance of the subject, to comment on what I consider defects, and if possible, prevent its becoming laws, or if this is not in my power, at least so amend it as to diminish its pernicious influences. I trust, Sir, that in this endeavor, I shall, as the Senate progresses, have the assistance of others more competent to the struggle than myself among whom I see around me, and who are able to bring to the consideration of the subject, what I cannot, the resources of a thorough education in the profession of the law, and all the lights which can be derived from legal practice and experience. In connection I cannot avoid paying a passing tribute of regard for one, who at the last session was in our midst, contributing by the manly and powerful vigor of his energetic mind to the efforts which were then made in opposition to the bill I have now under consideration. Although not strictly in order, I hope, I shall be allowed to avail myself of this occasion, the only appropriate occasion that has yet presented, to bear testimony to the high character of a departed public servant. It is hardly necessary for me to explain that I allude to the late C. Nicholls. From his seat in this Senate, without a dissenting voice among the members of the District, transferred to a seat upon the bench. Those who were fellow labourers with him on this floor, can bear witness with me to his accuracy in the public service, to the urbanity and kindness of his social intercourse, to his candor, and freedom from unkind personalities, in ordinary debate, and to the absence in his course, of partisan asperity or violence. But none can do full justice to his character or fully appreciate his loss, who have not known him in private life, as well as in the sphere to which he was called, upon leaving the Senate. In the Judicial station to which he was elevated by the suffrages of his fellow citizens, he showed himself a firm, independent, impartial and enlightened magistrate. His love of the immutable principles of truth and justice, imparted confidence in his decisions; and he was viewed as much in the light of a friendly arbiter as a judge, while in the administration of the duties of his office in what relates to criminal law. Justice was so tempered with clemency as to deprive punishment of much of the cruelty and degradation of its infliction. But he has left us in comparative youth and the dawn of his usefulness, to appear before a higher tribunal than any earthly court, where we trust he is now receiving the reward of the "just made perfect".

To return from a digression which I trust will be pardoned on account of the sacredness of the subject, I desire to say that if I could see in the bill before the Senate, any satisfactory and sufficient substitute for the security given by existing laws to the rights of minors and married women by resorting to the instrumentality of recorded mortgages, I for one would withdraw all opposition to the bill. I am not so blindly attached to any particular system of law, as to see no merit in any other system—and I confess I have perceived much to disapprove and regret in the consequences which sometimes flow from the present system of securing those rights by means of tacit mortgages. But it seems that without great circumspection there must be want of safety to individual rights in some quarter either to those interests which belong to creditors or capitalists, or those of an antagonist character belonging to minors and married women. Now, which of those should be protected by the law? the *strong* or the *weak*? those who are able to protect themselves by personal scrutiny into titles and records? or those who are without the capacity to do so? I have no hesitation in declaring that in my opinion, the protection of the laws should be afforded to the weak and unprotected.

The supporters of this bill have uniformly declared that it is the object of the bill to convert *unknown* into *known* mortgages. If this object were indeed accomplished by this bill to the effect of making those mortgages general in their extent and bearing, so as to create a lien on the property of the tutor or the husband whenever and wherever it was acquired subject to the marriage or the appointment, the end desired would then be accomplished. But is this so?—I think not. The bill does in point of fact contain various specifications of acts to be done by the tutor or husband to accomplish this object, and provides certain penalties to be inflicted for omissions of performance of those acts. But suppose that infractions of the law are committed, for which there are temptations constantly presented, and the penalty inflicted, will this restore the minor or married woman to the enjoyment of their rights? By no means. It will be found upon trial, I fear, that this bill does not provide the means of enforcing the recording of mortgages in favor of minors and married women in parishes other than that of the residence of the tutor or husband, and as they acquire property from time to time. In this respect, the bill, while it gives "the word of promise to the ear, still breaks it to

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the hope", for I conceive it contains no practical enforcement of its most important requirement.

It has been urged repeatedly that the system of tacit mortgages operates as an incubus on the prosperity of our State, and more particularly of the city of New Orleans. That it produces a feeling of uncertainty and doubt in relation to the validity of titles to real estate, which drives capital away, prevents investments in such property in our State, and retards its growth and prosperity. But if we look around, may we not find other causes for this want of prosperity and growth, this unwillingness to invest, besides the one alleged? Have not these laws always existed in our State, and has she not in other times and under other circumstances been highly prosperous notwithstanding? How was it up to the year 1835 or 1836?—Was there ever a more rapid growth witnessed, a greater prosperity enjoyed by any community than by the city of New Orleans for many years previous to that time? Cannot the decline of her prosperity be attributed to other causes than to the existence of laws which have existed since the formation of the government?

May not this decline be attributed either in the first place to the construction of modes of conveyance for the western country produce to other markets than that of New Orleans; to the insalubrity of the place, and the manifest indifference of the city authorities to improving the condition of its health—to the enormous taxes, so discouraging to investments in real estate—to the exposed condition of all descriptions of produce sent to that market, as well as the extraordinary charges to which such produce is subjected, virtually driving their customers to the necessity of shipping to other markets whenever in their power? If these laws were the cause of want of prosperity, would they not affect the agricultural interest as well as that of the city? Clearly they would. And where is the evidence of want of prosperity to the agricultural interest except such as naturally proceeds just at this moment, and which I trust is only temporary, from the depression in the price of one of our staple productions. Is not the value of real estate in the country gradually rising, and as rapidly as is consistent with a sound and permanent prosperity and a rational confidence in a progressive growth? Sir, I for one do not believe that the slow advancement of the city of New Orleans in population and wealth is to be attributed to the existence of the laws which are here sought to be abrogated—I believe it is to be attributed to other causes entirely. Let the city authorities have their streets thoroughly cleansed; improve the condition of its health by wholesome sanitary regulations; let them use more economy in the details of the city government, and thereby place it in their power to reduce the enormous taxes under which their people are groaning; let them invite, not drive away the produce of the interior, or the shipping from abroad, by more moderate wharf charges, and port dues; let them, by liberal subscriptions on the part of their wealthy men, their capitalists, extend their railroads and open new avenues to trade and new encouragements to agricultural productions from lands now lying waste, particularly westward, which will then be all their own—let them do this, and I then believe they will see their commerce thrive, their prosperity increase, without the necessity of prostrating the interests of orphans and feeble women at the feet of the commercial interest.

Mr. President, much contumely has been thrown or attempted to be thrown on this feature in our laws by giving it ill names and subjecting it to dark and dismal illustrations—It has on some occasions been made to appear odious by the use of harsh and vituperative epithets, such as, that it is a *treacherous* law, that it is a law enacted for the encouragement of *fraud*—it has been compared to a Spanish stilletto formed to stab in the dark, and fancies of a like nature. Now, Sir, though not much given to figures of speech, or accustomed to illustrate my argument by the use of figurative images, I would rather compare this law, which has had the sanction of ages of safe experience; which has been handed down to us by the soundest law-givers of former times, and which has been engrafted into our Civil Code by the ablest jurisconsults which the State of Louisiana has ever known, not to a stilletto to be used treacherously and for murderous purposes, but on the contrary, to a shield through which by its silent but efficient power, protection is afforded to those who are unable to protect themselves, from the insidious attempts of cunning rapacity, and from the direful consequences of unfaithful administration of guardian trusts. It affords, in my opinion, one of the most powerful incentives to industry and frugality, which can be devised by human wisdom, for it gives the assurance that there is security in providing for offspring, and that if children are deprived of the protection of the natural parent, the law steps in and secures them in the enjoyment of those comforts and appliances which a life of toil and assiduity had gathered for their use. For my own part, when my head rests upon its dying pillow, I can conceive of no reflection which can visit my mind, except indeed those which I trust I may be made to derive from the influences of a religious faith, I say, I can conceive of no other reflection of a more cheering nature in that trying moment, than that those I leave behind deprived of my support and protection, the laws of my country will protect, and that they will not be subjected to the chances of an improvident guardianship to be thrown into indigent circumstances and left to the cold charities of an unfeeling world.

Mr. President, I repeat again, that so soon as I am made to perceive that this bill or any other presented, offers a safe substitute for existing provisions, in the shape of recorded mortgages, securing equally well the rights of minors and married women, I will withdraw all opposition to the measure and vote for it; but until I do, I must persevere in the position I have here taken—And I will take the liberty of suggesting that perhaps the better plan of digesting some well enacted law on the subject, would be by the appointment of a commission for that purpose, to sit during the recess, and afterwards to be submitted to the consideration of the General Assembly.

Mr. Trudeau.—Although in favor of some system of registration of those mortgages which are now called tacit, I cannot consent to support the bill, in the form in which it appears before the Senate. For, sir, while it removes the security which the law now affords to minors and married women, it offers no efficient substitute. The policy of our law is to protect the rights of those persons, and it is a policy the justice of which commends it to our respect. But, sir, this bill can be amended, and in such a manner as I think, to render it acceptable.

There is one portion in particular, to which I am opposed. It is that section which leaves it optional with the tutor to record the mortgage or not, I will read the section:

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SECT. 4. Be it further enacted, &c., That whenever a tutor for a minor, or a curator of an absentee or interdicted person, shall have been designated by the judge, or other person having the competent authority to appoint tutors or curators, the clerk of the Court shall deliver to the person so designated, or to his agent or attorney, a copy of the order of appointment in order that it may be recorded in the office of the Recorder of Mortgages in conformity to this act, and letters of tutorship or curatorship shall not issue until said order shall have been recorded, and until the person appointed tutor or curator, shall have made and subscribed the following oath:

"I (A. B.) tutor of the child (or children) named ————, or curator of————, an absentee, or of————, an interdicted person, as the case may be, do solemnly swear or (or affirm, if the party have conscientious scruples against making an oath), that I have caused the order of appointment given to me to be recorded in the office of the Recorder of Mortgages, in the parish in which I reside, and in every parish in this State, in which I own immoveable property.

"Which oath must be recorded by the clerk in his office.

"Nothing in this act shall prevent tutors from giving a special mortgage in lieu of the general mortgage in favor of minors in the manner provided by law, but in all such cases every tutor before entering on the duties of his office, instead of the last clause of the above affidavit, shall be required to make oath that the special mortgage has been recorded in the parish or parishes, as the case may be, in this State, in which the property, so specially mortgaged is situated."

Thus it will be seen that instead of a mortgage we have a simple oath. A person can obtain letters of tutorship or curatorship, whether he has recorded the mortgage or not. It is only necessary for him to swear that he has done so. Now, sir, I am not willing to let these precious rights rest upon the security of a simple oath, which may be true, or may be false. The man who wishes to defraud would not be deterred by the oath he would be forced to take. I want these mortgages recorded, and I want the registration made a certainty. The desire is to substitute a special instead of a tacit and general mortgage. If we intend to do this, instead of the oath, made necessary by the bill, we should require the certificate of the Recorder of Mortgages as proof of the fact that the registration has actually been made in his office. If the person have not sufficient property in one parish, then he should be compelled to procure the certificates of the Recorders sufficient to pledge property worth one fourth more than the amount for which it is mortgaged. For such a provision I would vote, but for the bill as it stands now, I cannot vote. I think the gentleman from New Orleans himself will see the force of my objection and will admit the propropriety of the change which I propose, I should like to have the bill referred to the Committee in order that the change may be made. There are other modifications which might be made with advantage and if the Committee could combine the good which exists in the two bills, and reject the evil, I think a bill acceptable to all might be formed.

Mr. Ryan.—I do not wish to enter into any elaborate argument on the merits of the bill before the Senate, although I must say that I consider the subject one of great importance to the interests of the State. Now, sir, there seem to be various and conflicting opinions in reference to this matter. One side contends that the bill will tend to break down those safeguards which the law now throws around the rights of minors and married women, and leave them a prey to the wicked designs of wicked persons. Others say, on the contrary, that the present system impedes commercial operations, diminishes the value of property and and retards the prosperity of the State. I, sir, am distinctly in favor of abolishing tacit mortgages; that is, of devising some means by which they can be made known to the community. I will vote to do so if I am the only Senator on this floor that does. But I do not say that I can support this bill. In the first place it is so prolix that its provisions are with difficulty impressed on the mind. As far as I understand it, I think it will tend to render inefficacious those laws which are now the guarantee of the rights of minors and married women. This is a grievous fault. The protection of those classes has always claimed the attention of our legislators, and directed the policy of our laws, and we should not abandon that policy even to secure the benefits which might otherwise result from the bill. But I agree with the gentleman who has last spoken (Mr. Trudeau), that a bill can be framed which will secure all that is to be desired, and at the same time obviate the fatal objection to which I have alluded. The peculiarities of our existing laws on this subject, render the interests of the minor and married women antagonistic to those of the rest of the community. A very casual investigation will suffice to prove this. Our object should be to reconcile as far as possible these conflicting interests. I shall vote for a bill which, while it relieves commerce from the fetters which now restrict it, will effectually protect the rights of the minor and married woman. Their defences, sir, should be strengthened not weakened. The hand of legislation should be interposed to protect, not to oppress them. There can be no doubt that great evils exist under the present system. It was put in operation with good intentions on the part of those who formed it; but it has produced results which are so injurious as to require a change. Under it the honest purchaser is frequently defrauded, so that what was intended as a defence of the rights of one party had the effect of seriously injuring another. I repeat that I will vote for any bill which shall remedy the evils of the present law while retaining the safeguards which now prevent aggression on the rights of minors. We must protect the minors and married women of the State. Not even the demands of commerce should induce us to abandon them. But this being secured I do not see how any senator can object to making public, those mortgages which are now tacit, or hidden. I do not see why we should not pass a bill to make public the rights of minors, so that all the world can know them. Why should we not do this? How can we injure minors by making their rights known? On the contrary, sir, so far from being injured, they will be benefitted by it. Capitalists, sir, are cautious people. They always want to know what rights or incumbrances rest on any property that may be offered to them. They make strict investigation on this point, but what do their researches avail when a tacit mortgage, operative by mere force of law, may attach to the property. They go to the office of the Recorder of Mortgages, and there they find no evidence of a mortgage. They buy the property. Years and years elapse, and suddenly, when reposing in fancied security a tacit mortgage

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is made known, a mortgage of which he knew absolutely nothing—and the property is wrested from the possessor. Thus the purchaser is liable to be defrauded, and frequently is defrauded. This is one of the evils of the present system, and it bears hard on minors because it tends to depreciate the value of their property. We should, therefore, make these rights open and not cover them up so that they become invisible. As I said when I commenced, I do not intend to make a speech on this subject nor am Iprepared to argue it at length. It is of great importance and should be acted on with that calm and and mature deliberation which becomes the Senate I have endeavored, hastily enough to explain my views in relation to the bill, I am in favor of the general principle which the gentleman from New Orleans, (Mr. King) enunciated in his remarks, but I think the bill does not provide ample enough securities for the rights of minors and married women. I believe, however, that a bill can be framed which will obviate this difficulty, and I am therefore in favor of a reference to the committee.

Mr. Wickliffe.—I do not rise for the purpose of inflicting a set speech on the Senate. I do not wish to consume time uselessly now, as I know we are likely to have a three weeks' fight over this bill. The proper course will be to take up the bill section by section and discuss it. I must say, sir, that I approach this subject with great delicacy, since I fully appreciate its importance, and am conscious that we ought not to act upon it except with calmness and deliberation. The Senator from New Orleans, (Mr. King) has said that the bill is the emanation of forty of the best minds in the State. I do not pretend to contradict his statement; it will be sufficient for my purpose to draw attention to the very first section.

It reads thus

Section 1. Be it enacted by the Senate and House of Kepresentatives of the State of Louisiana, in General Assembly convened, That from and after the first day of April 1855, no mortgage shall be enforced or exist against a third person acting in good faith, unless the mortgage is duly recorded in the office of the Recorder of Mortgages. This record shall be made in order to affect landed property and slaves attached thereto in the parish where such property is situated, and to affect other slaves in the parish where the debtor has his domicil or usual residence.

Why, sir, here is a conflict, or what may give rise to a conflict, at the very outset. Who is to decide this question, whether the person acted in good faith? To what tribunal is it to be referred? How are we to know whethor or not he acted in good faith until that point is investigated—and how can it be investigated unless judicially?

This, sir, is a serious difficulty. To say that a mortgage shall not be enforced, or exist against a third person, acting in good faith is to give a pretext for endless litigation on that very point. It is a question which cannot be determined until it is made the subject of a legal investigation. I would take occasion to repeat here that I do not deny that this bill is, as the gentleman asserted, the emanation of forty of the best minds in the State. I have great confidence in the judgment of the distinguished Chairman of the Judiciary Committee, and also in that of my honorable friend, who, last year, presided over the Committee on Lands and Levees. I can only express the hope that the incongruities I have remarked in the bill are not their work. I will now direct the attention of the Senate to the 10th section. It reads as follows:

Sect. 10. Be it further enacted, &c., That any person who shall take possession of any property belonging to any minor, who has no tutor, and shall retain the same for the space of sixty days, without having in the mean time made known the facts to the competent tribunal for the appointment of tutors, and prayed for the appointment of himself or some other person who is willing and competent to take charge of said tutorship, besides being responsible personally far all damages caused thereby, shall be deemed guilty of embezzlement, and on conviction therefor upon indictment or information, shall be fined and imprisoned at the discretion of the Court.

Now, sir, I venture the assertion that the effect of this section will be to prevent persons qualifying as tutors. It must necessarily be so. There are times when it might be impossible for any person to make the required declaration within the specified time, and then the minor would be deprived of the benefit of a tutor. For who would risk taking charge of an estate for a minor, when, if he should be prevented from going before a Court within the sixty days he would be subjected to fine and imprisonment? The gentleman shakes his head. Does he still think the bill the emanation of forty of the best minds in the State? Well, sir, let us suppose that a person goes to the Judge and asks him to make the appointment, and no person can be found to qualify, what is to be done then? There are times when it might be extremely difficult to find any one willing to take the appointment, and yet the bill would prevent any person from taking charge of the estate, till a tutor could be found, unless with such trouble or risk as few would be willing to incur. The gentleman has told us that the bill affords ample protection to minors. Is this what he calls ample protection? Why, sir, this section takes away every security which the law now affords.

Again, sir, the duties imposed on clerks of court, by this bill, are of such a nature, that not a man in the State could perform them within the time specified. Why, sir, in the parish of West Feliciana alone, the work could not be done in two months and yet the bill declares that it must be done within ten days.

Besides this, it would be a moral impossibility for notaries public to perform the duties required of them. For these reasons I prefer the House bill, it being free from the objections I have enumerated.

M. King.—I beg leave to say a few words in reply to the gentleman who last addressed the Senate. When that gentleman offers the House bill as a substitute for the one which I have introduced, I shall have something to say in regard to it. Till then, I shall postpone any remarks on that subject. I do not feel called on now to say more than that there are some features of the bill which are very good, but there are others which require much amendment. At present, I shall confine my remarks to the bill before us, and to answering the objections made by the Senator from West Feliciana, (Mr. Wickliffe) The first section of this bill reads thus:

Sect. 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened; That from and after the first day of April 1855, no mortgage shall be enforced or exist against a third person, acting in good faith unless the mortgage is duly recorded in the office of the Recorder of Mortgages. This record shall be made in order to affect landed

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property and slaves attached thereto in the parish where such property is situated, and to affect other slaves in the parish where the debtor has his domicil or usual residence.

Now, sir, nothing can be clearer than that section—nothing more intelligible. Yet, what is the position of the opponents of this bill? At one time we hear them exclaim that minors are not sufficiently protected; that even now they are liable to fall a prey to the arts of the designing and dishonest, and that we are about to break down their only defences. Why, sir, they are opposing a bill which tends to place the equitable rights of minors in the strongest possible position; they are objecting to a section which effectually prevents persons who may wish to defraud, from getting the benefit of their own malpractices When we see such opposition as this is it not clear that gentlemen are animated rather by a desire to kill this bill than by any regard for the rights of minors? By the provisions of this bill if the tutor omits to make the necessary registration he is subjected to a heavy penalty. It is said, by the opponents of the bill that this will not operate as a security in every case. It is true that it will not. It is true likewise that the law punishing murder does not prevent the occasional occurrence of murder. Suppose that a dishonest tutor should fail to record the mortgage—are we, on that account, to permit him to gain by his own malfeasance? Are we to suffer him to enjoy the fruits of his fraud? Is he to be permitted to defraud the minor with impunity? No sir, not by the aid of any vote of mine. I have too high a regard for the rights of minors, and too vivid an appreciation of our duty towards them to suffer any such thing as that if it can be avoided. When it is shown that the tutor has failed in his duty, he should not be permitted to reap the benefit of his misconduct. The object of the section is to prevent such a result and to secure the registration of these mortgages. Yet the gentleman who claims to be such a friend of the minor, opposes that very section.

Mr. Wickliffe.—The gentleman appears to misunderstand the nature of my objection. What I said was, that the first section, by leaving room for conflict and litigation, defeats the very object of the bill.

Mr. King.—Turn now to the 10th section. It says:

Sect. 10. Be it further, enacted, etc., That any person who shall take possession of any property belonging to any minor, who has no tutor, and shall retain the same for the term of sixty days, without having in the mean time, made known the facts to the competent tribunal for the appointment of tutors and prayed for the appointment of himself or some other person who is willing and competent to take charge of said tutorship, besides being responsible personally for all damages caused thereby, shall be deemed guilty of embezzlement, and on conviction therefor upon indictment or information, shall be fined and imprisoned at the discretion of the Court.

Now, sir, strike out this section, and the protection it gives to minors, and what will be their position? The section does not prevent a person from acting as a friend of the minor for the space of sixty days. If, at any time, during that period, he goes before the Court, says to whom the property belongs and prays for the appointment of a tutor, he shows that he has no wish to defraud—that he has no criminal intention. Of course, in that case, he is not liable to any punishment. But strike out the section, and what then is the situation of the minor? It is plain that a person, having dishonest intentions, might take the property, neglect to qualify, or to give information, and keep it for ever. The minor would have no recourse. He would see his property torn from him without any hope of redress. This would be the result of striking out this section. Now, sir, there is nothing in the history of the discussions on this subject that has struck me with such peculiar force as the anomalous, and often contradictory positions occupied by the opponents of this bill. At one moment we are told that it does not afford sufficient protection to the rights of minors; that it will break down all the safeguards which the law now throws around them, and leave them an easy prey to the designs of the wicked and dishonest tutor. The next moment the ground of attack is shifted, and the supporters of the bill find themselves compelled to defend the rights of minors against the assaults of those who claim to be their peculiar champions. It was so last year when the measure was discussed in the Senate, and the debate to-day, is a repetition of the same thing. I hope, in spite of the efforts which are made in opposition, that the Senate will pass this bill. I have not said it is the best that could be framed, or that human sagacity could devise, but said, what I now repeat, that it is the production of many of the best minds in the State, and I beg Senators to understand that I have not the vanity to wish myself included in the number.

Mr. Wickliffe.—I must again trouble the Senate with a word or two. The gentleman from New Orleans asks what will be the position of minors if we strike out the 10th section. Does the gentleman ask that question seriously? Does he not know—and he a lawyer too—that if a person take possession of the property of a minor, and refuse or omit to qualify, and any injury is done, a tacit mortgage attaches by mere operation of law? This, it appears to me, is a sufficient security. But what is the effect of the section in question? It declares that if a person shall take possession of property belonging to a minor, and shall retain it for sixty days without making the facts known and praying for the appointment of a tutor, he shall be considered guilty of embezzlement, and fined and imprisoned at the discretion of the Court. I contend that such a provision as this must operate to the injury of minors. There are many cases in which a friend of the minor perhaps ineligible himself, would take charge of the estate and attend to it till a tutor could be appointed. But he would not be willing to do it if, in case he were prevented from going before the Court within the sixty days, he would be subjected to fine and imprisonment. In times of epidemics how many successions are left in this way, in the city of New Orleans, when, perhaps, it might be impossible to appear before a Court within the specified time? Yet the section would prevent any friend of the minor from acting in his behalf. This is what the Senator calls protection to minors. For my part, I think it is just the reverse.

Mr. Lacey.—When the Senator from New Orleans, (Mr. King) who introduced this bill, stated that it was one of the most important that had come before the Senate, his words met with a hearty response from me. It is truly a bill whose importance demands from us our most serious consideration. Upon its solution depend to some extent, the vast commercial interests of our State, and the rights of a large portion of our population. For one, I shall give to the bill as hearty a support as the nature of my obligations will permit. I

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regret that I do not feel authorized in going as far as I did last year. At that time I gave a zealous support to the bill, without considering those constitutional objections which have since presented themselves to my mind. As Chairman of the Committee on the Judiciary I likewise supported the bill this year, but I must state that, in the Committee, no constitutional objections were raised. I had then no doubts in regard to the bill. Yet after reflecting on the subject and carefully examining both bills—the one introduced by the Senator from New Orleans, (Mr. King) and that brought forward by the Senator from West Feliciana, (Mr. Wickliffe.) I entertain no doubt that each contains a section which is in violation of the organic law of the State. I shall strive to amend the bill in that reseect. If I cannot succeed in that —if the Senate differ with me in opinion on this point, and refuse to strike that sec ion from the bill, I shall bow to their decision, and record my vote in its favor. Before going any farther I will endeavor to elucidate my views on the constitutional point to which I have referred. By turning to article 3298 of the Civil Code, gentlemen will see the effect of a portion of the bill Here let me remark, sir, that, having in view the great importance of this subject, I shall feel the less hesitation in consuming so much of the time and attention of the Senate as I deem necessary for a full examination of the bill. Article 3298 of the Civil Code is in these words:

A mortgage exists without being recorded in favor of minors, interdicted and absent persons, on the property of their tutors, curators, and others over whose property the law grants them a tacit mortgage, either general or special.

What is the law at present? What is the statute engraven on the Civil Code as a protection to minors, interdicted and absent persons, &c.? The question is answered by the article of the Code I have just quoted. They have a mortgage on the property of their tutors and curators without being compelled to have it recorded. The forms of law which are necessary to give validity to other mortgages are not necessary in these cases. It is easy to understand the operation of this article, but it is not so easy to find a constitutional method of freeing ourselves from it. It underlies our whole system of law, like a hidden monster, ready, at a moment's warning to start into vigorous life and activity. It bears upon the commercial interests of our State like a burthen whose weight is almost intolerable. Gladly, sir, would I adopt any constitutional means to throw it off; gladly would I relieve the community from the evil consequences of this erroneous system, if I can do it in any way consistent with my obligations to the fundamental law. But, sir, let us examine the proposal of this bill, and see if it is sanctioned by this essential prerequisite. This contemplates nothing more nor less than the complete and final extinction of all tacit mortgages. It says that after the 1st day of April 1855, no mortgage shall exist, which has not been recorded. The bill introduced by the Senator from West Feliciana, [Mr. Wickliff-] contains substantially, the same provision. One bill declares that no tacit mortgage shall exist after April 1st, 1855; the other does not fix the time at which they shall expire. Both, however, agree in declaring that no mortgage shall exist unless it be inscribed. The Civil Code gives a certain right to certain parties. A bill introduced by the Senator from New Orleans, (Mr. King,) cuts off the existence of that right on the 1st of April, 1855, and a bill brought forward by the Senator from West Feliciana, (Mr. Wickliffe) terminates it as soon as that bill becomes a law. There can be no possible doubt of the intention of the present law or its legal effect. It gives a vested right;—and is not that vested right destroyed by the bills? The Code expressly declares that the mortgage shall be tacit and shall attach without the necessity of a recordation. Does not the bill declare that the mortgage must be public, and that it shall not attach unless recorded? Is this not an attack on vested rights, which we have no power to destroy? Is it not in conflict with that article of the Code which calls those vested rights into existence? Is it not a violation of the organic law itself? Let me refer to article 109 of the Constitution, in order to show clearly and undeniably, that there is a violation of the organic law. This is the article:

No expost facto law, nor any law impairing the obligation of contracts, shall be passed, nor vested rights be divested, unless for purposes of public utility, and for adequate compensation previously made.

I see now before me some of the framers of that Constitution; honorable members of the Convention which made it. What do they think of this proposition? The Constitution tells us that vested rights shall not be divested. Now, sir, these rights are vested rights within the meaning of the Constitution, and they are divested by the bill. This must be clear to every person who investigates the subject. Under this section of the bill a palpable violation of the Constitution, which we have sworn to protect, would be committed by the divesting of vested rights. Being fully impressed with the correctness of this position I shall, therefore, at the proper time, move to strike from the bill, that section which declares that no mortgage shall exist unless it be recorded, as being in violation of the Constitution of the State. I am aware of the reply which will, doubtless be made to my argument; that State Legislatures have the right to pass such inscription laws as they may deem necessary. This ground may be taken by those who disagree with me on this point, and the case of Bronson vs. Lampshire, decided by the Supreme Court of the United States, may be brought forward to sustain their position. But, after an attentive examination of that case, I cannot find anything in it to justify the opposite opinion. I do not find that it was anywhere held that a State Legislature possessed the right of repealing a law previously framed, and under which certain vested rights had accrued. Let gentleman refer to the decision and form a judgment on it themselves. The question was in regard to the ownership of a tract of land in the State of New York. The Legislature of that State, in order to perfect land titles had required them to be recorded. The point came up as to the constitutionality of this act; now what says the Supreme Court of the United States? I will read from the opinion of the Court.

"The Court are not inclined to adopt this reasoning, or to consider this as a case coming fairly within the clause of the Constitution of the United States relied on by the plaintiff. The only contract made by the State is a grant to John Cornelius, his heirs and assigns, of the land in question: the patent contains no covenant to do or not to do any further act in relation to the land; and we do not, in this case, feel at liberty to create one by implication. The State has not by this act impaired the force of the grant; it does not profess or attempt to take the land from the assigns of Cornelius, and give it to one not claiming under him;

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neither does the award produce that effect: the grant remains in full force, the property conveyed is held by his grantee, and the state asserts no claims to it. The question between the parties is, which of the deeds from Cornelius carries the title. Presuming that the laws of New York authorized a soldier to convey his bounty land before receiving a patent, and that at the date of the deeds there was no law compelling the grantees to record them, they would take priority from their date. This is the legal result of the deeds, but there is no contract on the part of the State, that the priority of title shall depend solely on the principles of the common law, or that the State shall pass no law imposing on a grantee the performance of acts which were not necessary to the legal operation of his deed at the time it was delivered. It is within the undoubted power of State legislatures to pass recording acts, by which the older grantee shall be postponed to a younger, if the prior deed is not recorded within the limited time; and the power is the same whether the deed is dated before or after the passage of the recording act. Though, the effect of such law is to render the prior deed fraudulent and void against a subsequent purchaser, it is not a law impairing the obligation of contracts; such too is the power to pass acts of limitations, and their effect. Reasons of sound policy have led to the general adoption of laws of both descriptions, and their validity cannot be questioned. The time and manner of their operation, the exceptions to them, and the acts from which the time limited shall begin to run, will generally depend on the sound discretion of the Legislature, according to the nature of the titles, the situation of the country, and the emergency which leads to their enactment. Cases may occur where the provisions of a law on those subjects may be so unreasonable as to amount to a denial of a right, and call for the interposition of the Court; but the present is not one."

As a general principle, sustained, by the decision from which I have just quoted, Louisiana has, undoubtedly a right to pass registration laws, in order to have *proof* of an act. This is in the case of a simple grant, for the compulsory registration of which it is clear the Legislature has a right to pass a law. Far different is the case where there is a law in existence giving certain rights to minors and married women. These are vested rights within the meaning of the Constitution and cannot be divested by any legislative act. The decision of the Supreme Court, lends no countenance to the doctrine that such a power is in our hands. It only confirms the necessity of a registration in order to perfect a title. But when a pre-existing law says *that* such a registration is not necessary to give validity to a mortgage, and under that law a mortgage has been created in favor of a minor, can *any* gentleman contend that a subsequent act could set aside, or destroy rights thus acquired? I repeat that when the object is simply to perfect a *title, by* registration, the act may be constitutional; but when it attacks vested rights, acquired under a previous law, I think there can be no doubt that *it would be* unconstitutional. The decision of the Supreme Court of the United States in the case of Jackson against Lamphire, is inapplicable here; as the cases are not by any means analogous. It cannot, in my opinion, affect the question of the constitutionality of this bill. Nevertheless, if I can be convinced that it is constitutional, or if the Senate, in its wisdom, shall refuse to sustain me in my motion to strike out the objectionable section, I shall yield my own views, and vote for the bill as perfect a bill as could be made by forty times forty of the best legal minds in the State. Yet I contend that we cannot pass a law interfering with the rights of the minors and married women of our State, and if we had the power I should doubt the policy of exercising it in such a matter. Let the rights which they have acquired, and the privileges which the law guaranties to them, be preserved. Let them be considered sacred and inviolable, nor profaned by the violent hand of legislation. Let us endeavor to enforce the registration of these mortgages, but let us not employ our legislative hands in the pollution of the rights which result from them.

I will now proceed to call attention to the details of the bill, and give my opinion thereon, premising that, apart from the unconstitutional provision to which I have alluded, they meet my entire approbation. The penalty which the bill imposes on tutors and curators in case they neglect to comply with the provisions of the law has been objected to by one gentleman. I contend that the only practicable method in which we can enforce the registration, is by a heavy penalty in case of omission. The bill may be called a bill of penalties, but that is its strength, it is the only way to make it effectual. It may also be considered long; but it is necessarily long. The transition from an old to a new system, particularly in such an important matter, involves complex details which cannot be compressed into the circumscribed limits of an ordinary act of legislation. It may not be read, on account of its length; but that should not prevent persons from reading it, I will now, sir, proceed to show that the bill is not the bugbear which it has been represented; and to do this I shall have to make a sort of running commentary on its various provisions. The first provision of the bill, after the general injunction contained in the first section, relates to wives. I must here state that in all its parts the bill is perfectly clear, from beginning to end. As I have said, its first object is to put on record the mortgages in favor of wives. The courtesy and urbanity which so preeminently distinguish the honorable gentleman who introduced the bill, induced him to pay his first attentions to the fairer portion of creation, and it was right that he should do so. Now, sir, what does the bill do? Where the wife has a secret or tacit mortgage, what says the bill? It uses these words:

SECT. 2. Be it further enacted, &c., That it shall be the duty of every notary public, or other officer exercising the functions of a notary public, to cause to be recorded in the office of the Recorder of Mortgages in the parish where the party resides, against whom the mortgage created may exist, every act passed before him in which under existing laws of this State, a legal mortgage is created in favor of the wife on the property of the husband; whether the said act be a marriage contract or any other act which the wife may have brought by way of dower at the time of marriage, or receipts or other acts serving to show the amount of money or other property received by her, or by her husband for her account during the marriage. That any notary or person exercising the functions of notary, who shall neglect to comply with the requirements of this section as to the recording of the acts therein mentioned, besides being liable to the persons injured thereby for all damages which may be sustained, shall be deemed guilty of a misdemeanor in office, and shall, on conviction thereof, upon indictment or information, be

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dismissed from his office and sentenced to fine and imprisonment, at the discretion of the Court.

Thus it will be seen that the bill simply provides that notaries who have records of mortgage shall be compelled to record them for the inspection of the public; and this they are obliged to do under a penalty in case of omission. And why should the law not command this; and why should it not impose a penalty in case of neglect? It is easy to perform, and is the only way in which publicity can be secured.

The bill then passes to executors, curators and administraters and others through whom the property or money may be received, and makes it their duty to take from the husband an authentic receipt for the money or property, which shall be recorded as a mortgage against the husband in the parish in which he resides, and in every other parish in the State in which he owns immovable property. There is also a penalty imposed on all executors, curators, or administrators who neglect to comply with this injunction. It likewise provides that clerks of court in whose offices there may exist evidence of a legal mortgage in favor of the wife, on the estate of her husband, shall record the same in the office of the Recorder of Mortgages. What is the bill in these respects? It is so simple that he who runs may read. Its provisions are easily carried into effect, and as efficacious when complied with. The mortgage must be recorded in the parish where the person resides and in every parish where he has property; as soon as it is recorded, he makes the necessary oath, and the money is paid over. Does this not secure the recordation of these mortgages? As soon as the receipt is recorded and the oath made, the money is paid over, and not before. This is exceedingly simple. Nothing could be more so. I have thus shown in the first place what, under the bill is the duty of notaries, and, in the second place, what is the duty of curators, executors and administrators. They are not to receive the money or property till an authentic receipt has been recorded in every parish in the State in which they own property.

Mr. Ryan.—I should like to ask the gentleman a question. The 4th section says:

SEC. 4 Be it further enacted, &c., That whenever a tutor for a minor, or a curator of an absentee or interdicted person, shall have been designated by the judge, or other person having the competent authority to appoint tutors or curators, the clerk of the Court shall deliver to the person so designated, or to his agent or attorney, a copy of the order of appointment in order that it may be recorded in the office of the Recorder of Mortgages in conformity to this act, and letters of tutorship or curatorship shall not issue until said order shall have been recorded, and until the person appointed tutor or curator shall have made and subscribed the following oath:

"I (A. B.) tutor of the child (or children) named ——, or curator of ——, an absentee, or of ——, an interdicted person, as the case may be, do solemnly swear (or affirm, if the party have conscientious scruples against making an oath,) that I have caused the order of appointment given me to be recorded in the office of the Recorder of Mortgages, in the parish in which I reside, and in every parish in this State, in which I own immovable property.

"Which oath must be recorded by the clerk in his office.

"Nothing in this act shall prevent tutors from giving a special mortgage in lieu of the general mortgage in favor of minors in the manner provided by law, but in all such cases every tutor before entering on the duties of his office, instead of the last clause of the above affidavit, shall be required to make oath that the special mortgage has been recorded in the parish or parishes, as the case may be, in this State, in which the property, so specially mortgaged is situated."

Suppose the person not to be worth a dollar and that he should run off; where would then be the security for the rights of minors?

Mr. Lacey.—We do not seek to secure the rights of miners by this bill. Those are protected already. Being now secured, the only legitimate object of the bill is to force on record the evidence of the existence of these mortgages. I say it, once for all, that in this bill we do not seek to secure the rights of minors. Strike out the unconstitutional first section, and they are as well protected as under the present system. The gentleman asks what security minors will have if this bill becomes a law. That provision which imposes a severe penalty for neglect of duty on the part of notaries, clerks, curators, tutors, &c., is a sufficient protection.

Mr. Trudeau.—Would not the bill have the effect of abolishing entirely all tacit mortgages?

Mr. Lacey.—I think it would. Immediately, under one bill and after April 1855, under the other. That portion of the bill, as I have said, I think unconstitutional, and for that reason I shall move to strike it out.

Well, sir, to proceed with the analysis of the bill—the first page provides for the recordation of future mortgages in favor of wives. But it would be imperfect if it stopped here. It must provide for the registration of those already in existence. This it does. The clerks of court must search their documents, and place on record every such mortgage. Thus we see that the registration both of existing and contingent mortgages is provided for. The bill then leaves the wife, and proceeds to minors. How does it provide for the recordation of mortgages, in favor of minors, hereafter to be acquired? I will show how:

SEC. 4. Be it further enacted, &c., That whenever a tutor for a minor, or a curator of an absentee or interdicted person, shall have been designated by the judge, or other person having the competent authority to appoint tutors or curators, the clerk of the Court shall deliver to the person so designated, or to his agent or attorney, a copy of the order of appointment in order that it may be recorded in the office of the Recorder of Mortgages in conformity to this act, and letters of tutorship or curatorship shall not issue until said order shall have been recorded, and until the person appointed tutor or curator, shall have made and subscribed the following oath:

"I (A. B.) tutor of the child (or children named) ——, or curator of——, an absentee, or of——, an interdicted person, as the case may be, do solemnly swear (or affirm, if the party have conscientious scruples against making an oath,) that I have caused the order of appointment given to me to be recorded in the office of the Recorder of Mortgages, in the parish in which I reside, and in every parish in this State, in which I own immovable property.

"Which oath must be recorded by the clerk in his office.

"Nothing in this act shall prevent tutors from giving a special mortgage in lieu of the general mortgage in favor of minors in the manner provided by law, but in all such cases every tutor before entering on the duties of his office, instead of the last clause of the above affidavit, shall be required to make oath that the special mortgage has been

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recorded in the parish or parishes, as the case may be, in this State, in which the property, so specially mortgaged is situated."

When all these formalities are complied with; when the tutor has been appointed, when the clerk has delivered a copy of the order of appointment to that person, or his attorney, when that order has been recorded in the office of the Recorder of Mortgages, and when the person appointed has taken an oath that the order has been recorded; then, and then only, letters of tutorship are to be delivered. Is not all this very simple? Is it not easily done? It may be said that these formalities, are so many trammels and constraints; but it is far better to submit to them than to have property covered up, and commerce burthened, as they are under the present system Let us abolish that system; let us make these mortgages open and public. When a man who desires to purchase property can ascertain what encumbrances exist on it, he has his eyes open and is not liable to be defrauded.

The sixth section of the bill provides that "on or before the first day of July next, it shall be the duty of every clerk of a court in this State, (except clerks of the Supreme Couat) in whose office records of appointments of tutors and curators of persons interdicted, and absentees heretofore made, are kept, to examine thoroughly the said records and within ten days after said first day of July, to make out a correct list of all the said tutorships and curatorships which the said records show still to exist: which list shall designate the names of the minors, and the persons appointed tutors, and curators who have not qualified under this act, with the dates of their appointment."

The fifth section declares "that the office of all tutors, curators of absentees and persons interdicted, now existing in this State shall expire on the 1st of July next, unless, in the interval, any such officer shall have caused to be recorded, the letters of tutorship, or curatorship originally given him, &c."

This, the Legislature has a right to do. It has a right to put an end to all tutorships, curatorships, &c., on a specified day. The bill then goes on, in section 6 to provide the manner in which these persons shall be cited and requalified. I have recited the first portion of that section. The remaining portions prescribe the manner in which the notices are to served on tutors and curators, the penalties for neglect of duty on the part of the Sheriff, &c., and other necessary formalities.

These general statements covers most of the important provisions of the bill. They are extremely simple, and the only objection that can be urged against them, is in the severe pains and penalties which they impose for nelgect of duty. But, I cannot consider such an objection valid, or even reasonable. Those penalties are absolutely necessary for the enforcement of the provisions of the bill. Unless they were imposed, the end in view would never be attained. It may be a bill of pains and penalties, but in that characteristic, resides its beauty and its strength. Strip it of these and you would deface its proportions and mar its beauty. It would be a dead letter on the statute book. It would resemble the fabled fruit of the Eastern sea, beautiful without, and fair to view, but full of bitter ashes within. We must affix a penalty for neglect, or omission to comply with its provisions, or the bill will be ineffectual.

I shall now notice one or two objections to the bill introduced by the Senator from West Feliciana, (Mr. Wickliffe). The first is that it requires all tutors to give bond. At present, natural tutors are not required to give bond. And why should they be so required? Why should the parent—the natural protector of his child—why should he be called into Court and compelled to give bond that he will be faithful to those duties which nature itself imposes on him. Why should we alter the principle of the law in that respect?

I say, sir, this is holy ground. Let us approach it, reverently; and like the devout worshipper, pull off our shoes before we enter. I do not see the necessity of altering our legislation in this respect. The House bill says that all tutors shall give bond. I shall refer to a simple case, in order to show the effect of this proviso. Suppose a little child whose father, in the course of nature, is called to render up his earthly account. He goes down to the grave, and leaves to the afflicted partner of his bosom, the care of their darling child. No sooner is the father and the husband laid in his cold and silent grave, that the mother, her eyes still wet with the tears of sorrow, is compelled to go to Court and ask for letters of tutorship, and Shylock like the law demands a bond—and for what? That she will be faithful to the trust that God has placed in her hands. Shall we engraft such a principle as that on our law? Shall we violate parental feelings; shall we thus outrage nature and humanity by asking a natural tutor to give a bond? I hope not—a bill characterised by such a feature as that shall never receive my support. There is still another objection, I allude to that portion which refers to intermeddling. It is a good provision, but the absence of a penalty will render it ineffectual. In this respect it is unlike the stringent penalties by which the bill of the Senator from New Orleans, (Mr. King) proposes to effect the object. And these are not the only objections. There are others which manifest themselves on an examination of the bill. One bill, that of the Senator from New Orleans, accomplishes everything desirable; the other does not. I have confidence in the distinguished member of the House who drew up the bill which has been introduced by the Senator from West Feliciana, I have confidence in his opinions and his jugdment; but in this case he has not exhibited the care and attention which are so manifest in the bill of the Senator from New Orleans. That gentleman has been kind enough to allude to me in complimentary terms for the slight connection I have had with this bill. I must say that unbounded credit is due to him, while I disclaim any for myself.

I am no great advocate for change merely for the sake of change. I do not wish to lay my hands with ruthless violence on those old forms and institutions which have made themselves objects of our respect and veneration. I love the jurisprudence of Louisiana, and in studying it I cannot help reverting to its source in that ancient empire which held the dominion of the world, and bringing to mind the time when the tyrant Caracalla called on his prefect to find an excuse for the murder of his father and his brother, and the virtuous advocate preferred death rather than so dishono and desecrate his calling. From the moment when I first read the incident, I have loved and admired that law. And what was the answer of the prefect when commanned by imperial power to excuse the execrable deed? Proudly he answered, "it is easier to commit parricide than to justify it." Yes, sir, I love the annals of our law, and admire the great jurisconsults of Rome, of France and of Spain, whose intellect and learning have shed upon it an imperishable lustre. I repeat that I am

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no advocate of change unless when experience demonstrates its absolute necessity. And this, I conceive to be just such a case. Under the operation of our present tacit mortgage system the most injurious effects have been produced. Capital, unprotected by our laws, seeks some other channel; commerce is trammeled, and the value of property immensely depreciated. These are evils which are evident to the most casual observer. They should be eradicated without delay. There ought to be no rivalry between the friends of the two bills. Contemplating a common object, they should be acted on in a spirit of concession and good will. Let them both be taken up and well considered; let their conflicting provisions be harmonised; combine them, if possible into one bill; pass that bill, and send it to the other House for the concurrence which, no doubt, it will receive. If we can frame a bill which will, in no way, interfere with the rights of minors and married women, but simply compel a registration of the mortgages which secure those rights, the other House can interpose no objection. If they do, let the weight of popular indignation fall on them. We shall have done our duty and can go before our constituents with clean hands and honest hearts.

Mr. Moore.—It is with great diffidence that I rise to say anything on a subject which has been already so ably and so elaborately discussed; but I feel it incumbent on me to make a few remarks in explanation of my position. When I first examined the bill before the Senate, I thought it a good bill; but more mature consideration brought me to the conclusion that it was entirely too complex and encumbered with too many penal clauses. In addition to these difficulties there is one insurmountable objection—both bills are unconstitutional. There can be no doubt that, should we attempt to extinguish a legal mortgage already existing, we would be legislating in direct contravention of the Constitution. The honorable senator from East Baton Rouge, (Mr. Lacey) says that if he can be satisfied that the bill is constitutional, he will vote for it, and thereupon proceeded to argue in its favor, though he had declared that he thought the very first section unconstitutional. How can he doubt its unconstitutionality? Is there not an article of the Code, as plain as the English language can make it, which declares that these tacit mortgages shall exist, and by which, therefore, they are brought into existence?

Is there not an article of the Constitution which declares that vested rights shall not be divested? If you pass the bill, do you not divest those rights which have been vested by the Code? Can you do this? Every one must acknowledge that it cannot be done. No argument has yet been brought forward against this position. You have said by your law that when a woman is married, the instant her husband receives her dowry, &c., she has a legal mortgage not only against the property which he then possessed, but on what he might thereafter acquire. If you then pass a law declaring that she shall lose this mortgage which she has already acquired by law, do you not divest her rights? And even if this is not unconstitutional, do you not take rights from them which, in justice, you have no right to take away. I am willing to prevent the acquiring of a future mortgage right unless it be registered. To this I will consent, but I must say that I consider the word "tacit" a bugbear. The mortgages called tacit mortgages are in fact legal mortgages. I am willing to compel the registration of those which may accrue hereafter, and to oblige clerks of court to perform the duty. The senator from East Baton Rouge made an argument in favor of the bill, and then turned round and said that to exact a bond from a natural tutor was inhuman. Why, sir, how can you compel a registration without demanding some evidence of it? Does the bill of the gentleman from New Orleans exempt natural tutors from the necessity of giving this bond. Not at all? Look at the bill and you will see that it does not. Now, suppose that natural tutors were not compelled to give this bond—the result would be that everything would be involved in the same doubt and uncertainty as before. Let us now look at the objects and effect of the bill. It seems to be drawn up entirely for the benefit of money leaders, who want more tangible security than they think they can obtain under our present law. They do not like to go into the country parishes and take the trouble of examining the records of the Court. It would be easy enough to do, but still it would give them some trouble. They might be obliged to go into the parish where the person might live, and examine the record, and this would be entirely too much trouble for them to take. Yet they could easily ascertain. Almost any person could give the requisite information. In the country every one who has filled these trust offices is known, so that now it is the easiest thing in the world to find it out. I say again that this bill seems to be made for the especial accommodation of money leaders, and only in order to save them a little trouble. Why, sir, go into my parish and almost any one can tell you the name of every man against whom a tacit mortgage exists. I differ with the gentleman as to compelling natural tutors to give bond. I think every person exercising one of these fiduciary trusts should be forced to give bond. It is not unnatural to impose that obligation on the parent. I myself have been a natural tutor, and I was always ready to give bond. Every honest man should be ready to do it. It is no hardship.

And now, sir, I repeat that we cannot legislate out of existence those rights which the law has called into existence. Let money leaders institute the necessary examination. They are generally pretty sharp in such matter. The credit system is based on confidence. Among merchants inquiries of this kind are seldom made. Credit is frequently given where the parties know nothing actually of each others affairs, and no injury results. The whole system is based on reciprocal confidence. People now understand the law; change it and it will not become familiar to the most of the community for a quarter of a century. For this reason it is unjust to the common people. It is better that the law should be a little hard than that it should not be known at all. It is said that, under the present system, Louisiana is not prosperous. I do not believe the assertion. I landed in New Orleans when it was a town of only 8000 inhabitants and I have seen it grow to be a stately city with a population of 150,000 souls, and the commercial emporium of the Mississippi valley. This is practical prosperity. During all that time there has been but little change in the law on this subject. We had first the Code of 18—and then the Code of 1828. Under both of these the system remained unchanged. Why should we alter it now? What difference does it make whether these mortgages be recorded or not? How does it affect our prosperity if the mortgage is legal and known to those around and not known to those at a distance? Yet, as I have said, I am willing to compel the registration of all future mortgages if it is thought necessary to do so, though I consider

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the whole matter more of a bugbear than anything else. People from common law States, where women have no rights come here and inform us that this is a terrible place—that here women actually have rights. They are not accustomed to such a thing and they think it very horrible. The whole thing is got up for the benefit of N. Orleans money lenders. The change is not desired in the country. There are not five men in my parish who desire it. There we know every tutor and every married woman in the community, and so it is in the other country parishes. If a person wishes to buy property, all he has to do is, to get a renunciation from the wife and then he has a perfect title. We are well enough as we are, and we ought to leave well enough alone. Let us not yield to the prejudices of people from abroad who do not understand our laws, and cannot appreciate our policy. The commercial interests of New Orleans are not the only interests to be consulted; nor the wishes of people who do not understand our laws and therefore wish to change them to suit themselves. I may say something more on this question after a time, but now my desire is simply to amend the bill so as to make its effect only mortgages hereafter to accrue. That would be constitutional, whereas the proposition to destroy existing rights is clearly unconstitutional. The argument of the senator from East Baton Rouge, on that point, is unanswerable.

Mr. King.—If the gentleman will listen to me for a few moments, I think I can satisfy him that the constitutional argument of the gentleman from East Baton Rouge, is a mere chimera of the imagination. The subject of tacit mortgages was very elaborately discussed last winter, when a bill similar to this one was before the Senate, and no man was bold enough to rise in his seat and say that it was unconstitutional. The bill passed the Senate, but failed in the other branch of the General Assembly. I was in the House during the brief debate which took place there, and I can say that the bill was voted down without being half read or half understood. I will now state the law on the constitutional point which seems to have made so great an impression on the minds of some senators. I shall not state my opinions; but shall quote the highest legal authority, that of the Supreme Court of the U. States, presided over by Chief Justice Marshall. The bill introduced by the Senator from West Feliciana, (Mr. Wickliffe) provides for the immediate abolition of all tacit mortgages. I am free to admit that a bill which contemplates their entire destruction, in a single moment, would be regarded as unconstitutional and void. While I admit this I will remind gentlemen of another legal principle. It is the undoubted right of every community to pass such registration laws as it chooses, for reasons of policy and good government. In deciding on the constitutionality of such an act the only question before a Court, would be the intention of the Legislature—whether to divest vested rights, or to frame a good system of registry. The opinion of the Supreme Court of the United States, our highest legal authority, fully sustains this position. The senator from East Baton Rouge, quoted a decision of that tribunal which he seemed to think, justified his view of the case. I think I can show that his inference is entirely fallacious.

The facts of the case are simply these. A man named Cornelius, sold some land first, to one person and then to another, and of course a controversy for the ownership was the result. At that time—the time the sale was made—there was no registration law in the State of New York; and of course the title depended on the general principles of the common law, which fully established that the oldest title should take the property. Subsequently, however, the State passed a law having for its object to show the condition of all the real property in the State, under which law owners of property were obliged to register it. The first transferee neglected to comply with the law, but the second fulfilled its injunctions. By this, he became the absolute owner of the property, the defect in his title being cured by his compliance with the law, and by the neglect of the first purchaser. The case was litigated and finally carried up to the Supreme Court of the United States for decision. The Court decided that it was clearly within the power of State legislatures to pass registration laws; and that if a man should neglect to comply with them as in the case in point, he lost his right. Let us see what was the language of the Court on this point:

"It is within the undoubted power of State legislatures to pass recording acts, by which the elder grantee shall be postponed to a younger, if the prior deed is not recorded within the limited time; and the power is the same whether the deed is dated before or after the passage of the recording act. Though the effect of such a law is to render the prior deed fraudulent and void against a subsequent purchaser, it is not a law impairing the obligation of contracts; such too is the power to pass acts of limitations, and their effect. Reasons of sound policy have led to the general adoption of laws of both description, and their validity cannot be questioned. The time and manner of their operation, the exceptions to them, and the acts from which the time limited shall begin to run, will generally depend on the sound discretion of the Legislature, according to the nature of the titles, the situation of the country, and the emergency which leads to their enactment. Cases may occur where the provisions of a law on those subjects may be so unreasonable as to amount to a denial of a right, and call for the interposition of the Court; but the present is not one"

In addition to this, which I think clear enough, I will illustrate and enforce my position by referring to an instance within our State. Last year, in Louisiana, there was no limitation of judgments. Once obtained, they were good for a thousand years. The last Legislature passed a law declaring that a lapse of ten years should bar a judgment unless reinscribed; and this applies to all judgments, those already in existence, as well as those hereafter to be obtained. Yet, when this bill passed, no such storm of indignation was aroused as that which seems to have been excited by this measure. We heard none of those exclamations about vested rights which have characterised the discussion on this bill. No one asserted that vested rights were divested or impaired by that act. But strange to say, the moment we touch this subject of tacit mortgages, these difficulties are raised; obsacles innumerable start up in our path; hills on hills, and Alps on Alps arise.

The Supreme Court says that we have a right to pass registration laws; that settles the constitutional objection. The bill specifies April 1st, 1855, as the day by which these mortgages must be recorded. A proposition has been made to lengthen the period to Oct. 1st. If the Senate think that time preferable, I am willing to accede to it. But at all events it is necessary to do away with this oppressive system which is now crushing us to the earth. Notwithstanding its acknowledged evils, and injurious effects, are we still to be told that

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there is no way to get rid of it? Can we believe that it is fixed upon us irrevocably; that it will cling to us as tightly as the old man of the mountain to the unfortunate Sinbad? Every person that has spoken on the subject, with the exception of the honorable gentleman from St. Martin, (Mr. Moore) has acknowledged the evils of the present system; and even that gentleman, yielding no doubt to the overpowering force of public sentiment, consents that we shall require the registration of all mortgages hereafter to be acquired. But a concession of that kind would do very little good. Before full benefit could be derived from it, the last minor must become a major and the last woman must die. This would indeed be postponing the advantage of the measure to a very remote period. Many of us came here pledged to undertake the abolition of this system of tacit mortgages. Our constituents expect a faithful redemption of those pledges. But to adopt the proposition of the gentleman from St. Martin, would be to give them a stone when they ask for bread it would be to

"Keep the word of promise to the ear,
"And break it on the hope."

The gentleman has told us that the people do not desire this change. I think he labors under a great mistake. I dare him sir, to that issue. If he is sincere in that expression of opinion, he would be willing to let the people decide the question Then pass the bill and submit it to the people, and you shall soon hear a responsive shout from every section of the State. With once voice they will give it their sanction and approval. It is written in history that a Roman Emperor was dethroned, because he hung his laws so high that they could not be read by the people. What shall we say of Louisiana who, far worse than the Roman tyrant, does not write her laws at all.

And now, sir, let me say that I feel as much sympathy for minors, that I am as much interested in their rights, that I would go as far to protect them, as any senator on this floor, and I would be as unwilling to do, or to recommend anything that might be determental or injurious to them. I would be the last man to adopt or suggest such a course, and I contend therefore that, under the bill which I have offered to the Senate, minors would enjoy much better security than under this miserable system of tacit mortgages which, whilst it benefits not them, operates as a fraud on third parties. I am opposed to the substitute of the Senator from West Feliciana, and I hope it will not be passed. Before I conclude, let me say a word more on the constitutional question. I repeat, that there is nothing in it; that it is a mere chimera. But suppose gentlemen differ with me on this point, and think, that it really presents a difficulty—what then? Should we be so selfish, so confident in the infallibility of our own opinions, as to refuse to pass a beneficial law when the Judiciary can decide the question at issue? Why should we hesitate to put it before a Court,—why should we not have confidence in those tribunals which the Constitution itself has created for the decision of questions of this kind? We ought not to retain an odious and oppressive system merely to gratify our pride of opinion, when there is another and a higher tribunal to which the subject might be, more appropriately, referred.

THURSDAY, Feb. 23, 1824.

THE ATCHAFALAYA RIVER.

Mr. Pulfrey introduced a joint resolution requesting our Representatives, and instructing our Senators in Congress, to use their best efforts to procure an appropriation to be applied to deepening the channel of the Atchafalaya river to 12 feet.

Mr. Pulfrey—I desire to offer a few remarks in support of this resolution. It is well known that the Opelousas Railroad, or rather the route of that contemplated railroad, intersects an estuary of the sea called Berwick's Bay, which is the channel of communication between the sea and through the Atchafalaya river, to a large, fertile and productive section of country. It is desired to deepen the channel of the Atchafalaya river, which at present is obstructed by numerous impediments. The resolution does not contemplate any appropriation from the State, but merely draws the attention of our Representatives and Senators in Congress to the subject, requesting and instructing them, if possible, to obtain an appropriation for this object from the General Government.

The resolution was adopted.

Mr. Wickliffe called up a bill for the relief of Moses Lee.

Mr. Hodge—I should like to know something about this bill before I cast my vote for it.

Mr. Wickliffe—I will state to the gentleman that Mr. Lee is entitled to this money. He complied with all the provisions of the act of 1852. He sent his papers here, but could not obtain payment, only because the appropriation was exhausted. This bill makes an appropriation of the amount to which he would have been entitled under that act. It has been referred to the Judiciary Committee and reported on favorably. I hope it will pass, as it contemplates nothing more than an act of simple justice.

Mr. Hodge—Well, sir, I shall vote against the bill, because it is special in its nature. If it were a general law I should vote for it. But this is only one out of a hundred or a thousand cases arising under the law of 1852, in which persons did not get their money, although they were fully entitled to it.

Mr. Wickliffe—If the act of 1852 had not passed the Legislature at all, we should have been much better off. I think pensions should not be given except by reference to the merits of each individual case. Under general laws the evidence is always *ex parte*, and the opportunities for judging correctly of the merits of a case are much lessened, and persons may secure the benefits of the law who, perhaps, are not as well entitled as others who fail. In this case the whole appropriation was exhausted by persons in the vicinity of the seat of Government who had immediate and favorable opportunities of pressing their claims.

Mr. Kenner—I would ask the gentleman whether this person is one of those who received relief previously?

Mr. Wickliffe—I do not know whether he is or not. The bill passed.

QUARANTINE.

Mr. Trudeau—On behalf of the Sanitary Committee, I beg leave to present the report of the committee; before which, I shall read the reply of the Chamber of Commerce of the city of New Orleans to the interrogatories propounded by the committee.

After the letter had been read, Mr. Trudeau presented the following

MAJORITY REPORT.

To the Honorable the Senate and House of Representatives:

Your committee having come to the conclusion that the focus of all the epidemics which have visited the State being New Orleans, it became their duty to ascertain how the city could be protected, or its health improved. To protect the city was to protect the State. To prevent the incorporation of diseased foreign ships, was the object of our first inquiry. This led to a long examination of the advantages and inconveniences of a system of quarantine. The position of New Orleans is a peculiar one. Lying sixty miles from the sea, it can still be reached by Pontchartrain, by the lakes and by the Atchafalaya. To guard a point and to leave the others unprotected, would be a useless expenditure of money. Thus not less than three quarantines would be required to guard the approach from the sea. Your committee found that should a quarantine be established at the Balize,

the [illegible] emigration bound to New Orleans, would [illegible] passing through Mobile, and that a large [illegible] merchandise would take the same route, to [illegible] experiment of the city, and also thus defeat [illegible] of the quarantine. The committe came [illegible] conclusion that, should that system be recommended, the approach by the lakes must be guarded. At [illegible] Balize, in the Balize bay, no protection is required [illegible] vessels of small tonnage only entering it during the winter months, and returning without [illegible] to the city.

Besides the difficulties arising from the peculiar position of New Orleans, interests of vast magnitude are [illegible]. Close up New Orleans, throw restrictions in the way of commerce, and what will be the consequence? Let the Mobile and Ohio Railroad be completed, and goods destined for the South West will probably reach their market by that route, whilst Western produce, now almost exclusively sent to New Orleans, will reach the sea by Mobile, to meet the drafts drawn on the West.

On the other hand, the fearful mortality of last summer has produced such vague fears for the future, and thrown so much discredit on the city, that New Orleans, just emerging from the fetters thrown upon her by bad legislation, and the apathy of her own citizens, is now threatened with general emigration, should such scenes as we witnessed last summer occur again.

Impressed with these views, your committee resolved to spare no efforts to arrive at a full knowledge of the history of the late epidemic, and of the preceding ones.

A circular was addressed to the physicians of New Orleans, propounding them a series of questions, and requesting their early consideration. We are sorry to be compelled to say that we did not receive from the profession that assistance which we had the right to expect. To Drs. Cartwright, McFarland, Cenas, Fenner, Ney and Coxe, we are indebted for able opinions, and to the Sanitary Commission we owe valuable documents. They placed in our hands the result of all their researches and labors, and were untiring in their efforts to enable us to arrive at a satisfactory conclusion.

From a careful perusal of this mass of evidence, from opinions antagonistic to each other, it became a task of no little difficulty to solve the question. That the epidemic of last year was yellow fever is admitted; that the first cases originated in the city of New Orleans is probable; that it became modified under peculiar circumstances, so as to assume a type unknown before—asserted by some to be contagious, by others to be infectious, and by a third class to be neither—is also an undeniable fact. For your committee, it spread through the country and on plantations, contrary to its usual habits, is due to its infectious character, or, in less learned, but clearer terms, to its communicability by the inhalation of a vitiated air; and, without entering into the details of the able theory of Dr. Cartwright, on the production of algoid organisms, it suffices for us to acknowledge the transportability of that vitiated atmosphere to explain the rapid spread of the last epidemic to our most remote corner. We see the disease invariably following the course of travel, and spreading from the river banks gradually into the interior. We see that whenever, in a small town or a family, a case is imported, (the city of Donaldsonville excepted, where the population had been acclimated by a former visitation) others rapidly follow, and having no fixed theory to defend, we humbly acknowledge the transportability of the disease. That persons liable to it have approached and nursed the sick without having the fever, is no proof of its non-contagiousness, or non-infectiousness, those being exceptions to the general rule; and as we believe that it requires a certain physical pre-disposition in an individual to succumb to the most contagious malady in order to catch it. That yellow fever originated in New Orleans we have admitted, (although not certain of it,) and became modified for causes which cannot be explained, no one will deny. And if searching among our records we look for the causes of this modification, we have it in Dr. Cartwright's able pamphlet, confirmed by the testimony of other physicians. Shall fever either impressed upon yellow fever its character, or modified its own type. The ship Northumberland, from Liverpool, reached New Orleans early in May, with 400 emigrants on board, and we have it stated that the sick with ship fever, on reaching the Balize, took the pallid countenance of yellow fever patients. We conclude that diseases can be modified under peculiar circumstances and atmospheric influences. That the ordinary yellow fever was modified by the presence of typhus to a considerable extent, and assumed that fearful character which it took shortly after the arrival of the Northumberland.

That yellow-fever proper cannot be imported and spread "without the existence of an atmospheric predisposition to that disease," your committee does not doubt. The single fact of the landing at Cadiz, in 1802, by Admiral Gravina, of five hundred patients with yellow fever, without the disease having been communicated to a single individual, would be a conclusive proof, even if unsupported by the opinions of the ablest writers on this subject.

But under those same atmospheric circumstances will it appear in the midst of our resident population without importation. And if it does, will it not linger slowly amongst us until fuel is thrown to it?

Last summer two thousand emigrants were carried off before a single resident of New Orleans was attacked, and it is a well established fact that unacclimated persons are more or less liable to the disease in its beginning, in proportion to the time they have resided here.

If it be once admitted that the generation or propagation of the fever requires fuel, where is the difficulty to prevent the landing of emigrantts in our midst at certain seasons of the year. We hold that to ship them to this port in the summer is immoral and unchristian, and that our safety as much as theirs requires that they should not be allowed to enter our port, where death awaits them. Compel, the captain of a ship arriving here in the summer, to land his passengers at the quarantine ground, with provisions for their support, or quarantine such vessels until the sickly season is passed, and emigration to this port in the summer will soon cease.

If we cannot prevent yellow fever here; if it be a disease of a strictly local origin; if the cleaning of of our streets, the draining of our swamps, and all sanitary measures must fail, we may at all events contract the sphere of its action by depriving it of that infectious character which it took in 1853. We are not aware that ever before this disease spread on plantations, and even in the piny woods. Our own observations, the testimony of our oldest citizens, confirm us in the belief that prior to last summer our country parishes, (villages excepted,) have enjoyed a complete exemption from it.

To attempt to explain it by asserting that the spread of emigrants in the country was its cause, would only prove the contagiousness of the fever. Never were foreigners before liable to it, in the pure atmosphere breathed on our plantations, nor were they ever before capable of communicating the disease there, when they had brought the seed in their system.

The ship Augusta reached here on the 17th of May last, and it is admitted that the ten or twelve first cases of yellow fever originated among her crew. Two cases were reported shortly after her arrival, in another part of the city, with no communication with the ship. It is not, however, impossible that those, however resembling yellow fever, may have arisen from other causes. Your committee does not say that the Augusta imported the disease, but state the facts, and leave to others to draw inferences.

Yellow fever is not the only scourge which has depopulated our State. Typhus, small-pox, measles, cholora, are frequent visitors, and to check them is not less important than to arrest ravages of yellow fever.

How far quarantine can be a protection against them, experience alone can demonstrate. It has failed in Europe against cholera, nor have military cordons been more successful. To attempt to prevent the spread of a purely epidemical disease, in contries contiguous to each other, where the vitiated atmosphere is carried from one point to another by every gust of wind, would be tantamount to an attempt to arrest the clouds themselves in their flight. That the same result would be met with here under the

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same circumstances, is highly probable; but can that vitiated air cross the thousands of miles that separate us from Europe, without being altered, unless confined in the close, ill-ventilated hull of a ship, where it maintains its violence by constant propagation.

Dr. Cartwright states that in more than one hunpred instances, cholera has been checked on plantations by removal of the negroes, with their bedding and clothing, in the open air. Could not the same result be attained by following the same precautions with emigrant ships.

Typhus, measles and small pox are admitted to be of infectious character, and we believe that there is little doubt that these diseases can be propagated, it not by patients affected with them, at all events by their bedding and clothing saturated with their impure emanations, confined in the close hull of a ship. The mortality proceeding from those causes alone, would justify the system we recommend.

The opinion of the medical men of New Orleans cannot be a guide for us, bacause few deemed the subject worthy of their consideration, and those for whose kind assistance we are indebted for what information we have, do not agree together.

Although the protection afforded by quarantine inspires less confidence than it formerly did abroad, we still find our Eastern neighbors enjoying the benefit of an uninterrupted good health, and from their adhering to a system considered by many as exploded, we conclude that they think it advantageous and necessary.

European writers may well attack a system useless to them; the tide of emigration flows not from us to them, but from them to us. They need no regulations to protect them from the introduction of diseases generated on board of ill-ventilated ships, where living beings are packed so closely that the air which they breathe is soon deprived of a portion of its oxygen, and becomes contaminated by the emanations of accumulated bodies They need no protection against diseases constantly generated in the damp cellars inhabited by their half-starved and half-clothed population. No wonder that their medical men have protested against a useless and expensive burthen. But how different is our position? Our balmy climate, our rich soil, our free institutions, our extended arms to the oppressed of all the world, are more than sufficient attractions. Thousands of emigrants reach our ports daily, and from here diverge in every direction. But in what state do they arrive, after a passage of from fifty to seventy days, during which their constitution has been undermined by bad diet, bad water and foul air, the records of the Charity Hospital, and the Sexton's graves alone can tell. If they do not bring with them in their soiled garments all the diseases which they have contracted at sea, or imported from home, they are at least in the condition required to generate or propagate them all.

Let them fall in our midst during the damp days of December, under the medicinal influence of Mississippi water, with a few sporadic cases of cholera among us, or during the warm days of August, with every atmospheric predisposition to yellow fever, and what will be the consequence? A fearful epidemic of either kind!

Immigration is to New Orleans what the Nile is to the Egyptians. Left to itself it is a torrent whose turbid waters carries death and destruction—properly directed and dammed up, it is a source of wealth and prosperity.

Independent of the reasons assigned in this report your committee think that some consideration is due to the wishes of the great majority of our constituents. And should a system of quarantine have no other effect than to restore confidence, and prove to our neigobors our firm intention of eradicating the evil, we would not hesitate in recommending it. We owe to the States with whom we are in daily intercourse, in return for their produce, liberally forwarded, something more than mere abstract theories. We have numerous competitors for the rich trade of the Mississippi valley, and experience has already taught us that our market is not the only one they can reach. New Orleans has arrived at a critical crisis, and rather than shut our eyes and fold our arms, we prefer to meet it boldly. From all points railroads are stretching their iron arms to wrest from her her golden harvest, and should another epidemic visit us before the memory of the last is effaced, her prosperity would receive a severe check.

It behooves the enlightened citizens of New Orleans, and her authorities, to join with us, and by due enforcement of proper sanitary regulations, assist us in restoring her wonted reputation for health. By the documents annexed, it will be seen that the Chamber of Commerce, in answer to our inquiries, has met nobly the issue, and declared that quarantine would be no obstruction to commerce, and of great benefit to the city, thus supporting our position, and setting at naught all objections to the system on that score.

In a few days the Sanitary Commission of New Orleans will present a report, joining in our conclusions.

Your committee recommend a system of quarantine which, whilst it will tend to promote the public health of the State, will throw as little restriction as possible in the way of commerce.

A. TRADEAU, Chairman.
R. W. JAMES,
B. OLNEY,
R. M. KEARNEY,
J S. WILLIAMS.

On motion of Mr. Trudeau two hundred and fifty copies of the report were ordered to be printed.

Mr. Kittridge, on the part of the same committee, introduced the following

COUNTER-REPORT

Of the Joint Committee of the Senate and House of Representatives of the State of Louisiana "to inquire into the best mode of preserving the health of this State."

The undersigned, members of the Joint Committee of the Senate and House of Representatives, to whom was referred the "inquiry into the best mode of preserving the health of the State," beg leave to submit the following report:

In taking into consideration the best mode to be adopted to preserve the health of New Orleans, and of the State, and to prevent the spread of epidemic diseases, we approach the subject with great diffidence, being fully impressed with the importance of the inquiry, and the minute and extended research necessary properly to elucidate its numerous and varied bearings, that a correct judgment may be formed as to the expediency or policy of establishing quarantines.

In this place we wish to render our acknowlegments for the results of long experience, extended inquiry and research, in relation to the subject in hand, kindly given to your committee, and to the undersigned personally, by the Sanitary Commission, and by individual members of the medical profession of New Orleans.

We would also observe that in making a report for the guidance of Legislative action, we do not deem it proper or useful to go into a long detail of the theories entertained by the medical profession in regard to epidemic diseases; but we shall endeavor to come to some conclusions from the facts and the conditions necessarily attendant upon the origin and progress of yellow fever, cholera, &c.

However, in pursuing this inquiry, our first aim should be to understand the nature and origin, or at any rate, (whether truly understood or not,) to form an opinion as to the nature and origin of the principal epidemic disorders, and the laws governing their extention or propagation. Our decision upon this branch of the inquiry will mainly determine the expediency or inexpediency, the use or uselessness of establishing quarantines to effect the end in view.

We presume that few, if any, will deny the proposition that the cause or specific poison which produces most of the epidemic diseases which man is heir to, and to which our attention is called in the present inquiry, exists in and is propagated by the atmosphere.

We may also assume as a truth, affirmed by observation and experience, that as a pre-requisite for the extensive spread or propagation of epidemic diseases, a peculiar epidemic atmosphere must exist

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midst, brought about, perhaps, by meteorological or [illegible] influences.

This last proposition we mention as the most satisfactory explanation of the great spread of epidemics at certain periods, over large sections of country, and the total exemption of the same localities, under apparently the same conditions and circumstances.

We may instance New Orleans, for the last six years having had free and irrestrictive commercial intercourse with all the world, with no epidemic yellow fever for the first five years, but within that period an epidemic cholera, and at the end of it, an epidemic yellow fever.

How why, under nearly the same apparent circumstances and conditions, did New Orleans escape the last named disease for five years, and be desolated by it on the sixth? The only answer we can give is expressed above.

But the query at once arises, does what may be called (for want of a better term,) an epidemic atmosphere, obviate the necessity of inquiring into the local conditions requisite for the propagation of the late epidemic? In our view, we say, by no means. For whether we take it for granted, (but for inquiry alone,) that the specific poison of yellow fever is never sufficiently eliminated and concentrated by the long continued action of heat and moisture upon decaying vegetables matter, to produce yellow fever, and consequently the disease is not of domettic, but of foreign origin. Yet we may bear in mind these truths.

1st. That the yellow fever never takes its origin or propagates in a pure atmosphere.

2d. That whether it requires one or more causes and conditions for its existence and propagation, a poisoned atmosphere arising from decomposing vegetable matter, or freshly exposed earth in whtch it is combined, long acted on by heat and moisture, is always necessarily present,

3d. That epidemic yellow fever, cholera, influenza, &c., depending on atmospheric constituents for their origin and propagation, are not contageous, as the term is generally understood, viz: a disease depending upon a specific poison, generated by and emanating from a person and producing its like in another.

4th. That the yellow fever can be and has been of domestic origin in hundred of instances, in different localities and periods, during the last hundred years.

There seems to be a vague idea entertained pretty generally by the people that a disease pervading, epidemically, widely extended and varied localities, with such virulence, must be propagated by and have its origin in contagion. But if the above propositions are truths, they will find that the means of propagating the cause, if not the cause itself, must and does exist in their midst.

As before observed, we do not intend to enter into details, but will give conclusions, based upon the examination of facts and conditions, for and against contagion as the propagating principle of yellow fever, cholera, &c., entertained by a large majority of the medical profession throughut the world at the present time.

Some of these conclusions we will mention here;

Dr. Gillkrest, Inspector-General of Army Hospitals in Great Britain, having had this subject under special consideration, has come to the conclution that no proof in the least conclusive has been adduced in any country, of the contagious properties of yellow fever or cholera, but quite the contrary.

The Board of Health of London have recently put forth a document, stating "that from reports made to them the fear of infection may be practically disregarded.

In 1849 the authorities of Guy's Hospital, in London, closed their doors against the admission of cholera patients, when surrounded by the sick and dying from that disease, through fear of contagion, but at this time that institution receives more cases of cholera than any other hospital in that city, having found that it has no contagious property.

Dr. Furlonge, who has had much experience in regard to yellow fever in the West Indies, declares that "none" of the medical profession there believe in the contagion of yellow fever.

We have now come to the point where the question naturally presents itself, viz: If yellow fever, cholera, &c., are not contagious, and always require certain constituents of the atmosphere of domestic or local origin, to supply a basis or medium of the diffusion or propogation of these epidemic diseases, what means must be adopted most likely to insure the health of the State?

We answer emphatically, keep the atmosphere pure in all localities by the removal of all decaying vegetable matter, freshly exposed earth, mould, &c., liable to be acted on by heat and moisture separately and combinedly, for long periods.

New Orleans, as the great emporium of the State, may be cited as an example where cleanliness would be most likely to mark its effects, and prove the proposition above assumed.

In what condition are the streets, gutters, yards, lots and lodgings for the poorer classes in New Orleans and its suburbs?

The gutters of the whole city and suburbs are teeming (no net teeming but generally in a perfectly quiescent state) with all the filth that 150,000 people are able to scrape into them—even to a portion of the outheavings of water closets.

A large portion of the streets and gutters in the outskirts of the city proper and suburbs, are unpaved, and frequently knee-deep in mud and vegetable matter. One-half the lots in the city and suburbs are from six inches to a foot lower than the surrounding side-walks—which after every rain are flooded with water mixed with vegetable matter, forming hundreds of filthy ponds—surrounded by a tight fence, eight feet in height—and thus to remain until dried up by the intense rays of the Sun at 120 deg. of heat by Fahrenheit.

We would here ask—could any sane man expect a pure and healthgiving atmosphere, to exist under such circumstances?

If all the chemical sciences on earth was brought in requisition, a more effective laboratory could not be devised for the concoction of impure air calculated to destroy human life—than now exists in the city of New Orleans and suburbs.

Added to this, the poorer classes are suffered to live in hamlets located in mud and filth—that would endanger the swinish, and by comparison must inevitably be followed by disease and death in the human species.

This being the local condition of New Orleans we are asked—how a salubrious atmosphere is to be insured: and what are the means proposed?

We would suggest—First, that every street in the city and its suburbs should be paved—Second, that every lot in the city and suburbs should be graded to a height above that of the surrounding side walks, rounded in the centre, and then paved with brick—laid in a thick coat of hydraulic cement (especially every lot built on or enclosed)—Third, thorough drain by ditching or grading, all the swamp lands in the rear of the city—exposing no more swamp lands to the action of the Sun's rays—by felling the timber—(its natural protection) thereby creating a source of "malaria" equal to the famous Pontine marshes near Rome—Fourth, erect a sufficient number of water-works in the river—to throw a constant stream of fresh water down every gutter in the city and suburbs—at all times, when the river is too low to flow the water without the works—Fifth, a better construction of the dwellings of the poorer classes—airy and well floored high and dry above the surface of the earth.

When this is done, the people of New Orleans may boast of the cleanliness of their city and the comparative salubrity of the air they breathe, with a more confident security from the epidemic diseases that they have heretofore been subject to.

We would here further remark, that the people of New Orleans have no other ground to hope for exemption from the scourge of epidemics than by adopting the above mode suggested.

That we are convinced that no quarantine regulations will have any protecting effect in preserving the health of the city of New Orleans or the State from the spread of epidemic diseases.

That the only possible good to be derived from any sanitary regulations would be by the appointment of a health officer, to be stationed at the Balize, to go

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out with the Pilots, and while the vessels are coming into the river to examine as to the existence of ship fever and small-pox, (and these diseases only.) In case of ship-fever and small pox, clean the ship, wash the bodies and clothes of the well, and send them on their way rejoicing—the sick to be detained under some cheap airy shelter, until well enough to travel.

We believe no possible benefit can be derived from even the simplest, or most complete system of quarantine at any other locality, and the process above suggested at the Balize is not put forth, to operate as a system of quarantine, but for the sole purpose of preventing the landing of the sick and filthy immigrants into the already crowded and illventilated tenements of the poorer classes in New Orleans.

E. E. KITTRIDGE,
F. A. WILLIAMSON,
J. A. BRAUD,
CHAS. SUZENEAU.

SALE OF SCHOOL LANDS.

Mr. Lacoste called up the following bill, entitled

AN ACT

For the relief of Antoine Joseph Buras, of the parish of Plaquemines.

Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That Antoine Joseph Buras, of the parish of Plaquemines, be and he is hereby authorized to purchase from the State of Louisiana, at the minimum price of one dollar and twenty-five cents per acre, the section sixteen, in township nineteen, South of range number sixteen, East of the Mississippi river, in the parish of Plaquemines, on which the said Buras has resided and cultivated before the public lands were surveyed:

Mr. Lacoste—I shall take great pleasure in explaining the object of this bill. It is intended, as its title indicates, for the relief of Mr. Buras, of the parish of Plaquemines. This person is a poor man who has a large family to support. He has resided on the land specified in the bill for the last fifty years, and has built on it a small cottage, in which he resides with his family. What is desired is to permit him now to purchase this land at the minimum price of $1 25 per acre. I do not see that there can be any objection to this.

Mr. Moore—I see great objection to it. It would be, in effect, repealing an act of Congress. Under a law of Congress every 16th section of land is donated to the township in which it may happen to be situated, for educational purposes, and cannot be sold without a vote of the people of the township authorizing such sale. If this gentleman resides on the land, he can afford to give a higher price for it than any one else. It would be the easiest thing in the world for the Superintendent of Public Education to order an election by the voters in the township. If there are only seven persons in the township they have a right to vote on the question. If they authorize the sale of the lands it is all right. But let it be done in the regular way. By passing this bill we would be virtually repealing an act of Congress and would be interfering with the whole tenor of legislation on educational subjects.

Mr. Lacoste—When I explain the position of that family, I am sure that no gentleman will vote against the bill. It is a very poor family, depending for support entirely on its own industry. The old man has ten children dependant on him and themselves. We ought to do this thing for them. It would be an act of benevolence which no Senator would ever have cause to regret.

Mr. Munday—I should like to hear from the Committee on Education whether they think this thing can be done. I ask because there is a case of the same kind in my own parish. Last year the Legislature passed a law, putting up at auction every certain portion of the school lands. The Sheriff is now about to proceed to make the sale in accordance with the law. This is a precedent at once. I should like to do this favor for this old man if we can do it. But if it is not legal there would be no use in passing the bill.

A motion was made to lay the bill on the table.

Mr. Martel—I call for the reading of the bill.

The bill was read.

The motion to lay on the table was lost.

Mr. Munday—As I said before, I should like to do this favor for this old man; but I should like to offer an amendment, in the first place, to the effect that a vote of the people of the township be taken beforehand on the question of sale.

Mr. Lacoste—That is the very way to kill the bill. It will give the people too much trouble.

Mr. Moore—The land is given to us by Congress for educational purposes. That is the consideration for the grant. It is a trust fund held by us for a special purpose. What right have we to dispose of it in any way not authorized by the act of donation? How can we, as grave Senators, sit here and deliberately entertain such a proposition? Why, sir, we have not a shadow of a right to do it. The land is given to us on trust. You have as much right to take money out of my pocket as to divert these lands from the objects to which they are donated. They are given to the children of the township. We are only the trustees. We have no right to take the land away from them to give it to any individual whatever. I am astonished that such a thought can be for a single moment seriously entertained.

Mr. Lacoste—I accept the amendment of the Senator from East Feliciana.

Mr. Martel—As I understand the law of Congress, it is this:—When it is desired to sell any of these school lands, the sence of the voters of the township in which the land is situated, is taken. If they authorize the sale, the land is sold at one, two or three years credit. That is the law. Now, sir, I ask, why should we do a thing of the kind proposed by the bill, for the benefit of a solitary individual? It would be a precedent frought with danger. The land might be worth fifty times the amount at which it is proposed to sell it. Why should we take this sum from our public schools? Is it for public services that we are called on to do this thing? If so, the Legislature has no right to extend its charity so far. Congress vested the right to these lands in the people of the various townships. It has given to them the title for the support of their public schools. Shall the Legislature divest them of that right? A strict construction of the Constitution shows that we have no power to do it. We have a right to authorize the Directors to dispose of these lands for the benefit of the schools, but we have no right to give them away. I am opposed to such legislation as that contemplated in the bill.

Mr. Moore—I shall call for the yeas and nays upon this bill. We shall see who will vote for it, and who not.

On motion of Mr. Munday, the following proviso was added to the end of the bill:

Provided, That the consent of a majority of the voters in the township shall be obtained previous to issuing the pre-emption.

On motion of Mr. Lacoste to pass the bill as amended, Mr. Hodge called for the yeas and nays.

Hon. W. W. Farmer in the chair; Messrs. Lacoste, Lacey, Munday and Wickliffe—4 yeas.

Messrs. Braud, Defreese, Evans, Hodge, King, Kenner, Kittridge, Lauve, Lawes, Macmurdo, Martel, Moore, Palfrey, Taylor and Trudeau—15 nays.

Consequently the bill and proviso were rejected.

EMANCIPATION OF A MINOR.

Mr. Wickliffe, without previous notice, asked and obtained leave to introduce an act to emancipate Mary S. Saunders, a minor, and wife of Andrew S. Herres.

Mr. Trudeau—I object to the passage of that bill. I have already stated what is the law on this subject, and how the object can be accomplished by a recourse to the judicial tribunals of the State. I do not see why the time of the Senate should be taken up with these applications inflicting expense on the State, when there is in existence a general law which provides for all such cases. The thing ought to be done by family meeting as directed by law. They are the proper parties to act in the premises. I am not opposed to this bill more than to any other of the same kind; but I am opposed to all of them. It is not right to take the decision of these questions out of the hands of a family meeting. We should not compel them to sacrifice their right of action. It is dangerous to the interests of society. I hope the bill will not pass.

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Mr. Wickliffe—In my opinion, of all humbugs known to our law, the family meeting is the worst. As to the expense of the matter, I shall say that we might have passed the bill while the gentleman has been talking about it. The gentleman says the emancipation can be granted by a family meeting. Well, sir, everybody knows that. But this bill was introduced at the request of the lady and her family, in order to enable her to pass title to her sister, so that their business can be settled up while she is here.—For my part I cannot see any objection to the bill.

I hope the gallantry of the gentleman will induce him to withdraw his opposition to the bill, and let it go through.

The bill passed.

The first section was read as follows:

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That from and after the first day of April, 1855, no mortgage shall be enforced or exist against a third person acting in good faith, unless the mortgage is duly recorded in the office of the Recorder of Mortgages. This record shall be made in order to affect landed property and slaves attached thereto, in the parish where such property is situated, and to affect other slaves in the parish where the debtor has his domicil, or usual residence.

Mr. Wickliffe offered the following:

First section of House bill as a substitute for the above first section.

AN ACT

To provide for the registry of legal and tacit mortgages.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That no legal or tacit mortgage shall have effect unless written evidence thereof be inscribed in the mortgage record, in the manner and form prescribed for conventional mortgages; and then only for the amount for which the same may be inscribed.

Mr. Hodge—I move to lay the whole subject on the table.

Mr. Trudeau—I think that is disposing in rather a preemptory manner of a subject of great importance.

Mr. Hodge—I do not make the motion with a view of cutting off discussion. If any gentleman wishes to make a speech I will, temporarily, withdraw my motion in order to enable him to do so. I merely made it in order to get a test vote.

The motion to lay on the table was lost.

The question now recurred on the first section of the substitute.

Mr. Lacey—I move to lay the first section of the substitute on the table subject to call.

Mr. Wickliffe—I doubt the parliamentary right of the Senator to make that motion. It would be equivalent to laying on the table indefinitely.

Mr. Lacey—I do not want to do that.

The motion to lay the first section of the substitute on the table was carried.

Mr. Hodge—I now renew the motion to lay on the table the first section of the bill before the Senate.

Mr. King—I would ask if the gentleman has a right to make that motion. He has just moved to lay the whole subject on the table, which motion was voted down. Can he now move to lay a part on the table?

The President—Yes, sir.

The motion was lost.

Mr. Trudeau—I shall now move this substitute for the first section.

SECTION 1st. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That all married women who have tacit mortgages on the estates of their husbands, either for the receipt or alienation of their dotal or paraphernal property, and who shall not have caused the same to be recorded in the office of the Recorder of Mortgages of the different parishes where their husbands property is situated, on or before the first day of April, 1855, shall loose all rights of enforcing the same against third persons acting in good faith; provided that all mortgages against the tutors of minors, curators of absentees, or interdicted persons, which shall not have been recorded on the 1st day of October, 1855, shall become void against third persons in good faith.

My object is to meet and obviate the constitutional objection. I agree with the Senator from East Baton Rouge and the Senator from St. Martin that the bill (the substitute) is unconstitutional as it stands, because it specifes no given time at which it is to take effect. The Legislature may pass a law requiring the registration of these mortgage; but it must make the registratrion obligatory within a given time. My amendment makes it necessary to record these mortgages within a given time, and if not done within that time the rights resulting therefrom are forfeited. It does not apply to minors, because they have vested rights, but only to married women. The Legislature has also the right to declare vacant, at a certain period, the offices of all tutors, administrators, curators, &c. This is not unconstitutional. The objection urged by the Senator from East Baton Rouge (Mr. Lacey) is the only ground on which the bill can be considered unconstitutional. I offer the amendment in order to meet those objections. I think it remedies them.

Mr. Ryan—The amendment may be good, but the reason given for it is not good. I do not wish to discuss the point now, though I think I can show the truth of my position. But whether I can or not is not the question. The gentleman says he exempts minors from the operation of his amendment because they have vested rights, and includes married women because they have not. By it, married women are to lose their claims, unless these be registered within a given time. I would ask whether the married woman has not vested rights just as much as the minor? Suppose she has $200,000 in the hands of her husband, is not her claim upon it a vested right? The fact is, that minors and married women stand in the same position in this respect. Minors have a vested right in the property of their tutors, married women in that of their husbands. One has vested rights just as much as the other. If the bill is unconstitutional with regard to minors and their tutors, by the same reasoning it is unconstitutional with regard to married women and their husbands. If it is unconstitutional because it attacks the vested rights of minors, by a parity of reasoning, it is unconstitutional because it attacks the vested rights of married women. These have as many vested rights as minors, and their interests should be as strictly guarded. I should really like the gentleman to indicate the difference that has caused him to make such a distinction in the bill. I am as much in favor of protecting the rights of one class as of the other and unless the gentleman can show some real and tangible difference I shall be compelled to vote against his amendment. For my part, I do not think the bill unconstitutional, and I shall, at the proper time, give my reasons for this opinion. I have merely made these few remarks in order to show that the reasons urged by the gentleman from Jefferson (Mr. Trudeau,) are not good; that married women, while under the tutelage of their husbands, have the same vested rights as minors, and are equally as unable to protect those rights. This is the reason why the law is the same for both. How then can the gentleman make any difference between them? I cannot see any good reason. I may be in error, and if so, I wish the gentleman would be kind enough to show me where the error lies.

Mr. Trudeau—The gentleman misunderstood me; I said that the first section is unconstitutional because it does not make it imperative that the mortgages should be registered within a certain specified time. It thus cuts off those rights at once, and is therefore a divesting of vested rights, and consequently unconstitutional. The Legislature has a right to terminate certain vested rights, at a given time, if the conditions of registration be not complied with. But it must be made obligatory and prospective. It cannot destroy them all at a blow, without giving a reasonable time. Minors are not in the same position as married women. There is in fact a great difference between them. The bill declares that at a certain time the office of the tutor shall become vacant. That is not unconstitutional, All existing rights are preserved by the bill, if the conditions of the law be complied with. It only says that at a given time the office of the tutor shall be vacated and new security given. Nobody will say that is unconstitutional. But with married women the case is different, because the

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bill does not make it obligatory on them to do the act within a given time, under penalty of losing their rights.

Mr. Lacoste—We are here to protect the rights of women and children, not to destroy them. The existing law is a good law, and secures that object. The only effect of the proposed change would be to benefit the lawyers. They would make plenty of money while the widows and orphans would be left a prey to their rapacity. It is best to let the bill slumber on the table. If it comes before us I shall certainly vote against it.

Mr. Moore—I am sorry to trouble the Senate with any more remarks on this subject, but I feel compelled to say that that amendment contains one of the objections which I have to the bill. The original bill was drawn with great care and talent. That much at least can be said in favor of it. The other I think, is perhaps more simple. By the substitute of the Senator from West Feliciana it is provided that the mortgage must be recorded at the domicil of the person. By this bill it must be recorded in every Parish where he has property. The former if simple, the latter, complex. If we adopt the simple bill the registration will have to be made only at the domicil of the husband But under this a man might get a certificate of sale of property, and then what recourse would there be? Our statute books are now full of legislation for the benefit of the merchant, and the laboring classes. One gentleman has told us that labor is not protected in this State. I contend, sir, that labor is better protected in Louisiana than in any other State in the Union. The merchant has a lien on the crop of the planter, which passes through his hands. That is a tacit mortgage.—Yet nothing is said about it. We hear no complaints in relation to it, because it is for the benefit of the commercial class. I repeat, sir, that nowhere else in the world is the laborer so well protected as in Louisiana. If he works on a farm he has his lien; if he builds a house he has his lien. These are tacit mortgages; yet no complaint is uttered against them. The workman who contributes the smallest thing to the building of a house has a privilege, yet no complaint is made about that, although it is a tacit mortgage It is better, I admit, that all mortgages should be recorded, yet this bill is so complex that it gives opportunity for more frauds than can be perpetrated under the present system. A man may receive the money of his ward and go to a distant parish and purchase land with it. He then procures a certificate from the Recorder of Mortgages that there is no mortgage on that land. The minor is thus deprived of his rights, and has no recourse. Thus it will be seen that there will be opportunity for greater frauds than can be committed under the present system. It is imposible, as has justly been said, to frame a law under which frauds may not be perpetrated. But is it not better to let money-lenders look after their own rights, than to leave the minor to look after his? The law should take care of the weak—the strong can take care of themselves. Money-lenders will be particular to search out every fact which may affect their interests. They will not be apt to loan their money till they have first procured the renunciation of the coife. I am opposed to the amendment, as I think it makes the bill worse than it was before. Without that amendment it would be much more perfect, and therefore a better bill. But I think it would be better to bear the ills we have, than fly to those we know not of. I am an old man, and may not be able to see clearly into these questions; but I am of opinion that under this bill more frauds would be committed than are now complained of.

Mr. King—Do I understand the gentleman to say that he will vote for a bill which requires the mortgages to be recorded only at the domicil of the tutor.

Mr. Moore—Provided it includes only future mortgages, I will.

Mr. King—That is a very essential difference between us. The proposition of the gentleman would leave us still under that beautiful system of Spanish law which calls so loudly for reform, and which are by no means suited to our free trade notions and republican institutions. The gentleman and I see this subject through very different optics. He says the bill is intended especially for the benefit of money lenders. I say it will benefit, chiefly the money borrowers. Why is not money be had on property here, on as good terms as in New York? The reason is obvious—the security is not as good, because the title is not secure. I say, again, that the bill is not intended for the benefit of money lenders. Mr. Roselius himself recently lost a large amount by the operation of a tacit mortgage, and he is no professional money lender. I think the mortgage ought to be recorded in every parish where the party owns property. He may have none in the parish of his domicil, and then there would be no security. And, moreover, the question of domicil is one of the most uncertain known to our law, and gives rise to frequent controversies, which are exceedingly difficult to be decided. In the first place, a man may have no property at his domicil, and then it may be very difficult to discover where his true domicil is. At the same time he may have millions in other parishes, and yet not be bound for a cent, if the proposition of the gentleman prevail. Every Senator will see the effect of such a provision.

The gentleman speaks of liens and privileges enjoyed by laborers and merchants. He seems to forget that there is an article of the Code which provides that all privileges for more than $500 must be recorded. The section of the original bill is nearly the same—it does specifically what this does negatively.

Mr. Lacey—I object to the amendment for the same reason as I objected to the first section of the original bill. I think it is calculated to destroy the rights of minors and married women. With those I will not consent to interfere. They should stand inviolate and be considered inviolable. I only ask the evidence of these rights recorded for the benefit of third parties. The amendment says that unless these mortgages be recorded they shall lose their force and effect. This I consider a violation of the fundamental law of the State; and if not a violation, it is, at least, extremely impolitic. If I can obtain the support of the Senate, I shall move to strike from the original bill, all that portion from the 1st to the 9th line inclusive, which reads thus:

"SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That from and after the first day of April, 1855, no mortgage shall be enforced or exist against a third person, acting in good faith, unless the mortgage is duly recorded in the office of the Recorder of Mortgages."

That portion of the bill I shall try to have stricken out. What will be the consequence if I succeed? The mortgage will remain in force just as it does now; no rights will be invaded, yet we shall be able to force on record every mortgage in existence in the State. Do Senators not see that we thus obtain our object without invading vested rights? Is it not evident to the Senator from New Orleans, himself. We shall force these mortgages on record and thus make an advance to the system we are seeking. I shall not argue the question of constitutionality again. I did that, as I conceive, fully enough in the remarks I had the honor to offer to the Senate during the former discussion. If the Senate refuse to strike out that provision; if gentlemen disagree with me and show by their votes that they think the amendment constitutional, I shall yield my own opinion, and cheerfully vote in favor of the bill as it is presented.

I repeat that, at the proper time, I shall move to strike out that portion of the bill which, in my view, interferes with vested rights, and therefore violates the fundamental law. Whether we shall enact a law to force all mortgages on record, is a matter of policy. I, for one, am in favor of it. But I am not willing to take the bill as I find it. Let us leave vested rights unimpaired. Let us leave existing mortgages untouched, but force the evidence of them on record. This is the great object to be attained. This is what we are striving to effect. But let us not interfere with the rights of minors and married women—let us not violate the fundamental law—let us not divest vested rights, but leave them in full force and all their force and power.

Mr. Hodge offered an amendment to the amendment of the original bill, providing that all persons required to record their bonds in the office of the

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corder of Mortgages in the different parishes where they may own property; making it the duty of the clerk of Court in which such bond may be given, to forward a copy, within five days, to the Recorder of Mortgages, for registration, and making every Recorder or Clerk who may neglect this duty, liable for any damages that may ensue from such neglect.

Mr. King—That is the law now. Clerks are now compelled to give bond. I have already discussed this subject fully, and I think I have alluded to every point of the difference, so that I do not feel inclined to enter into another elaborate argument on the subject. I will, however, make a few remarks. The Senator from St. Martin, and the Senator from East Baton Rouge wish the bill to apply only to future mortgages. As it stands, it puts an end to the system of tacit mortgages after a specified and reasonable time. Their idea is to leave existing mortgages untouched, and make the bill affect only those which may accrue hereafter. The objection to this is that it postpones the benefits of the bill to an almost indefinite period—that is to say till all the married women now living are dead, and all the minors become majors. Nor, sir, I am willing to take half a loaf rather than no bread; and I will accept the proposition of the gentlemen as a last resort, though I tell them it will be trifling with the hopes and expectations of the public

Mr. Hodge—As I have not here'ofore spoken on this bill, I propose now to say a few words by way of showing why I am in favor of the amendment. At the last session I found myself among the opponents of this measure because I did not wish the mortgage rights of any class of our population to be impaired. Now, I hold that those rights are impaired by this bill. I do not oppose the bill because I consider it unconstitutional. On the contrary, at the last session, I declared that I thought it constitutional. But it was then urged, with great propriety, that it would be bad policy on the part of the Legislature to take their rights from those who are incapable of protecting themselves, in order to secure those who are. The Senator from New Orleans, (Mr. King) said this morning that our present system is derived from the Spanish law, but that it is not consistent with our free trade ideas. Now, sir, I venture to say that if we abolish the tacit mortgage system it will place minors not only in a worse position than that they occupy now, but in a worse one than they occupy in any state in the Union. Even with this hydraheaded monster, the tacit mortgage system, minors are worse protected here than anywhere else in the United States. During the course of a long practice I have seen very few instances in which any individual was injured through the enforcement of a tacit mortgage by a minor, while the mind of almost every Senator must be crowded with instances in which minors have been robbed. And yet you wish to take away the only safeguard and protection that they now enjoy. How can you expect a minor, in his infancy, to see that the provisions of this bill are enforced? How can you expect him to know that the record has been made? He cannot do it; he is entirely at the mercy of his tutor. Does the gentleman suppose that a tutor will put himself to any particular trouble to have inscribed what may prove an incumbrance on his property? The supposition would be absurd. For my part, I can say that I have never known a tutor to perform faithfully his duty to the letter, and it is not to be supposed for a moment that he would take any great pains to encumber his own property. The gentleman says it would be the duty of the District Judge to see the provisions of the law fulfilled. But the minor cannot see that the Judge performs his duty. My amendment devolves that duty on the clerk, and makes him responsible for its fulfilment. It makes him liable for all damages which may result if he neglects his duty. I do not, I cannot, suppose that the Senator from New Orleans, notwithstanding his inimical position to them, wishes to injure the minor. But he has set his heart on breaking down the existing law, and he seems so fixed in his determination to effect that object that he overlooks other important consequences. But if he should succeed, new lustre will be added to his name, as one who achieved success when others, who had made the same effort, signally failed. The people of Louisiana have always had sympathy with the weak and unprotected, and therefore every previous attempt to break down their rights, has been frustrated.

But, to return to the amendment. Will the gentleman say that any clerk would take the responsibility of withholding a copy of the tutor's bond when he would be made liable for any damages that might result? It is unreasonable to suppose that he would. But it is not unreasonable to suppose that, when everything is left in the tutor's hands, he would see his power to defraud the minor, and combine with the clerk to effect his object. It has been done, and would be done again. The policy of our legislation should be to protect those who are unable to protect themselves. The weak have claims upon our sympathies; the strong can better afford to secure themselves. It is not so much our duty to legislate for the benefit of those who are able to take care of themselves, as for the benefit of those who are not.

I shall say nothing on the constitutional aspect of this question. I cannot see that much injury would be done to the creditor except in that class of liens of which there is no written evidence. I do not know any instance of an honest creditor being injured by one of those tacit mortgages. It is easy to ascertain and to know of their existence as under the most stringent bill that can be formed. But if you wish to compel a man to send his bond to the Recorder of Mortgages for registration, why is it not as easy to impose the duty on the Clerk of Court? It would be just as easy in the country parishes, and even in the city of New Orleans, because there all succession business is transacted in one court. In the country parishes it would be as easy to have the bond recorded in the office of the Clerk as in that of the Recorder of Mortgages. In the first place it should be ascertained if the tutor has given a bond. That bond would operate as a mortgage when recorded. The bond must of course be made before it can be recorded. I would make natural tutors give bond as well as any others. As far as married women are concerned, I confess there is much difficulty in the question. But if the gentleman is desirous of attacking the system, I will go for abolishing all those mortgages. When a man assumes the position and responsibilities of a husband it is natural to suppose that he has a sufficient interest in the welfare of his wife to induce him to administer her affairs well and faithfully. With these remarks, sir, I shall conclude.

Mr. Ryan—I have heard much said in the course of this debate about the bond that is to be given. Now, sir, what is the signification of a bond? The bond of a tutor is different from that of an administrator. A bond, moreover, does not operate a specific mortgage. If I am a tutor for a minor having $150,000 in land and slaves and personal property, I give bond only for the personal property. Suppose a minor has personal property to the amount of $85,000, and real property amounting to $115,000, I give a bond only for $35,000. Gentlemen talk of a bond as being the record of a mortgage. Why, nothing more than the appointment is recorded. No bond can be given sufficient to cover all the property of the minor. Here, sir, is the law contained in art. 330 of the Code.

"Every tutor, except the father and mother, shall give to the Judge, who either appointed or confirmed him, good and sufficient security for the fidelity of his administration."

This security must be in amount equal to the amount of the credits, money and other movable effects stated in the inventory, and such other sum as the Judge shall deem sufficient to cover any loss or damage, which the tutor may occasion to the minor by his bad administration.

"The bond of the tutor is then only given for the amount of the credits, money, and movable effects belonging to the estate of the minor. In the case of an administrator the bond is given not only for this amount, but for the amount of the whole estate and a fourth more. Thus, an administrator of an estate worth $100,000, gives a bond for $125,000. This is the law. It cannot be contradicted. I do not say that the tutor is not compelled to give a bond, but simply that it is not sufficient in amount to afford a

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perfect security. If, under this bill, we only demand the bond now required by law, we shall give no security to the minor.

I except to the amount of the bond in the case of tutors. It is different, as I have said, with administrators. The reason of the distinction is that the tutor is not bound to administer the slaves and lands. He may hire them out or lease them. By the law everything that is not real estate is considered movable property. These distinctions are made by the law. Horses, mules, cattle, &c., are movable by nature, but in many cases they are immovable by destination, and then the tutor is not called on to give bond for them. Thus, he does not give any bond for the stock attached to a plantation. He gives bond only for those effects which are movable by law.—Will it do any good to record this bond? If I am wrong in what I have said let any lawyer correct me. I say, sir, that this bond would be no sufficient security. It does not operate as a mortgage. There is no mortgage except that which, as soon as the tutor is apaointed, attaches *ipso facto* to all his property, for any maladministration of which he may be guilty. If the gentleman wishes to amend so that the mortgage shall date from the day the tutor receives the money, instead of from the day of appointment, a very desirable object would be attained. Suppose I am a tutor to a minor—I may not receive any money for twenty years, but I may sell property to-day, and the minor has a mortgage on it, though I do not owe him a cent. This is an evil and ought to be remedied. If we wish to benefit some, let us not injure others.

Mr. Hodge—The amendment is to the effect that the bond must be recorded, so that it may not be destroyed, and the rights of minors thus impaired.

Mr. Ryan.—I am arguing on the supposition that the bond is recorded. Now all that can be recorded is that on a certain day John Doe, or Richard Roe was appointed tutor to the children of J. H. This does not specify the amount of the mortgage, nor can the bond cover it. The mortgages does not result from the bond. It works tacitly, and may be for a hundred or a hundred thousand dollars. The bond is all that can be recorded. No specific mortgage results from the appointment of a tutor. It is general, attaching to all his property, and acts so silently, though it may speak out some day. I repeat, that a bond given by a tutor, is inadequate for purposes of protection. In this respect it is different from the administrator's, or the curator's bond. If this bond only is to be recorded, God help the rights of minors, as they will only be protected to the extent of the little personal property they may happen to own. I want to see the evidence of every minor's indebtedness recorded. But I do not wish to destroy, or to interfere with the rights of the minor and the married woman Let us approach the subject as becomes Senators, calmly and reflectingly; let us endeavor to frame such a law as will meet the wants of this community without being guilty of injustice towards any. Let us try to do good to all, and inflict injury on none. If we do this we shall have accomplished everything that can be expected at our hands. No man, sir, will rejoice more than I at the adoption of some system by which the recordation of every man's indebtedness will be secured. Let not the law itself be the instrument and the protector of fraud; let us devise some way to make these mortgages open instead of concealed. But while I am anxious to do this, I am also anxious to protect those who have been thrown upon the cold charity of strangers; whose natural tutors have been consigned to the tomb, and who are left desolate and unprotected. Never, by my vote, will I assist in giving them up to be defrauded by unprincipled and designing persons.

Mr. Trudeau—This question has now become so complicated that it is scarcely comprehensible. First, we have the original bill, introduced by the Senator from New Orleans, (Mr. King,) and then the substitute introduced by the Senator from West Feliciana, (Mr. Wickliffe,) and then numerous amendments one of which I believe, is before the Senate. I should like to narrow the limits of the discussion to the particular section or question under consideration. We have ample time before us in which to consider and discuss the sixteen sections into which these bills are divided; though I must admit that if we take as much time on each of them, as we have already consumed, we would never get through. When we come to the 4th section I shall offer an amendment which I think will prove acceptable. I am opposed to both bills as they stand, though I think they can be amended, and combined, so as to form a bill which will pass. It is said by one gentleman that there is room for a contestation in the very first section, and that point had been discussed. No one can deny that our present legislation is very injurious. In New Orleans it has the effect of depreciating the value of property, and therefore makes money hard to procure. By modifying this system so as to diminish the risk, and increase the security, you will lower the rate of interest, which our legislation has tended to raise to such an inordinate degree. The fact is that persons compelled to borrow money are now left to the tender mercies of a few note shavers, who take care never to risk anything and never to lose anything. Let us throw open the gates of competition, and invite capital from abroad, and we shall soon have it flowing in upon us in streams; for, the security being equal, money will always seek those markets in which it commands the highest rate of interest. It would be good policy to relieve the city of New Orleans from this tax which is now imposed on her by the high rate of interest which prevails in consequence of our system of law. Gentlemen may be opposed to this bill, but they cannot well be opposed to the principle which is the basis of it. I am opposed to the amendment because the effect of it will be to entail the evils of the present system upon us for thirty years to come. Let our children legislate for themselves and let us legislate for ourselves. I shall conclude, sir, by remarking that I hope gentlemen will confine the discussion to the question before the Senate.

The amendment of Mr. Hodge was laid on the table.

Mr. Lacey—I now move to strike out the first section of the bill.

The motion was carried.

Mr. Wickliffe—I move to recommit the bill in order that a bill may be reported back to us, on which the Committee itself is agreed.

Mr. King—This bill was unanimously reported by the committee. I see no hope of getting a nearer approach to agreement than a unanimous vote.

Mr. Wickliffe—They do not poll a very unanimous vote here.

Mr. King—The same thing might happen over again. I hope there will be no recommitment. If Senators want to pass the bill, let them pass it; if not, let them kill it. But there is no use to recommit it.

Mr. Lacey—I move to lay the motion to recommit on the table.

The motion was laid on the table.

Mr. Hodge—I now move to lay the rest of the bill on the table.

Mr. Lacey—I call for the yeas and nays.

Mr. King—I second the motion to lay on the table. We have taken the head off the bill, and we might as well bury it decently.

The motion to lay on the table was carried.

Mr. King gave notice that to-morrow he would move a reconsideration.

MESSAGES FROM THE HOUSE.

The special messenger from the House requested the signature of President of the Senate to the following enrolled bill of the House:

An act to povide for the execution of sentences to death in the parish of Orleans.

And to inform the Senate that the Speaker of the House has signed the following enrolled bills and resolution of the Senate:

An act to provide for the payment of coupons of interest, detached from the bonds issued by the State, and which coupons may be past due.

An act to repeal an act entitled an act to incorporate the New Iberia Lodge, No. 36, of the Independent order of Odd Fellows of the State of Louisiana.

An act to authorise Mrs. J. H. Withers, wife of Jos.

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M. Kennedy, to emancipate her female slave Clarissa, with permission to remain in the State.

An act to change the time of holding the terms of court in the sixth judicial district, and making jury terms.

An act to emancipate Eliza Morin.

An act to emancipate Abner Nash Ogden, jr., of the parish of Jefferson.

An act to emancipate Andrew Lawson, jr., of the parish of Bossier.

Resolution requesting Swamp Land Commissioners and their Engineers to furnish accounts of the contingent and other expenses.

The special messenger requested the signature of the President of the Senate to the following enrolled bills and resolution of the House:

An act for the relief of Antoine Marrero, late State Tax Collector for the parish of St. Bernard.

An act to emancipate James Y. and Emily L. Williams, of the parish of East Baton Rouge.

An act to authorize John Cousin, of the parish of St. Tammany, to emancipate his slaves Frances and her three children.

An act to create an additional justice of the peace and constable in and for the parish of Washington.

An act authorizing W. C. Wilson to emancipate his slave David.

An act for the relief R. A. Sibley, Sheriff of the parish of Sabine.

An act to authorize Edward D. Woods to accept the tutorship Lewis E. Woods, a minor.

Resolution relative to the establishment of a post-office in the parish of St. James.

And he informed the Senate that the House had concurred in the following bills of the Senate:

An act to emancipate Wm. W. Burns.

An act to emancipate W. J. Thigpen.

And he requested the concurrence of the Senate to the following bills and resolution of the House:

An act creating an additional notary for the parish of St. Helena.

An act to authorize Parish Treasurers to employ the Sheriff or auctioneer to make sales of sixteenth sections.

An act to increase the pay of jurors in the parish of Terrebonne.

An act to amend an act entitled an act to repeal so much of the third section of an act entitled an act to regulate the terms of the Judicial District Courts, the parish of Orleans excepted, approved April 29th, 1853, and regulate the holding thereof.

Resolution relative to publishing the French and Spanish manuscripts belonging to the State.

BILLS AND RESOLUTIONS INTRODUCED.

Mr. Macmardo introduced a memorial from the testamentary executors of the late Alexander Gordon.

He also asked and obtained leave to introduce

An act to authorize the city of New Orleans to subscribe to the stock of the Pontchartrain Railroad Company, to enable said Pontchartrain Railroad Company to construct a railroad from New Orleans to Mobile.

Mr. Lacey, without previous notice, asked and obtained leave to introduce the following bill, entitled:

An act to provide for the improvement of the grounds surrounding the State House.

On motion it was laid on the table subject to call.

Mr. Moore asked and obtained leave to introduce the following bills, entitled:

An act for the relief of Fergus Fuseller, and

An act to provide for an outlet to relieve Bayou Lafourche from overflow, to reclaim swamp and overflowed lands, and to reserve a portion thereof from sale for a certain time.

REPORTS OF COMMITTEES.

Mr. Griffin, on the part of the Committee on Internal Improvement, &c, to whom was referred an act for the relief of James H. Barbin, Francis B Barbin, Fabius Ricord, of the parish of Avoyelles, and of Charles Pitts, of the parish of Orleans, reported favorably.

On motion of Mr. Griffin, the rules were suspended, the bill underwent its several readings, and it passed.

Mr. Braud, from the Committee on Agriculture and Commerce, to whom was referred an act to appoint weighers of cotton and sugar for the city of New Orleans, made the following report, which was read:

The Committee on Commerce and Agriculture, to whom was referred a bill entitled an act to appoint weighers of sugar and cotton, in and for the city of New Orleans, beg leave to report that they have examined with care the various provisions of said act, embracing, as they do, a radical change in the present system of buying and selling sugar and cotton, and hence is a matter of great importance to those whose interests are immediately affected thereby.

By this bill the Governor is authorized to appoint, by and with the advice and consent of the Senate, twelve weighers of sugar and cotton for the city of New Orleans, to continue in office for two years, and who shall give bond and security in the sum of $5000 for the faithful discharge of their duties; and the said weighers thus appointed shall have power to appoint one or more deputies to aid and assist in the discharge of the duties of said office, each weigher to be responsible for the faithful conduct of said deputy.

The magnitude of the interests which will be affected by the premises of this bill, demands the serious consideration of the Legislature, and the State should not interfere with the established usages of the trade, until it can be shown that the present mode of delivery of cotton and sugar, in the city of New Orleans, is alike unfair to the purchaser and seller.

The committee have heard of no complaint of a nature to induce them to invoke the aid of the State in selecting public officers to perform that which is now done by weighers, selected by those most immediately interested.

The passage of this act would, in the opinion of the committee, be creating a monopoly of the most odious kind, as the appointing power would, to a great extent, be in the hands of the twelve weighers chosen by the Governor, each of whom is empowered to choose one or more deputies, and the whole number thus chosen to weigh 1,600,000 bales of cotton, and 150,000 hogsheads of sugar, annually received in New Orleans, would not probably be much less than 100.

But apart from this objection, your committee sees no good reason why parties engaged in the purchase and sale of sugar and cotton in New Orleans, should not be left to employ their own agent to weigh the same, as in other parts of the State. If it is intended to apply the premises of this bill to the city alone, why should it not have equal force throughout the State? A large part of the crop of sugar, say quite half, is disposed of on plantation, weighed and delivered there. If the system of weighing in New Orleans is wrong, it is equally as important to both buyer and seller to have correct weights of the sugar sold on plantation. These two modes of the delivery of the same article would tend to throw discordance either on the one or the other.

By the present system of disposing of sugar and cotton, the factor is the direct agent of the planter, and ought to be presumed to take the same care of his interest in selecting a proper weigher, as in obtaining the best price for the article sold. The direct responsibility of the weigher to the factor, and the factor to the planter, seems to your committee to be much more precise when the weigher is selected by the factor, than if he were appointed by the State.

Any unfaithfulness on the part of the weigher would lead to the loss of his place, whereas if appointed by the State, the remedy would be beyond his control.

The bill furthermore provides that each hogshead of sugar and bale of cotton shall be branded with the name of the weigher, and gross weight thereon. &c. Those formalities would only further complicate the purchase and sale of both articles by unnecessarily retarding their delivery It is doubtful if one-half of the quantity of either sugar or cotton could be thus delivered, than is done by the present method, and in the crowded state of the levee and cotton presses during a large portion of the busy season, the inconvenience would seriously affect the dealing in these articles.

In conclusion, your committee look upon the various premises of the bill as so many restrictions placed upon the commerce of the State, instead of leaving a healthful competition, both as regards the nature of the services to be performed and the compensation.

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The committee therefore report against the adoption of the bill, and beg leave to be discharged from further consideration of the subject.

Respectfully,
J. A Braud, Chairman,
N. B Lauve.

Mr. Lacy, from the Committee on Public Buildings, made the following report:

To the Hon. W. W. Farmer, Lieutenant Governor and President of the Senate:

The Committee on Public Buildings, to whom was referred the consideration of the joint resolution relative to the improvement of the grounds surrounding the State House, and the alteration of the ceiling of the House of Representatives, begs leave to report that the committee of your honorable body met the committee of the House, with the view of taking into consideration the resolution herein above referred to, and it was the unanimous opinion of the joint committee, that the State House grounds should be surrounded by a suitable iron fence, with a brick foundation, capped with granite; that the ground be properly graded, and planted with trees and shrubs, and otherwise improved; that the banquet around the square of the capitol be paved with suitable brick, laid in cement, with stone curbing; and the inside walk, leading from each gate to the State House, be covered with shells laid in cement. The joint committee was also of the unanimous opinion that it is inexpedient to make any alteration in the ceiling of the Hall of the House of Representatives, and that the small building now occupied by the Sergeant-at-Arms of the House be destroyed.

And the committee of your honorable body further report to the Senate that the joint committee did authorize its chairman to invite proposals for estimates, plans, and specifications of the works herein above referred to, and to pay the sum of two hundred and fifty dollars of the estimates, plans and specifications which may be adopted by the committee; provided such estimates, plans and specifications be finished on or before Thursday, the 9th February, 1854; that on the day last mentioned, several plans, estimates, &c., were laid before the committee, and after due deliberation, it was unanimously resolved that the plans, estimates and specifications of Charles Ritter, be adopted by the committee, which plans, estimates and specifications are returned by the committee to the House of Representatives, whence the original resolution proceeded.

Your committee further represents unto your honorable body, that according to the estimates of the said Ritter, the expense of the work recommended by your committee will be as follows:

Iron Railing—1600 feet, with brick base and granite cap	$13,498 40
Sidewalks—Grading, sloping, paving, curbing, &c	4,331 84
Improvement of the Grounds—For grading the ground, making walks, and planting trees	3,800 00
Total amount	$21,630 24

being the cheapest estimate submitted to the commee.

Your committee cannot close this, their report, without stating to your honorable body that in Mr. Ritter the committee found one highly qualified, not only for the making of the plans, specifications and estimates, called for by the committee, but to carry out the works contemplated therein; and your committee don t hesitate to express as their opinion, that it would be of great advantage to the State to accept the offer made by the said Ritter to perform such works at the sum set forth in his accompanying estimate.

Your committee, believing that it has fully discharged the duty assigned it by the resolution of both Houses, begs leave to be discharged from the further consideration thereof, and respectfully recommends to your honorable body the adoption of the resolution annexed to this report, and the passage of the bill accompanying the same.

All of which is respectfully submitted,
Geo. S. Lacey,
M. Boatner.

Resolved, That the sum of one hundred and twenty-five dollars be paid to Charles Ritter, or to his order, out of the contingent fund of the Senate, for plans, specification and estimates furnished by him to the Joint Committee of both Houses, which, together with a like amount to be paid out of the contingent fund of the House, will make the sum agreed to be paid to the said Ritter by the aforesaid committee.

On motion of Mr. Lacey the report and resolution was adopted.

Friday, February 24, 1854.

Bills introduced.

Mr. Moore asked and obtained leave to introduce a resolution to reserve from sale certain lands until the end of the session of the Legislature.

On motion the rules were suspended, it underwent its several readings and it passed.

On motion of Mr. Moore, the assistant secretary requested the concurrence of the House thereto. Also, an act to repeal the first section of an act to provide for the sale of the swamp and overflowed lands granted to the State by acts of Congress, approved 2d of March, 1849, and 28th September, 1850, to appropriate proceeds thereof, approved March 17, 1852.

On motion the rules were suspended, it underwent its several readings and passed.

And he called up an act to provide for an outlet to relieve Lafourche from overflow, to reclaim swamp and overflowed lands, and to reserve a portion thereof from sale for a certain time.

On motion, the rules were suspended, it was ordered to be printed, and it was made the order of the day for Tuesday next, the 28th instant.

Mr. Wickliffe, without previous notice, asked and obtained leave to introduce an act to provide for the payment of the salary of the reporter of the decisions of the Supreme Court, for a part of the year 1852.

On motion, the rules were suspended, it was read twice and it was referred to the committee on claims.

Mr. Palfrey asked and obtained leave to introduce an act authorizing Mathilde Laura Olivier to mortgage her property.

Mr. Pelleria asked and obtained leave to introduce the following bills entitled

An act to emancipate Louis Azilia, Octave, Gustave Doulouis, Josephine and Alexandrine.

On motion, the rules were suspended, it was read twice, and it was referred to the committee on parochial affairs.

Also an act to emancipate the slaves Madeleine, Marie, Joseph, Nizida and Sylvie, belonging to Adelaide Breaux.

Mr. Wickliffe asked and obtained leave to introduce a bill entitled:

An act to emancipate Offny F. Horsby.

On motion, the rules were dispensed with, it underwent its several readings and it passed.

Mr. Macmurdo called up a bill entitled:

An act to emancipate John Fletcher Wyche, jr.

On motion, the rules were suspended, it underwent its several readings and it was concurred in.

Mr. Hodge called up a bill entitled:

An act to emancipate John McWillie, jr, and Annie McWillie.

On motion, the rules were dispensed with, it underwent its several readings and it was concurred in.

Mr. Lacoste, according to previous notice, introduced a bill entitled:

An act to authorize the Justices of the Peace in and for that portion of the parish of Orleans, situ-

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ated on the right bank of the Mississippi river, to act as coroner in certain cases.

On motion, the rules were suspended, it underwent its several readings and it passed.

Mr. Lacey, without previous notice, asked and obtained leave to introduce a bill entitled:

An act to repeal an act relative to the recusation of the Judges of the Supreme Court.

On motion, the rules were suspended, it underwent its several readings and passed.

Mr. Lacey asked and obtained leave to introduce, on the part of the judiciary committee, a bill entitled:

An act to change the name of James Roach to James Huie.

On motion of Mr. Ryan, the rules were suspended, it underwent its several readings and passed.

Message from the House.

The special messenger from the House reported that the House has concurred in a bill entitled:

An act to continue in force and amend the act entitled:

An act to incorporate the Presbyterian Church and Congregation for the city and parish of New Orleans, approved March 1st, 1834.

Message to the House.

The assistant secretary requested the concurrence of the House in the following bills, entitled:

An act to emancipate George H. Packwood, a minor.

An act for the relief of John K. Elgee, of Rapides, and Marie F. L. Ledoux, his wife.

An act for the relief of Moses Lee, a veteran of the war of 1814 and 15.

An act to authorize Judith Toutant, wife of Alexandre LeGendre, to sell certain slaves.

An act for the relief of James H. Barbin, Francis B. Barbin, Fabius Ricord, of the parish of Avoyelles, and of Charles Pitts, of the parish of Orleans.

Resolution relative to deepening the channel of Atchafalaya Bay.

And he informed the House that the Senate has concurred in the following bills, entitled:

An act for the relief of Edgar E. Voorhies, late Superintendent of Public Schools in the parish of St. Martin.

Reports of Committees.

Mr. Lacey, from the Judiciary Committee, to whom was referred a bill entitled

An act to fix the time for the election of State printer.

Reported favorably.

And he reported favorably, with an amendment, a bill entitled:

An act to authorize Robert Huie, of the parish of Rapides, to adopt an orphan boy named James Roach.

On motion of Mr. Ryan, the rules were suspended, it underwent its several readings and passed.

Mr. Lacey, from the Judiciary Committee, made the following majority report, which was read:

To the Honorable W. W. Farmer, Lieutenant Governor and President of the Senate:

The Judiciary Committee of your honorable body, to whom was referred the consideration of a bill entitled:

An act for the relief of Ivy F. Thompson, and the accompanying report of the committee on claims, begs leave to report:

That the several Courts of this State, under an act approved January 28, 1817, are vested with the power to appoint counsel to prosecute on behalf of the State, in the event of the absence of the District Attorney, (State v. Jerry, 4 Annual, page 191,) and as the applicant Ivy F Thompson, is shown to have rendered services to the State, as District Attorney pro. tem, the committee are of the opinion that the amount stated in the bill should be paid to him.

The committee respectfully recommend the passage of the bill.

GEO S LACEY, Chairman.

Mr. Hodge, from the same committee, made the following minority report:

To the Honorable W. W. Farmer, Lieutenant Governor and President of the Senate.

In regard to the act for the relief of Ivy Thompson, I am of opinion that the regular District Attorney should compensate the District Attorney pro tem, and that the State should not be compelled to pay twice for the same services.

B. S. HODGE,
Of the Judiciary Committee.

The Tacit Mortgage Bill.

According to previous notice, Mr. King moved for the consideration of a bill entitled:

An act to provide for the Registry of Legal and Tacit Mortgages.

And moved the reconsideration for Monday next.

Mr. Hodge called for the yeas and nays.

Hon. John Moore in the chair.

Messrs. DeRussy, Griffin, Hodge, Hébert, Lacoste, Martel, Palfrey, Pelleriu, Scott and Wickliffe—10 yeas.

Messrs. Braud, Defreese, King, Key, Kittridge, Lauve, Lacey, Lawes, Macmurdo, McCay, Ryan and Trudeau—12 nays.

Consequently the Senate refused to reconsider the vote until Monday next.

Mr. Wickliffe moved to make it the order of the day for the 17th of March next.

Mr. King moved to lay Mr. Wickliffe's motion indefinitely on the table, and called for the yeas and nays.

Hon John Moore in the chair.

Messrs Braud, Defreese, King, Key, Kittridge, Lauve, Lacey, Macmurdo, McCay, Palfrey, Ryan and Trudeau—12 yeas.

Messrs. DeRussy, Griffin, Hodge, Hebert, Lacoste, Lawes, Martel, Pelleriu, Scott and Wickliffe—10 nays.

Consequently Mr. Wickliffe's motion was lost.

Mr. King moved to reconsider the vote of yesterday on laying the balance of the bill on the table, and called for the yeas and nays.

Hon. John Moore in the chair.

Messrs. Braud, Defreese, King, Key, Kittridge, Lauve, Lacey, Lawes, Macmurdo, McCay, Ryan and Trudeau—12 yeas.

Messrs. DeRussy, Griffin, Hodge, Hebert, Lacoste, Martel, Palfrey, Pelleriu, Scott and Wickliffe—10 nays.

On motion of Mr. Griffin, the bill was recommitted to a special committee of five senators, to be appointed by the president.

On motion of Mr. Lacoste to lay the bill indefinitely on the table,

Mr. King called for the yeas and nays.

Hon. John Moore in the chair.

Messrs. Braud, Defreese, Lacoste, Lauve, Martel, Pelleriu and Trudeau—7 yeas:

Messrs: Griffin, Hodge, Hébert, King, Key, Kittridge, Lacey, Lawes, Macmurdo, McCay, Ryan, Scott and Wickliffe—13 nays:

Consequently the motion of Mr. Lacoste was lost.

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The Internal Improvement Bill.

Mr. King from the Committee on Internal Improvement, Swamp Lands and Levees, made the following report:

The Committee on Internal Improvements and Swamp Lands and Levees, to whom was referred "An act to provide for the internal improvement of the State, and for making the necessary levees and drainage to reclaim the swamp and overflowed lands of the State," beg leave, through their chairman, to report:

The Committee accept the following amendments: In section 5, line two, strike out the word "four," and insert the word "three." In section 5, line four, immediately after the word "accounts," insert "in equal proportions out of the Internal Improvement and Swamp Land Funds, if there be money enough in both of said funds so to pay him. If not, he may be paid out of either, that may have the required amount" In section twelve, line twenty, immediately after the word "districts," insert "including the whole of the parish of Avoyelles." In section fourteen, line eight strike out the words "three thousand," and insert the words "two thousand five hundred" After the words "sections" in section twenty, line seventeen insert:

Sect. 21. Be it further enacted, &c., That when there is not sufficient money in the Treasury, belonging to the Swamp Land Fund, to enable the Civil Engineer to pay for the construction of such levees and drainage as he may deem necessary to carry out the objects of this bill, he shall be authorized to advertise contracts payable in land script, provided that said levees shall never cost more than twenty cents per cubic yard, to be paid in land, at one dollar and twenty-five cents per acre: the script to be issued by the Civil Engineer upon the completion of the work, for the legal subdivisions of land, and to be located upon public land, donated by Congress to the State, to aid in reclaiming the swamp and overflowed lands which have been surveyed and which are, at the time, liable to entry. The Register of the Land Office is hereby directed to permit the persons holding such script, to enter land in the same manner as if money was paid. The said contracts to be made under the preceding provisions of this bill, relative to the making of contracts for the construction of public works, and the parties constructing becoming liable to the same obligations and penalties.

A majority of the committee voted to strike out the original 23d section.

With these amendments and alterations a majority of the committee recommend the enactment of the bill.

(Signed) WM. W. KING, Chairman.

On motion of Mr. King, the bill was made the special order of the day for Wednesday next March 1st 1854.

The Claim of J. H. Maddox.

Mr. Lacey, from the Judiciary Committee, made the following report:

To the Hon W. W. Farmer, Lieutenant Governor and President of the Senate.

The undersigned members of the Judiciary Committee of your honorable body, to which was referred the petition of J. H. Maddox, and the report of the Committee on Claims, enquiring into the legality of the demands set up by said Maddox, beg leave to report.

That in the opinion of this Committee, it was almost impossible, in passing upon the egality of the claim, to discard from consideration the facts applicable thereto; the conclusion of the committee, as to the legality or illegality, had to depend, in a great degree, upon the existence or non existence of a peculiar state of facts, and the committee found itself forced, by the presence of circumstances which it could not control, to enter upon a field of investigation, not perhaps contemplated at the time the memorial and report aforesaid was submitted to the committee.

The first question which presented itself to the mind of the committee was: "Could the State of Louisiana enter into a contract with an individual?" It seemed to the committee that when the State entered into an arrangement with an individual, it divested itself, so far as it concerned the several transactions connected with that arrangement, of its sovereign character, and acquired the character and position of a private citizen. Its powers, its privileges, and its prerogatives were, so far as that transaction was concerned, lost, and the State was placed on a level with the party opposed, and reduced to the position of one who can and does contract. This opinion was greatly strengthened by the decision in 4 Gill and Johnson, McC. Rep. Canal v Rail-road Company, wherein the doctrine is laid down, that a sovereign State, or the General Government in its sovereign capacity, can contract with an individual. The committee does not doubt the correctness of the position, and unhesitatingly reports to the Senate, that the State of Louisiana could enter into a contract with a private individual.

"Has any contract been made and entered into by and between the State of Louisiana, on the one part, and the petitioner Joseph H. Maddox, on the other?"

At the session of the Convention of 1852, by which body the State was represented, the claimant was appointed printer, (page 5,) and the "character" and price of his work was fixed, as will be seen by reference to the Report of the special Committee on page 20 of the journals of the Convention.

The quantity was established by two resolutions, subsequently adopted, one of them July 20, 1852, (page 50) providing that the printer to the Convention, should print 1000 copies of the debates in English, and 500 copies in French, and the other, passed July 31, 1852. (page 86) declaring that one thousand copies of the debates in English and five hundred in French, be printed in addition to the number already ordered.

These facts established, on the part of the State, the choice of Mr Maddox, as printer to the Convention, and develop the character, quantity and price of the work, she called upon him, through the Convention, to perform—the entry by the petitioner, upon the duties of his office, shows his acceptance of the tendered trust upon the stipulated terms; and the whole when thrown together, established upon these principles of law, which the State herself has laid down as guides to others, that a contract had been entered into between herself and Mr. Maddox.

A contract consists of a proposition, and the consent to it; and the agreement is complete, when the acceptance of the person to whom it is proposed, "is made known"—no technical words are needed to create, or to define it, the mere operation of the mind is required, and that operation, in cases similar to the present, may be shown, by any legal evidence. Civil Code 1791, 1794.

To the minds of the Committee it was clear, that the State of Louisiana could enter into an agreement with the petitioner and that she did legally

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and actually contract with him, for the printing of 2000 copies of the debates in English, and 1000 in French, upon the following terms: for the printing of two hundred copies in book form, in French and English, and printed in minion, and compared with the matter published in the journal, the pages to have eighty-one lines in length, including the title, the blank line under the title and the foot line, the books to be stitched and bound in the same manner as law books, $2 50 each page; and for every 200 copies after the first 200, two dollars per page; and the Committee in the investigation of this matter, having arrived thus far, towards a final conclusion, next directed its attention to the solution of the following points, viz:

Has the applicant, Joseph H. Maddox, held himself ready at all times, to comply with the duties devolving upon him, relative to the printing of the debates, and the insertion thereof in the daily and weekly paper; has not the State failed in the performance of the conditions stipulated on her part; and does the readiness on the part of Maddox, and the failure on the part of the State, entitle the former to indemnity?

The first testimony to which the Committee referred, was the affidavit of the applicant himself, in which he states "that in order to hold himself in readiness to finish this contract with the State, he was unable to give his time and attention and means to other work—that he had to keep matter setting up for a long time, and consequently unable to use the types. The next evidence was the testimony of Thadeus D. Vanhorn, who states under oath, "that the office commenced the printing and publishing of the debates of the Convention, and continued to print while copy was supplied by the Reporter Edwards. That deponent frequently called upon Mr. Edwards, to obtain the manuscript of the proceedings from the Reporter, but could get nothing from him after the first few pages.

The sworn statements of L. Graham were next considered, by which it was shown, "a small portion of copy was furnished the office by Mr Edwards, the Reporter of the Convention, which was put into type and struck off at once; after this he could get no more manuscript from the Reporter; he had to keep the matter standing, and waiting for him, and could use the type for no other purpose."

In the early part of the Legislature of 1853, Mr. McCay, introduced into the Senate, a resolution instructing the Librarian, to correspond with the Reporter of the late Convention, and learn the reasons why the debates of that body, had not been reported and printed. Under this resolution, the Librarian opened a communication with Mr. Edwards, the Reporter, under date May 7, 1853, and received in reply to the same the answer of the Reporter of June 13, 1853. In this reply Mr Edwards says: "That as soon as I may be able, or fortunate enough to recover my health, so far as to enable me to write a page without entirely losing the subject, I shall review the writing of the debates and continue them until completed." Not long after this time Reporter died, without having made a manuscript of the debates.

The claimant answered the call upon him in accordance with the facts of the case, expressing his desire to proceed with the work, which he was prevented from doing, by the Reporter not furnishing him with the copy. The evidence herein above referred to, satisfied the Committee of the good faith and readiness, which existed on the part of Maddox, and left it no room to doubt, that the State, through its convention, or rather through her officer, the Reporter for such convention, had been guilty of omissions, laches and delays, and had been clearly put in default by the printer Maddox. Then arose the question, does the readiness on the part of the claimant and the failure on the part of the State, entitle the former to indemnity?

The Legislature of the State of Louisiana in article 1924 of the Civil Code, has declared that "the obligations of contracts extending to whatsoever is incident to such contracts, the party who violates them is liable, as one of the incidents of his obligations, to the payment of damages which the other party has sustained by his default, and as the Committee could discover no good reason why the State should be subjected to a less stringent rule than the one which she has laid down for the government of her citizens, they have concluded that it would be but common justice to hold her up to the payment of any damages or losses, which may have been produced by her laches; nor is this conclusion arbitrary and unsupported by authority; on the contrary precedents, sustaining the opinion of the Committee, may be found both in legislature and judicial forums. 6, New Hampshire Reports, page 494, Marsterton vs Mayor, 7, Hill, N. York Reports. In the latter case, the question of damages was well discussed, and the right of indemnity fully determined, that so far as private individuals are concerned.

Judd v. Comstock, N. Y. Reports, p. 411.

The history of the above case is this:

James Jones and Edward Jones sued Judd in the Court of Common Pleas of Cattaragus county, for the price of labor.

The defendant contracted with the State to complete certain sections of the Genesee Valley Canal. He entered into a sub contract with the plaintiffs for a part of the same work. The work of the canal, including that on which the plaintiffs were engaged, was stopped by the Canal Commissioners before they had completed their job, and they never finished it. The Legislature passed the act to "preserve the credit of the State," which put an end to the original contract between defendants and the State.

The performance of the required condition having become impossible by the act of the law, the Court held that the plaintiffs were entitled to indemnity, as the non fulfillment of the contract resulted from no fault of theirs.

Subsequently, the Legislature refunded Judd the damages obtained by defendants in this case, the Committee then considered some remarkable precedents under the Federal Government. Under a contract with the War Department, Nimrod Farron and others stipulated to erect a certain fortification on Dauphin Island. The contractors proceeded to the execution of the work. They made all the necessary preparation for the performance of their contract. The requisite appropriation was withheld by Congress, the work was discontinued, and the contractors dismissed. For this breach on the part of the Federal Government, the contractors claimed full indemnity. By an act of Congress the claim was referred to a Commissioner to ascertain the amount of profits which would have resulted from the completion of the work. The Commissioner, Mr. Swan, a lawyer of eminent ability, made his award, allowing full profits. This award was sanctioned by Congress. Nimrod Farron & Co. received under this award as profits, upwards of $70,000, in consideration of the violation of the contract on the part of the Federal

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Government. See report H. R., second session 25th Congress, doc 56.

So, also in consequence of the failure of the Federal Government to designate the spot in which the fortification was to be erected. In this case the Commissioner decided that it would be just and reasonable, that profit should be allowed to the contractors which might have been made by the employment of their laborers.

See also the act for the relief of Peter Barges, United States Statutes at Large, vol. 6, 760.

Again, Blair & Rives were in 1840 elected printers to the H. R. United States. It became necessary during the vacation to publish a compendium of the census. Mr. Webster, not considering that this work came under the contract of Blair & Rives, as printers to the House of Representatives, placed it into the hands of Thomas Allen, the editor of the Madisonian at that time, to be done. Blair & Rives protested against the exercise of such a power on the part of Mr. Webster, and claimed that they were the proper parties to execute the work, upon which they petitioned Congress for full compensation, as if they had completed the whole work. This claim was settled by a full indemnity.

Reference may also be had to the report in Congress for allowing damages when the government failed to fulfill its contracts, &c., &c. See 2d session 22d Congress, vol 1, doc No. 1. See American Jurist, October 1833, act 3, page 251, for an able disquisition as regards the fulfillment of a contract by the Government, in which the doctrine is recognized that the Government is answerable in damages on the allowance of profits whenever, by its own actions or its officers, a contract is violated

The Committee do not feel authorized to conclude this report without referring fully to the details of the case connected with the Chickasaw Indians By the treaty of Pontotoc, 20th April, 1816, the Chickasaw Indians stipulated to remove West of the Mississippi river, and the General Government to furnish them with the means of doing so. To carry into effect the stipulation, a contract was entered into with Capt Buckner. When the Chickasaws assembled at Memphis, only 300 could be persuaded to go by the boats, the balance of the tribe refused to do so, and traveled by land to the country allotted to them West of the Mississippi. For all these Indians who thus went by land, Captain Bucker charged the same price for transportation as if they had gone in his boats, and for this he was allowed and paid the sum of $37,749, in other words he was paid for transporting on boats Indians who had traveled through by land.

With these facts and authorities before the Committee, it could not refuse to acknowledge that the claimant is entitled to indemnification, and are, moreover, constrained to say, that the measure of such indemnity ought not to be less than the damage sustained by Mr. Maddox, and the amount of profits which would have resulted from the completion of the stipulated job.

The Committee has not felt itself authorized to investigate the "quantum" of the claim, and in order that the question and others, material to the matter in hand, be properly and rigidly investigated, the Committee prays your honorable body to pass the accompanying resolution.

All of which is respectfully submitted.

Signed: GEORGE S. LACEY,
B. L. HODGE,
THOS S. McCAY.

Resolved, That the Committee on Claims be instructed to ascertain the amount which Joseph H. Maddox is entitled to demand from the State on his alleged claim, and that they be also instructed to inquire whether the sum of $3010, received by him under an act of the last Legislature, was not received in full payment of all he demanded against the State, growing out of the printing of the debates, and the publication of the same in the daily and weekly paper.

On motion of Mr. Lacey one hundred copies of this report were ordered to be printed.

Mr King, from the same Committee, submitted the following

MINORITY REPORT.

To the Hon. W. W. Farmer, President of the Senate—

The undersigned members of the Judiciary Committee to whom was referred the legality of the claim of Joseph H. Maddox against the State, as Printer to the Convention, ask leave to present the following report:

The history of the present claim is understood by us to be substantially as follows:

When the State Convention to frame a new Constitution for the State, assembled in 1852, they resolved to elect a Printer for the Convention At the election which subsequently occurred, the present claimant was elected Printer by the Convention. The Convention also elected a Reporter to report the debates of the Convention. The Reporter died before he finished making the reports. During the last session of the Legislature, Mr. Maddox presented his bill for printing such of the debates as had been finished by the Reporter, and was paid for the same by an appropriation amounting to about $3010. He had been previously paid for all other printing done by him for the Convention. At the present session he again appears before us and urges a claim, as we understand, which will amount to upwards of fifteen thousand dollars, additional compensation, based upon the following considerations:

He alleged that the Reporter of the Convention died without having furnished him with the debates of that body. He further alleges that if the said Reporter had furnished him the debates to print, he would have made the above amount of profits by printing the same.

He also alleges that in order to get prepared to do the printing of the Convention, he was under the necessity of incurring considerable expenses, in purchasing the requisite type, &c, for the execution of the work. For this outlay he contends he is entitled to some indemnity.

Every question of law must be determined in reference to some statement of the facts. The foregoing are believed by the undersigned to be the material facts involved in the proposed inquiry, to wit: the legality of the claim in question.

Under the above circumstances, the undersigned are of opinion that Mr. Maddox, by his election, became a public officer of the Convention. The duties of his office were to print such matter as was furnished to him by the Convention.

The principle that public officers, so far as the sovereign State is concerned, have no vested right either in the tenure of their office or the duties assigned to them, has been too long settled, both by legal authority and the practice of all governments, to be now controverted. In illustration of this principle we need only refer to the history of Louisiana. Under the mandates of their sovereigns the Spanish and French officers gave up their places and government to the officers of the United States at the time of the execution of the treaty of cession. The judges appointed for life and the other

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officers of the territorial government, in like manner, yielded their places upon the admission of Louisiana into the Union. The judges appointed for life under the Constitution of 1812, and other officers whose terms of office had not expired, gave up their places upon the organization of the government under the Constitution of 1845.

More recently, we have seen the Governor of the State, the Judges of our Courts, and many other officers, whose terms of office had not expired, yielding their places to their successors under the Constitution of 1852. None of these persons would probably have yielded their offices, if it had been understood they had a vested right in their offices, which it was understood that not even the sovereign power could disturb or divest. The tenure of an office is always subject to the sovereign will of the Government when legitimately expressed.

The law is equally certain with regard to the duties of an office. The sovereign power may add to them or diminish them, without in either event giving rise to any *legal* claim for increased compensation or damages for diminished revenues. If the officer considers himself aggrieved by the change he always has a very ready remedy for his grievances, to wit: his resigning. It is the settled law of this country, that every civil officer may resign when he pleases, and neither the President of the United States, nor any other power in this government, can compel him to serve against his will.

Such being the well settled principles of law, it only remained to apply them to the case of Mr. Maddox.

The Convention being an assemblage of the people of the State in their highest sovereign capacity, had the undoubted right to dismiss him at their pleasure, without giving rise on his part to any legal claim against the State. Their right either to increase or diminish his duties was equally certain.

Public officers have no right to complain of the exercise of this power, for they are presumed to be cognizant of the incidents necessarily coupled with their acceptance of office. Mr Maddox became bound by his acceptance of the office, to do whatever printing the Convention gave him to do. If he could not comply with this obligation, it was his duty to resign If he printed the matter furnished him he had against the State a claim for the stipulated compensation. If such a claim had existed against an individual, he would have had a legal right to recover it, and could do so by suit in the proper court. Beyond this, he had no legal right whatever. The idea that he had a legal right to recover from the State what he might have made, if the Convention had given him more business to do, is to our minds preposterous. Every officer of the State might urge claims to extra compensation upon similar grounds, especially where his emoluments are derived from fees of office—for most of them might say with great propriety, that they could have done more work and have made more money if the State had given them more to do.

We now propose briefly to examine the equitable claim of Mr. Maddox.

Every person who becomes a candidate for a public office guarantees to the public that he is able and competent to perform the duties of that office. The competitors of Mr Maddox for the office doubtless represented themselves, and probably were competent to comply with this implied guaranty. Whether it cost Mr. Maddox one cent or a million of dollars to get ready to comply with this guaranty, is a matter with which the State has no concern whatever. If he was not competent and prepared to comply with the duties of the office, he should never have accepted it. He should have left the field open to others, who would have probably gladly undertaken it and have complied with the duties of the office. He has, therefore, on this account, no shadow of equitable claim.

As for his claim for what he might have made if the Convention had furnished him with more printing to do, he might with equal propriety ask for the profits he might have made upon a reprint of all the books in the State Library. Upon the same basis, our printer for this session might bring in a claim for profits which he might have made, not upon all the documents which he might think we ought to have published, but also upon all the documents he might think we should have written. Such a position, we think, unworthy of further refutation.

We have been referred in the memorial of the claimant to various legal authorities. After a cursory examination, we think it is apparent they are wholly inapplicable to the present case.

Most of the cases referred to were where the State had actually made a special contract with an individual.

There is no doubt that a sovereign may enter into a special contract, and when made is under all the moral obligations that would bind an individual under similar circumstances. But we have previously shown that such is not the relation between the State and a public officer.

A public officer is always under the control of the sovereign authority, and there is no contract either as to the tenure, the duties or emoluments of his office and cannot legally complain of the exercise of this power by the sovereign. The idea of a contract in the present case, is not at all justified by the facts or by the theory of our form of government.

The case of Blair & Rives is not one in point. They were the lawful printers of Congress. The Secretary of the United States gave printing, to which they were entitled by the laws, to another person. In so doing, the Secretary of State acted contrary to the law, and deprived them of work and profits to which they were legally entitled.

Mr. Maddox does not complain that printing to which he was entitled by law, was given to other persons. To make the two cases at all analogous, he should have shown that the Secretary of the Convention or some other subordinate officer of that body, gave out printing to which he was entitled, to some other person, and that the recipient of these illegal favors had made profits to which the printer of the Convention was lawfully entitled. Mr. Maddox makes no such allegations. The cases are not analagous, and the authority is inapplicable.

In conclusion, we beg leave to express the opinion that there is not a particle of foundation for the claim of Mr. Maddox, neither in law nor equity; it is wholly unsupported by either justice or precedent.

Signed: W. W. KING.

AFRICAN COLONIZATION.

SPECIAL ORDER OF THE DAY.

This being the day set apart for the consideration of a bill entitled

An act to aid the colonization in Africa of the free people of co or in this State.

It was taken up and read section by section, as follows:

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Section 1 Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That His Excellency the Governor of this State, the Secretary of State, and the Auditor of Public Accounts, and their successors in office, be and they are hereby constituted and denominated "The Colonization Board," any two of whom shall constitute a quorum.

That said Board is hereby authorized to receive donations and bequests, and all taxes raised in this State for colonization, and to apply the funds so received to the removal of such free negroes to the coast of Africa, as are by law required to be removed, and such others as may choose to remove

That said Board may sue and be sued in any Court in this State; that said Board shall report all its proceedings to each meeting of the General Assembly, and particularly of all money, how received and how disbursed, with the name, residence, age and sex of each free colored person removed to Africa under this act.

Sec. 2. Be it further enacted, &c., That an annual tax of one dollar be, and the same is hereby laid upon each free colored person found within this State, of twenty-one years of age and upwards; that said tax shall be assessed, collected and paid into the Treasury by the same officers, and in the same manner as other State taxes, and it shall be the duty of the tax collectors to collect the same, for which service they shall receive five per cent. on the amount collected. An account shall be opened in the books of the Treasurer and Auditor, of all money raised and received under this act, and shall be kept forever as a separate fund.

And if any free negro shall refuse to pay said tax, then the Collector shall institute legal proceedings against said delinquent, as in other cases of delinquent tax payers, and in the absence of property, it shall be lawful when execution is issued, to seize and take into custody the person of said delinquent, and to hire the same out at public auction, or to such person or persons as will advance said tax and costs, for the shortest term of service from said free negro.

On motion of Mr. King the words "His Excellency the Governor," in the third and fourth line of the first section, were stricken out, and the words "Attorney General of the State" were inserted in lieu thereof. The first section was then adopted as amended.

On motion of Mr. King the words "under sixty" after the word "and," in the fourth line of the second section were inserted in lieu of the word "upwards," which was stricken out.

Mr King moved to strike out in the seventeenth line all after the word "taxpayers," and moved the adoption of the section as amended.

Mr Hodge moved to lay the motion on the table and called for the yeas and nays.

Hon. John Moore in the Chair.

Messrs Hodge, Macmurdo, McCay and Wickliff—4 yeas.

Messrs. Griffin, Hébert, King, Key, Kittridge, Lacey, Lawes, Martel, Moore, Pellerin, Ryan, Scott and Trudeau—12 nays

Consequently Mr Hodge's motion was lost.

Mr King moved the adoption of the second section as amended.

Mr Hodge called for the yeas and nays.

Hon John Moore in the Chair.

Messrs Griffin, Hebert, King, Key, Kittridge, Lacey, Lawes, Macmurdo, Martel, Ryan and Scott—11 yeas.

Messrs Defreese, Hodge, McCay, Moore, Trudeau and Wickliffe—6 nays.

Consequently the second section was adopted as amended.

Mr. Hodge moved to adjourn and called for the yeas and nays.

Hon. John Moore in the Chair.

Messrs. Hodge, Pellerin and Trudeau—3 yeas.

Messrs. Defreese, Griffin, Hebert, King, Key, Kittridge, Lacey, Lawes, Macmurdo, McCay, Martel, Ryan, Scott and Wickliffe—14 nays.

Consequently the Senate refused to adjourn.

Mr. Wickliffe moved for a call of the House.

Messrs. Defreese, Griffin, Hebert, King, Key, Kittridge, Lacey, Lawes, Macmurdo, McCay, Martel, Moore, Ryan, Scott, Trudeau and Wickliffe—16 Senators answered to their names.

On motion the Senate went into executive session and sat with closed doors.

The doors being opened,

A motion was made to adjourn until Monday next, 10 o'clock, A M.

Mr Lacey called for the yeas and nays.

Hon. John Moore in the Chair.

Messrs Hodge, Pellerin, Trudeau and Wickliffe—4 yeas.

Messrs Defreese, Griffin, Hebert, King, Key, Kittridge, Lacey, Lawes, Macmurdo, McCay, Martel and Ryan—12 nays

Consequently the Senate refused to adjourn.

On motion of Mr Martel for a call of the House the following Senators answered to their names.

Messrs Defreese, Griffin, Hebert, King, Key, Kittridge, Lacey, Lawes, McCay, Martel, Moore, Palfrey, Pellerin, Ryan, Scott, Trudeau and Wickliffe—17 Senators.

On motion to adjourn until Monday next, 10 o'clock, A M,

Mr Martel called for the yeas and nays.

Hon John Moore in the Chair.

Messrs Defreese, Griffin, Hebert, Kittridge, McCay, Pellerin, Scott, Trudeau and Wickliffe—nine yeas.

Messrs King, Key, Lacey, Lawes, Martel, Moore, Palfrey and Ryan—8 nays.

Consequently the Senate stood adjourned until Monday next, 10 o'clock, A M.

MONDAY, February 27, 1854.

After the reading of the journals, Mr. Moore said:

Before the Clerk carries the bills to the other House, I consider it my duty to move a reconsideration of the vote on the bill I introduced the other day to repeal a certain section, of a certain act in reference to the public lands. I was in a state of excitement at the time, about a bill I had introduced, concerning the withdrawal of certain public lands from sale, and I find the effect of the bill would be to stop the sales of all lands. I had no such intention. I was led into the error by the observation of those around me. I am always willing to rectify my mistakes when I find I am in error.

The vote was reconsidered and the bill laid on the table indefinitely.

THE JUDICIAL SALES BILL.

Mr. King, from the majority of the Special Committee to which was referred the bill to regulate the Succession Sales in the parish of Orleans, made a report accompanied with a bill.

Mr. Kenner—

I wish to make a remark, personal to myself, in relation to the bill reported by the committee. It will be recollected that on my motion, the orginal bill introduced by the Senator from New Orleans,

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(Mr. King) was referred to a Special Committee. The President of the Senate did me the honor to name me as a member of that committee This was three or four weeks since. I will now state, for the information of the Senate, that I never have been told by the Chairman of that committee, or by any one else, when a meeting was to be held. Every thing, so far as I knew anything about it, was kept strictly secret, and the first I hear on the subject as the report of the committee. I was exceedingly anxious to take part in the deliberations of the committee. I wished to propound certain inquiries which I thought important and necessary to a full elucidation of the subject, and I wanted also to present a counter report. I say this with all due respect to the committee. I wish to be guilty of no discourtesy, but I consider it my duty to state the facts of the case to the Senate, leaving members to draw their own inferences.

Mr. King—

I must say, sir, that I regret extremely that the gentleman feels himself agrieved by the action of the committee; but I do not see why he should think himself peculiarly slighted From the date of the appointment of the committee up to this moment, I do not believe there has been a time when all the members were present On Friday last, a meeting of the committee was called, and if the gentleman had been here, he would certainly have been notified of the fact; and I can say sincerely, that nothing would have given me greater pleasure than his presence at the meeting. I am as unwilling to inflict a discourtesy on any one as the gentleman himself, and I think I have equally as just an appreciation of what is due to my brother Senators. But it was absolutely necessary for the committee to meet at some time. The session was drawing to a close; there was a larger number of members then present than there had previously been at any one time and I thought that was the proper moment to call them together. I did not see any necessity to defer the meeting, since delay might have again reduced the number of members in attendance.

Mr. McCay—

As the Senator from Ascension, (Mr. Kenner) seems desirous of making a report, in order to have his views on this bill spread upon the journal, I move to make it the order of the day for Wednesday next, with leave to Mr. Kenner to make a report.

Mr. Rivers—

I move that the bill be recommitted.

Mr. Kenner—

I would remark, in reply to the observations of the Senator from New Orleans, (Mr. King) that the committee has been formed for several weeks, and that no meeting was called, although I was here all the time, for a long period. I met the gentleman on Thursday last, and told him of my intention to leave, so that he must have known of my absence, yet it appears he took advantage of that fact to call the committee together and make a report.

Mr. McCay—

I see no objection to the motion of the Senator from Concordia. I think we ought to give the gentleman from Ascension a chance to propound those important interrogatories, I second the motion to refer the bill to the same committee.

The bill was recommitted.

COLLECTION OF TAXES.

Mr. Macmurdo reported favorably on the bill for the relief of the Sheriff of the parish of St. Landry, and said:

I will state my reasons for making this report. The parish of St. Landry is several years in arrears, in the making her tax returns to the Auditor's office. The new sheriff is willing to take on himself the duty of collecting the back taxes for those years, but in order to enable him to do it, he requires an extension of the time in which he is compelled to make returns. The Finance Committee thought not only that the request was reasonable, but that it would be of benefit to the State to grant it, because thereby a large amount of taxes would be secured which otherwise might be lost

The bill passed.

RAILROAD BONDS.

Mr. Macmurdo called up the following bill, to authorize the city of New Orleans to issue bonds in favor of the Jackson and Great Northern, and the Opelousas railroads, in place of the taxation.

An Act providing for the subscription by the city of New Orleans to the Stock of the New Orleans, Jackson and Great Northern Railroad Company, and the Stock of the New Orleans, Opelousas and Great Western Railroad Company.

Section 1. Be it enacted by the Senate and House of Representatives of the State Louisiana, in General Assembly convened: That it shall be lawful for the Common Council of the city of New Orleans to subscribe to the stock of the New Orleans, Jackson and Great Northern Railroad Company, in a sum not exceeding two millions of dollars, and also to subscride to the stock of the New Orleans, Opelousas and Great Western Railroad Company, in a sum not exceeding one million five hundred thousand dollars.

Sec 2 Be it further enacted, &c.; That any ordinance authorizing such subscriptions shall contain the following provisions, to wit:

1st. A statement of the number and amount of shares for which the city subscribes.

2d. That the subscription of the city shall be made by the Mayor, and shall be payable in bonds of said city for one thousand dollars each, having twenty years to run, bearing interest at the rate of six per cent. per annum, with interest coupons attached payable semi-annually in New Orleans or New York, as the Company entitled to receive them may prefer, transferable by the endorsement of the President and Secretary of said Company, and convertible into the stock of said Company, at the option of the holder, at any time within ten years after their date.

3d. That a special tax on real estate and slaves shall be levied in January of each year, sufficient to pay the annual interest on said bonds, specifying the rate of said tax, which shall be collected at the same time and in the same manner as the consolidated Loan Tax of said city; and all ordinances, resolutions or other acts, passed by said council after the first day of January in each year except an ordinance to impose said consolidated Loan Tax, shall be null and void, unless a resolution imposing a special tax for the payment of the interest on said bonds issued to the Railroad Companies, herein named, shall have been previously passed. Provided, that no levy of a tax for the payment of interest on said bonds, shall be made after the payment of dividends of six per cent. per annum on the stock of said Companies, held by the city, as hereinafter provided, which dividends shall be applied by the City to the payment of the interest. And provided further, that whenever the dividends on said Railroad Stock of the City shall amount to more than six per cent. per annum, the excess,

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after the payment of interest, shall be applied to the purchase of the City bonds issued under the provisions of this act; it being understood that when dividends for less than six per cent. per annum are received on the railroad stock of the city, a tax for interest shall be levied for the difference only between the amount of the said annual dividends and the amount of the annual interest.

4th. That immediately after the passage of the ordinance authorizing the subscription, and its approval by the voters of the city, as hereinafter provided, the Mayor shall cause bonds to be issued to each of said Railroad companies for a per centage of the City subscription equal to the per centage which may have been previously called by the Board of Directors of said Railroad Companies, respectively, on the subscriptions of private stock holders in the city of New Orleans; and thereafter, that he shall cause bonds to be issued to each of said Companies for the same per centage that may be demanded from private stockholders, under any subsequent call of said Boards

5th. A repeal of an ordinance of the Common Council of New Orleans, approved May 13th, 1852 entitled "An ordinance providing for the subscription by the city of New Orleans to the stock of the New Orleans, Opelousas and Great Western Railroad Company," and of an ordinance approved May 17th, 1852, entitled "An ordinance providing for the subscription by the city of New Orleans to the stock of the New Orleans Jackson and Great Northern Railroad Company." Provided, the repeal of said ordinances shall not be so construed as to relieve the city from the liability to collect and pay over to said Railroad companies that portion of the Railroad tax, imposed under said ordinances, for the year 1853, which has not yet been collected and paid over to said companies.

Sec. 3. Be it further enacted, &c.; That the City bonds issued to said Railroad Companies shall be received by them as cash, and said Railroad Companies shall issue to the city of New Orleans, therefor, certificates of stock for an amount equal to the amount of the bonds received; and the stock of the said companies, thus issued to the city of New Orleans, shall remain forever pledged for the redemption of said bonds; provided, however, that any holder of said bonds, who may desire to convert them into the capital stock of the Railroad Company to which they may have been issued, shall, on application to the Treasurer of said city, and on surrender to him of the bonds to be converted, receive from said Treasurer a transfer of the stock represented by the bonds surrendered, and said bonds shall be immediately cancelled.

Sec. 4 Be it further, enacted, &c; That no ordinance passed by the Common Council, in conformity with this act, shall be valid or take effect until it shall have been approved and ratified at an election to be held for that purpose by order of the Common Council, by a majority of the voters of the city, who have the right, under existing laws, of voting at city elections. Said election shall take place within fifteen days after the passage of the ordinance—be preceded by a public notice of ten days, to be published by the Mayor in two or more of the city newspapers, and shall, in all respects where not herein otherwise provided, be conducted in the manner prescribed by law for city elections: Provided, that if the Common Council refuse to subscribe to the stock of the Railroad Companies herein named, in the manner set forth in this act, it shall be lawful at any subsequent period, and as often as the Council may deem proper, at intervals of not less than two months, for said Council to reconsider the premises, and should the ordinance, when finally passed by the Council, be rejected by the vote of a majority of the duly qualified voters of the City when first presented to them for ratification, the Council may, at any subsequent period, and as often as they may deem proper, cause the sense of the voters again to be taken, in the same manner as at the first election, at intervals of not less than two months.

Sec. 5. Be it further enacted, &c; That no ordinance passed by the Common Council, in conformity with this act, shall be submitted for ratification to the voters who have the right by law to vote at City elections, until the Boards of Directors of said Railroad Companies shall have notified the Mayor in writing, of their consent to accept said ordinance; provided, their acceptance of the ordinance, before it shall have been submitted to the voters of the City for ratification, shall be null and void, in the event of the rejection of the ordinance by said voters.

Sec. 6 Be it further enacted, &c.; That any bonds which may have been issued by either of said railroad companies, and secured by a pledge of the railroad tax, for the year 1854, 1855, 1856 1857, or 1858, levied under the ordinance of the Council, referred to in the second section of the act, and approved May 13th and May 17th, 1852, shall be cancelled by the company which issued the same, before said company shall receive from the city any of the bonds authorized to be delivered for subscription to the stock of said company, by virtue of the act; or if said company prefer, they shall have the right to deposit in the State Bank of Louisiana, an amount in cash sufficient to pay said bonds, so secured by a pledge of the railroad tax, and the interest on said bonds until their maturity; and on the exhibition to the Mayor of the railroad tax bonds cancelled by the company, and a certificate from the cashier of said Bank showing the amount of cash specially deposited for the redemption of the railroad tax bonds not cancelled, and the interest thereon, until maturity, the Mayor shall, if satisfied that the whole of the bonds of the company, secured by a pledge of the railroad tax, have been cancelled or provided for by a deposit in the manner herein directed, deliver the City bonds to which said company may be entitled, on account of the subscription of the city.

Sec. 7. Be it further enacted, &c.; That the Common Council shall, in the month of May of each year, elect, by joint ballot, three citizens of New Orleans as directors of the New Orleans, Jackson and Great Northern Railroad Company, and the same number as directors of the New Orleans, Opelousas and Great Western Railroad Company, who shall serve as such for one year, or until their successors shall be elected; provided, no member of either Board of the Common Council or officer of the corporation shall be eligible as a director; and provided further, that on the conversion into stock of one-third of the bonds issued to said companies by the city, the Common Council shall elect but two directors in each of said companies. When two thirds of said bonds shall have been converted, the Council shall elect but one director, and when the whole of said bonds shall have been converted, the Council shall no longer elect any directors.

Sec. 8. Be it further enacted, &c.; That this Act shall take effect and be in force from and after its passage.

Mr. Evans—

I have not been furnished with a copy of the bill, and therefore I cannot say that I comprehend

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it thoroughly. If I understand its provisions correctly, I shall vote against it. When the bill passes, the city will issue bonds and the people will be taxed to pay the interest on them sooner than under the late law. They are already taxed heavily enough for railroad purposes and there is no necessity to hurry the taxation.

Mr. Macmurdo—

The gentleman seems to be in error as to the effects of this bill It does not, as he supposes it does, impose additional taxation, nor does it increase the amount of the State subscription.—The object of the bill is simply to substitute bonds having a long period to run for the direct taxation which is now imposed.

Mr. Evans—

But it raises the amount more speedily. For instance, as soon as these bonds are issued to the company, by the city, the State becomes a subscriber to the amount of one-fifth of an equal sum Of course, therefore, this happens quicker than if we adhere to the existing law, under which a certain amount is raised yearly by taxation.

Mr. Macmurdo—

That is true to a certain extent. But the gentleman must remember that all this does not increase the amount to be drawn from the State Treasury. The State issues her bonds having forty years to run. That is the method she has adopted.

The Secretary read the bill.

THIRD SECTION.

Mr. Delcase—

I do not understand that section. I do not like to vote against the bill or any section of it, but it seems to me that, under that section, there is a chance that the State may suffer loss. I should like the gentleman to explain it.

Mr Macmurdo—

I do not see how the effect alluded to by the gentleman can be produced.

Mr. Defreese—

Will not the State suffer by the depreciation of her stock consequent on the issue of these bonds.

Mr. Macmurdo—It is expected that the security will be of such a kind as to make it equal to six per cent. stock. I do not see any thing to apprehend from the difficulty feared by the gentleman.

FOURTH SECTION.

Mr. Defreese—

Under this law, who is to pay the expenses of these numerous elections?

Mr. Wickliffe—

I move to strike out "two" and insert "three." That will be often enough to hold those elections. I am opposed to tiring out the patience of the people by calling them so often to the polls. The bill may be unpopular; it may be rejected by the people of New Orleans. Why then should we call on them to vote on it again and again.

Mr. Macmurdo—

There can be no doubt of the favorable action of the people of New Orleans on this proposition The time stipulated between the elections is fixed at two months, on account of the necessity of prompt action on the part of the railroad companies. If, by chance, one Council should be opposed to it, and refuse to submit it to the people, another Council may be disposed to do it.

Mr. Evans—

The bill gives the people of New Orleans the power to regulate the action of the State, by placing in their hands the power to decide when the bonds shall be issued by the State.

Mr. Macmurdo—

The gentleman is mistaken in that. The State is already a subscriber.

Mr. Evans—

But if this proposition be adopted by the people of New Orleans, the State will be compelled to issue her bonds sooner than she otherwise would.

Mr. Macmurdo—

That makes no difference. Whether the bonds are issued now or next year, they fall due and are to be paid at the same time.

Mr. Kenner—

I would state to the Senator from West Feliciana, (Mr. Wickliffe) that the Common Council of New Orleans are the representatives of the people of that city. They will, of course, not be willing to harass their constituents unnecessarily. The fears of the gentleman are more imaginary than real.

Mr. Palfrey—

Before the bill is read any farther, I should like to be informed on one point, which I do not, at present, thoroughly understand. How are the rights of real estate owners to be disposed of in reference to the acquiring of stock in the companies by the payment of taxes under the existing law. The act of 1852, says:

"Sec. 4 Be it further enacted, &c.; That if any subscription be made under the terms of this act, the stock so subscribed shall not belong to, nor be administered by the parish, or municipal corporation by which the subscriptions shall be made, but said stock shall belong to the tax payers who shall have paid therefor; and the tax receipt of each tax payer shall entitle him to a certificate, transferable by delivery from the corporation, to which subscription has been made, for an amount equal to the amount of his tax paid; provided, however, that said police jury, or municipal corporation shall be empowered to require such bond and security, and in such sums, from the sheriffs, or collectors of said tax, as they may deem necessary."

The tax payers who have already paid are entitled to a proportionate amount of script. By the bill, the right to that stock is to be conferred on the city alone. I should like to have information on this point. I confess myself easily satisfied.

Mr. Macmurdo—

All such persons as are referred to by the gentleman, will continue to hold the script which has been issued to them. The city will take the rest as provided in the bill. The sixth section makes provision for the manner in which the script already acquired is to be redeemed. The section reads thus:

Sec. 6 Be it further enacted, &c.; That any bonds which may have been issued by either of said railroad companies, and secured by a pledge of the railroad tax, for the year 1854, 1855, 1856, 1857, or 1858, levied under the ordinance of the Council, referred to in the second section of this act, and approved May 13th and May 17th, 1852, shall be cancelled by the company which issued the same, before said company shall receive from the city any of the bonds authorized to be delivered for subscription to the stock of said company, by virtue of the act; or if said company prefer, they shall have the right to deposit in the State Bank of Louisiana, an amount in cash sufficient to pay said bonds, so secured by a pledge of the railroad tax, and the interest on said bonds until their maturity; and on the exhibition to the Mayor of the railroad tax bonds cancelled by the company, and a certificate from the cashier of said Bank showing the amount of cash specially deposited for

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the redemption of the railroad tax bonds not cancelled, and the interest thereon, until maturity, the Mayor shall, if satisfied that the whole of the bonds of the company, secured by a pledge of the railroad tax, have been cancelled or provided for by a deposit in the manner herein directed, deliver the City bonds to which said company may be entitled, on account of the subscription of the city.

Mr Moore—

Do I understand that there is a provision allowing the city to take, from individuals, the stock already acquired by them?

Mr. Macmurdo—

Not at all. They continue to hold their stock, if they choose.

Mr. Wickliffe—

I have a proviso to offer, providing that the books of the companies be at all times open to the inspection of the Common Council of the city of New Orleans.

Mr. Moore—

By the charters of the companies every stockholder possess that right now.

Mr. Macmurdo—

I must say that I do not like to oppose the Senator from West Feliciana, (Mr. Wickliffe) but I feel constrained to take the sense of the Senate on a motion to lay his proviso on the table. By the charters of the companies, as the Senator from St Martin, (Mr. Moore) has very justly observed, every stockholder has this right now.

Mr. Wickliffe—

I have read in the city newspapers that not long ago, the Council of New Orleans appointed a committee to make a similar investigation, but the company refused to grant permission to the committee to examine the books, saying that the city was not a stockholder, and had no interest in the matter. By this bill, the city becomes a stockholder, but the company may get rid of this by saying that, it is only a substitution of one form for another, and that, therefore, the city, in its corporate capacity, still has no interest. The company may get round the matter in this way.

Mr. Macmurdo—

Every one who was conversant with the facts at the time, remembers why that demand of the Council was refused by the Company. The city was not a subscriber at all, and therefore had no right to make such a demand. The company admitted, in the broadest terms, the right of every stockholder to examine the books. No citizen who had paid the tax, and thus become a stockholder, would have been refused.

Mr. Moore—

As I said before, every stockholder in the company, has a right to examine the books. By the operation of this bill, the city itself becomes a stockholder, and certainly would have a right, through the council, to institute such an examination.

Mr. Wickliffe—

Who represents the individual stockholders? It was said before, that the Council represented them. If they had a right, individually, to examine the books, why had they not a right to do it in bulk as represented by the Council, and what reason was there for the refusal of the Company? I believe if the people had met, and appointed a delegation to make that examination, the Company would still have refused. I want the people, at all times, to have the right of making an examination, in order that they may see whether there has been any foul play. If they subscribe a large amount of money they ought at least to have the privilege of seeing how it has been expended.

Mr. King—

It seems to me that the amendment of the Senator from West Feliciana, (Mr. Wickliffe) will only have the effect which is produced by the already existing law. The gentleman is certainly right in principle. It is in accordance with justice that the stockholders should, at all times, have the right of examining the books of the Company. But there is no necessity for encumbering the bill with amendments which only re-enact the existing law. And moreover, should we adopt this amendment, it might delay and even endanger the bill. It must be recollected that if it be amended the bill will have to go to the other House, and as it is late in the session, this delay might endanger its final passage. The Company is bound, at any time, to submit its books to the inspection of the stockholders. If it refuse, it could easily be compelled to comply.

The bill passed without the amendment.

COLONIZATION.

The following bill was then taken up:

An Act to aid the colonization in Africa of the free people of color in this State.

Section 1. Be it enacted by the Senate and House of Representatives, of the State of Louisiana, in General Assembly convened, That His Excellency the Governor of this State, the Secretary of State, and the Auditor of Public Accounts, and their successors in office, be and they are hereby constituted and denominated "The Colonization Board," any two of whom shall constitute a quorum.

That said Board is hereby authorized to receive donations and bequests, and all taxes raised in this State for colonization, and to apply the funds so received, to the removal of such free negroes to the coast of Africa, as are by law required to be removed, and such others as may choose to remove.

That said Board may sue and be sued in any Court in this State; that said Board shall report all its proceedings to each meeting of the General Assembly, and particularly of all money how received and how disbursed, with the name, residence, age, and sex of each free colored person removed to Africa under this act.

Sec. 2. Be it further enacted, &c; That an annual tax of one dollar be, and the same is hereby laid upon each free colored person, found within this State, of twenty-one years of age and upwards; That said tax shall be assessed, collected and paid into the Treasury by the same officers, and in the same manner as other State taxes, and it shall be the duty of the Tax Collectors to collect the same, for which service they shall receive five per cent. on the amount collected. An account shall be opened in the books of the Treasurer and Auditor of all money raised and received under this act, and shall be kept forever as a separate fund.

And if any free negro shall refuse to pay said tax, then the Collector shall institute legal proceedings against said delinquent, as in other cases of delinquent tax payers, and in the absence of property, it shall be lawful when execution is issued, to seize and take into custody the person of said delinquent, and to hire the same out at public auction, or to such person or persons as will advance said tax and costs, for the shortest term of service from said free negro.

Sec. 3. Be it further enacted, &c.; That whenever the said Board shall be satisfied from the ship-

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per's receipt or otherwise, that any free negro shall have been removed from this State to Africa, or shall have been embarked therefor by the Colonization Society, then the said Board are hereby required to issue their warrant on the Treasurer, payable to the authorized Agent of the Colonization Society, for one hundred dollars for each free negro person so removed, and for subsisting the same a limited time in Africa. And the Treasurer shall pay said warrant on demand; Provided, that the total amount shall at no time exceed the amount appropriated by the provisions of this act.

Sec. 4. Be it further enacted, &c; That the sum of ten thousand dollars be, and the same is hereby appropriated out of the fund created by this act, for carrying out the objects therein specified.

Sec. 5. Be it further enacted, &c.; that this act shall take effect from and after its passage.

Mr. Martel—

I move to lay the whole bill on the table. I would state that I oppose this bill on the ground of unconstitutionality. I shall call the yeas and nays, with a view of testing the question, whether the bill is not, in the opinion of the Senate, unconstitutional, under Article 30 of our State Constitution, which says:

"All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments, as in other bills; Provided, they shall not introduce any new matter under color of an amendment, which does not relate to raising revenue."

Mr. King—

I move to trike out all that part of the second section after the word "tax-payers" in the seventeenth line. I make this motion in order to save the bill, as I believe it may not pass the other House if it retain its present form.

Mr. Kenner—

Let us not act from any such motive as that. Let us vote for what we think right, without reference to the probable course of the other House, and take the chance of that body's being as sensible as we are. I think that is the proper way Let us act in accordance with our own convictions of right and wrong.

Mr. Ryan—

I would inform the gentleman that I, for one, am not influenced by any such motive, and I am in favor of striking out. I will mention an instance, to illustrate my reason: suppose the case of a free negro, perhaps too old or infirm to labor for his support, and therefore compelled to live on charity—is he to be sold or hired out in case he cannot pay the tax? I think an exception ought to be made in such a case.

Mr. Moore—

The law makes no distinctions.

Mr. Kenner—

I will give my reasons for wishing to retain those words in the bill It is well known that there are two classes of free negroes among us—the resident and the migratory. The latter are those we ought to reach; those who come here only in the winter, and remain but a few months, during which time they may disseminate the most pernicious and fatal doctrines, not only among negroes of their own class, but likewise among our slaves. It is they, whom we ought to reach, and whom we can reach in no other way than in that contemplated by this bill.

Mr. Rivers—

It is very true, as the gentleman remarks, that the migratory class is the one we want to reach. They are the ones who come here and spread doctrines among our slave population not exceeded in atrocity even by those contained in that infamous book of Mrs. Stowe. We want to get hold of those worthless fellows, and sell them or hire them out if they do not pay the tax.

The amendment was rejected, and the bill passed to its third reading.

LITERARY EDUCATION.

The following bill was taken up.

An Act for the advancement of Literary Education.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That whenever the citizens of any parish in this State, shall raise by subscription or otherwise, the sum of eight thousand dollars or more, in cash, for the purpose of building or endowing a College, for either males or females, and shall produce to the Auditor of Public Accounts, the certificate of the Police Jury, of the fact, then the Auditor shall issue his warrant in favor of such College, to one-third of the amount so raised by subscription, for the purpose of aiding such College: Provided, the State will not aid but one college in any one parish.

Sec. 2. Be it further enacted, &c.; That in case of a rivalry for the location of such College, the Police Jury shall give their certificate, and the Auditor of Public Accounts shall give his warrant in favor of the one, which shall have raised the greatest amount.

Mr. Defreese—

I move to amend by striking out the word 'eight' in the fifth line, and inserting 'one.'

Mr. Rivers—

What good would one thousand do?

Mr Defreese—

I might answer the question by asking what good eight thousand would do?

Mr. Kenner—

We can all very readily perceive that a man might effect an object with eight thousand dollars, which he could not accomplish with one thousand. The gentleman himself would certainly find a great difference between the two cases.

A motion was made to lay the amendment on the table.

The motion was carried.

Mr. Macmurdo—

Before the bill is passed I should like its author to explain how he means to provide for the expenses which will accrue under it. If every parish in the State should take advantage of this bill, at least $100,000 would be required to be drawn from the school fund.

Mr. Defreese—

I do not think it would be taken from the school fund.

Mr. Macmurdo—

So much the worse, for then it would have to be taken from the general fund.

Mr Evans—

I think the State could not devote its money to a better use. It is a very modest sum which is asked, small, indeed, when compared with the reasonably-to-be-anticipated benefits. Gentlemen vote money by the hundreds of thousands for plank-roads, railroads, and enterprises of a similar nature, yet hesitate to appropriate an insignificant sum to an important object like this. I think the cause of education is at least as important as that of railroads and plankroads. I think it as important that the people should be educated as that plankroads and railroads should be built.

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Mr. Defreese—

I am as much in favor of popular education as the gentleman from Claiborne (Mr. Evans) and also of high schools and colleges. But I think we should first have common schools to a greater extent than they now exist among us. We should develope our common school system before we commence establishing high schools and universities. Very few parishes will take advantage of this bill. Those parishes which are too poor to take advantage of this bill will be taxed as heavily as those which enjoy all its benefits. I should prefer it to be so framed that all the parishes might be able to reap its advantages. That was the reason for the amendment which I proposed a few moments ago. If the public money is squandered in this way, I should prefer schools established with the small sum of $1000, rather than have none at all. The Senator from Claiborne thinks this bill equally as much entitled to public favor as those railroad projects to which he has alluded. I do not agree with him in this position. This bill, of doubtful expediency at best, will not increase the value of property, or add to the wealth of the State. Railroads, on the contrary, increase the value of real estate for thirty miles on each side of their track. The merits of the project are, therefore, entirely different.

I do not depreciate education. I am as well convinced of its benefit and necessity as any Senator on this floor. I should like to see a college in every parish if they could all be supported. But, let me ask, how many parishes can raise the $8000 required by the bill? There are some, undoubtedly, which could; but even they might be prevented. You all know the disturbances and disagreements which exist in many of the country parishes in consequence of the jealous feeling which subsist between different and rival towns. There are, sometimes, two or three of these little towns in the same parish, and contentions would arise among them in regard to the location of the seminary. Each one would make an effort to raise the $8000, and though jointly they might succeed, yet separately either one would be unable to do it. Those, even the rich parishes, might be unable to take advantage of the law. But suppose they should be able to agree in this matter, who would be benefitted by it? Why, only those who are to send their children to private schools, or to institutions of learning abroad. Will it benefit that class which feels the burthen most, and is least able to bear it? or the class composed of those persons who are able to avail themselves of the advantages of schools in other places? If we take money from the school fund for any purpose, all should enjoy its benefits. All cannot be benefitted by one school in each parish, as there are many tax-payers, good and worthy citizens, who could not afford to send their children to these institutions. I regret to be compelled to oppose any proposition emanating from my esteemed friend, the author of this measure, but for the reasons I have given I feel constrained to decline giving it my support.

Mr. Evans—

The argument of the gentleman, if it be valid against this measure, would be equally applicable to the whole system of popular education. But after all, his argument amounts to very little. If any parish be too poor to take advantage of the provisions of the bill, its inhabitants can send their children to a neighboring parish, which may be more fortunate. In this way all would be enabled to enjoy its benefits.

Mr Key—

The bill does not, in any respect, conflict with the general law. If any parish succeed in raising this sum for the purpose of establishing a school of a higher character than the ordinary common schools, it should be indulged and encouraged in so laudable an undertaking. We are in the habit of appropriating sums of money for various purposes which we consider of public utility. We have, for instance, given large amounts for the University of Louisiana situated in the city of of New Orleans. Many of our people are not able to send their children there, and it is nothing more than reasonable that we should enable them to enjoy the same advantages which we have placed within reach of others. If any parish should raise the amount of money required by the bill, the State could do no better than to give the small sum proposed.

Mr. Palfrey—

I desire to offer an amendment, which I presume will not encounter any objection, and which will make the section a little clearer, without altering it in any material way.

The amendment was adopted.

Mr. Defreese—

I would move, if in order, to strike out eight and insert three. I do not wish to make a factious opposition to the bill, but I want to put it in such a shape that all the parties can derive advantage from it.

Mr. Moore—

I will state some of my reasons for voting against this bill. If we are to endow colleges, this is a very good way of effecting our design. But there are objections to the measure. Our taxes are already so great that they reach three times the amount they were in 1845. In my section of the State we pay three times as much taxes, while our property is worth very little more than it was. I am willing to do anything for the advancement of popular education. I am now an old man, but it is not long since I served as a director of our public schools, and I am willing to be taxed for their support. But I am not willing to see our money squandered in objects of doubtful expediency. Even merit is frequently given to teachers who do not teach the children. We divide the money in proportion to the number of pupils, and thus parishes which pay little receive much. What we want is a good system of primary education. Till we have secured that it is useless to build or endow colleges. I shall propose that this money be taken out of the school fund belonging to each parish, and then if a parish wants to take advantage of the bill it can do so. So far as my parish is concerned, I am confident the people do not want a college till they have good common schools. Now, I regret to say, the schools are misdirected, instead of directed. I have seen common schools in some sections of the country well conducted, but they are not so in my parish. The gentleman from Concordia (Mr Rivers) says there are no schools in his parish, yet it probably pays a larger proportion than any other parish in the State. I repeat that I am not opposed to education. On the contrary, I should like to see its blessings diffused among all the people. I feel deeply on the subject. I came to this State a poor boy of thirteen years of age, and from that day to this I have never been to school. I can, therefore, appreciate the evils of non education. I repeat that what we want is a good system of primary education. We certainly do not need colleges till we have pupils to send to them. Let me ask, who would be benefitted

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by this measure? Not the poor, surely. They are not able to send their children to a boarding school and support them there. They have already paid largely, and in addition pay a poll tax.

Now we would treble the tax for the benefit of a very small portion of the community, perhaps not amounting to one fourth.

Mr. Rivers—

I have no objection to this bill, provided it does not interfere with our present school system. I shall propose an amendment to follow the other proposed amendment providing that the State shall in no case be liable for more than the third of $8000, and with this amendment I move that the whole subject be referred back to the Committee on Education.

Mr. Martel—

I move to lay the amendment of the gentleman from St Martin on the table.

Mr. Rivers—

I again move to recommit the bill with all the amendments proposed, to the Committee on Education, so as to have it put into such a shape as to meet the exigencesof the case.

The bill was recommitted.

MOTIONS IN ARREST OF JUDGMENT.

The bill to prevent motions in arrest of judgment, after the rendering of a verdict, was taken up

Mr. Wickliffe—

I am opposed to that bill. I am opposed to taking from the criminal any of the rights he enjoys under the common law.

Mr. King—

This, sir, is a subject of no trivial importance, but one which demands our most anxious attention. We all know that one of the most common expedients to which criminals resort, in order to escape punishment, is an arrest of judgment, after being convicted, on account of some flaw in the indictment. After the verdict is rendered, the lawyer looks at the indictment, finds some flaw, and says, "My client cannot be convicted under this." He then makes a motion in arrest of judgment, and thus the criminal escapes, and goes unwhipt of justice. In several of the States this is not the case. The accused person is compelled to make his objections to the indictment before the cause goes to trial. The gentleman says he wants the criminal to retain all the rights he enjoys under the common law. I, on the contrary, want crime prevented or punished. I wish the criminal to reap the just reward of his violation of the law. In England even, the birth-place of the common law, this absurd system has been abolished. I would state here, what, however is doubtless known to all, that our Constitution prevents a person from being placed twice in jeopardy for the same offence, so that if he escape once, after a verdict rendered, there is no way of bringing him to justice. When once discharged on a motion for arrest of judgment, he is free from prosecution thenceforth. This absurd anomaly ought to be abolished here, as it has been in England. We should not shape our legislation to favor criminals, but rather to punish or prevent crime. If the opposite theory is the true one, we might as well abolish our criminal law at once, and permit crime to be perpetrated with impunity. I have often heard persons express sympathy with criminals. I, sir, have none of it. It is a false sentiment, and tends to encourage crime. I have no desire to see a criminal go unwhipt of justice. As to the dangers to be anticipated from abolishing the misnamed rights, they are purely imaginary. I venture to say that not once in a thousand times is a criminal convicted unjustly.

Because the prosecuting officer may have omitted to cross a t or dot an i, is no reason that the culprit should go unpunished. It is no good reason for permitting the ends of justice to be defeated.

Mr. Wickliffe—

The gentleman seems to think that I want criminals to go unpunished. He is laboring under a mistake. I wish to see crime punished as much as he can desire it; but at the same time I want every man to enjoy all the rights which are now extended to him by the common law—that law which has its glorious guarantee in the charter wrested from the tyrant John by the stout Barons at Runnymede. The gentleman says that under this system many criminals go unwhipt of justice. There is no doubt that such may sometimes be the case. But if an ignorant or negligent attorney knows not how to draw up an indictment, let the State suffer, not an individual. There is the law, its mandates are positive and intelligible. Let the District Attorney, the officer of the State—let him do his duty in accordance with the law, and no criminal can escape through such a cause.

Mr. King—

If the gentleman wishes to defeat this bill, let him do so fairly. If the country wishes this absurd feature of the law retained, let it be retained. The reason for this bill is that when a criminal is discharged for such a cause as this he cannot be brought to trial again. Therefore he ought to be made to say, beforehand, whether he considers the indictment defective and not permitted to make the objection after a verdict has been rendered. This certainly does not interfere with any rights of the accused. It is not unreasonable; it does not prevent his having a fair trial. It cannot be unfair that he should make his objection before the rendition of the verdict; and that is certainly the sensible course to pursue. A criminal should not be suffered to escape through the tricks of lawyers. It seems to me, however, that I am discussing what must be evident to the common sense of every man. A scoundrel, guilty of every crime, is not likely, when brought to trial, to mention a defect in the indictment before the jury goes out, when no good, a means of escape is presented by remaining silent till after that time. But when the verdict is rendered, he comes forward and says: "this is all an idle mockery, there is a flaw in the indictment, and I could not be convicted under it." Thus he escapes the reward of his crimes—he goes free into the world with the blood of his fellow-man upon his hands, or enriched by the spoils of his victim, and ready to commit fresh outrages on society.

Mr. McCay—

I would suggest the propriety of deferring this bill. It is, as the gentleman remarks, a subject of no trivial importance, and therefore ought not to be lightly considered. I am at all times loth to consent to a change of the common law without grave reasons in favor of the change. In this case, I am under the impression that my colleague has not stated the law accurately. He seems to imagine that the omission to dot an i or cross a t, would vitiate an indictment. This is a mistake. The process is much the same as in civil cases; by a demurrer beforehand, and a motion in arrest of judgment afterwards. In the city of New Orleans, three-fourths of the criminals go to trial without having counsel, and it is only through the intervention of some friend that witnesses are summon-

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ed in their behalf. The court, on the spur of the moment, appoints some lawyer to defend them, and he of course being ignorant of all the circumstances of the case cannot do justice to his *extempore* client; in addition to which, he is usually a novice, having little experience or knowledge of the law, though he may be an aspirant anxious for some opportunity to distinguish himself. Being appointed at such a moment he has no opportunity to examine the indictment, and therefore I compelled to do it after the jury has retired. The gentleman may think this all wrong; he may tell us that scoundrels frequently escape with blood upon their hands; but is that not better than that the innocent should suffer, or even the guilty be deprived of his rights.

Mr. King—

The motion in arrest of judgment is never made until after the verdict is rendered Now, sir, I repeat, what I said before, that not in one case in a thousand is an innocent person convicted by a jury; though frequently rascals are suffered to escape I contend that the law allows too much latitude already, and that we ought not suffer criminals to escape on account of some informality in an indictment which might be objected to as well before the verdict as after it. What I said about crossing a *t* and dotting an *i* though it seems to have been understood literally by my colleague, was of course intended only metaphorically; and so, I trust, the Senate understood it As to the defective indictment, it ought to be objected to before the trial, and not afterwards, when it would be fatal to the ends of justice.

The bill was ordered to be printed.

AFRICAN COLONIZATION—SPECIAL ORDER OF THE DAY.

The Senate resumed the consideration of a bill entitled:

An act to aid the colonization in Africa of the free people of color in this State.

On motion of Mr King, the second section of the bill was reconsidered.

Mr. Martel moved to lay the bill indefinitely on the table, and called for the yeas and nays.

Hon. W. W. Farmer, President of the Senate, in the chair;

Messrs. Martel, Lacoste and Richardson—3 yeas

Messrs Clifton, Defreese, Evans, King, Kenner, Key, Kittridge, Lawes, Macmurdo, Munday, Moore, Pulfrey, Ryan, Rivers, Scott, Taylor and Wickliffe—17 nays.

Consequently, the motion to lay on the table was lost.

Mr. King moved as an amendment to the 2d section, to strike out in the 4th line, the word "upwards," and insert the words "under sixty."

And to insert in the 10th line, after the word "collected," the words "The Assessors shall receive a like compensation for assessing."

Mr. Defreese moved as an amendment to insert at the end of the 13th line, after the word "fund," the words "chargeable to the said fund."

Mr King moved to strike out all after the words "Tax payers," in the 17th line, until the end of the section.

On motion of Mr. Rivers, Mr King's motion was laid on the table.

Mr. Wickliffe offered the following to be inserted at the end of the section under consideration:

Provided, that the provisions of this bill shall not apply to any free man of color who bore arms in the service of the United States, in the war of 1814 and 15, or to the widow of any such person.

BILLS INTRODUCED, &c.

Mr Rivers asked and obtained leave to introduce a bill entitled:

An act to amend the first and seventh sections of an act to incorporate the St. Joseph Plank Road Company.

On motion, the rules were suspended, it underwent its several readings and passed.

Mr. Ryan asked and obtained leave to introduce a bill entitled:

An act to cause all fences in the State to be of a certain description.

Mr. Munday asked and obtained leave to introduce a bill entitled:

An act to punish persons who may attempt to obtain money under false pretences.

Mr. Taylor asked and obtained leave to introduce a bill entitled:

An act concerning boundary enclosure of fences.

Mr. MacCay asked and obtained leave to introduce a bill entitled:

An act to amend the charter of the New Orleans Gas Light Company.

On motion, the rules were suspended, it was read twice and was referred to the Judiciary Committee.

Mr. Macmurdo asked and obtained leave to introduce a bill entitled:

An act to establish a permanent fund for the support of the Free Public Schools of the State of Louisiana.

On motion, the rules were suspended, it was read twice and was referred to the Committee on Finance.

Mr. Evans introduced a memorial of the President and Trustees of the Mount Lebanon University.

REPORTS OF COMMITTEES.

Mr. Macmurdo, on behalf of the Finance Committee, to whom was referred a bill entitled:

An act for the relief of James H Stokes, of the parish of Vermillion, reported favorably.

On motion of Mr. Pollerin, the bill was taken up, the rules were suspended, it underwent its several readings and passed.

Mr. Macmurdo, from the Finance Committee to whom was referred a bill entitled:

An act to allow further time to the Sheriff of the parish of St. Landry, to make his final settlement with the Auditor of Public Accounts, for the collection of taxes for the year 1851, 1852 and 1853.

Reported favorably with an amendment.

On motion of Mr. Martel, the rules were dispensed with, it underwent its several readings and passed.

Mr Wickliffe, from the Committee on Public Education, to whom was referred a "resolution for the purchase of the Political History of the United States by Bernard Marigny," reported the same back to the Senate for its action.

MESSAGE TO THE HOUSE.

The Assistant Secretary requested the concurrence of the House in the following bills entitled:

An act to authorize the Justice of the Peace in and for that portion of the parish of Orleans, situated on the right bank of the Mississippi river, to act as Coroner in certain cases.

An act to change the name of James Roach to James Huie.

An act to authorize Robert Huie, of the parish of Rapides, to adopt an orphan boy named James Roach.

An act to emancipate Offney F. Hornsby.

And that the Senate has concurred in.

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An act for the relief of Ivy F Thompson

An act to emancipate John Fletcher Wyche, junior.

An act to emancipate John McWillie, Jr., and Annie McWillie.

MESSAGE FROM THE HOUSE.

The special messenger from the House reported that the Speaker has signed

An act to emancipate George E Gilmer.

An act for the relief of Lewis F. Steele, Sheriff and Tax Collector for the parish of Bossier.

An act to emancipate John W. Hewitt.

An act authorizing Robert M. Lea and Letitia M. Lea, to adopt Eleonor Lombard.

An act for the relief of Matthew Watson, Sheriff of the parish of Caddo.

An act to authorize Joseph E. Vallée, to adopt Elizabeth Brunet, as his legal heir.

Resolution relative to a daily mail between New Orleans and Baton Rouge.

TUESDAY, Feb. 28th, 1854.

THE MOBILE RAILROAD

Mr. Macmurdo—Mr. President, I should like that the bill reported from the Internal Improvement Committee, to authorise the city of New Orleans to subscribe to the stock of the Pontchartrain Railroad, be made the special order of the day for Friday next.

The bill was made the order of the day for Friday.

Mr. Rivers introduced a resolution instructing the Committee on Elections to inquire and report whether Mr. Martel, Senator from St Landry and Calcasieu, held, at the time of his election, or holds now, a commission as Notary Public.

The resolution was adopted.

THE SECURITIES OF LECKIE.

Mr. Macmurdo, from the Committee on Finance, presented a report and said:

I will say a few words explanatory of the nature of the case. It appears that Mr. Leckie, formerly Sheriff of the parish of Rapides, was a defaulter to the amount of $9,000, and absconded to California. Of course, the persons who were on his bond as security became liable for that amount. One of those gentlemen, now a member of this Senate, introduced a resolution to inquire what amount was really due by Leckie. It appears that he had paid in money at the Auditor's office which was never credited. The amount was contained in a letter to J. E. Layet, then Clerk of the Auditor, but who is since dead. The securities are of course entitled to this credit. The Committee determined to deduct this amount, and bring in a bill for the remainder, which the securities are ready to pay. This will be a settlement to which no objection can be made, and the Committee has unanimously reported in favor of it.

The bill passed.

THE SEAMEN'S HOME.

I hold in my hand a memorial, rather informal in its shape to be sure, which I beg leave to read to the Senate. It is in the form of a letter addressed to myself, and asks that the Seamen's Home Association, of the city of New Orleans, be exempted from taxation.

The memorial was referred to the Finance Committee.

SCHOOL FUND IN UNION AND DE SOTO.

A bill to regulate the disposal of the school fund in the parishes of Union and De Soto was taken up.

Mr. Wickliffe—Before the bill passes I should like to have some information in regard to it

Mr. Deffreese—The bill was introduced by the Representative from Union parish, in the other House. I am not able to give any very definite information in regard to it myself, having been only requested to call it up by that gentleman. It appears, as far as I understand this matter, in disposing of the school fund for that district. This bill, I believe, is designed to remedy the evil

Mr Wickliffe—I do not feel disposed to interfere in local legislation, when it does not make an exception to some general principle of law. But this bill, I think, may make an exception to our general law, for the benefit of one parish It interferes with our settled law in regard to the school fund.

Under the general law of the State, the census of children is made by, or under the charge of the Superintendent of Public Education. The State is divided into school districts, and the Superintendent divides the money in accordance with the amount due to each. This bill takes from the Superintendent the power he now has of dividing out the money, and confers it on the Police Jury of a certain parish Now, sir, if we establish a school system, we doubtless institute that which we think best adapted to the wants of the people. Let us then adhere to it. If it is defective, let us amend it. If we cannot keep it up, let us amend the Constitution and abolish it entirely But let us not make this special exception in favor of one particular parish. I am opposed to such legislation, and am therefore opposed to the bill.

Mr. Deffreese—I have examined this bill, and I find nothing objectionable in it. It is purely local in its nature, and does not concern or affect in the slightest degree any other part of the State.

The bill was referred to the Committee on Education.

BILL TO AMEND ART 1546 OF THE CIVIL CODE.

The bill to amend Art 1546 of the Civil Code was taken up

Mr Krug—I will trespass for a few moments on the time of the Senate for the purpose of explaining the nature and object of this bill. It is intended to affect certain provisions of the law in respect to donations *inter vivos*. Under the present law the birth of a child to the donor revokes *ipso facto* any donation he may previously have made. Every one can see that the effect of this must be in many cases exceedingly injurious, as well as unjust towards persons who have, in good faith, accepted donations, and I cannot see what reasons of general policy could dictate or justify the provision. I myself know of cases in which great hardship has been the result of this law. I will mention an instance by way of illustration. A man of fortune had a sister, to whom, when unmarried, he made a donation of $30,000. Subsequently to this event he married, and his wife had a child, and in consequence the donation he had previously made to his sister was revoked, although he did not even know of the existence of the Article of the Code, by which this effect was produced. Let gentlemen turn to the Article and read it for themselves. It says:

Art 1546. Donations *inter vivos* are liable to be revoked or dissolved on account of the following causes:

1. The ingratitude of the donee.

2. The non-fulfillment of the eventual conditions which suspend their consummation,

3. The non-performance of the conditions imposed on the donee.

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4. *The donor's having children after the donation*

5 The legal or conventional return.

Thus it will be seen that a revocation takes place by the simple fact of the donor having children. This revocation takes place without reference to the fact of the property being in third hands. The effect of this is to make the title of such property insecure, at least, while there is any possibility of the donor having an heir. There are various ways in which very serious injury may be done by this law. I know a gentlemen who has given large sums to various charitable institutions. Suppose he should marry and become a father, those institutions might be seriously injured, if not actually broken up. Why, sir, this law is absurd in preventing a man from making what disposition he pleases of his own property, at a time when he has no children. It is mere child's play, and should not be suffered to mar our statute book. When a man gives a thing he gives it, and that should be the end of it. But our law does not allow this. It says that under certain contingencies a man's property shall return to him *nolens volens*, even after he has given it away.

Mr. Moore—I have no objection to the amendment. I always thought the law was impolitic.

The bill passed.

THE COLLEGE OF NEW ORLEANS.

The bill to incorporate the College of New Orleans was taken up.

Mr. King—As this is the first bill of the kind that has come before us this session, I shall seize the occasion to express my views of the subject; and in the first place, I deem it necessary to state that I am opposed to all legislation of that kind, inasmuch as there is a general law which makes all necessary provisions, and under which a corporation can be formed. For $2 50, before a Notary Public, the parties making this application to us can get just as good a charter as we can give them. Now, sir, what is the use for us to be passing these acts of incorporation, when the thing can be done just as well before a Notary, without troubling us? There is not the slightest necessity to encumber our statute book with legislation of this kind, which is not only useless, but expensive. The time of the Legislature consumed in this way, and the cost of printing, would be enough to procure a hundred of these charters in the manner directed by law. I do not make these remarks on account of having any particular hostility to this particular institution. On the contrary, I find that the names of many of my personal friends, highly estimable gentlemen, for whom I entertain the greatest respect, are signed to the application which has been laid before us. But, however much I might be disposed to accommodate those gentlemen, I cannot let this bill pass without expressing my opinion of it. Having done that, I consider that I have done no more nor less than my duty.

Mr. Lacey—I must say that I do not participate in the objections which the gentleman has raised against the passage of this bill. It is, as its title imports, simply a bill to incorporate a seminary of learning in the city of New Orleans. I am astonished that the gentleman should oppose it, particularly when he puts his opposition on the ground of mere expense. Why, sir, what is the expense, the paltry expense we may incur in the process of passing this bill, in comparison with the benefits of education and the advancement of learning? I, sir, in consideration of the respectable character of the gentlemen who have attached their signatures to this application, shall vote for the bill without hesitation!

Mr. Moore—I am astonished, sir, at the remarks which have fallen from the Chairman of the Judiciary Committee. That gentleman ought to know, if any one should, that we have, as the Senator from New Orleans has well remarked, a general law providing for the manner in which charters of incorporation may be obtained without making application to the Legislature. If there is any use in having this general law, it ought to be complied with. Therefore, parties ought to go before a Notary as the law directs, and obtain their charters, without annoying us. I took the same position in the early part of the session in regard to bills for objects which were already covered by a general law, but I found my efforts were useless, and I ceased saying anything about the matter. Having briefly expressed my opinions in relation to this bill, I shall say no more about it.

The bill passed.

INTERNAL IMPROVEMENTS.

On motion of Mr. King the following bill to "provide for the internal improvements of the State," was taken up.

AN ACT

To provide for the Internal Improvement of the State, and for making the necessary levees and drainage, to reclaim the swamp and overflowed lands of the State.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That he public improvements of the State of Louisiana shall be under the control of an Engineer, who shall be designated as the "Civil Engineer of the State of Louisiana." He shall be elected by the people of the State on the first Monday of November, 1854, next, and shall hold his office until the first Monday in November, 1857, and until his successor enters upon the duties of the office.

On the said first Monday in November, 1857, there shall be another election for the office of said "Civil Engineer," and on the same day every fourth year thereafter. The said elections shall be conducted in all respects like the election of "Auditor of Public Accounts."

Sec. 2. Be it further enacted, &c., That the said Civil Engineer, before entering upon the duties of his office, shall take the oath prescribed by the Constitution of the State, and shall further swear that he is not a defaulter as a public officer, in any office which he may have heretofore filled. He shall further give bond to the State for the faithful discharge of the duties of his office, to be approved of by the Auditor of Public Accounts, and by him preserved, with one or more solvent sureties, for the sum of fifty thousand dollars. The sureties may bind themselves separately for specified amounts; provided the number does not exceed twenty, in which event they may be sued or proceeded against separately, reserving them the right afterwards of suing other sureties to compel them to contribute *pro rata*, excluding sureties who may have become insolvent to make up their share of the amount paid on said bond.

Sec. 3. Be it further enacted, &c, That should any Civil Engineer, elected under this act, fail to qualify for entering on the duties of his office, according to this act, for the space of forty days after he has been duly declared to be legally elected, the Governor may regard such failure as neglect, or refusal to fill the office, and may proceed to appoint another to fill said office, as in case of vacancy. All vacancies in said office shall be filled for

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the unexpired term by the appointment of the Governor, with the advice and consent of the Senate, if the Senate be in session. If the Senate be not in session then the Governor may appoint a person to fill the said office until the next session of the Senate.

Sec. 4. Be it further enacted, &c., That no person shall be eligible to the office of Civil Engineer of the State who is not, at the time of his election, a legal voter in elections for State officers, who is not also well versed in the science and practice of civil engineering, or who is a public defaulter.

Sec 5. Be it further enacted, &c., That the salary of said Civil Engineer shall be four thousand dollars per annum, payable quarterly, on his warrant, approved by the Auditor of Public Accounts He shall be allowed the further sum of six hundred dollars, to defray the contingent expenses of his office, of which he shall make an annual report to the Legislature, accompanied with the vouchers therefor.

Sec 6. Be it further enacted, &c., That the Civil Engineer shall perform all the duties now required of the Engineer of the State. He shall have charge, supervision and control of all public works of internal improvement carried on by the State; he shall have charge of all books, maps, papers, documents, plans and surveys pertaining to the said office, or which have heretofore pertained to the office of Engineer of the State. He shall have charge and control of all boats, vessels, machinery, implements and other things pertaining to works of internal improvement, carried on, either heretofore or hereafter. He shall have charge, supervision and control of the slaves belonging to the State, or which may hereafter belong to the State, that have been or may be employed on works of internal improvement. He shall supply them with the necessary food, clothing, medical attendance, and such other things as may be deemed requisite or useful. All expenses incurred, in relation to the said slaves, to be paid out of the appropriations from the internal improvement fund, upon his warrant certifying their correctness, approved by the Auditor of Public Accounts. It shall also be the duty of the Civil Engineer of the State to supervise and to examine the progress, condition and prospects of all public works in which the State may be interested, not otherwise specially provided for, and to report fully thereon annually to the Legislature, with such suggestions and recommendations as he may deem it advisable to make. It shall further be his duty to use to the best advantage, for the interests of the State, all the means placed under his control for public works of the State.

Sec. 7. Be it further enacted, &c., That he shall appoint and dismiss at pleasure all officers and persons authorized by law to be engaged on the works of internal improvement carried on by the State.

He shall employ out of the funds appropriated for Internal Improvements, commanders and crews of vessels, superintendents of special works, and laborers, whenever in his opinion they are necessary. The compensation to such employees, to be the lowest rate at which suitable persons can be procured; but he shall never retain such persons longer than they are actually engaged upon the public works. The wages of such persons to be paid upon the warrant of the Civil Engineer, and his certificate that the service has been performed, and that the sum is justly due, approved by the Auditor of Public Accounts.

Sec. 8 Be it further enacted, &c., That the office of the Civil Engineer shall be kept at the seat of government, and that suitable apartments therefor shall be assigned him in the State House; and that the office of Engineer of the State, as previously existing, is to be abolished and superseded by the entering of the Civil Engineer upon the duties of his office.

Sec. 9. Be it further enacted, &c., That in order to enable the Civil Engineer to keep his office always open, he shall be allowed to employ an Engineer to assist him in the duties of his office, who shall be allowed a salary at the rate of eighteen hundred dollars per annum for the time he is employed, payable quarterly, upon the warrant and certificate of the Civil Engineer, approved by the Auditor of Public Accounts.

It shall further be the duty of said Civil Engineer to keep in his office books, subject at all times to examination by the public authorities of the State, the Governor, the Treasurer, Auditor of Public Accounts, and Attorney General, which shall exhibit in the simplest form the pecuniary transactions of his office, and detailed statements of receipts and disbursements thereof. The said books and all other muniments and archives of the office to be transmitted to his successor. He shall also keep on file in his office, all plats, surveys and plans of public works of internal improvement, constructed by the State.

Sec. 10. Be it further enacted, &c., That the Civil Engineer of the State shall devote his whole time to the duties of his office; that he shall not be entitled to any other fees of office than the salary given him by law, and that he shall not be allowed by law to sue for or recover any compensation for his professional or other services performed by him while in office.

Sec. 11. Be it further enacted, &c., That the said Civil Engineer of the State shall have under his supervision and control all works done by the State for the purpose of reclaiming the swamp and overflowed lands, and preserving the same from inundation, and shall apply the funds arising from the sale of the lands donated for the above purposes in the manner and places deemed by him most appropriate and useful.

Sec. 12. Be it further enacted, &c., That for the purpose of accomplishing the ends contemplated by the acts of Congress, donating lands to the State to aid in draining the swamp lands therein, and to protect the same from inundation, the State shall be divided into four (4) levee and draining districts as follows:

The first district shall consist of all that portion of the State South of the 31st degree of North latitude and east of the Mississippi river.

The second district of all that portion of the State South of the 31st degree of North latitude, and west of the Mississippi river.

The third district shall consist of all that part of the State lying between the Western boundaries of the parishes of Catahoula, Caldwell, Washita and Union, and the Mississippi river.

The fourth district shall consist of the remainder of the State not included in the other districts.

Sec. 13. Be it further enacted, &c., That the funds arising from the sale of the said swamp and overflowed lands shall be appropriated and divided among the several districts created by the previous section, as follows:

To the first district
To the second district
To the third district
To the fourth district

It shall be the duty of the Civil Engineer to specify in all warrants upon the swamp land fund, the district on account of which the warrant is

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drawn, and to apportion the expenses not properly chargeable to any particular district, between the districts according to the proportion of the fund allotted to each

Sec. 14. Be it further enacted, &c, That to enable the said Civil Engineer to prosecute vigorously the work of leveeing and reclaiming the swamp and overflowed lands, he shall have power to employ an Assistant Engineer for each of the above districts, whenever in his opinion their services may be necessary; the said Engineers each to be paid monthly or quarterly, at the rate of three thousand dollars per annum, for the time they are actually engaged on works for the above purposes, upon the warrant and certificate of the Civil Engineer of the State, that the said Assistant Engineer has been actually engaged on the said works, and that he has justly earned the money drawn for the payment of his salary. He shall have power to dismiss the said Assistant Engineers whenever he thinks proper, and it shall be his duty to dismiss them whenever they are not actually and actively employed in the above described public works. The said Assistant Engineers shall not, for the term they are thus employed, be engaged in any other business, but shall devote their time and attention to the duties of the office filled by them. They shall not be allowed to sue for or recover in law any fees or compensation for other personal or professional services rendered by them while in office

Sec. 15. Be it further enacted, &c., That the said Civil Engineer of the State shall have power to employ whenever he may consider the public interest requires it, such other assistance as he may deem necessary. In doing so it shall be his duty to obtain the said assistance, at the lowest possible rate, at which adequate services can be obtained The said assistance to be paid for upon the warrant of the said Civil Engineer, certifying that the persons claiming the same have actually performed the services on which the claim is based, and which justly entitle them to the compensation demanded The Civil Engineer shall keep no person in employment longer than his services are absolutely necessary.

Sec. 16. Be it further enacted, &c., That the two funds, to wit: the internal improvement fund and the fund arising from the sale of the swamp and overflowed lands donated by Congress to the State, shall be forever kept separate and distinct The Civil Engineer shall always charge the service performed to the appropriate fund, and shall specify in every warrant drawn by him, out of which of the two funds it shall be paid.

Sec. 17. Be it further enacted, &c., That all works undertaken for the purpose set forth in the preceding sections, shall be let out by the Civil Engineer of the State, to the lowest bidder, after thirty days advertisement thereof in the State paper, and in one or more papers published in the parish, in which the work is to be done, or if there be no paper published in the said parish, then by printed notices posted at the seat of justice, in said parish, and at least three other public places in said parish; said work to be let out at a stipulated price per cubic yard. The bids must be made in writing under seal, and opened only in the presence of a Justice of the Peace, or three other persons who are owners of land in the parish, after the time has elapsed. The advertisement must indicate to bidders the form and manner of making their bids, and specify the work to be done, and the time in which it is to be finished, and the time and place at which the bids are to be opened; provided that the Civil Engineer may reject all bids made when he considers them unreasonable.

Sec. 18. Be it further enacted, &c., The Civil Engineer shall require of every person, or firm, or body corporate or politic, who may undertake any work contemplated by this act, for reclaiming and preserving the swamp lands from inundation, a bond, with good security, payable to the State of Louisiana, conditioned for the faithful performance of the work, sufficient in amount to secure the completion of the work. The said bond, when forfeited, to be sued for by the District Attorney or other competent officer of the State, who shall receive ten per cent of the amount collected thereon, which, after being paid into the Treasury, must be credited to the swamp land fund.

Sec. 19. Be it further enacted, &c., If the persons or persons, or body corporate or politic, to whom the work may be adjudicated, do not comply with the previous section, the contract shall be re-advertised by the Civil Engineer in the parish in which the work is to be done, for ten days or longer, if, in his discretion a longer time can be allowed, for new bids; and after receiving them, if any be made, may adjudicate the contract to the lowest bidder, rejecting any bids made by the recusant bidder at the first sale, but including all other bids made at the first sale, and shall so continue to re-advertise until some person takes the contract, and complies with the law. After the adjudication of a contract is made, the Civil Engineer shall immediately notify the contractor, if at the place mentioned by him in his advertisement (or the agent named by the contractor) of the acceptance of the bid. Every bidder must either be in person at the place and time designated by the advertisement for the opening of bids, or be there represented by an agent—unless the Civil Engineer deems it advisable to relieve him therefrom. The Civil Engineer may, if he considers the bids unreasonable or much too high, reject the whole of them and refuse to adjudicate the contract.

Sec. 20. Be it further enacted, &c., That all contracts for building levees and other works which are capable of division, shall be let in sections not exceeding five thousand dollars in value; so as to enable resident planters and others to take portions of said work. But if, after the bids are all received, the Civil Engineer shall deem it advisable to accept a bid for the whole work, or a bid embracing more than one section, he may do so, although the same may be higher than the lowest bid for a separate section thereof. If the aggregate of the bids for the separate sections of the contract be less than any bid for the whole or of several sections, and the bidders are all ready to comply with the law, by giving the requisite security for the fulfillment of the contract, then the Civil Engineer shall adjudicate the contracts to the bidders for the separate sections.

Sec 21. Be it further enacted, &c., That the provisions of the foregoing sections, relative to the letting out of contracts, shall not be considered applicable to sudden emergencies, such as crevasses and the like. In such cases the Civil Engineer may incur any reasonable amount of expense, if in his discretion it be deemed advisable, and that the expenses to be incurred are necessary and properly chargeable to the swamp land fund.

Sec. 22. Be it further enacted, &c., That it shall be the duty of the said Civil Engineer to determine the locality, extent and dimensions of the necessary levees and drains, to protect and reclaim the swamp and overflowed lands of the State; provided that when any objection shall be made by the

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proprietor of the land, where the levee is to be made, as to the locality of said levee, the same shall be fixed by the said Civil Engineer, in conjunction with four of the nearest resident land proprietors, or in the absence or disability of any of said proprietors, from being minors, women, or any other cause, the nearest four proprietors that can be obtained, who are willing to act when the location of a levee or other public work shall have been once fixed in this manner, the owner of the land upon which it is to be done shall not be allowed to stop or hinder by any process of court, any work thus undertaken, after the work shall have been actually commenced.

Sec. 23 Be it further enacted, &c., That whenever the Civil Engineer shall have determined to make or repair any levee under the provisions of this bill, the person or persons, body corporate or politic, bound by law to make or repair the said levee shall be bound to pay one-half the price thereof, which, when collected, shall be paid into the State Treasury, and be credited to the Swamp Land Fund. In case of suit, the District Attorney or other officer of the State, who prosecutes the suit, shall be allowed ten per cent on the amount so collected. Any person or body thus bound to pay one-half of the price of building said levee, shall have the right to pay the same in work, to be estimated by the cubic yard, at the same rate at which the contract is adjudicated—this option however must be exercised either before the contract is adjudicated, or before the contractor has furnished his bond. The person or body desiring to avail themselves of this privilege, must do the work at the time and place designated by the Civil Engineer, and for any default in this respect the foregoing privilege shall be forfeited, and the party thus defaulting be held bound to the State, or to individuals, for all damages arising therefrom. Any person or persons, or body, may avoid the payment of one half of the price of building the levee as above specified, by abandoning to the State, by notarial act or other instrument in writing, the entire tract of land owned by him or them on which the levee is to be built. The land so abandoned shall be disposed of in such a manner as may be hereafter directed by law, for the benefit and credit of the swamp land fund.

Sec. 24. Be it further enacted, &c., That the Civil Engineer may be removed from his office by impeachment or address, upon conviction for any malpractice, fraud, or corruption in office, for which he may be prosecuted by information or indictment, he shall be fined at the discretion of the court, and imprisoned at hard labor or otherwise, not less than one year. He shall, *ipso facto*, be deprived of his office, and the Governor shall proceed to appoint another to fill the vacancy.

Sec. 25 Be it further enacted, &c, That the Civil Engineer shall annually, during the first week of each session of the Legislature, make a full report of his receipts and disbursements, and of his acts and doings, in reference to the affairs of his office, accompanied with such suggestions and recommendations as he may deem useful or interesting to the people of the State.

Sec. 26. Be it further enacted, &c., That this act shall remain in force until superseded by the entering into office of the Board of Public Works, provided by the Constitution of the State.

Sec. 27. Be it further enacted, &c., That the act approved April 30th, 1853, entitled an act to reclaim and drain the swamp and overflowed lands donated to the State of Louisiana, by act of Congress entitled "an act to aid the State of Louisiana in draining the swamp lands therein," approved March 2d, 1849. shall be considered as repealed, and superseded by this act, so soon as the Civil Engineer of the State, provided by this act, shall enter upon the duties of his office.

Mr. King—

In order that gentlemen may understand the design of this bill, and as all now present were not here when the bill was originally introduced, and therefore having probably not reflected on the subject, do not thoroughly understand the policy which it is intended to develope, I propose to devote a few moments to an explanation of the object it is intended to consummate, and the reasons which have produced it in its present shape. In the first place, to speak generally, this bill is intended to put our internal improvements, and the administration of our levees and our swamp lands, under an arrangement combining efficiency and economy in as high a degree as these requisites can be attained. And here let me correct an error which seems generally to pervade the public mind as to the amount of the swamp land fund, and internal improvement fund, and the revenue to be reasonably anticipated from them. Extravagant ideas have been formed and cherished on this subject, and I regret to say that they are destined not to be realized. The returns, contained in the Report of the Treasurer to the Legislature, show that the whole amount of the revenue of the internal improvement fund, for the last year, was about $15,000. Very great expectations have been raised in regard to the extent of the swamp land fund, and of the millions which were to flow into it from a sale of those lands. But expectation has also been disappointed in this point. The greatest annual revenue to be reasonably anticipated from this fund, according to the best authorities, is about $75,000. The community, deceived by the extravagant calculations which have been put forth in relation to these funds, look to us to build and keep all levees in repair, throughout the State, out of the small sum of seventy five thousand dollars a year. This, sir, is a most egregious mistake on the part of the public. The amount of revenue derived from our funds is much too small to allow us to effect any great degree of good in that way. Our true policy, therefore, is to be as economical as possible while providing for the highest degree of efficiency that can be obtained with the small means at our disposal. Above all, we should set our faces against the squandering of our money in large salaries to numbers of, perhaps, superfluous officers. What is the system proposed by the bill? The revenue of the two funds, as I have already shown, amounts to $90,000; that is to say, $15,000 from the internal improvement fund, and $75,000 from the swamp land fund. At present, for the administration of the internal improvement fund, we have an Engineer to whom we give a salary of $3,000 per annum; an Assistant, who receives $3,000, while the contingent expenses of the office are placed at a thousand more, making in all the sum of $6,000 for the very first step in our system of internal improvements. In addition to this amount, we have to pay the salaries of the captains of our boats, the cost of running the boats, and the expense of maintaining the State hands. It must be recollected also that all these officers are salaried by the year, while it is only during a part of the year that work is done by them. Why should we have a host of officers who are of no use, but to reduce still farther our already sufficiently attenuated funds? By this bill, from six to eight

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thousand dollars per annum will be economized out of the internal improvement fund, and our expenses which now amount to twelve thousand dollars per annum, will be reduced to five or six thousand.

I come now to the Swamp Land Commissioners. By the system established under the act of last year, we have three Commissioners of the Swamp Land Fund. If we continue the system we shall have four, because it will be necessary to divide the third district. Thus we shall have four Commissioners at $1500 each, making $6000 for the four; and four Engineers at $3000 each, making $12,000 for them; the amount for salaries for Commissioners and Engineers amounting to $18,000. This is for salaries alone. In addition to this, we have other incidental expenses, such as traveling expenses, hotel bills, &c., all of which are put down as incidental expenses. These cannot amount to less than $5000 per annum. Add five thousand to eighteen thousand, and you have twenty-three thousand dollars as the amount expended under the present system, in salaries and contingent expenses alone. And for what is all this? Why, merely for the head work, only for the purpose of showing how the rest of the money is to be spent. Yes, sir, we spend nearly $25,000 just to find out a way to spend the remaining $50,000; for the mere head work of the system, without touching the practical portion, without building a foot of levee, without clearing out a single bayou, without draining a single acre of swamp land. Let me ask if that is the system which Senators desire to encourage by their votes?—a system by which $25,000 out of $70,000, and $12,000 out of $15,000 are spent merely in order to show how the remainder of the $90,000 shall be used. Why, sir, any sensible man could tell how that amount of money might be most advantageously expended, and not work more than one-tenth of his time. Any man of ordinary comprehension could do it. Now, sir, what I propose, and what is embodied in the bill before the Senate, is to amalgamate the swamp land and internal improvement fund, and put them under the same management, thus reducing the expenses of administering them much below the amount which is now required. And in order to carry out this idea, I propose to have a competent and responsible man at the head of the system, who shall exercise full control over its operations I believe of all the systems that can be devised for the management of our internal improvements, that which is called the one man system is the best. I do not believe in Boards of Public Works I think they are inefficient, and would be an incumbrance rather than an auxiliary. What we want to make a system effective is responsibility; and where we can cause the responsibility to rest on a single individual we best secure the object. When we can put our finger on one person and be able to say, "This is the man who is responsible," we are sure to secure more efficiency than when the responsibility is divided among three or four different persons. In this way, and this way alone, can we carry out the great republican principle of responsibility to the people. When four or five persons are charged with the same duty, we cannot tell whom to blame, or whom to praise; and public opinion would necessarily be confused, and might be disregarded with impunity. But where one person stands up before us as the responsible party, justice is sure to be done, and punishment would be meted out to him if he deserve it. Of all the systems that have been proposed, that which confide the management of our public works to a Board, is by far the worst, for the reasons which I have stated, and for others, upon which I will not now enlarge.

The bill I have introduced embodies the contrary idea. It provides for a responsible head; a person who shall have full control over the whole system. I think this plan is the best that can be devised, both for economy and efficiency. Its simplicity is a guarantee that it will work easily, and I think I am within bounds when I say that it will save $25,000 or $30,000 per annum, in the mere machinery of the system. This certainly is a consideration which should recommend it to the favor of Senators. The money of these funds should not be squandered as it now is, in the support of a cumbrous and useless machinery. If properly administered, it might make Louisiana the garden of the world, and secure for her a position which would be gratifying to every patriotic citizen. But this will never be done if we squander our money, and overlook the means and opportunities which fortune has thrown in our way. These funds constitute a sacred trust, placed in our hands by the Federal Government for the use and benefit of the State. We violate that trust, and neglect the intentions of the donors if we squander the money in salaries, instead of applying it to the building of levees and the draining of overflowed lands. Gratitude to the Government which has placed these means in our hands, should induce us to do every thing to carry out the intentions of the donors. I trust I have so explained my ideas to the Senate that I have made the object of this bill intelligible. I do not claim perfection for it, but simply that it embodies and gives practical effect to to that system which I consider best adapted to our wants. It may be that some of the details are objectionable, or may not meet with favor. If so, they can easily be amended.

Mr. De Russy—

In rising to make a few remarks in reply to the observations which have fallen from the Senator from New Orleans, I may commence by saying that I have, as yet, not had time to examine attentively the bill which he has brought forward, and for which he invokes the favor and support of the Senate. I must say, however, that my impressions of it are unfavorable. He begins, and indeed ends, with decrying the existing system, in order apparently to make his own more acceptable. On looking over the gentleman's bill, I find that he has provided for a Civil Engineer, and an Assistant Engineer. Now what is the use of this Assistant Engineer? Is he to spend, or help spend that money which the gentleman said could be spent effectively by one man, who need not work more than half of the time? We now have Engineers and Commissioners. If the gentleman wishes to unite and economise, let him unite and economise here. Let the Commissioner and the Engineer be one officer; let the Engineer be the Commissioner and the Commissioner the Engineer. Here is a point for economy. We can have the Engineer and Commissioner in one, and thus save a large amount of money. The bill proposes a Civil Engineer to be elected by the people. Now, sir, I ask if an elective Engineer might not be a sectional man? There would certainly be various favorite candidates in various localities. New Orleans would certainly present one or two, and so would other parts of the State. But an Engineer could only be elected from one part, and what would be his feelings? He would certainly feel grateful to those who had supported and elected him, and would probably, if influenced by those motives which generally animate human beings, do all in his

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power to serve them, perhaps to the disadvantage of others. Thus he might favor one part of the State, and neglect the rest. I look on this as the worst system that could be devised. The bill proposes to unite the two departments which now exist; that is, the internal improvement department and the swamp land department, and the gentleman informs us that this union would produce an individual and concentrated accountability, which would make the system more certain and more secure. I must say that I differ with him in opinion on that point. I think nothing would tend to greater uncertainty and insecurity, than the combination, in one person, of the disburser and the recipient. The gentleman cannot show any efficient systems in which these functions are united. On the contrary, policy, sanctioned by experience, has always dictated their separation.

The bill then says that the Engineer, to be eligible, must be a resident of this State and a voter, and that he must give security to the amount of $50,000. There are many poor men who might make very competent Engineers, yet could not give the security required by the bill. And I do not see why we should prevent the possibility of availing ourselves of the talents and experience of Engineers of other States, by imposing the restrictions proposed by the gentleman. And again, he seems to think very highly of the responsibility which, he contends, is established by the bill. For my part, I have been accustomed to a different system of accountability. Payments are generally made by drafts, and a monthly account is rendered to show what balance may be on hand, and what amount has been expended.

Last year I had something to do with drawing up a bill for the regulation and management of our internal improvements, but it did not prove acceptable to the Legislature. I was not contumacious; I did not insist on forcing my views on unwilling minds, and I have not revived my bill this year; but, on the other hand, I cannot join in the objurgations of the gentleman against the system now in operation. I see no reason to blush for what has worked well, and met all reasonable expectations during the last twelve months, and which, with certain amendments that will be offered at the proper time, will be as good a system as can be formed, besides having the advantage of being already in successful operation. At all events, I consider it much superior to the bill which has been offered by the Senator from New Orleans.

I think, should I undertake to examine that bill critically, I could detect faults and defects in almost every section. It does not even fulfill that requisite of economy claimed for it by the Senator. Just economy is evinced when we accomplish an end or an object with the expenditure of the smallest sum. But this is not reached by the bill. The gentleman says we are about to organize four districts. It is true, we will do so if we have the opportunity; and he does the same thing in his bill. If we have land enough to require a division into four districts, we must go to the expense which this fact renders necessary.

To conclude, I would propose to lay this bill on the table, subject to call, or fix it for some day when another bill will be submitted for consideration.

Mr. Ryan—

I would ask if any other bill has been proposed?

Mr. De Russy—

Another bill has been proposed in Committee, which I much prefer to this one. It retains the present system, with some amendments.

Mr. Ryan—

I move to amend the gentleman's motion by making this bill the order of the day for to-morrow.

Mr. Rivers—

Will the gentleman withdraw his motion for a moment, as I wish to offer a resolution in order to get the sense of the Senate on the relative merits of the present system, and that proposed by the Senator from New Orleans (Mr. King.) I wish to do this simply to test the sense of the Senate in regard to the Commissioner system, and the one-man system.

Mr. King—

The best way to achieve the purpose which the gentleman has in view, is to take the vote on the bill at once. The bill is of too much importance to be delayed, and procrastination can do no possible good. If gentlemen want to kill the bill let them do it at once and in an open manner, and not retreat behind the veil of delay. Procrastination is the most treacherous instrument of defeat. I shall trouble the Senate with a few words in regard to the objections urged by the Senator from Natchitoches. One of the principal seems to be that a bill is to be introduced which he likes better.

Mr. De Russy—

There will be such a bill introduced.

Mr. King—

That is no good reason for delaying action on this bill.

Mr. Moore—

I suppose the Senator from Natchitoches alluded to a bill which I introduced into the Committee, and which has been before it for a long time.

Mr. King—

That is true. The bill referred to by the gentleman has been for some time before the Committee. But I understand the gentleman to say that he did not desire it to be reported, as he wished to vote on this bill. That bill, I believe, was drawn in haste, and only affected one of the evils of the swamp land act now in force, without effecting a thorough amendment. But I must say that I should, with great reluctance, have undertaken this work, if I had thought that no better system could be devised than that which is now in existence. I do not want to patch up that, when we can make a much better one by beginning anew. In the bill now before the Senate, I have endeavored to present a system which would combine efficiency and economy in the management of our internal improvement system. Having thus accomplished the duty imposed on me, I think it not an unreasonable request to ask that a vote be taken on it as soon as possible. One of the objections brought forward by the gentleman is, that the Engineer must, under this bill, be a citizen of the State. It strikes me as extremely strange that any Senator should make such an objection as that. It is not remarkable, and it cannot, I think, be considered objectionable, that this bill should require the chief disbursing officer—the person through whose hands all the money will pass, to be a citizen.

The objection which the Senator makes in the case of an Engineer, it seems to me would apply equally well to the restriction of a similar kind, imposed on all the other State officers. Why should we look beyond the limits of our own State for an Engineer? Have we not within our own State numbers of intelligent, experienced and competent men who would accept the place? Or must we seek one in some other State, perchance beyond the ocean itself? The Senator objects also to the

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requiring of security. It seems to me that this objection rather strangely contrasts with the declaration of the gentleman that the bill did not provide for a sufficient pecuniary responsibility. Now, sir, let me ask again, how could we entrust vast interests like these to the hands of foreigners, unacquainted with our wants, and perhaps unmindful of them? We should not do it, sir. We have talent sufficient in our own State to preclude the humiliating necessity of searching beyond her borders for men to fill our offices. We have many men capable of performing the duty, and willing to do it. Still, another objection brought forward by the gentleman is that the Engineer, when elected, must be chosen from some particular locality. Yet how can that objection be avoided under any system? If appointed will he not still be from some particular locality? And will not the person appointing be likewise from some particular locality? If, therefore, he would be liable to sectional influences and partialities in the one case, he would be equally liable to them in the other. The gentleman himself is known to be an accomplished Engineer. He is from the Northern part of the State; but should he be chosen that would not affect his eligibility or his capacity to fill the office and discharge its duties. I know, sir, that some persons are opposed to making the tenure of office depend on a popular election; but I had not supposed that the objection would ever come from this side of the House—from members of a party which confides in the intelligence of the people. The President of the United States is elected by the people; the Governor of the State, its principal officers, and the Judges of our Courts, are elected by the people; the officer who presides with so much ability over the deliberations of this body is elected by the people; we ourselves hold our seats on this floor by the suffrage of our constituents, and shall we be told that the people are not competent to elect a Civil Engineer? What singular characteristics and qualities must be possessed by this officer that peculiar wisdom is necessary in those who are to elect him? Must he be pointed out to us by a star in the heavens, and wise men from the East precede his coming? I, sir, believe that the people are competent to make a judicious choice even in this case, and I think they have as just a right to elect him as any other officer of the State.

I do not believe we should retain a system which is impracticable for good, and which is only useful for the expenditure of money—a system under which, if wrong be done, and injury perpetrated, no one can be held responsible.

Mr. De Russy—

I must beg the attention of the Senate again for a few moments, while I reply to some of the remarks which have fallen from the Senator from New Orleans. The bill introduced by the gentleman provides that the Engineer shall give a bond, and he appears to think this a very important feature, although he says himself that it has been reduced from $50,000 to $25,000. It must be remembered that the Engineer will have control of the entire funds—the swamp land fund and the internal improvement fund—having the right to pay out all sums for any purpose. The bond required appears to be of some consequence, but when we reflect that it is only for $25,000 we see at once that it is possessed of no tangible substance.—Why, sir, this officer will have control of perhaps a million dollars, and yet he is to give a bond for only $25,000. What, sir, does a bond like that amount to?

Another position of the gentleman is in regard to the manner in which the Engineer is to be chosen. The gentleman insists that he must be elected, and entertains us with a disquisition on the abstract right of the people to choose their own officers. It is well enough to talk that way at the polls on election day, or on the stump, in order to catch votes, but it does not suit the Senate chamber, and cannot affect reasonable minds. I, for one, am not afraid to take this position. I cannot admit that the people, as yet, have not a right to elect an Engineer, though if this bill passes they would have it. Moreover, I do not believe that they would attach any importance to this right, which appears so invaluable to the gentleman, but, on the contrary, are not disposed to interfere in matters which they do not understand. I am confident that in my section of the State the people have no such desire, or if they have, I am very much mistaken in them. For my part, I would not truckle to any such supposed feeling.

Another thing—if this officer be elected, he will undoubtedly be liable to local and sectional influences. He would not feel the same kindness towards a section which had opposed him, as towards another which had voted for and elected him. Such a result would be natural.

Now, sir, if motives of economy have dictated this bill, I can say that the object can be attained in a much easier way, by simply discharging some of the valueless and superfluous officers who are now employed. The gentleman informs us that the revenue of the internal improvement fund is $150,000. I would ask whether two officers are needed to spend that amount of money? If we have one Engineer, and give him a good salary, no Assistant is needed. When I was here last year he had none, and there is no necessity that the law should authorize it. In organizing the four districts which in my opinion will be necessary, I am sorry that an increase of salary for the Commissioner and Engineer will be needed, for I am in favor of economy as well as the gentleman from New Orleans.

As for the traveling expenses to which the gentleman has alluded, I suppose he will admit that traveling is necessary, and cannot be done without incurring expense. And will not the Engineer, under his bill, be compelled to travel? And will he not incur expenses on account of it? If not, he will not do his duty. And if economy be so much an object, a good way to effect it will be, as I have before suggested, to combine the offices of Engineer and Commissioner.

The gentleman has thought proper to stigmatize the existing system as impracticable. I differ with him on that point. I think it is in the main a good system, though it needs some amendments. During the last year it has worked much better than I expected it would. Much work has already been done, and enough for the whole of next year has been carved out. What necessity is there, then, for a change? And if we must change, let us take time for deliberation—not do the thing in such hot haste. Let us make a system which will have some permanency—not one that will require repeal at the very next session. At all events I must say that I would not give our present organization for the one proposed by this bill.

Mr. Moore—

I feel it incumbent on me to make some explanation of the position I hold in reference to this bill, although I have no intention to make a lengthened speech on the subject, or taking a prominent part in the discussion. I feel it necessary, as allusion has been made to the bill which I introduced in the early part of the session, to claim the indul-

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gence of the Senate for a few moments. As the gentleman from New Orleans, (Mr. King,) had taken much trouble in the preparation of his bill, I consented, out of courtesy to him, that mine should lie over until after his should be introduced. I believe it was generally conceded that the swamp land bill, of the last Legislature, needed amendment. In its existing form it was in some respects impracticable, and even unintelligible. Convinced of these evils, I undertook to draw up a bill which should remedy them. I must here state that to the present system, I prefer the Board of Public Works as contemplated by the Constitution. I believe the State should be divided into districts, and Commissioners elected by the people as directed by that instrument, and that they should be paid not an annual salary, but a per diem for the time they are actually on duty, and that a competent Engineer, or Engineers, should act under their direction. But the action of the other House convinced me that it would be useless to draw up a bill under that article of the Constitution. The question then arose in my mind whether we should let the present system remain as it is, encumbered with all its imperfections, or amend it so as to meet the exigencies of the crisis. It was evident to me that the internal improvement department could go on but a short time longer, as the fund would be exhausted Then we have to throw the Engineer into the hands of the Commissioners, or the Commissioners into the hands of the Engineer. For that purpose I thought this bill more economical. The Engineer's department of the internal improvement fund, costs in salaries, &c', $15.000. The expenses of the swamp land, at the rates of the last year, would amount to $16,000, thus making an aggregate annual expenditure of $31,000. By the bill the total amount for salaries, contingent expenses, &c., is placed at $20,000. But the $31,000, under the present system, will probably be increased by the sum of about $5,000, made necessary by the creation and addition of another district, which we are told, is absolute y necessary. This would raise the expenditures to at least $36,000, thus presenting the contrast with the other bill in a still more unfavorable light.

Now, sir, my opinion is that if we are determined to destroy or disregard that article of the Constitution which commands the establishment of a Board of Public Works, we ought to adopt in its stead the cheapest system that is offered, which combines, with economy, the requisite efficiency. I agree with the gentleman from New Orleans in all that he has said concerning the impropriety of spending large sums of money in useless salaries, and I think that the existing system will cost $36,000 per annum in that way alone. As I have said before, I prefer the Board of Public Works, as provided for by the Constitution, to any other system, if it be properly organized, so that the members shall be paid a per diem and mileage. Under that system the late Board of Public Works cost only $1600 per annum, and it consisted of nine members. No contingent expenses, except about $100, were allowed or found necessary, and yet that Board did a vast amount of work. If we do repeal the Article of the Constitution to which I have alluded, let us substitute something beneficial in its place. The bill before the Senate certainly presents the most economical and practical plan for managing our internal improvements, although some objections to it may undoubtedly be pointed out.

Mr. Wickliffe—

The proposition of the Senator from Concordia (Mr. Rivers,) meets my decided approbation. If understand it, it is this: He proposes to offer a resolution to test the sense of the Senate as to the relative merits of the present system and the one-man system proposed by the bill of the Senator from New Orleans, (Mr. King.)

Now, sir, on the score of economy, to which the Senator from New Orleans attaches so much importance, I must think this more acceptable than his proposition. If gentlemen will examine that bill attentively, they will find that it will in practice be more expensive than the existing system which he has denounced so roundly for its expensiveness. By one section of the bill the contingent expenses are allowed at $4000.

Mr. King—

That has been stricken out.

Mr. Wickliffe—

I take the bill as it is. I don't know anything about the amendments of the Committee. The bill which has been laid before us is the one on which I am speaking. Again, by this bill the Assistant Engineer is to receive $1800, and the other $2500. Thus, altogether, the amount to be expended in salaries is upwards of $7000. Then the necessary clothing and food must be supplied for the hands, which will of course cost money, and then additional laborers are to be employed. I am opposed, besides, to vesting so much power in one man. The gentleman says it insures responsibility. Responsibility!—and to whom? To no one that we have been informed The gentleman knows well enough that this responsibility, upon which he has dilated at such length, is a mere idea. I will now refer to other sections of the bill. Look, for instance, at the 14th:

Section 14. Be it further enacted, &c., That to enable the said Civil Engineer to prosecute vigorously the work of leveeing and reclaiming the swamp and overflowed lands, he shall have power to employ an Assistant Engineer for each of the above Districts, whenever in his opinion their services may be necessary; the said Engineers to be paid monthly or quartarly at the rate of three thousand dollars per annum, for the time they are actually engaged on works for the above purpoers, upon the warrant and certificate of the Civil Engineer of the State, that the said Assistant Engineer has been actually engaged on the said works, and that he has justly earned the money drawn for the payment of his salary. He shall have power to dismiss the said Assistant Engineers whenever he thinks proper, and it shall be his duty to dismiss them whenever they are not actually and actively employed in the above described public works. The said Assistant Engineers shall not, for the term they are thus employed, be engaged in any other business, but shall devote their time and attention to the duties of the office filled by them. They shall not be allowed to sue for or recover in law any fees or compensation for other personal or professional services rendered by them while in office.

By this section, Assistant Engineers for each district may be appointed for each district, but paid only for the time they are employed at the rate of $3000 per annum. We all know, sir, that a competent Engineer cannot be procured for less than $3000 per annum, if even for that. The reason is evident. An Engineer, in the first place, must be an educated man, and in addition, he should have a large experience in his profession. For the services of such there is a large demand throughout the country, and all of them can make more money than the sum proposed to be paid. The section also says that the Engineers must give

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all their time to the State. This would involve a cost of at least $12,000, in the aggregate. I repeat, it is morally impossible to get a good Engineer for less than $3000 a year.

Next we come to the 15th section, which reads thus:

Section 15. Be it further enacted, &c., That the said Civil Engineer of the State shall have power to employ, whenever he may consider the public interest requires it, such other assistance as he may deem necessary. In doing so it shall be his duty to obtain the said assistance at the lowest possible rate, at which adequate services can be obtained. The said assistance to be paid for upon the warrant of the said Civil Engineer, certifying that the persons claiming the same have actually performed the services on which the claim is based, and which justly entitle them to the compensation demanded. The Civil Engineer shall keep no person in employment longer than his services are actually necessary.

The gentleman talks of responsibility, and yet presents us with such a section as that. I am opposed to vesting unlimited control in one man. The gentleman speaks of accountability, and to whom? Let him point out to whom this officer will be accountable for the faithful exercise of the vast powers which are confided to him It will be recollected that on the last night of the session of 1852 the Senate appointed a Committee to sit during the recess for the purpose of making inquiries and procuring information in reference to our levee system. The honorable gentleman who introduced this bill thinks that the Chairman of that Committee is entitled to $25,000, and he actually brought forward a bill granting a portion of that sum. I remarked that if passed it would be the entering wedge by which the State would be compelled to pay the whole of the $25,000. If the services of Mr. Ricker, for traveling up and down the river a few times, and taking soundings, are worth $25,000, what would the services of the Engineer, under this bill, be worth? I repeat that on the score of economy, the system proposed by the gentleman is the most objectionable of all. He says that the Board of Commissioners costs $23,000 per annum. I forget the exact statement made by the Senator, but I think it was something like that amount. Will the gentleman from St. Martin, (Mr. Moore) inform me what he said on that point?

Mr. Moore—

I said it would cost $21,000.

Mr. King—

That is what I said.

Mr. Wickliffe—

I would ask the gentleman whether, under his bill, he expects the Engineer to be possessed of powers of ubiquity—whether he expect him to be in half a dozen different parts of the State at the same time. Why, sir, it is a moral impossibility for the Engineer to perform these duties in person He will necessarily have more duties than he can attend to. I, sir, am opposed to the amalgamation proposed by the bill, as much as he is in favor of it. I do not believe the people desire it. I wish to carry out the intentions of Congress, in making this grant, efficiently and faithfully, and I believe much good will result from it. I therefore wish the State to be divided into four districts and each officer to be accountable for his administration. But this bill invests one officer with powers such as the Czar of Russia himself would blush to claim. He has the absolute control of the whole fund, the appointment of all subordinate officers and the payment of all monies. And yet the gentleman talks of responsibility. Listen to what the bill says:

Sec. 7. Be it further enacted, &c., That he shall appoint and dismiss at pleasure, all officers and persons authorized by law, to be engaged on the works of Internal Improvement carried on by the State.

He shall employ, out of the funds appropriated for Internal Improvement, commanders and crews of vessels, superintendents of special works, and laborers, whenever in his opinion, they are necessary. The compensation of such employees to be the lowest rate at which suitable persons can be procured; but he shall never retain such persons longer than they are actually engaged upon the public works. The wages of such persons to be paid upon the warrant of the Civil Engineer, and his certificate that the service has been performed, and that the sum is justly due, approved by the Auditor of Public Accounts

Sec. 8. Be it further enacted, &c, That the office of the Civil Engineer, shall be kept at the seat of Government, and that suitable apartments therefor, shall be assigned him in the State House; and that the office of Engineer of the State, as previously existing, is to be abolished, and superceded by the entering of the Civil Engineer upon the duties of his office.

Are you in favor of giving to one man the power to dispose of the whole fund as he pleases? I have been elected by the voters of my district. My feelings are naturally inclined towards them. I feel the control of their wishes and opinions, and do not consider myself responsible to the Legislature. I am responsible, alone, to the people of that district from which I am elected. A Commissioner elected by the people would feel under obligations to the section which had supported and elected him, and would there bestow his favors. The gentleman talks about popular election. The Senator from Natchitoches says that is not the proper way to choose an Engineer, and I agree with him. The people are not apt to know as well the capacity or the standing of an Engineer, and they might not make a good choice. I am in favor of blotting out from the statute book all such Buncombe as that with which the gentleman has regaled us. I give great weight to the opinions of practical engineers. There are engineers here and as long as they oppose the bill, I shall oppose it for it.

Mr. Ryan—

This bill appears to me to be one of great importance to the general welfare of the State, and I represent a section which is as deeply interested in the subject as any other portion of Louisiana. In casting my vote, I shall endeavor to banish every feeling except for the public good. I shall indulge in no allusion to the faults of others, nor seek to strengthen my cause by making accusations of inconsistency. Such a course is no argument against this bill or any other. I do not know any thing of the history of the Ricker expedition. But I think it unworthy of a Senator to cite the support of that measure or the reverse as an argument for or against this bill. Even if a Senator may have erred on that question, even if he may have been guilty of inconsistency, that is no reason why he should be twitted with it at this moment, in debate on a subject which has no connection whatever with that expedition. I, sir, shall dismiss from my mind every such consideration and cast my vote on this bill, entirely with reference to its own intrinsic merits. Because the Senator from New Orleans may have been wrong on one

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occasion, does not necessarily prove that he is wrong now. That certainly is no question with me, and ought not to be a question with any Senator on this floor. The discussion relates, or should relate, solely to the administration of a certain fund, and the administrative powers to be confided to certain officers. Now, sir, I believe that the legislation of the last session was radically wrong. I respect the Senators who participated in passing the bill, and believe that they were actuated by the best of motives; but I must regard their work as defective and unsuited to our exigencies, I think, therefore that a radical change is needed. The intention of Congress in passing the law under which the swamp lands were donated to the State was that all the people of the State should receive the benefit of the donation. If, at the time, a law had been passed, prohibiting the sale of any of these lands until they should be improved, and thereby be made cultivable and valuable, we should have had something to speak of. Had we adopted the plan of reclaiming the lands, and then put them up at auction, we should receive a vast amount in return, would fill our treasury, and pay off our debt. Thus the intentions of the donors would be fulfilled. But the last Legislature thought proper to adopt a different course; a course not at all in accordance with the wishes and intentions of the donors. I am opposed to the motion which has been made by the Senator from Concordia. I should prefer that the bill be deferred till to-morrow, and then acted on. This is a subject which requires that we should meet together in a spirit of harmony; in that true spirit of conciliation which should animate an American Legislator, and guide all his official actions. It is a duty imposed on us alike by the dictates of policy and honor, to carry out the provisions of the act of Congress, by which these lands were donated to the State. For this purpose, we should come together amicably, and discard from our bosom every feeling of envy. An impartial judge will find from this discussion that there is reason on both sides; that neither is entirely wrong, and neither entirely right. Let us then come to the best conclusion to which we may be directed by the lights which have been presented to us. Neither system is perfect; for perfection belongs not to the nature of man. It behooves us then to make the best bill we can And let me say here that, no one is more averse than I am to *that* species of demagoguery which is more expressively than elegantly called Buncombe. I always desire to see the people in the full enjoyment of all their just rights; but I never loose my self respect, nor stoop to pander to the mob. Of that, I have never been guilty. I hope, then, that in this august assemblage of Senators, convened to legislate for the prosperity and glory of the State, I shall never again hear the word Buncombe. If the bill introduced by the Senator from New Orleans is a good one, let us pass it. I do not suppose there can be any valid objection to the election of an Engineer by the people. Gentlemen may talk about sectional influences and sectional partialities; but is not the Executive, if he be invested with the power of appointment, liable to be surrounded by baneful influences, is he not apt to yield to the solicitations of friends and favorites; and does not the tenure of office in such cases depend on an irresponsible agency, the more hurtful because unseen? Let us leave the election of this officer to the people, to those whose interests he is destined to protect; and not confide it to an Executive, who seldom in his appointments, is able to obey the dictates of his own judgment; but yields to the influences of the irresponsible counsellors who surround him.

Mr. Moore—

I wish to correct an error in the calculations which have entered into this discussion. In making my estimate of the expenses, I took it for granted, that there would be four districts, and too assistant engineers. I find that I was mistaken, and therefore made an error of $4,400. In looking over the report of the State Engineer, I find that, during the last year, he expended $10,600. However, in either case, the relative cost remains the same. The expenses of both being reduced, the comparison in favor of the bill before the Senate would be $13,000 instead of $15,000.

Mr. Defreese—

I think, sir, we ought to dispose of this bill at once. If the bill is objectionable in any particular, let it be taken up section by section and amended, in those respects in which it needs amendment, instead of laying it on the table. For my part I do not object to the election of the Engineer by the people Call it by what name you please, I think it is right. I think the people should be trusted. The foundation of our Institutions is the doctrine that the people are capable of selecting their officers. They are the ones to be benefited or injured. If they select unworthy or incompetent agents, the evil falls on them. They are therefore the proper arbiters. The expression of such an opinion here, may be styled demagogueism, but I am willing to abide the hazard of the accusation; nor can I be turned aside from my opinions by such a charge. The doctrine of popular election was once derided by those who were fearful or distrustful of the people. It was said that, if the people were permitted to choose their own officers, they would select men without reference to their fitness or efficiency. But the innovation was made; the experiment was tried. Have the people been the losers? On the contrary, has the result not justified the hopes of the friends of popular rights? And why should we adopt a different plan in reference to an Engineer? It is true that an Engineer must possess certain peculiar qualifications; but this bill makes all necessary provision for that, by declaring that the officer must be a practical Engineer. None others are eligible to the place; no other can present himself as a candidate, with any hope of success. But when a competent man presents himself for the suffrages of his fellow-citizens, it would not certainly detract from his capacity or his usefulness, that he was elected by the people. If the people are always actuated by impure or improper motives; if they are the rabble, that they are sometimes called, it is then right to deprive them of the privilege of electing their officers. But when we recollect that common honesty is the principle prevalent in the community, we cannot doubt the ability of the people to elect competent officers. The honorable Senator from Rapides was right in saying that the people are not the only ones liable to be actuated by improper motives or to be moved by improper influences. The same motives might animate the breast of any one to whom we might confide the appointing power; the same influences might direct his action. If the Executive be invested with the power of appointment, shall we be told that he alone is exempt from human frailties, that he alone has no friends to reward, no enemies to punish? If public officers alone be exempt from ordinary frailties and feelings, then let us leave the appointment to them. But if they are liable to the same influences; if they are animated by the same ambitious

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views; if they may be influenced by the same selfish desires as other men, then it is better to leave the choice to the many instead of to the one It has been said that the Engineer should be a man of education and refinement; that he should not lower the dignity of the place to which he aspires by going to the polls, or appearing on the stump. Sir, I desire to see no man in office who holds himself so far above his fellow-citizens as to be unwilling to mingle with them on terms of equality; nor do I think the people are so exacting, that before a man could receive their support they would require him to descend from the broad platform of gentlemanly conduct. Should he do so, I am confident that the people would be the first to hurl him from the high eminence he had disgraced. I care not whether the expression of such opinions be called demagogueism; I care not whether it be called Buncombe, or stigmatised by any name that gentlemen may choose to apply. There is another feature of this discussion to which I wish to allude. A great deal has been said about responsibility. Now, sir, I do not believe responsibility will be lessened by concentration. I do not believe the responsibility will be less when it falls on one man than when it falls on many. The same arguments as to local favoritism, urged against one man, with equal propriety, be urged against four. I do not think the one would be as liable to be influenced by favoritism, or that he would venture to perform work in one section, to the neglect or injury of the others. As soon as elected, he would forget that he had been a resident of any particular section of the State, and would act with impartiality, and if he desired to retain his office, this would be his only course. For, could he expect to preserve his position by favoring his immediate neighbors or by conciliating the whole State? If he displayed favoritism at all, it would be a favoritism demanded by necessity, and produced by a blind partiality. The bill has, moreover, the advantage of economy in the administration of our Internal Improvements. It has been said that it confides too much power to one man by placing the control of an immense fund in his hands; that there is not sufficient responsibility; that the Engineer is not hedged in by enough restrictions; that he may squander the money, or be influenced, in the disposal of it, by his own sordid feelings. I do not see then one man will be more liable to such influences than four. But he must give a bond, and I should be in favor of increasing its amount rather than diminish it. For my part, I must consider this bill infinitely preferable to the present system, or to any other which requires more officers. Gentlemen talk about evil influences, and sectional partialities. I can view such expressions as only produced by the heat of argument. This officer is to be elected by the people, and the oath he is to take is prescribed by the bill. Would his fellow-citizens elect a man who would be willing to disregard his solemn oath? I do not believe they would. There is still another feature of this bill, which has been condemned, but which I regard as a good one. It is that which provides that the Engineer must be a citizen of the State. I care not whence he comes, or where he may be born, whether he first saw the light of day on this republican soil, or under the oppressive rule of a despotic government, if he possess the requisite capacity, let him be elegible. But I am not willing to let the Governor appoint, or run the risk of the people choosing an officer whose feelings are not with us, whose sympathies are not harmonious with ours. I wish to have one whose feelings and and sympathies are identified with the interests of the State. I shall say no more on this subject at present, as I do not wish to weary the Senate by extending my remarks to a tedious length. I shall only repeat my desire that the bill be taken up section by section, amended where it needs amendment, and finally passed, as I consider the system it embodies to be the one required by the State for proper administration of our Internal Improvements.

Mr. DeRussy—

With a view of enlightening the Senate in regard to one point, I beg leave to read the fourth section.

Sec. 4. Be it further enacted, &c. That no person shall be eligible to the office of Civil Engineer of the State who is not, at the time of his election, a legal voter in elections for State officers, who is not also well versed in the science and practice of Civil Engineering, or who is a public defaulter.

It will be seen that the bill says the Engineer must be possessed of certain qualifications which are therein specified Those qualifications are indeed essentially necessary, but who, let me ask, is to be the judge of whether he possesses them or not? Who is to decide whether he is a good Engineer or not? Who is to decide that important question? It is all very well to tell us that the bill requires the Engineer to be well versed in his profession; but every one can see that it is an idle ceremony, when there is no power to judge of the fact, before the officer shall have evinced it by his actions, and then there would be no remedy in case he did not fulfill the requisitions of the law. I admit that the Engineer department requires reformation. No one can deny that, nor have I any wish to do so The report of the State Engineer shows that he has now on hand as much work as he could execute in ten years. But can you remedy this evil by imposing upon him, in addition to his present onerous duties, the labors incident to the proper administration of the swamp land fund? Every one will see the absurdity of such a proposition. I believe the State Engineer has done the best that he could do under the circumstances. I have no desire to accuse him of want of energy. But it is impossible, with a revenue of only $15,000, and the small force at his disposal, for him to accomplish much. It is therefore evident to my mind, that this department requires reorganization. Here we have before us propositions for the appropriation of various sums to be devoted to the execution of work by the State Engineer. Yet we are told that we shall increase his facilities by putting on him the labor of the whole swamp land fund. But a complete and practicable reorganization requires time. It is too important a subject to be treated lightly or disposed of in a hurry. Let this year pass away, and with the additional experience we shall thus acquire, we can return at the next session and make such a reorganization as will be practicable and beneficial. This bill, I regret to say, does not effect that desirable object. If we adopt it, the results will be, in every way unfortunate. The present system is not, intrinsically, a bad system, though it may need some amendment or modification. It has worked well for a year, and it ought not to be demolished at a blow until something evidently superior be presented to us We can amend and modify it so as to accomplish our object and that would certainly be better than to rush at once into a new and untried system. I shall now, sir, move to lay the bill on the table subject to call.

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Mr. King—

I must say that I hope the motion of the gentleman will not prevail. I have labored assiduously in the preparation of this bill, and it has been misrepresented in several important particulars by those who are opposed to it. It is therefore nothing more than fair that its friends should have an opportunity of presenting it in its true colors. The Senator from Natchitoches, who last addressed the Chair, made an appeal in favor of the present system, urging that it should continue in force another year. If the system is good, by all means let us continue it, but if it is bad, it should be done away with. If it should be abolished at the end of a year, it should be abolished now. The reasons which would apply then, apply with even greater force at the present moment. It has been obected that under this bill the Engineer would be taken from some particular locality, and that he would, on that account, be liable to sectional influences and partialities. But, the gentlemen, even if their objection has any real force, have forgotten, or omitted to notice the fact, that the bill provides for dividing the State into four districts, and the money for each district must be spent within that district. Thus the disposal of their money will be less influenced by partiality than under any other system that has been proposed. Of four commissioners, each representing a certain district, of course, each will be anxious to favor his own, even at the expense of the rest. It has also been said that this bill invests the Engineer with too much power. This tremendous power which seems to have excited so much fear in the minds of certain Senators consists of the expenditure, by the Engineer under the appropriations of the Legislature, and therefore under its direction, of about $60,000 a year. This has been represented as the height of despotic power, and in contemplating it, gentlemen seem to have been frightened from their propriety. The bill does not appropriate a cent; it simply defines the duties of an office. When we create an office, it is, of course, necessary that we should define the duties of the incumbent. This is what the bill does; and yet a mere definition of such a kind, has been seized on, and held up to the Senate as the establishment of a monstrous tyranny. Accusations can be made with facility; and once made, they are apt to be repeated too frequently without investigation, by those who mistake words for facts. It was well said by the Roman satirist:

Uvaque conspectâ livorem ducit ab uvâ.

It is easy enough to raise the cry of mad dog; but then, woe to the unfortunate victim. We have been told, sir, that my bill would be more expensive than the present system, though it requires only one officer in place of five, at the same salary as either one. We are told that five will cost less than one. This bill provides for only two salaried officers—the Engineer and an assistant to take care of the books. The bill is very rigid in establishing the principle that no work can be done except by the job, and when the work is performed the employee must be discharged. This alone will save a great deal of expense, and relieves the treasury of the expense of supporting a host of salaried officers. Let me read the section of the bill which contains this provision:

Sec. 7. Be it further enacted, &c., That he shall appoint and dismiss at pleasure, all officers and persons authorized by law, to be engaged on the works of Internal Improvement carried on by the State.

He shall employ, out of the funds appropriated for Internal Improvements, commanders and crews of vessels, superintendents of special works, and laborers, whenever in his opinion, they are necessary. The compensation to such employees, to be the lowest rate at which suitable persons can be procured; but he shall never retain such persons longer than they are actually engaged upon the public works. The wages of such persons to be paid upon the warrant of the Civil Engineer, and his certificate that the service has been performed, and that the sum is justly due, approved by the Auditor of Public Accounts.

When an Engineer is employed, the same kind of a certificate is required, and when his work is done, he must be discharged. We pay for the work that is done, and when it is done, and do not have a set of drones eating out our substance. I have now, I believe, gone through the objections which have been urged against this bill. I think I have shown that they are groundless. The bill is as economical as, theoretically, it can be made. The gentleman from St. Martin, in the remarks he addressed to the Senate, showed that under the existing system, $30,000 out of $90,000 would be consumed in expenses. It would be, I presume, useless, or superfluous, for me to endeavor to convince grave Senators that economy is in this case peculiarly necessary; that they should administer the trust confided to them, as faithful stewards, and not squander it in the payment of salaries. The present system, I think, is an abuse of the trust which has been placed in our hands. It is literally a throwing away of $25,000 per annum merely to show how $50,000 should be spent. It is, emphatically, a rotten system, which will inevitably bring ruin upon us. The Senator from West Feliciana found a provision in the bill, requiring the Engineer to be a voter in this State; and to that he makes objection. Why, sir, is that not a necessary qualification of all our State officers?—And why should we make an exception in this case?

It is scarcely necessary for me to repeat that this is an important bill It must pass soon, if it pass at all, or there will not be time for it to get through the Lower House. I believe the Senate is in favor of it, and I should like to have the vote taken on it now.

The motion to lay the bill on the table, subject to call, was lost

The resolution of the Senator from Concordia then came up as follows:

Resolved, That this bill be recommitted to the Committee on Internal Improvements, with instructions to report an act amendatory of an act to reclaim and drain the swamp and overflowed lands, so as to make the same more effective, and providing for the formation of a fourth land District, with a Commissioner in each District, said Commissioners to be independent of each other.

Mr. Martel, without prevous notice, introduced a bill entitled:

An act ratifying the bond given by the Sheriff of the parish of St. Landry, in his official capacity.

Mr. Lacey submitted the following memorial and petition, which, on motion, the reading of the same was dispensed with, and they were referred to the Judiciary Committee.

Memorial of John Rowe, to emancipate certain slaves, and

Petition of Frances Marion, widow of Francis Marion, f. p. c., for emancipation of her slave Jerry.

Mr. McCay called up the following House bills entitled:

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An act to amend and re-enact the third and thirty-second sections of an act entitled "An act to provide for the assessment and collection of taxes in this State," and a bill entitled:

An act to amend the tenth section of the act organizing the District Courts of New Orleans.

Mr. Lacey called up a bill entitled:

An act to provide for the revision of the Statutes of the State, of a general character.

Mr. Lawes asked and obtained leave to introduce a bill entitled:

An act to further regulate the duties of notary public.

MESSAGE FROM THE HOUSE.

The Special Messenger from the House requested the concurrence of the Senate to the following bills of the House:

An act for the disbursements of Public School funds of the parishes of Union and De Soto.

An act requiring a survey of School Lands before sale, and to regulate the sale thereof.

An act to amend an act relative to District Attorneys, approved May 29th, 1846.

An act defining the boundary line of Sabine parish, and legalizing certain acts resulting from the uncertainty of said boundary.

An act for the protection of merchants and vendors of agricultural products in the city of New Orleans.

REPORTS OF COMMITTEES.

Mr. Macmurdo, from the Finance Committee, to whom was referred a bill entitled:

An act for the relief of Charles S. Leckie, Collector of the State Taxes for the parish of Rapides, for the year 1850.

Reported favorably.

Mr. King, from the Committee on Internal Improvement Swamp Lands and Levees, made the following report:

To the Hon. W. W. Farmer,
President of the Senate.

The Committee on Internal Improvements and Swamp Lands and Levees to whom was referred "An act to authorize the city of New Orleans to subscribe to the stock of the Pontchartrain Railroad Company, to enable said Pontchartrain Railroad Company to construct a railroad from New Orleans to Mobile," beg leave to report:

The Committee accept the following amendments: In section two, second paragraph, line nineteen, strike out the words, "special tax on real estate and slaves," and insert "special tax" In section three, line nine, strike out the word "resolution," and insert "ordinance." In section five, line thirty-two, strike out "and as often as they may deem proper," and insert "within two years from the passage of this bill." In section five, line thirty-three, strike out the word "two," and insert "six." In section six, line six, immediately after the word "Company," insert "after having been duly authorized by a vote of the stockholders, taken agreeably to the provisions of the charter." In section seven, strike out the following sentence, commencing with the word "three," in line five, and ending with the word "Company," in line seven, "three citizens of New Orleans as Directors of the said Pontchartrain Railroad Company," and insert "three of the seven Directors allowed by law to said Pontchartrain Railroad Company, who shall be citizens of New Orleans."

The Committee beg leave, through their Chairman, to report favorably upon the bill.

(Signed) WM. W. KING.

On motion of Mr. Macmurdo, the bill was made the order of the day for Friday next, March the 3d, 1854.

Mr. Lawes, from the Special Committee, to whom was referred a bill entitled:

An act to establish a Medical Board of Examiners, and to suppress empericism in the medical profession,

Reported favorably.

On motion of Mr. Lawes, it was ordered to be printed, and made the special order of the day for Thursday, March 2d, 1854.

Mr. Boatner, from the Committee on Claims, to whom was referred a bill entitled "An act for the relief of Stephen Van Wickle," made the following report:

To the Hon. W. W. Farmer,
Lieut. Governor and President of the Senate.

The Committee to which was referred an act entitled, "An act for the relief of Stephen Van Wickle, of the parish of Pointe Coupée," accompanied with a memorial of said Stephen Van Wickle, beg leave to report, that after an investigation of the case, on the testimony produced by the memorialist, as well as that obtained by the Committee, they can see no grounds to sustain the application of the memorialist. It is true that the Raccourci Cut-Off, made by the State in 1848, proved highly injurious to some of our best citizens, yet the Committee are of opinion that the law ordering this work, was passed under a conviction that it would prove beneficial to a large portion of the inhabitants of Lower Louisiana, the memorialist among the number, and had the result been as contemplated, Stephen Van Wickle would have reaped the benefit without paying a farthing extra to the State. Contrary, however, to the anticipations of the Legislature, and the professional opinion of some of our ablest engineers, the Raccourci proved injurious to the inhabitants for whose benefit it was made, and under the circumstances, your Committee think it is their duty as good citizens to submit to the loss.

The case before the Committee, presents neither legal nor equitable grounds for indemnity: satisfactory evidence having been before the Committee, that the land alleged in the memorial to have been destroyed by the Raccourci, always had a caving front, previous even to the year 1848; that (to use the words of several gentlemen well acquainted with all the facts of this case) "a steamboat could never make a landing twice at the same place in two trips;" that the land never was considered valuable, that it was abandoned by the owner to the parish, in preference to keeping up a levee; that it (the land) would have caved as much without the Raccourci, as with it.

The Committee consider the allowance of this claim as establishing a *lawful precedent*, as opening the door to claims probably more just than this, which would exhaust the Treasury of the State for years to come, and impose a tax on the people, which would prove onerous in the extreme, and viewing the case in any light which presents itself the Committee feel constrained from a sense of duty to report unfavorably to the claim of the memorialist.

The Committee cannot close this report without returning thanks to those gentlemen who so kindly aided them in their investigations of this truly bothersome and perplexing question.

(Signed M. BOATNER, Chairman
Committee on Claims.

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WEDNESDAY, March 1st, 1854.

The following bill was under consideration:

An Act concerning forfeited bonds and recognizances and fines in criminal prosecutions throughout the State, (the Parishes of Orleans and Jefferson excepted.)

Section 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the several District Attorneys throughout the State (the Parishes of Orleans and Jefferson excepted) shall be entitled to demand and receive one-third amount of all sum or sums which may be collected on forfeited bonds, recognizances and fines imposed in criminal prosecutions and misdemeanor by any court of justice of this State, and the other two-thirds shall be paid over into the Parish Treasury, to aid in defraying the expenses in criminal prosecutions and other ordinary expenses of the Parish, after deducting the per centage allowed by law to the Sheriff for collecting and paying over the same.

Sec. 2. Be it further enacted, &c., That all other laws or parts of laws contrary to the foregoing provisions be and they are hereby repealed.

Mr. Palfrey—

I move to amend by striking out all after the word Parish in the 13th line of the first section, and inserting after the word "sums" in the 7th line—"first deducting the per centage allowed by law to the Sheriff for collecting and paying over the same."

Both amendments were adopted.

Mr. Moore—

I object to this bill.

Mr. Ryan—

There is a law already giving District Attorneys fees for prosecuting certain cases. I am opposed to exciting the cupidity of our District Attorneys. The House has passed a bill increasing their salaries, and I cannot see why we should be giving them anything more, in the way of fees.

Mr. Munday—

The good of this bill will be that the District Attorneys will endeavor to collect the forfeited bonds more than they now do. I cannot say that if an individual violates the law, and the District Attorney, under his oath and his duty prosecutes him, it is cupidity to do so.

Mr. Ryan—

They get ten per cent. now.

Mr. Munday—

No matter. They are very badly paid. The young men of the bar are not ragamuffins, and they are just as conscientious as the hoary-headed veterans. The effect of this bill will be to increase the vigilance and the pay of the office. When young men of good families and good talents and acquirements discharge the duties of this office, they are entitled to good pay, and should have it.

Mr. Trudeau—

I see that the bill reads—"the Parishes of Orleans and Jefferson excepted." I would ask why the Parish of Jefferson is excepted?

Mr. Munday—

I thought the Parish of Jefferson included the city of Lafayette.

Mr. Trudeau—

No, sir. I would ask the Judiciary Committee why the Parish of Jefferson was left out. The city of Lafayette is now a part of Orleans Parish and there can be no good reason why Jefferson should be treated differently from other country Parishes.

Mr. Munday—

I have no objection to include Jefferson in the bill.

The amendment was accordingly made and the bill passed.

CLAIM OF J. H. MADDOX.

Mr. Lacey, from the Judiciary Committee called up the following resolution:

Resolved, That the Committee on Claims be instructed to ascertain the amount which Joseph H. Maddox is entitled to demand from the State, on his alleged claim; and that they also be instructed to inquire whether the sum of $3,000 received by him under an act of the last Legislature, was not received in full payment of all his demands against the State, growing out of the printing of the debates and the publication of the same in the daily and weekly paper.

Mr. Taylor—

The subject has already been before the Committee on Claims, the members of which could not come to any agreement with regard to it. There is no probability that they will be able to agree now. I think it would be better to place it before the Senate at once.

Mr. Lacey—

I would state that this is a new question; it is whether he did not receive a certain sum of money last year in full payment of all his claims. Such is the opinion of some Senators. It is a simple question of fact which naturally comes before the Committee on Claims, and is entitled to a full investigation.

Mr. Taylor—

The Committee has already investigated the whole subject. Mr. Maddox did not receive that amount in full payment, but only for certain work which he had already done. The Committee could not agree on any particular amount.

Mr. King—

I would like to call the attention of the Senate to the peculiar wording of this resolution. It says "that the Committee on Claims be instructed to ascertain the amount which Joseph H. Maddox is entitled to demand from the State," and whether a certain sum paid to him last year was received in full of all his claims against the State. Now, sir, this assumes the whole question at issue. It takes for granted that money is due to the claimant, so that if we pass the resolution we would afterwards be precluded from making any opposition. I will state now that I am opposed to the claim. I do not think Mr. Maddox is entitled to anything from the State on the grounds he sets forth. Yet, if we pass this resolution, it will be a recognition of his claim to something, and I shall be precluded from making any opposition afterwards.

Mr Rivers—

I do not see that the resolution can have any such effect. It contains two propositions: the first that the Committee inquire how much is due to Mr Maddox; the next, whether he has been already paid. If nothing is due, the Committee will so report. But whatever the Committee do, the Senate will not be estopped from acting.

Mr. King—

I move to amend the resolution by inserting the words "in their opinion," after the word "which."

Mr. Rivers—

I certainly have no objection to the amendment, although it can make no sort of difference. I would ask the gentleman whether he thinks the Committee would make a report not in accordance with their opinion?

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Mr. Moore—

The Committee might take testimony on the point, and it would be very inconvenient for the Senate to take or listen to testimony. The Committee could report the result of its investigations to the Senate. At present I have no knowledge on the subject of this claim, and therefore could not tell how to vote on it, without further light.

Mr Trudeau—

I can see no reason for a reference to the Committee on Claims. The Senator from St Charles (Mr. Taylor) has already told us that the Committee could not agree on any particular sum, and that there is no probability of its agreeing.

Mr. Taylor—

On consultation with several members of the Committee on Claims, I am induced to withdraw my objections to the reference.

The amendment of Mr. King was adopted, and the resolution passed.

REMOVAL OF THE SEAT OF GOVERNMENT.

Mr. Ryan introduced a bill to take the vote of the people of this State, on the expediency of the removal of the seat of government from the town of Baton Rouge to the city of New Orleans.

Mr. Trudeau—

I move to refer the bill to a special committee of five.

Mr. Kenner—

This is a local bill. I move to refer it to the Judiciary Committee.

Mr. Ryan—

It is not a local question, nor is it an amendment of the Constitution. It provides simply for taking the sense of the people at the next general election, when it would not cost one cent to do it. Some think the seat of government should be removed; some think it should not. I wish to take the sense of the people on the subject.

Mr. Kenner—

I may be wrong in viewing it as a local question; but it is certainly a Constitutional question. It seeks to do indirectly what the gentleman can not effect directly; that is to amend the Constitution. I believe my motion to refer to one of the Standing Committees, has preference.

Mr. King—

I do not know any such rule.

Mr. Moore—

That is the rule in every parliamentary body in which I have ever been, and I have been in a good many.

Mr. Trudeau—

No doubt we should have an able report from the Committee, but I shall hear their opinions in full when the bill comes before the Senate. I move to lay the gentleman's motion on the table.

Mr. Ryan—

This does not require any legal or constitutional opinion. It has nothing at all to do with the Constitution.

The motion to lay on the table was lost.

The bill was then referred to the Judiciary Committee.

Mr. Ryan—

I move to instruct the Committee to report by Monday next.

Mr. Lacey—

I would remark that the Judiciary Committee has about twenty-five bills before it, some of which are far more important than this one, and require to be reported earlier.

Mr. Ryan—

The gentleman voted to refer, and he being the Chairman of the Committee, ought certainly to have known whether he would have time to act. However, I withdraw my motion to instruct.

ORDER OF THE DAY,

THE INTERNAL IMPROVEMENT BILL.

The resolution of Mr. Rivers was in order.

Mr. Kenner—

I believe there is a special order for to-day—the bill to repeal the article of the Constitution providing for the establishment of a Board of Public Works. As it is the opinion of members that that article should be repealed, I move we take up that bill in order that members may vote in accordance with their views on the subject before them without being trammeled with constitutional objections.

Mr. King—

I second the motion.

Mr. Lacoste—

I move that the late senator from Carroll (Mr. Short) be invited to take a seat within the bar during the debate on this bill.

The motion was carried unanimously.

THE BOARD OF PUBLIC WORKS.

Mr. Moore—

I wish to give some reasons why I am not in favor of repealing the article of the Constitution which requires the establishment of a Board of Public Works. I shall then, as a last question, make a motion to lay the bill on the table. I differ with some senators as to the original merits of this question. I think the plan proposed by the Constitution is the least we can adopt. The system adopted by the last Legislature, leaving the Internal Improvement department untouched, and requiring the appointment of Swamp Land Commissioners, was a mere hybrid imitation of the Constitutional provision. In the first place, it has three Districts instead of four, as required by the Constitution. It is now the general opinion that there should be four Districts. There is some difference of opinion as to whether we have, at this time, the power to do the thing proposed by the bill. The Constitution explicitly says that there shall be a Board of Public Works, and points out the manner in which the members shall be chosen,—that is, by a vote of the people of the respective districts. Farther on, it says that this Board may be abolished by a vote of three-fourths of the members elected to the Legislature. Now, sir, I would ask how we can abolish a Board which has no existence; for the Legislature has not yet, by establishing the Board, fulfilled the injunction of the Constitution. Nor can we, by an act of the Legislature, revise or alter the Constitution. We have no right or power to do it without a vote of the people. There should be no difference between the Board of Swamp Land Commissioners and the Constitutional Board. There are now two departments, but if the Constitution were adhered to, the whole should be put under the supervision of the Commissioners. I consider that economy is essentially necessary to success in this matter. We must come to that, or fail entirely. The funds are not great enough for us to support two separate departments. We must shortly amalgamate them. Then why should we not carry out the injunctions of the Constitution? The last Legislature considered that it was necessary to have Commissioners to administer the fund. What is the difference whether we call them Swamp Land Commissioners or a Board of Public Works. The question

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seems to be simply whether they shall be appointed by the Governor or elected by the people. For my part, I have full confidence in the people. I think they are as capable of selecting their own officers as any man in the community. We have elected our Judges—those who are to sit upon the bench and administer our laws; is that wrong Are the people not content with the system? You compel the Commissioner to be a resident of the district for which he is chosen, but you will not let the people elect him. But why should the people not have the control? It is no part of our Legislative business. We are not chosen to administer this fund as well as to make laws. I have confidence in the Governor and the Senate; but I think we should give to the people the right of electing their own officers. In the course of my life, I have never lost confidence in the popular intelligence. They may sometimes be corrupted by demagogues in the large cities; but I believe that the sober second thought will always set them right. In the country, and I say it with pleasure, the people never intend anything but what is honest. Excitement may for a moment lead them astray, but they soon return to the right path; they are sure to come right at last.

These funds, which have been conferred upon us by the munificence of Congress, may, if properly administered, do much good; but if badly, we shall derive no benefit from them. In 1842, Congress donated to the State 500,000 acres of land, to be located in any part of the State in which we might choose to locate it. From this donation we have certainly derived some advantage, but not to an extent commensurate with the expectations that were formed. And why was this? The answer is plain: the revenue was, in great part, frittered away in salaries instead of being scrupulously devoted to the objects for which it was intended. It is obvious that this system is defective. And what better plan can be adopted than the Constitutional District system? Each member will know the wants of his own district. When they meet, he will say such a place needs improvement; such a levee should be built; and thus the greatest good can be accomplished at the least expense. Will any one say that he would not trust a man elected by the people for this very purpose? Will any member of the Democratic party proclaim that he is unwilling to trust the people? I sir, am a Democrat of the old school; I am not a new-fledged Democrat, formed from a Federalist. I was a member of the old Republican party, and from the doctrines of that party I have never swerved. I joined the Whig party in 1832, as the legitimate successor of the Republican party. The *soi disant* Democrats, on the contrary, took up the doctrines of the old Federalists. In fact, their tendencies are very similar, if not absolutely identical. The great difference between the Federalists and the Republicans was that the Federalists wished to increase the power of the Executive—to which the Republicans were opposed. Finding the opinions of the Democrats more congenial to their tastes, on the dissolution of the old organization most of the Federalists joined the Democratic party. I have nothing to say against the mass of the Democrats; I believe they are honest and sincere in their opinions; but they are misled by a name. I have been a good Whig *since* 1832, and I believe the Whig party is the true Democratic party. These, sir, in brief, are the reasons which induce me to believe that these Commissioners should be elected by the people. I think each one should reflect the wishes and opinions of the people of the district which he is presumed to represent. If the article of the Constitution under discussion be repealed, I shall go heart in hand for the amending the present system. I will support any measure which will tend to develope the usefulness of the great fund which has been conferred upon us by Congress. If we find the Engineer system, as proposed by the senator from New Orleans, to be the best one, let us adopt it. If we conclude the Constitutional system of four districts to be preferable, let us go for it. But I will state, that I am opposed to the repeal of these articles. I think a practicable and proper bill can be formed under them. I believe we cannot abolish a system which does not exist. When it exists we may abolish it; but how can we do so before it is even established? I move to lay the bill on the table indefinitely.

Mr. Kenner—

I would state for the information of some members, that a bill abolishing the Board of Public Works has passed the lower House. There are some doubts as to whether we possess, at this time, the constitutional power to do it. In order to test the opinions of Senators on that point, the gentleman from St. Martin has moved to lay this bill on the table. Those of us in favor of abolishing that article will vote "No." Those against the proposition will vote "Yes." We can then, by the count, see if the constitutional majority is in favor of abolishing the Board.

The motion to lay on the table was lost.

Mr. King—I move that the bill be adopted; but in the first place I will read the articles of the Constitution. They are as follows:

"Article 130. There shall be a Board of Public Works, to consist of four Commissioners. The State shall be divided by the Legislature into four Districts, containing as nearly as may be an equal number of voters, and one Commissioner shall be elected in each District by the legal voters thereof, for the term of four years; but of the first elected, two, to be designated by lot, shall remain in office for two years only.

Art. 131. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the election and compensation of the Commissioners, and the organization of the Board. The Commissioners first elected shall assemble on a day to be appointed by law, and decide by lot the order in which their terms of service shall expire.

Art. 132. The Commissioners shall exercise a diligent and faithful supervision of all public works in which the State may be interested, except those made by joint stock companies. They shall communicate to the General Assembly, from time to time, their views concerning the land, and recommend such measures as they may deem necessary in order to employ to the best advantage and for the purposes for which they were granted, the swamp and overflowed lands conveyed by the United States to this State They shall appoint all officers engaged on the public works, and shall perform such other duties as may be prescribed by law.

Art. 133. The Commissioners may be removed by the concurrent vote of a majority of all the members elected to each house of the General Assembly, but the cause of the removal shall be entered on the journal of each House.

Art. 134. The General Assembly shall have power, by a vote of three fifths of the members elected to each house, to abolish said Board whenever, in their opinion, a Board of Public Works shall no longer be necessary.

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Mr. Boatner—

Before I vote, I wish to know whether we are abolishing a Board of Public Works which does not exist. This article of the Constitution applies merely to abolishing a Board already in existence. We cannot abolish a Board which does not exist.

Mr. Kenner—

There is a Board. The members have not been elected—but for all that the offices exist. The Constitution says there shall be a Governor, a Secretary of State, &c—this is merely constitutional language. It has not a future meaning, but a present meaning—it establishes these offices. The Constitution itself establishes the Board; we could merely provide for the election of the members.

Mr Rivers—

By this bill we shall be amending the Constitution. If we were to organize the Board that will be a law of the legislature and could be repealed by a simple majority.

Mr. Wickliffe—

To say the Legislature must first establish a Board of Public Works, in order afterwards to abolish it, would be absurd. It is ridiculous to contend that we ought to establish the Board merely for the sake of abolishing it. If we pass this bill we obliterate those articles from the Constitution. It would be a singular position to take—to contend that we ought to establish the Board in order to destroy it, when by a simple vote of three-fifths we can accomplish our object, by striking those articles from the Constitution.

Mr. McCay—

This question was discussed very fully last year, and I continue to entertain the opinion I then expressed. It is evident, to my mind, that the framers of the Constitution contemplated that this experiment should be tried. The language of the instrument is explicit—it says: "There shall be a Board of Public Works," and it then goes on to direct the manner in which the Board shall be elected and to impose on the Legislature the duty of organizing it. We have the power to abolish it by a vote of three-fifths, when, in our opinion, it shall be no longer necessary. But in order to ascertain this we must first try it, and we cannot try it without establishing and organizing it. That seems to me very clear. When we find it no longer necessary then we may abolish it. A distinction does exist, to which the gentleman from Concordia (Mr. Rivers) has called attention. The language of the bill repeals those articles of the Constitution Now, Sir, I have not had much experience in the art of constitution making or constitution amending; but I do not believe a vote of the Legislature can abolish a part of the Constitution. The process of amending it is pointed out in the instrument itself. It has been agreed that we may abolish the Board by a vote of three-fifths. But it is imperative on us, in the first place, to try it. Last year we were willing to disregard those mandates of the fundamental law; and I myself voted for what I considered the next best system, which was the Swamp Land Act, now in force, and which we are trying to amend. But I say again that I consider it our duty to fulfil the injunctions of the Constitution by organizing the Board of Public Works Then, if we do not like its operation, we may abolish it. But we cannot abolish it now that it has no existence, or repeal an article of the Constitution by any action of ours.

Mr. Rivers—

I wish to say but a word on this subject. If the Legislature establish the Board now, at the next session it may repeal the law by the vote of a simple majority. But the Constitution says, that by a vote of three-fifths we may abolish these articles of the Constitution. It makes an exception in this case to the general rule of amendment. It gives to twenty members of the Senate, and an equal proportion of the House, a right to effect the amendment.

Mr. Boatner—

I do not wish to trouble the Senate, but I cannot avoid expressing my astonishment at the definition of the expression "shall be," given by the Senator from Ascension (Mr. Kenner). He contends that "there shall be" was "there is." With the gentleman from New Orleans (Mr. McCay) I must say that I am not familiar with the making or mending of Constitutions; and therefore I do not profess to be versed in the mysteries of constitutional language. If the words "there shall be" really mean "there is," then the Board exists. But who knows anything about this ideal Board! The Constitution says we must establish it, and we have no power to repeal the Constitution, or power to repeal any part of it. We have only the power in a certain way, to amend it. We are told that by a vote of three-fifths we have power to abolish this Board. Let the gentleman who introduces the bill establish the Board as required by articles 130, 131, 132 and 133 of the Constitution, and I will afterwards vote for the bill—but I think we have no right to abolish the Board till it has existence. It is within the knowledge of every body, that now there is no Board. The Governor is not Governor till he is elected; the Secretary of State is not Secretary of State till after he is elected. He has, as Governor or Secretary of State, merely an ideal existence till that time. One gentleman has remarked, that to establish the Board before abolishing it, would be like setting up heaps of sand in order to knock them down. I say we cannot knock them down before we set them up However, if a bill be brought in, simply to abolish the Board, without affecting the Constitution, I will vote for it.

Mr. Rivers—

I would ask the gentleman a question. Does it require three-fifths, or a simple majority to organize the Board?

Mr. Boatner—

Only a majority.

Mr. Rivers—

Then it would only take a majority to repeal the law.

Mr. Boatner—

Not at all. The Constitution says three-fifths are required.

Mr. Rivers—

But this is a simple law.

Mr Boatner—

The Constitution is higher than the law.

Mr. Wickliffe—

If we merely abolish the Board, what becomes of articles 130, 131, 132 and 133 of the Constitution?

Mr. Boatner—

The Board is abolished but the articles remain.

Mr. Wickliffe—

Not at all. If the articles remain there would be a continual violation of the Constitution. As long as we do not establish the Board we would be constantly violating the Constitution.

Mr. King—

In order to overcome the scruples of the gentleman from Caldwell, and to secure his vote, I move to lay the House bill on the table, and take up the

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Senate bill, which is in the words suggested by him.

Mr. Boatner—

I will vote for it on the definition which the Senator from Ascension has given of the words of the Constitution.

Mr Kenner—

I want not only to get his vote, but I wish to satisfy his mind. The Constitution says the gov erument of Louisiana *shall be* divided into three departments—the Executive, Legislative and Judicial. Does that differ from the meaning it would have had if it had said, the government of the State of Louisiana *is* divided into three departments? Not at all. The meaning would be the same. It will thus be seen that when the Constitution was adopted, the future form acquired a present signification. This is constitutional language, such as is used by every constitution.

Mr. Lacey—

I think there is a distinction between abolishing the Board and repealing the articles of the Constitution. We have no power to repeal those ar ticles, though we have power to abolish the Board distinctly conferred upon us. I would, therefore, prefer to take up the Senate bill and lay the house bill on the table, subject to call.

Mr. Palfrey—

I should like to ask a question of the Senator from Ascension (Mr. Kenner). He presided over the deliberations of the Convention which formed the Constitution, and being a gentleman of great ability, as well as a close observer, would, very probably, form a correct opinion on the current events of that time and place. I would ask the gentleman what would have been the effect of the article if the Constitution had said that the Legislature, by a vote of three-fifths, shall have power to repeal these articles? What would have been the effect then? I ask the gentleman that.

Mr. Kenner—

I will answer the gentleman's question as far as I am able. The effect would be precisely the same as it is now. There would be no kind of difference. If the gentleman is satisfied with the explanation, I hope he will vote with us, and then we shall have one more vote.

Mr Palfrey—

I differ with the honorable Senator. I was also a member of the Convention, and, besides, a member of the Committee which reported the article, and my impression is directly the reverse.

Mr. Trudeau—

This question appears to be more complicated than we at first supposed. I think we can scarcely abolish a Board which does not exist; and which we have not established. We have not yet tried it—we do not know whether it would work well or not. I am not satisfied with the definition of the Senator from Ascension, that the future form has a present meaning. I think the Constitution means that we must organize the board because it says so.

The House bill was laid on the table subject to call.

Mr. Kenner—

I would ask the gentlemen what they would do? If they do not repeal these articles, what are they going to do? We must either repeal them or organize the Board. It is a remarkable fact that the gentlemen who now refuse to repeal these articles were, last year, loudest in their opposition to the establishment of the Board under the Constitution. The then Senator from Morehouse (Mr. Todd) introduced a bill establishing the Board, under the Constitution, and almost every member on the other side of the House voted against it.

Mr. Lacey—

The Senator from Ascension is perfectly right. We should do either one thing or the other, and not be, like Mahomet's coffin, suspended between heaven and earth.

Mr. Trudeau—

We cannot get over the fact that the Constitution requires this thing to be done. If the last Legislature refused to obey the mandates of the Constitution, it is no reason we should repeat the error now. There is no reason why the new members should be called on to go with those gentlemen. I have not been long enough in political life to be able to give to words a signification which their plain meaning does not warrant.

The bill passed to its third reading.

On motion of Mr. King—

The Internal Improvement bill was taken up.

The question was on striking out the amendment of Mr. Kenner to the resolution of Mr. Rivers.

The amendment was laid on the table.

A motion to lay the resolution of Mr. Rivers on the table was made.

Mr. Lacey—

I am fully impressed with the idea that the reclamation and drainage of the swamp and overflowed lands, and all public works of the State, should be placed in the hands of the Internal Improvement Department, properly organized. I think economy and good policy suggest this plan, and for that reason I introduced, at the last session of the Senate, a bill carrying out that object. A different system, however, has in the wisdom of the Legislature, been adopted, and as I desire to give that system a fair chance, and not build up at one session to destroy at another. I am opposed to the adoption of the bill introduced by the chairman of the Committee on Internal Improvements, and shall vote for a reference to the proposed committee. I think, however, time will force the Legislature to the adoption of the system set forth in the bill introduced by me at the last session.

Mr. King—

The gentleman admits that the bill is just the thing.

Mr. Lacey—

Not the bill but the plan.

Mr King—

Well then, he admits that the scheme is just the thing. But because the Legislature last year passed a bad bill we must continue it till we find out how it will work. If the system is bad now it will continue bad. I think we treat the commissioners with sufficient courtesy when we leave them in office for a year. That will be time enough for them to spend all there is on hand, and I hope they will spend it well. Next year there will be only $50,000 or $60,000, while this year we have $200,000. To continue them longer would be liable to stronger objections on the ground of salaries, because the sum they must be taken from will be smaller. I should like to see something done in this matter. I should not desire to see the Senator, from a false delicacy towards officials who have already been treated with sufficient consideratio n, deprive us of the benefit of his enlightened understanding.

A motion to lay on the table was lost.

Mr. King—

I want to offer an amendment to that resolution, o strike out all after the words "that the bill be

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recommitted to the Internal Improvement Committee."

Mr. Wickliffe—

I object to the amendment—I want the bill amended.

Mr King—

I do not understand the gentleman's objection to my motion

Mr. Wickliffe—

As I understand it, the gentleman objects to being instructed.

Mr. King—

That is it, sir.

Mr. Wicklffe—

Well, sir, the Senate has already indicated its desire to instruct. If the resolution pass, the committee must bring in a bill in accordance with it

Mr. King—

I will give my reasons for not wishing to be instructed. I do not think that any one Senator should dodge any responsibility. Every Senator ought to draw his own bills, and not shift the labor and responsibility of doing it on any other senator. For my part, I can say that I will not draw any body's bills. The Legislature cannot compel me to do it. If a bill, different from my bill, be introduced, I have no objection—but let gentlemen who want different bills draw them themselves. Now, sir, what is the meaning of this resolution? Does it mean, to report it back? The proper course would be to have both bills before the Senate. But in this way bills are disposed of, as I have frequently had reason to complain, by a left handed manœuvre; no vote is ever taken on them. and we do not get the sense of the Senate on any position. I am perfectly willing to have both bills before the Senate—all I want is a fair vote. That is all I desire. But I cannot consent to be compelled to draw up bills for other gentlemen.

Mr Wickliffe—

I am astonished at the position taken by the gentleman—that the Senate has no right to instruct him. The gentleman in his capacity as Chairman of the Committee on Internal Improvements, is a mere creature of the Senate, and if he refuse to obey instructions, the Senate can take o her steps. The gentleman says no vote has been taken on the merits of the bill. A fair vote was taken on the resolution, and that was a test on the merits. If he refuse to obey the instructions of the Senate I am aware some other member of the Committee will do it. The resolution instructs the Committee to bring in a bill to organize the Board of Public Works. Now what is the position of the gentleman? Why, that the Senate has no right thus to instruct him. He is eggregiously mistaken in that, sir; as long as he is Chairman of that Committee we have the right to instruct him. I regret that the gentleman has taken that position. As Chairman of the Committee on Internal Improvements, he should have a juster appreciation of the rights of the Senate.

Mr. Rivers—

My object in offering the resolution was to test the question whether the Senate prefers the District or the one man system. The Senate, by a decided vote, has indicated its preference for the District system. The gentleman asks what, in such a case, will become of his bill. It can be reported back, and if the sober second thought induce the Senate to take it up, it can be done. The only necessity would be for the Committee to bring in a bill in accordance with the resolution. I will here state that the right of instruction has always heretofore been acquiesced in; and I hope the gentleman will not refuse to acknowledge it now.

Mr. King—

To make myself more clearly understood. I will state that I am willing to take the resolution in this form, "that the committee be instructed to bring in a bill."

Mr. Wickliffe—

When the bill has been reported, in accordance with the resolution of the Senate, the gentleman can take this bill and offer it as a substitute. No objection could be made to that, as it would be perfectly in order.

Mr. Moore—

As a member of the Committee, I will obey the instructions of the Senate. The Senate has the right of instruction, and I shall always acknowledge it. I shall not set up my opinion against the judgment of the Senate.

Mr King—

I certainly have some feeling on the subject. I contend that no Senator has a right to instruct me to draw bills for him I might do it as a favor; but the Senate has no right to instruct me to do it.

The amendment was carried.

The resolution was then adopted.

THURSDAY, March 2nd, 1854.

Increasing salary of Clerk of the First District Court.

Mr. McCay called up the bill for the increase of the salary of the Clerk of the First District Court.

Mr. King—There are many objections to this bill, and I cannot avoid expressing the hope that it will not pass. A candidate for office is presumed to know the value and emoluments of the office which he seeks. He has his eyes wide open. There is no deception. He becomes a candidate by his own free will, and if he find that he is disappointed, he ought to resign, and not ask for an increase of salary or perquisites. He ought not to come before the Legislature with a view of seeking relief to which he is not entitled. The gentleman who holds this office was the successful candidate among a field of competitors. I am glad that he got the office, though if he had not, I have no doubt another would have been found equally competent. I say again, that if he does not like the office, he ought to resign instead of applying to us to increase his salary. He knew the salary when he ran for the office, and he therefore has no right to complain. His success kept out others who no doubt would have been glad to get the office at the present salary. If we increase one, we should increase all.

Mr. McCay—This bill passed the House by a large majority, and its necessity was made apparent there. I do not agree with the Senator, that we should increase all salaries indiscriminately. But I think we should in each case pay a salary commensurate with the duties of the office, and the responsibilities which it entails. The salary of the Clerk of the First District Court, as now fixed by law, is $4,000, and I am informed that some of the clerks make a much larger amount than this, though their duties are not more laborious. I learn from this gentleman that the expenses of his office for stationery, such as blanks, pens, ink, paper, &c, amount to $1000, and that he pays to his deputies $1800, leaving $1200 for himself, a sum entirely too small to support a family in the city, and disproportionate to the duties and responsibilities of the office. The office is one of the most respon-

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sible in the State; for, besides its duties, there are a great number of forfeited bonds which are entirely under his control. I do not, as I have said, favor an indiscriminate increase of salaries, but I think we ought to make the office and the salary proportionate to each other.

Mr. Rivers—How is the salary paid now?

Mr. McCay—Out of the fines and forfeitures.

Mr. Munday—It is at all times disagreable to me to feel myself constrained to oppose any bill which comes to us with the endorsement of the other House. But my respect for the opinions and discussions of that body cannot induce me to neglect what I consider to be the true interests of the State. I cannot see the reason of the policy which dictates the payment of high salaries to officers in New Orleans, when those in the country receive a mere pittance in comparison. It cannot be that the cost of living is so much greater in the city The actual wants of an individual in the city and the country are the same; any difference must be purely imaginary, fictitious or conventional. The cost of living in New Orleans, that is to say, of supplying all needful wants, is nearly as cheap as in Baton Rouge. Yet the Clerk now asks a salary larger than if he were a Judge I cannot see why we should pay our clerks of courts so much in the city. In the country people are governed by the precepts of the holy book of inspiration—they live by the sweat of their brow, and are content to receive an adequate return for their labor. In New Orleans, on the contrary, they are in the habit of plunging their hands deep into the public treasury. A planter owning twenty hands would not make as much in a year as would be received by this individual. A few weeks ago these halls were crowded with young men who came here from New Orleans to feed from the public crib, instead of seeking employment at home. We are told by the gentleman who last addressed the Senate in advocacy of this bill, that the Clerk of the First District Court pays to his assistants $1,800 per annum. That is entirely too large a sum. In the country we find clerks who are willing to be present all the time and receive pay for what they do; and I venture to say there are many districts in the country where the labor is almost as heavy as in any of the courts of New Orleans. In New Orleans there are not many appeal cases—at least not so many as in the country; and that fact reduces the work. I have no doubt they have a great deal to do, but they are well paid for it already.

Mr. King—I will read from page 282 of the acts of the last session.

No 326. Be it enacted, &c, That the following sums be, and the same are hereby appropriated for the following objects, for the year commencing on the first day of April, 1853, and ending on the thirty-first day of March, 1854:

For the salary of the clerk of the First District Court of New Orleans, $4,000.

It will thus be seen that the salary of the Clerk of the First District Court is fixed at $4000. Although the law holds out the idea that it is to be paid from the fines and forfeited bonds, yet, when we observe that the Legislature has appropriated the requisite amount for its payment, we can readily see that the Clerk has no reason to give himself any trouble about the bonds. It is probable that he has drawn the entire amount of his salary from the State appropriation, The natural presumption is, that when an officer can get his salary out of the Treasury, he will not put himself much out of the way to collect the fines and forfeitures. But $4000 does not comprise the entire amount that this clerk can receive. He is invested with the privilege of charging a fee for making out naturalization papers, and this is a valuable privilege. If I mistake not, he is likewise entitled to a per centage on forfeited bonds, fees on appeal bonds, and for issuing marriage licenses. There are also I believe, other perquisites which I cannot call to mind at this moment. And now, to speak of the expenditures which my colleague from New Orleans has told us are necessary, I cannot see in what manner one thousand dollars a year can be expended for stationery. The minute book can be procured for ten or twelve dollars; the subpœna book for about the same, and a ream a month would amply supply the rest. I think $75 a year would buy all the stationery needed. Now, Sir, this gentleman was anxious for the office. There were others who wanted it, but he beat them; they probably would have been perfectly satisfied with the salary. In this country it is the grand privilege of a citizen not to keep office if he does not want it. If he gets tired, or dissatisfied with a place, he can resign. There is nothing to prevent his doing that. We can get many competent men to fill our offices.

Mr. Rivers—What is the charge for marriage licences?

Mr. King—The law does not fix any specific price.

Mr. Ryan—A few brief words will suffice for an explanation of my reasons in voting for this bill. The gentleman from New Orleans has told us that there are many good and competent men who would take the office at the salary now paid. It may be as he says, but that is not the question involved. He also demurs to the estimated cost of stationery; now, although I am informed by competent persons that the expenses in that line would be very high indeed, yet I do not intend to discuss that point at this moment. The true question at issue seems to me to have been overlooked. It is simply whether the proposed sum of money would be judiciously expended in procuring an ordinary man, of ordinary capacity, qualified to discharge the duties of the office. The Senator from East Feliciana, Mr Munday, has told us that he cannot imagine why such large salaries should be paid in New Orleans, since the actual necessities of life, food, lodging and clothing are about the same as in the country, and cannot differ much in price. He then gave us a dissertation on real and imaginary wants. I admit there is a great distinction between them, but that does not affect the question. Something is surely to be allowed in proportion to the duties and responsibilities of an office. These are very great in the case of the Clerk of the First District Court It is not sufficient that we enable him to pay for his board and lodging; something is surely due for his natural abilities. I agree also that a man ought to be content with his office, and not take it from others who may be equally competent, unless he intends to do the work. But if the sum paid is not enough for the services rendered and the responsibility incurred, we ought to give more The salary of this officer is now limited by law to $4000; out of this he has to pay two clerks $900 per annum each, making $1800, and other expenses reaching to about $1000 more, thus leaving him at the utmost only $1200. This is not enough, and the sum proposed by the bill is not by any means exorbitant The gentleman has attempted to run a parallel, or rather draw a contrast between salaries in the city, and salaries in the country. There is not the slightest analogy in the

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cases. In the city the courts remain open the whole year, and their officers are, therefore, constantly employed. In the country, on the other hand, they are employed only a part of the time. Now let us see what this gentleman actually receives. Take the $1800 for clerk hire; add the average between the $75 for stationery, estimated by the Senator from New Orleans, and the $1000 estimated by Mr. Scully, being $537 50, making together $2.337 50, and deduct that amount from $4000, it leaves $1,662 50. There are doubtless plenty of loafers who would be willing to accept any office at that price. But such we do not want. We require men of intelligence and capacity; men who will be a credit, not a disgrace to us. I am not by any means in favor of an extravagant expenditure of the public money; but neither would I consent to a reduction of salaries to such a low rate that none would accept office but the lowest and most incompetent persons. If we reduce our payments to so low a rate, we shall reduce the character of our officers to an equal level. There will be no distinction between the man of merit, and the man without merit. Yet we must have such a distinction as that, and it is the only one that should exist among us. The amount of the salary is not so much an object, as the procuring of a man of ability. We should not make the salary so low that a proper man would not be willing to take it. With these views I shall vote for this bill. I believe what is given at present is not enough. Gentlemen should recollect that this court has not civil jurisdiction, though it is possessed by every other, and thus the clerk labors under one serious disadvantage, although his office is the most responsible of them all, besides being the most troublesome and the most onerous. On these grounds I shall vote for the bill.

Mr. Munday—I would ask the Senator from New Orleans (Mr. King) if the gentleman who last held the office was a loafer, and whether he was not anxious to have it again.

Mr. King—The gentleman was evidently anxious to have it again, as he was a candidate before the people, though an unsuccessful one. He left the office with the esteem and respect of all who had been thrown into communication with him

Mr. Munday—There are some gentlemen who occasionally profess to be so enamoured of the dear people as to be willing to trust them to any extent; yet when the salary interferes they say the same dear people will elect any loafer or scoundrel.

Mr. Ryan—The people cannot help. A good man would not run, and somebody must be elected.

Mr Munday—The gentleman will not say that the present incumbent is a loafer. He knew what the salary was when he ran for the office. Now he comes to us and wants his salary increased. If he does not succeed, according to the gentleman's argument, he must be a loafer. The argument is not a good one. I think we should be exceedingly careful in respect to salaries. The duties of this office have, hitherto, been well performed in New Orleans, and no complaint reached us of the insufficiency of the salary. There seems, however, to be a tendency towards exorbitancy on the part of the New Orleans office holders. They continually come to us crying "give, give, give". I repeat that we should be careful of the money of the State, and not squander it in large salaries.

Mr. Lacey—I am not anxious for the distinction of being called the bull-dog of the Treasury, and therefore I shall not vote on this question merely with reference to the amount of money we may be called on to give, without regard to the justice of the claim. I shall make up my mind on the facts and figures which have been presented. In regard to the facts and figures, I shall take the incumbent for authority, as I do not consider we can have any better. The salary now allowed by law is $4000 per annum, out of which the expenses of the office are to be paid. These, according to the statement which has been laid before us, amount to $1800 for two clerks, and $1000 for stationery, leaving $1200 for the support of the Clerk and his family. As the Senator from Rapides has justly said, this is a pitiful sum, as a remuneration for the onerous and disagreeable duties of this most responsible office. The incumbent should be a capable man, not a low person incapable of performing the duties. I consider this bill right in itself, and even if I were the bull-dog of the Treasury, I should vote for it. I vote for salaries which I think right and proper, without caring how large the sum may be in the aggregate. My conduct on such a question is guided by my sense of justice, and not by any regard to the amount of money to be paid. Nor do I object to taxing the people to pay what I consider just and necessary expenses. And, Sir, I am sure that my constituents would not object to such a course. I am certain their opinions would be the same as my own. For these reasons I shall vote for the bill.

Mr. King—There seems to be a question of fact involved in this matter. Mr. Rousseau, the recent incumbent, held the office for a long time,—ever since the organization of the Courts under the Constitution of 1845. He had but one clerk, and yet he performed the duties of the office. Now, if we increase the salary, the present Clerk may hire another deputy at $900 a year, and do nothing at all himself.

Mr. Moore—There are two good reasons against this bill. The first is that the officer knew the salary when he took the office, and therefore gave an implied assent to that salary. He is a State officer, elected by the people, and has a contract with the State to do certain work for a certain stipulated sum. If this were a bill to diminish instead of to increase the salary of this officer, I should oppose it just as strongly. He has made a contract with the State, and both parties ought to adhere to it rigidly. To accede to this request would be merely giving a gratuity. What right have we to give gratuities to persons who accept an office at a fixed salary? What right have we to tax the people for such a purpose? I say again, there is a contract in this case just as binding as if it had been written and signed by both parties. I oppose any departure from that contract either to increase or diminish the salary as long as the incumbent remains in office. For an officer hereafter to be elected we might with propriety increase or diminish the salary; but what right have we to do it in the case of this one who was perfectly well aware of the salary when he accepted the office? Why, Sir, at the last session of the Legislature we borrowed $750,000, and yet there is reason to believe that at the end of the year we shall be behind-hand. If we cannot get a competent officer again, at the present salary, let us increase it till we can, but let us by all means adhere to the contract which has been made.

Mr. McCay—My colleague from New Orleans (Mr. King) is in error in one statement which he made. He said that the late clerk, Mr. Rousseau, had but one assistant. This is a mistake; Mr. Rousseau had two clerks: Mr. Serré and Mr. Trépagnier.

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Mr. King—He had two for a time; but for a long period he had only one.

The vote was taken on the first section of the bill, and it was lost.

Mr. King—I move a reconsideration of the vote just taken.

Mr. Rivers—I move to lay the motion to reconsider on the table.

The motion to lay on the table was lost.

The motion to reconsider was carried, and the bill was made the order of the day for Wednesday next.

Paying the Recorder of Mortgages of Jefferson.

The bill to pay the Recorder of Mortgages of the parish of Jefferson for certain work, was taken up.

Mr. Trudeau—I have some remarks to make in relation to this bill. Some time during this session the Recorder of Mortgages of the parish of Jefferson asked me to present a bill for him, the effect of which would be to put a large sum of money in his pocket. I refused to do it. By means of his friends in the House, he then succeeded in getting it through that body. I do not think it is a just claim. It is however the business of the city of New Orleans, as she has to pay the money. I desire to know whether they are willing to pay the sum of $1 25 for every transcript of a mortgage. I consider it an exorbitant sum. The law makes it the duty of the Recorder of Mortgages to make a transcript of every mortgage in the old city of Lafayette for ten years back. These amount to an immense number. Are the New Orleans Senators willing to saddle their city with the enormous expense which would be incurred by paying for the work at the rate proposed in this bill? I move to lay the bill indefinitely on the table.

Mr. McCay—The Senator from Jefferson certainly pursues a strange course. If he wishes the New Orleans Senators to investigate the bill, he should certainly allow us the same opportunities that he has had himself. I am opposed to the bill, as it presents itself to me, on a casual perusal; but that is no reason why we should not have a chance to examine it, and reduce it if the amount be considered too large. I never heard of the bill before, and neither did my colleague Mr. King; I should therefore like to have time to examine it.

Mr. Trudeau—

The gentleman ought to be able to understand it by hearing it read It provides that the claimant be paid $1 00 for every mortgage, and 25 cents for the transcript of every conveyance.

Mr. McCay—

I think myself that the sum is too large. Still, we ought to give something.

The motion to lay on the table was lost.

The bill was referred to the Judiciary Committee.

Compensation of Assessors.

The bill to provide for the compensation of the Assessors of the city of New Orleans was taken up.

Mr. Trudeau—

I should like to have some informarion about this bill.

Mr. McCay—

I can give the gentleman the desired information in a moment. The law establishes a Board of Assessors in the city of New Orleans. When the city of Lafayette was annexed to New Orleans, strange to say, the law did not provide for throwing the Assessor of that District into the Board of the whole city. He is not an Assessor of the city of New Orleans, like the others, but only of the Fourth District, and is elected seperately. The bill is intended to remedy this defect, and throw him into the Board of the city.

There is still another object contemplated by the bill. The city now pays nothing for making out the assessment rolls. This is a very onerous and responsible duty. The bill provides that they shall receive the same amount for making out the assessment rolls of the city, as for those of the State.

The bill passed.

SPECIAL ORDER OF THE DAY.

This being the day set apart for the consideration of the memorial of J. H. Maddox for relief.

The report of Mr. Lacey, chairman of the Judiciary Committee, on the part of the majority, was read.

Also the minority report of Mr. King.

Mr. Boatner—

The reports just read were sent in yesterday. The report of the majority was accompanied with a resolution, which resolution was handed to myself as Chairman of the Committee on Claims. The Committee held a meeting this morning, but were unable to come to a decision on account of the absence of the Senator from New Orleans (Mr. Macmurdo), the chairman of the committee by which $3,000 was allowed at the last session. For this reason the consideration of the question was unanimously postponed.

Mr. Ryan—

This subject, it seems to me, has been long enough before the Senate without action. The memorial of Mr. Maddox, when first introduced, was referred to the Committee on Claims. Then it was referred to the Judiciary Committee, and afterwards was referred back to the Committee on Claims for the purpose of ascertaining how much is due. Now, I want to know what is to be done if Mr. Macmurdo continues to be absent.

Mr. McCay—

I would suggest the propriety of making it the special order of the day for Monday next.

Mr. King—

I should like to hear the bill read. I think it is one of great importance.

The Secretary reads the bill.

Mr. King—

I consider it of importance to have this bill referred to the Committee on Claims, and I therefore move it to be so referred.

Mr. Lacey—

I think it better to make the whole subject the order of the day for Monday next.

The bill was made the order of the day for Tuesday next.

Bill to extend the Vendor's Privilege.

Mr. Hodge asked leave to call up the following bill entitled:

An act for the protection of merchants or vendors of agricultural products in the city of New Orleans.

Mr. Lacey—

If it is the wish of the Senate to take up this bill, I have no objection. But I must say that I am opposed to it. I think it will clog and depress commerce in the city of New Orleans. To give a lien on merchantable property will interfere with commercial operations, or I am much mistaken.

Mr. Kenner—

When the lien is the vendor's privilege?

The President remarked that discussion at this moment was out of order.

The bill was taken up and read.

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Mr. McCay—

I think the bill might, very properly, be laid over. There is no necessity to pass it in such hot haste. I might support it myself if I had time to examine it carefully, and careful examination is certainly needed, for it is a very important bill.

Mr. Kenner—

I apprehend that no gentleman in the Senate will deny that the principle of this bill is a correct one.

Mr. McCay—

For my part, I think that all liens and privileges are odious. I would be willing to abolish them all. We ought to let a piece of property be the common pledge of all a man's creditors.

Mr. Lacey—

I do not desire to throw any obstacle in the way of the passage of this bill, and therefore shall not interfere with a suspension of the rules or make any opposition of that kind; but as one opposed to all such liens and privileges, as calculated to impede commercial operations, I shall vote against the bill, and call for the yeas and nays on its passage.

Mr. Kenner—

I am glad the gentleman has called for the yeas and nays. I want to record my vote in favor of the measure. I will endeavor to give a history of the bill. Any one acquainted with the manner in which commercial business is conducted in the city of New Orleans will see the necessity for this bill. The moment an article—cotton or sugar—is weighed, it is considered delivered, and the vendor loses all privilege. He has hardly time to make out an account against the property before it is beyond his reach. All that we want to do is to give him a lien for 5 or 6 days. There cannot be any thing unjust in this, or any thing calculated to impede commercial operations. It is asked for by the agricultural portion of the community as a simple act of justice, though it does seem that when a planter asks for anything it is generally considered all wrong, it might interfere with the commercial operations of the city of New Orleans. This is the first measure for the benefit of the planting interests of the State that has been introduced into this Legislature, yet we are immediately told of tacit liens and all that sort of thing. The measure is a just and necessary one, and I hope it will be so considered by the Senate.

The rules were suspended and the bill passed.

The following bill being fixed for to-day, was taken up:

AN ACT

To establish a Medical Board of Examiners in and for the State of Louisiana, and for the purpose of suppressing Empiricism in the Medical Profession.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That from and after the first day of August, in the year of our Lord 1854, no individual shall have the right of practising physic or the profession of apothecary in any part of the State of Louisiana, without having previously undergone an examination in the city of New Orleans, and obtained a certificate, which shall be delivered to him by a Medical Board, hereafter established, and in the manner hereafter prescribed.

Sec. 2. Be it further enacted, &c, That the Faculty of the Medical College of Louisiana, shall be and are hereby constituted a Board of Examiners, whose duty it shall be to examine persons who shall apply for a license to practice physic, or the profession of apothecary.

Sec. 3. Be it further enacted, &c, That every individual who shall intend to practice Physic or exercise the profession of Apothecary within this State, shall present to the Dean of the said Medical Faculty, a petition in which he shall state his intention, and the wish to comply with the formalities prescribed by law: and it shall be the duty of the said Dean to submit the said application to the said Board, who shall within three days after said application has been made or any later period, when said applicant requests it, to examine him, and if the said Board are satisfied with the answers of the candidate, they shall grant him a certificate of reception, which certificate shall be signed by the members of said Board or a majority thereof, and countersigned by the Dean of said Faculty, and shall bear the seal of said Faculty, and it shall be the duty of individuals thus received to cause the said certificate to be recorded in the Clerk's office of the parish in which he intends to practice, in order to apply to it in case it should be necessary, and it shall be the duty of the said Clerk at each term of the District Court, to make out a list of names of all the physicians whose licenses are on record in his office, and present the same to the Judge who is hereby required to hand it to the Grand Jury, and charge them to present any one practising medicine in contravention of this act, in the parish, whose name is not on said list.

Sec. 4. Be it further enacted &c, That the Board hereby constituted shall meet at some early period after the passage of this act, under the presidency of said Dean, and shall adopt certain rules to facilitate the operation of this act, and carry out fully the meaning and intent thereof.

Sec. 5. Be it further enacted, &c, That any applicant who may have been graduated or obtained a diploma of Doctor of Medicine in any of the Medical Colleges or Universities recognized as such by the said Faculty, shall, on producing the same, together with satisfactory evidence of good moral character, to the said Board of Examiners, be entitled to receive the certificate or license above mentioned.

Sec. 6. Be it further enacted, &c, That if any one shall practice Physic, or exercise the profession of an Apothecary in contravention of this act, the said person shall incur a fine which shall not exceed one hundred dollars, for the first offence, and should the offence be reiterated, such person for every new offence of the same description shall be subject to a fine at the discretion of the Court, which shall not exceed two hundred dollars, and to an imprisonment, also, at the discretion of the Judge, which shall not exceed one year, and it shall be the duty of the Attorney General and of the District Attorneys throughout the State to proceed against such persons so offending, by indictment and information in the same manner and in the form prescribed for other criminal prosecutions, and all fines collected under this act shall be put into the Treasury of the parish where such fines are collected, to be used by said parish for charitable purposes.

Provided that nothing in this act shall be so construed as to apply to any inhabitant or planter in the country, who, on the application of any of his sick neighbors, should procure them some alleviation or administer them any kind of physic.

Provided further, that nothing in this act shall be so construed as to prevent any person residing out of the parish and city of Orleans from selling

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medicines which shall have been purchased from any legal Apothecary, and which shall have been plainly labelled by the said Apothecary.

Provided further, that nothing in this act shall be so construed as to apply to Physicians and Apothecaries now exercising their professions under the provisions of the laws existing previous to the act approved March 10th, 1852.

Sec. 7. Be it further enacted, &c, That the Board of Examiners shall be entitled to receive from every applicant for a certificate, as above mentioned, the sum of twenty dollars, to be applied as said Board may direct. Provided that any candidate procuring a certificate in the form and manner prescribed by the fifth section of this act shall not be compelled to pay more than ten dollars

Sec. 8 Be it further enacted, &c, That all acts or parts of acts contrary to or inconsistent with this act are hereby repealed and annulled.

Mr. Lawes—

It would not be proper for me, having introduced this bill, to suffer it to come before the Senate for approval or rejection, without explaining its nature and the views with which I framed and presented it. I shall therefore proceed to comply with this duty as briefly as possible. It is well known that the Medical Faculty, as at present constituted, is an organized body, established by the act of 1833. It was instituted for the purpose of educating and training the young men who intended to engage in the practice of medecine. Many of the other States have adopted the same system, and have been compelled to acknowledge its beneficial effects. The law required every individual practising the profession of Physician or Apothecary, to have a certificate from a Board located in New Orleans. The Board was presided over by the Mayor of New Orleans, and was convened every time application for a certificate was made. Since that period it has been dissolved by the death of almost every one of the members who originally composed it. A Board composed of a smaller number was established in Opelousas, and with regard to that one the same thing took place. A person wishing to practise medicine was finally compelled to go to New Orleans and run about the streets to find two or three survivors from among the members of the Board, from whom he might obtain a certificate. The bill before the Senate has, for one of its objects, the remedying of the evils resulting from the establishment of those Boards. It gives this power into the hands of the Medical Faculty, where it should, properly, be deposited—the same Faculty which is at the head of the University. By this means, the reputation and the usefulness of the Institution would be extended, and it is especially important that the reputation of our Medical Faculty should be equal to that of any similar body in the United States.

This bill transfers the power of granting certificates, from an intangible, ideal body, which is not to be found when its services are required, to a regularly organized body, composed of distinguished members of the profession, and presided over by a Dean. For a small fee the capable applicant will be able to procure what before he had to travel over the whole State to obtain, and run the risk of being disappointed at last. The first section is intended to remedy this evil. I shall now call attention to other sections of the bill. The second transfers all the powers of the old Board to the Faculty of the Medical College of Louisiana. The third indicates the manner in which applicants shall proceed. It is by application to the Dean, who is then to assemble the Faculty, for the purpose of examining the applicant. If he be found qualified, he is to receive a diploma which entitles him to practice in any part of the State of Louisiana. I would call the special attention of the Senate to this part of the bill, as it makes effectual provision against the continuance of an evil which existed before. By the carelessness of the members of the late Board, or the impossibility of getting them together, gentlemen were frequently obliged to postpone their examination for several months, thus being subjected to heavy expense and an inconvenient loss of time. Sometimes they have been forced to come two or three times in a year to the city without getting a certificate. This bill makes it the duty of the Board to proceed with the examination within three days after application has been made. It completely does away with the evils of the late system.

The fifth section is conceived in a liberal spirit towards Universities similar to the one in New Orleans. The Charter of that Institution gives graduates the right to practise in any part of the State. This section gives to the applicant who may present a certificate from another State the same privilege. The Faculty is bound to give a diploma to such an applicant, on presentation of his certificate.

The penalties enacted by the bill are severe; but they are codsidered requisite for carrying out the objects of the bill, and for making its powers effective.

There is a clause in the bill giving all physicians and apothecaries, now legally practising, the right to continue. It therefore does not infringe on any vested rights. It does not require, as some gentlemen have intimated to me in conversation, that every physician in the State should go to New Orleans and procure a new diploma. That is not by any means the case, as can be seen by reference to the bill. It was not intended to have any such effect, and the wording of the bill cannot be forced to favor such a construction.

The fees required to be paid, it will be seen, are merely nominal, and are only intended to cover the necessary expense of diplomas, &c. They are so small as, for a professional man, to be scarcely worthy of consideration.

The bill is of vital importance. It will tend to raise the Medical Profession of the State of Louisiana from the almost degraded position which it occupies at present. Indeed, such is its condition, that it is scarcely worthy to be called a profession now. With the Law the case is different. We surround it with all the guards that we can raise to protect it. We require of the candidate for admission to the ranks of its votaries, a severe course of education, and an examination before the Supreme Court, or the Faculty of the University. I am proud to be able to say that I am a member of that noble profession, yet candor extorts from me the acknowledgement that the profession of the Law is not so important as the profession of Medecine. Yet, we do every thing for the Law, and throw Medicine open to the invasion of all the quacks in the State. There is no other State where Medicine is not better protected than in Louisiana. I doubt whether on the statute book of any State in the Union can be found a law similar to the one passed by the Legislature of Louisiana in 1852. All exhibit some anxiety to guard the profession from the assaults of empiricism; they require a searching examination after a course of severe study. We do just the reverse, and the consequence is that the State is flooded

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with quacks. As there are statutes against them in other States, they all find a refuge here, with a view of wringing a few dollars from the miseries of the people

Mr. Lacey—The main principle of this bill elicits my approbation. It is indeed necessary to build up the Medical Faculty of our State. But I am opposed to the monopoly which it contemplates establishing. There are many persons in our State who believe in the homœopathic system; others who have faith in hydropathy; some who think Thomsonianism the grand panacea, and others who believe in none of them. Yet every person desiring to practise is required to procure a certificate from the Faculty at New Orleans which is composed, exclusively, of physicians belonging to that school of medicine called the Allopathic. Now, Sir, if I desire to take those little pills which are contained in the diminutive bottles of the Homœopathists, why should I not be permitted to do so? If I think that infinitessimal doses possess greater sanative and curative virtues than large doses, why should I be forced to swallow the large doses? Why should I debar myself from being treated in the manner I prefer by subjecting to fine and imprisonment the unlucky doctor who might be unfortunate enough to comply with my wish? Why, Sir, under this bill, I could not take the little pills of my friend from Concordia, and he might even have to forego the proud privilege of taking them himself. I will not vote for such a bill as that; and the gentleman who introduced it was not, I apprehend, aware of its force.

Mr. Trudeau—

I would ask the gentleman who has last spoken, whether he would leave the medical profession open to the intrusion of all manner of quacks? Would he not require some evidence of a man's qualifications before entrusting the performance of such important duties to his hands? Would he leave people to grope in darkness, without a lamp to guide their footsteps, and unknowing whether they might stumble on a good physician or an ignorant unprincipled empiric?

Mr. Lacey—

The law now requires a certificate. I would ask the Senator, in return, whether he wish to deprive me of the right of employing a homœopathic physician, if I choose to do so? He certainly cannot mean that.

Mr. Rivers—

A very few remarks will suffice to show the glaring defects of this bill. The first section requires every person wishing to practise medicine to go to New Orleans and procure a certificate from a Board of Examiners, which Board, we learn by the next section, is to be composed of the Medical Faculty of the University of Louisiana. What can be the object of this, unless to reduce all practice to the standard established by that Faculty? The law of 1852, which, I believe, was opposed by the Senator from Rapides, at that time a member of the House, is in these words:

(He reads the law).

This comprises all that is necessary. The applicant must be a graduate, and have a diploma from some medical institution. This is certainly sufficient to put a stop to empiricism. Why does this not suit the gentleman? Why is this not a sufficient guard? I will show why it does not suit him. The reason is indicated by the 5th section. That section says:

"That any applicant who may have been graduated, or obtained a diploma of Doctor of Medicine in any of the Medical Colleges or Universities recognized as such, by the said Faculty, shall, on producing the same, together with satisfactory evidence of good moral character, to the said Board of Examiners, be entitled to receive the certificate or license above mentioned."

What will be the effect of this? Why, Sir, to prevent any man from getting a certificate unless he has a diploma from some old fogy college of physicians; because the Medical Faculty of New Orleans do not choose to recognize any physicians or colleges except those of their own peculiar sect.

Mr. Ryan—

I may not perhaps be as progressive in my ideas as some gentlemen, and may therefore be behind the age. But I have been taught to believe that education was necessary for a professional man; that it was absolutely requisite in order to enable him to bring his mind to a perfect understanding of the arduous duties which might devolve upon him. In 1852, the gentleman from Concordia, then an honored and influential member of the other House, as he is now of this, effected the passage of the act which is now the law. I opposed it, as he has remarked; but my opposition was ineffectual against his influence. I would be willing to open the profession of the law to all who might choose to enter it. That could do no harm. A poor lawyer would not get clients, and nobody would suffer from his ignorance. But I am not willing to accord to every humbug the title of physician, because he may be a homœopathist, a hydropathist, a Thomsonian or something of the sort. There ought to be some way of judging of the qualifications of a man who presumes to practise medicine. He may be pleasing in his manners, insinuating in his address, and even well informed on other topics; but for all that, he may be a humbug so far as medicine is concerned. He may do great injury to society, and even endanger the lives of those who blindly confide in his skill. Take the case of such a person who goes into the back settlements, and says to the simple inhabitants, "I am a Doctor, I have discovered an infallible method of treating disease", and straightway proceeds to put in operation some new fangled theory of his own by which he may hurry a score or more of deluded victims to the tomb. This is no improbable case. It might happen again and again as long as we refuse to throw proper safeguards around this important profession. The science of medicine is only to be acquired by profound study aided by experience. It is not to be guessed at by the speculators, or quacks, who dose the public with their nostrums, and then pretend to have mastered the whole range of medical science. For my part, I am willing to trust the old system, as it embodies all the knowledge which experience and investigation have thus far afforded. I think the aspirant to medical honors should be compelled to pass through some qualifying ordeal. When I am on my death-bed I want some guarantee that I have not been hurried out of the world by a quack. I was opposed to the present system when it was brought forward, in 1852, and ably advocated by the Senator from Concordia. It may be true that the new systems are better than the old; but till that fact is established, I want to have nothing to do with them. We should not patronize and encourage these new fangled theories, whose existence detracts from the dignity and usefulness of the profession and tends to bring it into disrepute.

Mr. Trudeau—

I agree with the gentleman from Concordia. A diploma in the hands of a physician is only an evidence that he has passed through a certain course

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of medical education. When he has done that, he can adopt and practice what system he likes. In fact, many, after being educated in one system, adopt another when they come to practice. There can be no objection to that. But it is necessary that they should know something of anatomy, and something of surgery. He must know something of chemistry and the kindred sciences. In fact an accomplished physician ought to be well versed in them. It is for this reason necessary that we should have some guarantee of his having studied them; we want some evidence of his having passed through this ordeal.

Mr. Rivers—

The law, as it exists, says that the physician must have the certificate of some medical college in good standing.

Mr. Lawes—

But there is no evidence of the validity of the certificate. It might be forged. This bill makes provision against such a contingency.

Mr. Rivers—

The bill says that the person must be recognized by the Faculty of the Medical College. Now, I want the privilege of employing a homœopathic physician, a hydropathic, or any other pathic I choose. Some people think the pills of the homœopathists are bad because they are too small. I have tried them and know something about them I can say that, whatever effect they may have, they certainly do not kill, and that is more than the allopathists can say of their medicines.

Mr. Wickliffe—

I was in the Senate in 1852, when the present law passed, and I am not sorry that I supported it. I have, daring my life, had some experience in the effects of different systems of medicine, and I can say sincerely that I stand here a living evidence of the benefits of the Thompsonian practice. I tried all the old systems without experiencing relief, and at last was compelled to have recourse to Thompsonianism, after having swallowed pounds of physic and travelled thousands of miles in search of health. Now, what right has the Legislature to say that I shall not employ such a physician as I confide in? This bill does not say that the Legislature shall have such power, but it accomplishes the same object indirectly. Now, Sir, it appears to me to make no great difference whether I die *secundum artem* or in the hands of a quack. The effect is the same. But I would ask whether there are more quacks now in Louisiana than there were before 1852. My impression is that there are not. I think there is a great deal of humbug in these *secundum artem* Doctors. Perhaps an anecdote will illustrate. I knew in Kentucky a distinguished physician called Dr. Caldwell. He was what is considered a scientific man and enjoyed a high reputation in that part of the country. One of his peculiarities was an intense desire to find a scientific reason for every thing, and of this one of the wags of the town once took advantage in order to have a little fun at the Doctor's expense. Meeting the Doctor in the street, he told him that a wonderful phenomenon had occurred, which he should like to have scientifically explained—It was nothing more nor less than the birth of a child one side of which was entirely black. The Doctor promised to investigate the subject, and a few days afterwards published a communication in one of the papers, in which he showed on scientific principles that such a thing might happen, and explained the causes and theory of the phenomenon. It was all very learned and very plausible, the wag had forgotten to inform the Doctor that the other half of the child was black also. That is a specimen of the humbug of the regular physicians.

As to this bill, it ought to be called a bill for the relief of the Medical Faculty of the city of New Orleans. What have we not done for that Faculty? Why, Sir, we have done for it infinitely more than it deserves. We have appropriated thousands of dollars to the support of the Medical College for the purpose of purchasing wax figures and humbugs of that kind; and notwithstanding our paternal fondness for them, I believe there are more quacks in the ranks of the regular physicians than can be found outside of them. We all remember that during the disastrous epidemic of last year in New Orleans, the regular physicians were utterly powerless. Their efforts to check the disease were disastrous failures. Even Dr. Stone, who stands at the head of the profession, left the city with the confession that his skill was unavailing. What less can be said of a quack? If a man employs a quack, it is his own business and his own fault. If he die under the hands of a quack, it is nobody's fault but his own. We should not compel him to employ a physician he does not like. Neither should we force him to employ only those recommended by the Medical Faculty of New Orleans. He should be permitted to employ a homœopathist, a hydropathist, or any other kind of a doctor he chooses.

The bill was laid on the table.

The Falls of Red River.

Mr. King called up a bill entitled:

An act to complete the improvement of the falls of Red River, at Alexandria, which was read together with the following report of the Commissioners, which was reported back by Mr. DeRussy, on the part of the Committee on Internal Improvements, and

On motion, it was made the order of the day for to-morrow, March 3d, 1854.

To the Hon. Senate and House of Representatives of the State of Louisiana, in General Assembly convened at Baton Rouge, (La).

ALEXANDRIA (La.), February 13th, 1854.

The undersigned, Commissioners appointed by an act of the Legislature of the State of Louisiana, entitled "an act to improve the falls of Red River, at Alexandria", approved 11th of March, 1852, to superintend and control said work, would respectfully represent: That the amount of twenty thousand dollars, appropriated by said act, having been found insufficient to secure the improvement as contemplated, and an additional sum of fifteen thousand dollars being required to complete this important work in a satisfactory manner, an additional appropriation of fifteen thousand dollars is hereby solicited for that purpose.

The reasons upon which we base this demand are derived from the report of the Engineer of the Board, Col. L. G. DeRussy, stating that the work required to be made, in order to secure a good navigable channel of sufficient width and depth, has, by subsequent examination, been found considerably greater and more difficult than originally estimated, according to a map of G. T. Dunbar, late Engineer of the State, the only document to which reference could be had, and also that the operations of Messrs. Maillefert and Raasloff, with whom the Board had made arrangements for carrying out said improvement, though entirely successful in themselves, to such a degree as to place the practicability of the improvement beyond doubt,

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have been very seriously interfered with and delayed by the epidemic, the temporary disorganization of the Board, in consequence of the death of our late and lamented Chairman, Thos. P. Hickman, of Rapides, the extraordinary continuance of low water, and several other circumstances, which we forbear from mentioning in detail, but all of which tended to delay their operations and put them to much greater expense than they could have anticipated.

All of which is respectfully submitted.

Signed, P. T. HICKMAN,
J. W. BUTLER,
Commissioners.

SPECIAL ORDER OF THE DAY.

This being the day set apart for the consideration of the memorial of J. H. Maddox for relief.

The report of Mr. Lacey, Chairman of the Judiciary Committee, on the part of the majority, was read.

Also the minority report of Mr. King.

Mr. Ryan asked and obtained leave to introduce a bill entitled:

An act for the relief of J. H. Maddox.

On motion, the rules were suspended, it was read twice, and, on motion of Mr. Hodge, it was referred to the Committee on Claims, and they were made the order of the day for Tuesday next.

MESSAGE FROM THE HOUSE.

The Special Messenger from the House informed the Senate that the House had concurred in the following bill and resolution of the Senate:

An act to repeal an act relative to the recusation of the Judges of the Supreme Court

Resolution to carry into effect section 32 of an act entitled an act to establish a general system of Free Banking in the State of Louisiana

And that the House had adopted the report of the Committee on Conference on the amendment of the House to the Senate bill entitled:

An act to amend and re-enact article 1116 of the Civil Code.

And he requested the concurrence of the Senate to the following bill and resolutions of the House:

An act making it the duty of the city and parochial authorities to create such additional Justices of the Peace and Constables, as the public interest requires, the parish of Orleans excepted.

Resolution relative to a Railroad from the Mississippi River to the Pacific Ocean.

Resolution requesting our Senators and Representatives in Congress to obtain a concession of public domain for school purposes in the parish of St. Martin.

MESSAGE TO THE HOUSE.

The Assistant Secretary requested the concurrence of the House in the following bills entitled:

An act to emancipate John Lanier, of the parish of Union

An act relative to taking testimony in certain criminal cases.

An act authorizing Mathilda Laure Olivier to mortgage her property.

An act to amend the third section of an act entitled an act to regulate the terms of the District Courts (the parish of Orleans excepted), approved April 29th, 1853.

An act concerning forfeited bonds and recognizances and fines in criminal prosecutions throughout the Sate (the parish of Orleans excepted).

And he informed the House that the Senate has concurred in the following bills entitled:

An act for the relief of the Sheriff of the parish of Lafourche.

An act to amend an act entitled an act for the relief of James Upshaw, Sheriff of the parish of Bienville, approved 11th February, 1854.

An act relative to the removal of the seat of justice in the parish of Concordia.

An act to authorize Eugene Tastet and wife to adopt Louisa Annette Hermann.

An act requiring survey of School Lands before sale, and to regulate the sale thereof.

Mr. Lacey, from the Judiciary Committee, reported favorably on the following bills entitled:

An act to amend and re-enact the third and thirty-second sections of an act entitled an act to provide for the assessment and collection of taxes in this State, approved March 21st, 1850, and to provide for the Board of Assessors, and the compensation of the Board.

An act to provide for the revision of the Statutes of the State of a general character.

An act to amend the charter of the New Orleans Gas Light Company.

And he reported unfavorably on the following bill entitled:

An act to further regulate the duties of notaries public.

FRIDAY, March 3d, 1854.

Act relative to Jurors.

Mr. Evans called up the following bill:

AN ACT

To amend the eleventh section of an act entitled an act to provide for carrying into effect the Judiciary system, approved 29th of May, 1846, relative to Jurors, the parish of Orleans excepted.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That section eleven of the act approved May the 29th, 1846, entitled an act to provide for carrying into effect the Judiciary system, be and the same is hereby amended and re enacted, so as to read as follows, to-wit: That not less than thirty days before the first sitting of each Jury term of the District Courts of the several parishes, after this act shall have gone into effect, the parish of Orleans excepted, the Sheriff, Clerks of the District Court and the Parish Recorder, together with three freeholders, shall meet in the Court House of their respective parishes, and select from its tableaux of assessment the name of every person who, under the laws of this State is liable to serve as Juror, and shall make a list of the same to be filed in the office of the Clerk of the District Court. The aforesaid officers and freeholders shall cause to be written on separate ballots of paper of uniform size, the name of each person so selected, and placed upon the list aforesaid, which ballots shall be deposited in a box to be provided for that purpose, and being well mixed, one of said officers under the direction of the others and of the freeholders present, shall draw therefrom not less than forty-eight ballots, and the Clerk of the District Court shall, as each name is drawn, enter it upon a list for record, and deposit the ballots so drawn in a separate box.

The Clerk of the District Court, in making out a *venire facias* of the names thus drawn, shall designate the first eighteen as Grand and the others as Petit Jurors, and they shall be summoned by

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the Sheriff so to serve at the next ensuing term of the Court.

In making up Jurors for the succeeding terms of the Court, ballot shall be drawn in the same manner from the box containing the remainder of the list until all the names are exhausted, when a new list shall be formed in the manner provided for in this act, which shall include such additional names of persons as may have become citizens and are competent to serve, leaving out those who from any cause may have become ineligible.

After each drawing, the boxes containing the ballots shall be locked up, sealed, and kept in the custody of the Clerks, and shall not be opened until by order of the proper persons who are to conduct the next drawing, when assembled for that purpose.

In case either of said officers, who are by this act required to be present at the drawing of any Jury, shall be absent or disqualified from serving on any account whatever, the place or places of such absent or disqualified persons, shall be supplied by any one or more Justices of the Peace of the parish.

In parishes where by law the sessions of the Court extend beyond one week, an additional number of twenty-four Jurors shall be drawn who shall be summoned to appear and serve as Petit Jurors for the second week, and a like number for the third or fourth week; but when the length of the term is not prescribed by law, the Jury summoned for the fourth week shall be liable to continue in attendance upon Court, in discharge of their duty as Jurors, until discharged by the Court, provided that no person shall be required to serve as a regular Juror at two successive terms of the Court. When a Jury selected under the provisions of this act shall be set aside by the Court, on account of any defect or informality whatsoever, it shall be the duty of the Clerk of the District Court to give immediate notice thereof to the other proper officers, who shall, with the required number of freeholders, proceed to draw a new set of Jurors under the provisions and formalities herein required; which said Jurors shall be summoned to appear instanter, the thirty days required being in such cases waived, and the said Court shall not be adjourned except from day to day, till such Jury can be convened, Provided that such session be not continued so as to interfere with any regular session of said Court in another parish. All or any objections which might or could be made on account of any defect or informality which may have occurred either in the formation, drawing or summoning of said Juries under the provisions of this act, or any other defect whatsoever in the construction of said Juries, shall be made on the first day of the terms of said District Courts, and not afterwards.

Sec. 3. Be it further enacted, &c, That this law shall go into effect from and after the second Monday of July, 1854

Several amendments were proposed.

Mr. Hodge—

I move to insert two days instead of thirty days. An extra session is liable to be called within the time specified.

Mr. Palfrey—

I move to lay all the amendments on the table

Mr. Trudeau—

I move to except the parish of Jefferson from the operation of the bill. My reason is, that it is usual in such matters to legislate the same way for Jefferson as for Orleans.

Mr. Hodge—

I move to except the parish of Caddo also.

Mr King—

The reason for making the parish of Jefferson an exception, equally with Orleans, does not now exist. The reason was, because the city of Lafayette, now the Fourth District of New Orleans, formed the larger portion of the parish. Since the annexation of Lafayette to New Orleans that reason is obviated.

Mr. Trudeau—

The population of Jefferson—its urban population, I mean—is greater now than when Lafayette was annexed. It has Jefferson City and Carrollton and Gretna, all of which are large and rapidly increasing towns.

Mr. Hodge—I will give my reasons for wishing to have Caddo excepted, although, without intending discourtesy to the Senator from Jefferson, I do not see the same reason for excepting his parish. There is now a special statute providing for this matter in Caddo Parish. It was passed in 1852, and its provisions are much the same as those of this bill, which is therefore, so far as Caddo is concerned, rendered superfluous.

Mr King—

The gentleman's reason is not a good one. It is much better to have legislation uniform than to have separate methods prevailing in every parish.

Mr. Hodge—

The gentleman sometimes understands the interests of the parish of Orleans; but he must permit me to understand those of my parish, as well as he understands those of his. I stated that we have a law in Caddo which suits our wants exactly, and which differs but little from this bill, though I have not had time to examine it sufficiently throughout to be enabled to say whether it is exactly the same. Nor indeed am I prepared to say that any portion of the bill is exactly the same as the act of '52; and therefore, I could not say that it would suit the people of Caddo quite as well as that already in force. But I can say that the people of Caddo are perfectly satisfied with the present act. Why then change it? I would remind the Senator from New Orleans, that the manner of drawing is not uniform throughout the State. Special acts have been passed for various parishes. There is one for Caddo, and one, I believe, for West Feliciana. Those acts were passed to meet the wants and wishes of those parishes. It would be unjust to make a change now when change is not required; deprive them of systems with which they are satisfied, and force on them others which may not suit.

Mr. King—

I shall say but one word in reply to the gentleman. I am not in the habit of meddling in legislation intended for the country; but I am compelled to vote. I made the remarks which the gentleman excepts to, at the request of a Senator from the country. I am informed that the Judge of Caddo parish itself is in favor of this bill. I think it necessary to have uniform legislation, particularly on this subject, and that necessity should induce the Senator to accept this bill.

Mr Hodge—

I will read a section of the act now in force. (Reads).

This, it appears to me, is much better than the system proposed by the bill.

The third section provides: (reads).

The Grand Jury is first drawn. The first fifteen drawn are to serve as the Grand Jury, and

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the balance are divided into three equal lots to serve for the three terms.

Mr. Martel—

I agree with the Senator from Caddo in what he has said on this subject, and for the same reasons I shall move to strike out St. Landry and Calcasieu My duty to my constituents demands that I adopt this course. In those parishes the Sheriff has to perform a long journey in order to summon the jurymen. He has to travel upwards of a hundred miles. If he had to do as much at every session of the Court, he could not accomplish the work, or he would have to summon more than a hundred jurymen at a time. I therefore feel compelled to make the same motion as the Senator from Caddo, and to vote with him.

Mr. Munday—

For the same reason I shall vote with him. When we have special acts for our respective parishes, why force us to change? When the proper time comes I shall move to except East and West Feliciana from the operation of this bill. Those parishes were the first to divide the labors of Jurors. Their system works well and the people are satisfied with it. I hope the Senate will not force them to take a system which may not suit their convenience. At present the labor is divided. Farmers, planters, mechanics, &c, are not kept from their vocations longer than is absolutely necessary.

Mr. Hodge—

I move to lay the bill on the table subject to call.

The motion was carried.

The bill for the relief of — was taken up.

Mr. Lacey—

This bill was laid over for some time. as the impression was that the Senator from Natchitoches, Mr. DeRussy, knew something of its merits. It appeared, however, that he knew little or nothing I then went to the State Treasurer (Mr. Greneaux), who said he was familiar with the facts. It appeared that Dr. McManus had killed a person, and then fled to Missouri. A requisition for him was made by the lamented Johnson, at that time Governor of this State. He was arrested, brought back, and delivered up to the authorities He was tried and acquitted. He went back to St. Genevieve and was afterwards killed in a fracas at that place. The person who went there, arrested him, and brought him back, is certainly entitled to something for his trouble.

Mr. Munday—

I should like to know whether the claimant has an agent here for the prosecution of this claim. I am told that Dr. McManus returned quietly, and did not have to be ironed.

Mr. Lacey—

Mr. Lanoux is the agent. and he placed the claim in my hands.

Mr. DeRussy—

I think I can state the facts about the bringing of this man, Dr. McManus, back from Missouri. He did not come in chains. He came very peaceably and was not considered at all dangerous at that time.

Mr. Hodge—

I thought at first that I should vote for this bill; but then it struck me that the claimant might have been paid for this service by some of the friends or relatives of the deceased, who perhaps had a pique against Dr. McManus. If McManus had really been guilty of the heinous crime of which he was accused, the Governor would have offered a reward for his apprehension. Then it appeared to me that we might actually be paying a man for long an injustice, for the accused person was afterwards acquitted. If I thought this man had acted with disinterested motives and from a desire to see the law vindicated, I might vote for the bill, though even then the fact that the man was not convicted would be a drawback. But I have no reason to think that such were his motives, and consequently, do not see that the State is under any obligations to him.

Mr. Boatner stated the facts.

Mr. Hodge—

That does not prove the motive. The relatives of the deceased probably went to the Governor and persuaded him to make out a requisition, Of course, the Governor of Missouri was then bound to issue a proclamation calling for the arrest of the accused. But this had nothing to do with his guilt or innocence, or with the motives of the person making the arrest.

Mr. Boatner—

The gentleman wants us to prove what is not susceptible of proof. This man acted by authority, and that is all we have to inquire.

Mr. Moore—

Is there any law for payment in cases of this kind?

Mr. Boatner—

It is but recently that we paid a person $500 for arresting a murderer in Louisville and bringing him back to this State.

Mr. Hodge—

The gentleman makes a mistake in not drawing a distinction from the fact that in this case the man was acquitted. It was determined that he had not violated the law. I am told by the Senator from Natchitoches, that the reason he was brought back was, that he had enemies in Missouri who wanted to get him away, not because he had violated the law, but because they did not like him.

Mr. Lacey—

Does the Senator from Natchitoches know anything about the matter?

Mr. DeRussy—

This person had had quarrels in Missouri, and thence enemies who desired to get rid of him. They heard of the warrant for his arrest in Louisiana, and thought that a good opportunity to accomplish their object. I do not think this claimant had any enmity against him; but he was selected to perform this service on account of his energetic and determined character. He told the accused, on leaving Missouri, that if he made no trouble he would not put him in irons, or restrain him in any way They came down the river as friends. These are facts which I know. They landed within 50 yards of my house, so that I cannot be mistaken.

Mr. Palfrey—

In my view, when the Governor issues a proclamation for the arrest of any person, the State ought to pay the expense of the person making the arrest.

Mr. Munday—

I have in my mind the case of a murderer who fled to Texas He was followed by a party of men who had to travel a long distance, camp out, and undergo many hardships before they accomplished their object. The State paid the whole of them $500. It strikes me the sum named in the bill is very large.

Mr. Richardson—

I move to strike out $500.—Carried.

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Mr. Martel—

To explain my vote on this bill, I shall be under the necessity of relating facts known to nearly every person in Louisiana who has ever resided on the frontiers of Texas. Many persons accused of and arrested for murder have escaped across the Sabine, which has served as an effectual defence behind which they could defy justice. I have been in Texas, and seeing one of these criminals, have asked the people "do you know that man is a murderer?" and they have answered "yes". Then, when I asked them why they did not arrest him and deliver him up to his merited punishment, and told them they would be rewarded, they replied with a laugh "do you think we would take the trouble and the risk for a paltry hundred dollars?" This is the reason why, in some sections of our State, on the frontiers of Texas, there has been no security for life, since a criminal could cross the border and be safe from pursuit and arrest. For my part, I do not see how there can be any discussion on a subject of this kind. In this case two Governors issued their proclamations; the accused was arrested and brought back for trial, and yet we quarrel over paying the person who made the arrest for the expense and trouble to which he was subjected. This is reducing justice to a mere matter of dollars and cents; it might amount even to a denial of justice, if persevered in. Crimes would be committed with impunity, and the officers of justice be laughed at. How many criminals have thus escaped to the other side of the Sabine, and remained at liberty simply because there was no inducement for any one to arrest them, it is impossible to say; but I know there are a great many. You can see them at any time on the frontier. Ask the neighbors "Do you not know that this man is a murderer, or a thief, or a forger?" and they will answer "yes"; but if you ask why they do not arrest him, they will tell you they have no inducement to do so. Men must have motives for acting. They are not entirely disinterested. They will not go to the trouble of pursuing and arresting a man, losing their time and subjecting themselves to trouble and expense simply from a love of justice and law. I remember a case of a criminal named Mitchell, who was pursued through several States, and finally captured after much exertion. For all this $300 was paid. It is a shame. In such a case I would be willing to pay a thousand dollars. This is a good way to spend our money. It is not squandering it in useless undertakings and superfluous salaries. It is, on the contrary, for the protection of justice and the law. I would pay liberally in such cases. Then we might have some prospect of securing a criminal. But what inducement would any one feel to make an arrest, if, after performing his duty, and requesting an adequate compensation, he is to be asked whether the accused had been convicted? What inducement would he have to travel perhaps thousands of miles and undergo fatigue and trouble of all kinds, if he is to be asked what his motives were? This is a good object on which to spend money; it is for our protection, and to secure the ends of justice. I move to insert $1000 in place of $500.

On motion, the amendment was laid on the table.

Mr. Hodge—

I move to lay the whole subject indefinitely on the table.

The motion was lost.

Mr. Ryan—

Has not the Governor a contingent fund out of which to pay expenses of this kind?

Mr. Hodge—

The custom is this: the Governor has a large contingent fund at his disposal. When an arrest is made the parties apply to the Governor and he pays them. The probability is that this claim had been already presented to the Governor in office at that time, and he, with full knowledge of the case, refused to pay it. I am not unwilling to pay such expenses; I agree with the Senator from St. Landry that high reasons of public policy require their payment. The service is important to the State, and ought to be remunerated; yet we should, at the same time, be just to ourselves. If the Governor will say that this is a good claim and has not been paid because the fund was exhausted, I will cheerfully vote for it.

Mr. DeRussy—

Is not the fund only for rewards?

Mr. King—

I believe there is no restriction.

Mr. Lacey—

The fund is not for such purposes. The President *pro tem.*, Mr. Wickliffe, who has had much experience in such matters, has, I venture to say, never seen an instance of the fund being applied to such a purpose.

Mr. Munday—

It may be that it is intended for rewards for the apprehension of criminals, &c.; but this is a different case. This man never expected to get a reward. He merely wanted to get away a man who was considered dangerous by his enemies, and who had taken this means of getting rid of him.

Mr. Boatner—

This man, though not a citizen of Louisiana, was acting in behalf of Louisiana and her laws. We are told he should get nothing, because the accused was not convicted. But he actually performed the service, he did the duty. With the trial, or acquittal, or conviction, he had nothing at all to do. They did not depend in any measure on him. I hope gentlemen will view this matter as I view it. I move to insert $475 instead of $500

Mr. Trudeau—

We should pay either $500 or nothing. I shall offer a resolution to authorize the Governor to pay $500, if he think it due. That is the proper way to do.

Mr. Hodge—

I renew the motion to lay the whole subject indefinitely on the table.—Lost.

Mr. Clifton—

I move to insert $600.

Mr Trudeau offered the resolution referred to above.—Lost.

Mr. Hodge—

I will state how I understand this case. The Senator from Natchitoches says he knows this man was brought back peaceably—that he made no resistance. Consequently, the captor had no more trouble than to go to Missouri and come back again. It appears that this Dr. McManus had some enemies by whom he was persecuted. They desired to get rid of him and employed this claimant to execute the task. He had no trouble in completing it—no resistance was made, but the prisoner came back willingly, conscious probably of his innocence of the crime of which he was accused. He was tried and acquitted. It was decided by a jury of his fellow-citizens that he had not violated the laws of Louisiana. It thus clearly

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appears that he was a persecuted man. If Senators are willing to vote away the money of Louisiana on this presentment, let them do it; but for one, I shall not.

Mr. Palfrey—

I do not wish to go behind the record, and seek for explanations. If he was persecuted, it does not appear that he was persecuted by this man.

The amendment inserting $300 was adopted, and the bill passed to a third reading.

Bill for the relief of — Toy.

Mr. Clifton called up the bill for the relief of — Toy.

Mr. Hodge—

I move to refer the bill.

Mr. Clifton—

I see no good reason why this bill should be referred. It was the hand of God alone that prevented this person from completing his work, not that of man. He is here now, and needs a settlement, and the Commissioners are anxious to settle with him.

After a few further remarks from Mr. Clifton, the bill passed.

SPECIAL ORDER OF THE DAY.

City Subscription to the Pontchartrain Rail Road.

On motion of Mr. Macmurdo, the following bill was taken up:

AN ACT

To authorize the City of New Orleans to subscribe to the stock of the Pontchartrain Rail Road Company, to enable said Pontchartrain Rail Road Company to construct a Rail Road from New Orleans to Mobile.

PREAMBLE.

Whereas, The Pontchartrain Rail Road Company was, under an act of the Legislature, approved April 28th, 1853, authorized to construct and maintain a Rail Road to Mobile, in Alabama, upon obtaining the proper authority therefor from the States of Alabama and Mississippi; and whereas, the said Pontchartrain Rail Road Company, in the prosecution of this enterprize, under an agreement and in accordance with the charters of the "Mobile and New Orleans Rail Road Company", a Company chartered by the Legislatures of the States of Alabama and Mississippi, for the purpose of constructing a Rail Road from Mobile to the Louisiana line, in the direction of New Orleans, is fully authorized and empowered to construct and maintain a Rail Road through the States of Mississippi and Alabama to the city of Mobile; and whereas, the city of Mobile has, by loaning her credit to the Mobile and Girard Rail Road Company, secured the extension of a Railway from Mobile to Columbus (Georgia), thereby completing the connection by Rail Road from the City of Mobile to the State of Maine and the Canadas; and whereas, the Rail Road designed from New Orleans to Mobile, will, when completed, form a connection by means of the said Pontchartrain Rail Road with the "New Orleans, Opelousas and Great Western Rail Road Company", which is seeking to penetrate through the State of Texas, and thence on to the shores of the Pacific, whereby a *Great Southern Sea board Route* by Railway would be established from the Atlantic to the Pacific ocean, through the city of New Orleans; and whereas, the several States of Alabama, Mississippi and Louisiana have, in view of its general importance, passed joint resolutions, instructing their Senators and requesting their Representatives in Congress to obtain grants of the Public Lands to aid in the construction of the said New Orleans and Mobile Rail Road; and whereas, in consideration of the foregoing facts, and deeming it of special importance to the State of Louisiana and to the city of New Orleans that the said Rail Road connection between Mobile and New Orleans should be completed without delay; and whereas, it is desirable that the city of New Orleans should emulate her sister cities by aiding in the construction of this link, which would unite her interests with the different extremities of the Union: Therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That it shall be lawful for the Common Council of the City of New Orleans to subscribe to the stock of the Pontchartrain Rail Road Company, in the sum of one million five hundred thousand dollars.

Sec. 2. Be it further enacted, &c, That any ordinance authorizing such subscription shall contain the following provisions, to wit:

First, That the subscription of the city to the stock of the Pontchartrain Rail Road Company shall be made by the Mayor, and shall be payable in bonds of said city for one thousand dollars, each having thirty years to run, bearing interest at the rate of six per cent per annum, with interest coupons attached, payable semi-annually in New Orleans or New York, transferable by the endorsement of the President and Secretary of the said Company, and said bonds may be converted into the stock of said Company at any time not exceeding five years from their date, under such regulations as the President and Directors may see fit to adopt, the parties in interest agreeing thereto.

Second, That a special tax on real estate and slaves shall be levied in January of each year, sufficient to pay the annual interest on said bonds, specifying the rate of said tax, which shall be collected at the same time, and in the same manner as the consolidated loan tax of the said city.

Third, That the bonds of the city issued for the stock of the said Company, shall be issued and received at their par value for said stock, and to insure the full and punctual discharge at maturity of said bonds; the stock of the said Company thus issued to the city of New Orleans shall be forever pledged for the redemption of said bonds, in the amount of ten shares for each bond of one thousand dollars.

Sec. 3. Be it further enacted, &c, That all ordinances, resolutions, or other acts, passed by said Council, after the first of January of each year, except an ordinance to impose said Consolidation Loan tax, and an ordinance imposing a special tax for the payment of annual interest on bonds issued by the city of New Orleans as its subscription to the stock of the other Rail Road companies in the State, shall be null and void, unless a resolution levying a special tax for the payment of the interest on said bonds shall have been previously passed; Provided, That no levy of a tax for the payment of interest on said bonds shall be made after the payment of dividends of six per centum per annum, on the stock of said Pontchartrain Rail Road Company held by the city, as hereafter provided, which dividends shall be applied by the city to the payment of the interest; and, provided further, that whenever the dividends of said Rail Road stock owned by the city, shall amount to more than six per centum, per annum, the excess, after

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the payment of interest as aforesaid, shall be applied by the said Pontchartrain Rail Road Company to the purchase of the city bonds issued under this act; it being understood that when dividends of less than six per cent. per annum, are received on the stock of said Pontchartrain Rail Road Company owned by the city, a tax for interest shall be levied for the difference only, between the amount of said annual dividend, and the amount of the annual interest; Provided also, that the nett earnings of the existing Pontchartrain Rail Road shall be divided as heretofore among its present stockholders until the completion of the extension of the Rail Road to Mobile.

Sec 4. Be it further enacted, &c, That immediately after the passage of the ordinance authorising the subscription to the stock aforesaid, and its approval by the voters of the city of New Orleans, as hereinafter provided, the Mayor shall cause bonds to be issued to the Pontchartrain Rail Road Company for the amount of said subscription, on receiving from said Company certificates for fifteen thousand shares of the capital stock of the Pontchartrain Rail Road Company of one hundred dollars each, full paid; and thereupon the Mayor of the city is authorized and required to execute before the Secretary of said Company, who is hereby authorized to receive and execute the same, a pledge of said stock in the amount of ten shares for each bond of one thousand dollars.

Sec. 5. Be it further enacted, &c, That no ordinance passed by the Common Council in conformity with this act, shall be valid, or take effect until it shall have been approved and ratified at an election to be held for that purpose by order of the Common Council, by a vote of the majority of the authorized voters of said city. Said election shall take place within fifteen days after the passage of the ordinance, be preceded by a public notice of ten days, to be published by the Mayor in the newspaper chosen by the Common Council, and shall in all respects, when not herein otherwise provided, be conducted in the same manner prescribed by law for city elections, and at said election the vote shall be taken in the following manner: Those who approve of the ordinance shall inscribe or have inscribed on their tickets, the following words: "In favor of aiding in the construction of a Rail Road to Mobile"; and those who disapprove of said ordinance, shall inscribe or have inscribed on their tickets, "against aiding in the construction of a Rail Road to Mobile". Provided, that if the Common Council refuse to subscribe to the stock of the Rail Road Company herein named, in the manner set forth in this act, it shall be lawful at any subsequent period, and as often as the Council may deem proper, at intervals of not less than two months, for said council to reconsider the question, and should the ordinance when finally passed by the Council be rejected by a vote of a majority of the duly qualified voters of the city, when first presented to them for ratification, the Council may, at any subsequent period, and as often as they may deem proper, at intervals of not less than two months, cause the sense of the voters again to be taken in the same manner as at the first election.

Sec. 6. Be it further enacted, &c, That no ordinance passed by the Common Council in conformity with this act, shall be submitted for ratification to the voters who have the right by law to vote at city elections, until the Board of Directors of said Pontchartrain Rail Road Company shall have notified the Mayor in writing of their consent to accept said ordinance. Provided, their acceptance of the ordinance before it shall have been submitted to the voters of the city for ratification, shall be null and void in the event of the rejection of the ordinance by said voters.

Sec. 7. Be it further enacted, &c, That in the month of January of each year, or at such time as the other stockholders of said Pontchartrain Rail Road Company shall elect by joint ballot, three citizens of New Orleans as Directors of the said Pontchartrain Rail Road Company, to represent the stock of the city, who shall serve as such for one year, or until their successors shall be elected. Provided, no member of either Board of the Common Council or officer of the corporation shall be eligible as a Director; and provided further, that on the conversion of the bonds into stock to the extent of five hundred thousand dollars. The city shall elect but two Directors, and on the further conversion of five hundred thousand dollars more of the bonds into stock, the city shall elect but one Director; and on the final conversion of all said bonds into stock, the city shall elect no Director.

Sec. 8. Be it further enacted, &c, That it shall be lawful for the said Pontchartrain Rail Road Company, at any time, on handing over to the City Treasurer any bond or bonds, issued under this act, to receive from the city an equal amount of the capital stock of the said Pontchartrain Rail Road Company, which stock, on the delivery of the bonds, as aforesaid, shall be transferred by the Mayor of the city of New Orleans to said Company, subject to their disposal by sale or otherwise; and the bonds thus returned to the city, shall be immediately cancelled in the presence of the Mayor and the President or Secretary of said Company.

Sec. 9. Be it further enacted, &c, That this act shall be in force and take effect from and after its passage.

Mr. Moore—

I move to strike out the preamble. Every one knows the benefits which will result from building this road.

Mr. Macmurdo—

The Company thought it of some importance. However, I have no objection to its being stricken out.

The motion was carried.

Mr. Macmurdo—

I move to adopt the first section.

Mr. Trudeau—

I should like to hear something in favor of the bill

Mr. Macmurdo—

It is a bill presented on behalf of the people of New Orleans. It has been referred to the Judiciary Committee and examined by them. There are certain amendments necessary which will be offered during the progress of the bill. The bill does not ask the State for anything. It simply authorizes the city of New Orleans to subscribe to the stock of the Pontchartrain Rail Road in order to assist in the construction of a rail road to Mobile, under the same conditions as subscriptions have been made to other roads. It is scarcely requisite to say anything of the necessity of this undertaking, and its great usefulness to the traveling public. Indeed this is a matter for the city of New Orleans to judge of. I will only say that it is a road which will pay as soon as completed. The people of New Orleans have a strong interest in having it completed as soon as possible. The communication is now kept up by a steamboat company which has made a large fortune. With a railroad the business would be at least qua-

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druped, and the journey would be accomplished in a few hours instead of a day.

Mr. Hodge—

I do not wish to throw any obstable in the way of this bill. But it has just been placed on the tables of members, and they have not yet had an opportunity of examining it. If gentlemen from the country are to vote on and be held responsible for this bill, they should at least have an opportunity of examining it. It has been in the printer's hands, so far as I know, up to the present moment.

Mr. Moore—

The bill has been before the Judiciary Committee and examined. It was found much the same as the other bills for a similar purpose. When I moved to strike out the preamble, it was not from hostility to the bill, but because I thought that part useless.

Mr. Trudeau—

My only objection was, that I had not read the bill and therefore did not understand it. If it is forced on us now. I must be excused from voting I want to hear the bill read, and to have some time for consideration. Certainly, that is nothing more than fair. The bill, I believe, provides for a subscription, by the city, of one million five hundred thousand dollars. It may be beneficial to the people, or it may not. But I do not want to take either for granted; I want time to examine the bill myself. I repeat that I do not wish to throw any obstacle in its way; but I want to investigate it.

Mr. Hodge—

I presume the bill contains provisions concerning submitting the question to a vote of the people. That is a question on which I am not, at this moment prepared to vote, either here, or at home in my own parish, as a citizen. On this point I desire to express my views, as I consider it still an open question and one whose importance demands time for serious consideration and reflection. It is a point still unsettled, notwithstanding it has been the subject of a decision of the Supreme Court. I think, under these circumstances, the request for a short delay is reasonable. I want time to examine the bill. If forced to vote on it at this time, I may take such action as otherwise I may not take.

Mr. King—

The bill is only on its second reading. It has been the order for some days—I think for a week. I am sorry the gentleman has not read it. If he had tried, he might have done so. I am confident it contains nothing wrong or objectionable. It simply allows the people of New Orleans to decide, for themselves, whether they will subscribe to a certain enterprise. It is a purely local question.

Mr. Hodge—

The remarks of the Senator from New Orleans are unjust. It is true I am not so diligent as I might be, but I do not think I have been negligent in this case. I do not know any Senator who has read this bill. It was introduced on Monday, and referred to a committee of which the gentleman is a member. He had, therefore, an opportunity of reading it which was not enjoyed by less fortunate Senators. We have just now seen it for the first time. It is new to us. We have not had time to consider it. We have not hitherto been favored with the printed copy of the bill. If it goes to a third reading, it will not be open to amendment, except it be recommitted. I am sorry the gentleman has again brought up a principle which I had thought was banished from the Senate—that a question may be so purely local, that other Senators have nothing to do but give an affirmative vote on it. However, this bill is not so purely local as the gentleman seems to imagine.

It involves a great principle—a particularly grave question. The question whether one portion of the people have the right to make another portion who are opposed, stockholders in any enterprise, is certainly a serious question, and worthy of mature deliberation. I hope Senators will not press the bill at this time. Give us at least time to consider and make up our minds. I repeat that I do not want to throw any obstacle in the way of the bill, but I do wish to examine it. I consider it a subject of too much importance to be passed over in silence, and, as I wish to express my views, I hope Senators will give me time for reflection. That is all I desire. It is not an unreasonable request.

The Falls at Alexandria.

The bill to appropriate $15,000 to remove the Falls at Alexandria, was taken up.

Mr. Hodge—

If I thought this a mere gratuity, I would vote against it without hesitation. But it is not an appropriation of that character. On the contrary, it is strictly necessary. By the act of 1852 $20,000 were appropriated for this object; a contract was made with gentlemen of New York who have arrived and commenced their labors. I am told by high authority that they have already succeeded in removing the upper fall, whereby a great improvement in the navigable capacity of the stream has been effected In order to complete the work, a farther appropriation is necessary. In order to show that I am not inconsistent in advocating this bill, I will state that neither this bill, nor the act of 1852, has any analogy with the Manchac appropriation, which I thought a great iniquity at the time it was made. The State Engineer never could do this work—he never had the means or the proper apparatus to do it. Consequently, this is not a similar case to the other. Moreover, Red River is, next to the Mississippi, the most important river in the State.

Mr. Macmurdo—

Where does the gentleman expect to get the money?

Mr. Hodge—

From the General Fund.

Mr. Macmurdo—

The General Fund is not able to pay. This is not included in the estimate for the Auditor's Office. As representing the finances of the State, I feel it my duty to give this information in order that Senators may vote knowingly. An appropriation for this object was made two years ago. That money was only paid out a few weeks ago, when the time had almost expired.

Mr. DeRussy—

I will state the facts of this case. These gentlemen who are engaged in the work, came from New York at a time when, owing to the state of the river, it was impossible to make the necessary surveys. There was however a survey made by Mr. Dunbar. The New York parties took the contract based on that survey. They have commenced the work, and have already removed a great part of the lower ledge, which has been a very expensive work; in fact, much more so than was anticipated. The rock is of the worst character for blasting, and this makes the task difficult. The consequence is that the appropriation

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inexhausted. If money is not had to carry on the work, the improvement so far made will be useless, and the money thrown away. The expenses of transportation now are enormous, and I think every one will see the necessity and policy of this additional appropriation. The importance of the work can scarcely be exaggerated, and its benefit to the trade of New Orleans will be immense. At a low stage of water these falls cut off communication entirely. Merchants in New Orleans are now waiting for produce which has for months been ready for shipment, and on which they have long since made advances. This state of things is very injurious both to the planter and the merchant. The cost of transportation is so great as to amount almost to a prohibition of trade. Cotton costs seven dollars a bale before it gets round the Falls, and even then is liable to be destroyed or greatly damaged. The State could not engage in a better, a more necessary, or a more important enterprise than the prosecution of this work. It is specially important to New Orleans. Her interests require its completion.

Mr. Macmurdo—

I will say to the gentleman, that if this bill pass we shall have to impose a new tax for internal improvement purposes. The taxes are now heavy enough, and barely suit our purposes.

Mr DeRussy—

The gentleman is unjust. The Internal Improvement Fund has been taken away. At the last session I asked gentlemen to preserve this fund. But it has been taken away and squandered for purposes not contemplated by it. It has been squandered in a shameful manner. Surely, this enterprise ought not to suffer on that account.

The bill passed.

MONDAY, March 6th, 1854.

The following bill came up for consideration :

AN ACT

To authorize the City of New Orleans to subscribe to the stock of the Pontchartrain Rail Road Company, to enable said Pontchartrain Rail Road Company to construct a Rail Road from New Orleans to Mobile.

PREAMBLE.

Whereas, The Pontchartrain Rail Road Company was, under an act of the Legislature, approved April 28th, 1853, authorized to construct and maintain a Rail Road to Mobile, in Alabama, upon obtaining the proper authority therefor from the States of Alabama and Mississippi; and whereas, the said Pontchartrain Rail Road Company, in the prosecution of this enterprize, under an agreement and in accordance with the charters of the "Mobile and New Orleans Rail Road Company", a Company chartered by the Legislatures of the States of Alabama and Mississippi, for the purpose of constructing a Rail Road from Mobile to the Louisiana line, in the direction of New Orleans, is fully authorized and empowered to construct and maintain a Rail Road through the States of Mississippi and Alabama to the city of Mobile; and whereas, the city of Mobile has, by loaning her credit to the Mobile and Girard Rail Road Company, secured the extension of a Railway from Mobile to Columbus (Georgia), thereby completing the connection by Rail Road from the City of Mobile to the State of Maine and the Canadas; and whereas, the Rail Road designed from New Orleans to Mobile, will, when completed, form a connection by means of the said Pontchartrain Rail Road with the "New Orleans, Opelousas and Great Western Rail Road Company", which is seeking to penetrate through the State of Texas, and thence on to the shores of the Pacific, whereby a *Great Southern Sea board Route* by Railway would be established from the Atlantic to the Pacific ocean, through the city of New Orleans; and whereas, the several States of Alabama, Mississippi and Louisiana have, in view of its general importance, passed joint resolutions, instructing their Senators and requesting their Representatives in Congress to obtain grants of the Public Lands to aid in the construction of the said New Orleans and Mobile Rail Road; and whereas, in consideration of the foregoing facts, and deeming it of special importance to the State of Louisiana and to the city of New Orleans that the said Rail Road connection between Mobile and New Orleans should be completed without delay; and whereas, it is desirable that the city of New Orleans should emulate her sister cities by aiding in the construction of this link, which would unite her interests with the different extremities of the Union: Therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That it shall be lawful for the Common Council of the City of New Orleans to subscribe to the stock of the Pontchartrain Rail Road Company, in the sum of one million five hundred thousand dollars.

Sec 2 Be it further enacted, &c, That any ordinance authorizing such subscription shall contain the following provisions, to wit :

First, That the subscription of the city to the stock of the Pontchartrain Rail Road Company shall be made by the Mayor, and shall be payable in bonds of said city for one thousand dollars, each having thirty years to run, bearing interest at the rate of six per cent per annum, with interest coupons attached, payable semi-annually in New Orleans or New York, transferable by the endorsement of the President and Secretary of the said Company, and said bonds may be converted into the stock of said Company at any time not exceeding five years from their date, under such regulations as the President and Directors may see fit to adopt, the parties in interest agreeing thereto.

Second, That a special tax on real estate and slaves shall be levied in January of each year, sufficient to pay the annual interest on said bonds, specifying the rate of said tax, which shall be collected at the same time, and in the same manner as the consolidated loan tax of the said city.

Third, That the bonds of the city issued for the stock of the said Company, shall be issued and received at their par value for said stock, and to insure the full and punctual discharge at maturity of said bonds; the stock of the said Company thus issued to the city of New Orleans shall be forever pledged for the redemption of said bonds, in the amount of ten shares for each bond of one thousand dollars.

Sec. 3. Be it further enacted, &c, That all ordinances, resolutions, or other acts, passed by said Council, after the first of January of each year, except an ordinance to impose said Consolidation Loan tax, and an ordinance imposing a special tax for the payment of annual interest on bonds issued by the city of New Orleans as its subscription to the stock of the other Rail Road companies in the State, shall be null and void, unless a resolution levying a special tax for the payment of the interest on said bonds shall have been previously passed; Provided, That no levy of a tax for the payment of interest on said bonds shall be made

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after the payment of dividends of six per centum per annum, on the stock of said Pontchartrain Rail Road Company held by the city, as hereafter provided, which dividends shall be applied by the city to the payment of the interest; and, provided further, that whenever the dividends of said Rail Road stock owned by the city, shall amount o more than six per centum, per annum, the excess, after the payment of interest as aforesaid, shall be applied by the said Pontchartrain Rail Road Company to the purchase of the city bonds issued under this act; it being understood that when dividends of less than six per cent. per annum, are received on the stock of said Pontchartrain Rail Road Company owned by the city, a tax for interest shall be levied for the difference on y, between the amount of said annual dividend, and the amount of the annual interest; Provided also, that the nett earnings of the existing Pontchartrain Rail Road shall be divided as heretofore among its present stockholders until the completion of the extension of the Rail Road to Mobile.

Sec. 4. Be it further enacted, &c, That immediately after the passage of the ordinance authorizing the subscription to the stock aforesaid, and its approval by the voters of the city of New Orleans, as hereinafter provided, the Mayor shall cause bonds to be issued to the Pontchartrain Rail Road Company for the amount of said subscription, on receiving from said Company certificates for fifteen thousand shares of the capital stock of the Pontchartrain Rail Road Company of one hundred dollars each, full paid; and thereupon the Mayor of the city is authorized and required to execute before the Secretary of said Company, who is hereby authorized to receive and execute the same, a pledge of said stock in the amount of ten shares for each bond of one thousand dollars.

Sec. 5. Be it further enacted, &c, That no ordinance passed by the Common Council in conformity with this act, shall be valid, or take effect until it shall have been approved and ratified at an election to be held for that purpose by order of the Common Council, by a vote of the majority of the authorized voters of said city. Said election shall take place within fifteen days after the passage of the ordinace, be preceded by a public notice of ten days, to be published by the Mayor in the newspaper chosen by the Common Council, and shall in all respects, when not herein otherwise provided, be conducted in the same manner prescribed by law for city elections, and at said election the vote shall be taken in the following manner: Those who approve of the ordinance shall inscribe or have inscribed on their tickets, the following words: "In favor of aiding in the construction of a Rail Road to Mobile"; and those who disapprove of said ordinance, shall inscribe or have inscribed on their tickets, "against aiding in the construction of a Rail Road to Mobile". Provided, that if the Common Council refuse to subscribe to the stock of the Rail Road Company herein named, in the manner set forth in this act, it shall be lawful at any subsequent period, and as often as the Council may deem proper, at intervals of not less than two months, for said council to reconsider the question, and should the ordinance when finally passed by he Council be rejected by a vote of a majority of the duly qualified voters of the city, when first presented to them for ratification, the Council may, at any subsequent period, and as often as they may deem proper, at intervals of not less than two months, cause the sense of the voters again to be taken in the same manner as at the first election

Sec. 6. Be it further enacted, &c, That no ordinance passed by the Common Council in conformity with this act, shall be submitted for ratification to the voters who have the right by law to vote at city elections, until the Board of Directors of said Pontchartrain Rail Road Company shall have notified the Mayor in writing of their consent to accept said ordinance. Provided, their acceptance of the ordinance before it shall have been submitted to the voters of the city for ratification, shall be null and void in the event of the rejection of the ordinance by said voters.

Sec. 7. Be it further enacted, &c, That in the month of January of each year, or at such time as the other stockholders of said Pontchartrain Rail Road Company shall elect their Directors, the Common Council shall elect by joint ballot, three citizens of New Orleans as Directors of the said Pontchartrain Rail Road Company, to represent the stock of the city, who shall serve as such for one year, or until their successors shall be elected. Provided, no member of either Board of the Common Council or officer of the corporation shall be eligible as a Director; and provided further, that on the conversion of the bonds into stock to the extent of five hundred thousand dollars. The city shall elect but two Directors, and on the further conversion of five hundred thousand dollars more of the bonds into stock, the city shall elect but one Director; and on the final conversion of all said bonds into stock, the city shall elect no Director.

Sec. 8. Be it further enacted, &c, That it shall be lawful for the said Pontchartrain Rail Road Company, at any time, on handing over to the City Treasurer any bond or bonds, issued under this act, to receive from the city an equal amount of the capital stock of the said Pontchartrain Rail Road Company, which stock, on the delivery of the bonds, as aforesaid, shall be transferred by the Mayor of the city of New Orleans to said Company, subject to their disposal by sale or otherwise; and the bonds thus returned to the city, shall be immediately cancelled in the presence of the Mayor and the President or Secretary of said Company.

Sec. 9 Be it further enacted, &c, That this act shall be in force and take effect from and after its passage.

On motion to adopt the 1st section,

Mr. Hodge—

Mr. President, I desire to be reported correctly in my remarks on this question. It involves a serious and intricate question, to which I shall at once turn my attention.

The most objectionable feature of this bill is, that it proposes that the power of taxation shall be submitted to the people of New Orleans.

This is the first time I have been called upon to express an opinion on this principle of legislation. I was absent when the same question was considered in another bill. It is a most serious question for us to consider, whether the Legislature is competent to grant powers to the people of New Orleans to do a legislative act. I find expressed in the Constitution that the powers of legislation are given to the Executive, to the Senate and House of Representatives. I do not find any grant in the Constitution, to the Legislature, to shirk or transfer any of their legislative powers. I believe the priuciple which proposes to leave the question of taxation to the citizens of New Orleans is anti-republican. It is a democratic doctrine that the people shall exercise power by themselves, and not their Representatives. They can only be represented when the Representative is called on by

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the people; and I regard it as unconstitutio al to grant them the power bestowed in this bill—a power of taxation—consequently, a power of legislation. What will be the result if this system of evasive and unauthorized legislation is adopted? It will only be necessary for the friends of a measure to have it referred to the people, for it to carry. But even if we are satisfied of the expediency and policy of giving to the people of New Orleans this power, I doubt any constitutional authority to do so. Article 109 of the Constitution says:

"The Legislature shall have power to grant aid to companies or associations of individuals, formed for the exclusive purpose of making works of internal improvement, wholly or partially within the State, to the extent only of one fifth of the capital of such companies, by subscription of stock or loan of money, or public bonds, &c."

Now, I believe the Legislature is perfectly competent to say that New Orleans shall be a stockholder within the constitutional limitation; and he who denies it, denies the doctrine he contends for. If the Legislature has not the power to act, we cannot give power to the people. It is absurd and inconsistent for us to throw back on the people power we do not possess.

It is not my intention to discuss the bill in detail. I only ask to call attention to that clause of the Constitution which declares that taxation shall be uniform. This bill presents a contrary feature, and strikes at one of the first principles of republican government.

Mr. Macmurdo—

This constitutional question has been discussed time and again. It has been decided by the highest tribunals of the country that the people have the power to tax themselves.

Mr. Wickliffe—

Before giving my vote, I would like to examine the votes of Senators on this question, on previous occasions. I regret that the Senator from Caddo did not stand by me when I took the same ground on this floor. I do not believe the Legislature has the power to delegate to a part of the people the power to tax themselves.

The Senator from New Orleans has said that this question has been decided by the highest tribunals in the country. If it be so, I am not bound in my views by their decisions. But, Sir, I have examined the opinions in Pennsylvania and elsewhere, and in none of them has the constitutional question been considered.

Mr. Rivers—

Mr. President, I would ask for a postponement, because I have not read the bill and am not prepared to vote advisedly.

Mr. Macmurdo—

The bill was made the special order for last Friday. It was then made the order for to-day, and I cannot consent to another postponement for reasons which do not seem to me good.

Mr. Rivers—

Very well; then, I shall vote against the bill if forced to action on it at this time.

Mr. Trudeau—

I have read the bill, but do not understand it. I do not know that I am slower at understanding than other people, but I have been considerably puzzled by several features of this bill. There are several clauses which I desire to read, which I would like to have solved or explained.

(Reads several portions of the bill).

It seems the bill is intended to exclude the city of New Orleans from participating in the benefits of this enterprise. When I first read the bill, I thought it had been framed by some very ordinary person; but, from what I have seen, I am satisfied it is the work of a very shrewd person, who thought it best to render it very obscure.

What first called my attention to it was the anti-democratic proposition to give to the City Council power to make the people vote every sixty days.

Mr King—

That clause has been amended in Committee.

Mr. Trudeau—

I have not seen it, and if this is democratic doctrine, I am not on that side—if whig doctrine, I am not for it, that a verdict of the people should be disregarded.

Mr. Macmurdo—

The question has been fully discussed in the House, and the necessary amendments will be added as the bill progresses. I will not attempt to answer the objections made by the Senator, as the amendments will be the best answer.

Mr. Kenner—

Mr. President, as none of the gentlemen from New Orleans have pretended to answer the gentlemen from Caddo and East Feliciana, I feel it my duty to express my opinion on the constitutional question before voting.

I am not bound by the decisions of courts in expressing myself here. There is a very marked difference between the Constitution of the United States and Congress, and our Constitution and the body acting under it. The powers are widely different in their nature and extent. I will vote for the first section of the bill, but shall reserve my right to insist on certain amendments before my vote is received for the remainder.

Mr. Hodge—

It is due to myself to answer. I know that that ablest of judges, Judge Martin, has decided on the difference between the two bodies. But the Honorable Senator has not met the proposition, whether this shall be the law, or give to the people the power to make law. The gentleman has not answered this. Suppose one citizen should refuse to pay the tax; he must be sued and diverted of his right to his property, in violation of the Constitution. I do not believe it was intended to give to the Legislature supreme power, and cannot give my sanction to delegating unconstitutionally the high powers bestowed in this bill.

Mr. King—

I will say one or two words in reply. A bill with all the features now objected to passed, the other day, *nem con.* Where was the gentleman's thunder then?

Mr. Wickliffe—

I find nine votes against it.

Mr. Evans—

I voted against it.

Mr. King—

The question now raised is too old. It has been decided in a number of States and by the Supreme Court, that the Legislature has the right to give the people power to tax themselves. There is no constitutional question in the case.

Mr. Wickliffe—

The gentleman speaks of the decisions of Supreme Courts. It has only been decided in four, I believe. This may be ample to satisfy the gentleman's mind, but are they to govern us in expressing ourselves?

Mr. Lacey—

I cannot see where this bill conflicts with any provision of the Constitution of the United States or the Constitution of Louisiana.

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The first section was then adopted.

On the second section,

Mr. Macmurdo moved to strike out in the 19th line the words "on real estate and slaves."

Mr. Palfrey—

I offer a substitute to strike out and insert "every species of property and professions."

Mr. Macmurdo—

I have no objection to the amendment.

Mr Kenner—

I move to strike out only "and slaves". I will never agree to allow every man who votes at a municipal election, to vote a tax on property to build up railroads.

Mr Palfrey—

It is for the general prosperity of New Orleans, and if the prosperity is increased, it will give employment to all classes, and all ought to be taxed.

Mr. King—

I fully agree with the gentleman from St. Mary, Mr. Palfrey.

Mr. Martel—

I cannot see how there can be any opposition to Mr. Pulfrey's amendment. The railroad will bring advantages to even the dray driver, and why should he not be taxed for it.

Mr. Kenner—

I move to insert, in lieu of Mr. Palfrey's amendment, "landed estate".

Mr. King—

I move to lay that on the table.

Mr. Moore sustained Mr. Palfrey's amendment.

Mr. Kenner's amendment was laid on the table.

Mr. Hodge—

I move to add to the amendment "occupation, trade and professions."

Mr. Palfrey—

I accept that.

Amendment adopted.

Mr. Moore—

I move to amend by adding to the end of the section this proviso:

Provided the whole line of said Rail Road and all the property belonging thereto shall be specially mortgaged for the payment of said bonds.

Mr. Macmurdo—

I cannot see how the city is to be benefited in this way. They may have to pledge the road for other purposes.

Mr. Trudeau—

If the bill is for the benefit of New Orleans, or the benefit of the Company, say so. If it is for the benefit of the city, why oppose amendments to secure the city from harm?

Mr. Mrcmurdo—

The members from New Orleans are as able to take care of her interests as the gentleman from Jefferson.

Mr. Moore—

I withdraw my amendment and let it go.

Mr. Hodge—

I renew the amendment. I care not how often Senators may say local. I stand here, a Senator of Louisiana, and intend to denounce all such measures.

Mr. Macmurdo—

I move to lay the amendment on the table.

Motion lost.

Mr. Ryan—

I will give my reasons for my vote on the amendment. I believe it to be the real interest of the country that the Legislature should carry out railroads. I shall vote against the amendment because it is tantamount to crippling the bill.

The amendment and section were adopted.

The third section was adopted after striking out the word "special", in the fifth line, and inserting the word "specially" after the word "tax" in the same line.

The fourth section was adopted.

On the motion to adopt the fifth section:

Mr. Macmurdo—

I propose to amend by striking out the words: "and as often as they may deem proper", in the thirty-second line, and inserting the words "within two years after the passage of this act"; and to strike out the word "two" and insert "six" in the thirty-third line.

Both amendments adopted.

Mr. Trudeau—

I move to strike out all after the 27th line.

Laid on the table.

Mr Macmurdo—

I move to amend so the election will take place on a different day from other Rail Road elections.

Adopted.

Mr. Rivers—

I move to amend in the seventh line, after the words "voters of said city", by adding "who shall be tax payers."

Laid on the table.

Mr Hodge—

I move to amend in the seventh line these words: "and each voter shall be entitled to one vote for each one hundred dollars he may possess".

Laid on the table.

Mr. Wickliffe—

I move that the Rail Road Company shall pay the aggregate expenses of the elections.

Laid on the table.

The section was then adopted,

On a motion to adopt the sixth section,

Mr. Macmurdo—

I move to add, after the word "Company", in the sixth line: "after having been duly authorized by a vote of the stockholders, taken agreeably to the previsions of the charter".

Amendment and section adopted.

On a motion to adopt the seventh section,

Mr. Macmurdo—

I move to add after the word "three", in the fifth line, the words "out of the seven directors", and to strike out of the sixth line "citizens of New Orleans shall be directors", and insert after the word "Company", in the seventh line, the words "who shall be citizens of New Orleans".

Adopted.

Mr. Trudeau—

I move to amend by striking out all after the word "Director", in the twelfth line.

Mr. King—

I have a substitute to meet the gentleman's views. It is to insert in the thirteenth line, after "stock", "by the holders thereof"

Mr. Trudeau—

I have no objection.

Amendment adopted.

Mr. King—

I move to add to the end of the section this proviso:

Provided further, that if any of said bonds are paid by the city or out of the dividend accruing to the city, the city shall be a stockholder to that extent, and be allowed to vote in the election of Directors".

Amendment and section adopted.

On a motion to adopt the eighth section,

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Mr. Hodge—

I move to amend the end of the section with the words "provided the city may pay the bonds and retain the stock".

Amendment agreed to, and the eighth and ninth sections adopted.

The rules were suspended and the bill was passed, omitting the preamble.

ORDERS OF THE DAY.

The following bills came up as the special order of the day.

AN ACT

To provide for the registering of votes in the city of New Orleans, in pursuance of article eleven of the Constitution.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the Board of Aldermen of the city of New Orleans, on or before the second Monday of December, in each and every year, shall nominate and appoint three suitable and discreet persons, for each and every one of the four districts into which New Orleans is now divided, who shall reside in the districts for which they are respectively appointed, and who shall be known as "The Board for the examination of the qualification of voters".

Sec. 2. Be it further enacted, &c, That the Board aforesaid in the several districts of the said city, shall, immediately after their appointment, give public notice in the State paper, and in other prominent newspapers published in the city of New Orleans, that they will meet in their respective districts, in said city, on the second Monday of January, next after their appointment, for the purpose of examining and deciding, upon all applications of persons residing in the said city, for the registry of their names as qualified voters, in the city of New Orleans; and in said notice, the said Board shall designate the places of their respective meetings.

Sec. 3. Be it further enacted, &c, That the several members of the Boards to be appointed as provided in the first section of this act, shall, before entering upon the discharge of the duties of their office, except that of giving notice as herein above prescribed, make oath as provided in article ninety of the Constitution; which oath may be administered by any Judge or Justice of the Peace in the aforesaid city of New Orleans; and having been subscribed by the members of the Boards aforesaid and signed by the Justice before whom such oath is taken, it shall be returned, by the aforesaid Boards of examination, to the Board of Aldermen of the city of New Orleans, with the lists of voters, as hereafter set forth.

Sec. 4. Be it further enacted, &c, That it shall be the duty of the several Boards for the examination of the qualification of voters, to meet on the day and at the respective places set forth in the notices published by them; and when so met the said Boards having taken the oath above prescribed, shall examine into and decide upon all applications of persons residing in the city of New Orleans, to be admitted to the privileges of a voter, and the said Boards shall continue in session for that purpose, and for the purposes hereinafter prescribed, from ten o'clock of the forenoon, until six o'clock of the afternoon of said day, if so long a time be necessary; and they may adjourn said meetings from day to day (Sundays not included), until the object of the meeting shall be accomplished.

Sec. 5. Be it further enacted, &c, That in case any person residing in the said city of New Orleans, claims to be a legal voter, and requires his name to be registered upon the list of voters, and such person is not known, by the Board before which he may appear, to be a legal voter, or should his right to be recognized as a legal voter be challenged by any person whomsoever, it shall be the duty of the said Board for the examination of the qualification of voters, by and through any of the members thereof, to cause the person so unknown to the Board as a legal voter, or whose right is challenged as aforesaid, to make and subscribe the following oath which shall be prepared for the purpose, and be returned, with the list of voters, as hereinafter provided for, to the First District Court of the city of New Orleans, to be carefully kept and preserved—"I (A. B.) do solemnly swear or affirm that I am a citizen of the United States, (and if he be a naturalized citizen, he shall state in his oath the place at which he was naturalized); that I have attained the age of twenty-one years that I have resided in this State twelve months next preceding the election, and the last six months thereof in the parish, and now residing in the city of New Orleans; and I do further solemly swear (or affirm) that since the adoption of the present Constitution, I being a citizen of this State, have not fought a duel, with deadly weapons, within this State nor out of it, with a citizen of this State, nor have I sent or accepted a challenge to fight a duel with deadly weapons with a citizen of this State, nor have I acted as a second in carrying a challenge, or acted, advised or assisted any person thus offending. So help me God!"

Sec. 6. Be it further enacted, &c, That should any person not be naturalized at the time of claiming to be registered as a voter, and should his right to be naturalized accrue, and he expect to be duly naturalized within one year from the time such Board first commenced its sitting, or should such person, at the time of applying, not have attained the age of twenty-one years, or have acquired the six and twelve months residence prescribed by the Constitution, and should the time for his majority be reached, or the period necessary to give him a legal residence expire within one year from the time the Board to which application is made first commenced its sittings, then and in that event the oath prescribed in the preceding section of this act shall be varied to suit the facts; which oath, when taken, shall be returned in manner and form, as prescribed for the oath required for such preceding section; provided however, that in all cases in which the party may make affidavit, as set forth in this section, it shall be the duty of the commissioners of any election, at the time such party offers to vote, to require of him the usual oath provided by law to be administered to voters whose votes may be challenged.

Sec. 7 Be it further enacted, &c, That the respective Boards aforesaid, when met for the purpose of examining into, and deciding upon the qualification of the voters, or to hear and determine challenges, as herein above provided, shall not only hear the applicant in the manner and form prescribed, and in such cases as are provided for in sections five or six of this act, but they may, by and through any member thereof, examine witnesses under oath; and the applicant, when sworn as aforesaid, or any witness so examined, who shall be guilty of wilful and false swearing, shall be liable to the penalties of perjury.

Sec. 8 Be it further enacted, &c, That it shall furthermore be the duty of the said city of New

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Orleans, at the time of the meetings, and before closing the same, to keep a perfect and complete list of the names of all persons, who reside in the said city, and who have been held and decreed by the several Boards aforesaid to be qualified voters in the aforesaid city of New Orleans, together with the residence of such persons; to set forth upon the list aforesaid, all those who expect to become voters, according to the meaning and extent of section six of this act, together with their residence and contingency upon their citizenship depends, to designate those whose right to vote has been challenged, the grounds for such challenge, and the decision of the Board in the premises; and such statements of facts as will enable a future examination to be made, as set forth in the succeeding section; and it shall furthermore be the duty of the said Boards, to cause two copies of such lists, duly signed and certified by the members of such Board, to be made, one of which the respective Boards aforesaid shall return forthwith to the office of the clerk of the District Court of New Orleans, and another to the Board of Aldermen of the said city of New Orleans, to be lodged in the office of the said clerks, and with the clerks or secretary of the said Board, and to be kept filed and carefully preserved.

Sec 9 Be it further enacted, &c, That if any person unknown to the respective Boards aforsaid, should be recognized as a voter, or the qualifications of any person claiming to be recognized as a legal voter, should be challenged, the name of such person should be placed on the list of voters; or should the name of any person whomsoever be rejected therefrom, any person or persons who may desire to have the matter inquired into, shall have the right, at any time before the Board which rendered the decision appealed from is dissolved, to have the same referred to any court of competent jurisdiction; which court shall, as soon as may be, proceed by preference to examine into the decision of the Board, in the premises, and render its opinion and decree therein with the utmost promptitude and dispatch, with due regard to the merits of the question submitted; and the judgment of the court, when rendered, subjected to the right of appeal, as may be provided by law, shall be the rule by which the commissioners of election shall be governed in the matter; and the lists returned to the commissioners shall be considered, in that respect, as amended.

Sec. 10. Be it further enacted, &c, That the Board of Aldermen of the aforesaid city of New Orleans shall, within — days after the lists of voters are returned to such body, make out or cause to be made out a correct alphabetical list of all the voters returned by the several Boards for the examination of the qualification of voters to the Board of Aldermen aforesaid, with the notes and remarks of the said Boards accompanying such lists; and which alphabetical list must be kept and preserved by the said Board of Aldermen; and it shall also be the duty of said Board of Aldermen to furnish the commissioner of election for each election precinct, as often as an election shall be held in any of the precincts of such city, and at the time of the opening of the poles, a certified copy of the alphabetical lists herein above required to be made; furthermore to deposit a certified copy of such alphabetical lists in the office of the clerk, to which the Board for examination of the qualification of voters have returned their lists, as required in section eighth of this act; and when the Board of Aldermen of the said city of New Orleans shall have so deposited, in office of the clerk aforesaid, such alphabetical list, it shall not be added to, nor the name of any person stricken therefrom, unless by order of the court, hereinabove provided for, and no person shall, during one year from the time the several boards for examination of the qualifications of voters commence their sitting, be allowed to vote, at any election whatever, unless the Commissioners of Election be satisfied of the identity of the person offering to vote and find his name; his name returned on the alphabetical list above referred to.

Sec. 11. Be it further enacted, &c, That if any of the members of the Board of Aldermen of the city of New Orleans, or any of the several persons mentioned in this act; and who are charged therein with certain duties, shall willfully neglect or refuse to perform any of the duties required as aforesaid, shall willfully authorise or permit any thing to be done in opposition to the true meaning and intent of this act, the said members of the said Board and all other persons whomsoever, hereinabove referred to, shall severally, for each offence, forfeit a sum not less than dollars, not exceeding five hundred dollars, one-half thereof for the benefit of the State and the other for the benefit of the informer, and moreover be condemned to pay the costs of prosecution; and the party offending shall also suffer imprisonment in the parish jail for a period not exceeding nor less than thirty days.

Sec. 12. Be it further enacted, &c., That the several members of the Board of Examination shall, in consideration of the services contemplated by this act, receive the following compensation, to be paid out of the treasury of the aforesaid city of New Orleans.

AN ACT

To provide for the register of the names and residence of all qualified electors in the city of New Orleans.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That there shall be a Register in the city of New Orleans appointed by the Recorders of said city, for the term of two years, whose duty it shall be to keep, in a book used for that purpose, a register of the names and residence of all the qualified electors of the city of New Orleans.

Sec. 2. Be it further enacted, &c, That there shall be, in each and every Representative District in the city of New Orleans, one Assistant Register appointed by said Recorders for the term of two years, whose duty shall be to make an exact list annually, of the names and residence of all the qualified electors in the Representative District to which he may have been appointed, and to make a return of the same the Register's office within fifteen days previous to the next general election. The said Register and Assistant Registers shall take the oath prescribed in article 9 ath of the constitution.

Sec. 3. Be it further enacted, &c., That if there should be any doubt in the mind of the Assistant Register in regard to the qualification of any person as a voter, he may then administer the oath as is now administered by Commissioners of election in such cases

Sec. 4. Be it further enacted, &c., That so soon as all the lists are returned to the Register's office, he shall immediately cause the same to be published in the official newspaper of the city of New Orleans, and if the name or residence of any elector has been left out, he may cause the same to be

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registered on the testimony of two credible witnesses, that he is actually a voter.

Sec. 5. Be it further enacted, &c., That within ten days previous to a general election, it shall be the duty of the Register to furnish an exact and certified list of the names and residence of all the qualified electors, as returned to his office, to the Commissioners of election, at the several election Precincts, which list shall be considered as *prima facie* evidence of the right of the persons whose names appear thereon to vote; provided that any one who shall have acquired the right to vote after the list was finished, shall be entitled to vote upon his making the affidavit as now required by law in such cases

Sec. 6. Be it further enacted, &c., That if the vote of any person offering to vote should be challenged, and his name does not appear on the list furnished by the Register, then the Commissioners may administer the oath as now required by law in such cases.

Sec. 7. Be it further enacted, &c., That when a case occurs as mentioned in the 6th section of this act, it shall be the duty of the Clerk of the election to write opposite the name of the person challenged the word *sworn*, and to make a certified list of the names of all persons thus sworn, and deliver them to the Assistant City Attorney, to be used in evidence by him on the trial of such cases.

Sec. 8. Be it further enacted, &c., That the Assistant City Attorney shall be entitled, as a compensation for his services, to one-half the fine imposed by the court, and he is hereby empowered to use the same means as are now set forth by law, for the collection of fines and forfeitures.

Sec. 9. Be it further enacted, &c, That if the said Register or Assistant Register, shall in any manner fail to carry out the provisions of this act, he or they shall, on due proof of the same on motion by the Assistant City Attorney before any court of competent jurisdiction, be fined in a sum of not less than five nor more than fifty dollars for each and every such failure.

Sec. 10. Be it further enacted, &c., That the Register shall be entitled as a compensation for his services, one half cent for each and any name on the list furnished to the Commissioners of election, to be paid annually out of the State Treasury, on the warrant of the Auditor of Public Accounts.

Sec. 11. Be it further enacted, &c., That each Assistant Register shall be entitled, as a compensation for his services, one cent on each and every name furnished by him to the Register to be paid annually out of the State Treasury on the warrant of the Auditor of Public Accounts.

Sec. 12. Be it further enacted, &c., That the true intent and meaning of this act is to carry out the provisions of article eleventh of the Constitution.

Mr. Hodge—

I move the adoption of the first section of the first entitled act.

Mr. Boatner—

I move to substitute the first section of the second act.

Mr. Rivers—

I move to lay the substitute on the table. Lost.

Mr. Kenner—

I think the Board of Aldermen and not the Recorders should select the Register, and I move to strike out "Recorders" and insert "Board of Aldermen."

Laid on the table.

Mr. Kenner—

I move to strike out "Recorders" and insert "Board of Aldermen and Assistant Aldermen." Some gentlemen may think I intended to leave out the Assistant Aldermen. The Recorders have the appointment of the police. I don't want to put the legal voters under the thumb of the police.

Mr. McCay—It is so now.

Mr. Kenner—

Yes, it is so. To the shame of the country I am sorry to say it is so.

Mr. McCay—

The Recorders have the right of appointing all the police and some other officers.

The amendment was lost.

Mr. McCay—

I move to insert the words "Mayor and" in the fifth line.

Mr. Hodge—

I move that it be amended so as to have two Registers. It is well known that the constitution intended to prevent fraudulent voting, and I hope the majority will not defeat the intention of the framers of the constitution. I am proud to belong to the party who made that clause to the constitution, and I hope the gentlemen now in the Legislature will act candidly and honestly, in providing against the corruption which has blackened the fair fame of Louisiana. I insist on the amendment.

Mr. Boatner—

One officer can do the duty, and I shall move to lay the amendment on the table.

Laid on the table.

Mr. Kenner—

I want to offer one more amendment. I shall move to strike out Mayor and Recorders of the city, and insert that the people shall elect a Register. If they elect a damnable scoundrel let them do it. The ballot box of New Orleans has teemed with corruption until common decency has grown abashed. The purity of the elective franchise is no longer a sacred or high privilege. Let us reform it in the best way within our power, without looking to anything but what is fairly contemplated in the constitution.

Mr. Wickliffe—

I am sorry my friend gets warm. I remember that the gentleman and others proposed, at a previous session, to have three Commissioners appointed. He is now very much afraid of corruption by appointment, and wishes the people to elect. I have no objection to electing by the people.

Mr. Defreese—

I am sorry to see this thing take a party caste. If the gentleman from Ascension, (Mr. Kenner), will show any reason why the Mayor and Recorders should not appoint, I will vote to elect by the people.

Mr. Boatner—

The gentleman from Ascension, (Mr. Kenner), has offerred an amendment to let the Board of Aldermen elect; then he was in favor of having the Assistant Aldermen. Both were voted down. Up to this time he has thought them qualified to appoint, and now thinks the people ought to elect.

Mr. Kenner—

It is hard that the poor minority have to suffer for their own sins, and bear those of others at the same time. Who voted down my amendments? I could not carry them, and now move the people. I did think, with the Aldermen, there was some balm in Gilead. I ask the gentleman, in all candor to do us justice.

Mr. Boatner—

The gentleman attacked the entire population of New Orleans for corrupt and fraudulent voting,

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and asks us now to let those people elect a Register.

Mr. Kenner—

I did say there was fraudulent voting, and I believe it, and the worst feature of this debate is, that no one has denied it, They know it is so and do not dare to deny it, and let it thus go to the world through the journals and the reporter.

Mr King—

If the gentleman will name the time and place of election I will go with him.

The amendment was adopted to strike out, "appointed by the Recorders," and inserting, "elected by the qualified voters"

The section was then adopted.

Mr. Hodge moved to adopt the second section of the first bill.

Mr. Boatner offered as a substitute the second section of the second bill, which was slightly amended and adopted

On a motion to adopt the third section of the first bill,

Mr. Boatner offered as a substitute the third section of the second bill, which was adopted

On a motion to adopt the fourth section of the second bill,

Mr. McCay—

I am willing to agree with the Senator from Assumption that there have been frauds, but I cannot agree that these frauds belong to either political party exclusively.

Mr. Kenner—

I did not say so. I say I did not use Whig authority as to the fact

Mr. McCay—

Well, I want to provide against these frauds by my amendment to add to the section, "provided said registry shall be made twenty days before the next ensuing election."

Mr. Boatner—

I shall oppose the amendment. Many persons may not be able to register in time, and, therefore, many qualified voters will be prevented from voting.

Mr. Ryan—

I am for a registry law; but I will never vote for any law to disfranchise citizens who have not been able to register and are qualified voters.

Mr McCay—

I see my amendment will not be carried, and to test the sense of the Senate, I propose "five days."

Mr. Moore—

That is well enough. The constitution says:

"The Legislature shall provide by law for the registry of the names and residence of the qualified electors of the city of New Orleans, in order to entitle them to vote."

Mr. McCay is right. The name must be registered *in order to entitle them to vote.* Men in the excitement of elections will swear falsely. The idea of the gentleman from Rapides, (Mr. Ryan), is preposterous, to allow a man to vote if he comes the day of the election and swears he is a legal voter.

Mr. Munday—

The amendment may do good and legal voters an injury. The bill is good enough without the amendment of the gentleman from New Orleans.

Adjourned.

TUESDAY, March 7th, 1854.

Mr. McCay introduced a bill allowing the Port Wardens of New Orleans to appoint deputies and clerks, and asked that the rules be suspended and the bill passed.

Mr. King—

I shall object to the passage of the bill at this time, and ask that it be referred. I would as soon allow the Judges of the Supreme Court to appoint deputies. The bill is most odious, None but men of skill in the peculiar art of sea service can perform the duties of this office. Under the provisions of this bill they can appoint deputies and farm out their offices. I have often made appeals to the Senate, and I now ask the Senators if they will allow such offices to be farmed out, so that the principal can go skylarking to the north, and leave the important duties of his office to his irresponsible deputies.

Mr McCay—

My motion is to meet a very important and frequent contingency. The Wardens are very frequently sick or absent. In such case he should have a deputy to act for him.

Mr. Wickliffe—

Mr. President, the position of the gentleman from New Orleans (Mr. King) is very singular. We appoint deputy clerks and sheriffs, &c, and why not let the Wardens appoint deputies. The bill dont permit the Wardens to farm out their offices, and this, certainly, is not the reason of his opposition to the bill.

Mr King—

It does allow them to farm out. (Reads bill.)

Mr. Ryan—

I would ask Mr. King if he dont believe the appointments of the Governor, are men too pure to act that way.

Mr. King—

I am not in the habit of trusting to the angelic purity of any man, in legislation. It is true we have deputy clerks and sheriffs. But notwithstanding what the gentleman has said, deputy clerks are limited. It is said the Wardens may be sick or absent and need the services of deputies. Let the bill then be referred for explicit amendments.

Mr. Kenner—

The first question to be asked, is—Does it contribute to the public convenience? This must be answered in the affirmative. Next—Does it increase the expenses? This must be answered in the negative. I shall therefore vote for the bill.

Mr. King—

It is intended to benefit the officer and not the public. I would like to know how the public is to be benefitted.

Mr. Kenner—

Suppose the Warden is sick and several vessels come in at once; there is a case where the public convenience would be served by having deputies.

Mr. King—

The gentleman speaks of these contingencies, and will not provide in the bill for them. For twenty years sickness has caused no inconvenience. I consider this a very important matter; it is a great responsibility proposed to be put into irresponsible hands. Ship masters have cheese, brandy, wines and all those little appliances, on their ships, which are used to make officers, and more certainly deputies, neglectful of their duties. I see around me the signs of the result of the Senate's action, and know that I am talking to ears that do not hear.

Mr. Macmurdo—

I agree to the objections of my colleague (Mr. King). In cases of sickness there ought to be deputies, but let the bill provide for it.

Mr. Munday—

I am opposed to the reference of this bill. I

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have no doubt of the honesty of the Wardens, or that they would appoint honest deputies. I do not believe that the young men of the country can be corrupted with cheese, wine and brandy.

Mr. King—

I charged no one with corruption. I only said they were liable to it.

The Senate refused to refer. The bill being on its adoption:

Mr. King—

I move to amend so that the deputies shall act only during sickness or absence.

Amendment laid on the table.

Mr. King—

I offer one more amendment—That the deputies shall receive the pay for their work.

Amendment laid on the table.

Mr. King—

I move to strike out "clerks". It is enough for us to let them appoint deputies.

Motion laid on the table.

Mr. Wickliffe---

I move the adoption of the section and call for the yeas and nays to prevent the gentleman from offering any more amendments.

Mr. King—I have no more.

Mr. Wickliffe—

I then withdraw my call for the yeas and nays

Bill adopted, rules suspended and bill passed.

Mr. King—

I give notice that I will, on to-morrow, move a reconsideration.

Mr. Wickliffe—You voted against it.

Mr. King—No, I did not.

Mr. Wickliffe—Was the gentleman in the bar?

Mr. King—I was.

ORDERS OF THE DAY.

Unfinished Business.

An act to provide for the registering of voters in the city of New Orleans, in pursuance of article eleven of the Constitution.

And—

An act to provide for the register of the names and residence of all qualified electors in the city of New Orleans.

Mr. Boatner—

Before proceeding I move to reconsider the vote adopting the 2nd section, and shall give my reasons. The section provides two assistant Registers. It is unnecessary to have more than one. There might be a great difference in the report of the assistant Registers and create confusion in the returns, besides it would be an additional expense.

Mr. Hodge—

I offered an amendment yesterday to insert two assistants. My object was to give the Register power to appoint two deputies, one from each political party. I call upon the gentlemen to support the bill in a way to comply with the clear meaning of the Constitution. Last year I appealed to the Senate to carry out the Constitution, and your refusal has caused the most corrupt election ever known in the State. Yesterday it was not denied that frauds had been committed, but you said it had been done by both parties. Well, let us secure the purity of the ballot box, come the corruption from whence it may, and even if it does cost some money to do it. There ought to be two assistants The best evidence that the returns are correct, will be that they agree. We are from a country where a man would be disgraced if he pandered to a means to corrupt elections. I am opposed to the reconsideration.

Mr. Boatner—

Mr. President, the gentleman entirely misconceives me. I agree that frauds are committed in New Orleans, by both parties. There is no clause in the bill requiring that the deputy Registers shall tally. Suppose one reports 800, another 600, how is the Register to decide? If the Register is a democrat he will return the largest list if it is democratic, and the whigs will do the same, and therefore I think one assistant would do better than two.

Mr. Wickliffe—

I do not agree with the Seator from Catahoula, (Mr. Boatner.) I am in favor of two assistants. If there are frauds I do not know it. I have never been in New Orleans during an election. The whigs commenced it and got beat at their own game.

Mr. King—

The Senator from Caddo (Mr. Hedge) seems to think that by having two assistants, there will be one appointed from each party. He is very much mistaken. They will either be out and out democratic or whig.

Laid on the table.

The motion pending at the time of the adjournment yesterday, being to adopt Mr. McCay's amendment to the 4th section, requiring the registry to be made "five" days before the next ensuing election.

Mr. Moore—

I will read my amendment to meet the objections that minors may be disfranchised by the limitation of five days:

Provided that should it be found that any person applying to have his name inserted on the register, is not then entitled to vote, by reason of want of residence or age, and that it be made appear by good and sufficent evidence that such person will become a qualified elector before the next Municipal or State election, then and in that case the name of such person shall be placed on the register, with a memorandum therewith, stating the date at which such person will become a qualified elector.

I would offer this in place of the proviso to the 5th section.

Mr. Boatner—

I think the amendment will throw open the doors of fraud wider than they are now. Let only those who are voters, and not those who are to become voters, come within the law.

Mr. Moore—

It cannot be more liable to fraud than the bill as it now stands. He has to make oath as in other cases, and you must more or less depend on the oath at last. I propose to add my amendment to the end of the 5th Section.

Mr. Hodge was in favor of twenty days.

Mr. Wickliffe—

I am in favor of the shortest time. Recollect the 10th article of the Constitution. I am in favor of one day, or the day of the election.

Mr. Hodge—

I am as much opposed to depriving persons of voting as other Senators. But it is part of the Constitution of the State, that the name and residence of every qualified voter in New Orleans, shall be registered. By the fundamental law of the land, it is just as necessary that the voter's name should be registered, as that he shall be a free white male of twenty-one years of age, and he dare not, he cannot gainsay it. I say to the opposite party, that they cannot show as clear hands as the party to which I belong. We stand on the organic law of the land. The Constitution com-

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mands us, and we seek to obey it. Where are to be seen the acts of the Democratic party evincing pespect for the Constitution? Nowhere! I can plainly see it will not be found on the Statute Book. I hope that Senators have come here to perform their solemn Constitutional duty, and that they will meet it.

Mr. Wickliffe—

I said there was a 10th article of the Constitution, and we should pass no law to deprive any citizen of New Orleans from voting under it. I said there was a 10th as well as 11th article.

The gentleman has said a great deal about fraud and corruption. I charge it upon the Whigs, and it stands of record. I am sick and tired of this eternal cry of fraud and corruption. I intend to do my Constitutional duty, regardless of any insinuations or charges made upon the party to which I belong. The gentleman has appealed to the 11th article of the Constitution as a work of the Whig party. Let him show that the Democratic party voted against it, then he may claim it. I say to the Senator, that the Democratic men on this floor are as anxious to carry out the provisions of the Constitution as the Whigs are. But we will not be driven to disfranchising our citizens. I do hope to see the time when every qualified voter can vote.

Mr. McCay's proviso was laid on the table.

Mr. Palfrey introduced an amendment, requiring the oath to be taken before the Register, and the affidavit filed in the First District Court.

I offer this in order that the parties may be prosecuted if they swear falsely.

Mr. Boatner—

Mr. President, I think the section is short, and to the point, and I shall move to lay the amendment on the table.

Mr. Defreese—

If the section is intrinsically defective, why not come up and point it out, and not be going on thus from day to day, with these party allusions. I sometimes think the intention is to throw amendments in as bombshells, hoping we will not pass a law, so as to say, the Democratic party refused to pass it. I am sorry my party has not held a caucus, and agreed upon just such a bill as suited us; and passed it; and have taken upon our shoulders the whole thing. I am willing to be bound, even by party shackles, and hope the amendment will be voted down.

Mr. Palfrey—

The gentleman either misrepresents or misunderstands It is charitable to suppose that he misunderstands.

Mr. Kenner—

I never spit against the wind. I hope the gentlemen of the Democratic party will retire and present a bill that meets their tastes in every particular.

I want to correct the gentleman from West Feliciana in one thing. He said frauds had originated with the Whig party, and that the Democratic party had voted for the Registry clause in the Constitution.

Mr. Wickliffe—

No, sir.

Mr. Kenner—

I leave to Senators, if the gentleman did not leave the inference. (Reads the Journal of the Convention.) There were forty Democrats out of forty-six against it, who voted in the negative. The gentleman said we could not claim it as a Whig measure, and I wished to show him.

Mr Wickliffe—

The inference may be drawn that I had read the Journal, and meant to say that the Democratic party did not oppose it. The vote read by the gentleman is not upon the clause as it is in the Constitution.

But something has been said about frauds. I hold in my hand some account of cab frauds in New Orleans, and some account of Judge Elliott.

Mr. Lacey—

I was not personally acquainted with all the members of the Convention, who voted on the Registry provision, and arise simply to ask the Honorable Senator from Ascension, (Mr. Kenner) if that vote was referred to, for the purpose of showing that the Whig party advocated and endorsed the provision in the Constitution relative to the Registry law, and the Democratic party opposed it?

Mr. Kenner—

Yes sir, it was.

Mr. Ryan—

Mr. President, we may sit here for weeks and weeks and talk about frauds, and excite nothing but prejudices. Sir, I want to hear no more about the frauds of '41 and frauds of '53. They are a disgrace to Louisiana. Let them not be brought in here to excite the passions and prejudices of gentlemen. What are we about? To determine whether we will pass a Registry law or not. I shall vote for no Registry law which says to a voter, he shall not vote unless his name is registered thirty days before the election. Such a doctrine is opposed to the genius of our institutions, and republican principles. I shall vote for nothing which refers to mere party. It is charged that immense frauds have been committed, and why have these men not been brought to justice? I hope the question will be voted on directly, and that Senators will not be charging the frauds of '41 and '53.

Mr. Wickliffe—

(Read to show that Mr. Kenner had not read from the Journal, the action of the Convention on the 11th article, as it is in the Constitution, and asked to explain and place the matter before the Senate.)

Mr. Kenner—

I will give the gentleman all the assistance I can, and shew him where to find it.

The amendment was laid on the table.

The 4th section was adopted.

On a motion to adopt the 5th section:

Mr. McCay moved to strike out all after the word "vote" in the 9th line.

Mr. Moore—

I am in favor of striking out, as it is clearly unconstitutional.

Mr. Boatner—

I move to lay the motion on the table.

Mr Trudeau—

I have not said anything on this bill, as I thought the dominant party intended to pass it anyway, and I hoped the Whigs would let them go on with it.

Mr. Moore read the following substitute for the 6th section:

That when it shall appear that any person has made a false oath, or gave false evidence in relation to the right of any person or persons to vote, or if any person shall have voted more than once at the same election. The person or persons so offending, shall be prosecuted by the District Attorney, and on conviction, shall be punished as the law

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prescribes, for perjury, and voting a second time, as the case may be.

Mr. Boatner—

I move to amend the 5th section, by adding after the word entitled, in the 11th line, the words "to have his name placed on the registry, and—"

The amendment was agreed to, and the section adopted.

On motion of Mr. Boatner, the following words were added to the end of the 6th section—"And if it appear he is entitled to vote his name shall be registered,"—and the section was adopted.

On a motion to adopt the 7th section:

Mr. King moved to strike out the words, "Assistant City" in the 7th line, and insert "District," which was agreed to.

Mr. King—

I move to amend, by adding—"the word challenged shall be put opposite to each name challenged, to be used by the District Attorney, as *prima facie* evidence in the trial of such cases.

Adopted.

Mr. Martel—

I propose to amend—"That all persons who shall be ascertained to have sworn falsely, under the provisions of this act, shall be perjured, and upon conviction, be imprisoned for not more than five, nor less than two years."

Adopted.

The section was then adopted.

On a motion to adopt the 8th section:

Mr. Boatner moved to strike out "Assistant City," in the 1st and 2nd lines, and insert "District," and to put after the word "Court," in the 4th line, the words—"And the other half to the Treasury of New Orleans," which being agreed to, the section was adopted.

On a motion to adopt the 9th section:

Mr McCay moved to strike out the word "five" and insert "fifty," and to strike out "fifty" and insert "one thousand," in the 7th line.

Mr. Hodge—

And to add after the word "dollars"—"And be imprisoned for not less than one year."

Amendments and section adopted.

On a motion to adopt the 10th section:

Mr. Palfrey moved to strike out from the word "State" in the 5th line, and insert "City Treasurer."

Laid on the table.

On motion of Mr. Boatner, "one-half cent" was struck out of the 3rd line, and "five cents" inserted.

The section was adopted.

On a motion to adopt the 11th section:

Mr. Boatner—

I move to amend by striking out "one cent" in the 3rd line, and inserting "ten cents".

Mr. Moore—

I vote against both.

Mr. Kenner—

So do I, sir.

Mr. King—

I would state that there are 13,000 voters, and en Representative Districts in New Orleans, and when you divide $1300 among twenty men, the compensation will be at the very lowest notch, and as little as we could expect.

Mr. Hodge—

I shall vote "no," because I do not believe the bill will carry out the provision of the Constitution.

The amendment was adopted.

Mr. Hodge—

Before the section is adopted, I would ask the Senator from Catahoula, (Mr. Boatner,) who seems to have the control of this bill, if the object of the Convention, who framed the Constitution, was not to prevent frauds, and if his bill makes it any more difficult to vote than under the present system?

Mr. Boatner—

The bill provides for a registry, and that is all the Constitution requires.

The section was adopted.

On motion to adopt the 12th section:

Mr. Rivers—

I move to strike out, in the second line, the words "carry out," and insert the word "evade."

Mr. Trudeau—

The section looks like the gentleman thought there might be some doubt.

Mr. Ryan—

I move to amend, so as to read—"To carry out the words of the Constitution."

Mr. Trudeau—

They have done their duty, and are satisfied with their bill; its a beautiful thing—let it pass as it is.

Mr. Rivers—

Let it alone? It's a mere endorsement under the picture of a cow—this is a horse!

Mr. Wickliffe—

I will welcome the Senator from Jefferson (Mr. Trudeau) into the Democratic fold. He has confessed that the Democrats have carried out the provisions of the Constitution, and I will repeat to him from the pious poet, Watts—

"While the lamp holds out to burn,
The vilest sinner may return."

Mr. McCay—

I move to lay the section and the amendment on the table.

Mr. Moore—

I shall vote to lay on the table, because I think the act does not comply with the Constitution.

Mr. King—

I shall vote yes, because the section is mere surplusage.

Mr. Kenner—

I shall vote no, for the very same reason.

Mr. McCay—I shall vote yes, because, whatever may have been the intent of the friends of the bill, the meaning is, clearly, not to carry out the provisions of the Constitution.

The motion was lost.

The amendment was laid on the table, and the section adopted.

MESSAGE FROM THE HOUSE.

The special messenger from the House requested the concurrence of the Senate in the following bills, entitled:

An act to incorporate the Arbita Company, and

An act to diminish the number of Jurors for the Parish of Point Coupée, and to provide for the service of the Jurors in said parish.

MESSAGE TO THE HOUSE.

The assistant Secretary requested the concurrence of the House in the following bill, entitled:

An act to authorize the city of New Orleans to subscribe to the stock of the Pontchartrain Railroad Company, to enable said Railroad Company to construct a railroad from New Orleans to Mobile, and a resolution for the purchase of the Political History of the United States, by Bernard Marigny.

REPORTS OF COMMITTEES.

Mr. Martel, from the Committee on the Amend-

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ments of the Constitution, to whom was referred a resolution relative to the amendments of the Constitution, reports unfavorable, and suggests as a question of policy, that the organic law of the State should not be continually subject to changes, which report was adopted.

Mr. Boatner, from the Committee on Claims, made the following majority Report:

To the Honorable W. W. Farmer, Lieutenant Governor, and President of the Senate:

The Committee on Claims, to which was referred a certain resolution, with instructions to ascertain the amount which Joseph H. Maddox is entitled to demand from the State on a certain claim—also to enquire whether the sum of $3010 received by him under an act of the last Legislature, was not received in full payment of all his demands against the State, growing out of the printing of the debates, and the publication of the same in the daily and weekly paper—herewith report, that they are unable to ascertain that any amount is due the said Maddox on his alleged claim. And in regard to the second instruction in the resolution, the Committee have learned that the amount paid at the last session of the Legislature to J H. Maddox, was allowed by the Committee, as full payment to said Maddox—yet there is no evidence that Maddox was privy to any understanding of that nature, or that the money was received by him in full payment of all his demands against the State.

(Signed) M. BOATNER

Mr. Dupré, from the same Committee, made the following minority report:

To the Honorable W. W. Farmer, President of the Senate:

The undersigned, a member of the Cammittee to which was referred the claim of J. H. Maddox, begs leave to report favorably on the same; and that there is no evidence that he received the $3010 in full payment of all demands of the State, but that the same was in payment of specific services.

(Signed) ACHILLE DUPRE.

Mr. Macmurdo, on behalf of the Finance Committee, reported favorably on

An act to establish a permanent fund for the support of the Free Public Schools of the State of Louisiana. And on

An act to exempt the Seaman's Home Association from taxation.

And a bill, entitled:

A bill for the relief of the veterans of 1814 and 1815.

Reported favorably, with an amendment, and the title to read as follows, viz:

An act to provide for a deficiency in the appropriation for payment of pensions, under the Act entitled, "An act granting pensions to the veterans of 1814 and 1815, approved 30th April, 1853"

And reported back the communication from the Treasurer of the State with the following resolution, which on motion of Mr. Macmurdo was read and adopted.

Resolution calling for information from the Attorney General.

Resolution by the Senate of the State of Louisiana—that the Attorney General be requested to inform the Senate what steps, if any, have been taken in prosecution of delinquent public officers in the city of New Orleans, for failures to make reports to the State Treasurer and make payments of moneys as required by Act No. 98 of the General Assembly of the year 1843.

And

An act ratifying the Bond given by the Sheriff of the Parish of St. Landry in his official capacity.

He reported back from the Finance Committee, with a recommendation that it be referred to the Committee on the Judiciary, as it involves a legal question.

On motion, it was referred to the Judiciary Committee.

And on the communication from the Auditor of Public Accounts in regard to a settlement made by him with A. C. Bickham, recommended that the Senate approve the said settlement.

He also made the following reports:

To the Hon W. W. Farmer, Lieut. Governor and President of the Senate.

The Committee on Finance, to whom has been referred the memorial of Antoine Cambre, and others, praying to be compensated for services on Jury in the First District Court of the city of New Orleans, in criminal prosecutions, beg leave to report:

That they have had the same under consideration, and find that in the parishes of the State other than that of Orleans, services of this nature are paid from funds belonging to the parishes respectively, and in no case has a claim of this nature been made upon the State Treasury from any quarter except from the city of New Orleans. That expenses of this description are universally considered as being of that class which is subject to municipal provisions, and that if the city of New Orleans has failed to provide by its own ordinances for the payment of Jurors who may serve in criminal prosecutions within its limits, it is an indication that the city authorities have considered such service as a reciprocal public duty, which every citizen is bound gratuitously to perform, in his turn, and for which no payment should be exacted, as is the case in the performance of militia duty.

Your Committee, however, respectfully submit, that in their opinion the city of New Orleans is bound, under the provisions of the fifth section of the Act of May 27, 1846, entitled "An act to abolish the Police Jury in the city of New Orleans," to provide for the payment of such claims.

At all events, conceiving that the State is not bound, either by law or equity, to provide compensation for such services, your Committee beg leave to report unfavorably on the memorial.

(Signed) J. R. MACMURDO,
Chairman.

To the Hon. W. W. Farmer, President of the Senate.

The Committee on Finance, to which was referred the memorial of the testamentary executors of the late Alexander Gordon, deceased, make the following report:

That while they are willing to admit that Mr. Gordon made large pecuniary sacrifices in his efforts to sustain the Mexican Gulf Railroad Company, they cannot perceive that there is any obligation on the part of the State to grant the prayer of the petitioners for a release from their indebtedness to the State. But believing that the Mexican Gulf Railroad affords considerable facilities to the community through which it passes, and that it would be prejudicial to the interests of said community should it be broken up—and to show that the State is liberally disposed towards its proprietors, the Committee recommend that an extension of time be granted to the testamentary executors of the late Alexander Gordon, for the

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payment of the amount claimed from them by the State.

The Committee, therefore, introduce the accompanying bill.

(Signed) J. R. MACMURDO,
Chairman.

The Senate then adjourned.

WEDNESDAY, March 8th, 1854.

Mr. McCay, from the Committee on Federal Relations, made the following:

Report of the Committee on Federal Relations, in relation to the Policy which has been instituted by the Government of the Island of Cuba, &c.

To the Honorable W. W. Farmer, President of the Senate:

Within a few months past a new policy has been instituted by the Government of the Island of Cuba bearing upon a question of labor and the social organization of that island, with the avowed intention of substituting free labor for the domestic servitude now existing there, and of eventually emancipating the negroes which have been so largely imported from Africa, with the connivance of the Government and in direct violation of its own statutes and treaty stipulations. For the better carrying out of these measures the Spanish Government has evidently adopted the policy of proceeding by units instead of by large masses, in its liberation of the slaves, in order to remove, as far as possible, the reasonable grounds for apprehension or alarm that exist; but the principle is not the less pernicious, nor the ultimate object less obvious, for each individual liberation amounts to the assertion of a vital principle.

In support of these measures the organ of the Spanish Government in Cuba has openly announced and defended the fallacious idea that free labor will be more conducive to the welfare of the island than is its present system; and that the mother country, being one of the European family of nations, is bound by every tie of interest and common glory, to follow and obey the general course of European thought in its guidance and control of social phenomena in its dominions.

In pursuance of this idea the Government of Spain has ordered the immediate emancipation of a large number of Negroes known as emancipados, who have for a long time been deprived of their freedom, the Government of Cuba having pursued the practice of apprenticing and reapprenticing them for gain, instead of granting them their free papers, in small numbers, from time to time, as they became entitled thereto.

Coincident with this act, and under the plea that it is necessary to increase the number of laborers in Cuba, she has instituted a new code of laws for their government, and is now stimulating her subjects to import apprenticed or contract laborers of different races, to labor in her fields and workshops by the side of the slave.

While it does not become the Senate Committee on Federal Relations to discuss the abstract right of Spain to institute such social laws and regulations within her domain, as shall seem to her most beneficial for her whole people, this Committee cannot refrain from expressing the belief that the sudden liberation of a large number of blacks in the midst of a slave population must have an exciting and prejudicial effect upon the moral condition of the slaves; and that the institution, in the same island, of a class of apprenticed or contract laborers which shall, for a series of years, work alongside of, and in constant union and contact with the slaves, with an almost equality of condition, and which class, at the end of a determined period of time, shall attain their freedom from servile obligations and become citizens, must tend to undermine the foundations of the present social system of Cuba, and ultimately result in the complete destruction of the resources and wealth of that portion of the Spanish Dominions, and of the welfare of its white inhabitants.

The immediate proximity of this island to our own shores, its geographical position and relations to the outlets of the great and constantly increasing commerce, not only of our own State, but also of all the rivers and harbors of the South and Southwestern States, of the great valley of the west, and of that vast region beyond the Mississippi which is now being so rapidly opened to productive industry; the effect which any radical change in its social institutions may have upon our domestic slavery: and its ultimate connexion with the security of our own intercourse with the Pacific States, through its neighboring seas and across the isthmus of America, induce this Committee to present to the Senate a few reflections as to the effect of the newly instituted measures in Cuba upon our own safety and welfare.

These have been ably and eloquently alluded to by his Excellency, Gov. Hébert, in his last annual message to the Legislature.

The abolition of slavery in Cuba will undoubtedly cause a large emigration of the white race from that island, and will thus increase the present disproportion between the blacks and whites there. It will destroy all the sources of wealth existing in the actual organization of its society, and impoverishing and debasing the remaining white inhabitants, will reduce them to a political, social, and moral condition of equality with the semi-barbarous race of Africans that now composes so large a portion of its population. The granting of social power and political representation to these, will, from their numerical preponderance, create there a government, weak in all the elements of moral and physical strength, constituted mainly from the negro element, and possessing a natural bias toward the European influences which had created it, and an antipathy to our own political and social interests which opposed its creation.

Such an event is fraught with danger to the South, and, indeed, to the whole Union. The waters of our Southern coast will be converted into a scene of bickering, where the conflicting interests of American and European States will find themselves in a state of constant contact and collision. Its acquiescence in, and perpetuation in those seas of that European comity, which, in its essence is directly opposed to the development of our interests and influence, will entail upon our national government the continued maintenance there of a large maratime force to watch over and guard the safety of the great highways of our trade. It will menace us with the proximity of an ill governed people, having a social organization widely different and adverse to our own. It will constitute there an ignorant and anti-American government, presenting many and greater points of difficulty and disagreement than arise with the present existing government, or than would occur with a government congenial in its principles and tendencies with our own. It may lead to the necessity of our taking possession, in order to secure our own safety, of a country disorganized in its social condition, its productive capabilities destroyed, and itself, in every sense, incompatible for admission into this Union.

Physical reasons of the strongest kind concur to render it in every way desirable to the United

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States, that this island should be in our possession, or in that of a friendly and truly American power The paucity of our Southern coast in good harbors and ports to shelter our naval squadrons in those seas is, at the present time, inducing the Federal Government to fortify, at a vast expense, the barren rocks of the Tortugas, near the outlet of the Gulf of Mexico. The necessity of this step is the more apparent when we contemplate the vast exchanges of accumulated wealth which must take place at no distant time between the older nations inhabiting the shores of the Atlantic ocean, and the new born empires that are so rapidly springing up on either declivity of the Rocky Mountains, and upon the golden border of the Pacific ocean A great portion of this wealth following the water courses and favorable routes offered by the natural configuration of the continent, must pass through the narrow channel lying immediately upon the northern shore of Cuba. While our own peculiar circumstances force us to fortify the Tortugas rocks, insignificant in every thing, except in their geographical position, Cuba abounds in ports which are the admiration of the world, in timber and naval resources of the most ample nature, and possesses an expanded territory, and a fruitful soil capable of sustaining millions of friends or foes. The illimitable commerce of the Mississippi and its tributaries, and of the new iron-ways to the Pacific must seek the markets of the older world, passing within striking distance of its shores. The laws of nations may prohibit that we should disturb a friendly power in the rightful enjoyment of its domain: but where a power holding possessory rights over a territory contiguous to ours, abuses the defence which those laws yield it, by instituting a policy and organizing institutions that must inevitably conflict with our own, and which menaces our future safety and welfare: and above all when these measures are taken with the evident and almost avowed intent of interfering prejudicially with the laws of our natural progress, and the development of our interests and influence, the necessity of self-preservation becomes the paramount and sole law which rules our conduct.

Be it resolved, That we view with alarm the recent and avowed change that has taken place in the policy of the Spanish government in Cuba, the manifest tendency and result of which must be the abolition of slavery and the destruction of the white race in that country.

Resolved, That we believe such an event will have a most pernicious effect upon the same institution and interests in these States: that it will destroy the social and political existence of that Island: that it will materially affect the natural law of American progress by precluding forever the admission of Cuba into this Union; that it will create in our immediate vicinity and almost within sight of our own shores, a government administered by an inferior and barbarous African race, under the immediate influence of European interests and ideas, and adverse to the pure American influence which should predominate on this continent and its adjacent islands: that it will menace the security of the outlets of all our Southern and South-western rivers and harbors of the Gulf of Mexico, of the American Mediterranean, of the new great highways of Commerce through those seas and across the Isthmus of America; and that it will materially endanger the intercourse between our Atlantic and Pacific States.

Resolved, That we approve of the sentiments expressed in the Inagural Message of Gen. Pierce, relative to the extension of our limits and the prevention of the establishment of prejudicial influences around our Southern border, and of those laid down by his Excellency Governor Hébert in his late annual message.

Resolved, That we deem the time has arrived when the American people and the Federal Government should take a great and active interest in the proceedings of Spain and other European powers in Cuba, in order to prevent the establishment of measures and institutions prejudicial to our own safety and welfare.

THOS. S. McCAY,
Chairman.

Mr. Moore called up a bill for the relief of —— Fuselier, translator of the Convention reports.

Mr. Moore—

The Committee on Claims have reported on the bill, leaving a blank. I move to fill up the blank with $125 Mr. Fuselier does not ask full compensation; he only claims his expenses. But he went to New Orleans and remained there forty days to attend to the translation of these reports, and it must be presumed his expenses would be $3 per day, besides $5 for his expenses to get there. He is clearly entitled to it. He was an able reporter and a gentleman, and would have done the work if the reports had been furnished to him. He was bound in honor to remain the forty days and ought to be paid.

Mr. Boatner—

I will read a certificate from the Auditor, showing that Mr. Fuselier has been allowed extra pay for twenty days, at $8 per day, making $160.

The bill was then passed.

SPECIAL ORDER.

"An act for the relief J. H. Maddox, growing out of the failure of the State to furnish to him, as Public Printer, the reports of the Constitutional Convention."

Mr. Boatner—

Mr. President: As this matter has *elicited* a good deal of remark, out of the Senate Chamber, and as my course has been scrutinized rather closely, I shall briefly state my reasons for voting against the bill.

Mr. Maddox claims, on account of the laches of the State, the sum of $15,000. This claim has attracted serious attention of the Committee on Claims, to which I belong. We examined it as closely as we could. We conversed with gentlemen more familiar with the subject than ourselves, and all agreed, that at last session, when Mr. Maddox received $3,010, it was a finality. There are several Senators who will bear me out in this. The Committee could not agree that Mr. Maddox had a vested right, and that it is dangerous to establish such a precedent. In 1852, Mr. Weisse, of the *Bee*, was elected Public Printer for two years, and had associated with him Mr. Magne. In 1853, the Legislature elected Mr. La Sere, of the *Courrier*, over Messrs Weisse & Magne There was no objection to proceeding, and Messrs. Weisse & Magne were dismissed at the will of the Legislature, before the two years were out.

Mr. Rivers—

Yes, there was objection.

Mr. Boatner—

Well, I don't see it in the records. Messrs. Weisse & Magne made no complaint. The friends of the bill say that the Reporter did not furnish the reports to the printer. If the printer is to be paid when the Reporter does not make out the reports, it will be a dangerous precedent.

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Mr. Hodge—

I desire to correct the Chairman of the Committee on Claims, (Mr. Boatner), in regard to one fact in this matter.

The question is, did Mr. Maddox regard the payment of $3,010 as full compensation? I do not understand the Chairman to say that Mr. Maddox was a party to any such understanding.

Mr. Boatner—No sir.

Mr. Hodge—

When the $3,010 were appropriated, the proposition was distinctly made that the debates would be discontinued, and I hold in my hand a letter from the Speaker of the House of Representatives, (Mr. Sandidge), who was then a member, stating that the proposition was not seriously entertained, and was voted down.

On the merits of this claim I am authorized to give it my support by the highest authority—Democratic authority. We have it from numerous gentlemen of the highest integrity, that Mr. Maddox went to the expense of five or six thousand dollars to carry out his work. It appears from the proof on record that he went to considerable expense. I would call the attention of the Senate to the fact that under a resolution of the Convention Mr. Maddox bought four or five thousand dollars worth of minion type, as the Convention determined on that kind of type for the printing, and it is in proof that he had none in his office. Now, it is sustained, by the highest authorities, that, in all commutative contracts, where one party fails to comply with his part, he immediately becomes liable.

[Mr. Hodge here referred to and read the case of Blair & Rives against the Government, and the opinion of Mr. Buchanan, as a parallel case.]

What justice would there be to permit the State to violate a contract? Is not the State as much bound to carry out her contracts as are individuals? I assert that Mr. Maddox has always been prepared to perform his part of the contract—he has been guilty of no laches. He printed reports as far as he could get them. If, therefore, the State, through her agent, refuses to perform her duty, is Mr. Maddox to suffer? The Reporters of the Senate and House have examined the case, and they say that if the work had been done, Mr. Maddox would have realized more than $20,000. The Reporter did not furnish the reports, and the loss falls on Mr. Maddox by the fault of the State.

[Mr. Hodge cited the case of the Surveyor General dismissing a contractor, who was subsequently paid by Congress.]

I assert, Mr. President, that under all the precedents in the United States, this claim ought to be paid There is equity and justice in it, and, whether the State has been served or damaged, the only thing for Mr. Maddox to do is, if he has done his duty and the State failed—if so, he is as much entitled to his claim as he would be against an individual.

Mr. Macmurdo—

Allusion having been made to what transpired at the last session, I will state that Mr. Maddox came to me about the appropriation of $3,010. I told him if he would get Mr. Kenner to sanction it I would report the appropriation. Mr. Kenner and myself did have a conversation on the subject, when Mr Maddox was not present. But, certainly, Mr. Kenner and myself considered the appropriation a finality.

Mr. King—

We have had a long legal argument about the moral obligation of a contract. We utterly deny that there was a contract. Where is your contract? Show us your bond. To make this matter easy, let me propound: could Mr. Maddox have resigned? Most certainly he could have resigned, and nothing could bind him to perform the duties. And now where is your contract, if contract you call it, to make him responsible? The clinching argument is, that if the State is bound, Mr. Maddox is bound; and no one will say he could not have resigned.

I think an appropriation was made of about $16.000; with no bills to print—nothing but a few reports Last session Mr. Maddox came here and received $3.010 for printing sixty pages of the reports, as far as furnished, and I say the whole report could be printed for $3,010. The Revised Statutes contain about six hundred pages, and only cost $3.500. The appropriation given was understood to be a final payment. If two parties have a settlement, and afterwards put in other claims, is there a court in the world would listen to it? Mr. Maddox's claim was just as good last winter as it is now, and why did he not then claim it.

But another objection to this bill is the uncertainty of the basis on which it rests. Where are the figures for the profits of $15,000? I want to see the figures. He made $3,010 for sixty pages, and can it be told how much he would claim for printing the whole debates? I cannot see why it is that we should make nabobs of printers. They are a very meritorious class, but they have no right to this sort of monopoly.

Mr. Hodge—

I have generally observed, when the gentleman doubts the arguments of another, he resorts to a certain mode of reply. The gentleman asserted that he did not believe there was a man alive who could doubt the arguments of his report. I will inform the gentleman that I claim to be entitled to form my own opinion on all subjects, and when I do form it, I have as much respect for it as I have for the opinions of the gentleman. I will read the opinion of James Buchanan, which is not only entitled to respect in this Senate, but throughout the world. I hope the gentleman will not treat it with the same disrespect he has others. (Reads Mr. Buchanan's opinion on a similar case.) Now I will answer the gentleman about contract. We are both lawyers and are presumed to know something about law. Now, let me tell the gentleman that it is not necessary that a contract shall be in writing. He asks—"where is your contract? Where is your bond?" They are not necessary. A contract can be binding to all intents without being in writing. I will again read.

(Continues to read).

In regard to the amount that Mr. Maddox is entitled to under this contract—for it is a contract—the only inquiry we have to make, is, what would have been his profits? Mr. Martin and Mr. DaPonte, both practically acquainted with this business, state that Mr. Maddox's profits would have exceeded $20,000.

Mr. King—

When I was on the floor before I asked the question, could Mr. Maddox resign? If he could resign, it is no contract.

Mr. Hodge—

Did you ever know one to resign? If he had resigned he would have been liable to the State.

Mr. Ryan—

Mr. King, do you pretend to say that Mr. Maddox would not have been liable if he had resigned?

Mr. King—

I do; and no lawyer in the State would bring such a suit. I will now show that if it is a con-

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tract, the State is not liable. (Reads article 1927 of the Civil Code, to prove that when a contract fails by a fortuitous event, it is not binding.)

Mr. Boatner—

As some allusion has been made to me by the Senator from Caddo (Mr. Hodge,) I desire to say why I cannot be influenced by his arguments.

In regard to the case of Blair & Rives, who were public printers, and had given bond, they were dismissed by a third party, and not a party to the contract, and it has no resemblance to this case. I agree with the gentleman from New Orleans, (Mr. King,) and believe the law he read is sound and good, and that there is no precedent for the payment of the claim. We have a right to dismiss our Reporter; and suppose we were to do so to-day; according to the gentleman's argument, Mr. La Sere could come in and claim for printing the reports.

Mr. Moore—

Permit me to ask one question. Was there not evidence before both Committees, that Mr. Maddox had expended four or five thousand dollars in preparing to do this work?

Mr. Boatner—

I believe it was in proof that he had spent a few thousand dollars, but it was also in proof that Mr. Maddox had already received $20.000. I do not think that the reports of the Convention of 1845 ought to be the basis for fixing the compensation, because the Convention of 1845 was a speaking body, and the Convention of 1852 was not, as appears by the closing speech of the worthy President, Mr. Kenner.

Mr. Hodge—

It has been said that Mr. Maddox had not presented his claim last winter, and a court would now presume his claim was not good. The Reporter has only been dead a few months. He was not dead at the last session, and Mr. Maddox supposed he would furnish the reports.

Mr. Kenner—

I wish to ask the Chairman of the Committee on Claims, (Mr. Boatner,) what amount the Committee thought Mr. Maddox entitled to?

Mr. Boatner—

The Committee did not think him entitled to anything.

Mr. Rivers—

Well, I'll ask if it was not in evidence that he had gone to expense to do the work?

Mr. Boatner—

I believe it was in proof.

Mr. Moore—

It is in proof that Mr. Maddox spent four or five thousand dollars, and I shall vote to pay the loss.

Mr. King—

If we pay for these things the State ought to have them.

Mr. Martel—

I do not know how to vote, as I have not all the facts about the amount of compensation already paid to Mr. Maddox. I would be glad if some gentleman would inform me.

Mr. Macmardo—

I will answer the Senator. Mr. Maddox received $16,000 for printing, for the Convention, the proceedings, &c., and $3010 for printing the report of the debates, so far as they had been furnished to him.

Mr. McCay—

There has been only $3010 paid on this claim.

Mr. King—

I move to lay the whole bill on the table.

Motion lost.

The bill was then amended by inserting $6000, and adopted on its second reading.

ORDERS OF THE DAY.

"An act to increase the salary of the Clerk of the First District Court."

Mr. Rivers—

I move that the increase salary be taken out of the fines and forfeitures. This bill before provided to pay the salary out of fines and forfeitures, and now I see the excess of salary is to be paid out of the Treasury.

Mr. King—

I don't understand this action of the Senate. I moved to reconsider this bill, and its being called up in this manner, is treating me with parliamentary discourtesy. No Senator had a right to make any motion on this bill in my absence.

Mr. McCay—

One word in explanation. The Senator did move a reconsideration, but the further consideration was postponed to to-day, and the bill was in possession of the Senate, and it belonged to the Senate. I did not call up the bill. It was announced by the Chair. I certainly did not intend any discourtesy. If Senators do not stay in their seats they cannot expect the business of the Senate to be delayed by it.

Mr. King persisted in his right, and the President decided that the bill was in possession of the Senate.

On a motion to adopt the 1st section:

Mr. King—

I move to lay the section on the table.

Mr. McCay—

I hope the Senators now see the enlightenment we were to have by the Senator's presence.

Mr King—

I withdraw it.

Mr Palfrey—

It was stated the other day, that two deputies were employed at $900 a piece, which seems to me very high We have no proof of it. And how stationery, lights, coal, &c., can cost $1000, as stated, I cannot conceive.

Mr. Lacey—

I think I can satisfy the Senator from St. Mary. I will ask if you can get two competent men in New Orleans for $1800 a year. The Clerk gets a salary, now, of $4000, out of which $1800 is paid for Clerks, and another $1000 for expenses. Now, what is the clerk to exist on with his family. He is left the pitiful sum of $1200. The Senate of the State of Louisiana will surely maintain, and pass the section

Mr. Rivers—

I have no disposition to reply to the pathetic appeal of the gentleman. I make the proposition that the Clerk resign, and I will vote for the increase next year, if it is not filled by competent persons satisfied with $4000.

Mr. King—

I have been twitted a little, and will state what is not known. The Clerk is allowed costs of criminals convicted. Each case amounts to $7 & $8. He also gets fees on all forfeited bonds, all of which will amount to two or three thousand dollars. We know he gets these fees, and fees on Naturalization papers. Take it for granted that two Clerks are necessary; $200 would cover all the other expenses, thus leaving him $2000, adding to which the fees, I estimate will make over $4000, and yet we are asked to increase his salary. We must have a mania for spending money. I stated the other day that there were hundreds of competent

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persons who would take the office at the preents salary. Let him resign, and I warrant it will be filled at the present salary.

Mr. Moore—

If you will strike out the words, to draw on the Treasury, I will vote for the increase of salary, otherwise I will vote against the whole bill.

Mr. McCay—

I will read the bill, by which the Senator will see that the excess of salary was only to be paid the account of the Clerk, countersigned by the Judge.

The 1st, 2nd and 3rd sections were adopted.

MESSAGE FROM THE HOUSE.

The special messenger from the House requested the concurrence of the Senate to the following bills, entitled:

An act authorizing the Board of Swamp Land Commissioners to receive and adopt, as a part of the General Levee System, such Levees as have been built by the Parishes of Carroll, Madison and Catahoula, under the provisions of an act, entitled —"An act forming a Levee District, composed of the Parishes of Carroll, Madison and Catahoula, for the better protection of the same from inundation,"—approved the 18th day of March, 1852, and to appropriate the sum of fifty thousand dollars from the General Swamp Land Fund to pay for the same.

An act for the relief of Samuel Smith, a veteran of 1814 and 1815.

An act to regulate the sessions of the Police Jury of the Parish of Tensas.

An act entitled "An act authorizing and instructing the State Engineer to make a thorough examination and survey of the Ouachita River and Little River."

An act to re-district the Parish of St. Bernard.

An act authorizing an instrumental survey by the State Engineer, with the view of improving the navigation of Bayou Boeuf.

An act to modify the right of appeal in suits brought before the Justices of the Parish of Orleans.

An act to revise and amend an act entitled "An act to revise an act to incorporate a congregation of the Roman Catholic Church of St. Frances, in Natchitoches."

An act to amend the 30th section of the act entitled "An act to consolidate the city of New Orleans, and provide for the government and administration of its affairs," approved 23rd February, 1852

An act to amend an act entitled "An act to incorporate the town of Vermillionville, in the Parish of Lafayette," approved March 11th, 1836

An act to change the name of Jean Baptiste P. Rabalais to Ones Rabalais.

An act to authorize the Police Jury of Point Coupée to issue Bonds to an amount sufficient to cover the indebtedness of the parish.

An act to incorporate a Fire Company in the town of Shreveport.

An act to create the office of Inspector of Weights and Measures for the Fourth District of the city of New Orleans.

An act creating a Harbor Master for the Fourth District of New Orleans.

An act to repeal an act entitled "An act to except the Parish of Lafayette from paying costs in criminal offences committed within the corporation of the town of Vermillionville," approved February 7th, 1852.

Resolution for making a road from the Mississippi to Opelousas.

Resolution for the improvement of Sabine River.

And an act requiring the Swamp Land Commissioners of the First District to perform certain works in the Parish of St Bernard.

And he requested the signature of the President to the following bills, entitled:

An act requiring a survey of School lands before sale, and to regulate the sale thereof.

An act for the protection of merchants or venders of Agricultural products of the city of New Orleans.

An act to amend and re-enact the 3rd and 32nd sections of an act entitled "An act to provide for the assessment and collection of taxes in this State," approved March 21, 1850; and to provide for the Board of Assessors and the compensation of the Board.

Resolution relative to a railroad from the Mississippi to the Pacific Ocean.

MESSAGE TO THE HOUSE.

The Assistant Secretary requested the concurrence of the House in the following bills, entitled:

An act to provide for the register of the names and residences of all qualified electors in the city of New Orleans.

An act for the relief of Willis J. McGuire of the Parish of St. Tammany.

An act to authorize the Warden of the port of New Orleans to employ deputies and clerks.

An act for the relief of the succession of the late Alexander Gordon.

And that the Senate has concurred in—

An act to amend an act entitled "An act to amend an act entitled an act granting to Louis Ambroise Ancoin the privilege of keeping a ferry across the coupe of Bayou Boeuf, and for other purposes," approved March 16th, 1848.

An act to emancipate Robert H. Ward, of the Parish of Morehouse.

And concurred in with amendment—

An act to fix the terms of Court of the Fifth Judicial District.

And with amendment to title—

A bill for the relief of the veterans of 1814 and 1815.

REPORTS OF COMMITTEES.

Mr. Boatner, from the Committee on Claims, reported favorably on a memorial of Benjamin Borel, and submitted a bill entitled an act for the relief of Benjamin Borel, of the Parish of St. Mary.

And he reported favorably on a bill entitled an act for the relief of Peter K. Wagner, State printer in 1847, 1848 and 1849.

Mr. King, from the Special Committee, made the following Report:

To the Hon. W. W. Farmer, President of the Senate:

A majority of the Special Committee, to whom was referred the act regulating Judicial Sales in the Parish of Orleans, have instructed their chairman to ask leave to return the same to the Senate, without expressing any opinion in this report, as to the merits of the bill.

(Signed) W. W. KING,
Chairman.

Mr. Boatner, on behalf of the Chairman of the Judiciary Committee, reported favorably on a bill entitled an act to amend the 2nd section of an act entitled an act to regulate the term of the District Courts, (the Parish of Orleans excepted) and made the following report:

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To the Hon. W. W. Farmer, Lieutenant Governor and President of the Senate:

The Judiciary Committee of your honorable body, to whom was referred the consideration of the bill, entitled an act to abolish the February and August terms of the District Court for the Parish of St. Landry, beg leave to Report:

That, in the opinion of the Committee, the bill ought to be so amended as to embrace the probate terms of the several parishes forming the Fifteenth Judidicial District, to wit: The Parishes of Lafayette, St. Landry and Calcasieu; and with this amendment the Committee recommends the passage of the bill.

(Signed) G. S. LACY,
Chairman.

Mr. Hodge, on the part of the Judiciary Committee, reported favorably on a bill entitled:

An act to provide for the trial of cases in which the Judge of the District Court, where the same are pending, or may be instituted, may be recused, (the Parish of Orleans excepted.)

Mr. Macmurdo, from the Finance Committee, reported back to the Senate the following Resolution, together with the appending letter of the Private Secretary of the Governor, to be entered on the Journal of the Senate:

Resolved, That the Committee on Finance be instructed to inquire and report to what extent the State has incurred liability under the powers granted to the Legislature by the Articles 109, 110 and 111 of the Constitution; and whether any aid granted by the State to works of internal improvement has been given to any Company beyond the proportion prescribed by Art. 109.

EXECUTIVE OFFICE, BATON ROUGE,
March 7th, 1854

Hon. J. R. Macmurdo, Coairman of the Committee on Finance, Senate:

Sir—In compliance with your request, I hereby furnish you with an exhibit of the liabilities incurred by the State thus far under the powers granted to the Legislature, by Articles 109, 110 and 111 of the Constituuon.

The only liabilities thus incurred have been for railroad purposes, and are as follows:

May 27th, 1853—76 Bonds of $1000 each, issued in favor of the New Orleans, Opelousas and G. W. Railroad Co.

July 30th, 1853—Another series of 45 Bonds of $1000 each, issued in favor of same Company

October 31st, 1853—Another series of 16 Bonds of $1000 each, issued in favor of said Company.

August 18th—165 Bonds of $1000 each, in favor of the New Orleans, Jackson and Great Northern R. R. Co.

Jan. 31st, 1854—16 Bonds of $1000 each, in favor the N. O., Opelousas and G. W. R. R. Co.

The above bonds were issued in accordance with the provisions of an act granting the aid of the State to the roads above named, approved April 28th, 1853, and after proper application had been made, under oath, by the legally constituted parties, on behalf of said Railroad Companies.

I have the honor to be
Very respectfully,
Your ob't serv't,

(Signed) THOS. B. R. HATCH,
Private Sec. to the Gov.

Mr. Macmurdo, from the Finance Committee, made the following Report:

The Committee on Finance, of the Senate, have had under consideration the subject of the Pension Laws of the State, and make the following Report:

Prior to the passage of the act, entitled an act granting pensions to the veterans of 1814 and 1815, approved 17th March, 1852—the appropriations for pension claims had in no one year exceeded the sum of six thousand dollars. By passage of that act, a Board of Pensions was created with power to act on these claims, under certain provisions of law. An appropriation was made by the same Legislature of fifteen thousand dollars. In less than three months afterwards, this amount was entirely exhausted, and a large number of claims, perfected under the law, remained unpaid by reason of the inadequacy of the sum which had been appropriated. Many of these claims, as well those paid as those remaining unpaid, were believed to be fictitious, but the evidence on which they were based, left the Board of Pensions no alternative but to audit them. The subject was brought to the notice of the Legislature of 1853, in a bill introduced by the Chairman of the Finance Committee of the House, having for its object the repeal of the act of the year preceding. A good deal of discussion took place, which resulted in the passage of the bill, under the same title, approved 30th April, 1853, by which the act of the previous year was repealed. An appropriation of ten thousand dollars was made to meet the claims under the act of 1853, but this, as in the case of the act of 1852, proved wholly inadequate to meet the claims that were presented. The Committee have had a bill referred to them from the House, by which the sum of fifteen thousand dollars is appropriated to meet the deficiency under the act of 1853, which they have reported back favorably.

The Committee are satisfied that the act of 1853 has not answered the expectations of its friends, and that no general law can be devised under which fraudulent claims may not be perfected. They think it much the safest course, with a view to the protection of the Treasury, that every claim for a pension should be presented directly to the Legislature, and passed on with reference to its individual merits, and therefore they recommend the repeal of the act of 1853—and present with this report a bill for that purpose.

(Signed) J. R. MACMURDO.

THURSDAY, March 9th 1854.

SPECIAL ORDER.

The Committee on Elections having reported that Senator Martel was, at the time of his election and is now, a Notary Public in and for the Parish of St. Landry; and

Mr. Rivers the following resolution:

Resolved, That there is a constitutional incompatibility in holding a seat in this body and any office of emolument.

Mr Moore—

I understand the Honorable gentleman from St. Landry resigned his office of Notary on the first of this month, and there can now be no doubt of his right to his seat. If he was now a Notary there would certainly be an incompatibility in his holding his seat. I, therefore, move to add to the resolution of the majority, which declares him entitled to his place, the words, "he having resigned the office of Notary."

Mr. Wickliffe—

Mr. President: I hold that when Mr. Martel

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took the constitutional oath, he *ipso facto* resigned his office of Notary. (Reads authority).

Mr. Ryan—

As I reported on this case, I beg to say that if there is any mistake in this matter, I got it from Mr. Martel himself. I asked him, and he told me he sent in his resignation on the first of March; the very day I made my report, and I reported that he was then a Notary.

Mr Wickliffe—

I hope the gentleman does not think we wish to cast any reflections on him I move to lay the whole subject on the table.

Mr. Rivers—

One moment. It may be supposed that I wish to make a speech, because I introduced the resolution. Such is not the case. No Senator doubts that the gentleman is now entitled to his seat. But when I introduced the resolution the gentleman was in his seat in violation of the 122d article of the constitution. All I want is the adoption of Mr. Moore's amendment to the majority's resolution, to show that the action of the Senate was based on the resignation. (Reads articles 10 and 27 of the constitution). I want the Senate to vote on the principle of whether these offices are incompatible. No one disputes his seat, and even if there was incompatibility I should hate to see him deprived of his seat.

Mr. Wickliffe—

I fully agree with the gentleman Mr. Martel could not hold his seat if he were now a Notary.

Mr. Hodge—

I would ask the gentleman from Feliciana, if I understand him to mean that no office could be vacated under the article in the constitution.

Mr. Wickliffe—

I can't help the gentleman's understanding My words are very plain. There was no office of Notary after he took the oath as Senator.

Mr. Rivers—

I move to amend with these words, "that the office of Notary having become vacated by operation of law."

This amendment was adopted, and the resolution passed declaring Mr. Martel entitled to his seat.

The Senate then took under consideration "An act regulating Judicial sales in the Parish Orleans;"

And a substitute of the same title.

Mr. Kenner—

I move for the indefinite postponement of both bills.

Mr. Lacey—

Mr. President: I do not contemplate making a speech. I shall only give my reasons why I shall vote for the substitute. I was in favor of the original bill because that was the best mode of giving justice to parties. In this bill, if persons are of age, they can select their own person to sell their property. Another feature gives to minors the protecting eye of the court. This principle has grown up among us, and we ask you to give the same protection in regard to sales as in other cases. If the original bill does not more effectually protect rights, where is the objection to the substitute?

Mr. Trudeau—

I would like to inquire whether the substitute was introduced by the majority or minority of the committee.

Mr. McCay—

The facts are these: The original bill was referred to the Judiciary Committee, who reported favorably. On the motion of the Senator from Ascension, (Mr. Kenner), it was referred to a Special Committee. Three of this committee reported it back favorably, in the absence of the Senator from Ascension, who was a member of the Special Committee. At his suggestion, I moved that the bill be recommitted to the same committee, which was done, and they reported the whole subject back, so the whole subject is now before the Senate.

Mr. Trudeau—

I have understood the substitute was voted down in the committee, and I thought this was not the same. But I find it is, and I am surprised at the explanation.

Mr. Lacey has said that minors were protected by the bill. It follows, then, that if there is one minor in an estate all the balance must submit to this arbitrary rule. The bill is no improvement—it has the same principle as the other. There was an attempt to make this a Democratic measure. But I am glad to see that the Democratic party will not sustain the doctrine of odious monopolies. It strikes me as going a little too far, to deprive the citizens of New Orleans of electing their own salesmen.

Mr. Munday—

It seems that the gentlemen cannot agree, and I will endeavor to throw oil on the troubled waters, by offering a substitute for the substitute.

Mr. Kenner—

The substitute is not in order. (Reads 11th rule of the Senate).

Mr. McCay—

I call for a division of the question.

The President decided that the question was divisible and debateable.

Mr. McCay—

Upon which bill shall we vote first.

Mr. Kenner—

You moved to divide; make your own choice, we don't intend to make the selection.

Mr. McCay—

Very well, let us vote on the original bill first.

The original bill was then indefinitely postponed.

The President decided that the substitute remained before the Senate notwithstanding the fate of the original bill.

Mr. McCay—

Mr. President: As I was the introducer of this bill, and as it has created a good deal of animadversion and exitement with the press and the community, it may be reasonably expected that I should state the motives which led me to introduce it. I have not been actuated by any party consideration.

The primary object of the bill is to protect the rights of all parties having judicial sales — I speak of the original bill. By our laws minors and interdicted persons cannot consent. They must act through representatives. I think nothing could be effected under the original bill that cannot be effected by the substitute, except in case of minors and some other cases. The whole strength of the gentleman's argument, from Ascension, which was made with some force, was, that it would take away our rights—our *na ural* rights, as they have been designated. I am in favor of no such thing.

But, sir, minors and interdicted persons cannot select The gentleman from Jefferson, (Mr. Trudeau), said that where there was one minor, his interest would control the selection. The bill does not prevent the major from selecting; it only prevents him from selecting for the minor. The laws of our State have thrown a great many guards around property. We have all sorts of mortgages —legal mortgages, tacit mortgages, &c., and yet

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the person, who sells the property, is the only one who has charge of it, not sworn. The auctioneers, with whom you can make collusion—I say it is open to collusion—very often do so, and the interest of the helpless parties are sacrificed, and they possess none of the legal responsibilities of a sworn officer. Ninety out of one hundred cases, of successions, in the country, are sold by the legally constituted officer of the court ordering the sale.

The constitution says that every officer shall receive his commission from the Governor. No one will pretend to say that an auctioneer is an officer, He is not amenable as the officer of the court You cannot execute summary process on him as you can on an officer of the court, and in no way can he present that safe responsibility to be found in the oath and bond of the sheriff.

A great deal has been said by the gentleman from Ascension about the cost of this thing, and some of the papers have taken it up. It is said that the sheriff now gets $20,000 a year. I have a certified copy of all the succession sales, in New Orleans, taken from the Sheriff's books, from the 1st December, 1851, to the 31st December, 1853 I will also present a list of successions opened from the 1st of January, 1853, to the 31st December, 1853, which includes the epidemic season. Here they are:

List and amount of the estates opened in the Second District Court from the 1st of January to the 31st of December, 1853:

Marcellite Aubry	$5,649 50
Joseph Albrache	503 75
Baptiste Antoine	697 00
J B Baljaky	661 00
J Bareis	815 75
F Bermudy	16,615 51
J T Beauregard	34,836 56
P & J Brosnon	1,389 25
G Blin	2,936 85
Henry Bonman	1,500 00
John Buddy	1,000 00
F Claude Barrelle	2,633 47
Gaspard Baune	9 532 43
John Buddy	1.000 00
C J Beasleys	12,602 64
A Beall	30,277 44
Phœbe Bolack	1,503 85
Baron Boisfontaine and Veillon his wife	4,134 00
J E Blin	3,254 30
F H Bornot	660 00
J G Brower	4,687 31
Adam Betz	4,283 87
W T Brown	1,950 00
Jos Blackburn	3,090 98
Sinai Jane Brown	652 00
Marie Janne Blanc	1,600 00
Pierre Bukman	882 66
F X Brunet	425 00
John Ball	840 00
William W Burton	510 00
James Curley	9,479 28
Widow Joseph Chalou	4,412 75
Richard Crockett	10,994 24
Horace C Cammack	101,184 18
Mrs E Cassard	8.615 00
Dudley Chase	1,884 62
James H Coleman	3,300 00
E Carcano	3,281 50
Alex Clarkson	1,987 00
Agnes Campbell	1,400 00
Jos Gregoire Constault	1,210 40
Marie Lefrance, widow A Cure	7,1.8 50
Augustin Christophe	300 00
John Clens	250 00
J Cronan	2,467 50
Mrs. Elizabeth Clement	6,500 00
Patrick Carmody	7.382 00
F Cassagne	2,74- 87
Jules de Fournlere	114 00
Francoise Decoudrot	7,900 00
John De ring	604 44
Mrs A D Doriocourt	7,692 00
J Bte Dupuy	900 00
Clara Duliepse	1.572 50
Druharn	1,794 00
Widow Duval	218 50
F Duelo	972 80
J Dillingham	750 00
Widow J B DeGruy	8,350 00
P Dunn	450 00
A C Depass	3,896 46
C Demaine	4,344 00
J Dunn	6.667 53
M Dauenhaur	914 25
J D Daly	400 00
Catherine Dinet	1,900 00
H J Droz	10,978 10
J B Dambrun	1,875 00
B Duffy	10,841 70
H Dinkel	501 50
E W Digges	23,664 01
Jas Dunn	22,015 69
H Dunning	8,170 00
Armstrong Dewing	3,000 00
L Dufour	4,980 00
John Duncan	13,488 58
A C Deleno	2,929 60
Ph Duffy	1.585 00
T Emmanuel	37 10
Edwreca J B	5,299 95
R Elliott	609 75
N G Friend	481 00
J V Fondin	529 00
M Flocken	583 95
Fletcher	9,905 10
J B Ferat	120 10
U Fisher	1.021 00
W H Filkins	12,284 95
J P Foltz	2,125 35
Minors Foulke	8.524 96
Francoise Jaunne	2,074 60
Mrs J Fillon	1,049 00
Henry Filtmeyer	538 50
Mrs C Fagot	6,000 00
John Flinn	2,642 88
G Foulkes	9,701 64
Mrs Gobet	936 00
H Grandpre	1.400 00
Thomas Gulliver	4,182 70
M C Glover	3,642 25
Jean Gillous	633 50
B Gill	600 00
N Grandjean	1,765 52
Pierre Grau	882 50
J Gonel	1,023 50
J G Guyot	1,[illegible]
Andrew Gray	5,[illegible]
Faustin Gautrau	[illegible]
J Geetz	312 [illegible]
J Glaises	100,[illegible]
L Garner	3,[illegible]
Peter Glasser	2,[illegible]
W H Ginn	[illegible]
F D Gay and Jane his wife	2,127 50
Joseph Gully	1,[illegible]
J Gross	99,[illegible]

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J Hodoutich	532 30
A Hemmerich	30 00
F K Hiemens	1,396 50
Mrs Hasting	11,037 15
T N Hatchett	2,723 88
Mrs Hauken	4,000 00
H Hersey	468 00
N Holmes	48,889 50
M Herold	773 50
E A Henry	17,670 36
F Huber	2,070 00
H R W Hill	277,781 00
H R W Hill	172,576 00
H Hotzer	11,064 20
John Hahn	1,358 65
J B Johanneau	12,760 00
Ann Jenkins	4,832 00
Julia E Jones	14,650 00
E Jouet	907 50
J Junck	1,285 00
J Kennedy	1,318 00
P C Johnson	1,576 00
Thomas H Kidder	14,862 57
H B Jenks	3,625 00
L Kiune	193 93
F Krupp	816 75
Louis Lesage	696 00
Widow C Labeure	40 00
J B Lespett	1,660 50
A Lyon	9,803 20
Jean Lacaze	7,679 50
F Lassière	3,95[illegible] 25
Widow Lambert	12,570 25
Louise Le Breton	200 00
N C Laurent	335 00
Miltes Lambert	4,775 42
Susie Lambeth	331 00
W Lambeth	416,128 60
W Lambeth	171,378 82
W Lambeth	61,974 42
Marcel Landry	7,172 25
Widow Jos Lajoie	366 00
J Liggett	849 56
L Lederpentier	2,083 97
A Leitch	4,598 31
R McConnell	494 00
M Moore	137 00
D J Maurice	5,966 75
Thos McCormick	6,600 00
H Mossy	31,810 00
Mrs L M Maupay	3,559 73
E W Morgan	4,001 [illegible]0
W Maltby	170 60
F Meyer	783 22
K Merian	1,723 04
J Miles	655 00
McDermont	388 58
N Margerus	3,444 40
F A Mioton	5,702 00
M Moss	208 00
Joseph Massot	2,625 69
P Murphy	4,931 60
J McGowan	210 80
T Meridell	181 35
J B Montplaisir	1,000 00
C Myers	3,000 00
A McKeever	58,088 77
J B Marks	20 0
W L F McKair	281 35
A B Mandion	19,306 89
Thos McCormick	6,760 00
J N Martin	2,620 20
N B Martin	200 00
A J Marionaux	42,289 73
M Montreuil	2,912 00
O Saughnessey	6,372 00
Widow Neba	2,152 20
W Neuenhagen	358 00
N Nichols	4,280 50
P A Owen	32,490 00
Allen Orton	4,659 25
B O'Conner	1,456 10
F Newlove	2,493 00
A O'Donnell	1,064 25
D Rivvil	7 072 55
R R Robinson	33,172 72
Mrs P Rillieux	3,557 00
B nj Roach	10,000 00
J s Robaitu	1,089 02
Z Reynolds	675 00
J J Robson	181,666 00
W E Riddy	2,066 95
T Raiceinitch	4,066 27
A B Ruinick	3,115 00
G Robin	4,750 00
G W Rowand	3,888 00
E G Salomon	7,376 00
D & M Shaw	22 346 96
C W Summer	2,376 60
F Shungle	1,414 75
E Seguin	2,632 85
J Steinbach	1,436 25
H D Schulter	11,406 13
J P Smith	1,259 75
F J Steinmetz	422 50
W R Slone	7,646 10
Widow M Smith	6,306 62
F A Schauman	1,000 00
James Sager	24,746 00
J Seelig	727 66
Jacob Schaffer	552 80
John Stroud	52,452 76
E Sidle	5,482 00
J M Thompson	3,333 75
Caspar Tigges	1,140 00
E Troxler	18,241 00
Tronm	499 25
H Tricou	296 00
Widow Tata	6,450 00
E Trinwith	1,925 00
E Lournery	708 63
J T Thompson	435 00
J Urlage	240 50
P Van Buren	504 00
S B D Voisin	19,168 00
C C Williams	17,053 50
J Wallrable	1,786 20
H Wiber	8,242 00
D'l Warfield	10,950 00
C A Weber	3,567 50
J Wolf	120 00
H H Winter	2,347 00
W H Wright	29,961 12
	*$2,803,591 08

*This addition must be wrong.—[Reporter.

I, Alexander Derbes, Clerk of the Second District Court of New Orleans, do hereby certify that the foregoing is a correct list of the Successions opened in this Court since the 1st of January, 1853, to the 31st December, of the same year.

ALEX. DERBES, Clerk.

New Orleans, January 20th, 1854.

And here is the statement from the books of Jas. P. Freret, Sheriff:

By cash received from sundry fees, commissions on sale, keeping and maintaining prisons, &c., &c., from

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3d December, 1851, to 31st December, 1853	$91,935 47
To cash paid salaries of officers, blanks, books, stationery, furniture, expenses, &c, &c, from 3d December, 1851, to 31st December, 1853	83,365 94
Amount realized from 3d December, 1851, to 31st December, 1853	$8,569 53
Probable amount due on Sheriff books for fees, &c., not yet collected about	$8.000 00

I certify the above to be a true statement from my books. A R LEGETT,

Bookkeeper of Jas. P Freret, Sheriff.

New Orleans, 20th Jan., 1854.

I certify that the above account or statement, made out from my books by A. R. Legett, my Bookkeeper, is correct.

New Orleans, January 20th, 1854.

From the certified copy of all the successions opened in the last twelve months in New Orleans, the amount sold would probably make the compensation a little over $10,000. From the other document you perceive that it leaves with the probable amount of old fee bills to be collected—say $2 000 out of the $8,000 due on the books—after paying expenses, about $10,000 in two years.

This is that great monopoly about which there has been so much fuss and excitement. The value of the sheriffalty may be increased to $12,000 or $15,000, which is very small pay for so responsible an office. I want one individual so do this thing, who shall be known to the law. Instances of fraud and collusion have come under my own observation which could not and would not have occurred with the Sheriff.

The gentleman from J fferson, (Mr. Trudeau), spoke of the forcible disposal of property as a new feature of law. Does the gentleman know that thirty States have this feature, and Louisiana stands alone with her system.

Mr. Kenner—

Mr. President: If there be anything which is more calculated, than another, to weigh upon the mind and depress the spirits of one unaccustomed to public speaking, it is the consciousness that the minds of those to whom his remarks are addressed are predetermined to a conclusion adverse to the cause he advocates. Now, sir, though I feel, from the hints and intimations that I have received, that the minds of Senators have come to a settled conclusion to vote in favor of the bill under discussion, still am I induced to make a few remarks against it, from the fact that, after the remarks I made on a previous occasion, the friends of the bill have been constrained to shift their ground, and introduce a substitute for the original measure. As the gentlemen have been driven from their first position, some of them may still be induced to listen to the voice of truth and vote against the substitute This is, sir, my hope and encouragement to occupy the time of the Senate for a few moments.

It will be recollected, Mr President, that on the former occasion I placed myself on the broad and well recognized principle that every man should have full and entire liberty to select his own agent to dispose of his own property. That the right of a man to all the fruit of his industry, and his economy, when, how, and for what he pleased, was a right as natural to the social position of an American citizen as the right to select his rulers was to his political, or the right to breathe the air in which he moves to the physical man. There is, sir, no mathematical proposition in Euclid more susceptible of demonstration. It is, in fact, a self-evident proposition. The right of a man to dispose of his property is as positive as the right of a man to keep his property, and this latter right, sir, is the basis of civilized society and social government. Was I then far wrong, Mr. President, when I said that any one who desired to deprive the citizens of Louisiana of this great right, was disposed to exercise an authority more despotic than even the Autocrat of Russia, or the successors of Mahomet dared to do. The knout, banishment to Siberia or the bow-string, was all that would be required to make our slavery complete.

Yet, sir, the bill on your table proposes to do this, not directly, but effectually, though indirectly. The law on your statute book now provides that an administrator or executor of succession property shall have the privilege of selecting the auctioneer who is to sell the same The bill under discussion proposes to repeal this privilege, and to compel every man who is charged with the disposal of succession property, in the city of New Orleans, to have the same sold only by the Sheriff of New Orleans. It matters not how incompetent, how inefficient, how incapable the Sheriff may be to act as auctioneer, he and he alone, or his deputies, shall have the exclusive right to sell succession property, sold by order of court. And, sir, what reasons are given us, thus to curtail the rights of the people of New Orleans? Why is it, that we are asked to swell the emoluments, and patronage, and power of an office, which is already so important as to be considered the most valuable in our State. Let us look into this matter, sir, and we will find, that so far from there being any valid reason for the adoption of this odious bill, it will be found that every consideration of propriety and public interest should induce its immediate rejection.

Does any gentleman pretend to say that the State of Louisiana is a better judge of a fit agent to sell property than the parties themselves, who are interested? Certainly not. Then, why divest the parties interested of the right to choose their agent? How does it happen, Mr. President, that the law of 1852, which is sought to be repealed, is found among your statutes? Was it placed there accidentally, or was it placed there to suit some private purpose, to advance some private interests, or, sir, was it placed there because the general interests of the great city of New Orleans required such a law to be enacted? A proper answer to these questions will compel me to occupy the time of the Senate for a few moments with the history of the law of 1852

It will be recollected, Mr. President, that previous to the adoption or the constitution of 1845, that is, under the constitution of 1812, all succession sales made by an order of court, were made in the city of New Orleans by the Register of wills, and in the country parishes by the parish judges. It will be recollected how oppressive this system was considered by the great mass of the citizens of Louisiana. What constant complaints were heard of this accumulation of offices in one person, for the same man acted upon petitions to open successions, issued the order for family meetings, presided at family meetings, issued the order of sale, sold the property as auctioneer, passed the title as Notary, and recorded the deed afterwards as Recorder; and it was sometimes said that after he had received his fees for each and every duty performed, he became, virtually, universal legatee. The people complained, and justly too, sir, that, as only one man could act, there could be no competition.

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and consequently no incentive to exertion—that the convenience of the office-holder was consulted and not the interest of the public. This was the condition of things when the convention of 1845 met, adopted a new constitution and left the Legislature free to act on this subject.

The first Legislature which met under the constitution of 1845, was the Legislature of 1846-47. What did that Legislature do? Did they propose to return to the old system of 1812, to force all succession property, sold under an order of court, to pass through the hands of one man? Did they renew this exclusive monopoly, regardless of the business habits and qualifications of the *locum tenens*, and of the interest and wishes of the public? No, sir, they did not; and allow me to say to gentlemen that this Legislature of 1846 47 was largely democratic. The city of New Orleans numbered among her Senators Pierre Soulé and T. J. Durant, and among her Representatives gentlemen of equal distinction. What, then, did this Legislature do, sir, to meet the wants and wishes of the public? It passed the following act, which I will term the act of 1847.

[Here Mr. Kenner read the act of 1847, "to regulate judicial sales," which empowers the executer, administrator or syndic to select the auctioneer or make the sale himself, provided that in the latter case he makes no charge.]

This is what that Legislature did; not to swell the emoluments of any particular individual, but to serve the wants and wishes of the public. The next time any action was had on this subject was *in 1852*. Another Legislature had been elected—the Representatives, fresh from the people, had been chosen to pass their laws, and this time the *Legislature* was whig. New Orleans now numbered among her Senators and Representatives, Benjamin, James Robb, Campbell, Ranney, and others equally worthy of her confidence as had been those of the Legislature of 1847 And, sir, what did they propose to do? Did they attempt *to repeal* the act of 1847, which I have just read, and return to the old system of 1812? No, sir! This is what *they did*: The law of 1847 having been construed by some of the judges of the city of New Orleans, to authorize them (the judges) to appoint the sheriff as auctioneer, contrary to the wishes of the administrators, &c, this Legislature passed the act of 1852, which not only re-enacts the principle of the bill of 1847, but makes it *obligatory* upon the judge to appoint the person selected by the administrator as auctioneer. Thus *rendering* plainer what was plain before, in fact, clinching the nail that was only driven by the Legislature of 1847

I have only alluded to the political complexion of the Legislatures passing these acts, Mr. President, because gentlemen on the other side have *thought proper* to make an appeal to party to sustain this measure, as if a democratic Legislature *should appeal* good laws for the sake of democratic *office-holders*. In 1847, the Legislature was democratic and J. L. Lewis was sheriff, a democrat, still the law of '47 was passed. In 1852, the Legislature was whig, J. P. Freret, whig, was sheriff, and the act of 1852 was passed, enforcing and strengthing the act of 1847.

It is in vain I ask for a good reason to make us repeal the act of 1852. Has it been found to work badly? Where is the evidence of its being injurious to the interest of the public? Is there any memorial, any petition on your table for its repeal? No, sir! But there is a memorial there, with a long list of your most influential citizens, whigs and democrats, attached, praying you not to repeal the law of 1852. The voice of your city is against it. A law like this, which may affect the property of every man who dies in the city of New Orleans, should not be repealed without some regard being had to public opinion. As a proof of what public opinion is I refer you to the practice of the public under the law.

By the law, as it at present exists, every man who, as administrator, obtains an order of court to have succession property sold in New Orleans, is authorized to select either an auctioneer or the *sheriff* to sell the same. Well, sir, what is the practice of the people of New Orleans under this law? Let us see. Let us consult the newspapers, and see what is the practice of the city people. I hold in my hand five of the city newspapers, all published on the same day, and all published on the day that this bill, now under discussion, was introduced into the Senate. I find in these newspapers nineteen succession sales advertised. Eighteen of them advertised to be sold by auctioneers and *one* by the sheriff. As eighteen is to one, so is the practice and wishes of the people of New Orleans in favor of the *free* law of 1852, and against the compulsory law now desired to be established. Again, sir, if gentlemen desire to draw the comparison between the value of succession property to be sold by the auctioneers and that to be sold by the sheriff, the difference will be found still greater; for while the property on the one hand, judging by the long lists of articles advertised, will amount to tens and hundreds of thousands, that to be sold by the sheriff amounts to the value of only *one* negro boy. There being only one sale by the sheriff, and that only for a negro boy.

I hope, Mr. President, that my remarks will not be considered of a personal character, if I allude to the practice of the two distinguished advocates of this compulsory law; I refer to Messrs. King and McCay. It is well known that they are lawyers of distinction, and that, of course, they are employed in the settlement of many successions. Now, sir, these gentlemen tell us on this floor, that every administrator should be compelled to employ the sheriff as their auctioneer. Yet, sir, what is their practice? I hope Senators will not loose their gravity when I tell them, that in every instance, where either Mr King or Mr. McCay have asked for an order of court to have succession property sold, that property has been sold, not by the sheriff, but by one of the auctioneers of the city of New Orleans. I ask these gentlemen how they can ask us to pass a law compelling the public to go to the sheriff, when they, themselves, having the choice of auctioneer or sheriff, advise their clients to prefer the auctioneer. Am I overstepping the bounds of propriety when, sir, I ask Senators to follow the pratice of Messrs. King and McCay, and not their advice.

Mr. President, it is natural that an administrator should prefer employing one who has been long engaged in selling property at auction than to employ the sheriff, who has been chosen by the public, not with a view to his capacity as a public vendor, but because he is a whig or a democrat, or because of his eminently social and popular character. Let me assure gentlemen that it is no easy matter to be a good auctioneer. I once heard a man say that any fool could be a planter. Let any fool try it, and he will find a sterile field and an unbalanced account current will be the result. Gentlemen are are just as far wrong if they think that any fool can be a good auctioneer. It is not enough to get on a table and be able to say, going, going, gone.

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Something more is required. It required a peculiar quickness of perception, that enables one to judge from the twinklin of the eye, or the working of the muscles of the face, of the disposition in the purchasers to bid, even before the words are formed on the lips, and thus anticipate the bid before there is time for reflection. It requires, also, a thorough acquaintance with the nature, the beauties and defects of the article offered for sale. How otherwise can he dwell on the beauties and pass slightly over the defects. It requires tact and long practice to make a good auctioneer, and no one man has yet been found who could sell equally well every species of property. Some excel in selling real estate, some in selling groceries, others in selling dry goods, stocks, &c. How, then, sir, can gentlemen imagine that any man, merely because he is sheriff, can do full justice to each and every species of property that may form part and parcel of successions.

England, sir, has had two great auctioneers, Mr Robins, and the celebrated Tattersall, and they did not excell in the same line. Who, that had any regard for his own interest, would have employed Mr. Robins to sell a horse when Tattersall was to be had? No one, sir.

Allow me, Mr. President, to relate an incident which I witnessed in the city of New Orleans, to show the folly of supposing that a man can sell every kind of property equally well. Most Senators who know anything of the city of New Orleans either know or have heard of Major Beard. He, sir, is one of the first, if not the first auctioneer in that city. A friend of mine wished to have several horses sold at auction to effect a partition, and he was advised to employ Major Beard. These horses were all thorough breds, and some of them occupied a high position on the turf as racers The day of sale arrived. The first horse that was led out was the celebrated Bees-Wing, an animal whose beauty of form was only equalled by her powers as a racer. Such a shoulder, such a back and loin, and such hips. There stood the embodiment of speed and bottom. Her glossy, satin coat, her blood-like head and neck, her fiery eye and her beautifully tapered limbs gave token of her high breeding. All these beauties, all these fine points were thrown away upon the auctioneer, Major Beard saw them not. The veriest cart horse in the land would have elicited as much praise as did this noble animal. And, sir, when he attempted to give the pedigree, a pedigree that traced through a line of ancestors as long and as illustrious as that of the Plantagenets, and which proved blood as noble as that which flowed in the veins of him who boasted of the blood of all the Howards,—it was truly awful. Names were miscalled, sexes were confounded. He sired the dam and damned the sire at such a rate that even the owner did not recognize the pedigree of his horse. But, had Major Beard been selling a block of buildings or a corner lot, what a difference there would have been. Then, he would have been at home, and no man could have set forth more fully all the advantages of the property.

It is unnecessary, Mr. President, that I should dwell longer on this part of the subject. I have a great deal to say in answer to the facts and figures of the gentleman from New Orleans, (Mr. McCay), but as I am warned by the finger of the clock that the hour of three has arrived, I shall beg the indulgence of the Senate to finish on to morrow, and yield the floor for a motion to adjourn.

REPORTS OF COMMITTEES.

Mr. Defrocse, from the Committee on Contingent Expenses, on resolution in favor of Horatio Davis, late Secretary of the Senate, made the following report:

To the Hon. W. W. Farmer,
President of the Senate:

The Committee on Contingent Expenses, to whom was referred a resolution to pay Gen. Horatio Davis, late Secretary of the Senate, the sum of five hundred dollars, as compensation for his services in assisting at the opening of the Senate at the present session, have instructed their Chairman to make the following report:

The Secretary of the Senate is by law allowed the sum of fourteen dollars per day, as a full compensation for the services he is called upon to perform as such. This compensation, your committee believe, is entirely sufficient to command the services of men, in every way competent, to discharge the arduous and responsible duties of that office. Nor do they believe that the framers of said law ever contemplated giving to the officers of the Senate, whose compensation is so definitely fixed by its terms, other and larger amounts for the performance of their duties while such law remains upon our statute books in full force and virtue. This, they believe to be a fair and equitable construction of the law, and one out of which no hardships can grow by which either of the parties may be materially affected. Mr. Davis became a candidate for and received the office of Secretary, with a full knowledge of the amount of compensation fixed by law, and although all agree that he performed the duties of that office with credit to himself and to the entire satisfaction of the Senate, yet your committee do not believe that this entitled him to increased pecuniary compensation, or to any compensation other than that fixed by law, except the proud satisfaction of knowing that he discharged the important duties of his responsible position, in such a manner as to merit the approbation of his fellow-citizens.

Upon referring to the journals of the Senate, your committee found that on the last night of the session, a resolution passed that body, allowing Gen Davis the sum of seven hundred and fifty dollars for extra compensation. There is no evidence in the records of the Senate, to show that the extra compensation was based upon any claim for extra services, and they have been unable to come to any other conclusion, than that it was in fact a mere gratuity to Mr. Davis; he having previously received the per diem allowed by law.—His services the present session, for which the resolution referred to your committee proposes to pay him the extraordinary sum of five hundred dollars, consists in his appearing and assisting in the opening of the session, and officiating as Secretary for a few minutes, until a successor in office was elected and qualified These services might have been performed by another appointed by the President and without expense. For this service, however, Gen. Davis had no legal right to demand more than the sum of fourteen dollars, this the committee consider ample compensation for the services performed by him.

The resolution proposes giving him five hundred as compensation for this service. Under the circumstances, your committee cannot but regard the proposed compensation as a mere gratuity or donation, it not having been based upon any pretended extraordinary or adequate services.

Your committee unhesitatingly express the opinion that the representatives of the people have no right to expend the public money in mere gratui-

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ties and favoritism. The money in the public treasury was raised by taxing the people to defray the necessary expenses of the Government. They have a right to demand its economical expenditure and that it shall not be squandered in useless and ostentatious bounties.

For these reasons the committee are unanimously of the opinion, that the proposed resolution should be rejected by the Senate.

In conclusion, the committee respectfully beg leave to call the attention of the Senate to the very large amount which is annually appropriated by the two Houses of the General Assembly, for extra compensation to the officers of these bodies. They regard it as an evil, rapidly increasing, and one which, if not soon arrested, must inevitably lead to an alarming waste of the public money.

(Signed,) B. L. DEFREESE,
Chairman.

Adjourned.

EVENING SESSION.

THURSDAY EVENING, March 9th, 1854.

Recused Cases.

Mr. Hodge moved to take up the bill for the trial of recused cases.

Mr. Hodge—

I move to strike out the exception to the parish of Orleans from the first section, and add it to the second section.

The motion was carried.

On motion of Mr. Hodge, the rules were suspended, and the bill passed.

Relief of W. Gill.

The bill for the relief of W. Gill, of the town of Baton Rouge, was taken up.

Mr. Rivers—

I should like some gentleman to tell us what Mr. Gill has done to entitle him to this relief; and whether every officer of the same kind in every parish will be entitled to the same. I should like to know whether we will have to pay $300 in every parish in the State.

Mr. Lacey—

I will read the law under which the relief is asked. (Reads from the law.) This service has been thrown on him by the law of 1838. For this service the Committee on Claims have thought proper to report this amount. I do not think it is an extraordinary charge, $300 for summoning all the delinquents at militia muster. I move to suspend the rules.

The Senate refused to suspend the rules.

Harbor Masters in New Orleans.

The bill regulating Harbor Masters in New Orleans was taken up.

The section making it imperative that Harbor Masters be sailors at least twelve months prior to their appointment, being under consideration,

Mr. Lacoste objected to the section.

Mr. McCay—

I think the reasons for having that section retained are good ones, and I believe the Senate will sustain me in my opinion. The suggestion was made by a friend of the bill. It sometimes happens that persons are appointed to these offices who know nothing of the duties which they entail, more than they do of the government of Newfoundland. The duties are peculiarly those which a man would be able to understand, and which but seamen would or could understand. Hence the necessity for this provision.

Mr. Hodge—

It occurs to me that the provision is not a very wise one. I heard this very point discussed in the other House yesterday. No doubt the principle enunciated by the Senator from New Orleans is correct, but these are reasons which should influence the Governor in making the appointment. Gov. Hebert would, no doubt, look carefully to the qualifications of the applicant before appointing him to this important and responsible office.

Mr. McCay—

If there is any objection to the section, I will withdraw it.

The section was stricken out, and the bill passed.

Sales of Spirituous Liquors.

The bill to regulate the sale of spirituous liquors was taken up.

Mr. King—

I move to strike out the word "ward."

Mr. Munday moved to lay the motion on the table.

Mr. King—

When gentlemen undertake to interfere with the rights of property they commence to do a very dangerous thing. If I am right in my understanding of the bill, it contemplates letting the people of each ward decide for themselves whether they will permit licenses to be issued within the limits of their respective wards. I am totally opposed to this. It would be an *imperium in imperio*, and would be productive of all sorts of confusion and irregularity. Instead of having a beneficial effect, it would only make the evil worse. It is necessary that our laws should be uniform in their operation, and regular in their action; we should not have different systems prevailing in different parts of the State. Nor would there be any power to execute such a law. The people would repudiate it, and it could not be enforced. It is absurd to say that in different sections of the State different laws may be in force. By the effect of this legislation, in some wards property might be improved, while in others it might be materially depreciated. If I were in favor of the principle of this bill, I could not consent to its details. If we are to submit the question to the people, let the people of the whole State vote on it together; not as separate communities, but in their aggregate capacities. I consider the proposition of the bill too monstrous to be entertained for a moment.

Mr. Munday—

The Senator is not the only one on this floor. The Senator has rights, and so have others. When I moved to lay his motion on the table, he persisted in speaking, although he was out of order. Now, sir, I also have rights, and I claim that they be respected, though I am from an humble country parish.

Mr. Hodge—

The amendment would kill the bill. Its object is to enable the friends of temperance to take a vote by wards, on the question of licensing the the sale of liquor, and if the people of any ward wish to abolish it, to permit them to do so, in that ward. An election was held on this question not long since in New Orleans. That part of the city above Canal street, I believe voted to abolish the license, but could not do so under the law. This bill gives power to the people in each ward to act on the subject in accordance with the wishes of the majority. That is the way it is managed in the country.

Mr. King.

I do not object to taking a vote of the citizens;

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but it should be of all the citizens, and not a part. There is still another objection. We have no organization to which to apply such legislation. Suppose we should divide Shreveport, and let the people on each square decide the point—that would be an analogous case. The people of New Orleans should act as a unit on this question. If I should insist on local legislation for any particular parish, I should be told that I have no concern in the matter. The people of New Orleans would be opposed to this method of doing the thing. I am convinced it would be almost unanimously repudiated. I shall oppose it while I can raise my voice.

Mr. Hodge—

I insist on the motion to lay on the table.

Mr. King—

Then I call for the yeas and nays.

The Senate refused to lay on the table, and the amendment was adopted.

Mr. Hodge—

I move a reconsideration. I wish to record my vote. If Senators will only reflect on the subject, I am convinced they will see the injudiciousness of their action. I do not believe a majority is actually in favor of the amendment. The provisions made by the bill for the city of New Orleans, are the same as those for the country. In Shreveport a vote has been taken, and the groggeries have been abolished. But they yet have them on the outskirts of the town. What use would it be to abolish them in one ward, when they are tolerated in the next? We believe, however, if the question were submitted to the people, they would almost everywhere abolish the nuisance, simply because it is one. The other day, the Senator eloquently sustained the principle that the people of New Orleans have a right to vote to levy taxes and issue bonds in favor of private corporations. There is no difference in the principles; they have just as much right to vote on a question of this kind. The gentleman says that this would lead to confusion. If so, the same effect would be produced in the country. If licensing be abolished in one ward, and not in the next, is there not confusion? Then why object on the part of the city?

Mr. King—

I move to lay the motion to reconsider on the table; carried.

Mr. Rivers—

The amendment of the gentleman kills the whole object of the bill. It affects the country parishes as well as the city. It makes no distinction; if it had, I should have no objection to it. I move that the bill be recommitted.

The bill was recommitted.

FRIDAY, March 10th, 1854.

Mr. Lacoste—

I beg leave to call up a bill from the other House, to give additional powers to the Police Jury of the Parish of Orleans, on the right bank of the Mississippi River.

The bill was then taken up and read.

Mr. Moore—

Are there not already acts of the Legislature, giving exclusive privileges to certain parties?

Mr. Lacoste—

I do not think so.

Mr. King—

The ferries are leased out. They are under the contract of the city. I do not believe any one has any exclusive privilege. It is possible, that some persons having leases of ferries, may have vested rights with which we cannot interfere. I would amend the bill by inserting a provision that it shall not interfere with any vested right.

The bill passed.

FREE BANKING.

Mr. Macmurdo called up a bill supplementary to an act to establish a system of Free Banking.

Mr. Macmurdo—

I would ask to have this bill made the special order of the day for to-morrow.

The request of Mr. Macmurdo was agreed to.

NAVIGATION OF RED RIVER.

Mr. Hodge called up the bill for the improvement of the navigation of Red River.

Mr. Hodge—

By reference to the report of the State Engineer, it will be seen that the navigation of Red River is in imminent danger of being ruined by certain obstacles which now impede it. It is probable that the low water navigation, at least, will be entirely destroyed. At the last session the Engineer laid the subject before the Legislature. It is unnecessary for me to explain the manner in which these outlets operate for the destruction of navigation. The effect already produced is very appreciable. In seasons of ordinary water there is enough; but in very low water there is scarcely any at all. This is the case now. There are at present 40,000 bales of Cotton at Shreveport, which are absolutely locked in. Red River is a stream of great length, and drains an extensive country. There are at this moment, along its banks, at least 100,000 bales of Cotton, which ought to have reached market before this. The delay has been a serious inconvenience and injury to the planter. But it is not only the planting interests of North Louisiana, Arkansas and Texas that are affected, but likewise the commercial interests of the city of New Orleans. The effect of there not being enough water in the river is to keep Cotton back, and thus injure those merchants who have made advances to the planters. I ask $5000 to be placed at the disposal of the State Engineer, to enable him to make such improvements as he may deem necessary. I do not ask that they be done by any other than the State Officer, nor that the money be put under the control of any other. Neither do I wish to interfere with him in the performance of the work; he is to do exactly what his investigations may indicate to be necessary. The Chairman of the Finance Committee has told us that the money ought not to be taken from the general funds; that there ought to be a special fund provided by taxation. But the gentleman forgets that revenue bills cannot originate in the Senate. When the subject comes up regularly, I am ready to support any bill for that purpose.

The bill passed.

ORDER OF THE DAY.

An act to amend the act consolidating the city of New Orleans was taken up.

Mr. King—

I move that the bill be referred to a Special Committee, composed of the New Orleans delegation.

The motion was carried.

SALARY OF CLERK OF FIRST DISTRICT COURT.

The bill to increase the salary of the clerk of the First District Court was taken up.

Mr. Rivers—

I move to lay the bill indefinitely on the table, and call for the yeas and nays.

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The gentleman afterwards withdrew his motion, and called for the yeas and nays on the passage of the bill.

The vote was yeas 13, nays 14.

Mr. Wickliffe—

I give notice that I shall move a reconsideration to-morrow. I want to give the friends of that bill a chance to vote on it. I do not think it is fair to take advantage of their absence.

THE CLAIM OF J. H. MADDOX.

The bill for the relief of J. H. Maddox was taken up.

Mr. Evans—

As I understand this question, the basis of this claim is this: The State failed, it is asserted, to perform her part of the contract into which she had entered with Mr. Maddox, as Printer of the Convention. A reporter was chosen to report the debates, and he died some time afterwards without having furnished the copy to the printer But I do not see that this involves any default on the part of the State. She has paid Mr. Maddox for all the work he did—she is not responsible for what he did not do. The reporter died—surely the State could not help that.

The bill passed.

ORDER OF THE DAY.

Bill to regulate judicial sales in the Parish of Orleans.

The unfinished business of yesterday, "the bill to regulate judicial sales in the Parish of Orleans," being in order,

Mr. Kenner said—

Mr. President: As, according to parliamentary usage, I have the floor, I shall, after returning thanks to Senators for their courtesy in adjourning for my convenience, proceed to finish the remarks on this subject, which I commenced yesterday. I shall show my gratitude by consuming as little time as possible. In order to elucidate the subject, in some of its aspects, I shall commence by giving a brief sketch of the history of the law of 1852. That law, sir, was framed for no special or partial purpose. It was not made to suit the inclinations of any individual or individuals. It was passed with a view to the interests and wants of the whole commercial public of New Orleans. Those interests and wants demanded the passage of the existing law, and, in accordance with that demand, the law was adopted by the Legislature. I say this in order that it may be understood whence the law emanated, and that before it is repealed we may ask, whether the interests of the commercial portion of the community, and of the property holders of that city require a change. In the few remarks I had prepared, in answer to the figures laid before the Senate by the gentleman from New Orleans, I found myself compelled to take into consideration the question of fees; though some persons, very injudiciously, I think, seem to consider it of no consequence, since the fees are simply, as the result of our legislation, taken from one pockets of one party and put into that of another. The gentleman, in the course of his remarks, said that by a certificate furnished by Mr. Leggett, the confidential book-keeper of Mr. Freret, he learned that the gross receipts of the Sheriff's office from 31st Dec., 1851, to Jan'y 1st., 1853, a space of two years, amounted to $91,429. In addition to this, there are amounts still due and collected, which he presumes will amount to $8,000. I will give the precise language of the gentleman who furnished the certificate. Thus it will be seen that in two years the Sheriff of the Parish of Orleans received $100,000; that is, in round numbers $92,000 in cash, and $8,000 still due. Now, sir, the certificate says that during that time the expenses of the office for salaries of clerks, blanks, stationery, and incidental expenses, amounted to $83,365. This leaves the sum realized in two years $16,000, or the neat little amount of $8,000 per annum. It seems to me, sir, that this is a tolerably good salary. A casual observer, or one unacquainted with the practical workings of the Sheriff's office, would form from this statement but a very indistinct idea of the result. He would imagine this sum to be a moderate compensation. But I would call the attention of every Senator on this floor to one point. What is meant by incidental expenses? What is made by salaries? These are inquiries which a correct understanding of the matter require to be made. Let every Senator reflect, and he will be able to answer for himself. Now, sir, according to the statement which I have just read to the Senate, during two years, the receipts of the Sheriff's office were $100,000, and the expenditures $83,000. I use round numbers, which are as nearly correct as is necessary for the argument. I would ask any reflecting person how such a large sum of money could have been spent in two years. I ask gentlemen acquainted with the practical business of life, to answer this question. Is there a manufactory in the United States, which, after paying the wages of its operators, salaries of clerks, expenses of all kinds, and interest on capital invested, could show a worse condition than that? Is there a planter on this floor whose account makes as bad an exhibit? This absorption of almost all the proceeds of the office in a mass of expenses, must astonish everybody. I ask gentlemen to answer me; what is the cause of this singular result? A very large proportion of the amount expended is devoted, according to the statement to the payment of the salaries of officers. There can be no doubt that the Sheriff has a great many employees, but how much do they actually receive? Then, again, there is a very large sum put down as having been expended for stationery. It will be remembered that when the bill to increase the salary of the Clerk of the first District Court was before the Senate, he said he was compelled to expend a thousand dollars a year for stationery, and the furniture of his office. The gentleman from New Orleans, (Mr King) then laughed at the statement, and derided the idea that any such sum could be required for any such purpose. He even asserted that he could buy everything necessary for $70. How, I ask, have the expenses of the Sheriff's office been run up to this enormous extent? I think, sir, I can explain the anomaly. By the law now, every officer in this State who receives fees exceeding $4,000 per annum, is compelled to pay a certain proportion into the Treasury. That is to say, of the excess over $4,000, one-third goes into the Treasury, and two-thirds remains in the pocket of the recipient. When the Sheriff sees the large receipts of his office, the $100,000 in two years, he naturally thinks that it would be advisable to devise some means to save the one-third of the excess over $4,000, which he would be compelled to pay to the State. For this purpose he endeavors to increase his returns of expenses. He therefore increases the number of his deputies. He appoints his friends and political favorites, and by professing to pay them high salaries, he manages to show a large sum expended. But, sir, the State is not responsible for this. The State should

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not suffer a person to take advantage of an exhibit of this kind, made in this way, to procure an increase of his already exorbitant receipts. The Sheriff of the Parish of Orleans has the best salaried office in the gift of the people. In my opinion he is not only well paid, but twice paid. There is no country in the world, not even in tax-ridden and aristocratic England, where public officers are better paid than in Louisiana, and even here the receipts of this office are double those of any other known in the State. Let me go a little into the history of the legislation in regard to the office of Sheriff. At one time he office of Sheriff of the Parish of Orleans was considered so valuable that a law passed to divide it into six parts; that is, there were six Sheriffs for the Parish of Orleans. Why was this done? The reason is plain. The receipts of the office were so great that they were considered much too large to go into the pocket of one man. It was seen that so much money should not be lavished on one person, and it was wisely considered that the possession and use by a public officer would almost inevitably be productive of evil consequences—that it would encourage corruption, and place too much power and influence in the hands of the recipient. They thought it improper that a man should be made rich in one or two years. Yes, richer than men become by long years of constant toil and honest labor. They thought it anti-republican, and contrary to the spirit of our institutions. They therefore divided the office into six; they made six Sheriffs. This proceeding did not cause so much clamor as we have lately heard. It was not said that the offices were not worth seeking. On the contrary, great efforts were made to get them, and we may depend upon it that people would not have exhibited such eagerness in the pursuit of unprofitable offices. On the contrary, they were even then considered the best offices in the State. What must the office be worth now, when it includes all six? Can we believe that it is less valuable, notwithstanding the increase of commerce and of population, and the consequent increase of litigation? I maintain that if in 1830 the office was worth $30,000, it must be worth at least $60,000 in 1853 The business of the city has doubled, its population and its litigation have more than doubled; can it be supposed, then, that the value of the Sheriff's office has not proportionably increased? I contend that the certificate read to us by the gentleman from New Orleans does not show properly what goes on in that office. It carries on its face its own condemnation. I do not know Mr. Leggett. I have no doubt he is a worthy and honorable man. He was, I believe, employed by Mr. Freret as a confidential book-keeper, and has since been employed by Mr. Marigny in the same capacity. He is at this moment one of the Sheriff's deputies, and I therefore believe him to be honest. His being employed in so responsible a station is *prima facie* evidence of his integrity. Therefore I do not intend to impugn Mr. Leggett's character for veracity. No one but an honest man should hold the position which he occupies. But I state facts which I have heard. I am told, sir, that after that certificate was made out, Mr. Marigny called on Mr. Freret and asked him to sign it. Mr. Freret refused, sir, to sign it. He said that he could not testify to its correctness.

Mr. McCay—

Does the gentleman mean to say that Mr. Freret refused to sign the certificate on the ground that it was not correct?

Mr. Kenner—

I find this on the certificate.

I knew the fact that the certificate was sent here. I asked the question—Did Mr. Freret sign this certificate? The answer was that he did not, because he did not know whether it was correct or not, and consequently could not sign it. I do not say that he positively declared it to be incorrect, but he did say that he did not know whether it was correct or not, and therefore he could not sign it. That is what I said, and that is what I repeat now But I care not an iota whether this certificate is correct or not. It bears on its face that it is not, at least, a full and fair statement. Here is a certificate from S. Guinault. He says that the amount of his sales, under orders of Court, was, during the year 18.3, $125,854 39. Here, sir, is another from Norbert Vigne, who states that the amount of their sales during the same time was over $275,000. The next is from one of the most popular auction firms in the city; the one which, probably, does the largest business. I mean Messrs. Beard & May The amount of their sales under orders of Court was $823,436 49. Thus we find that three auction houses in New Orleans, sold last year, under orders of Court, property to the amount of $1,294,290 88 Now, sir, I believe there are twenty five auctioneers in New Orleans. If I am mistaken in the number I hope some gentleman will correct me. We have certificates from three out of these twenty-five, and we learn, as I have said, that the aggregate amount sold by those three last year was over one million two hundred thousand dollars. All the others together may reasonably be supposed to sell at least four hundred thousand dollars worth. The estimate is not large. It may be rather below than above the mark. Let us see what the fees would amount to on the aggregate amount, say in round numbers, one million six hundred thousand dollars. The gentleman himself has made an estimate. I am willing to take his estimate as the basis of mine. He says that the average rate of fees is three-fourths of one per cent. I will take that as a basis. At that rate—that is to say calculating three-quarters of one per cent. on one million six hundred and twenty-four thousand dollars—we have more than $12,000 as the amount of fees received for sales of property under orders of Court. I think the calculation is correct. So it appears that in addition to the $50,000 which the Sheriff already receives, you wish to give him $12,000 per annum more. There is another consideration which induces the belief that there will, this year, be a great increase in the amount of fees, consequent on an increase in the amount of property sold, which is reasonably to be anticipated. I do not wish to harrow the feelings of any man within the sound of my voice, by referring to the mournful visitation of last year. I have no desire to recall to mind the distress—the anxiety—which pervaded the community. I do not desire to bring up painful memories, but, sir, this is a practical subject, and it must be viewed in a practical light. Last year was one of unusual mortality. A vast number of persons died in the city of New Orleans, and there were probably many more successions than usual to be opened. The sales of property, under orders of Court, will probably exceed those of 1853 so much as to raise the fees to at least $15,000. This is the additional amount which the friends of the bill wish to place in the pocket of the Sheriff. Is the Legislature prepared to do this? Is the Senate ready to make this vast addition to the already

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enormous receipts of the Sheriff of the Parish of Orleans? I do not think so; I cannot think so. The injustice would be too palpable; the danger too manifest. I state, sir, unequivocally, and positively, that the question of fees, is an important part of this subject. But important as it is, it does not form the principal objection which I have to the proposed change. If I did not think the interests of the public would be injured; if I did not think it would be unjust, and detrimental to those interests which it is our duty to protect, I would not feel myself called on to make so strenuous an opposition. I do not know any of the auctioneers, personally, except Mr Sykes—that is to say, I do not know any of them except as acquaintances. With the auctioneer who does the largest business, I have merely a speaking acquaintance. I never conversed with him before last week, except on matters of business. The way in which the bill will effect the Sheriff or the auctioneers, is not the principal objection with me, by any means The question, how will the interests of the public be affected? will they be injured, or benefited? That is the point from which to view the subject. It now becomes necessary, Mr. President, for me to correct one or two misapprehensions under which the gentleman from New Orleans seems to labor. We have been led to believe, by remarks which have fallen from gentlemen on the other side, that auctioneers may commit fraud in matters of this kind. Indeed, certain frauds have been alluded to, and the inference drawn therefrom that there is a power in the hands of the auctioneer to commit frauds. I do not understand that fraud has been charged specifically on any auctioneer; but simply the ground has been taken that there is room for it. Now, let us see what is the course of business in affairs of this kind. When a minor is interested, a family meeting is called, and an administrator is appointed; and how is this done? Certain persons apply for the administration of the estate. What steps are taken then? An announcement is made in the newspaper that a certain man has applied. If no opposition be made to his appointment, then letters of administration are issued by the Clerk.

Mr. McCay—

By the Judge.

Mr. Kenner—

I address myself to certain Senators whose minds have been specially directed to this part of the subject. The law directs the Court to appoint whom? Why, the heir at law; and if there be none, then the nearest of kin. If there be none such, then the person most immediately interested is to be appointed. When the property is to be sold, the administrator calls a family meeting. Those persons interested in the affairs of the minor elect the auctioneer who is to make the sale. And what does the auctioneer do? Why, he simply cries the property from his stand, and gets the highest price for it he can. And when it is sold, where does the money go? Into the hands of the auctioneer? By no means. It is first paid over to the notary before whom the acts are drawn, and is, by him, handed to the administrator. What room is there here for fraud? We have been told that the auctioneer could put the money in his pocket and run off. This statement has, doubtless, made an impression on the minds of some Senators. But it is ill founded; and in fact has no foundation at all. A case has been alluded to, in which it was said there was collusion between the administrator and the auctioneer. But that was the result of dishonesty of the administrator. The auctioneer could have done nothing without him. But one rock would not make a land barren. If a person should come into my field and see a single weed, where all the rest was flourishing, he would not be justified in saying that my system of agriculture was bad. But it is natural to some men to be rascals. The good Book says it is as natural for man to be rascally as it is for sparks to fly upward. We are here in a state of probation, and if rascals are to be found in the world, it is by no means astonishing.

There are several other points on which I wished to touch, in the course of my remarks, but I do not wish to monopolize the floor to such an extent as to give no other gentleman a chance to speak. There is, however, one point to which I shall advert. It has been said that there was a time when the law threw the succession sales into the hands of the Sheriff. It happened that at that time several large successions were opened General Lewis was at that time Sheriff. The parties interested went to him and paid him the commissions to which he became entitled by law, and then went to an auctioneer, and paid him also, to sell the property, knowing that a much higher price would thus be obtained for it. They wanted to have justice done, and they knew it would not be done at a Sheriff's sale, however well disposed the Sheriff might have been. I know that it was the case with more than one estate that the fees were paid twice.

Mr. McCay—

Do I understand the gentleman to say that the certificate was presented to Mr. Freret, and he refused to sign it on the ground that it was incorrect?

Mr. Kenner—

I said that Mr. Freret refused to sign it because he did not know anything about it.

Mr. McCay—

The facts are these: Mr. Marigny went to Mr. Freret in relation to this subject, and that gentleman referred him to Mr. Leggett, who wrote the certificate which has been presented here. Mr. Marigny took that certificate to Mr. Freret, but he did not examine it, as he said that he knew nothing about it; that it was doubtless correct, as Mr. Leggett knew all about the matter. There is another point which the gentleman makes. He says that the Sheriff received during his two years' term of office $100,000, including $8,000 still due. In this view he excluded expenses. It must be remembered that the Sheriff has 30 deputies, to whom he pays $36,000 per annum. There are on an average, 200 prisoners in the parish prison, whom he has to support. Suppose they cost at the rate of twenty-five cents a day—that makes for the whole, $50 a day, or about $20,000 a year Thus we see that the expenses of the Sheriff's office amount to $56,000 per annum, for these two items alone. Then the Sheriff frequently expends money for the protection of property, and never gets it back again. He is compelled to spend in necessary expenses at least $83,000 per annum, and the incidental expenses may add a considerable sum.

Mr. Kenner—

I will state that I think the money made by the Sheriff from prisoners is much more than the expense of supporting them.

Mr. McCay—

Very true; but the receipts from that source are included in the $100,000

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Mr. Ryan—

It was, perhaps, my misfortune, when the original bill, for which the bill now before the Senate is a substitute, was introduced by the Honorable Senator from New Orleans, (Mr. McCay) to differ in opinion concerning it, with a large majority of those with whom I usually act on questions which come before this Senate for its consideration When that was laid before the Senate I took occasion to present a few crude and undigested remarks on the subject. They were suggested to my mind at the moment, and were not the result of any previous reflection. From the very beginning I had doubts as to the propriety of the bill. They were excited the moment I heard it read, and found expression in the remarks which I then addressed to the Senate. I had heard the debates *pro* and *con*, and I must here proclaim that the opinions I first formed have not been shaken. However much it may have been my misfortune to differ with my political friends on this question, yet I feel a sentiment of pride pervade my mind, when I reflect that some of those very gentlemen who at first lent so strenuous a support to the original bill, declared yesterday, by their votes to lay it upon the table, that my opposition was well founded.

When the bill was first presented to the Senate, the Chairman of the Judiciary Committee, in his eloquent and flowing style, extolled it to the skies, and assured us that it was without defect; that not a spot or blemish marred its fair proportion.

The Senator from New Orleans, who introduced the bill, sustained it with all the power of his acute and vigorous mind, and brought to bear in its support all the resources of his powerful intellect. The strong arm and close logical faculties of the Chairman of the Internal Improvement Committee, were also enlisted in its behalf. But notwithstanding the strong array of intellect, eloquence, and logic brought to bear on the subject by those learned gentlemen, I found on reading the bill that it contained something to which I could not yield assent—something anti-democratic, and constituting what I considered to be an odious monopoly. I feel myself impelled by a sense of duty as a Democratic Senator, professing to be guided by principle, to raise my voice against it I did so, and endeavored, to the best of my abilities, to show the demerits of the bill, and the reasons which induced me to oppose its passage.

Weeks have rolled by since the bill was introduced. It has been referred to a special committee, and was yesterday again placed before the Senate. These gentlemen, who at first were so loud in their praise—who declared that the passage of that particular bill was necessary to the interests of their constituents—have testified by their votes that my opposition was right. The bill was yesterday rejected. After mature consideration, and copious debate, it was laid on the table by the votes of those very gentlemen. How, then, can we believe in their infallibility? How can we attach any credit to their views, or give any weight to their opinions when they tell us that the substitute is a perfect bill? When the original bill, which they declared to be, in all respects perfect, was thrust from before the Senate by their own vote, how can we believe them when they lavish the same encomiums on the substitute proposed by the gentleman from New Orleans?, (Mr. McCay) the very gentleman who introduced the original bill. It may be true that the substitute is a good bill; it may be true that it is such a bill as will be acceptable to the Senate, but we must have something more than their word for proof of the fact—we must have something more than their recommendation as a guarantee. They said the original was a perfect bill; but by their votes they have confessed it is not. Consistency, sir, is a jewel Had I been in favor of the original bill; had I bestowed on it the lavish praises which fell from the lips of the gentleman from New Orleans, I would never have abandoned it; I would never by my vote have contradicted my own words I would have stood or fallen by the bill. The result, thus far, proves conclusively that these gentlemen either erred in their judgment at first, in which case they have no right to claim infallibility now; or they have endeavored by a mere change of expression to inveigle Senators from a position adverse to the bill. I contend, sir, that there is no material difference between the two bills—certainly no such difference as could induce a change of position in relation to it. I would vote for the one just as readily as I would for the other. In order to show that I am right I shall call for the reading of the substitute.

(The Secretary read the substitute.)

I remarked, sir, when I called for the reading of the substitute, that there was no material difference between it and the original bill. Let us examine it and see whether my assertion is justified by the facts. The bill, as originally brought forward, gave to the Sheriff the right to make all Succession Sales. The substitute professes, I believe, to present some material point of difference. What exception does it make? Is there really any? I must say, sir, that whatever there is, exists rather in the imagination of the gentlemen than in the substitute itself. The only exception it makes is in regard to the property of majors. But that of absentees and minors is to be disposed of as provided by the original bill. The Sheriff is to have the sale of all Then to what in reality does the exception amount? Let me remind Senators that there is no necessity for majors to invoke the the sale of successions of which they may be the the heirs There is an article of Code which provides that a partitition may be made by themselves. They are not compelled to go into Court. They can make a partition by themselves, without invoking a sale of the succession This is what is known in law as a voluntary partition, contradistinguished from a judicial partition. There is, therefore, no material difference between the original and the substitute. The only exception is made in a case which was already excepted. If there is any Senator here who could not support the original, he cannot consistently raise his voice in favor of the substitute. I have shown, I repeat it, sir, that there is no real difference between them. As I have said, the only exception is one in which no judicial action need be invoked: that is in a case in which a voluntary partition is provided for by the Code. I say again, sir, there is no difference. I am astonished that gentlemen possessing the legal attainments of those who advocated the other side of this question, should endeavor to persuade us that there is any difference between the two bills which can at all affect the objections urged against it. They may succeed in captivating some who do not reflect, or who will not examine, but their position will not stand the test of common sense. It is idle for them to tell us there is any difference, when any one that knows anything of laws can see plainly enough that there is none. As you by your votes yesterday testified that the original was wrong, as you have thereby retracted all you said in its favor, as

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you have confessed it to be unworthy your support, and as I have shown that the substitute does not differ from it in any material point, I call on you to record your votes against that substitute also. Consistency demands this of you. If the original is wrong, the substitute is wrong, for there is no difference between them. Let a regard for consistency of conduct guide your action in reference to this matter. By your votes you have rejected the original; by your votes reject the substitute also.

I shall now endeavor to present an answer to some of the arguments which the gentleman from New Orleans (Mr. McCay,) addressed to the Senate in his argument yesterday. And here I will remark that the few points raised by him have no power to sway my mind, or, I believe, that of a single Senator on this floor. What, sir, let me ask, is his position? He stated, sir, that this was not a party question; he disclaimed any party bias in this matter. For that, sir, I commend him. Heaven forbid that a question of this kind should ever be made the basis of political action. Nothing of that kind is involved in the issue, and I am glad that the Senator has repudiated it, as I repudiated it. It is a simple question of right and justice. The only point for us to decide is, whether it is a good or a bad law. That is the only aspect in which the case should present itself to a Senator of Louisiana. No party bias sways my mind; no party bias should sway the mind of any Senator on this floor. Now, sir, let us see whether the arguments advanced by the gentleman from New Orleans, in support of this bill, have any foundation in law or logic. And here let me state that I did not intend to offer any further remarks on this subject, much less to make a speech on it; nor would I have said anything had not the Senator from New Orleans, yesterday, repeatedly addressed himself to the Senator from Rapides and Avoyelles. Well, sir, in the course of his argument he told us that the substitute now before the Senate, was intended to apply only to little children—to those helpless beings, who incapable of protecting themselves, are thrown on the protection of the law. Let me remind the gentleman that children are not empowered to make any contract. They are minors and cannot perform a legal act. But majors stand in their shoes, if I may use the expression. By a fiction of the law minors become majors by representation. They are majors by being represented by their tutors. Gentlemen may smile, but every lawyer knows this to be true. I make the assertion as a lawyer, without fear of successful contradiction. I say that minors become majors by representation. The act of the tutor is, when done legally, regarded as the act of the minor. Therefore, minors are in such cases, to all intents and purposes, majors. Again, the gentleman says that auctioneers are not sworn officers, that they are the only officers not sworn through whose hands property passes by judicial process. I would call the attention of Senators to the answer of this proposition. It is almost useless for me to say, in the first place, that the word officer is derived from the Latin *officium*, a duty. The gentleman says that the auctioneer is not an officer of Court. I take issue with him on that proposition. He is authorized by law to make sales of property under certain conditions. The moment he is ordered by the Court to make the sale, he becomes officer *ad hoc negotium*, for that time, an officer of Court. He becomes amenable to the rules of the Court, and liable for the lawful performance of his duty.

Let me cite an instance by way of illustrating this principle. Suppose I apply to a Court to grant a commission to take testimony in another State—in Kentucky, Texas or Ohio. If I state the name of the individual, and he is a magistrate capable of taking testimony, the moment the order is issued he becomes an officer of Court without any certificate of the Governor or even his seal. But if I do not name the particular individual, it is necessary for the Governor of the State to certify that he was at the time a Justice of the Peace. Thus we see that a person in Kentucky or any other State, may for some specific purpose be made an officer of Court. And now let me ask the gentleman if the Sheriff is an officer of Court, to make sales judicial, unless he is appointed like an auctioneer. Parties may ask that the Sheriff be appointed to make their sales, instead of an auctioneer; if they choose, and he is not an officer for that business till he receives the order any more than an auctioneer. Let me ask gentlemen to have some respect for ordinary intelligence. Let them not presume that the country has sent Senators here incapable of judging on ordinary questions, or of detecting a plain fallacy. Do not delude yourselves with any such idea. We do not claim to be distinguished by the eloquence, the ability, or the learning which characterize some Senators, but we do claim that respect which is due even to a weak and feeble intellect. We do not plume ourselves on the brilliancy of our rhetoric, the elegance of our elocution, or the profoundness of our logic: we may be rough in our expressions and oratory, but we claim to have at least common sense, and common judgment. Do not then propose a bill such as this, which must shock the ordinary intelligence of ordinary individuals.

I pass now, sir, to some other objections which were urged by the gentleman to the present system of disposing of property at judicial sales. He told us that he knows of one case, and he cited the instance, in which property was sold at an enormous sacrifice. He insinuated that these auctioneers, by collusion with dishonest administrators, may make such bargains as they please. I will not admit, even for the sake of argument, that all administrators are necessarily dishonest. I believe they will generally guard faithfully the rights of those entrusted to their care. But permit me to tell you that auctioneers cannot dispose of property at judicial sales in any manner they please, and for what price they please. Sworn appraisers are always appointed to estimate the value of the property, so as to protect the parties interested from the possibility of being defrauded in this way. Property worth a thousand dollars cannot be sold for fifty or a hundred dollars, as the gentleman would lead us to infer. There must in every case be appraisers, and these appraisers are sworn to perform their duties properly. I for one, cannot be confounded by such *ad captandum* arguments. They may confuse some, but they cannot lead astray the discriminating or reflecting. Thus that objection falls. Touched by the word of reason and truth it dissolves into the air.

Much, during the course of the debates on this question has been said in relation to fees. For my part I have never attached much importance to that branch of the subject. What this person or that receives or would receive, is not the question. The point before us is, as I have before remarked, would this be a good law? Would it be an improvement on the existing system? Or would it, on the contrary, be productive of injurious con-

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sequences—unjust in its operations and evil in its results? It matters not to me if the present Sheriff of New Orleans is worth a million. I care not whether he is rich or poor. That does not present itself to my mind as a point in the investigation. Mr. Marigey has recently been elected Sheriff. He found the office as he sought it. If it is not as profitable as he thought it would be, we can condole him, but we cannot do an injustice to serve him. Let me now come back to the question—what benefit is to be derived from this law? Will it be a panacea for all the evils which gentlemen may see in the present system? Will it make all Tutors, Curators and Administrators faithful and honest? I do not believe it will. Dishonest Administrators will be dishonest still; dishonest Tutors will remain dishonest.

But on the contrary, it will create an odious, tyranical and an oppressive monopoly. We might as well pass a law compelling all the planters in the State to send their sugar and cotton to one house, as take away from those persons the right of selling their property as they please. I find in the proposition something so radically anti-Democratic that I cannot and will not support it. I do not use the term Democratic in its party sense, but the sense of Republican right and justice. I use it in the sense which has made this nation a wonder on the earth, a great and mighty commonwealth; a structure formed on the wisdom and valor of sages, and patriots, and heroes—which has made our country like a tree watered by the blood of our fathers, springing up into a vigorous life, spreading its protecting branches far and wide, and collecting under its ample and beneficient shade the children of every clime beneath the sun It is the mighty oak giving protection and shelter to the innumerable plants which twine and cluster round it. In such a sense I have used the word; not in that modern sense which restricts it to half its true meaning. And I say again that the bill, in this sense, contains a principle which is anti-Democratic and repugnant to all our ideas of republican justice. I am glad, sir, that the gentleman has disclaimed party notions in this matter. If there are any such involved in this question, I can say for one, that I have risen above them. I am gratified also that Senators who first brought this matter forward, have testified by their votes to the justice of my opposition. I am glad they have recorded their votes in favor of my position; that they have virtually said I was right when I took ground against the original bill. I have opposed it from the beginning—I shall continue to oppose it, fearless of all consequences, so long as I have right and justice on my side.

Mr. Lacey—

I should certainly do violence to my feelings did I not express the admiration which I entertain for the candor and evident sincerity of the honorable gentleman from Rapides, who has just addressed the Senate. I am willing to concede to all the opponents of the bill, at least as much honesty as animates its supporters. If it affords the gentleman any pleasure to know that he has overcome our original bill, I am willing to let him enjoy it. I would not disturb him in that pleasure, since it seems to yield him so much satisfaction. It is scarcely necessary for me to repeat that man is not infallible, even when he becomes a Senator. That quality belongs to God alone. I may have changed my views. If it affords the gentleman any pleasure to believe that my opinions have undergone a change in order to conform to his, let him so believe. But there has been no actual change. I have not altered my opinions as to the propriety of that bill; but the conflicting views which have been expressed by Senators, the conflicting, and apparently irreconcileable opinions which have been uttered in the course of debate on the subject, have induced me, for the sake of compromise and conciliation, to make such modifications as I thought might secure the support of the Senate. To this desire, and no change of opinion as to the intrinsic merits of the measure, is my course on this question to be attributed. I trust, you Gentlemen, Senators of Louisiana, will disregard any merely technical rules, or rather not insist on them, and thus suffer us to bring up the substitute. I do not intend now to discuss this matter at length; more especially since it has already been subjected to such elaborate examination. But I desire to shew that my course is not influenced by partisan feelings. What, sir, was the original bill? It contemplated giving to the Sheriff the power to make all sales of property under judicial process What was my ground in reference to that proposition? Why, sir, that from the position of the Sheriff, from the fact that he would select but one paper to give notice in, which would be generally known as selected for that purpose, greater publicity for the sale would be secured. It being known that a particular, whichever it might happen to be, had been chosen for that purpose, its circulation would be correspondingly extended; the public eye would be more easily and certainly directed to the notice, and thus the object in view would be accomplished with more certainty and effect than by auctioneers, who give their advertisements to many different papers, and thus render it difficult to find them. Another reason is, that the auctioneer might delay to return the Title Deeds to the proper officer, and thus the security of the title might be endangered. The Sheriff, on the contrary, gives a title himself, and makes his returns with promptitude and despatch, and thus renders the title more secure. Again, under the present system, there is room for fraud. I do not say that fraud is committed. I have as much confidence in auctioneers as in any other class of the community; I have no reason to doubt that they are perfectly honest. But the system leaves room for fraud. When the Senator from New Orleans stated the fact, as confirmed by instances which had actually occurred, the Senator from Ascension ingeniously replied, that, "Why that was not an honest administrator—it was his fault, not the fault of the law" Why, sir, that is the very thing we wish to remedy The same thing may occur again and again; or as long as dishonest administrators can be found. We want to secure the minor from the danger of being defrauded by a dishonest administrator. What was the first objection to the original bill? Why that it was a monopoly in itself The Senator from Rapides has shown that there is no force in that. Then it was said that the Notaries would be deprived of a large amount of patronage. We have remedied that by permitting the parties to select their own Notary. Then it was said that the rights of liberty and equality were violated by the bill. Let us leave to majors that great, inalienable American privilege of selecting the person who is to make the sales. This is likewise effected by the substitute—it gives to majors that glorious privilege, the contemplation of which, so made your bosoms expand with patriotism. But why thrust it on minors? They should have the eye of the Court upon their interests. They should not be forced from its ma-

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servative view, and left entirely at the mercy of a tutor and an auctioneer. It would be unnecessary, and indeed a work of supererogation for me to repeat here the views which I have already expressed. The point to which I wish to attract the attention of honorable Senators, is, that parliamentary rule which may prevent our taking up the substitute, which I think will prove acceptable to Senators. Yet suffering it to come up does not prove that it will be adopted. If I am wrong in what I am about to say, I hope Senators will correct me The original was introduced some time since. A substitute was afterwards offered. A motion was made to lay the original bill on the table, and was carried. It was a motion made conscientiously, no doubt, by a gentleman who thinks the bill ought to be defeated, and that it is his duty to defeat it. A motion was then made to indefinitely postpone the substitute. What is the effect of that? If it be carried, everything goes to the ground. The substitute, which the Senator from East Feliciana wishes to offer, will not be heard—the ear of the Senate will be turned away. I hope the Senate does not desire to turn from the consideration of the substitute. What therefore should we do? We should vote against the motion of the Senator from Ascension, in order that the Senator from East Feliciana may be enabled to offer the substitute, which he wishes o offer for the substitute of the Senator from New Orleans (Mr. McCay) I make the statement in order to relieve the minds of Senators who are opposed to the original bill, and the substitute now before the Senate.

Mr. Trudeau—

I call the gentleman to order—there is only one substitute before the Senate, and that is the one offered by the Senator from New Orleans.

Mr. Lacey—

I wish to bring the whole state of the case before the Senate. I have not changed my views an iota, yet I am willing to go with you to take up the substitute of the Senator from East Feliciana, and to consider it. Some gentlemen have thought that to vote against the motion of the Senator from Ascension would be to commit themselves to the substitute of the Senator from New Orleans. This is an error. It will only give us a chance to bring up the substitute of the Senator from East Feliciana. The gentleman from Ascension, who has done such full justice to his side of the question, will not, I think, persist in preventing the consideration of the additional substitute. I ask Senators to go with me on this point. Let us bring everything before the eye of the Senate; let us have an opportunity to consider all the plans. I vote against the motion of the Senator from Ascension, not with a view of passing the substitute of the Senator from New Orleans, but with a view of bringing up the other substitute. I repeat again, that in this matter I am not influenced by party motives; I believe the proposed change is right. But as I don't believe the bill now before the Senate can secure a majority of votes, I shall not insist on that; but I do not like to see the other bill strangled in embryo; before it has even seen the light of day; before we have even been able to examine its features.

Mr. Trudeau—

After the elaborate and able argument of the Senator from Ascension (Mr. Kenner,) and the Senator from New Orleans (Mr. McCay,) it might appear presumptious for me to say anything on a subject which has already been so thoroughly expounded. I shall, therefore, confine the remarks I am about to offer to a few local points I have endeavored to take down a few notes of the argument of the gentleman who last addressed the Senate; and I think it will not be found difficult to answer them. His first argument is this—that under the bill, greater publicity will be insured to notices of sales because the advertisement will be placed in a single paper. This statement makes me believe that this is the tendency of the very objects of the bill—that all sales shall be made by an officer, and all notices published one paper. Why not then pass a bill commanding this at once? Why make any concealment? But I ask Senators whether they really think that the greater publicity is insured by publishing in one paper than publishing in ten. When we wish to give great publicity to anything, we publish it in as many papers as we can Then the gentleman says that titles will not be as well recorded by Notaries as by the Sheriff. I think with the Senator from Rapides, that the gentleman must think us very simple if he expects us to believe that. What! Does he mean to tell us that work done by one hundred will not be accomplished as quickly as if done by one? These two, I think, comprise all the arguments of the Senator on the merits of the bill. The rest of his remarks refer to questions of order. I shall now make a short examination of the questions of law raised by the gentleman from New Orleans. I should like that gentleman to publish his views in a book, entitled the Metaphysics of Law, for the instruction of the Senate of Louisiana. The gentleman has seen fit to enter into a justification of his course in favor of the bill. There was no necessity for him to do so. I have no doubt that he has been along animated by sincere and honest purposes. He has admitted, that by the original bill, the heirs, if of age, could choose the person to make the sale. With this admission I am satisfied. It shows that there is no difference between the original and the substitute. If the original is bad the substitute is bad. If we should lay one on the table we should lay the other on the table. The gentleman also told us that when minors and heirs of age were interested, the heirs of age could have their property sold by any one they please, and the minors by the Sheriff. Am I right in this?

Mr. McCay—Yes.

Mr. Trudeau — I had hoped I was wrong. The gentleman should know that estates cannot be sold by different officers, even when different parties are interested. I come now to the remarkable case of property worth $8000, sold for $2500. The gentleman told us the name of the administrator was stated on the record. The gentleman, perhaps, is not acquainted with the way in which these things sometimes happen. I have had some experience, and can inform him. It is often the case, that when property is sold, the parties interested tell the auctioneer that the property must not be disposed of for less than a particular sum. When the time of sale comes, and there happens to be no bidder, the property is struck off to a fictitious person. It might have been such a case the gentleman has heard of. But, I am willing to admit it was not such a case. But when the property has been pushed up to $8000, and then withdrawn by the administrator, the party has a right of action against him If he says he has not, just show him the law. Not a lawyer in the State will contradict that.

Mr. McCay—

There was no adjudication of the property at

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the first two sales; but the Senator knows very well that no action can lie in such a case; but he acknowledges that the only way he can account for the circumstance, is on the supposition that it was a fictitious sale, and that the administrator had limited it by order to a certain sum.

Mr. Trudeau—

The gentleman may be a good lawyer and have much experience; but I can say that I studied law in Philadelphia, and three years in New Orleans with Janin, and I think my opinion on a question of this kind is as good as that of the gentleman on the other side. I say that when property has been run up to $8000, and is then withdrawn, a right of action does lie. That is my opinion, and I am willing it should stand on the records of the Senate. I should like to see the difference between the opinion the gentleman might give as a lawyer and as a Senator. The gentleman says the Sheriff takes an oath. An oath does not not make an honest man. A learned commentator says, that a crop of oaths may be equivalent to a crop of perjuries. Honesty lies in the heart, not in the oath a man may take. The auctioneer affords greater security than the Sheriff For any sale of real estate, or slaves, he never receives a dollar. He sends a copy of the *proces verbal* of the adjudication, and sends them to the Court and the Notary. The money is likewise received by the Notary. The gentleman must have had some practice, and probably knows how such things are done. When a person buys a house the auctioneer does not give a title, that is done by the Notary. The same is the case with other sales. There is still another point. It has been said that the auctioneer is not an officer of Court, and is therefore not responsible. I have seen an auctioneer brought into Court to show in what manner he had discharged his duty. If there is any authority to show that he cannot be held responsible, I should like to see it, and then I will yield the point. But till then I shall persist in maintaining that the auctioneer is *ad hoc* an officer of Court, and can be brought before the Court, and forced to show in what manner he has performed his duties.

Mr. Wickliffe—

Before voting, I wish to make a remark. My position with reference to the original bill, and the substitute of the Senator from New Orleans is well known. I shall, however, vote "no" on the motion of the Senator from Ascension, with a view of bringing up the substitute of the Senator from East Feliciana. I may vote for that substitute, and I may vote against it. If my vote appears "no" on the record, it is with the view I have explained.

MESSAGE TO THE HOUSE.

The Assistant Secretary informed the House, that the Senate has concurred in the following bills of the House:

An act to authorize Louis Auguste Leopold Bernard to make certain disposition of his property.

An act for the relief of Peter K. Wagner, State Printer, in 1847-8-9.

And with amendment—

An act creating a Harbor Master, for the Fourth District of New Orleans.

And that he requests the concurrence of the House in the following entitled bills:

An act to authorize the emancipation of the slave Angela.

An act to provide for the trial of cases in which the Judge of the District Court where the same are pending or may be instituted, may be recused, (the Parish of Orleans excepted.)

REPORTS OF COMMITTEES.

M Boatner, from the Committee on Claims, reported favorable, with amendment, on a bill entitled:

An act for the relief of Antonio Marero, of the Parish of St. Bernard.

Mr. Lacey, from the Judiciary Committee, reported favorably on a bill entitled:

An act to amend the 30th section of an act, entitled:

An act for the uniform regulation of elections in the State of Louisiana, (excepting the Parish of Orleans.)

And unfavorably on a bill entitled:

An act relative to the appointment of administrators, under certain circumstances.

And favorably, with a proviso on a bill entitled:

An act ratifying the bond given by the Sheriff of the Parish of St. Landry, in his official capacity.

And unfavorably on a bill entitled:

An act to take the vote of the people of this State on the expediency of the removal of the Seat of Government, from the town of Baton Rouge, to the city of New Orleans.

And favorably on a bill entitled:

An act to amend an act entitled:

An act to provide for the removal of certain Public Records, from the Fourth District of the city of New Orleans, to the Parish of Jefferson.

FRIDAY EVENING, March 10th, 1854.

EVENING SESSION.

Bill for the relief of William Gill.

Mr. Martel—

The Committee on the Militia have examined this case and have come to the conclusion that it is a just claim. They have therefore framed the bill just read. I will read the law under which these services were rendered. (Mr Martel here read from the law.) The law which I have just read explains itself. The law, as will be observed, imposed the duty on the claimant, who at that time held the office of Justice of the Peace, and likewise says it must be done at the expense of the State.

Mr. De Russy—

Whether the expenses of imprisonment merely, be paid by the State is nothing. It is a question simply of equity and justice. This Mr. Gill was called on to try these persons, who were absent from their duties. Many would not pay, and he was consequently compelled to send them to jail. For this he presented a claim of $7 0, which is reduced to $315. He presents lists of names, showing the number of cases tried before him, and the number of persons he had sent to jail. If there ever was a just claim this is one. The law said distinctly that if a person refused to pay he should be imprisoned at the expense of the State, The fees of the Judge to be paid by the State. This is a very small demand. The claimant has performed the duties imposed upon him by law, faithfully and efficiently, and he ought to be paid.

Mr. King—

The numerous assaults made on our treasury are calculated to fill us with alarm. They may be small shots, but a great many will tell in the end. Gentlemen may think this a good and just claim; I do not. The law contemplated that the prisoners should pay the costs, and gave the extraordinary remedy of imprisonment in case of refu-

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sal. (Mr. King here read from the law.) It thus appears that these persons are to be kept in jail at the expense of the State, but the State is not to pay all of the fees. Why, sir, if the State were liable in all cases of this kind, it would take $100,000 to pay all the claims that would be presented. In the city of New Orleans there are a vast number of cases of a similar nature, and a large bill might be presented from there. It would create great dissatisfaction if we were to commence to pay these claims, which at any rate are founded on a law which the people have repudiated. It will be remembered that some years since an attempt was made to force the people to do militia duty in much the same way. We all know how it was received and what success it met with.

Mr. Munday—

The Senator from Natchitoches has told us that it is a small claim. I do not see how that affects the merits of the question. A small claim should be subjected to the same rigid scrutiny as a large one. That it is a small claim is with me no argument in its favor. Yet small as this one may be, by itself, it is the entering wedge for a large number of other claims of a similar character, which in the aggregate would amount to a large sum. There eight of these magistrates in every Parish of the State. When we calculate the gallant commanders of divisions, brigades, and regiments; the subordinate officers; and the privates, it will be seen that there must be thousands of just such cases as this. I therefore cannot believe that it was the intention of the law that the fees should be paid by the State. Gentlemen say that the costs have not been calculated. When a person goes to jail for a cause of this kind, it is supposed that he is insolvent, and then the State pays the costs of the jail. This may be a small sum, and as we are near the end of the session, its payment may not be immediately followed by the presentation of other claims of a like nature. But at the next session they will certainly come pouring in, and how can we refuse to pay them, if we set this precedent? The Legislature of 1834 was, I have no doubt, as intelligent a Legislature as this one. This one, I am confident, would not pass such a law. I take it for granted these persons were not insolvent, and they should have been made to pay. It is not proved that there was a single instance of imprisonment.

Mr. Martel—

I am not disposed to make a long speech at the expense of the Senate on this or any other subject. But I have heard the discussion of claims for $15,000, even $50,000, and have seen gentlemen rise in their seats and say that persons were entitled not only to their regular salaries, and to payment for work actually performed, but even for work which might have been done, and profits which might have been made. When I hear gentlemen advocating the payment of thousands of dollars for the printing of ten or twelve bits of paper, and then raise their voices in opposition to the claim of a person who comes before them with clean hands, and asks payment for work really done. I must say that I am astonished. Now, sir, the committtee has carefully examined the documents presented in this case, and finds the claim reasonable and correct. How, then, can Senators oppose this claim, which is just, on the ground that if we pass it, others will come here with false claims? I say again, the committee has examined this case attentively, and is satisfied of the justness of the claim. I am as much opposed to false claims as any Senator on this floor; but when I find one that is just and legal, I shall not hesitate to support it. I appeal to Senators not to reject this bill without giving it a full examination. The law intended that judges in New Orleans should imprison, but it did not provide for cases in which the service was performed by justices of the peace. For my part, I shall vote for the bill, confident that the claim is just and ought to be paid.

Mr. De Russy—

I do not like to trouble the Senate with any more remarks on this subject; but, when I am convinced of the justness of a claim, as I am of this one, I cannot stand idly by and permit an honest man to be prevented from securing his rights, without making effort to come to his rescue. Here, sir, we have the affidavit of Mr. Gill, an aged and respectable citizen, testifying to what he has done. This is fortified by the certificate of Mr. Dufrocq, Mayor of this city. Gentlemen say it is not a good claim. Let us see how much Mr. Gill turned into the Treasury of the State before he brought forward this claim for $315. We find by reference to the documents that he begins at the case numbered 1,115. What was done with the others? Why, the fines in those cases were turned into the Treasury. Is this the way I would ask Senators, to treat an honest man, who has performed his duty to the State faithfully and well? No, sir! The very gentlemen who oppose this claim, know how to advocate others not as good. I hope that the bill will pass.

Mr. Kittridge offered an amendment providing that all similar claims be paid by the State.

Mr. Trudeau—

I shall vote for the amendment, thinking it a good one. The committee says this is a just claim. Certainly, then, we ought to pay all of the same kind.

Mr. King—

I think it will take $50,000 at least to pay all of the same kind that may be presented. I therefore move that we appropriate $50,000 for that purpose.

Mr. Martel—

I move to lay the amendments on the table.

Mr. King—

I move to lay the bill and the amendments on the table.

Mr. Munday—

The Senator from Natchitoches says that Mr. Gill commenced at case 1,115. This is merely the number of the case. All the justices number the cases on their dockets, and this is the number on Mr. Gill's docket, and not the number of the militia cases.

Mr. Martel—

Mr. Gill only claims for 71 cases.

Mr. Hodge—

I have not examined the question, and I therefore ask to be excused from voting.

The bill and amendments were laid on the table.

The S W. M.

Mr. Macmurdo—

I wish to call up a bill to incorporate the order of the S. W. M. of the State of Louisiana.

Mr. Wickliffe—

I should like to have some information before I can give my vote on this bill. I understand the gentleman is a member of that order, and he can probably tell us something about it.

Mr. Macmurdo—

I was elected a member, it is true, but have

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never been initiated into the mysteries of the order. I am informed by a gentleman who, unfortunately, is not a member of the Senate, that the objects are charitable, &c.

Mr. Wickliffe—

I have no objection to the bill

Mr. Trudeau—

I should like to know what S. W. M. means.

Mr. Wickliffe—

Seven Wise Men, I suppose.

M. Evans—

I want to know something of the objects of this society before I vote to incorporate it. It may be intended to overturn the government, to take the island of Cuba, or do some other equally desperate deed.

Mr. Wickliffe—

I am astonished at the objections urged by the Senator from Claiborne. I have already said that the Honorable Chairman of the Finance Committee is a member, and therefore he ought to know there is no danger of the government being overturned by the operations of this society. It is a secret order, like the Odd Fellows, Free Masons, and others; and like them is charitable in its objects. I am told that during the late epidemic, its members attended many sick persons, and did a great deal of good.

The bill passed.

Decisions of the Supreme Court.

The bill to pay the Reporter of the decisions of the Surpeme Court for reporting back decisions, was taken up.

Mr. Hodge—

I want to know what work is referred to by the bill. If I am not mistaken, the volume of 1852 is the 6th volume. It is not yet printed. We make the proviso that the money be not paid till the work is done; is that usual? It carries with it an inuendo that the Reporter intends to draw the money without doing the work. The Reporter, sir, is an officer of the State. It is his duty to do the work before drawing the money; and, I doubt not, he will perform his duty.

Mr. Wickliffe—

I move to strike out the proviso.

The proviso was stricken out, and the bill passed.

The Ouachita River.

The bill to appropriate $1,500 for a survey of the Ouachita River, was taken up

Mr. Wickliffe—

I do not understand giving an officer $1,500 for doing a work which it is his duty to do. I do not understand such a system. I think the bill ought to be referred to the appropriate committee.

Mr. Boatner—

I give all due credit to the gentleman from West Feliciana, for his zeal in this matter. But if h knew that section of country as well as I do, he would not oppose this bill as he does. If the provisions of the bill be carried out, it would open the navigation of the Ouachita for a long distance. It would benefit the agricultural population of the Ouachita, and trade and commerce with that country generally. The Engineer has informed the other House that, owing to the business now on hand in his office, he would be unable to superintend this work himself This fact induced the Committee to report in favor of allowing him to send a deputy. In fact, that was the only way in which it could be done. We have never received much attention from the State, in that section, and I think we are entitled to something. I shall oppose the reference.

Mr. Wickliffe—

I think this a bad system of legislation. We have an officer whose duty it is to attend to everything of this kind; yet the bill contemplates paying him $1,500 for doing what his duty required him to do. I am opposed to giving an officer $3,500 to do all this work, and then having to give him $1,500 to do one thing. If the work is really necessary, and it is requisite to do it in this way, the committee will doubtless report in favor of it. The fact that it has been reported on favorably in the other House, is no criterion for us. Many bills are reported unanimously in the other House, yet are rejected here. The endorsement of the committee of the other House is not enough for us. I think the bill ought to be referred. If compelled to vote now, I shall record my vote against the system of paying an officer extra for doing his duty.

Mr. Lacey—

If the bill be referred, it may be lost by delay. It is true, as remarked by the Senator from Caldwell, that that section has received very little of the attention of the State. It is true, something should be done for it, and we could not make a better commencement than by doing this necessary work The Engineer is not able to do it in consequence of the press of business which has accumulated in his office. A deputy is, therefore, necessary. The bill has already been investigated by a committee in the other House, and I hope it will not be endangered by a reference.

Mr. Wickliffe—

The Engineer already has a deputy paid by the State.

Mr. McCay—

This is an extra appropriation, for a single object, equal to nearly half of the salary we pay to the State Engineer. It is a pretty good salary for a half a year's work. I am informed the same thing has already been done by the State in other cases, but I think it was wrong. The bill ought to be referred. If the committee report that it is worth the amount, I will vote for it.

Mr. King—

I think this is a good appropriation. There are two or three falls in the Ouachita River, which render it at low water nearly as impassable as Red River. In consequence of this, the commercial interests of New Orleans have suffered immensely. Fifteen hundred dollars may be too much to pay, but I am not willing o make all our appropriations for one stream. We have given large sums of money for Red River, and it is time we now gave something for Ouachita.

Mr. Moore—

If we make the amendment proposed, we had better strike out the section entirely. The Engineer told me this evening, that if we give him enough in the General Appropriation Bill to pay the expense, he will not ask anything more.

Mr. Boatner—

It has been said the work has been done once. I will tell how. The Engineer, Mr. Wooldridge, went to the river at Monroe, and floated down in a skiff. He stopped at Major King's plantation to to take dinner, and then continued on as far as Harrisburg. He made no more accurate examination than could be made by floating down in a skiff as I have stated. The Engineer was once directed to do this work, but he never went near the place, and I believe he would not do it now unless he were compelled.

Mr. Hodge—

I want to know if the Legislature did not refer

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the removal of certain bars. I believe it did. The Engineer gave as a reason for not doing it, that he had no boat suitable for the purpose, but that one was being built.

Mr. Boatner—

I do not recollect the circumstance to which the gentleman alludes. I know he was ordered to make the survey, and he gave as an excuse for not doing it, that the prevalence of the yellow fever prevented. I repeat that this is a very necessary work. If done, it would open navigation at least 125 miles further than it is open now. It is only very lately that a boat has been able to get up the river this season. There were also instructions in regard to Little River, which is a very important stream, and is increasing in importance every year. The Engineer told Col. Campbell, the Chairman of the Committee in the other House, that it was important the Engineer should give his personal attention to this matter. There is an endorsement on the bill, in the hand writing of Col. Campbell, to the effect that the Committee reported unanimously in favor of it. I am confident the bill has undergone full scrutiny.

Mr. Wickliffe—

I do not wish it to be understood that I am opposed to the bill, nor do I wish to deprive the people of that section of the benefits of navigation. But I am opposed to this system of legislating, generally. I do not wish to pay the Engineer extra for work which it is his duty to do. If an assistant is necessary, then give him an assistant. I think the suggestion of the Senator from St. Martin (Mr. Moore) is a good one. Let us pass all the bill but that section, and give enough in the General Appropriation Bill to pay for the extra work.

Mr. Lacy—

It appears to me that this is a very important work, and actually necessary for the navigation of that section of the State, and is likewise of great importance to the commercial public of New Orleans. It is strange that after having appropriated $5,000 for one river, we should now refuse to appropriate $1,500 for this one.

Mr. Hodge—

The appropriation referred to by the gentleman was for that river, and as I asked it, I will take occasion again to explain the circumstances of the case. That appropriation was for a specific work to be done. If the gentleman will show me that this appropriation is absolutely necessary for the prosecution of the work in hand, I will vote for the bill. I said the survey had already been made, because I met the then State Engineer, Mr. Wooldridge, at Monroe while he was engaged in performing the work. In fact, he told me himself he was doing it. I know nothing of his having floated down in a skiff, though it is doubtless as the gentleman says. What we do know is that he told me he was then engaged in the work. Now, sir, when the work has once been done, I do no see the necessity of doing it over again. I do not deny that this is an important work. On the contrary, I agree to everything that has been said on that point. For my part, I want to see it done I am not in favor of a niggardly policy in ragard to our internal improvements; but I wish the money to be really spent in that way, and not squandered. Every dollar well spent on works of internal improvement will come back to us four fold. I am likewise in favor of electing every officer by the people, as I think they are perfectly competent to do it. I hope, then, we shall never have an officer so negligent that their work will have to be done over again. I repeat that I met Mr. Wooldridge at Monroe, while engaged in the prosecution of this very work. He told me he was making the survey, and I presume he did it. Is it possible that he was so negligent that the work has now to be done over again? I do not reflect on the present Engineer. I believe he means to do as well as he can. If I can be convinced that this amount is necessary to carry out the object, I will cheerfully vote for the bill. It is better thus than to rely on the general appropriation bill.

Mr. Boatner—

I cannot say *ex cathedra* that the work will cost exactly the sum specified in the bill.

Mr. Hodge—

If the Engineer will employ the money economically, and not employ an assistant at a high salary merely because the money has been appropriated, I will be willing to give it to him.

Mr. Boatner—

I am willing that all proper restrictions shall be placed on the expenditure of this money. I do not desire to see it squandered, of course. The former Engineer, Mr. Wooldridge, a truly estimable man, visited the river in accordance with the instructions of the Legislature. The facts, however, as I have stated them, are notorious. He went over 150 miles in two days. Certainly, an accurato survey could not be made in that time. He made a report in which he stated that there were bars at places where in fact they never existed at all. These are facts of general notoriety, known to all residents in that section. I repeat that I am ready to approve of any judicious restrictions that may be imposed—not such as will prevent the Engineer from doing the work, but such as will prevent the money being squandered. It would also be better that he should be instructed to report at the next session of the Legislature.

Mr. Munday—

When this hill first came up I mistook it for another. A bill has passed the other House appriating $1,000 for a survey of Bayou Bœuf. In that case also, the Engineer says he has not time to do the work himself, but for $1,000 he can have it done. That is a very important work. There are numerous sugar plantations along the Bayou, and it is their only way to market. There is now along its banks a large quantity of sugar and molasses which could not be sent forward. The Engineer sees and acknowledges the the importance of the work. For $1,000 he can procure the services of an assistant Engineer, and have the work done; that is to say, an instrumental survey. My section asks nothing of this kind from the State, but it is always willing to see other sections aided to the extent of our abilities. The people along that Bayou have suffered grievously for want of proper and permanent communication with the New Orleans market, and the merca tile community of that city have been subjected to much inconvenience. Now, both these surveys might be made by one person, and thus some expense saved. However, the Senator from Natchitoches will know better than I whether it will make any difference. I should think the two might be done by one person for less than $2,800. There may, also, be others of the same character which might be included. I think we ought to aim at doing the most good with the least money, and husband our resources as much as possible.

Mr. Wickliffe—

I think the suggestions of the Senator from St. Martin ought to be adopted. Let us instruct the

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Engineer to do the work, and then appropriate enough in the General Appropriation Bill to pay for it. I will make a motion myself to that effect I will also add a proviso that the appropriation shall be made in the General Appropriation Bill, if an assistant Engineer be appointed.

Mr. Hodge—

I would offer another proviso, that if an assistant Engineer be appointed this must be his first work.

Mr. Munday—

I want both works done. Let the bills be referred to the Internal Improvement Committee. They can report to-morrow.

Mr. Boatner—

I have no objection to the amendment, but we are so near the end of the session that delay may defeat the bill.

Mr. Wickliffe—

It is a sufficient answer to the gentleman's objections that it will not occasion fifteen minutes' delay. The bill will go to the House to-morrow. It will be taken up to-morrow evening and certainly concurred in. This House can have no objections to appropriating money in this way, when the appropriation is not to take effect except in a certain contingency. At all events the bill must go back to the other House. It must go there to be signed by the Speaker, and to go through various formalities. The amendment will not delay the bill at all; on the contrary, it will benefit it.

Mr. Boatner—

The gentleman is mistaken. The House has adopted a rule from which it does not depart—not to take any bill up out of its order. A committee was appointed this morning to select bills necessary to pass and to throw others out This bill could not be reached before Wednesday, and then it would have to go through all the formalities the gentleman has spoken of. I like the proviso. I think myself it improves the bill. But I think it will defeat it by producing delay.

Mr. De Russy—

The bill is a very important one, and ought to be passed.

SATURDAY, March 11th, 1854.

ENTERING PUBLIC LANDS.

A bill to authorize Barbaran Labranche and Biberou Labranche to enter certain lands.

Mr. Kenner—

This is a large and wealthy family, and its respectability is incontestable. I am certain that they would not desire or connive at anything wrong. They own the front lands at a certain point. The rear lands are, of course, valuable to them, and they wish to enter them, but find, on application, that they are not surveyed. The Surveyor may have interested friends to whom he may communicate information, and when the survey is made they may hasten to the Land Office and enter these very lands for speculation, and so be enabled to demand a large price of the front proprietor. Because these people want to do what is right; what they have a right to do; what will benefit the State, are we to be told that they wish to dabble in swamp lands? Are they to be prevented from doing this simply because they are rich and respectable? I do not wish to countenance anything wrong. I would rather tear the bill into a thousand fragments. The only objection of any force is, that the boundary is not sufficiently well defined. The objection of the Senator from Caddo, that the land is reserved for railroads, does not apply in this case. But I am willing to insert a clause to the effect that nothing in the bill shall be so construed as to deprive the railroad companies of their rights.

Mr King—

I was not mistaken when I said the person was to get his own surveyor. This is no part of the business of the U. S. Surveyor. If they get him to do the work they must pay him. The name of Surveyor General is a mere *nomme de guerre*. The gentleman says that this is not dabbling in swamp lands. I think that I can show that it is. These persons send here a memorial asking the Legislature to pass a bill granting them a certain privilege. If they are not to be benefied by it why do they wish it done? If it is a benefit, it is a favor to be done by disposing in a certain way of a portion of the swamp lands. That is what I call dabbling in swamp lands. For my part I do not see why they should be used for such purposes. I do not see why the whole machinery of our swamp lands should be disturbed in order to make a special exception in favor of this family. If we pass this we shall have a hundred cases of the same kind next winter, and we cannot refuse to act on them in the same way, after having established the precedent. And thus irregularity and confusion will be introduced into our swamp land system. I move to lay the bill on the table.

Mr. Kenner—

Will the gentleman oblige me by permitting me to ask a question. He says that "Surveyor General" is a mere *nomme de guerre*. The bill first provided that the work shall be done by the U. S. Surveyor General. The gentleman objected. I then put it the Surveyor General of the State, and he now says that is a mere *nomme de guerre*.—What would the gentleman have?

Mr. King—

I have studied the laws of the State probably as thoroughly as any man in the State, and I have not seen any specification of the duties of this officer. I know there is such an officer, but what he does is the question.

Mr. Kenner—

I say it is a very important office. If the gentleman has studied the laws as thoroughly as any man in the State, he has studied them to very little effect. The law says the Surveyor must do these things whenever he is called on. That is the law. The gentleman certainly does not know the law as far as this subject is concerned That officer is a very important officer, and has important duties to perform.

The bill was laid on the table.

LEVEES IN CARROLL, MADISON AND CATAHOULA.

The bill compensating the parishes of Carroll, Madison and Catahoula for levees built under the act of 1832, was taken up.

Mr. Clifton offered an amendment providing that the amount be taken from the fund for that District.

Mr. Rivers—

I would beg leave to call the attention of the Senate to the law. The Levee District is composed of the parishes of Catahoula, Carroll and Tensas, and has a fund for the purpose of building levees. Before the Swamp Land Commissioners were appointed, and on a pledge of the faith of the State to receive these levees, a large sum was expended in constructing them. It amounted to about $80,000 the first year. The bill only proposes to give $50,000 for the whole amount expended, yet the gentleman now wishes to amend by saying that the amount must be taken from the fund belonging

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to that district. Does the gentleman wish to repudiate? Does he wish to violate the obligations of the law? The amendment, sir, would be extremely unjust toward the district which I represent. By the law the State was bound to receive these levees when finished. They would not, probably, have been built had it not been for that promise. Yet the gentleman wishes to take the sum from the small pittance belonging to the Third District. Let gentlemen read the law and they will see that the State is bound in honor to take these levees I am astonished that the gentleman should present such an amendment, when he has had such large crabs out of the fund for Grand Levee, which, in importance, compared with these, is but as a mole hill to a mountain. Why, sir, in these parishes the tax for levee purposes has, in some cases, amounted to five per cent. per annum.

Mr. Clifton—

My only object in offering the amendment is to have the money taken from the fund already appropriated for the purpose. In my parish we make the levees by slave labor. This district has chosen another way in which to do the work, yet it has not actually paid more money, and is not entitled to anything more than any other district. By getting a part now and a part then from the fund, it will at last succeed in getting much more than its share.

Mr. Boatner—

If the Senator from Pointe Coupée understood the subject thoroughly, he would withdraw his amendment, and I am sure his sense of justice will prompt him to do it after an investigation. It should be remembered that the whole of that section was subject to overflow, and might have been totally destroyed if something had not been done. The danger was imminent, and the progress of the swamp land fund was so slow that it was useless to wait for aid from that quarter. The people, therefore, determined to do the work themselves. They came to the Legislature in '52, and asked that the two parishes might be formed into a levee district. This was done. Acting under this law and under the firm conviction that its provisions would be carried out by the State, they levied taxes on the three parishes to the amount of $80,000 or $90,000 for levee purposes. It is immaterial to the State whether the labor was performed by slaves, or whether the work was accomplished through taxation The fact is that they made the levees which ought to have been made by the State, and now they come forward and ask us to conform to the provisions of the law. It is impossible it could have been contemplated that the amount was to be paid from the funds appertaining to any particlar district, as the districts at that time were not formed. Those districts have expended much money, and have reclaimed thousands and thousands of acres of land from overflow. Every principle of justice demands that we carry out the provisions of the act passed by the previous Legislature. I feel convinced, that upon reflection, the gentleman will withdraw his opposition.

Mr. Moore—

I will give my reason for voting against the amendment and in favor of the bill. The Legislature of 1852, passed a bill by which, if the parishes would build certain levees which could reclaim the swamp lands, the State would receive the levees and reimburse the parishes in the whole amount expended. The people in these parishes taxed themselves $80,000 or $90,000 to build these levees which reclaim the swamp lands belonging to the State. No one, who knows these parishes, will say they do not. They have built the levees, why not re-imburse them? The law dividing the fund was only enacted in April, 1853. We have no right to divide it for work done before. We ought to re-imburse those parishes. In other parishes, the case is not the same, and with regard to them I should vote against such a proposition. But the law, which we ourselves passed, requires that the levees be accepted by the State, and the money paid for them. They have made the levees; they have fulfilled their part of the bargain, and we ought to fulfill ours.

Mr. King—

I have a few remarks to make on this subject. In giving my vote against the bill I feel impelled to express some of the reasons which influence me to that course, in order that my motives may not be misunderstood. The application made to us on behalf of these parishes, is not that we build levees for them, but that we pay for levees already built, while there are important links in our chain of levees remaining open, it is scarcely good policy to pay the parishes for those which they have already built for their own protection. There is a place called Diamond Island where there is a large opening, and the river overflows eight or ten feet. The Engineer says that when the gap is closed there will be a continuous line of levee from Arkansas to the Gulf. When so important a link as that remains uncompleted we should not expend money for any other purpose. That is by far the most important and necessary work that is to be performed. I am sure Senators will agree with me in this. Gentlemen have referred to the law. I do not shrink from the investigation. Let that be our touch stone When that law was passed it was with this idea: that the swamp lands would prove to be a magnificent domain, from which so ample a revenue would be derived that the State herself would become the great levee builder; in fact, the State was to do everything. Such was the feeling in the Legislature of last year, and it is so with many even now. But look at the returns of the Land Office. I estimate the receipts from the swamp land fund at $75,000 per annum. No sane man would undertake even to commence a general levee system with so small a sum as that. Indeed, we have contemplated what never can exist. The idea was a vast error. Let us look at the law and see if it does not justify my view. (Here Mr. King read from the law). It will be seen by this that a general system of levees, to be undertaken by the State, was contemplated. Until we have that general system what right have they to make this demand on us? It is evident, that when that law was passed, the anticipation was confidently entertained that we should have a general system for all the levees in the State. But that may never be. Why then should these three parishes be permitted to take so much out of the fund? Are their levees more expensive than those of other parishes? Do they require more trouble and more money? I cannot believe they do. Are they more necessary, more difficult to construct than those of Pointe Coupée? I am confident they are not. In Concordia the position of things is worse, that is to say, in the absence of levees. It must be recollected that this is not a general appropriation, it is special and for only three parishes. I do not think that the appeal to the law sustains the position of the gentlemen on the other side. That law, as I have said, contemplated the establishing of a general levee system, under which the money was to be distributed *pro rata*, not among the parishes, but among the persons building levees, according to

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law. Now, if any right exists to make a demand on us, it belongs, not to those parishes, but to the persons who have paid taxes to aid in the construction of the levees. A vested right exists in the tax payers—at least, as against the parishes. If we pass this bill, and thus recognize that we are bound for these levees, we shall give the tax payers a right to come to us and demand re-imbursement of all they have paid out. Admitting that we had paid the amount to the parishes, that would not be a legal or even an equitable defence. We ought to adopt some means to relieve ourselves of this responsibility, or we shall have all who have paid taxes, for such purposes, coming forward and demanding reimbursement. I have every confidence in Senators, but how can they insist on this appropriation of $60,000? I think I have shown there is no justice in the claim. Even admitting the correctness of the position assumed by the gentlemen on the other side, yet they have made no specifications. They have not told us what levees were built; their height or breadth, which are essential elements in an estimate of their value. I am told that a large portion was built even before the passage of the law. We ought to require, at least, evidence that levees have been actually built and something reliable as to their value. I call for the evidence in this case. If the evidence exists, let it be produced. If not, why then put a stop to this heedless legislation, by which thousands of dollars are appropriated, we scarce know how or for what. At least, we should have these levees, for which we are called on to pay so dearly, examined by a proper officer. At this moment what evidence have we before us that they have even been built? I do not doubt all that gentlemen have said; but, at the same time, I must repeat that there is nothing official before the Senate—nothing on which we have a right to act. This bill is said to be a compromise. We have no right to make a compromise with those parties. If any right exists at all, it is in the tax payers and not in the parishes, For these reasons I shall vote against the bill.

Mr. Moore—

The gentleman asks, where is the evidence that these levees have been built, and thinks we are proceeding in the dark. If the gentleman will consider the bill he will find that the Surveyor must first make an examination of the levees. If he find them built in accordance with that act, the parishes shall then receive the amount due under the bill.

Mr. King—

Suppose the Surveyor only finds $5,000 worth of levees.

Mr. Moore—

Then the parishes only receive $5,000.

Mr. King—

I beg the gentleman's pardon, they receive the whole amount

Mr. Moore—

I will read the law. (Here Mr. Moore read from the law). The whole must be considered together. We are not to pay till the levees are received by the Swamp Land Commissioners. No gentleman, who knows the situation of the parishes of Madison and Tensas, that every mile of levee there must reclaim more than the stipulated amount of swamp land, would object to this bill. I renew my motion to lay the amendment on the table.

Mr. Lacey—

I vote to lay the amendment on the table, because I think any amendment might defeat the bill. For that reason I am opposed to any amendment at all, though, if it were not for this, I might vote for the amendment before the Senate.

The amendment was laid on the table.

Mr. King offered another amendment.

A motion was made to lay it on the table.

Mr. Martel—

In the first part of the bill it is made imperative on the Swamp Land Commissioners to accept these levees, whether they are constructed in conformity with the act of '52 or not. The law reads thus: (Here Mr. Martel read from the law). I make a vast distinction between a thing optional and a thing imperative. In this bill it is made imperative on the Commissioners to accept these levees, whether they reclaim swamp lands or not. Look at the act of 1852, and you will see, that according to its provisions, if they do reclaim swamp lands, then the Legislature agrees to appropriate money for the purpose of purchasing them. I am opposed to squandering the money of the State in this way. There is an immense distinction between the provisions of this bill and those of the act of 1852. By that act, if the Swamp Land Commissioners find that the levees reclaim swamp lands, they can adopt those levees as a part of a general system, and then, of course, the State must pay for them. But, till they are so adopted by the Commissioners, we have nothing to do with them. The act is very plain It gives power to the people of the several parishes to tax themselves for the purpose of building levees. It provides, also, for the manner of taxation, the appointing of Commissioners, &c., and in the last section we find it says that the attention of the Commissioners shall be directed to these levees. If the officers of the State find the levees a benefit to the State, and that they really do reclaim swamp lands belonging to the State, then I will have no objection to vote the whole amount. But, till this is done, I shall oppose it. I do not want to support a bill which makes it imperative on the Commissioners to accept all these levees, under the supposition that they reclaim swamp lands. At least, it ought to be left optional with the Commissioners, or dependent on that contingency. Put in a proviso of this kind, and then I will be willing to vote the $50,000. But, I must say it is an immense amount. By the constitution we cannot appropriate more than $100,000 without providing ways and means to raise the money, and yet here we make way with half of that amount at one appropriation. It is no small matter, I can tell Senators. Let gentlmen carefully read the act of '52, and compare it with the provisions of this bill which has been presented for our consideration. When I voted against the previous amendment I had not read the act; but when I found that by the act of '52 it was optional with the Commissioners to accept the levees, and only in case they reclaim lands is there an injunction to receive them, I considered it unjust that the bill should make it imperative on the Commissioners. So far from this act being in conformity with the former, this would repeal that. What was optional by that is made imperative by this—the levees are to be received whether they reclaim swamp lands or not. I oppose it, therefore, because I consider it unjust, not because I wish to make a systematic opposition to the payment of just debts. I tell gentlemen they are mistaken in regard to the law. It says that "all levees which, &c., *may be*," not "shall be." If the Legislature make it imperative then they destroy the intentions of that act. The bill says the money shall be paid from the proceeds of the sale of swamp lands. Here, also, is a vast distinction.

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If the Senate wish to do this I shall record my vote against it, if I am the only one. I want to act in accordance with the law. That is the reason I take this course, and not because I wish to oppose appropriations for the section of country represented by my honorable friend. On some questions of this kind I have voted blindly, because I followed the example of gentlemen who, I supposed, were well informed. I am in favor of internal improvements. I have told the honorable gentleman from St. Martin, on previous occasions, that I had confidence in him, and would vote for his bills. But this is not an improvement, or a bill of the kind to which I referred; and I must, on this occasion, beg leave to differ with my honorable friend. I consider it a proposition unsanctioned by reasonable law. I have read the bill carefully, and have formed my judgment accordingly. I voted against the proviso, but now I would vote against the bill.

Mr. Boatner—

I cannot but think that too much credit cannot be given to the gentleman for the zeal which he displays in making opposition to unjust appropriations. Nevertheless, if he were to read the act he would find the foundation of his argument entirely useless. He thinks the act makes the acceptance of the levees imperative or compulsory on the commissioners, and that they are compelled to pay the $50,000 in any event. There is no such thing in the bill. The gentleman must look on it with a very distorted vision, if he can so construe its language. I am certain the bill is written in very plain English, and the gentleman ought to be able to understand it. (Mr. Boatner here read an extract from the bill). Now, I would ask the gentleman whether he considers that authority granted to do a thing is equivolent to a compulsory mandate. Such being its signification now it differs from any signification it ever had before. If the word required was used as in compulsory laws the case would be different. But the word used is "authorized." But the gentleman says the money must be paid if the levees are only worth $5,000. The assumption of the law is that the officers of the State will do their duty. The Swamp Land Commissioners are gentlemen who stand high in the community, and are worthy of the trust reposed in them. I am satisfied they would not receive the levees, or permit the money to be paid, till fully satisfied that they are built in accordance with the act of 1852. Let the gentlemen prove it is the intention of the Swamp Land Commissioners to violate their duty to the State before they make that assumed violation the basis of an argument. Let them first prove that those officers are faithless to the high trust reposed in them, and I will vote with the opponents of the bill.

Mr. Martel—

The remarks of the gentleman demand from me a word by way of explanation. The bill does "authorize" the Commissioners to receive these levees, it is not optional with them to receive them or not. They must receive them. That is the only question I have to the bill.

Mr. Boatner—

I do not think the bill means that. It means that the Commissioners may receive the levees or not. That is what giving authority signifies in my mind. Under the discretionary powers granted by the bill, they may decline to receive, and then this bill is to the ground as a matter of course. If the parties really had their due unde the act of 1852, they would be entitled to eighty thousand dollars instead of the fifty thousand in the bill.—This bill passed in a spirit of conciliation and compromise. I am informed by a gentleman of the other House that those who opposed it there did not wish to be absolved in full from this payment, but thought the parishes should be remunerated to the amount of one-half of what they had paid out. Gentlemen have said that there is no evidence that these levees have reclaimed swamp lands. There may be no written or record evidence, but every one knows they have reclaimed thousands of acres, which, without them, would now be overflowed and uncultivable. It has likewise been said that we have no evidence of the levees having been made. If they are not made the bill falls of course. The Commissioners would be faithless to their duties if they should receive, or pretend to receive work which had never been done. The gentleman from New Orleans says he is opposed to the policy of paying for work done; that we should reserve our money for what remains to do. I do not think the principle a good one. When work has been done under an act of the Legislature we should pay for it. There is the law staring us in the face. On equitable grounds no claim could be fairer than this.

The amendment of Mr. King was laid on the table, after which the bill passed.

BANKS AND BANKING.

Mr. Clifton, from the Committee on Banks and Banking, presented a report on the bill to amend the Free Banking Law; also, a minority report from the same Committee.

Mr. Macmurdo—

The reasons which should induce the passing of this bill are obvious. Under the law, as it at present exists, the securities which may be used for banking purposes are limited to the stocks of the United States, of the State of Louisiana, and of the consolidated debt of the city of New Orleans. The amount already absorbed is one million five hundred thousand dollars. The amount by which the debt of the city will be increased, by bonds to be issued to railroad companies, is three million dollars. In my estimates I do not include the bonds of the United States because they are sold at so high a premium that they cannot really be considered a part of the basis. Taking the report of the Commissioners of the Consolidated Debt of New Orleans the bonds of the city were seven million dollars. This is reduced one hundred and eighty thousand dollars a year by the excess of money raised annually to pay the interest on the debt.—By the act of consolidation this is to continue till the debt is extinguished. The supposition is that by this process the eight million dollars of bonds issued for forty years, will be extinguished in twenty-five years; that is to say, they will all be absorbed by the city. The effect of the law is manifest. With the reduction of the principal the interest will become less and less till both are finally extinguished. But then we shall no longer have any basis for circulation. The State bonds to be issued for works of interual improvement amount to about three million dollars. That is the only other source of bonds as a basis of circulation. Under the operation of the free banking law, in a few months bonds will be required to the amount of three million dollars. What has become of the rest? Look to the markets of the world. No pressure has resulted from the issuing of nearly ten million dollars of bonds, as they have gone abroad, and are held in other countries on investment; mostly in Amsterdam, London and New York. They are a staple security; yet there is no complaint made against the proposed measure by those who hold

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the original bonds. They, if any, would have the right to complain. I hold in my hand a letter from a distinguished gentleman of New Orleans, referring to this very subject. He says that no injustice will be done to the holders of the consolidated debt by making the new bonds a basis. When the consolidated bonds were sold he was a purchaser, and he thinks he has no right to complain. If the bonds now in existence were affected in price there might possibly be some ground for complaint. I read in the Bulletin, a few days ago, an account of a recent sale of bonds under the consolidation act. The city purchased one hundred and twenty-five thousand dollars worth of the bonds with the surplus of the money raised for the sinking fund. As I have said, by raising a certain amount yearly, the principal and interest being thereby reduced, the whole debt will be extinguished in the course of twenty-eight years, and none of this series of bonds will be in existence In 1852, these bonds commanded a premium in the New York market. If it had not been for the disturbed state of affairs in Europe they would have been worth five per cent. premium. When affairs again become settled, these bonds will raise in price. When they were last bought the lowest bid was 96, and the highest par. They were taken at an average of 96¼. If these bonds had not been regarded as a security when money commanded 18 per cent per annum, they would have sold for a lower price. When money becomes more abundant the bonds will assume a still higher value. The addition now proposed is of little importance in actual amount. It will not really increase the basis to any important extent. They will, however, soon be needed for purposes of free banking. There is no fear of the basis becoming too abundant. If we had twenty millions there would be no fear of a depreciation by depositing a greater amount. If we wish to give any management to our internal improvement system, we should place these bonds which are to be issued for internal improvement purposes, in the best possible condition, particular when it cannot affect the basis. If we give these bonds a larger market by making them a basis, their value will necessarily be raised in consequence of the increased demand for them. Thus more will be realized from them for internal improvement purposes.

Mr. Wickliffe—

In 1853, when the law for establishing a system of free banking was under discussion, some of us, though I regret to say very few, were firm in opposition to the measure. I was one of the small number who voted against the bill, on the ground that the bonds of the city of New Orleans were made a basis of circulation. I did not believe they were safe, and I thought, consequently, their adoption as a basis of circulation would depreciate the currency and tend to render it insecure. I expressed this opinion then; but the Senate overruled me, and voted in favor of the proposition by a decided majority. I took the ground that although it was proposed to make the consolidated bonds alone, a basis for banking, yet at the very next session an effort would be made to adopt other bonds of New Orleans. The Senator from New Orleans (Mr. King), during the discussion of the measure, took occasion to say that the bonds of the city were the safest in the world—that they were much safer than those of the State.

Mr. King—

I said under that act no more bonds could be issued.

Mr. Wickliffe—

What was said then, in 1853, during the discussion on the free banking law, is verified now.—Gentlemen are not satisfied with having rushed these railroad bills with such almost indecent haste—bills by which the city of New Orleans is authorized to issue additional bonds to the amount of three and a half million of dollars; and now gentlemen want to make them a basis for banking. If I cannot prevent it I can at least record my vote against it. With my consent these bonds shall never be made a basis for banking. I voted against the consolidated bonds in 1853, for which there was some security, and I shall not vote for these, for which there is none.

What is the debt of the city? Why, sir, it is immense—greater than, perhaps, she can ever pay. When, last year, we proposed to make lands and negroes a basis for free banking, the city delegation voted against it on the ground that it was not safe. Let me ask, sir, what is the security for the bonds of the city? Is it not taxation? and is not the taxation levied on the lands and negroes? thus making the basis ultimately the same as that which the gentlemen from the city had rejected with the declaration that it was not safe? I am aware that any effort to oppose this bill will be futile; I know there is a settled determination to pass it, in spite of any opposition that can be made, but I for one shall record my vote against it.

Mr. Kenner—

It is nothing astonishing that the gentleman should oppose this bill. Such a course was to be expected after his opposition to the consolidated bonds of the city of New Orleans. Let me call the attention of Senators to the facts. The gentleman remarked that the Senator from New Orleans (Mr. King) had spoken of the bonds of that city as the best and safest that could be found—He has not controverted the position taken by the Senator from New Orleans, or even attempted to do so. For my part, I consider the assertion proved.

Now, sir, if we have a free banking system, we must, for the sake of consistency, adopt for a basis, those bonds which are the safest. The Senator from West Feliciana has not controverted the position that the bonds of New Orleans are the best. I think I can show this to be true without difficulty. The city of New Orleans owes between seven and eight million of dollars. She has a sinking fund to which is added every year the surplus which is raised by taxation, over the amount of annual interest accruing. The amount which the city is compelled to raise every year is $600,000, of which $125,000 is applied to the extinguishment of the debt. By this means the principal and interest are annually reduced and in twenty-five years the city of New Orleans will not owe a dollar. Last week there was a call for $125,000 worth of bonds and it was with great difficulty that they could be got. Thus the revenue of a city possessing property to the amount of $100,000,000 is pledged for the payment of these $8,000,000. What better security can there be than this? The gentleman voted against city bonds last year; to be consitent with himself he must vote against them now. I think there are good reasons for the extension of the basis; if I did not I should vote against the bill. Everything tending to increase the security of the basis should be adopted. If we pass the law we increase the value of the basis already given. At the same time we facilitate the building of railroads, and thus increase the value of property, probably

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ifty millions; thus increasing the value of the basis n which the whole system is founded If we de ire to increase the value of the basis, we must ass this bill. The basis is already good, but we ish to increase the value of the article mortgaged or the debt. The gentleman has uttered one fal cy which I cannot pass over in silence. He says at though we made the bonds of New Orleans a asis, while they rest on the real estate of the city, et we refuse to accept the lands and negroes of e country, giving as a reason that they were nds and negroes. The gentleman has not stated e real reason. We did not refuse them because ey were lands and negroes, but because they ere not easily convertible into specie, whereas the nds, on the other hand, can be converted into ecie with the greatest facility. Ask the Senater om Point Coupée (Mr. Clifton) whether this was t the great objection.

Mr. Wickliffe—

The gentleman from New Orleans said he had ubts about that city owing $7.000,000. The ount is $7,700,000. Add $3.500,000 and you ve the neat little sum of $11,200,000. What he interest on this sum? The actual amount is nething near $660,000. The gentleman has d us that these bonds will be redeemed in twenty e years—that in that time the city of New Or ns will not owe a dollar. The amount which city is compelled to raise by taxation each year ix hundred thousand dollars. How long would ke to extinguish the debt at that rate? By in nation furnished by the Auditor of Public Ac nts, the amount of bonds of New Orleans used banking purposes is nine hundred and twenty- thousand dollars. Where are the rest? What become of the difference? Are they so pre is that they cannot be had for free banking oses? No one will venture to say that. They n the market and can be had at any time Can xtension be necessary when so many bonds are he market? I am opposed to increasing the of New Orleans for the purpose of making n a basis of circulation. It must lead, in the to bankruptcy and ruin. I took a position nst it in 1853, and I have seen no cause to ndon my ground. I consider the law which then passed as a curse to the community and normity of the greatest character. The prop on to make railroad scrip a basis is a still ter enormity. We ought, sir, to take warning e history of the past and study diligently the s which experience teaches us. Are we to d that this measure is necessary to the suc of the free banking law? If so, where are onsolidated bonds? What has become of ? Who wants to make these additional and a half millions a basis for banking? Do eople desire it? By no means, sir. It is d by speculators who, in order to carry out projects, rush to the State and the city to get om one or both of them.

Clifton—

ve no desire to enter into the oratorial arena, hen so grave a subject as this is under dis . I shall not, therefore, attempt to make a , but shall content myself with offering one remarks of a purely practical nature. The r from New Orleans, and the Senator from sion, have told us that the bonds of the city w Orleans are the best security that could ured, and the Senator from Ascension has ged any one to controvert the proposition. ir, I think that position is untenable, and I that facts will sustain me in the assertion. I would call the attention of Senators to an article in the Bee, in relation to a recent sale of some of those bonds. In the first place, an advertisement was published calling for bids, and there can be seen the rates at which the bonds are sold and the estimation in which they are held. The report of the proceedings of the Board of Aldermen to which I have referred, says:

BOARD OF ALDERMEN.

A special meeting of this Board was held last night.

A communication from the Mayor was read, informing the Board of the result in the McDonough case before the United States Supreme Court. He at the same time recommends adequate compensation to the counsel on the part of the city of New Orleans.

The matter was referred to the Finance Committee.

Petitions from Fire Companies Nos. 14 and 10 were referred to the Fire Committee.

Proposals for the sale of city bonds were then opened and read. They ranged from par down to 96½ per cent. Several of the offers were worded in terms so obscure as not to be easily comprehended. After a good deal of fuss the following resolution was offered and referred to the Committee on Finance:

Resolved, That the bids for the sale of the consolidated bonds of the city as per advertisement under the direction of the City Council, to the extent of $120,000 be accepted, as follows:

Pescher & Forstall - - -	$47.000 at	96½
H. W. Palfrey - - - -	10,000 "	97
" - - - -	10,000 "	97½
" - - - -	6,000 "	98
Charles Lafitte - - - -	1,000 "	97½
Thomas Layton - - - -	43.000 "	98
F A. Thayer - - - -	3,000 "	98

It being understood that the above bids include all interest that has matured since January 1st, 1854.

These bonds not only sold at several per cent. below par, but there was an accumulation of two months interest on them. How can it be said that they are the best security in the face of such a fact as that?

Mr. King—

This discussion has taken a range entirely irrevalent to the point at issue. We are not, or ought not, to be debating the policy of free banking. That question is settled—it is a *fait accompli*. Neither is there any question in regard to extension of the system, or the establishment of a single additional bank. There are bonds enough in the market for many more banks than have been established. Gentlemen need not apprehend any injurious increase. These bonds are to be secured in the same manner as those of the consolidated debt. The bonds of New Orleans are the only ones in the world secured by a tax imposed where the bonds are issued; and compelled to be imposed by a law irrepealable by any action of the city. Most bonds rest only on the force of a moral obligation. They may be repudiated if the parties issuing them chose to be dishonest. But it is not so with the bonds of the city of New Orleans. The moral obligation resting on the city is just as strong as that of the State or the United States. In addition the law says that an annual tax must be imposed for the payment of the interest and the redemption of the principal. The Senator from Ascension was right when he said these bonds were the best that could be procured. There

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is both a moral and a legal obligation to pay resting on the city. Thus much concerning the bonds themselves. Now for the policy of this bill; it is not for the purpose of expanding the basis, or affording additional banking facilities, that it is prepared, but in order to aid in completing our railroad enterprises, by putting the bonds issued in their favor on an equality with the others. Thus not only the city but the country likewise is interested in this bill. If we refuse to put these bonds on an equality with the others, we discredit them, and of course capitalists will be less ready to take them. In this way the railroad enterprises would be impaired, by preventing the companies from realizing their full value in the market. The object, as I have said, is not to extend the free banking system, nor is it a special favor to New Orleans —except so far as New Orleans is interested in the success of the railroads.

We have recently passed a law to relieve the people by permitting them to issue bonds instead of paying the city subscription directly, and now we should not discredit those bonds, and thus reduce the measure of relief, by refusing to put them on an equality with the others. We should, by such a course, reduce the value of the bonds, impose pecuniary loss on the city, and endanger the success of those great enterprises which we wish to see speedily consummated.

Mr. Moore—

These bonds are more secure than those of the consolidated debts, because in addition to the same security as those have, they are secured by railroad stock.

Mr. Trudeau—

The remarks of the Senator from New Orleans (Mr. King) command my approbation. I think he has taken every proper view of the subject I should be compelled to adopt his view, if merely for consistency's sake. If we pass a bill for the roads, we should pass the bill to carry them into execution That the Senator from West Feliciana (Mr. Wickliffe), who opposed these roads, should oppose this bill, is in strict consistency. What is the object of the bill? Why, clearly to aid in constructing the roads. If we do not put these bonds on a par with the others, they will not command so high a price, and the companies will have to submit to a discount of perhaps 25 per cent., which will, to precisely that extent, increase the cost of the roads. So far as security for banking is concerned, the bonds of New Orleans are as good as any in the world.

Mr. Clifton—

The gentleman says that these bonds, if not bolstred up by the free banking law, will depreciate, one gentleman says perhaps as much a 25 per cent. Now, I would ask whether, if this be true, which I do not pretend to deny, it would be just to the people of the State to make them a basis for banking. Our object ought to be to elevate the currency by using none but the best security for a basis; not to keep up the securities by making them a basis. I acknowledge, and I am glad gentlemen themselves have acknowledged, that these bonds would fall 25 per cent. below par if not bolstered up by the free banking law. What a reflection is it not on our legislation that the basis of our currency is formed, to a great extent, of securities which, but for the mere fact of their being a basis, would not command within 25 per cent of par? What we want, sir, is a good currency—a stable currency—not a currency made of sand, which will crumble away in our fingers before the slighest pressure.

Mr. Boatner—

As I was one of the very few Senators who went with the gentleman from West Feliciana in his opposition to the free banking law, I think I may crave the indulgence of the Senate for a few moments, while I give my views on this subject.—At the last session of the Legislature, a loud cry for railroads rang through the State; nothing was heard but Railroads—Railroads. Presidents and directors of railroads thronged our halls seeking for charters and aid from the State. Bill after bill was passed in hot haste—without debate, without consideration. We are asked first to give and then to subscribe to one-fifth of the capital stock, both of which we did. I fell in with the current and voted for the bills. But when it came to the free banking law, another question arose and I voted against it. More recently we have passed a bill, ostensibly for the purpose of relieving the people of New Orleans by permitting the city to substitute bonds for direct taxation. I am sorry I was not here to record my vote against the measure. But let me ask, when the bill passed was anything said about banking, or making the bonds to be issued a basis for banking? Not a word was suggested in reference to such a plan, at it might have defeated the whole scheme. On examination I find there is no restriction placed on the sale of these bonds. They may be disposed of at any rate the company pleases—at 75 or 50 per cent.—yet it is proposed to make them a portion of the basis of our currency. At present there is a large surplus of city bonds which have not been sold for banking purposes, yet we are told that an addition to that surplus will strengthen the bonds. For my part I must say that I cannot understand such reasoning. I believe that the sole purpose of this measure is to bolster up a wild scheme of speculation, and the credit of unsound projects. I should prefer to see things remain as they are I deem the arguments of the Senator from Pointe Coupée, (Mr. Clifton), to be of great weight. It may be that the crash is not so far off—it may be that a crisis is already at hand, and that the depreciation of city bonds is its forerunner.

Mr. Trudeau—

The Senator from Pointe Coupée seems to have taken advantage of what I said in relation to the difference in value between the bonds of the city and those of the State. I said the difference arose from the fact that the State bonds are a basis for banking, and those bonds are not, and that if they were made a basis for banking they would be worth as much as those of the State.

Mr. Lacey—

Are these bonds secured by a tax on the real estate and property of the city?

Mr. Kenner—

They are. They are the best secured of any bonds.

Mr. Lacey—

Then I shall vote for the bill.

The passed to a second reading.

Mr. Boatner

Made a motion to print the minority reports.

Mr. Kenner—

If I had known it was the intention to have this report printed and spread before the country, I should have answered some expressions contained in it, as there are some to which I particularly object.—especially the assertion that the measure is an attempt to bolster up wild speculations.

SELLING THE MODEL FARM.

The bill for the sale of the Model Farm was taken up.

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Mr. Ryan

Moved an adjournment. He said:

I moved to adjourn because I wanted to address the Senate on the bill, and as the hour is rather late, I did not wish to detain the Senate today. I have informed myself of the facts and the law appertaining to this case, and I wish to lay them before the Senate.

Mr. Boatner—

This bill has been before the Senate since the beginning of the session. It has been delayed til now, and further procrastination is utterly useless.

Mr. Ryan—

I withdraw my motion to adjourn. Let the Senator from Caldwell open the case.

Mr. Boatner—

In 1833, the Legislature incorporated a company entitled the Agricultural Company of Louisiana. The company employed a person named Thompson to procure machinery in Cincinnati, for which he was authorized to pay $2,500. Thompson purchased the machinery. It was brought down the river and put in operation at the Model Farm in St. James. In a short time the experiment was abandoned. The vendors of the machinery presented a claim for payment which was resisted on the ground that Thompson had exceeded his powers as agent. A suit was brought in the United States Court, and judgment was taken by default. The Legislature afterwards dissolved the company. Its property was sold, and debts paid, and the balance remaining was placed in the State Treasury. The sum thus placed in the Treasury amounted to $20,000; but the claim of G. W. Coffin & Co., from whom Thompson had bought the machinery, was never paid, although it has been before the Legislature several times. One committee took testimony and reported favorably, but owing to the late period of the session at which it came up for consideration it did not pass both Houses. These are the facts of the case. Now, I am ready to hear anything the gentleman has to say in opposition.

Mr. Ryan—

This question has received from me more than usual consideration, and I am prepared to show that neither by law, justice or equity, neither legally nor morally, is the state of Louisiana bound for a dollar of that money. I have the documents to prove what I say, and if I do not make the assertion good let my argument go for nothing. A favorable report has been made by a committee; but it is based on the *ex parte* statements of interested individuals. It is like the bill of a Grand Jury; the Senate is the Petit Jury which is to render the final decision. The report does not state the facts of the case as they really were. It says that Thompson was authorized to go to Cincinnati and take these purchases, and that he had a power of attorney to that effect. This I deny. He had no authority at all. It says, also, that a suit was brought for the amount of this claim. Circumstances have induced me to investigate this matter, and from the facts I have learned I will give a brief history of the case. In 1833, an act of the Legislature incorporated a company for the purpose of establishing a Model Farm. The State of Louisiana never became a subscriber to that company; but, to encourage the enterprise, the State transferred to the company certain shares in the Louisiana State Bank, reserving to herself the right to dissolve the company if necessary to secure the advances. The bank stock, when sold, brought $48,000. It was given to the company, and Commissioners were appointed to take charge. The company sent Thompson to Cincinnati with a letter of credit for $2,300. He went to Cincinnati and there exhibited his letter of credit, and bought the machinery from the claimants. He transcended his powers in fact, as was asserted by the Board. The experiment did not last long. In '41 the company was dissolved by the Legislature, and its property sold. It only brought $21,000. By the law of '33, the State was to receive what she had expended, so that $21,000 went into the treasury to replace $48,000 which had gone out. Thus the State made a clear loss by the operation of $27,000. In 1839, these parties instituted a suit in the Commercial Court of New Orleans A day for the trial was fixed. The company had come into court, filed an answer and claimed to have a day set for the trial. What was the result? Corporation said the claim was unjust, and a day was fixed for the trial. But the Attorney of the claimant, instead of coming into court to meet the Corporation, dismissed his own suit. This was in 1839, when the Corporation was still in existence, and could be sued. In 1841, after it was dissolved, these parties brought a suit in the U. S Court. Governor Roman answered and excepted to the suit on the ground that there was no Corporation. No other answer was put in and no defence was made. The judgment was a nullity and could not be executed. Then three different suits were brought against individuals. Thus it will be seen that these persons who, when they found they could not defend their own suit, had actually dismissed it, afterwards brought suit again when there could be no defendant. I suppose the gentleman will admit these facts. It would be useless to deny them, as they are to be found on the record. I have furnished myself with copies of the evidence in the case, which I shall read for the information of the Senate. (Here Mr. Ryan read from a document which he held in his hand). After having brought suit, they dismissed it, which, to say the least, was suspicious. On the 23d of May, 1841, they brought another suit, which was after the functions of the company had ceased, and there could be no citations. I will now read what was sworn to by Gov. Roman and others, who, it must be acknowledged, are highly respectable persons. (Mr Ryan here read the testimony of Governor Roman).

REPORTS OF COMMITTEES.

Mr Lacey, from the Committee on Public Buildings, made the following report:

To the Hon. W. W. Farmer, Lieut. Gov. and President of the Senate.

The Committee on Public Buildings, to whom was referred a joint resolution of the Senate and House of Representatives, beg leave to report to your honorable body:

That they authorized the Committee on the part of the House to employ James McVea of Baton Rouge, a competent mechanic, to furnish an estimate of the cost, with specifications of the works necessary to be done to the Capitol; and, after a careful examination of the building, and upon consultation with Mr McVea, the Committee beg leave to report, that the sum of four thousand five hundred dollars ($4,500) is required to do the work, according to the estimates and specifications reported to the House of Representatives.

All of which is respectfully submitted.

Signed, GEO. S. LACEY,
Chairman.

Mr. Moore, from the Committee on Internal Improvements, to whom was referred a bill entitled: an act to authorize the Board of Swamp Land

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Commissioners to receive and adopt as a part of the General Levee system such levees as have been built by the parishes of Carroll, Madison and Catahoula, under the provisions of an act entitled an act forming a Levee District comprised of the parishes of Carroll, Madison and Catahoula, for the better protection of the same from inundation, approved the 18th day of March, 1852, and to appropriate the sum of fifty thousand dollars from the General Swamp Land Fund to pay for the same, reported favorably.

On motion of Mr. Moore, it was taken up and read section by section.

Mr. Griffin, from the Committee on Parochial Affairs, made the following report:

The Committee on Parochial Affairs, have instructed me to report favorably on

An act to redistrict the parish of St. Bernard.

And on an act to incorporate the Caster Bayou Turnpike Road Company.

And reported unfavorably on

An act to emancipate the slaves Louis, Azelia, Octave, Gustave, Don Louis, Josephine and Alexandrine.

And to report back to the Senate for its consideration

An act to define the boundary line between the parishes or Iberville and West Baton Rouge.

Signed, W. F. GRIFFIN,
Chairman.

Mr. Macmurdo, from the Committee on Banks and Banking, to whom was referred a bill entitled an act supplemental to an act entitled an act to establish a general system of Free Banking in the State of Louisiana, reported favorably.

Mr. Clifton, from the same committee, submitted the following minority report on the same subject, to wit:

REPORT.

The undersigned, members of the Committee on Banks and Banking, to which was referred the bill entitled an act supplemental to an act entitled an act to establish a general system of Free Banking in the State of Louisiana,—dissenting from the majority of said committee, beg leave to make the following report:

That they cannot see any good reason for increasing the basis of the Free Banks, it being at present redundantly large for all the requirements of the trade and commerce of the city and State. The act of Consolidation of the City of New Orleans authorized the issuance of about eight millions of dollars of bonds, for the payment of the consolidation debt of the city and its municipalities. These bonds, together with the bonds of the United States and those of the State of Louisiana, were adopted by the Free Banking law of 1853, as a basis for banking. Under this law up to the present period only, $1,229,000 of the city bonds, and $281,000 of the State bonds, have been deposited with the Auditor, upon which security he has issued $1,510,000 of bank notes, leaving some $6,800,000 of the consolidated city bonds, still obtainable as a basis for any future bank issues, an amount nearly as large as the whole present circulation of all the banks, chartered and free, of the city of New Orleans—an amount that will not probably be required for the future wants of Banks, operating under this law, for years to come, if ever. Where, then, the necessity of enlarging this basis, already so large? The unconcealed object of this bill is not, as it imports to be, for the purpose of improving or amending the Free Banking law, but to *use that law*, by engrafting these bonds upon it, for the purpose of bolstering their credit and making them more marketable. Is it right, is it prudent that the currency, under our experimental system of banking, should be indirectly tampered with, in order to sustain the credit of bonds issued for the benefit of this or that scheme? And where is the assurance, that the issuance of bonds may not be continued to an indefinite extent? The city has the power to issue bonds at any time her people and their municipal authorities may think proper, and if this thing is not nipped in the bud, our Legislatures will be constantly called upon to admit fresh bonds, as security for the issues of fresh bank notes, until both bonds and notes become valueless.

A distinguished gentleman of New Orleans, connected with banks and railways, says, in a letter, which we are authorized to use, that, when this supplemental act is passed, "an arrangement, I hesitate not to say, can be made, of an equitable character, with the Roads and the Banks, established under the Free Banking law, to place *at once* from one and a half to two millions dollars of the Bonds, which they—the Banks—want as a basis for circulation—the sum to be paid for in monthly instalments, which might be small in amount for each, and, in the aggregate, nearly or quite sufficient for the current requirements of the Roads." Thus, it is already contemplated under this bill to increase the bank circulation of the State, by heaping credit upon credit. The bonds, which are but a credit, are to be purchased upon credit, and immediately deposited with the Auditor, as securities for fresh issues of bank notes, before even the bonds are paid for.

The inflation of currency, under such a state of things, would be alike dangerous to the moral welfare and pecuniary interests of our citizens, by opening the floodgates of debt and extravagance, with their attendant vices, and subjecting the industry of the State to the reaction that all experience has proven inevitably follows wild and extravagant speculation.

All of which is respectfully submitted.

Signed, C. W. CLIFTON,
R. C. WICKLIFFE.

Mr. Clifton, from the Joint Committee on Banks and Banking, made the following report, which, on motion of Mr. Clifton, 500 copies of the report and the appendix were ordered to be printed.

The Joint Committee on Banks and Banking of the Senate and House of Representatives, in the discharge of the duties imposed upon them, have made a thorough examination into the affairs of the Banks of New Orleans, and beg leave to submit the following report to your honorable body:

In the course of the examination, your Committee regret to state, that with the commendable exception of the Citizens' Bank, they found all the other chartered banks had overstepped the limits of the line prescribed by the second fundamental rule of the act of 1852 reviving the banks of the city of New Orleans. Under the wholesome provisions of this act, the currency of Louisiana has been a model for the Union, as furnishing a safe and reliable medium for the interchange of values, undisturbed by the fluctuations that characterise commercial operations conducted under a money circulation tainted with the slighest suspicion of unsoundness. Restrictive as the policy of the Legislature of 1842 appeared to have been on the subject of Banks, the experience of the succeeding years has conclusively proven the wisdom of its measures, and their full success in securing the desired object—a safe and convertible currency

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for the people. It is therefore with regret that we see that the barrier has been broken through, and that a precedent has been established so dangerous to the best interests of the State.

Your Committee, in their inquiries into the causes which had induced this extension of circulation, were informed by the bank officers (whose replies to the interrogatories propounded to them will be found appended to the report) that it was chiefly attributable to the pressure on the money market, owing to the lowness of the upper rivers, and the consequent impossibility to get the produce of the country to market in time to meet the liabilities, and to the withdrawal of a large amount of specie from the old banks to meet the wants of the new ones created by the Free Banking law. With all due respect to the opinions of these gentlemen, your Committee think that a more radical reason might be found in the refusal of the Banks to submit to the loss that would be necessarily entailed by the importation of a sufficient quantity of specie to have enabled them freely to have met the wants of the commercial community, and at the same time kept themselves within the healthy and safe line required by the law of 1842. There were abundant means within the control of the Banks to have procured any amount of specie necessary for the purpose. Exchange, both sterling and domestic, had been freely offered and sold at moderate rates during the months of December and January, and considerable purchases were made by the Banks themselves. Had the remittance for such purchases been made in coin, it would not have cost over one per cent including freight, insurance and loss of interest, which trifling loss (when compared with the interests at stake) would have enabled them to have kept in line and at the same time have given the necessary facilities to the commercial interests of the city. Instead of pursuing this course, those Banks which have been dealing in exchange have sold their checks at the highest rate of premium they could obtain. In some instances, when exchange was falling in value owing to the pressure for money, the Bank as made discounts to her customers, with stipulations that the proceeds were to be payable in a check on New York at a considerable advance on the market rate, compelling the applicant for the loan to sell his check at a loss in order to realize the funds to meet his wants. Such usurious courses on the part of an institution created by Legislative enactment, and whose rates of discount are strictly defined by its act of incorporation, cannot be too strongly condemned by your Committee. In the Appendix will be found the answers of the Banks to the interrogatories of the Committee on this subject.

It appears that specie has been recently ordered by several of the Banks to the gross amount of about $825,000—and since the examination a letter has been received from the Canal Bank, announcing the arrival of $400,000 in coin. A letter is also received from the Bank of Louisiana, dated 20th Feb., announcing that on that day it had in line $442,000. These are gratifying evidences that the Banks intend to place themselves at an early period within the requirements of the statute.

As experience is the only test of the soundness of theory, your Committee have been assiduous in gathering all the information in their power with regard to the workings of the Free Banking law, and to see if its practical operations sustained the favorable views that were formed of its theory. To this point they interrogated the officers of the Free Banks, and also received the opinions of many of the most distinguished merchants of the city. From these sources of information, together with the results of their own examination, they feel free to state that they eminently fulfill, to the extent that they have been tried, all the advantages that have been claimed for the system,—

1st. As furnishing a safe and sound currency, amply secured from all danger of loss.

2nd. As offering, in the ratio of the capital employed, as much facility and means to meet the wants of the mercantile community, as is consistent with the preservation of a solid and substantial basis

3d. As presenting sufficient inducement in the way of profit, to enable those engaged in it to realize as much from their investments of capital, as is paid by almost any other regular business.

And lastly, as a system open to the competition of the world, and free from the character of monopoly which attaches to banking under exclusive charter privileges.

Your Committee respectfully recommend to your honorable body, the exemption of the Consolidated Bank from the control of the Board of Currency. This institution being in a state of liquidation by law, and having no power to issue their notes for circulation, and the interests of the State being amply protected by the supervision of the Board of Bank Managers appointed by the Executive,—it does not appear to your Committee to be either useful to the public or just to the unfortunate stockholders, that they should be compelled to contribute their pro rata for the support of the Board, whose functions are only applicable to a Bank in active operation.

All of which is respectfully submitted.

MESSAGE FROM THE HOUSE.

The special messenger from the House requested the signature of the President to the following enrolled bills:

An act for the relief of P K Wagner, State Printer for 1847, '48 and '49.

An act entitled an act to amend an act entitled an act to increase the salary of the Clerk of the First District Court of New Orleans.

And he requested the concurrence of the Senate in a bill entitled:

An act to require J A Bonneval, tax collector, to settle his account with the Auditor of Public Accounts within a certain time.

The assistant-secretary informed the House of the concurrence of the Senate in the following entitled bills:

An act to authorize parish treasurers to employ the sheriff or auctioneer to make sales of sixteenth sections.

An act for the relief of C J Mandeville, State Tax Collector of the parish of Caldwell.

An act granting certain powers to the Police Jury in and for that portion of the parish of Orleans situated on the right bank of the Mississippi river.

An act to incorporate the Grand Conclave of the order of S W M for the State of Louisiana.

An act to incorporate the Independence Fire Company No. 2 of the city of Baton Rouge.

An act for the relief of H F Voorhies.

An act entitled an act authorizing and instructing the State Engineer to make a thorough examination and survey of the Ouachita River and Little River.

And an act to authorize the police jury of Pointe Coupee to issue bonds to an amount sufficient to cover the indebtedness of the parish.

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And he further requested the concurrence of the House in the following bills of the Senate:

An act to authorize Joseph H Harvey, of the parish of Jefferson to construct a lock to connect the Destrehan canal with the Mississippi river.

An act to incorporate the Benevolent Association of the Roman Catholic Ladies of Baton Rouge.

An act to provide for the payment of the Reporter of the Decisions of the Supreme Court for a part of the year 1852.

MESSAGE TO THE HOUSE.

The Assistant Secretary informed the House that the Senate has concurred in the following bills entitled:

An act to authorize the Board of Swamp Land Commissioners to receive and adopt as a part of the General Levee System such levees as have been built by the parishes of Carroll, Madison and Catahoula, under the provisions of an act entitled an act forming a Levee District composed of the parishes of Carroll, Madison and Catahoula, for the better protection of the same from inundation, approved the 18th of March, 1852, and to appropriate the sum of fifty thousand dollars from the General Swamp Land Fund to pay for the same.

And an act to increase the pay of the jurors of the parish of Terrebonne.

The Assistant Secretary requested the concurrence of the House in the following entitled bills:

An act to authorize Mrs. Widow Melissa Cardonna to adopt Agatha Graw and Esperanza Graw.

An act authorizing the appointment of Charles M. Shepperd as tutor of his minor, brothers and sisters.

An act to amend the second section of an act entitled an act to regulate the terms of the District Courts (the parish of Orleans excepted).

An act to emancipate John Pickett, a minor of the parish of Bossier.

MONDAY, March 13th, 1854.

THE SWAMP LAND ACT.

The following bill was taken up:

AN ACT

To amend an act, entitled "An act to reclaim and drain the Swamp and Overflowed Lands of the State of Louisiana," &c., approved 30th of April, 1853, and to appropriate the sum of three hundred thousand dollars to carry out the provisions of this act.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the first section of an act entitled "an act to reclaim and drain the Swamp and Overflowed Lands donated to the State of Louisiana by Act of Congress, entitled 'an act to aid the State of Louisiana in draining the Swamp Lands therein,'" approved on the 30th April, 1853, be so amended as to read as follows: That the State shall be divided into four levee and draining districts.

Sec. 2. Be it further enacted, &c., That the second section of the above recited act be so amended as to read as follows: That all that part of the State south of the thirty-first degree of north latitude, and east of the Mississippi river, shall constitute the First District, and all that part of the State south of the thirty-first degree of north latitude and west of the Mississippi river, (except the Parishes of Rapides and Avoyelles,) shall constitute the Second District; the Parishes of Avoyelles, Rapides, Natchitoches, Bienville, Claiborne, Bossier, Caddo, DeSoto, Sabine and Winn, shall constitute the Third District, and the Parishes of Concordia, Tensas, Madison, Carroll, Morehouse, Union, Ouachita, Jackson, Caldwell, Franklin and Catahoula, shall constitute the Fourth District.

Sec. 3. Be it further enacted, &c., That the third section of the above recited act be so amended as to read as follows: The Governor shall appoint a Commissioner for each District, who shall be a resident of the district for which he is appointed. The four Commissioners shall constitute and be called by the name of the "Swamp Land Commissioners," and shall hold their office for the term of two years, dating from the 30th April, 1853, and until their successors shall be qualified; provided the said Commissioners or either of them may be removed by the Governor, whenever he may deem it expedient.

Sec. 4. Be it further enacted, &c., That the Governor shall have the power to fill any vacancy in said Board of Commissioners, caused by death, resignation or otherwise.

Sec. 5. Be it further enacted, &c., That each of said Commissioners before entering upon the duties of his office, shall give a bond to the State of Louisiana, in the sum of five thousand dollars, with two securities, said bond to be approved of by the Governor of the State, conditioned for the faithful performance of his duty, and the Secretary of State shall administer to him the oath of office, prescribed in the Constitution of the State.

Sec. 6. Be it further enacted, &c., That the said Board of Commissioners shall meet at the town of Baton Rouge on the first Monday in May next, and every three months thereafter, and oftener if by them deemed necessary.

Sec. 7. Be it further enacted, &c., That said Commissioners shall be and are authorized to make all by-laws and regulations that may be necessary for their proper organization, they shall select one of their members as President, and shall have a Secretary who shall keep a journal of their proceedings, and they shall fix the compensation of their Secretary, provided he shall not receive more than five hundred dollars per annum.

Sec 8. Be it further enacted, &c., That it shall be the duty of said Commissioners, at their first meeting, and every two years thereafter, to appoint a competent Engineer for each of said Districts, who shall hold his office for two years, dating from the 30th April, 1853, subject, however, to be removed by a majority of said Commissioners.

Sec. 9. Be it further enacted, &c., That each of said Engineers shall receive a compensation for his services at the rate of twenty-five hundred dollars per annum, payable quarterly.

Sec. 10. Be it further enacted, &c., That it shall be the duty of the said Engineers, in their respective Districts, to determine the locality, extent and dimensions of the necessary levees and drains to drain and reclaim the swamp and overflowed lands of the State. Nothing in this act shall be so construed as to authorize the said Commissioners to employ the Swamp Land Funds in the repairing or reconstruction of established levees along the banks of the rivers and bayous of this State, it being the true intent of this act to supply the deficiencies in the system of levees along the principal water-courses, and thereby assist in the reclamation and draining of swamp lands; but whenever any levees shall cave in or be destroyed by the action of the current, or whenever it shall be in such condition as, in the opinion of three adjoining freeholders, or a majority of them, that

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the same ought to be renewed and repaired by the Swamp Land Commissioners, then the proprietor of said levee shall have the right to notify the Commissioner of the Swamp Land District of the same, whose duty it shall be to send his Engineer to locate the said levee, and have the same constructed under the provisions of this act; and provided further that one-half the cost of said levee be collected from the proprietor or parish before the work is contracted for by the Commissioner or Engineer; and provided, also, that when any parish is liable for the construction of any levee or levees, said parish, instead of the proprietor, shall be compelled to pay the one-half of the cost specified in this section; provided, that when any objections shall be made by the proprietor of the lands where the levee is to be made as to the locality of said levee, then the same shall be fixed by said Engineer in conjunction with three land holders, to be taken from amongst the nearest neighbors to said proprietor, selected, one by the proprietor, and the other by said Engineer, and the third by the two others selected.

Sec 11. Be it further enacted, &c., That it shall be the duty of each of said Engineers to lay off his District into as many levee wards and draining districts as circumstances may require, and to make a full and detailed report thereof to the Commissioners, at such time as they may require.

Sec. 12. Be it further enacted, &c., That all levees built or repaired under the provisions of this act, except when such repairs or constructions are in progress, shall be under the exclusive supervision of the parochial authorities, provided that on the recommendation of the majority of the Swamp Land Commissioners the Legislature may adopt certain levees recommended by said Commissioners, to be supervised and maintained out of the Swamp Land Fund.

Sec 13. Be it further enacted, &c., That it shall be the duty of each Commissioner, in his own district, after the formation of the levee wards and draining districts, to let out the making or repair of such levees or drains as the Board of Commissioners may order, to the lowest bidder, after sixty days notice thereof in some newspaper published in the parish in which the work is to be done. If no newspaper is published therein, then notices posted up at three public places in said parish, one of which shall be at the Court House. All works to be let out at a stipulated price per cubic yard. Provided, that the Commissioner be authorized to reject all bids when he considers them unreasonable, the parties incompetent or the securities insufficient; provided also, that the Commissioners shall in no case accept a greater price than shall have been previously fixed by the Board of Commissioners, and not exceeding ten cents per cubic yard, for all levees up to four feet in height, and one cent per cubic yard additional for every foot in greater height of levee.

Sec. 14. Be it further enacted, &c., That it shall be the duty of each of said Commissioners to take of every person or persons who may undertake any work contemplated by this act, a bond with adequate security, conditioned for the faithful performance of said work undertaken; said bond to be in a sum equal to the supposed value of the work to be rendered, or sufficient to insure the completion of the work, and made payable to the Commissioners, and recoverable before any competent Court of the State, and when recovered, to constitute a part of the Swamp Land Fund. And it shall be the duty of the Commissioners to cause, as far as practicable, within their respective districts, accurate plots in form of townships to be made, showing in colors the swamp and overflowed lands belonging to the State, in order that the Legislature may be in possession of full information with respect to the swamp land domain, and that they may judge of the fidelity of their officers in the creation and construction of levees herein authorized. Provided, that nothing herein shall be construed as to authorize the Commissioners to obtain from the General Land Office duplicates of township maps now in possession of the Land Register of the State.

Sec. 15. Be it further enacted, &c., That it shall be the duty of said Commissioners to require all contracts for the building of levees and repairs thereto, to be completed by the first Monday in December of each year.

Sec. 16. Be it further enacted, &c., That the Road and Levee Inspectors are hereby empowered within the several parishes to call out to work on the levees therein, in case of a crevasse or threatened crevasse, all the male slaves above the age of fifteen years and under sixty, or so many thereof as may be deemed necessary, whose owners reside on the same side of the river or bayou within seven miles of the threatened danger; provided, that this shall not apply to any person being on high lands, that is, lands not alluvial, and whenever the owner of said slave or slaves, or his agent or overseer, shall refuse or neglect to furnish the slaves required by the Engineer or Inspector, then, in that event, the said owner shall pay five dollars per day for each slave not sent under said requisition, said amount to be due to said Commissioners, and recoverable in their names before any competent Court, and to be paid into the Treasury of the State and constitute a part of the Swamp Land Fund. That whenever any slave or slaves may be furnished upon the requisition referred to in this section, the owner of the slave or slaves shall be entitled to demand and receive as compensation for his or their services at the rate of one dollar and fifty cents per day for each and every slave, payable out of the Swamp Land Fund, except the owner of the land upon which the crevasse occurs, or threatens to occur, who is not to be considered as entitled to the compensation allowed by this section; and provided further, that in all cases when slaves are thus called out, the Inspector shall call upon all owners of slaves within the above mentioned distance in proportion to the number of the above described slaves owned by such proprietor, he being bound to furnish necessary tools and provisions; provided the said compensation shall only apply to works constructed under the provision of this act; provided further, that if in the opinion of the said Inspector the slave labor called out as aforesaid is not sufficient for the exigency of the case, the said Inspector is authorized to employ such additional labor as he may deem fit, the wages of which labor shall be chargeable to the Swamp Land Fund, and shall be paid by said Commissioners on the presentation of the proper vouchers by the Inspector.

Sec. 17. Be it further enacted, &c., That it shall be the duty of the Engineers as far as practicable, to superintend the making and repairing of all levees and drains within their respective districts, which may be ordered by the Board of Commissioners, to make out the cost of the same when completed, to whom due, the items thereof, and to certify the same to the Commissioners.

Sec. 18. Be it further enacted, &c., That all works done, and expenses incurred under this act, shall be paid for by the Commissioners out of any

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monies in the Treasury of the State arising from the sales of Swamp Lands; provided, that the funds arising from the sale of the Swamp and Overflowed Lands shall be divided by the Auditor of Public Accounts among the several districts, in the following proportions, viz:

To the First District 7–32.
To the Second District 11–32.
To the Third District 6–32.
To the Fourth District 8–32.

Sec. 19. Be it further enacted, &c., That all expenses incurred under this act shall be paid by the Auditor upon the warrant of the commissioners; provided, that no warrant shall be paid unless signed by a majority of the commissioners.

Sec 20. Be it further enacted, &c., That each of said commissioners shall receive a compensation for his services at the rate of fifteen hundred dollars per annum.

Sec. 21. Be it further enacted, &c., That it shall be the duty of each of said commissioners to supervise the acts of the Engineers in his district, and to examine all the works made or to be made under the provisions of this act, within his district.

Sec. 22. Be it further enacted, &c.. That the commissioners shall, on the first day of January of each year, report to the Governor of the State all their official transactions, and recommend the adoption of such means as to them seem necessary for the protection of the alluvial lands from inundation, and the draining and reclamation of the same. The Governer shall transmit their report, with his message to the General Assembly at each session thereof.

Sec. 23 Be it further enacted, &c., That all the debts contracted and salaries for services rendered in carrying out the provisions of this act, shall be paid out of the sales of the swamp lands, and no debt contracted under the provisions of this act, shall ever become a charge on any other funds in the State Treasury than those arising from the sale of swamp lands.

Sec. 24. Be it further enacted, &c., That neither of said commissioners, nor any of the engineers or other agents appointed by them, shall, in any manner whatever, have any interest in the contracts made under the authority of this act, under the penalty of a removal from office and the forfeiture of the amount due to them respectively.

Sec. 25. Be it further enacted, &c., That it shall be the duty of the commissioners at their several meetings to order the most important works under this act to be done in preference to others of less importance, and each commissioner, in the event of any great public emergency or imminent danger from overflow, to any portion of his district, shall be and he is hereby authorized to use, upon the recommendation of the engineer of his district, such means as may be required to avert such danger and to protect the interest and safety of the alluvial lands.

Sec. 26. Be it further enacted, &c, That the Governor is hereby authorized to withdraw from sale any portion of the Swamp and Overflowed Lands, on which the Swamp Land Commissioners contemplate making improvements, whenever he may deem the same necessary for the public interest.

Sec. 27. Be it further enacted, &c., That in order to carry out the provisions of this act, the sum of three hundred thousand dollars be, and the same is hereby appropriated from the funds which have been, or may be paid into the State Treasury from the sale of Swamp and overflowed lands, which sum; shall be disbursed on the warrant of a majority of the Swamp Land Commissioners, approved by the Auditor of Public Accounts; provided, that neither of the Swamp Land Commissioners shall contract to pay for a larger amount of work in his district, or draw warrants for a larger sum of money than the proportion to which his district is entitled, in accordance with the division of the Swamp Land Fund, as provided for in this act.

The first section being under consideration—

Mr. Moore said—

I will move an amendment. I am told we cannot amend the bill in time for it to pass. I do not believe it. We ought not to pass anything wrong, simply because the other House has passed it. The bill before the Senate is no better than the present system. It is simply a reproduction of the cumbrous machine, which has been found so ineffective that it would scarcely work at all. By the bill we are to have four Commissioners and four Engineers. But there is no necessity to have four Engineers to meet here in Baton Rouge. My amendment, if adopted, will result in a saving to the State of $10,000 a year. This great fund might be so used as to prove a blessing to the State: but it can never accomplish anything if it be squandered in the payment of exhorbitant salaries. There seems, however, to be a desire to spend it all in the payment of salaries. Why cannot we get Engineers, without having four officers interposed between them and the Governor. I propose to amend the bill by striking out the word "Commissioner." My amendment was presented to the Committee and met with favor. It was proposed to elect the Commissioners by the people. I can say I am in favor of that mode, and I was instructed to amend my bill in that way I shall now try to show in what respect the House bill is the same as the present, and where it differs. The first exception to the late, or rather, I should say, the present law, is that there are to be four Commissioners instead of three. The third section contains a proviso, which confers on the Governor the power of removal. That is not contained in the late law. The 4th section is the same; the 5th is the same; the 6th is the same; the 8th is in some measure an exception, as it limits the appointment of the Engineer to two years Section 9th also contains an exception, as it reduces the salary of the Engineers from $3000 to $2500 per annum. The 10th is the same, excepting the provisions at the end, which may be salutary. Section 11th is the same as the present law. The 12th contains a very salutary provision. It is this—

Sec. 12. Be it further enacted, &c., That all levees built or repaired under the provisions of this act, except when such repairs or constructions are in progress, shall be under the exclusive supervision of the parochial authorities, provided that upon the recommendation of the majority of the Swamp Land Commissioners the Legislature may adopt certain levees recommended by said Commissioners, to be supervised and maintained out of the Swamp Land Fund.

It will be seen that the law provides that the levees when once made, shall be under the supervision of the parochial authorities The 13th is the same to the 16th line, excepting that the word Engineer is used instead of Commissioner. By the late law this was imposed on the Commissioners. It has a proviso which may be salutary, but it also contains a clause which will prevent any levees being built under this bill. None can be built for ten cents; the lowest price is 15 cents.

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The 14th section differs. This makes it the duty of the Commissioner to cause to be made plots, showing the swamp lands, &c. Now, what is the use of this, when all this is shown by the plots in the land office below. Let them go there and procure them. Why waste the fund in this way? The 15th is the same with a slight exception The 16th is the same except the proviso at the end. The 17th is the same with the exception of two or three words. Here it says that the Engineer must superintend all levees recommended by the Commissioner. This is very proper. The 18th is very properly changed. The 19th section is the same as the 21st of the present law; the 21st is the same as the 22nd, the 23rd as the 24th, the 24th as the 25th, the 25th as the 26th They have added to the bill the 26th section, which is a very good one. For that section I should vote with very great pleasure. At the end of the bill $300,000 is appropriated. It might as well have been put in the General Appropriation Bill. The lowest sum for which the bill can be carried into effect will increase our expenses $8000. The Commissioners have some privileges of payments for traveling expenses, &c By the reports which have been laid before the Legislature, $2000 have been expended for travelling expenses during the year. If they are to be permitted to charge for every hill and corner they visit the expense will be enormous. The proper way is to give a specific sum which shall be just and reasonable. In my bill $200 is allowed. I have no desire to say much on this subject, already having expressed my views on a previous occasion. We have a law now which is about as bad as it can be. So much is not needed for each person for travelling expenses, yet they are permitted to take just what they please. For my part, I shall never vote for the bill as it stands. I consider it a monstrosity, as bad as even the present law, which is about as bad as can be imagined. Each Engineer and Commissioner construes the law just as he thinks proper. which may occasion confusion, that would be ridiculous were not injurious. I shall move to strike out the three first sections of the bill, and to insert in place them the first section of my bill. On that motion I shall call for the yeas and nays.

Mr King—

It would be almost useless for me to explain my views on this matter, as every Senator must know them by this time, yet I should desire to say a few words more, as the subject is one of sufficient importance to warrant the most elaborate discussion. By the amendment of the Senator from St. Martin, we should certainly get rid of much expense, and to that extent we should fulfill the important requisite of economy. I will state that the bill which passed last year was sprung upon the Senate at a late hour. The cry was that there was not time to make anything better, or to improve that one, and it was rushed through in most indecent haste. Now we are again told, unless we pass this bill, it will be too late to do any. I, sir, will not give up my views for such a threat as that. I will not consent to abandon my belief, and accept what I think wrong, merely because a gentleman may choose to tell me that it is too late to do better. I do not think this bill ought to be passed at all. It is no improvement on the present system, which every one acknowledges to be totally inefficient. The letter from St. Martin has shown that it contains expressions which will prevent any levee being built by the State. This bill proposes ten cents a yard for building levees, when the Grand Levee cost twenty cents a foot. This is one fatal objection to the bill, apart from the defective principle on which it is based. Shall we then pass the bill, simply because we are told that the other House will accept no other? There is also an objection to that section which relates to plots, surveys, &c. But let me read it. The concluding clause says:

"Provided that nothing herein shall be so construed, as to authorize the Commissioners to obtain from the General Land Office, duplicates of township maps, now in the possession of the Land Register of this State."

Here it will be seen that the Commissioners have not only to do a useless thing, but they must make original surveys, not being permitted to avail themselves of those already made. Every member knows that to do a work of this kind would cost a great deal of money. Yet we are told that we must pass this bill just as it is, because the Lower House will have no time to consider an amendment. If we pass this bill we shall spend our money without affecting anything; our swamps will remain undrained, our levees unbuilt. The honorable gentleman from St. Martin, (Mr. Moore) has well characterized the bill as a monstrosity. I shall not vote for any such bill, under the coercion of any such threat as that which has been used in order to compel us to accept it, whether it prove advisable or not It would be much better for us to exercise our own judgment, irrespective of that of the House.

Mr Pugh—

The position which I took last year in relation to this question is the one which I occupy now. I object to the bill entirely. I shall not support any bill which does not carry out the provisions of the Constitution The circumstances of the last few days make it more than ever necessary to adhere to the Constitution. I repeat, that I shall never vote for any bill that does not carry out articles 130 and 131 of the Constitution; but for such a bill I will vote with pleasure. But that must be with me a preliminary requisite.

Mr. DeRussy—

I readily acknowledge that some few of the sections of this bill might profitably be amended; but the objections which may be urged against it are not of so capital a nature as to make it a bad bill. It should be passed now, because we have no time to amend it, so that it can return to the other House, and go through the necessary form before the adjournment. It would be just as easy to go back and make a new bill. We are now within less than four days of the end of the session, and we absolutely have not time to amend the bill. A new subdivision of the land would take more time than we have to spare.

Mr. Moore—

My subdivision is the same as that of this bill.

Mr. DeRussy—

What is the use of it then?

Mr. Moore—

We want only Engineers, not two sets of officers.

Mr. DeRussy—

It is too late for such objections to be urged. An objection has also been made to the price allowed for building levees. I thought myself it was too low. But the Commissioners fixed the price, and they should know for what price they can get the work done. We have been told that the Grand Levee cost twenty cents a foot; but that was the maximum for buiding levees four feet high, and one cent for every cube foot. The levee alluded to by the gentleman is eight or ten feet high, so that

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it is not strange it should have cost twenty cents. The way I have stated is the proper way of estimating the cost. The Commissioners think they can get it done for the price stated in the bill. There is another objection in reference to plots of the lands. The section reads thus:

Sec. 14 Be it further enacted, &c., That it shall be the duty of each of said Commissioners to require of every person or persons who may undertake any work contemplated by this act, a bond with adequate security, conditioned for the faithful performance of said work undertaken; said bond to be in a sum equal to the supposed value of the services to be rendered, or sufficient to insure the execution of the work, and made payable to the Commissioners, and recoverable before any competent Court of the State, and when recovered, to constitute a part of the Swamp Land Fund. And it shall be the duty of the Commissioners to cause, as far as practicable, within their respective districts, accurate plots in form of townships to be made, showing in colors the swamp and overflowed lands belonging to the State, in order that the Legislature may be in possession of full information with respect to the swamp land domain, and that they may judge of the fidelity of their officers in the creation and construction of levees herein authorized. Provided, that nothing herein shall be so construed as to authorize the Commissioners to obtain from the General Land Office duplicates of township maps now in possession of the Land Register of the State.

Now, what are plots? The Surveyors, in the course of their journeys, pass by every marked tree, and get to know every one of them in a township. He puts all this down in his note book, to be made use of afterwards. By one section of the bill, the Governor is authorized to withdraw from sale such lands as he thinks necessary How can he do it if he have not something to go by? The bill does not require accurate surveys to be made over again, as gentlemen seem to think. These are trifling objections, yet sufficient to defeat the bill if pressed. And let me ask, how long would it take the House to make a new division? There are many malcontents who would not be willing to make another division, even to save the bill. I admit, also, that an enacting clause is necessary, but that can easily be added. I repeat that the objections which have been urged are not sufficient to warrant us in running the risk of losing the bill. I move to lay on the table the amendment of the Senator from St. Martin.

Mr. Palfrey—

I move to lay the bill and amendment on the table.

The amendments were laid on the table.

Mr. Palfrey—

I now move to lay the whole bill on the table.

Mr. Hodge—

I should like some friend of the bill to explain the advantage which the bill possesses over the present system.

Mr. Wickliffe—

It make four districts, and divides the fund into four parts.

Mr. Hodge—

This will only be adding another to the number of those who are already sucking from the public treasury.

Mr. DeRussy—

I will give to the gentleman the information which he seeks. The third district is too large. One Commissioner cannot superintend it. For that reason it has been thought necessary to diminish the size of the third district by dividing it into two.

The motion to lay the bill on the table was lost.

Mr. Wickliffe—

I move the adoption of the first section, and call for the previous question.

The Secretary called the roll. On Mr. Trudeau's name being called, he said—

I vote "no," because the bill is not in accordance with the requirements of the Constitution.

Mr. Hodge offered certain amendments.

Mr. Wickliffe—

The reasons I shall vote against the amendments are these: The bill is a compromise of the House; indeed it was with great difficulty that that body could pass any bill at all. If any change be made, we shall not be able to come to any agreement with the House.

Mr Hodge—

I will say a word on this subject. It will be found that by the 16th section a distribution of the fund is made. By that distribution great injustice is done to the parishes comprised within the third district. I move to strike out Avoyelles and DeSoto, in order to make that district so much the smaller, and the next one so much the larger, and thus reserve something like equity between them. The distribution is far from being made justly by the bill. To the second district nearly one half of the whole fund has been given. There is a great disproportion between the division of the fund and the work to be done. Will any one assert, that there is as much land unreclaimed and not leveed in the second district as in the third? The whole extent of Red River, so far as it flows within the State of Louisiana, is included in the third district. Both sides of it require to be leveed, making a total of nearly 900 miles on Red River alone. The amount of swamp land in the different districts is not in proportion to the distribution made of the fund. No one can say that there is as much swamp land in the second district as in the third. In the third district there is but a small amount of land entered, so that there is so much the more not reclaimed. The fund should be distributed, not for the benefit of those who own plantations, but to reclaim and drain the swamp lands belonging to the State. It is the duty of the State to reclaim the public overflowed lands. What has been the practice? And what is the effect of the bill? It is purely an individual system and as such I denounce it. $50,000 are appropriated for the benefit of planters, and not for the purpose of leveeing and draining the swamp and overflowed lands. This is radically unjust. I call on Senators from the third district to stand by me in my opposition to a bill that does so much injustice to the section they represent. Let us insist on a fair apportionment. The bill gives us the largest district and the smallest fund: this is manifestly unjust. In our district is Red River, and its vast quantity of overflowed lands; besides much other lands to be leveed and drained; yet they give us not a greater portion of the fund than to the districts in which New Orleans is situated, though no one will contend there is as much work to be done in that district as in ours. They give Red River what they wish—not what she is entitled to In the second district, nearly all the alluvial lands are protected, and of course does not need so large a proportion of the fund. Yet to that district as much is given as to the third. Of course, the second district, which benefits by it, will support this bill; so will the

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city of New Orleans, to whose district, though it contains so few unleveed lands, 7-32 are apportioned. This is certainly more than she is entitled to, and of course she will support it. We of Red River must take just what they choose to give us. I opposed the bill of last year on account of similarly unjust apportionment. The third district contains twice as much overflowed and swamp land as the second, yet they receive an equal or nearly an equal amount; to the second 6-32, and to the third 7-32 are given. I tell Senators from other districts, that the only ground on which they can support this bill, is that they want their plantations protected. I should like to see them protected; I should like to see them relieved of the danger of inundation; but that was not the purpose for which these lands were granted to us by Congress.

Mr. DeRussy—

As a resident of the third district, I certainly should feel as much interest in it as the gentleman from Caddo, yet I do not share his opposition to this bill. The division of the fund is not proportioned to the actual area of the districts, but to the work necessary to be done, which depends to a great extent on the height of the levee to be built. I think the apportionment is as fair as it could be made. The gentleman says that the Mississippi front in the second district is well protected. Has he taken the back lands into consideration? I think he cannot have done so. I repeat, that the estimate for a division of the fund is not based on the area, but on the elevation of the necessary levees. If the gentleman will take into consideration the height of the inundations on the two districts, he will find that the inundations are not so high on the Red River, and consequently, that we are not compelled to make our levees of so great an elevation. I gave full reflection to this subject last year. The bill of last year divided the fund thus: To the first 3-8; to the second 2 8; o the third 3-8. The bill gives to the first 11-32; to the second 7-32; to the third 8-32, and to the fourth 6-32. It will thus be seen that we of the third district have actually gained on what was given to the old third district; now the third and fourth. We have now 14-32 against 11-32 last year. We have therefore gained and not lost. It we do not adopt the bill we remain just where we were. The gentleman's objection is certainly ill-founded.

Mr. Hodge—

The third and fourth together have 14-32, but re are now on the third.

Mr, DeRussy—

The gentleman then objects to a division, by which we get more than we had before. I frequently spoke with the gentleman on the Committee, in relation to the arrangement of this ill, and as one interested, I must say that I am atisfied. I concur, therefore, in the motion to y the motion on the table.

Mr. Hodge—

Is the Senator familiar with the history of this ll in the House?

Mr. DeRussy—

I am.

Mr. Hodge—

Does not the gentleman know that the first and cond agreed to give to the third only just what ey choose?

Mr. DeRussy—

I have not. Nor does it seem probable that sh is the case, when the two districts composing the old Third District have 14-32 instead of 11-32, which they had last year.

Mr. Hodge—

But the third has not as much. I have not as yet heard any argument to convince me that New Orleans should have 7-32, and the third district only 8-32. I do not see why New Orleans should be preferred to Red River. The bill is unjust to the Red River district, and I am astonished that any gentleman from that section can support it.

Mr. DeRussy—

The First district gets only 7-32, which is less than one-fourth of the whole. Last year it received a quarter. The old third gets 14-32.

Mr. Hodge—

Where do the 6-10 go to? Not to Red River, but to the other district, now called the fourth.

Mr. DeRussy—

I have shown that Red River is increased 1-32.

Mr. Hodge—

I do not see how.

Mr. DeRussy—

I have already made the explanation. If the gentleman desires to find it out, let him make the calculation, and he will see that I am right. It is true that the new third district does not get all that was given up by the first and second, but it gets more than the proportion it received last year, taking the same parishes into account. If we disturb this division we shall not have time to make another.

Mr. Hodge—

By the last law the third district would have been entitled to 12-32. That district contains more swamp lands than any two of the others.

Mr. DeRussy—

No, sir.

Mr. Hodge—

I should like the gentleman to state the proposition.

Mr. DeRussy—

I am indebted to a gentleman who is well informed on the subject, and for a statement of the comparative area of swamp lands in each district, which he has just handed me. The first district has 400,000 acres.

Mr. Hodge—

I would ask the gentleman if that is all swamp and overflowed land.

Mr. DeRussy—

Yes; the statement is from the office below.

Mr. Evans—

Is it public land, or does it belong to individuals?

Mr. DeRussy—

I do not know. But the quatity of swamp land is thus: First District, 400,000; Second, 5,000,000; Third, 1,700,000; Fourth, 2,400,000 acres. I would again state, that the estimate of the cost of levees is based on their elevation.

Mr Hodge—

Does the gentleman not know there is as much land overflowed on Red River as on the Mississippi, in Louisiana? In 1849, there was not a dry inch of land along the river.

Mr. DeRussy—

1849 was an extraordinary year. I have never known such an inundation as that on Red River. But to make a fair comparison, we must put the two sections in the same position. We must consider the relative amount of damage that would be done on each were they both equally unprotected. The great overflow of 1849 was not comparable in point of damage to one on the Mississippi equally unguarded against.

The section was adopted.

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Mr. Palfrey—

I now ask permission of the Senate to change my vote on the first section of the bill. My attention was called off at the moment, the vote was taken, and I did not pay that attention which perhaps I ought. I have no objection to the first section. I would rather appear on the record as voting for it than not.

The second section was then taken up.

Mr. King—

I wish to offer an amendment, which will, if adopted, change the whole character of the bill. I propose to elect the Commissioners by the people. On behalf of that principle I have already expressed my views. I belong to a class of politicians who believe the people are capable of taking care of themselves, and of electing their own officers. I have heard much said of the one man power, and of the dangers which would threaten us were we to adopt the system contained in the bill which I submitted to the Senate. Terrible pictures were drawn of the horrible results which would ensue, and it was even insinuated that the people were not capable of electing such a class of officers. But even now, under another system, we see the Swamp Land Fund going to ruin. If the people had something to do with the election of these officers, I believe it would make them more careful.

Mr. Lacoste—

When the people elected a Governor they did not wish to deprive him of all power. I therefore move to lay the amendment on the table.

Mr. Moore—

I have already explained my views on this subject. I too am in favor of an election by the people. It is not only Democratic, but it is good Whig doctrine, which I have already stated is the true Democratic party. In proof of this I can adduce the Constitution itself, which makes these officers elective. I have confidence in the people. I believe they will select officers as good if not better than the Governor will appoint. If we give the election to the people, the fund will not be squandered as it has hitherto been.

Mr. Wickliffe—

There is an old saying, that time changes all things –

Tempora mutanter et nos mutamer in illis.

It is fortunate that the art of printing was invented, so that we are enabled to detect and expose the inconsistencies which might otherwise escape our memory, or be hidden from our view. As an illustration of this, we have only to refer to the recorded debates of the Louisiana Senate, of the year 1853. By these it will be seen that the distinguished gentleman who now professes such love for the dear people; such confidence in their judgment and capacity, that they will be certain to elect the best officers, then entertained very different sentiments. I will read an extract from a speech delivered by that gentleman at the last session. (Here Mr. Wickliffe read an extract from the debates of 1853.) Now, sir, if a board composed of four members would be impracticable, when elected by that dear people, for which the gentleman professes such boundless love; would not a board of the same kind be impracticable now? Will the gentleman explain this contradiction—will he reconcile this discrepancy? Will he say that the principle is changed, because we have abolished those articles of the Constitution which directed the establishment of a Board of Public Works? Does he not know that some of us who voted against it last year, did so for the purpose of getting a system for our swamp lands? Does he not know that this Senate is determined to concur in anything that may be done by the other House? (Here Mr. Wickliffe read another extract.) This is what the gentleman then said on the subject. What has wrought the wondrous change? Is not the Governor, who is a practical engineer, accomplished in his profession, is he not as capable of selecting this class of officers as the people? I think he is; and I do not believe the people have the slightest desire to interfere in the matter; they are perfectly willing to trust the matter to the Governor, in whom they have already expressed their confidence.

Mr. King—

Charges of inconsistency are easily made; though, perhaps, not always as easily proved. The Senator from West Feliciana, who has just addressed the Senate, has attempted to convict me of inconsistency in the course I have pursued in reference to our internal improvements. I can meet his charge by a direct denial. No change has taken place in my views, and therefore there would be no necessity for the explanation which the gentleman has so loudly demanded. It is true that I was opposed to the Board of Public Works, and I am opposed to any Board for such a purpose. I have said so forty times, and I now repeat it. But my objection was to the Board as a Board; not to the mode of its election. I am not willing to take from the people their right to elect their own officers. The right which God gave, man should not take away. But though I can successfully repel the charge of inconsistency which the gentleman has brought against me, I do not believe he could so easily escape conviction on the same accusation. The gentleman has frequently rhapsodized on this floor, on the perils of the one-man power—of its dangerous results, and its oppugnation to our institutions. Yet the gentleman favors, and even urges a bill which increases the already large patronage of the executive, by throwing into his hands the appointment of a number of important officers. Let the gentleman explain this charge—let him reconcile this discrepancy. Here, sir, is a real, not an imaginary inconsistency—here is a case in which a man's batteries may be most successfully turned against himself. The Governor is not invested with this favor by the Constitution. It was not thought of by the Convention. When my bill gave to the engineer the power to appoint his assistants, much was said about the one man power—about the danger of committing so much to the hands of one person. Now, the same gentleman who was so sorely troubled with the very idea of confiding such power to a single man, wishes to give the appointment of all the officers to the Governor, who has already more power than any man in the State. Let the gentleman explain this inconsistency if he can. So far as my record is concerned, I am perfectly satisfied with it. In all that I have said on this question, I cannot call to mind anything that I could wish unsaid. I believe there are many who wish they had agreed with me now, and adopted my suggestions. My votes are before the Senate, and I believe that I can present as clear a record as any of its members.

Mr. Wickliffe—

Consistency has very little to do with the question. I only said that times change, and men change with them. I would merely ask the gentleman how he voted on the proposition of the Senator from Caddo to make the Commissioners elective. By the printed debates, he is reported as

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saying that the system would thereby be rendered inoperative, by reason of the election by the people who would select men of different parties; different prejudices and different local attachments, and therefore liable to be operated on by different and adverse influences. Yet, the gentleman thinks it strange that I should have opposed that bill of abominations which he introduced—a bill which placed the whole Swamp Land Fund under the control of one man. The Governor, of whom the gentleman seems to entertain such horror, has no such power. I have an abhorence of the one man power, just as I have of that demogogical cry of love for the dear people, which is sometimes indulged in by Senators, who should have more respect for the intelligence of their auditors.

Mr. King—

Gentlemen can judge on which side lies the inconsistency. I am perfectly willing to submit that question to the Senate. The Senator attempted to show that I had been inconsistent, by reading from my published speeches; but he failed in the effort, because there was no inconsistency there. I regret that the Senate has been troubled with a little personality of this kind. It never should have arisen with my consent. The past course of any individual has nothing to do with the question before the Senate. That should be discussed on its own merits. Whatever may have been the past course of any Senator cannot affect the discussion. The sins of omission or commission, of which any gentleman may have been guilty, should not be brought before the Senate. They are not legitimate subjects of discussion, and are still less legitimate arguments.

Mr Lacey—

I desire to put on record the reasons which induce me to vote against the amendment.

Mr. Ryan—

I vote against giving the powers to the Governor, no matter what may be the consequence.

Mr. Kenner—

I wish to know if it is the determination of the majority not to permit any amendments to be made, on the plea that there is no time. If so, I shall leave the hall and attend to other affairs.—This is a most important bill. On it depends to a great extent the prosperity of the State. It is an experiment which may or may not succeed; but at all events it is an experiment. Shall it be said there is no time to amend or improve it? That, sir, is no way for the Louisiana Senate to legislate. We should consider this bill solely on its own merits, without reference to any opinions we may suppose the House to entertain. The interests involved in this bill are too vast to be disposed of in so summary a manner, that we cannot be permitted to amend, scarcely even to discuss it. I warn the Senate not to give way to such a motive for if made a precedent it gives an excuse for all kinds of bad and hasty legislation.

Mr DeRussy—

What the gentleman says merits a word in reply. There are no capital objections to this bill. It has been discussed and the objections urged against it are of so trivial a nature as not to justify asking the defeat of the measure. They have been answered, I think, to the satisfaction of the Senate. If there are any capital objections to the bill, I should certainly not vote to amend it.—The most objectionable section has already been altered—it is that referring to plots of the lands. The objection urged to that was that it would be necessary to make surveys which would prove expensive. I showed that the section had no such object. The Surveyors must make cleared plots only.

The bill authorizes the Governor to withdraw lands from market when he considers it expedient to do so. These will be lands which are much improved and for this purpose the Governor must have something to go by Every Surveyor knows what marked objects he passes. There are hundreds of them, and by means of these he could mark out places for future levees and other operations. Another reason in favor of this is, that if it be not done now it cannot be done next year.—This bill has been carefully considered. The most important portion of it is that referring to the distribution of the fund. This has been done fairly and can give no reasonable cause of complaint to any section. Legislation is annual. If any change be necessary it can easily be made. If we annul the bill by altering the geographical distribution of the fund, it will never come back to us The House would not be willing to change the order they had adopted. I believe the calculation made by the Senator from St. Martin is correct. I trust to him implicitly, and would submit my judgment to his. I am confident that all objections to this bill can be explained. I hope Senators will vote for it; it is a good bill and ought to pass.

Mr. Defreese—

The amendment which I offer is a substitute for the section under consideration. In regard to what has been said by the Senator from Ascension, I fully approve it. It would be the proudest act of my life to follow him from the Senate chamber under such circumstances.

Mr Wickliffe—

I move to amend that by inserting that all persons employed to build levees be elected by the people

(Mr. Wickliffe afterwards withdrew his amendment.)

Mr. Martel—

I do not vote in favor of the bill for any other reason than that I think it a good bill, which will subserve the interests of internal improvements and also of my constituents.

The amendment was rejected. The 2d, 3d. 4th and 5th sections were adopted.

The 6th section was taken up.

Mr. Defreese—

I think the section is objectionable. I do not think we should make it imperative on them to meet at these times.

The section was adopted.

The 7th, 8th and 9th sections were taken up and adopted.

The 10th section was then taken up.

Mr. Kenner—

It would appear by this as if the proprietor could not build a levee if he wished unless he paid his half in money. It evidently bears that construction. I move to add these words at the end of the 15th line:

(Mr. Kenner here read the words he wished to have inserted.)

The object I have in view is very simple. We provide that one half be charged to the proprietor. That is fair. Every proprietor who cultivates lands will wish to pay his part in labor.

Mr. DeRussy—

I see no use in that. Suppose a crevasse takes place some distance from where the work is going on. The gentleman says he has now a right, instead of paying his half in money, to furnish hands.

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Mr. Kenner—

That is not what I said.

Mr. Wickliffe—

The section is better as it stands than as the gentleman proposes. It is intended to prevent the planter coming on the State to get not only his levee built, but his hands employed. There ought to be some check of this kind. If not, almost every planter would get his levees built by the State—furnishing labor himself—and making the State pay the cash. If he had to pay in cash he would not be so anxious.

Mr. Rivers—

The gentleman misconstrues the object of the amendment. So far from the payment operating as a check, it will have no such effect. Its real effect will be to prevent the riparian proprietor from making the levee. The amendment would permit the front proprietors to do their own work by furnishing hands. This the bill prevents.

Mr. King—

The amendment would not obviate the whole difficulty. The effect of the section is to put every levee on the river in the hands of the State.—I will satisfy gentlemen that it is so, merely by reading the section:

Sec. 10. Be it further enacted, &c., That it shall be the duty of the said Engineers, in their respective districts, to determine the locality, extent and dimensions of the necessary levees and drains to drain and reclaim the swamp and overflowed lands of the State. Nothing of this Act shall be so construed as to authorize the said commissioners to employ the Swamp Land funds in the repairing or reconstruction of established levees along the banks of the rivers and bayous of this State, it being the true intent of this Act to supply the deficiencies in the system of levees along the principal water courses, and thereby assist in the reclamation and draining of swamp lands; but whenever any levee shall cave in or be destroyed by the action of the current, or whenever it shall be in such condition as, in the opinion of three adjoining freeholders, or a majority of them, that the same ought to be renewed and repaired by the Swamp Land Commissioners, then the proprietor of said levee shall have the right to notify the Commissioner of the Swamp Land District of the same, whose duty it shall be to send his Engineer to locate the said levee, and have the same constructed under the provisions of this Act; and provided further that one-half the cost of said levee be collected from the proprietor or parish before the work is contracted for by the Commissioner or Engineer, and provided, also, that when any parish is liable for the construction of any levee or levees, said parish, instead of the proprietor, shall be compelled to pay the one-half of the cost specified in this section; provided, that when any objections shall be made by the proprietor of the lands where the levee is to be made, as to the locality of said levee, then the same shall be fixed by said Engineer, in conjunction with three landholders, to be taken from among the nearest neighbors to said proprietor, selected, one by the proprietor, and the other by said Engineer, and the third by the two others selected.

From this it will be seen that it is compulsory on the officers of the State to build the levees.—There is a small levee in Carroll parish called Diamond Island Levee. Every other part may be brought under the provisions of the bill. The neighbors of course will be interested in having the levee in their vicinity made stronger. In my bill, this branch of the subject was carefully considered and fully provided for. It did not commit this important duty to neighbors and interested parties, but to sworn officers of the State. You see the necessity of that. In some places the levees are built by the parishes—sometimes by a charge on the corporation. In different places different methods prevail.

This bill makes no provision for the compensation of the State for building the levees of individuals. If we do not do this we will be constructing levees entirely with our own money for the benefit of private individuals.

(Here Mr. King read an extract from the internal improvement bill.)

The Senate can judge how important that section is. Compare it with the bill now before the Senate. Look at another section of my bill.

(Mr. King here read that section of the Internal Improvement bill relating to the abandonment of lands to the State.)

This is another feature which has been omitted in this bill. By another provision of my bill the work may be let out in contracts, not to exceed a certain amount. This is in order to let the planter take a part. By these things Senators will see the impolicy of this kind of legislation. There is a section of my bill which I am sure every Senator will agree is much more effective than the bill now before us; yet I cannot get it adopted because the majority has determined to hurry this bill through without amendment, on the ground that it is too late.

Mr. Moore—

I wish to offer an amendment which is to be inserted after the 14th line.

The amendment of Mr. Moore was lost.

The amendment of Mr. Kenner was accepted.

Sections eleven and twelve were taken up and passed.

Section 13 was taken up.

Mr. Rivers—

I move to amend by striking from the 19th line, all after the word commissioner.

Adopted.

Mr. Moore—

I have another amendment to offer. Experience has proved the contract system to be the worst that can be adopted. The General Government has abandoned it and will never adopt it again. We ought to have sealed proposals. Then all parties offer to do it for what they think they can afford.

Mr. McCay—

Does not the proviso commencing in the 16th line, meet the gentleman's objections?

Mr. Moore—

No, sir.

Mr. DeRussy—

That is no objection. I think the section provides the best way of letting the work out.

Mr. King—

I give notice that I shall move the reconsideration of the vote on the 10th section.

Mr. Rivers—

Does the gentleman wish to defeat this bill?—He sees the Senate is in favor of this bill as it stands. I ask him, then, in all kindness, if his object is to defeat a measure which he sees to be a favorite of the Senate.

Mr. King—

I repeat that I shall move a re-consideration of the vote. If gentlemen want to meet me in debate on that section I am ready to place myself on the record.

Section 14 was taken up.

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Mr Moore—

The committee recommend to strike out all after the word "fund" in this section. I approve the recommendation. Those plots can be procured in the Land Office, and it is unnecessary to go to further expense. I therefore move to strike out all after the word "fund" to the end of the section.

The amendment was carried.

The section was then adopted and the next section taken up and passed.

The 16th section was taken up.

Mr. Trudeau—

I move to strike out the proviso that this shall not apply to parties living on the high lands. I do not see why the alluvial proprietors should be compelled to bear the whole expense.

Mr. DeRussy—

There is a wide difference between the two.—The high lands have nothing at all to do with it. I do not see why a man on the high lands should be compelled to disburse money for the benefit of one who has chosen his residence on the low lands.

The section was adopted.

The 18th section was adopted.

The 19th section was taken up.

Mr. King offered an amendment.

Mr DeRussy—

I think that change would produce delay. I do not apprehend any deficiency this year. It is best to wait for the Legislature next year to adopt means to supply the deficiency if any exist.

The amendment was laid on the table.

The section was adopted.

Also, the 20th, 21st, 22d, 23d, 24th and 25th.

The 26th section was taken up.

Mr. Moore—

I deem it my duty, as a member of the Senate, whenever I think I can better a bill, to move such amendments as I may consider necessary and proper. This bill ought to be altered in several respects. Look, for instance, at the reports, and see the enormous sums which have been expended for traveling expenses, much of it without any vouchers. To see how much of this was actually necessary, just consider that the commissioner of the third District had double the distance to travel of any, yet he did not spend more than half as much as the commissioner of the Second, and one-quarter as much as the commissioner of the First District. I move that the commissioners be allowed a certain sum for their traveling expenses, to be accounted for in all cases. By the reports $179 of money is put down. I venture to say if we go to the office we shall not find five dollars' worth.

Mr. DeRussy—

The only way to do is to allow mileage. I wish to have everything done as cheaply as possible, but we cannot rule the commissioners down to a specific sum. The commissioner of my district I believe is economical enough. He would not expend a cent not absolutely necessary. I will vote for a scale of mileage.

The amendment was laid on the table.

Mr. Wickliffe—

I wish to place the Swamp Land Commissioners before the public. The Senator was one of the committee to investigate the contingent expenses of the commissioners. I want to know if they did anything incorrect.

Mr. Moore—

Much of the amount expended there were no vouchers. Of course I can tell nothing about that. It may be all correct, but I could not testify to it.

Mr. Wickliffe—

Did they expend too much?

Mr Moore—

They expended over $2000 contingent expenses. I think that too much.

Mr King—

So far as the question was addressed to me, I would say that many of the charges have no foundation in law or right.

Mr. DeRussy—

There were many very necessary expenses for which no receipt could be taken; such as carrying baggage, crossing rivers, &c.

Mr. Moore—

I do not charge the commissioners with fraud or spending more money than they ought I merely state that for many things no vouchers appear.

The motion to lay the amendment on the table was lost.

The amendment was adopted.

The bill passed.

NEBRASKA.

Mr Kenner submitted the following joint resolutions, which were read:

Be it resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the people of the State of Louisiana have ever viewed the agitation of the question of slavery with the deepest concern, and they regarded the adoption of the measures of 1850, known as the Compromise measures, as a final settlement of that exciting subject.

Resolved, That in the judgment of the Legislature of Louisiana, those Compromise measures were intended to have a more lasting and permanent effect than the mere adjustment of the difficulties arising out of the then recent acquisition of Mexican territory. And that by their adoption certain great principles were established, which not only furnished a remedy for the then existing evils, but which would to all time to come avoid a similar agitation by withdrawing from the floor of Congress the question of slavery, and committing its decision to those who are alone interested in it, and who alone are responsible for its consequences.

Be it, therefore, further resolved, that the Nebraska territorial bill, now pending in Congress, so far as designed to carry into effect and perpetuate this principle of non-intervention as to the institution of slavery, meets our approval and we request our Senators and Representatives to support the same.

On motion, they were referred to the Committee on Federal Relations.

THE DEAF AND DUMB.

Mr Munday introduced the following resolutions which were read and adopted.

1st Whereas by several acts of Congress, aid has has been given to Institutions for the Deaf and Dumb, in which the unfortunate of this class, residing in the New England States and in Kentucky, are now educated; considerable donations of the public lands having been made for the purpose, and

2d. Whereas it has been long the settled policy of the Government to grant Public Lands for educational purposes, though unfortunately the Blind and the Deaf and Dumb of a majority of the

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States have not participated in the advantages derived from said grants, and

3d. Whereas the State of Louisiana did, by a public Act, approved March 18, 1852, authorize upon suitable conditions, the reception of pupils into her Institution for the Deaf, Dumb and the Blind, from the surrounding States, thereby making it an object of benevolent interest on the part of the whole Southwestern portion of the Union—a portion which, from geographical position, cannot participate in the advantages accruing from previous grants made to the Deaf and Dumb—and

4th. Whereas from the rapidity with which the public lands are being donated to various purposes, there is danger that, from all time to come, the sad spectacle will be presented of the entire exclusion of the unfortunate mutes and blind from all benefit of the national bounty, so freely granted for the education of those blessed with the full enjoyment of their senses,—and

5th. Whereas, the support of an Institution for the Deaf and Dumb and the Blind in this State must, of necessity, be more expensive than in some of the more Northern and Eastern States—therefore,

1st. Be it resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That our Senators be instructed, and our Representatives requested to bring in and seek, by all just and honorable means, to secure the passage of a bill granting to the State of Louisiana, four townships of land for the education of the Deaf and Dumb, and three townships for the education of the Blind.

2d. Resolved, that Louisiana asking nothing for the unfortunate within her own borders which she would not freely accord to others, hereby instructs her Senators, and requests her Representatives to support such just and equitable propositions, as may be offered, making similar grants to others States, for such laudable purposes.

Mr King, from the Internal Improvement Committee, made the following reports:

To the Honorable W. W. Farmer, President of the Senate:

The Committee on Internal Improvements and Swamp Lands and Levees, to whom was referred "An act to amend an act entitled an act to reclaim and drain the Swamp and overflowed lands of the State of Louisiana, &c, approved April 30th 1853, to appropriate the sum of three hundred thousand dollars to carry out the provisions of this act" beg leave respectfully to report:

The Committee adopted the following amendments:

The section thirteen, line seventeen, immediately after the word "accept," insert the word "at;" in same section, same line, strik out the word "greater" and insert the word "higher"—in same section, line nineteen, after the word "Commissioner," strike out to the end of the section. In section 14, line twelve, after the word "fund," strike out to the end of the section.

On the merits of the bill, as amended, the Committee were equally divided.

(Signed) W. W. KING, Chairman.

To the Honorable W W. Farmer, President of the Senate:

The Special Committee, composed of the Senators from New Orleans, unanimously report unfavorably on the bill entitled: "An act to amend an act to consolidate the city of New Orleans, and provide for the government and administration of its affairs," approved 23d February, 1852.

(Signed) W. W. KING, Chairman.

Mr Munday, from the Joint Committee on Charitable and Public Institutions, submitted the following report:

REPORT OF THE JOINT COMMITTEE ON CHARITABLE AND PUBLIC INSTITUTIONS.

The Joint Committee on Charitable and Public Institutions of the Senate and House of Representatives, having with the utmost zeal and diligence, performed the duty assigned them, now proceed to lay before both branches of the Legislature their report.

First, they would premise that the fatal epidemic of last season has much increased the burdens of many of the charitable institutions to which the State has been a contributor; and to the credit of those institutions be it said, that their exertions in the holy cause of charity increased with the exigences that call them forth: for notwithstanding the numbers stricken down by the pestilence which stalked abroad, and the many infants and children deprived of their natural protectors, your Committee heard of none against whom the doors of succor were closed, and to whom the hand of charity was not freely stretched forward. This is a feeling, thank heaven! which in an especial manner pervades our beloved State; and your Committee feel that the Legislature would be false to its duty, should it fail to partake in it. Feeling assured that it does, your Committee suggest, below, specific appropriations for some of the charitable institutions which they visited, and trust they will meet your approval. Indeed, if your Committee were not aware of the many pressing calls on the Treasury of the State, they would ask for many of them a much larger appropriation than that named, knowing full well how much they stand in need of it, and how meritoriously they deserve it.

The first institution visited by your Committee was the Orphan Boys' Asylum, located in the Fourth District, New Orleans. There are now one hundred and eighteen boys in the asylum, ranging in age from three to thirteen years. It is conducted, under a Board of Directors, by a male Superintendent and a female Matron, both of whom besides attending to the general administration of the establishment, devote themselves to the education of the inmates. The worthy President of the Direction, Lucius C. Duncan, Esq., has furnished your Committee with an abstract of the financial condition of the institution, from which it appears, that its income last year, from all sources, was $13,739 97, all of which, less $4,025 97, was expended. The fixed income of the establishment is derived from rents, and was last year $1,349 32. The health of the boys seems good. There were twelve apprenticed out last year. The food of the boys seems to be sufficient in quantity, and wholesome in quality; but we would suggest to the Direction, that some repairs might, with advantage, be made on the building. The sleeping dormitory is far too cold and uncomfortable for winter lodging even in this mild latitude.

Our next visit was to the Female Orphan Asylum, Camp street, under the superintendence of Sister Regis, assisted by seven others of the same religious order—the sisters of Charity. This institution is a credit to our common Christianity, and the noiseless but incessant labors of these ministering angels in the care and culture, both moral, mental and physical, which they bestow on the

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areatless little ones over whom they watch, is a ractical rebuke to those intemperate zealots who eem to conceive that they best serve God by the iffusion of sectarian prejudices, forgetting that harity has its sanctuary in the heart, and that cts, not words, are the true evidence of its exist- nce.

This institution, (the New Orleans Female Or- han Asylum) received within its walls since June ast, one hundred and twenty eight orphans, most f them of tender age. The whole number there ow is three hundred and sixty. We have only to epeat what the committees of previous Legisla- ures have reported: that nothing can be better han the order, arrangments, cleanliness and disci- line which pervade the whole establishment The Asylum has not permanent endowment—it solely dependent for its maintenance on the nnual donation of the Legislature, bequests and onations of individuals; yet the good that it does incalculable. Another house is now being built connection with the Asylum, where girls, when hey arrive at a proper age, will be taught a trade, o better to enable them to combat the difficulties f life.

Our next visit was to the Poydras Female Or- han Asylum, Julia street, New Orleans. This nstitution was liberally endowed by the late Julien oydras. It is under the direction of an association benevolent ladies of the city. The number of phans there at present is one hundred and twen- four. Your Committee, like their predecessors, ave not received any statement of the financial ondition of the Asylum, and cannot therefore ate to the Legislature what it is; and they sug- st that hereafter appropriations be withheld by he Legislature from all institutions not furnishing n abstract of their financial condition.

We visited the St. Mary's Orphan boys' Asylum tuated in the third District, New Orleans. This sylum is controlled by a Board of Directors, and onducted by some six of a religious society called e Christian Brothers, who devote themselves to e education of youth ; and by a like number of ters of some religious order, who superintend the ousehold duties The number of boys in the sylum is two hundred and twenty six, ranging in e from four months to fourteen years. The missions this year were sixty two Some of the ys are learning trades in the Asylum, and when wing of the Asylum now being raised is built, department of industry will be extended Your mmittee approve of the whole conduct and man- ment of the establishment.

Your Committee visited the Orphan's Home, ated in the Fourth District, New Orleans This n institution which owes its existence to the ive sympathy of some ladies in New Orleans. the number of children which the epidemic of year placed in a state of orphanage. The sident of the Direction is Mrs Ross The ber of children in the institution at present is y-seven. They are of both sexes, and range ge from infancy to that of fourteen years h of the children as are old enough attend the ic schools. The institution is creditable to its ders, and entitled, we conceive, to the patron- of the State.

our Committee visited the St Anna's Asylum lestitute Widows and Orphans; and from their mination of it, recommend that a donation of ame amount as that of last year be made

our Committee visited the Institution of Indi- Colored Orphans, situated in the Third Dis- trict, New Orleans. After a careful scrutiny of the establishment, and the manner in which it is conducted, the Committee recommend that a like donation to that of last year be made it by the State.

Your Committee also recommend that the donation of last year from the State to the Firemen's Charitable Association of New Orleans be renewed.

To the Indigent Widows' (Les Dames de la Providence,) Asylum, your Committee likewise recommend that the donation of last year be repeated. It fulfils a benevolent and salutary purpose, and the State in contributing its quota to the support of the Institution, performs an act of which the Legislature should approve.

Your Committee visited the Charity Hospital, New Orleans. The State is represented in the Direction of this Institution. Its internal economy is controlled and directed by sister Regina, (of the Sisters of Charity.) Already the financial affairs of the Hospital have been submitted to the Legislature. Your Committee need not, therefore, recapitulate on that point. It is admitted on all hands, that whether as regards medical and surgical skill and attendance, carefull nursing, cleanliness, and the general arrangment and internal economy of the establishment, it is unsurpassed by any similar institution in this, or perhaps in any other country. From the law past by the last Legislature, imposing a tax on foreign immigrants and from other sources, the current income of the Hospital is brought to a point at or near the annual outlay ; but the building itself, or at least a portion of it, is in a ruinous—a dangerous state of dilapidation, and to further procrastinate its repairs would be to jeopardize the lives of its inmates, and to incur at no distant day a much increased expenditure. The Committee, therefore, recommend that an appropriation of $20,000, as stated below be made to the Hospital for building purposes, and $15,000 towards its general support.

A portion of your Committee visited the St Vincent Hospital and Asylum at Donaldsonville ; their report of its administration is highly favorable. The Hospital is for the reception of indigent sick, and the Asylum for the support and education of orphans. Both are immediately superintended by sister Mary Austin, and seven other ladies of the sisterhood, and controlled by a direction. The Committee recommend that an appropriation of $1,000 be made to the Hospital, and $1,000 to the Asylum.

Pursuant to their duty, your Committee visited the Insane Asylum at Jackson—the receptacle of the most afflicted of God's creatures, for when man's reason is overthrown, what a very wreck he is! wanting even the instincts common to many of the brute creation. This institution is specially under the control of, and dependent for its support on the liberality of the State, and she has discharged her duty with characteristic beneficence. The excellent state of the buildings, the cleanly condition of the unfortunate inmates, and the whole economy and administration of the institution show that the direction have frugally, well and wisely disbursed the funds placed at their disposal, as will be seen by their report for the year 1853, already submitted to this Legislature. It is found necessary in carrying out the original design, and indeed the necessities of the case demand it—that an additional wing be added to the buildings. To enable directors to effect this, and to meet the unavoidable expenses for the current year, the Committee recommend an appropriation of $20,000 for the former pur-

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pose, and $15,000 for the latter purpose. The Committee think it proper to add, that the number of patients at present in the Asylum, is one hundred and thirty three.

Your Committee visited the Deaf and Dumb Asylum, situate in our immediate neighborhood. This is another of those indexes that point to the benevolence of the State, showing with what maternal solicitude she watches over even the most afflicted of her children. The report of the Directors of the Institution has been laid before the Legislature, and the Committee bear testimony to the correctness of its statements. The number of pupils in the Institution at present is twenty two, those of both sexes included. Their proficiency in the elementary branches of an English education, is gratifing in the highest degree, and truly creditable to the Principal of this Institution, Mr Brown.

A new building, one better adapted to the purposes and designs of the institution, is in the course of erection, and when completed, it is contemplated to add a department for the education of the blind; $25.000 is asked for the construction of this building, and the Committee recommend that it be appropriated, together with $8.900, for the support for the current year of the Institution.

Lastly, the Female Asylum of Baton Rouge was visited by your Committee. Though limited, the number o inmates being only twenty four, the building is sufficient in size for their comfortable, or rather proper accomodation. The benevolent ladies who conduct it ask for an appropriation of $3,000, which, besides paying the pressing expenses of the school, would aid them in making the desired addition to the building, which the Committee agreed to recommend.

And now your Committee having adverted briefly necessarily so, to the condition of the several Institutions, to visit which they deem it their duty, beg leave to close their report with the following resolution—

Resolved. That the Finance Committee be instructed to insert i the general appropriation bill for the present year, the following appropriations—

To Orphan Boys' Asylum Fourth District, New Orleans	3.000 00
Female Orphan Asylum, sister Regis,	6,000 00
Poydras Female Orphan Asylum	1,000 00
St Mary's Catholic Boys Asylum	6,000 00
St Anna's Asylum for destitute widows and children	2,000 00
Institute for indigent colored Orphans	2,000 00
Indigent Widows, les Dames de la Providence	2.000 00
Orphan's Home	2,000 00
Charity Hospital	15.000 00
do for building purposes	20,000 00
Insane Asylum, Jackson	35.000 00
Deaf and Dumb Asylum	33.900 00
Female Asylum, East Baton Rouge	3,000 00

All of wich is respectfully submitted.

G. W. MUNDAY,
Chairman Senate Committee.

D. CORCORAN,
Chairman House Committee.

MESSAGE FROM THE GOVERNOR.

Mr Hatch, the private Secretary of the Governor, inform the Senate that his excellency has approved and signed the following acts:

An act for the relief of James J. Odom.

An act for the relief of H. A Drew.

An act to authorize Robert Huie, of the parish of Rapides, to adopt an orphan boy named James Roach.

An act for the relief of Asa Emmanuel, State tax collector for the parish of Winn.

An act in relation to Bond No 128, of the State of Louisiana, in favor of the New Orleans and Nashville Railroad Company.

MESSAGE FROM THE HOUSE.

The special messenger from the House informed the Senate that the House has concurred in the following bills entitled:

An act to authorize the Wardens of the Port of New Orleans to employ deputies and clerks.

Resolution ordering the State Engineer to repair to Red River to remove snags therefrom.

An act to incorporate the Benevolent Association of the Roman Catholic Ladies of Baton Rouge.

An act to provide for the payment of the salary of the reporter of the decisions of the Supreme Court, for a part of the year 1852.

An act to emancipate John Pickett, a minor, of the parish of Bossier.

An act authorizing the appointment of Chas M Sheperd as tutor of his minor brothers and sister.

An act to authorize Widow Melissa Cardonna to adopt Agatha Graw and Esperanza Graw.

Resolution authorizing the purchase of the political History of the United States by Bernard Marigny.

An act for the relief of M Kohler.

An act to regulate the terms of Court in the Sixth Judicial District.

Resolution authorizing the Auditor to give quietus to A C Bickam, Sheriff of the parish of Washington, for the year 1841.

An act for the relief of Benjamin Borel, of the parish of St Mary.

An act to amend the 3d section of the act No. 59, entitled "An act supplementary to an act entitled an act to incorporate the town of Minden.

And with amendments to the following bills:

An act for the relief of Fergus Fusilier.

An act to emancipate the slave Isaac Levy, belonging to the estate of John Stagg, of the parish of Lafayette.

By the same message the concurrence of the Senate was requested to the following bills and resolutions of the House:

An act to regulate the emancipation of slaves in this State.

An act to establish an interchange of Judges for the trial of recused cases.

An act for the relief of Bernard Marigny.

An act to authorize Railroad Companies to mortgage their roads.

An act to provide for the construction of the New Orleans and Baton Rouge Railroad.

Resolution extending the present lease of the Penitentiary to may 1855.

Resolution imposing certain duties on all charitable institutions and associations.

MESSAGE TO THE HOUSE.

The special messenger of the Senate requests the concurrence of the House in the following entitled bill:

An act to provide for the trial of cases in which the Judge of the District Courts, were the same are pending or may be instituted, may be recused, the parish of Orleans excepted.

And that the Senate has concurred in the amendment of the House in the following bill:

Act for the relief of Fergus Fusilier.

And with amendment to a bill entitled:

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An act for the improvement of Bayou Lafourche.

And that the president *pro tem*, has signed the following enrolled bills of the House :

Act to emancipate Robert H Ward.

Act to incorporate the College of New Orleans.

Act to amend an act entitled an act to amend an act entitled an act granting Louis Ambroise Aucoin the privilege of keeping a Ferry across the Coupe of Bayou Bœuf, and other purposes, approved March 16, 1848.

The special messenger of the Senate requests the signature of the Speaker to the following enrolled bills and resolution of the Senate :

An act to authorize Judith Tontant, wife of Alexandre Legendre to sell certain slaves.

Resolution to carry into effect Section 32 of an act entitled an act to establish a general system of Free Banking in the State of Louisiana.

An act to authorize the Wardens of the Port of New Orleans to employ deputies and clerks.

The special messenger of the House requests the signature of the president of the Senate to the following enrolled bills of the House :

An act providing for the subscription by the city of New Orleans to the stock of the New Orleans Jackson and Great Northern Rail Road.

An act providing for the subscription by the City of New Orleans to the stock of the New Orleans, Opelousas and Great Western Railroad Company.

An act to exempt the clerks, workmen and employees of the Branch Mint of the United States at New Orleans from serving as Jurors in the District Courts of New Orleans.

An act to change the name of Alfred Wharton Clifton to Alfred Clifton Wharton.

An act relative to proceedings on Judgments rendered by Justices of the Peace in the Parish of Orleans.

An act to authorize Louis Auguste Leopold Genuard to make certain dispositions of his property.

An act to authorize the Police Jury of the parish of Pointe Coupée to issue bonds to an amount sufficient to cover the indebtedness of the parish.

An act to provide for a revision of the Statutes of the State of a general character.

An act making an appropriation to pay to the late Librarian certain moneys expended by him

An act to authorize the Wardens of the Port of New Orleans to emply deputies and clerks.

MONDAY, March 13 th, 1854.

Salaries of Recorders in New Orleans

The bill to increase the salaries of the Recorders the city of New Orleans was taken up.

Mr. Macmurdo—

The reason the city delegation reported against s bill is that the act of consolidation gives to Council the power to fix the salary of these cers, under the only condition that it shall not eed $3,000 It is much better, therefore, for m to apply to the Council. If they think the orders are entitled to more, they will give it. it would be a high handed measure to interwith New Orleans in a matter of this kind. ove to lay the bill on the table.

Mr Lacey—

f this bill had originated in the Senate and e opposed by the whole city delegation, com d of gentlemen who are supposed to be acnted with the wants and wishes of their conents I should have no hesitation in joining in opposition to the bill; or rather I should feel hesitation in supporting it. But it came from the House. I presume from this that it was there submitted to the examination and approval of the city delegation. This puts a different aspect on the measure. How this can be considered a local bill? I do not see. The question is shall we compel these officers to receive $1,500 for the arduous duties which they perform. The friends of the bill are willing to compromise on $2,000.

Mr McCay—

The Recorders are connected with the Aldermen. They are acquainted with the nature of their duties and the value of their services. The matter ought to be left to them. The argument that we ought to pass the bill because the House has passed it has no weight. When the bill came to the Senate it was referred to a committee composed of the city delegation, under the supposition that they knew more about the subject. That committee has reported against it and the Senate should ratify the report.

Mr Lacoste—

There is no use to elect Senators if they are bound to submit to these reports. I never do it when I do not consider them correct.

Mr. Trudeau—

How would the gentleman like the Legislature to undertake to regulate the salary of officers employed by the Police Jury of his Parish?

Mr. Rivers—

I renew the motion to lay the bill on the table.

The bill was laid on the table.

SALE OF FRANKLIN COLLEGE.

The bill for the sale of Franklin College was taken up.

Mr Martel—

That bill cannot pass without meeting at least my opposition. It is intended solely for the benefit of certain speculators. They are the only persons that desire the sale of the college, and this I can show clearly. This college which it is now attempted to destroy and to take from under the jurisdiction by which it was created was founded in 1831. An appropriation of $3,000 was made to buy materials. In 1832 an appropriation of $10,000 was made for the building; in 1835 another appropriation of $15,000, in 1838 another of $25,000 All this time the edifice was in progress of building. In 1842 still another appropriation of $10,000 was made, in 1846 another of $10,000, making altogether $75,000 for the building. Under the act of incorporation seventy-odd directors were appointed from every part of the State. Nevertheless the institution never was put in complete operation. In 1847 when the free school system was established a tax was imposed in the Parish of St. Landry for the public schools, a tax which was levied by the very persons who come here to get the college from the jurisdiction of the free school system. I then, being a member of the school board, gave notice that I should introduce a resolution to convert the building into a free seminary. This immediatly excited great alarm among the adversaries of public education. They wished the building to be sold for purposes of speculation. This is their object now. But if sold at present the structure would not bring more than $5,000. When the railroad is completed it and the grounds will bring half a million. It is built on the confines of the corporation of Opelousas, where property will be extremely valuable, and is almost immediately on the line of the railroad. This idea was never broached publicly until it was proposed to convert the building into a free

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seminary. I oppose this bill for one reason because these are the very individuals who prevented the college from going into operation by their bad management. They are the ones who are responsible for the failure of the enterprise and now they wish to profit by it and turn it to their own account.

I oppose it and shall continue to oppose it. The bill says it is provided that the property shall not be sold for less than $6,000. What is $6,000? How much is that amount compared with the sums the State has lavished on the institution. The edifice was in progress of building from the year 1831 to 1846 and $70,000 has been expended on it. When about to be converted into a seminary of education then these persons, the enemies of education, come forward and wish it to be sold at once, even at an immense sacrifice—and these are persons who had at all times the means of educating their children. At this time, to present such a bill for the sale of that college is an outrage. Even now a railroad is being built which will probably be in operation in two years and which will add immensely to the value of this property. The Company aspires to nothing less than to obtain that building as a depot. No other can buy it. To sell it would literally cut the throat of education. The property belongs to the school system which has a vested right in it. The education of the youth of my district depends to a considerable extent upon it. It is to be hoped that it will be made a seminary as was intended or that it will at least be reserved for a time when it will be worth a half a million of dollars, which can be applied to educational purposes. It ought not to be sacrificed now when it will bring a mere nothing. In two years it will be worth a half a million dollars. I do not oppose this bill from personal motives, but because I have a regard for the cause of education and wish to protect it from the assaults of its enemies. I have no bad feelings towards my opponents; but I believe as strongly in a system of free public education as I do in universal suffrage. If you take this property from us you ruin your system of education. It was intended for the benefit of education and I pray you to hesitate before you suffer it to be sacrificed for the benefit of private interests. Who can or will buy it if sold now? What competition would there be? There would be no purchaser but the Railroad Company. I am in favor of the railroad but I am not willing to sacrifice our educational system for the benefit of any road. The institution has been there since 1832, and I think it can remain there two or three years longer, or until it can realize something like its worth.

Mr. Dupré—

I would correct the Senator when he says it is a public school. I do not think it is.

Mr. Martel—

In 1846 the Legislature established the public school system of education. In 1849 I was elected a school director in my parish. A tax was imposed for the benefit of education, and was contested by three very gentlemen. They were so vehement and determined in their opposition that they even carried the contest into the Courts, and up to the Supreme Court.

Mr. Ryan—

Has the place been kept as a college for the last two years?

Mr. Martel—

It has never fulfilled that object. For two years it has been a school.

Mr. Ryan—

I have no desire to interfere with local questions, but I have heard the gentleman express sentiments which do not seem to be justified by the facts. He has said that this bill is brought forward for the purpose of sacrificing the property, and for the benefit of those interested in the railroad. Now I think the gentleman is mistaken in his opinion. I was the very one who in 1852 reported a bill for the sale of this property; because it was crumbling into ruins, not for the motive which the gentleman assigns. It was thought it would be right to sell it and place the proceeds in the Treasury. At that time there was not the slightest prospect of any railroad to Opelousas; consequently whatever may be the merits of the bill the motives ascribed by the gentleman are not correct. The bill was introduced under the firm conviction that a sale of the property would be to the interest of the State. There was then no prospect of a railroad to Opelousas and consequently the burthen of the gentleman's song is entirely fictitious. The motive was not to give money or opportunity to speculators whether in railroads or any other projects. An attempt was made to establish a college there and failed. The State lost money by the operation, and the best thing it can do is to sell the property. I would be the last to injure education—it is what sustains the character of the Republic and imparts dignity to its citizens. But when I hear a gentleman who knows nothing of the history of the bill impute improper motives to its friends I cannot remain in my seat and hear it in silence.

The representatives from the gentleman's own Parish always supported the proposition. The building is rapidly mouldering away and will soon be fit for nothing. There will in a short time not be one stone remaining on another. The gentleman says it belongs to the school system, and that a school is kept there. The gentleman appears to confound the school system with the school house. The building will soon go to ruin. The material of the house is not durable—it does not resemble the rock of ages which will stand till the end of time; nor is it like the granite of the North, as enduring as the hills from which it is taken. The materials are perishable. When a building of this kind is not inhabited it soon becomes the residence of crows and ravens. I am told that these buildings have even been used as a stable. If they will sell for a half a million in a year they certainly ought to sell for more than $6,000 now. It seems to me that if such a sum could be realized from it in so short a time, people would not let the opportunity slip. I repeat that the gentleman is mistaken in regard to the motives he has ascribed to the friends of this bill. It was approved by the Judiciary Committee of the House before the railroad bill passed. The majority on this floor will not, I am confident, do any thing unworthy of Senators. I feel convinced that there is no Senator here who would from any but honorable motives, or who has not a just and proper appreciation of his duties. I am sure therefore that no attention will be paid to appeals such as have been made by the Senator. On purely political questions they may be admissible; but when we are to act solely as Senators we should rise above them.

Mr. Wickliffe—

This institution has cost Louisiana $100,000. It would be absurd to sacrifice it now for $6,000. If the railroad be constructdd it will increase the value of the property; then it can be put in the

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market and sold. I move that the minimum price be $60,000

Mr. Moore—

The Senator from St. Landry (Mr. Martel) has correctly said that Franklin College was established in 1832, and that a school is kept in it; but he neglected to tell us that the school is a private school, I have been told that it is used as a grammar school. The sale of the property will not injure the cause of education It will benefit it, on the contrary, because the money obtained for it must go to the school fund. It is true that it is built of perishable materials, and will soon crumble away into dust. I am sorry the sale would thwart the gentleman's scheme of having the building given to his parish for a central school. The money ought to be put in the Treasury for the benefit of education in the State. The idea that it will ever be worth $500,000 or even $60,000 is fallacious. The land was given to the State with a condition that buildings be put on it. I would not give $2,000 for it with the idea of selling it to the railroad. I have given it a piece of land as a depot which is more valuable than that. The gentleman's motives are good. He wants the building for a central school; but that is not the purpose to which it ought to be devoted. The money put in the school fund would be of much more benefit to education.

Mr. Martel—

A word or two in reply to the Senator from Rapides (Mr Ryan) might not be out of place. The gentleman says he believes that certain things are the case I know what I have said to be in accordance with the facts. I tell the gentlemen that we had a school in that building in which there were 75 scholars. What I state I know One third of the land is in the corporation of Opelousas, and the railroad passes immediately through it. It is worth as much now as when it was built When it was built labor was cheap—now it is dear

Mr. Ryan—

Does the gentleman say there is a college there?

Mr. Martel—

I say there is a school in it. Though not directly under the control of the State it yet complies with the law. It is a fine and flourishing school containing 75 scholars. The buildings are worth as much now as when they were erected. Is it not much better to let it remain as it is than to sacrifice it to some selfish interest. This bill was got up by the very persons who have always opposed education in my Parish. They are in the habit of sending their children to the North to be educated instead of encouraging our schools at home. I repeat that what I state I know. I believe those who have instigated this are those very persons whom I have followed from the Justices to the Supreme Court to make them pay their school taxes. I have met them at home and am ready to meet them here If the Senator thinks that a college erected for purposes of education should be sold for private speculation, I shall be very much surprised. It is worth $100,000 now if it was worth it when built In order to show the increase in the value of property in Opelousas it is only necessary to state that lots which 20 years ago sold for $15 are now valued at $500. This property if divided into lots would at this moment bring $50,000. It has been spared preceding Legislatures when there was nobody for it. Now when there is a fine prospect for a flourishing academy, are we to be defeated by those men who say that free schools are a curse to society—who kept the schools closed because they would not pay their taxes? Will they meet me on this question? I entreat the Senate not to consent to the sale of this property. I hope the gentleman will see the importance of preserving it for the purpose for which it was intended. I repeat now that in this matter I am not influenced by personal feelings. I did not begin the battle. It was commenced long ago. The school now there was put in that building because no other could be procured. From this bill you would think the college to be a miserable little building. But this would be an entire mistake. Had it not been for some difficulty about the Parish Superintendent the school would now contain 150 pupils. The building is now in tolerably good order. The galleries are a little out of repair but that is all. As a site for a college it is equal to any. Its salubrity cannot be questioned. Last year when a disastrous epidemic ravaged the fairest portions of this State there was not a single case in our village. It remained perfectly healthy the whole time. The railroad will make it the best location for a college in the State, as the road passes just between the two buildings, and indeed cannot pass any where else. The depot cannot be placed any where else unless at an enormous expense. I say these things because I do not wish to give to the gentleman an opportunity of saying they were taken by surprise.

Mr Wickliffe—

Since it has been stated by the gentleman that the property will probably be needed for a railroad depot. I withdraw my amendment of $60,000 and substitute $80,000 as the minimum price.

Mr McCay—

I call for the reading of the bill. I admit that the scales have fallen from my eyes.

The Secretary read the bill.

Mr Ryan—

I had no intention of offering any remark on this subject, but as I had heard the gentleman from St. Landry attribute evil motives.

Mr Wickliffe—

Is this debate in order when I have moved to lay the bill on the table? If the gentleman wants to make a personal explanation I will withdraw my motion for a moment.

Mr Ryan—

If I have the floor I shall proceed in accordance with my own convictions.

The President—

The Senator from Rapides is not in order.

Mr Kenner—

This is the same motion as I made on the Sheriff's bill yet the discussion lasted two days.

Mr Ryan—

I shall appeal from the decision of the Chair.

Mr King—

I would call the attention of the Chair to the fact that when the Senator from Ascension (Mr Kenner) made a motion to lay the Sheriff's bill indefinitely on the table the Chair decided that it was debateable.

Mr Ryan—

I merely wished to make a personal explanation. I do not suppose that anything I can say will affect the mind of any Senator, especially when I came in collision with the Senator from St. Landry whose learning profundity and logical accumen would overwhelm me in an instant. Indeed I should be like a pebble washed away by the torrent of his eloquence, neither did I think I should ever attract the attention of the eloquent Senator from West Feliciana. But now for the question at issue. This College was founded by

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the State. In 1852 a proposition was made to sell it. It is kept as a private school by a man who has it there because he does not have to pay any rent. There is a school there, but not such a one as is contemplated by the law. The gentleman says he has followed certain persons from the justices to the Supreme Court in order to make them pay their taxes. That has nothing to do with this question. The only question is: does this institution belong to the State and has it been carried out according to the object contemplated. But what kind of a school is it in fact? An individual goes there for purposes of speculation and getting the place for nothing locates his school in it. This is not the object for which it was designed. Then if it belongs to the State, if the object for which it was intended is not carried out, if it is mouldering away and is composed of perishable materials—in which case it cannot be as good as when it was built—then it certainly ought to be sold. However the gentleman tells us that it is as good as new, which perhaps may be accounted for by the salubrity of the climate. But who ever heard that here a building of that kind was as good as a new twenty three years after being built? How is it that it was used as a stable? How can a building intended for the reception of youths be as good after it has been abandoned to the beasts of the field—after it has been the dwelling place of the raven and the crow? It could only be accounted for by imagining that it is as invulnerable by attack of this kind as the village is by disease. I know the motives of the persons who originated this bill, and I know it originated at a time when those motives could not be suspected. The railroad was then looked on as a mere chimera, and now I am the only one to stand up and vindicate the objects and motives of those who report it. I shall vote for the bill as I participated in originally reporting it, and as I think it is a good bill.

Mr Dupré—

I would ask my colleague, who opposed the payment of taxes.

Mr Martel—

I do not impugn the motives of any gentleman here, but only of those who caused this bill to come before the Senate.

MESSAGE FROM THE HOUSE.

The special messenger from the House, requested the signature of the President to the following enrolled bills:

An act creating a Harbor Master for the Fourth District of New Orleans.

An act for the relief of C. J. Mandeville, State Tax Collector for the Parish of Caldwell.

An act entitled an act authorizing and instructing the State Engineer to make a thorough examination and survey of the Ouachita River and Little River.

An act for the relief of Samuel Smith, a veteran of 1814 and 1815.

An act for the relief of the veterans of 1814 and 1815.

An act to abolish the Probate terms of the District Court for the fifteenth Judicial District, composed of the Parishes of St. Landry and Calcasieu.

An act to authorise Parish Treasurers to employ the Sheriff or auctioneer to make sales of the sixteenth sections.

An act to increase the pay of Jurors in the Parish of Terrebonne.

An act to authorise the Common Council of the city of New Orleans and the Police Jury of the Parish of Orleans on the right bank of the Mississippi River to establish ferries across said river and to regulate the same.

And he informed the Senate that the House has concurred in

An act for the relief of John Toy.

An act to improve the navigation of Red River.

And he requested the concurrence of the Senate in

An act to provide for the emancipation of minors over the age of eighteen years.

An act to enlarge the powers of the Police Juries in this State in relation to Roads, Bridges and Ferries.

TUESDAY, March 14th, 1854.

QUARANTINE.

Mr. Trudeau called up the following bill:

AN ACT

To establish quarantine for the protection of the State.

Sec 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That there shall be a quarantine established below the city of New Orleans on the River Mississippi, at a distance not less than twenty miles in an air line from the city and on some point at the Rigolets. That the Joint Committee on Health are hereby authorized to locate the quarantine grounds, and to receive the transfer of the necessary land in the name of the State, and to draw upon the Treasurer of the State for the necessary amount out of the fund appropriated under this act; provided the consent of the Governor of the State is given to said purchase.

Sec. 2. Be it further enacted, &c., That there shall be a Board of Health, composed of the Mayor of the city of New Orleans, three members of each Board of the Council to be elected yearly by the Council on joint ballot, of the resident Physicians of each quarantine station, and of two Physicians to be selected by the Council of New Orleans, that the Governor of the State, by virtue of his office, shall be President of said Board, and the Mayor of New Orleans Vice President, and in the absence of the Governor, the Mayor shall act as President of said Board.

Sec. 3. Be it further enacted, &c., That the Board of Health shall meet once a month, from the first of November to the first of June, and once a week from the first of June to the first of November, and as often as they may deem necessary.

Sec. 4. Be it further enacted, &c., That one-third the members of said Board will form a quorum, provided, however, that no contract for building shall be entered into without the consent of the majority of the Board.

Sec. 5. Be it further enacted, &c., That the Resident Physicians of the quarantine grounds shall receive a yearly salary of $2,500 each, and shall be appointed by the Board of Health; and removable for any neglect of duty. It shall be their duty to require a fee of five dollars from the captain of every vessel inspected or submitted to quarantine, and to return weekly lists of the same, together with the money collected, to the Treasurer of the Board of Health; the amount thus paid in shall create a fund for the support of the Quarantine. It shall be the duty of the two Resident Physicians to remain at their respective quarantine grounds, and to attend to the sick, and perform such other duties as may be required by the Board of Health.

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Sec. 6. Be it further enacted, &c., That the Mayor of New Orleans may issue his proclamation upon the advice of the Board of Health, declaring any place where there shall be reason to believe a pestilential contagion or infectious disease exists, to be an infected place: stating the number of days of quarantine to be performed. After such proclamation shall have been issued, all vessels arriving in the port of New Orleans, or at the Rigolets from such infected place shall be subject to quarantine, and shall, together with their officers, crews, passengers and cargoes be subject to all the regulations passed by the Board of Health.

Every master of a vessel subject to quarantine visitation, arriving in the Port of New Orleans, at the Rigolets, who shall refuse or neglect either

1. To proceed with, and anchor his vessel at the place assigned for quarantine at the time of his arrival.

2. To submit his vessel, cargo, and passengers the examination of the Physician, and to furnish necessary information to enable that officer to termine to what length of quarantine they ought be subject.

3. To remain with his vessel at quarantine during period assigned for her quarantine, and while quarantine to comply with the directions and ulations prescribed by this act, or by the Board Health, or with such directions prescribed for his sel, crew, cargo and passengers by the Resident sician, shall be guilty of a misdemeanor, and unished by a fine not exceeding two thousand ars, or by imprisonment not exceeding twelve ths, or by both.

ec. 7. Be it further enacted, &c., That every on who shall violate the provisions of this act. efusing or neglecting to obey or comply with order, prohibition or regulation, made by the rd of Health in the exercise of the powers ein conferred, shall be guilty of a misdemeanor shable by fine and imprisonment, at the discre- of the Court by which the offender shall be

shall be the duty of the captain of every tow towing a vessel subject to quarantine or visit- , to leave such vessel at the quarantine grounds, o inform the captain of the penalties attend- non-compliance with the provisions of this

c. 8. Be it further enacted, &c., That the l of Health shall have the power to employ nal physicians at the quarantine grounds in f need; to employ nurses and assistants to the sick, and such other persons as may be ary to carry out effectually proper quaran- gulations, and to fix their compensation; to line what vessels shall be subject to quaran nd how it shall be performed, and to make all egulations that are necessary to carry out a system of quarantine, and to enforce the by fine not exceeding $500; to make rules gulations for preserving good order and po- thin the limits of the quarantine grounds, impose penalties for the breach thereof; to t for the necessary buildings at the respective ine grounds; to appoint a secretary who t as treasurer, whose salary shall not exceed , and who shall furnish security in a sum of sand dollars; it shall be his duty to keep e of the proceedings of the Board, and all s and expenditures made by authority of rd; to prescribe the duties of Pilots con- vessels subject to quarantine; to remove to be removed any substance which they n detrimental to the health of the city; and that the Commissaries of streets shall execute the orders of said Board whenever not in conflict with the ordinances of the city and the laws of the State; to pass and enforce sanitary ordinances for the city of New Orleans; to define the duties of the different officers appointed under this act; to issue warrants to any constable or police officer in said city, to apprehend and remove such person or persons as cannot otherwise be subjected to the regulations by them adopted, or who shall have violated the same; and whenever it shall be necessary so to do, to issue their warrant to the Sheriff of the city or parish where such person or persons so offending may be, all which warrants shall be executed by the officers to whom the same shall be directed, who shall possess the like powers, and to be subject to the like duties, in the execution thereof, as if the same had been duly issued out of any court of this State.

Sec. 9. Be it further enacted, &c., That the captain of any sea-going vessel or steamboat violating the provisions of this bill, or the rules and regulations established or to be established by the Board of Health, shall be considered guilty of a misdemeanor and sentenced to pay a fine not exceeding five hundred dollars and imprisonment not exceeding one year.

Sec. 10. Be it further enacted, &c., That the Governor and Treasurer of the State shall issue ten bonds of ten thousand dollars each, bearing six per cent. interest, and payable in twenty years, which bonds shall remain in the hands of the Auditor of Public Accounts, and shall be handed to the Treasurer of the Board on a resolution of said Board; provided, however, that no more than one bond shall be given to him at a time, and not until he has had his accounts for former disbursements audited and approved by the Auditor of Public Accounts.

Sec 11. Be it further enacted, &c., That the Board of Health created under this act, and their successors, shall be a body corporate, with the right to sue and be sued.

Mr. Kittridge offered the following bill as a substitute:

AN ACT

To preserve the health of the State of Louisiana.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the Governor of the State, the Mayor of the city of New Orleans, and two physicians of the said city, to be appointed by the Governor of the State, shall constitute and form a Board, to be called the "Board of Health of the State of Louisana." The said Board and their successors be and they are hereby created a body corporate, with the right to sue and be sued for all purposes under the provisions of this act.

Sec 2. Be it further enacted, &c., That the said Board of Health be and is hereby authorized to purchase and fit up a suitable hull and cabin of a steamboat to serve as a hospital, to be placed or anchored at some suitable point near the Balize, for the reception of all patients afflicted with ship fever or small pox, that may be found on board of any vessel that may enter the Mississippi river, or that may otherwise be placed in the same.

Sec. 3. Be it further enacted, &c., That the said Board of Health be and is hereby authorized to employ and dismiss at pleasure a Resident Physician, at a salary at a rate not to exceed two thousand dollars per annum, to take charge of said hospital, and constantly to reside therein. And said Resident Physician, so appointed, shall have power

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to appoint two medical students as assistants, and in case of need a third, at a compensation not to exceed twenty dollars per month each, and may further employ such nurses and servants, and at such rates of wages as the said Board of Health may deem necessary and proper.

Sec. 4. Be it further enacted, &c., That the said Board of Health be and is hereby authorized to make all such legal rules and regulations as may be deemed proper to carry the true intent and meaning of the provisions of this act into effect. And it shall be the duty of the said Resident Physician, assistants, and all other person or persons to obey and comply with all such rules and regulations under the penalties hereinafter provided.

Sec. 5. Be it further enacted, &c., That it shall be the duty of said Resident Physician or one of his assistants, to proceed with a Pilot or on Board a Tow Boat, to board each and every vessel that may enter the Mississippi river from any foreign or other port, and carefully examine the same, together with the master, crew and passengers, and if any ship fever or small pox exists on board, to cause all patients thus afflicted or sick, to be removed therefrom into said hospital and take good care of them, and also to cause such vessel and all other vessels, when deemed necessary, to be cleansed, and to cause all on board with their clothing, bedding and baggage to be cleansed fully and effectually, and thereafter to suffer such vessel, master, crew and passengers who are in good health to depart and pursue the voyage without delay.

Sec. 6. Be it further enacted, &c., That it shall be the duty of the said Resident Physician, and his assistants, to examine particularly the number of passengers that may be found on board of any vessel that may come under examination, and when a greater number of passengers are found than allowed by law, to report the same to the District Attorney of the city of New Orleans, who shall prosecute for the same, and all fines and forfeitures collected under the provisions of this act shall inure to the benefit of the said Board of Health.

Sec. 7. Be it further enacted, &c., That it shall be the duty of each and every Pilot and Commander or Master of each and every Tow Boat, to give information to the Master of each and every vessel boarded of the provisions of this act, and of the Rules and Regulations made in pursuance thereof, and further, to aid and assist said Resident Physician or assistant, as the case may be, in making the necessary examination by giving passage to said Physician or assistant, and by causing the vessel in charge to come too at the proper place and time, and any neglect or refusal to comply with the provisions of this act, and the rules and regulations made in pursuance thereof, shall be deemed a misdemeanor, and shall be punished by fine or imprisonment, or both, at the discretion of the Court.

Sec. 8. Be it further enacted, &c., That it shall be the duty of every master of any vessel arriving in the Mississippi river or destined for the port of New Orleans from any foreign or other port, to submit to and aid in any inspection or examination, required by said Resident Physician, or either of his assistants, of the vessel, officers, crew and passengers, and to come too, or anchor, or place his vessel at such point as may be designated, and there remain until permitted to depart; and to furnish all the information required in relation to the health of all persons on board his vessel, and of the port of departure, and to submit to and obey the provisions of this act, and all the rules and regulations made in pursuace thereof; And if any master of any vessel shall neglect or refuse to obey and abide by the same, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum not exceeding two thousand dollars, or shall be imprisoned not exceeding one year, or both, at the discretion of the court; and every person or persons, who shall violate the provisions of this act or the rules and regulations made in pursuance thereof, shall be deemed guilty of a misdemeanor, and shall be fined or imprisoned, or both, at the discretion of the court.

Sec. 9. Be it further enacted, &c., That the said Resident Physician shall be empowered by the said Board of Health, to procure all the necessary supplies of linen and bedding, provisions and necessaries that may be deemed necessary for the use of said Resident Physician and assistants, and for said hospital and inmates. and the said Resident Physician shall keep a faithful account of the same, and render an account to the said Board of Health every six months, and whenever required thereto.

Sec. 10. Be it further enacted, &c., That in order to carry the provisions of this act into effect, the said Board of Health be and is hereby authorized to draw a sum not exceeding fifteen thousand dollars for the year one thousand eight hundred and fifty-four, and a sum not exceeding ten thousand dollars for each subsequent year, out of any money in the Treasury not otherwise appropriated.

The first section of the original bill was taken up.

Mr. Kittridge offered the first section of the substitute.

Mr. Hodge moved to lay both bills on the table.

Mr. Trudeau—

There seems to be an impression that there is a difference of opinion in the committee as to the propriety of quarantine. This is a mistake. The committee was unanimously in favor of some system, though not decided on any particular one. Consequently two bills have been reported. The citizens of New Orleans are in favor of quarantine and to dispose of the bills in this summary manner would be treating our constituents with great disrespect. And besides, we owe some courtesy to the committee, which has been at great trouble to procure information and prepare these bills The committee do not pretend to have brought forward a perfect bill, nor do they claim it to be the emanation of forty of the best minds in the State. But, at all events, it is a basis which can be built upon. New Orleans has been long enough under tutelage in this Legislature, and if gentlemen are not willing to do anything for her they should, at least, permit her to do it for herself. By changing the two first sections of the bill it would be merely an authorization to New Orleans to establish a system for herself.

Mr. Kittridge—

Two reports have been made and two bills accompanying them. One portion of the committee believe that quarantine will prevent the spread of epidemic disease. The other do not believe anything of the kind. Bills have been introduced in accordance with both these views. Let them both be read.

Mr. Evans—

Senators have already read them. I am in favor of laying them both on the table. I consider the whole thing perfectly useless, and to discuss them would only be consuming time for nothing. It is a matter with which we have nothing to do.

The bills were laid on the table.

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RAILROADS MORTGAGING THEIR PROPERTY.

The bill to permit railroads to mortgage their roperty was taken up.

Mr. Moore—

A general principle of law is that you cannot ıortgage what does not exist. By the law they 'e permitted to mortgage their property, but that ıes not include what is not actually in existence. am not willing to depart so far from the general inciple of law. I shall offer an amendment in ıcordance with my views.

Mr. Wickliffe—

I am opposed to the principle of this bill. The ıendment of the Senator from St. Martin does t obviate the difficulty. I am opposed to letting oad in which the State has an interest mortgage property.

Mr. Kenner—

I think I can satisfy the gentlemen that the npanies already have this power, and with that w I shall read from pages 120 and 121 of the s of 1853, incorporating the Jackson and Opelousas Rail Road Companies. (Here Kenner read the extract alluded to). The npany was about to act under this power, and row money to assist in completing the works. wever, a question arose as to what constitutes perty. The Attorney of the company was n consulted, and afterwards Judge Eustis.— ey said the Legislature, no doubt, meant to in- le all property, but as there is a general law ch says that movables shall not be mortgaged, as the Supreme Court has decided that the iron read is movable, it was thought better to procure ecial authorization from the Legislature. They ight that otherwise doubts might arise in the ds of money lenders, or capitalists. You see he acts of incorporation of these companies the right to mortgage exists. The only ques- is whether we shall render assistance to the panies by causing them to have the power to w money at a less rate of interest. They will rward and borrow, and we ought to put it in power to get it at the lowest rate. There is npropriety in doing this. We cannot take the right we have given. I am opposed to mendment of the Senator from St. Martin. might just as well strike out the enacting By amending it in that manner we should the bill so obnoxious to the stockholders that would not accept it. Pass this bill and we y aid the success of the roads. Every mile vill increase the security and capitalists will ling to advance their money on it.

King—

ree with the gentleman who has last address- Senate, that if the people want to lend on a road not built, there is no reason why ould be so anxious to prevent them. But I end they will not lend much. My objection bill is that it is general instead of specific in ns. It gives the right to the Directors to of other people's property. But these com- have the right already by their charters. rd property of course means all property. ıave no immovable property except the on which they run. The are not worth s security. We might as well give them ns of borrowing money cheaper. But by as it stands, we would be giving the right ilroad companies, whereas we ough to give o those which we think need it.

Moore—

pass the bill in this form will we not aur thorize them to mortgage what the charter neve intended,—will it not be a violation of the charters? I am willing to define what property is, to say that it is the road and its appurtenances; but would it not be wrong to let them mortgage what does not exist? It would be contrary to the general principle of our law. It was to prevent this violation that I offered the amendment.

The amendment was rejected.

Mr. Hodge—

The amendment ought to have been adopted. I have thought much of that bill, and I shall vote against it. It is true they must have some way of getting money. And how is this to be done? Must we let them issue bonds and mortgage the roads? The State of Louisiana is interested in them to the extent of one-fifth. She subscribes her bonds for one-fifth of the stock. Into whose hands do they go? Why, into those of the Directors, who sell where and for what they please. But the stockholders must pay their share, which is as four to one to the share of the State. Now, if they comply with the true intention and meaning of the act of the Legislature, and pay four-fifths to the State's one-fifth, where is the necessity for this bill? The State subscribes one-fifth and gives her credit to the road. If they violate the provisions of the constitution by not paying their four to one, why should we give our credit or pass bills of this kind for them. If we enable them, by giving them additional credit, to borrow money, would this be a compliance with the law? By no means. When we subscribe and pay one-fifth they are bound to subscribe and pay four-fifths; and, if they do it, where is the necessity for this bill? Do gentlemen propose to mortgage the property of the State to make her bonds good? It will be said that they do not pledge more than her credit, but they actually mortgage her property. Why, they might just as well mortgage capital. It would be better to issue bonds for the whole amount at once, than to permit the mortgaging of the State's interest.

I was inclined at first to vote for the bill, but on reflection I do not think it right.

Mr. Kenner—

The gentleman seems to think we are asking something we do not possess already. We have already all that we ask. We only want the Legislature to make plain the meaning of the word property as it appears in the acts of incorporation. If that will injure the credit of the State I give up the point. I call for the question.

Mr. Hodge—

I wish to state one fact. The acts alluded to were passed on the 21st of April, and the acts by which the State became a subscriber on the 28th of April. This, therefore, is a proposition to permit the company to mortgage the property of the State—a right they did not before possess. I am opposed to giving such power to the Directors.

Mr. Moore—

I will give my reasons for voting against the bill. The words which I propose to strike out would be an amendment of the charter. We cannot mortgage what does not exist. I am myself a stockholder in one of these roads, but I am unwilling to give them any such power. Let them build the roads and then they may be seized and sold, and the State will lose her interest.

The first section was adopted.

Mr. Hodge—

I move a proviso, that the company shall not be allowed to mortgage the interest which the State has in these roads.

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Mr. Kenner—

The proviso would have much the same effect as the amendment of the Senator from St. Martin. It would destroy the bill. Our object is to mortgage the iron, locomotives, and other property belonging to the companies. You say the interest of the State must not be affected by this, but how are you going to divide the interest of the State from that of the other stockholders? The State owns four inches and four-fifths in every foot, but how are you going to separate that from the remainder. We proceed on the ground that the company already possess the right of mortgaging their property. If we adopt the amendment, the stockholders will not accept the act, and it will be useless. We want to give them the means to build the roads, and this is the way to do it.

Mr. Wickliffe—

There is a way to arrange the matter, by stipulating that the interest of the State shall not be affected when the mortgage is foreclosed, as it certainly will be, the way things are going at present.

Mr. Macmurdo—

The State is only a partner. I do not see why she should be surrounded by this halo, which gentlemen wish to throw around her. She ought to have the same interest and privileges as the other parties, and no more. She should submit to the same restrictions, and not be exempt from any of the burthens which may fall on the others.

Mr. McCay—

If the State has granted the right already, what is the necessity for the bill?

Mr. Kenner—

To define the meaning of the word property.

Mr. McCay—

That is sufficiently explained by existing laws.

Mr. Kenner—

The subject has been examined by Judge Eustis, and he thinks a special act of this kind would obviate difficulties, and make the matter clearer.

Mr. Hodge—

The gentleman from New Orleans, Mr. Macmurdo, says the State is a common partner. Now, sir, the State issues her bonds, on which money is raised. The other parties, whom the gentleman considers as good as the State, are not able to do it without mortgaging, not only their property, but that of the State likewise. This is the difference. I am as much in favor of railroads as any one. I belong to a party which has always been in favor of Internal Improvements. But I cannot consent to go this far. The State has subscribed liberally —money has been and can be raised on her bonds; and I would rather borrow this additional money necessary, and lend it to the companies, than establish this precedent. It is not necessary to mortgage the roads. They can be completed without having recourse to such a measure. It seems to me that I can foresee how this matter is to end. Louisiana will lend her million and a half; the Directors will mortgage the road; in a few years the bonds will fall due—they will not be paid—the creditors will sell the road and the State will lose her interest, and be minus a million and a half, without deriving any benefit from the transaction, except that which she will derive from foreign capitalists owning a road through her borders. I am in favor of internal improvements, but not so much so as to lose sight of the interests of the State. I cannot forget the hard lessons which experience has taught us. I am conservative in my opinions, and do not let my zeal for railroads run into a mania. I am opposed to the Legislature yielding to outside pressure. Whither will this kind of legislation lead us? I am opposed to involving the State any further, and I wish to see her interests fully protected.

Mr. Macmurdo—

I said that the State ought not to be exempted from the ordinary risks and liabilities of the other partners. The State does not issue her bonds till the others have paid. The presumption is, that they have paid. I do not believe these mortgages have any reference to the payment of stock. It is probably in contemplation of the cost of construction exceeding the amount of stock, and it then being necessary to mortgage the property, including the interest of the State with that of the other stock-holders.

Mr. Martel—

I wish to say a few words on this subject, on behalf of my colleague and myself. In our part of the country, we have subscribed to the railroad more from a convic ion of its intrinsic utility and necessity, than with any view of realising a dividend on our stock. We wish to encourage internal improvements, and therefore we subscribed. I view this bill much in the same way. If it will aid the great railroad enterprizes it ought to be passed.

The amendment was rejected. The bill passed.

REMOVAL OF PUBLIC RECORDS.

The bill to provide for the removal of certain public records from the Fourth District of the city of New Orleans was taken up.

Mr. Trudeau offered an amendmeet, providing that the cost shall not exceed $15,000.

Mr. King—

I am authorized by Mr. Arnoux, the Recorder of Mortgages of the Parish of Jefferson, to say that the amount will not exceed $15,000, and that he obliges himself never to ask more than that amount, and I ask the reporter to take down my words.

Mr. McCay—

I am authorized to make the same statement.

Mr. Trudeau—

Under the assurances of the gentlemen, I will withdraw the amendment.

The bill passed.

DEFINING THE BOUNDARY BETWEEN CADDO AND DE SOTO.

The bill to define the boundary line between the Parishes of Caddo and De Soto was taken up.

Mr. Hodge—

I wish to state that this bill has passed the House, and meets the views of the members from those parishes. It also affects the Parish of Natchitoches, which hereafter will be in my district. I am not in any manner responsible for the bill. As the representatives in the other House, from the interested parishes, approve of it, I do not feel called on to oppose it.

The bill passed.

THE RICKER EXPEDITION.

Mr. Hebert called up the bill for the payment of the expenses incurred by the Chairman of the Senate Committee in 1852.

Mr. King—

It has been said that this Committee had no authority to proceed as they did. The resolution under which they were appointed shows differently. The resolution says, that during the recess, they shall have full power to act and collect information. What is the meaning of that? Let me read a short extract from the report of the Committee, made in 1853. (Mr. King here read an extract

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rom the report.) I know that Mr. Ricker con-
ulted many of the most eminent men in the State,
nd not one of them suggested that he had no
uthority. It is a new idea sprung at the eleventh
our; but is repeated often and earnestly enough
carry some weight with it. The sum allowed
s been reduced to the barest pittance that is from
25,000 to $5000 If we pay that now, it will
ttle the matter. If we do not pay this, we shall
obably be importuned till we give the whole
mount.

Mr. Wickliffe—

The gentleman says, the denial that Mr. Ricker
d authority to do what he did, is an afterthought
is not so sir. I know that Mr. Ricker asked a
ntleman to accompany, and stated at the same
me that he had no authority. The Senator says
resolution did give him power. I say it did
. Will anybody say he had any authority,
der that resolution, to employ steamboats, and
ur other expenses of the same character? Had
y power to traverse the State as they did. Mr.
ller, himself a member of the Committee, said
did not think they had such power, and refused
ccompany them. Another member said he
ught they had a sort of constructive power.
. Waddill, of Avoyelles, did not embark. There
numbers of the Committee, who thought they
e not clothed with the powers which have
n claimed for them. Does the gentleman seri-
ly think they were authorized to employ
mboats, buy Champagne, and get up frolics as
did, and make Louisiana pay for it? If
ntors make up their minds that the most lati-
arian construction of the language of the re-
ion can confer powers like these, let them
for the bill.

r. McCay—

the Senate gave powers of this kind, the pay-
ought t to be made out of its own contingent
The Senate had no power to entail such a
nsibility on the General Assembly.

r. King—

any event they ought not to be deprived of
money, through a mistake of the State It is
to appoint Committees to act during the re-
and to confer upon them powers to send for
ns and papers. Mr Ricker expended $787
his own pocket The members of the Com-
were subjected to heavy expenses. Messrs.
and Laferelle were exposed for weeks in
cks Bay, and other places, making observa-
nd collecting information. They made a
of beautiful maps—the most beautiful in the
and their labor ensued to the benefit of the
The maps which they made would carpet
or of this chamber, and accompanying them
ade a series of elaborate and important re-
ine mere copying of which would be very
Ought we to deprive these persons of the
nsation they have justly earned? They
ne the work. The Senate gave the au-
and we should not refuse to pay them.

Hodge—

e to lay the bill on the table.

Vickliffe—

e to take the money out of the Improve-
nd.

ing—

pposed to that, because it will cripple the
Improvement Fund. I move to lay the
nt on the table. Another objection is
und cannot pay—the hands and negroes
aid now. What is the use of appropriat-
ing money from a fund which cannot pay? Either vote the bill down, or appropriate the money out of a fund which can pay.

Mr. Boatner—

One claim was allowed by the Committee, which has not been included in the bill—the claim of Dr. Riddell $500.

Mr. Wickliffe—

I am informed that Mr. Riddell never paid a dollar for that expedition.

Mr. Boatner—

I move to strike out the $300 appropriated for Mr. Waller.

Mr. Kenner—

Why?

Mr. Boatner—

Because I was requested by Mr. Waller to do so.

Mr. Kenner—

That is the first time I ever heard of a man refusing money, and I am opposed to striking the name out.

The Senate refused to strike out.

REPORTS OF COMMITTEES.

Mr. King, from the Committee on Internal Improvement, made the following reports:

To the Honorable W. W. Farmer,
President of the Senate.

The Committee on Internal Improvement and Swamp Lands and Levees, to whom was referred an act requiring the Swamp Land Commissioner of the First District to perform certain works in the Parish of St. Bernard, beg leave to report unfavorably upon the same.

(Signed) W. W. KING,
Chairman.

To the Hon. W. W. Farmer,
President of the Senate.

To the Hon. W. W. Farmer,
President of the Senate.

The Committee on Internal Improvements and Swamp Lands and Levees, to whom was referred a resolution instructing the State Engineer to perform certain improvements at the mouth of the bayou St Malo, in the parish of St. Bernard, beg leave to report the following substitute:

Resolved by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened:

That the State Engineer be, and he is hereby directed at his earliest convenience, to repair to the mouth of the bayou St. Malo, in the parish of St. Bernard, and make an examination of the same, and if in his opinion it be deemed expedient, to employ one or more of the drudging boats belonging to the State, in removing the sand bars obstructing the navigation of said bayou.

[Signed] W. W. KING, Chairman.

MESSAGE TO THE HOUSE

The special messenger of the Senate, informed the House that the Senate had concurred in the following bills and resolutions, to-wit:

An act to revise and amend an act entitled:

An act to revise an act to incorporate a Congregation of the Roman Catholic Church of St. Francis in Natchitoches.

An act authorizing an instrumental survey by the State Engineer, with the view of improving the navigation of bayou Bœuf.

An act to regulate the sessions of the Police Jury of the parish of Tensas.

Resolution for surveying a road from the Mississipi to Opelousas.

Resolution for the improvement of Sabine river.

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And he requests the concurrence of the House in the resolution of the Senate.

Joint resolution for the extension of the Port of New Orleans to Jefferson City, and for a Post Office in the parish of Jefferson.

MESSAGE FROM THE HOUSE.

The special messenger of the House informed the Senate that the Speaker has signed the following bills and resolution of the Senate.

An act to authorize the Wardens of the Port of New Orleans to employ deputies and clerks.

An act to authorize Judith Toutant, wife of Alexandre Legendre, to sell certain slaves.

Resolution to carry into effect section 32 of an act entitled an act to establish a general system of Free Banking in the State of Louisiana.

And he requested the signature of the President to the following enrolled bills of the House :

An act authorizing the Board of Swamp Land Commissioners to receive and adopt as a part of the General Levee System, such levees as have been built by the parishes of Carroll, Madison and Catahoula, under the provisions of an act entitled an act forming a levee district composed of the parishes of Carroll, Madison and Catahoula, for the better protection of the same from inundation, approved March 18th, 1852, and to appropriate the sum of fifty thousand dollars from the General Swamp Land Fund to pay for the same.

An act to amend and re-enact the 4th, 15th, 17th and 18th sections of an act entitled an act to reorganise free public schools in the State of Louisiana, approved April 28th, 1853, and to authorize Police Juries to establish Boards within their respective parishes for the examination of applicants for the place of Teacher in the District Schools

The special messenger of the House informed the Senate that the Speaker has signed the following bills and resolutions :

An act authorizing the appointment of Charles M. Shepperd, as tutor of his minor brothers and sisters.

Resolution for the purchase of the Political History of the United States by Bernard Marigny.

And he requested the signature of the President to the following bills entitled :

An act to provide for the disbursements of the Public School funds apportioned to the parishes of Union and De Soto.

An act to incorporate the Independence Fire Company No. 2, of the city of Baton Rouge.

An act to incorporate the Grand Conclave of the order of S. W. M. for the State of Louisiana.

And that the House has concurred in the Senate amendment in

An act to authorize the city of New Orleans to subscribe to the stock of the Pontchartrain Rail Road Company, to enable said Pontchartrain Railroad Company to construct a railroad from New Orleans to Mobile.

Mr. Hodge called up a bill entitled an act to authorize notaries to celebrate the marriage ceremony (except in the parish of Orleans.)

On motion, the rules were suspended, it underwent its several readings and it was concurred in.

On motion of Mr. Lacoste, the bill entitled an act to grant certain powers to the Police Jury in and for that part of the parish of Orleans situated on the right bank of the Mississippi river, was reconsidered, and the bill was laid on the table subject to call.

The special messenger informed the Senate of the concurrence of the House in the following resolution relative to deepening the channel of Atchafalaya Bay.

And he requested the concurrence of the Senate in the following bills and resolution.

An act to amend an act entitled an act to establish a general system of Free Banking in the State of Louisiana.

An act for the relief of Hugh Y. Waddill, late Register of the Land Office at Natchitoches.

An act for the improvement of the grounds surrounding the State House.

Resolution requiring a survey to be made of Yellow Bayou, in the parish of Avoyelles, by the Commissioners of the Third District.

MESSAGE FROM THE HOUSE.

The special messenger of the House informed the Senate that the Speaker has signed the following enrolled bills and resolution :

An act for the relief of Antonio Marrero, of the parish of St. Bernard.

An act to provide for the payment of the salary of the Reporter of the decisions of the Supreme Court for the year 1852.

An act amendatory of the charter of, and of several acts relative to the Citizen's Bank of Louisiana.

An Act for the relief of Benjamin Borel, of the parish of St Mary.

Resolution ordering the State Engineer to repair to Red River to remove snags, &c., therefrom.

And he requested the signature of the President to the following acts :

An act to amend an act entitled an act to provide for the removal of certain public records from the fourth District of the city of New Orleans to the parish of Jefferson, approved April 30th, 1853.

An act to fix the terms of Court of the fifth Judicial District.

An act to authorize Notaries to celebrate the marriage ceremony, except in the parish of Orleans.

And he informed the Senate that the House has concurred in a bill entitled :

An act to amend and re-enact an act entitled an act to increase the revenue of the State ; to reduce the salaries of certain officers, and for other purposes, approved March 10th 1845.

And that the House has concurred in the following bills and resolution, entitled

An act for the relief of Antonio Marrero, of the parish of St. Bernard.

An act giving to the securities upon a twelve month's bond, the right of subrogation in certain cases.

An act to amend the 329th article of the Civil Code.

An act to repeal an act entitled an act to re-organize the Police Jury of the parish of St Landry, approved April 18th 1853.

Resolution to cancel the bond of the Hon. G. C. McWhorter, late State Treasurer.

And, with amendments in the following bills:

An act concerning forfeited bonds and recognizances and fines in criminal prosecutions throughout the State, the parish of Orleans excepted.

An act concerning the payment to owners for slaves condamned to death or the Penitentiary, by the State.

An act to prevent trespasses, approved April 6th 1843.

An act to amend an act entitled an act granting pensions to the veterans of 1814 and 1815, approved April 30th 1853.

And he requested the concurrence of the Senate in

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An act to authorize Samuel Harby to adopt Frances Samuel.

An act to purchase additional copies of the Civil Code and Code of Practice, compiled by Thos Gibbes Morgan, and also of the Louisiana Reports.

An act for the relief of Drury M Pritchard, late Sheriff and tax Collector for the parish of Catahoula.

MESSAGE TO THE HOUSE.

The special messenger of the Senate informed the House that the President pro tem. of the Senate had signed the following bills of the House :

An act to exempt the clerks, workmen and employees of the Mint of the United States, at New Orleans, from serving as Jurors in the District Courts of New Orleans.

An act to change the name of Alfred Wharton Sutton to Alfred Clifton Wharton.

An act relative to the proceedings on judgments rendered by Justices of the Peace in the parish of Orleans.

An act to authorize Louis Auguste Leopold Guiard to make certain disposition of his property.

An act making an appropriation to repay the late Librarian certain moneys expended by him.

An act providing for the subscription by the City of New Orleans to the stock of the New Orleans, Jackson and Great Northern Rail Road Company.

An act providing for the subcription by the City of New Orleans to the stock of the New Orleans, Opelousas and Great Western Rail Road Company.

An act relative to a removal of the Seat of Justice in the Parish of Concordia.

An act to make provision for the revision of the Statutes of the State.

An act to incorporate the Grand Conclave of the Order of S. W. M. for the State of Louisiana.

An act authorizing the board of Swamp Lands Commissioners to receive and adopt as a part of the General Levee System, such levees as have been built by the parishes of Carroll, Madison and Tensas, for the better protection of the same from inundation, approved the 18th day of March, 1853, and to appropriate the sum of fifty thousand dollars from the General Swamp Land Fund to pay the same.

An act to provide for the disbursement of the School Funds apportioned to the parishes of Hernando De Soto.

An act to amend and re-enact the 5th, 15th, and 18th sections of an act entitled an act to reorganize free public schools in the State of Louisiana, approved April 28, 1853, and to authorize Police Juries to establish boards within their respective parishes for the examination of applicants for the place of Teacher.

An act creating a Harbor Master, for the Fourth District of New Orleans.

An act for the relief of C. J. Mandeville, State Collector for the parish of Caldwell.

An act authorizing and instructing the State Engineer to make a thorough examination and survey of the Ouachita and Little River.

An act to provide for a deficiency in the appropriation for the payment of pensions under the act entitled an act granting pensions to the veterans of the war of 1815, approved April 30 h 1853.

An act for the relief of Samuel Smith, a veteran of the war of 1812 and '15.

An act to abolish the February and August terms of the District Court for the parish of St. Landry.

An act to authorize parish treasurers to employ the sheriff or auctioneers to make sales of the 16th sections.

An act to increase the pay of Jurors in the parish of Terrebonne.

An act to authorize the Common Council of the city of New Orleans, and the Police Jury of the parish of Orleans, on the right bank of the Mississippi river, to establish ferries across said river and to regulate the same.

And he requests the signature of the Speaker of the House to the following enrolled bills and resolution :

An act authorizing the appointment of Charles M Shepers as tutor of his minor brothers and sisters.

Resolution for the purchase of the Political History of the United States, by Bernard Marigny.

An act for the relief of Benjamin Borel, of the parish of St Mary.

An act relative to the Citizen's Bank of Louisiana.

An act to provide for the payment of the salary of the Reporter of the decisions of the Supreme Court for a part of the year 1852.

Resolution ordering the State Engineer to repair to Red River to remove snags, &c., therefrom.

An act for the relief of Antonio Marrero, of the parish of St. Bernard.

An act to incorporate the Benevolent Association of the German Catholic Ladies of Baton Rouge.

An act for the relief ef Fergus Fusilier.

An act to emancipate John Pickett, a minor, of the parish of Bossier.

An act to authorize Mrs Widow Melissa Cardouna to adopt Agatha Graw and Esperanza Graw.

An act to improve the navigation of Red River.

An act for the relief of Martin Kohler.

An act to amend the 3d section of the act No 53, entitled an act to incorporate the town of Minden, approved March 10th 1853.

An act to repeal an act entitled an act to reorganize the Police Jury of the parish of St Landry, being act No 131, approved April 18th; 1853.

An act to regulate the terms of Court in the 6th Judicial District.

Resolution to cancel the bond of the Hon G. C. McWhorter, late State Treasurer.

Resolution authorizing the Auditor to give a quietus to A. C. Bickam, tax Collector of the parish of Washington for the year 1841.

And he informs the House that the Senate has concurred in the following bills, and resolution of the House.

An act to re-district the parish of St Bernard.

An act to authorize Notaries to celebrate the marriage ceremony, except in the parish of Orleans.

Resolution extending the present lease of the Penitentiary to may, 1855.

An act for the relief of Bernard Marigny.

An act fixing the salary of the Sergant-at-arms of the Senate and House of Representatives of the State of Louisiana.

And he requests the concurrence of the House in the following bills and resolution of the Senate.

An act to incorporate the Ladies Benevolent Society of New Orleans.

Preamble and resolutions concerning a grant of

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public lands by Congress, for educational purposes for the blind and the deaf and dumb.

An act for the relief of the heirs of Dr Joseph Shannon, deceased.

An act to amend and re-enact an act entitled an act to increase the revenue of the State, to reduce the salaries of certain officers, and for other purposes approved March 10th 1845.

An act for the relief of P. Lucas, of the parish of East Baton Rouge.

An act granting a pension to Sarah Barber, under an act of 1852—'53.

WEDNESDAY, March 15, 1854.

EMANCIPATION OF SLAVES.

Mr. Wickliffe called up the bill providing for the manner of emancipating slaves in the State of Louisiana.

Mr. King—

That is not a local, it is a general law. I hope those Senators who have stood with me on this subject of emancipation will not favor such legislation as that. A short time ago the Legislature passed with great unanimity a law, shadowing it forth as the permanent policy of Louisiana to put a stop to the emancipation of slaves, to remain among us. From the policy of that act we have departed by special legislation. In all such cases the best side of the story is put forward, our sympathies are appealed to, so that we find it difficult to refuse. We were finally called on to pass a general law, which, however, is got rid of by the practice of applying to the Legislature for special acts of emancipation. We also passed a general pension law, and our list soon swelled from $15,000 to $60,000. This bill will have the same effect. If the case be left to the District Attorney, alone, instead of twenty or thirty a year, we shall have several hundreds. The Attorney has no interest in the suit. He is paid, whether he gains or loses. The person wishing to get this thing done will go and electioneer with the District Attorney just as they do here. The effect of this policy can easily be seen. It will tend to emancipate every slave in the State. It would be better to let every man emancipate his own slaves and suffer them to remain in the State, than to pass this bill. For my part I shall do all in my power against it, and shall not consent to a dispensation of the rules.

Mr. Wickliffe—

The gentleman's knowledge of the law of 1852 is not accurate He says it was passed with great unanimity. The fact is, it experienced great difficulty in both houses. Liberia was stricken out. That word did not appear in it till after it was enrolled. He says this bill will have a tendency to emancipate every slave in the state—that the officers will be electioneered with and corrupted by the importunities or offers of interested parties, thus insinuating that the District Attorney would neglect his duty for seventy dollars. I am not prepared to say that this is true of our officers.—The gentleman says that under this bill hundreds of negroes a year would be emancipated. I do not believe there would be so many as by the Legislature. Under this bill the slave and master would both be known by the tribunal before which they come. The system of log-rolling which prevails before the Legislature, and which the gentleman has spoken of, will be heard of no longer.—When they come here to get bills passed, we can tell them, go home before a jury of your neighbors, and the District Attorney will do it, if it be judged proper and expedient. Thus we will be relieved from the importunities which so much annoy us, and a general system will prevail for all necessary emancipations.

Mr. King—

I did not charge corruption on the District Attorneys and juries. I meant to infer that their other duties were too onerous and absorbed too much of their time to permit them to be depositaries of the interests of the State in a matter of this kind. They are but men and frail men like ourselves. They may yield to those importunities which affect so much the Legislature. Why, sir, under the pension law, our liabilities rose in one or two years from $15,000 to $60,000, although it was framed with great care. The gentleman from West Feliciana was one of the first to advocate its repeal, with a view of letting every case stand on its own merits. This is a still greater evil. The bill is badly drawn. A negro entitled to his freedom by law and justice cannot bring suit. Even if kidnapped and sold he cannot sue for that freedom of which he has been illegally deprived. It only authorizes the master to make the application. In such cases as those I have mentioned he would be the last person to do it.

Mr. Wickliffe—

Does the gentleman mean to say that this bill takes from the slave the right which the Code gives him to sue for his freedom?

Mr. King—

Not in actual terms; but this seems to be a general bill for the emancipation of slaves, and provisions for cases of the kind to which I have alluded ought not to have been left out. Some people seem to think the Code is like the Constitution, not to be affected by Legislative action. This is a mistake. The Code is composed only of statutes which are repealed by contravening laws passed by the Legislature. I am not prepared to answer the gentleman's question without making a careful analysis of the bill. But as it appears to me now, it might take away the right which negroes now enjoy of suing for their freedom. I hope the Senate will not grant a dispensation of the rules.

The Senate refused to suspend the rules.

BILL TO PERMIT RAILROADS TO MORTGAGE THEIR PROPERTY.

Mr. Kenner—

I desire to call up the bill to permit railroad companies to mortgage their property.

Mr. Lacey—

I voted in the majority against the bill yesterday. Last evening I moved a reconsideration, which was carried.

Mr. Moore—

The amendment which I offer has not been brought forward till after much deliberation. I am a stockholder in one of these companies, and I am therefore not prejudicial against them. We have allowed the city of New Orleans to issue bonds in favor of these roads We have made those bonds a basis for banking. Now we are called on to let them mortgage the whole of their property, even that which does not now exist, and including the interest of the State. This is going rather too far. I have no objection to permitting them to mortgage that part which is made, but not what is not yet made, particularly as we have made the bonds to be issued by the city of New Orleans a basis for free banking.

Mr. Kenner—

The impression seems to have been that the companies do not already possess this right; but

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n examination it was found that they already had by their charters. Then it was said they ought ot to be permitted to mortgage what did not ex t. But if individuals and capitalists are willing lend, why should we not let them do it? If e did not grant this privilege they would have confidence in lending their money, for they ould say some individual, after the road was fin- ed, might step in before them and get a mort- ge on it. All we want is to secure these per- s who are willing to lend money to these rail- ad compadies. I cannot see that this is such a nstrous proposition.

Mr. Moore—

The effect of the bill would be this. The com- nies will mortgage the roads for their full value d get the money. The bonds of New Orleans, the amount of three and a half millions, will be ued in their favor and they will get the money them, also. Thus they will mortgage the ole interest of the city and that of the State, d get the money on both. I, as a stockholder, opposed to any such proceedings. I think it ong and unjust They ought to be satisfied h what they already have from the city and State.

Mr. Trudeau—

By this bill the Directors are not only author- d to mortgage the rights of the State but those he stockholders also. What right have we to carry forward and give the Directors the t to dispose of the interest of not only the city State, but the stockholders likewise, without r consent?

Mr. Kenner—

They already have the right.

Mr. Trudeau—

Where is this thing to stop? They asked char- —we gave them; they asked subscriptions the State—we subscribed; they asked that r Orleans be permitted to issue bonds for their fit—we permitted it; I have gone as far as but that is far enough.

RELIEF OF DANIEL MARTINDALE.

he bill for the relief of the late Daniel Martin- was taken up.

r Munday—

he person whose name is mentioned in the ti- this bill was last year elected District Atter- ney district. He was a young man whose alents and varied acquirements gave promise cultivated maturity. He was indeed an honor State, and to the profession of which he bright an ornament. When the fatal epi , whose desolating effects have been felt in ny portions of our State, broke out in our , his humane and sympathizing heart ted him to take an active part in every re of relief. He was indefatigible in his al attention and lavish of his means; he ered to the sick and smoothed the pillow of ng; he organized a hospital for the recep- patients, and indeed devoted all his time labors of humanity which in such times he truly benevolent and philanthropic heart. ith loves a shining mark. He was the last of the epidemic which he had so nobly com-

cles atque dies patet atri janua ditis.

ied, leaving behind a widowed mother, of e had been the only support and solace.— ect of this bill is to authorize the payment alance of his salary for the term which left uncompleted. I imagine there will jection to it.

Mr. King—

We have about three thousand just such vic- tims in New Orleans, and numbers whose services have been just as meritorious. $500,000 would not cover all the claims of a similar nature that could be presented. The object seems to be to make a charitable donation for the services ren- dered by the deceased during the epidemic. If that be the object we have 3000, yes, 10,000, just such cases in New Orleans.

Mr Munday—

I have voted for almost numberless bills for the relief of New Orleans when called on to do so, and yet the gentleman refuses to vote the paltry sum of $300 for a case in East Feliciana. He would not dare to vote against bills of the same kind for New Orleans; yet he votes against one for another parish. The gentleman has likewise been unfortunate in his analogies. He says there are ten thousand such cases in New Orleans.— This, sir, is the case of a meritorious public ser- vant who died in office, while engaged in the ex- ercise of the noblest duties of humanity. To ev- ery such case that the gentleman can produce, I shall not only willingly but joyfully vote the same relief.

Mr King—

I cannot deny that I sympathize strongly with the appeal of the gentleman, but on the other hand I cannot forget that this would be an ex- tremely dangerous precedent. If this bill pass, it will be an example for the presentation of thou- sands of similar claims.

The gentleman has spoken of sectional feeling. No one, sir, is more free from it than I am. It is true I have voted money for the charitable insti- tutions in New Orleans; but that is a matter of State policy, not of local favor. This, on the contrary, is very bad policy any way it can be viewed If this bill pass it would justify similar claims from every part of the State If the gen- tleman should come to me for charity in this case, I would give it trebly, but I am not willing to make a charitable institution out of the Treasury of the State.

The bill passed.

MINDEN SEMINARY.

The bill appropriating $5000 to Minden Semi- nary was taken up.

Mr Macmurdo—

With the permission of the Senate I will say a few words on this bill It is scarcely necessary for me to say that I am in favor of education. I am as much in favor of it as any Senator here.— The only objection to this bill is that it establishes a precedent which we cannot evade hereafter. If we give to one parish we may have to give to ev- ery other. There are 47 parishes in the State.— Suppose we give $5000 to each, that would be $235,000. If we commence the system we may be called on to appropriate that amount in one year. The Treasury of course could not support such a drain as that. If this bill pass, gentlemen must be prepared to listen to a proposition to in- crease the taxes of the State.

Mr. Defreese—

I am opposed to this system of legislation. This proposition has reference to a parish contiguous to my own, and yet I shall vote against it. I should vote against it equally were it for my own. If it be not laid on the table, I shall move to amend it by appropriating the same amount for every parish in the State. This system of legislation is to be reprobated by every reflecting man. The state- ments of Professor Dimitry in his lecture, though

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with all his fervid eloquence and flowing rhetoric, can have no influence with me in a matter of legislation. I have great respect for him, but I am not willing to squander the money of the State to favor even his theories.

Mr. Kenner—

Some years ago a system of building school-houses was adopted; they were called colleges, academies and seminaries. This plan failed.—Then the common school system was established. This succeeded better than building schools and colleges and letting the public furnish the teachers. If we pass this bill the part of the State most heavily taxed will kick at it. How much does Claiborne pay?

Mr. Hodge—

More than Ascension.

Mr. Kenner—

I should like to see the record.

Mr. Hodge—

To use the gentleman's own argument I will bet him a hundred dollars.

Mr. Lacey—

Put that down, Mr. Reporter.

Mr. Kenner—

And put down, also, that I accept. If gentlemen were as anxious to have their own words taken correctly as they are for those of their neighbors, the record might not show so well for them. But to return. The part of the State most heavily taxed now, receives the least proportionate benefits. They pay out for education four or five dollars and get back one. This they do without a murmur. They do not utter a complaint. But if you do this thing they will have a right to object; and they will object. It would injure the whole school system, and the cause of education throughout the State, however it might benefit this particular institution.

The bill passed.

BAYOU PLAQUEMINE.

A bill in relation to Bayou Plaquemine was taken up.

Mr. Hebert—

When a great river is interfered with, it will be found that injury is effected which eventually forces a return to the natural regimen of the stream. This is the case when in a stream which naturally throws off its surplus waters either by overflow or through lateral outlets, an extraordinary quantity of water is restricted to the bed of the river. Effects of this kind have been produced by the Raccourci Cut-Off, Shreve's Cut-Off, and others, which in point of fact have not shortened the distance an inch between New Orleans and Natchez. At Plaquemine the river has been interfered with by stopping up one of its natural outlets. The moment the water is stopped at all, the drift begins to collect and fill up the opening. The bill says the interruption is only to be temporary; but the difficulty is when it is once done, to effect an opening again. This is shown at Manchac. If we stop the Plaquemine, the river current will be increased and also the depth. Near Plaquemine the increase is already 18 inches. The first thing then that will occur, will be that the town of Plaquemine will go into the river. I call on the members representing that part of Louisiana below Plaquemine to sustain me in opposition to this measure.

The State Engineer says that rather than close Bayou Plaquemine, we should make two outlets.

(Here Mr. Hebert read from the report of the State Engineer.)

There is still another consideration. It will stop the navigation of the Bayou. Senators from that portion of the State which uses the Bayou should remember this. No water will flow into the Bayou from the river, and we shall have to depend on the back water of the Atchafalya. But there is a fall of 18 inches in this Bayou, making the calculation for the difference of high water in the Plaquemine and the Atchafalaya, so that the water from that Bayou cannot come up. It would not reach higher than four miles below the town I have not prepared myself to make an elaborate speech on this subject, and shall only move to lay the bill on the table, and that the substitute be taken up. I will read from the law of 1852 to which the substitute refers. (Reads.)

I will call to the mind of the Senate that a few days ago, a resolution was passed instructing the State Engineer to repair to Bayou Plaquemine and if necessary to throw an obstruction across the Bayou and stop the water. I have received information that the raft which has occasioned so much alarm has been removed.

Mr King—

I hope the motion will prevail to pass the substitute. It seems the State is again undertaking to play the Engineer, and is dictating the precise manner in which a work is to be done, which requires the best talent.

Mr Palfrey—

I hope the substitute will prevail. Bayou Plaquemine is the only outlet for an immense amount of produce from the West, and to the West from New Orleans, Avoyelles, St. Martin, St. Mary, La Fayette, Vermilion, Calcasieu, Ascension and part of Rapides, are all interested in the navigation of that stream It is of the greatest importance to them. They have no other outlet for their produce except a roundabout way through the Atchafalaya. The appropriation is a small one—to remove the drift-wood. The people of that section have been deprived for some months of the benefits of navigation. By the circuitous route of the Atchafalaya they are compelled to pay a dollar higher freight on sugar and for other things in proportion, both those which they receive and those which they send. I hope the substitute will pass.

The substitute was adopted.

MESSAGE TO THE HOUSE.

The special messenger of the Senate informed the House that the Senate has concurred in the following bills:

An act to provide for the improvement of the grounds surrounding the State House.

An act to incorporate the Louisiana German Draymen Association of New Orleans.

An act to amend an act entitled an act to incorporate the town of Vermillionville, in the Parish of Lafayette, approved March 11th, 1836.

An act to grant to the Mayor and Trustees of the town of Shreveport, and to the Police Jury of the Parish of Caddo, power to establish work-houses.

An act granting certain powers to the Mayor of the town of Donaldsonville.

An act defining the boundary line of Sabine Parish, and legalizing certain acts resulting from the uncertainty of said boundary.

An act to authorize Samuel Hurby to adopt Francis Samuel.

An act for the relief of Wm. Hampton.

An act to incorporate the Vienna Male and Female Institute in the Parish of Jackson.

An act to incorporate a Fire Company in the town of Shreveport.

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Resolution requiring the State Engineer to open passage from Bayou des Glaises to Lake Pearl, the Parish of Avoyelles; also to clean out Little Bayou Rouge.

An act for the relief of Henry O. McEnery, te Register of the Land Office at Ouachita, ouisiana.

An act to compensate various persons employed by the Committee of the Senate appointed the year 1850, to preserve the State from inidation.

An act to authorize the Police Jury of the rish of Ascension, to establish a Public Road tween New River and Donaldsonville.

An act to make the interest in the bonds ised by the State, payable in the city of New leans.

An act for the relief of Sheriff's and State Tax lectors throughout the State, for the licenses the years 1850 and 1851

An act to appropriate a further sum of money erect works at the mouth of Bayou Plaquemine, substitute)

Resolution instructing the State Engineer to form certain improvements at the mouth of you St. Malo, in the Parish of St. Bernard.

An act relative to Judicial advertisements in Parish of Orleans.

An act to amend an act relative to District Atneys, approved May 29th, 1846

An act to provide for the repairs to be made to State Capitol.

An act to authorize the Recorders of all the ishes of the State of Louisiana to appoint deies.

An act to purchase additional copies of the Civil le, and Code of Practice, compiled by Thos bes Morgan; and also of the Louisiana Re ts

An act to incorporate the Minden Female Colge, and to merge the Female Seminary of said n in the said College.

An act to authorize Railroad companies to gage their roads.

And he requested the concurrence of the House he following bills and resolution:

An act to amend the 11th section of an act end an act to provide for carrying into effect the ciary system, approved 29th of March, 1846, tive to Jurors, the Parishes of East and West ciana, Jefferson, St. Bernard and Plaquemines, Landry and Calcasieu excepted.

Resolution authorizing the Register of the Land e at Baton Rouge to appoint a deputy.

An act to amend an act entitled an act to inrate the Shreveport Home Mutual Insurance pany.

An act to amend an act amendatory of an act nsolidate the city of New Orleans, and to de for the government and administration of Fairs, approved 10th of April, 1843.

Resolution relative to the Nebraska Territorial

The special messenger of the Senate requests ignature of the Speaker of the House of sentatives to the following bills of the Sen-

An act for the relief of John Toy.

An act to amend the charter of the New Orleans Gas Light Company

An act authorizing the Auditor of Public Acand the State Treasurer to credit the Union of Louisiana with a certain amount, and for lief of John Pemberton for settling the inof the State in the said Bank.

An act to incorporate the Ladies' Benevolent Society of New Orleans.

An act to authorize Notaries to perform the marriage ceremony (except in the Parish of Orleans.)

An act to amend an act entitled an act to prevent trespasses, approved April 6th, 1843.

An act for the relief of the heirs of Dr. Joseph Shannon, deceased.

An act to amend the 329th Article of the Civil Code.

An act giving the securities upon twelve months Bonds, the right of subrogation in certain cases.

An act for the relief of J. H. Maddox, growing out of the failure on the part of the State to comply with the contract made with the said Maddox, relative to the printing of the debates of the Convention held in 1852

An act to authorize the city of New Orleans to subscribe to the stock of the Pontchartrain Railroad Company to construct a Railroad from New Orleans to Mobile

An act for the relief of John Toy.

An act to amend the charter of the New Orleans Gas Light Company.

And he informed the House that the President of the Senate has signed the following enrolled bills:

An act for the relief of H. J. Voorhies.

An act to revive an act entitled an act to revive an act to incorporate a congregation of the Roman Catholic Church of St. Francis in Natchitoches.

An act to provide for the improvement of Bayou Lafourche, to reclaim swamp and overflowed lands, and reserve a portion thereof from sale for a certain time.

An act to regulate the sessions of the Police Jury of the Parish of Tensas.

Resolution for making a road from the Mississipi river to Opelousas.

Resolution extending the present lease of the Penitentiary to May, 1855.

An act to fix the term of Court of the fifth Judicial District of the State of Louisiana.

Mr. Hebert, from the Enrolling Committee, reported as correctly enrolled, a bill entitled:

An act for the relief of the heirs of Dr. Joseph Shannon, deceased.

An act authorizing the Auditor of Public Accounts and the State Treasurer to credit the Union Bank of Louisiana with a certain amount, and for the relief of John Pemberton for settling the interest of the State in said Bank.

An act to incorporate the Ladies' Benevolent Association of New Orleans.

An act to authorize Notaries Public to perform the marriage ceremony (except in the Parish of Orleans.)

An act to fix the terms of Court of the fifth Judicial district of the State of Louisiana.

An act to amend an act entitled an act to prevent trespasses, approved April 6th, 1843.

MESSAGE FROM THE GOVERNOR.

Mr. Hatch, the private Secretary of the Governor, informed the Senate that the Governor has approved and signed the following acts and resolutions:

An act to repeal an act relative to the renumeration of the Judges of the Supreme Court.

An act to amend and re-enact Article 1116 of the Civil Code.

An act for the relief of Antonio Marrero.

An act for the relief of J. H. Maddox, printer to the Convention.

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An act to amend an act to re-enact an act entitled an act to increase the revenue of the State, to reduce the salaries of certain officers, and for other purposes, approved March 10th, 1845.

Resolution for the purchase of the political history of the United States, by B. Marigny.

An act for the relief of Benjamin Borel, of the Parish of St. Mary.

An act authorizing the appointment of Charles Shepherd as tutor of his minor brothers and sisters

An act to authorize Judith Toutant, wife of Alexander Le Gendre, to sell certain slaves.

Resolution to carry into effect section 32 of an act entitled an act to establish a general system of free banking in the State of Louisiana.

An act to provide for the payment of the salary of the Reporter of the Decisions of the Supreme Court for a part of the year 1852

Resolution ordering the State Engineer to repair to Red River to remove snags, &c therefrom.

An act to emancipate Offney F. Hornsby.

An act to authorize the wardens of the port of New Orleans to employ deputies and clerks.

MESSAGE FROM THE HOUSE.

The special messenger from the House informed the Senate that the Speaker has signed the following Senate bills:

An act for the relief of John Toy.

An act to amend the charter of the New Orleans Gas Light Company.

An act to incorporate the Benevolent Association of the Roman Catholic Ladies of Baton Rouge.

An act to authorize the city of New Orleans to subscribe to the stock of the Pontchartrain Railroad Company to construct a railroad from New Orleans to Mobile.

An act giving to the securities upon a twelve months bond the right of subrogation in certain cases.

An act to amend the 329th Article of the Civil Code.

Resolution authorizing the Auditor to give a quietus to A C. Bickham, tax Collector for the Parish of Washington for the year 1841.

An act to regulate the terms of Court in the Sixth Judicial District.

Resolution to cancel the bond of the late Treasurer, Hon. G. C McWhorter.

An act to amend the third section of the act No 59, entitled an act supplementary to an act entitled an act to incorporate the town of Minden, approved March 10th, 1853.

An act for the relief of Martin Kohler.

An act to improve the navigation of Red River

An act to repeal an act entitled an act to re-organize the Police Jury of the Parish of St Landry, being act 131, approved April 18th. 1853

An act to authorize Mr. Widow Melissa Cardonna to adopt Agatha Graw and Esperenza Graw.

An act to emancipate John Pickett, a minor of the Parish of Bossier.

An act for the relief of Forgus Fusilier.

And he requested the signature of the President to the following bills:

An act for the relief of H. F. Voorhies.

An act to provide for the improvement of Bayou Lafourche to reclaim swamp and overflowed lands, and reserve a portion thereof from sale for a certain time.

An act to revive an act entitled an act to revive an act to incorporate a congregation of the Roman Catholic Church of St. Francis in Natchitoches.

Resolution extending the present lease of the Penitentiary to May, 1855.

Resolution for making a road from the Mississippi River to Opelousas.

An act to regulate the sessions of the Police Jury of the Parish of Teneas.

And he informed the Senate that the House has concurred in the following bills, entitled:

An act to emancipate Messrs C. Cavett and James R. Cavett.

An act granting a pension to Sarah Barber, under the act of 1852 and 1853.

An act supplemental to an act entitled an act to establish a general system of Free Banking in the State of Louisiana.

Resolution for the relief of T. Lucas of the Parish of East Baton Rouge.

And he requested the concurrence of the Senate in the following bills, entitled:

An act for the relief of Joseph A. Stephens and Edward ~. Campbell.

An act to emancipate Francis Derbonne, a minor.

An act for the relief of persons who have entered or located Internal Improvement warrants, or school warrants, on the lands donated to this State by the United States.

An act to enable the city of New Orleans to drain and reclaim the swamp and overflowed lands within the corporate limits of the said city and its vicinity.

An act to re-enact an act entitled an act to amend the charter of the Mexican Gulf Railroad Company.

An act for the relief of Robert L. Whyte, of the Parish of Ouachita.

An act relative to free negroes and mulattoes, &c., coming into the State

An act to amend an act entitled an act to amend the several acts relative to the patrols, approved January 9th, 1821.

An act for the improvement of Bayou Corni.

An act for the relief of Philip Burg.

An act for the relief of Dr. C. R. French.

And that the House has concurred in the following bills and resolution:

A resolution instructing the State Engineer to perform certain improvement at the mouth of Bayou St. Malo, in the Parish of St Bernard.

An act to establish a permanent fund for the support of the Free Public Schools of the State of Louisiana.

An act for the relief of Martin Casey.

An act for the relief of the succession of the late Alexander Gordon.

And he informed the Senate that—

Under the act authorizing the Speaker of the House to appoint three of its members to act with a Committee on the part of the Senate, for the purpose of providing for the revision of the Statutes of the State, of a general character.

The Chair appointed—

Messrs. Charles A. Bullard, of Natchitoches; Thos. Green Davidson, of Livingston, and David E. Beecher, of New Orleans.

WEDNESDAY, MARCH 15TH 1854

EVENING SESSION.

BOUNDARY BETWEEN IBERVILLE AND WEST BATON ROUGE.

Mr Lauve—

I have a word to say in relation to this bill. In order to show that the territory of Grosse Tête belongs to the parish of West Baton Rouge it is en-

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ly necessary to read the law. This must be sufficient to convince every person that the parish of West Baton Rouge has certain rights in relation to this territory which we have no right to set aside. The law gives it to West Baton Rouge or says it must in a certain time revert to West Baton Rouge. I hope Senators will weigh this matter well and reflect maturely before they commit so gross an act of injustice as would be involved in passing this bill. This is not a matter for the Legislature to decide. It is a question to be submitted to the decision of the Courts and to them it should be left.

Mr. Hebert—

The words of my Colleague require a few remarks in answer The gentleman told us that this is not a matter for the Legislature to settle. I think on the contrary it is not such a question as can be the subject of a judicial decision If the gentleman shows a law of the Legislature defining the Boundaries between the two parishes then the question might be brought before the Courts. But there is no such law, therefore the Legislature must settle it. The gentleman said also that the law which he read gives the territory to West Baton Rouge. I say on the contrary, it clearly gives the territory to Iberville for a certain time. He says that at a certain time it must revert to West Baton Rouge. I say the question is evidently left open for the Legislature to decide. The laws passed afterwards showed the Legislature never had any such intention as the gentleman supposes they had two intents which I shall endeavor to explain Laws on the subject were passed by the Legislature of 1828 and the Legislature of 1847. Between these acts there is a conflict. One law leaves the decision of the point to the people of the territory. If they want to go to West Baton Rouge. I am willing at the next session to bring in a bill to put them there.

Mr. Hodge—

I should like to hear the law read.

Mr. Hebert—

Let me first read from the act of 1825 (Mr. Hebert reads from the act of 1825) I should call the attention of the Senate to this act. The Grand Bayou Poydras spoken of here lies between th Mississippi and Grosse Tête. This act gives the enbracing territory to Pointe Coupée. Another act fixes the limits of Pointe Coupée in such a manner that this territory is omitted. That law is all that really takes back the territory from the parish of Pointe Coupée. I will now read from the act of 1847. (Mr. Hebert here reads from the act of 1847). I would request Senators to bestow their special attention on the terms of this act. It gives to Iberville, even west of this territory, and carries the line as far as Pointe Coupée, thus showing the intention of the Legislature to give the territory to Iberville. I hope the Senate will take action on this matter and so settle it at once.

The following are the passages from the laws referred to in the preceding remarks.

An act to determine the limits of the parish of Pointe Coupée, and to grant powers to the Police Jury of said parish and likewise to that of the parish of West Baton Rouge, approved Feb. 4th 1825.

Sect. 1 Be it enacted &c.

That the parish of Pointe Coupée shall be circumscribed in the following limits to wit: running from the Northen extremity of the line bounding towards the east, the lower line of a tract of land now the property of Alexander Baudin and situated on the Bayou du Manoir, thence following said line towards the South and the lines bounding the depth of the lands and plantations, situated on the Eastern bank of the inferior channel of False River, as far as Grand Bayou Poydras, as far as its confluence with Bayou Grosse Tête, thence in a straight line West as far as the Atchafalaya River thence running the Atchafalaya to Mississippi River &c.

Act to amend an act entitled : an act to determine the boundaries of the parish of Pointe Coupée approved Feb. 12 1838.

Sect. 1. Be it enacted, &c.

That the lines of the parish of Pointe Coupée between said parish and the parish of West Baton Rouge, will run as follows: Starting from the lower mouth of False River and running thirty five acres along the lower Channel of False River, then following the back lines of the Plantations of West Baton Rouge, untill said line reaches the line between townships five and six; thence by a direct line to the lower corner of ranges nine and ten, between townships six and seven; thence following the line of ranges nine, eight and seven between townships six and seven to the Atchafalaya; thence up said river to its mouth on the Mississippi River.

Sect 3. And be it further &c.

That all laws and parts of laws to this contrary be and are, hereby, by these present repealed.

Act to define the boundary line between the parishes of Iberville and Ascension, and the boundary line between Iberville and St Martin, approved April 15th 1847.

Sect. 1. Be it enacted &c.

That the lines surveyed and established by Augustus S. Phelps, in the year eighteen hundred and thirty seven, be and are hereby, declared and made the dividing line between the parishes of Iberville and Ascension.

Sect. 2. Be it further enacted, &c.

That the line between the parishes of Iberville and St Martin, shall begin at a point where the line between the townships eleven and twelve strikes the Atchafalaya, commonly called Grand River, or Old River, on its Western Bank, west of and near lake Natchez, thence running west along said township line until the same strikes the Eastern branch of Bayou Pigeon, thence along the middle of said Bayou, and middle of Little Bayou Pigeon to the North of Cross Bayou; thence along the middle of Cross Bayou to its junction with lake Long, commonly called Murphy's Lake; thence through said Lake to a point on its Western shore, three miles North of said township line; thence West paralledt herewith to Lake Chicot; thence along the Eastern border of said Lake Chicot, to the main Eastern navigable entrance into Bayou Sorel Bay; thence Northwardly along the middle of said entrance or pass, and Bayou Sorrel Bay to the upper Bayou Pigeon; thence along the middle thereof, Northwardly, to its junction with the Atchafalaya, called Grand River; thence along the middle of Grand River to Oski Bay; thence through the middle thereof to the Eastern Branch of the Bayou Alabama; thence following the said branch, including the inhabitants of both sides thereof, upwards to the township line between townships six and seven, on the Southern boundary of the parish of Pointe Coupée; the portion North and East of said line to belong to the parish of Iberville, and South and West to the parish of St Martin.

Sect. 3. Be it further enacted, &c.

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That all laws contravening the provisions of this act be, and are hereby repealed.

Mr. Moore—

The Senate, I hope, will indulge me with a few words on this point. By reading this law of 1825 it will be observed that the territory in dispute at that time belonged to West Baton Rouge. If I may use the expression it was loaned to Iberville, till West Baton Rouge should make a road to come out at the Court House. I may remark that the dividing line between parishes in my section of the State, is the Bayou Atchafalaya. I was in the Senate when the act of 1847 was passed I opposed it. Contrary to my wish it cut off a part of my parish. Iberville was not content with her original territory and so a part of St Martin was cut off and given to her. Now she wants to take a part of West Baton Rouge, for every body must see that this territory was only loaned to Iberville, and that West Baton Rouge never lost her title. West Baton Rouge in order to carry out the provisions of the law has expended much money in constructing a plank road; for the law says the territory shall be attached to Iberville until the road is made, and then it is to return to the original proprietor. The Bayous in all times, were always the limits of parishes. This was established by the Spanish limits There was no exception in this case, except what was intended to be merely temporary. One only reason the territory was attached, for a time, to Iberville was because there was no road through West Baton Rouge to the river, and the people were compelled to take road through Iberville. As it belonged to West Baton Rouge originally, which no one can deny, it would have been exceedingly unjust to take it away. There is another objection to the bill. If we do take this territory away from West Baton Rouge, we violate at least the spirit of that article of the Constitution which says that no parish shall be created with less than 625 square miles of territory. Now if you take this away you leave West Baton Rouge with less than 250. The terms of the law make it evident that the moment the road is made it should go back to West Baton Rouge. The lines described by the gentleman between St Martin and Iberville have nothing at all to do with the question There might very well be a line without taking this territory away from West Baton Rouge. The people of that parish have lately made a road at an expense of $13,00 for the convenience of the Grosse Tête people; and now wish to take the territory away. The late boundaries were the Atchafalaya. The portion West of Bayou Grosse Tête were to be reannexed to West Baton Rouge when the road should be built. They have built the road at an expense of $13,000, and having complied with the condition imposed on them we have no right to refuse to restore the territory.

Mr Lacoste—

I shall vote for the bill because it gives the people the right to decide. They are the proper judges in such cases.

Mr Hodge—

I wish to have my vote on the subject recorded. This is a bill to define the boundary between two parishes. It is suggested that one of the acts relied on by the Senator from Iberville (Mr Lanve), in support of his position, has been repealed by another act. If so, what is the necessity for this act? It may be said that there is some excitement which ought to be calmed. Iberville says she is entitled to the territory and taxes. West Baton Rouge makes the same claim for herself. This is a dispute which ought to be made the subject of a legal decision. Where is the warrant for the division of the territory of parish? What right have we to take a portion from one parish and give it to another? We may organize new parishes, but we cannot take from one and give to another But even if we could, by doing it in this case, we should violate that article of the Constitution which says that vested rights shall not be divested. West Baton Rouge having made the road has acquired a vested right, and it is not competent for the Legislature or any human power to divest her of her rights. And what are those rights? To receive taxes from the property situated on this territory, and the right in this case is by no means insignificant. I would call the attention of the Senate to one particularity of the bill. West Baton Rouge groans under an immense weight of debt and consequent taxation. Iberville is rich and out of debt. If we leave it to the people of Grosse Tête to decide they, being actuated by motives of pecuniary interest, will, of course, vote to go to that parish where they have the least taxes to pay and that will be Iberville. Is it wright, is it fair, is it honest, to leave the decision of such a question to such a tribunal? Is it right to take this territory from them after they have complied with the conditions of the law by building the road. Gentlemen do not believe in what they say. They do not believe the act of 1847 has the effect which they attribute to it. If it had there would be no necessity for this law. The first time they thought of such a thing was when they heard that West Baton Rouge was going to establish her right. I would call the attention of lawyers in the Senate to this fact that the Supreme Court once decided that where the Legislature had granted a right to establish ferries it could not be taken away. When my parish was organized the Legislature gave the right to Shreveport to have a ferry. Another law was passed giving one half to the parish of Bossier Shreveport resisted and carried the case up to the Supreme Court The Court decided in an opinion delivered by Judge Slidell, that if Shreveport had incurred any expense she had acquired a vested right which the Legislature could not take away. If West Baton Rouge has built a road you cannot take the territory away. The case is similar to the one I have just cited. I call on Senators to comply with the Constitution and not be drawn away from it by party influence.

Mr Wickliffe—

Let me ask the gentleman whether the parish of West Baton Rouge built that road?

Mr Hodge—

Her citizens did and that is the same thing. They did it with the intention of complying with the law.

Mr Moore—

I ask permission of the Senate to read the law to show that I was right in my statement that the Atchafalaya was the boundary of all these parishes (reads). I have merely read this in order to show that my interpretation of the Legislature was as I have stated it to be.

Mr Hebert—

I would ask the gentleman to read the law passed four days afterwards postponing the operation of this law. One year afterwards, in 1827, the Legislature passed a law repealing this one.

The first section was adopted.

The second section was taken up.

Mr Hodge—

I move to strike out this section as the gentleman says that the law has already been repealed.

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Mr Kenner—

I vote against the adoption of this bill because m satisfied from the argument that law, justic. *l right* are all on the side of West Baton Rouge addition she is the weaker parish and I natu y simpathize with the weak. Iberville is strong strongly represented here at the Capital. She hes to dispoil a weaker parish and I am not ling to sanction the outrage by my vote. I will avor to point out some of the incongruities o bill. I shall not go into that part of the questo ably handled by the Senator from Caddo and Senator from St Martin, but shall refer to ra The first section fixes the boundaries as ville desires to have them. The second says all laws contrary to the first section shall be aled. The third says the people shall vote on point Does the bill say that they, if they vote not going to Iberville, they are to go to Wes on Rouge? Not at all. The person who the bill was too artful for that. It leaves question in the same position it is now ; that is by the territory remains a part o Iberville So ever way the people vote they are to go to ville. Then the elections is to be held by missioners from Iberville, not a man from t Baton Rouge to be placed at the ballot boxes certain whether the votes are legal or not heart of the disposler must have been hard in when he could invent such plan as that. But dispoiling must be effected; and this poor of West Baton Rouge has no chance to whether justice is done her. The election is conducted by Iberville Commissioners and ille Sheriff, and probably Iberville voters The the very thing to suit Iberville. But I want ended and to allow at least one Commission on West Baton Rouge.

Wickliffe—

ence does the bill propose to take the Commis rs? Why Sir, from among the very people ited. Does the gentleman believe the Com ners would not make a fair return ? Does he they will falsify the vote? The gentleman his bill is a despoiation of West Baton Rouge. te for the bill because we think the territory s to Iberville What can be more fair than e it to the voters of the territory itself? We not to leave it to the voters of the two pa- because, then, West Baton Rouge would o chance. I am authorized to state by one Representatives of Iberville that a propos make the election final was made and wa by the Representative from West Baton

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THURSDAY, MARCH 16TH, 1854.

EXECUTORS OF ESTATES.

t to amend the act in relation to the par- of estates by Executors was taken up. ct of this bill is to permit Executors to be chas rs in ordinary partnerships as they munnity partnerships.

unday—

the discussion on the Sheriff's bill it d that Administrators had power to make ow this bill proposes to give them the becoming purchasers.

an—

ave the power already by a law of 1839. are heirs. The only change made by to let the surviving partner in ordinary pp. to become a purchaser.

Mr. Trudeau—

I do not understand the bill. I should like some gentleman to explain it.

Mr Lacey—

It is simply to permit the surviving partner in ordinary partnerships to become purchaser in order that the interests of the partnerships may be better protected.

The bill passed.

GENERAL APPROPRIATIONS.

The following being the General Appropriation bill was taken up.

AN ACT

Making appropriations for the General Expenses of the State for the fiscal year ending thirty first day of March, one thousand eight hundred and fifty five.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the following sums be, and are hereby appropriated for the following objects, for the year commencing on the 1st day of April, 1854, and ending on the 31st day of March, 1855.

For the salary of the Governor	$4000
For the salary of the Secretary of State	2000
For the salary of the Clerk of Secretary of State's office	1000
For copying the acts of the Legislature for printing	600
For the salary of the State Treasurer	2500
For the salary of Auditor of Pub Accts.	4000
For the salary of the chief clerk, Auditor's office	2000
For the salary of Governor's Private Sec.	1000
For the salary of State Superintendent of Public Education	2000
For the salary of the Attorney General	3500
For the salary of the State Librarian	1200
For the salary of the Adjutant and Inspector General	500
For the salary of the Register of the Land Office, Baton Rouge	250
For the alary of Receiver of the Land Office, Baton Rouge	250
For the salary of the Register of the Land Office, Winnsboro'	150
For the salary of the Receiver of the Land Office, Winnsboro'	150
For the salary of the Clerk of the Penitentiary.	1500
For the salary of the Physician to the Penitentiary	600
For the salary of Chaplain to the Penitentiary	400
For the salary of the Directors to the Penitentiary	500
For the salary of the Keeper of the State House	600
—(And provided he shall be under the direction and control of the Governor.)	
For the salary of the Sergeant-at-Arms. House of Representatives	1200
For the salary of the Sergeant-at-Arms, Senate	1000
For the salary of Judges of the Supreme Court	25000
For the salary of Judges of the District Courts	63500
For the salary of Clerk of the First Dist. Court, New Orleans	4000
For the salary of the District Attorneys	16000
For the salary of the Reporter of the Supreme Court	2500

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For the salary of the Governor's Messenger	360
For the salary of the State Engineer and incidental expenses of his department	13000
For the salary of Keeper and Assistant Keeper State Arsenal	1800
For contingent expenses of the Executive	5000
For the contingent expenses of the Secretary of State	500
For contingent expenses of the Auditor's office	3000
For contingent expenses of the Treasurer's office	3600
For the contingent expenses of Supreme Court	1500
For contingent expenses of the Land Office at Baton Rouge	836 45
For contingent expenses of the State Library	500
For commissions to Receiver of Public Moneys at Baton Rouge, out of general funds	250
For commissions to the Receiver of Public Moneys at Baton Rouge, out of Levee and Draining Fund	1000
—Provided he accounts to the General Assembly how he is entitled to the same.	
For commissions to the Register of the Land Office at Baton Rouge, out of General Funds	500
For commissions to the Register of the Land Office at Baton Rouge, out of the Levee and Draining Funds	1500
For commissions to the Receiver of the Land Office, Winnsboro'	150
—Provided he accounts to the General Assembly how he is entitled to the same.	
For commissions to the Register of the Land Office, Winnsboro'	150
—Provided he accounts to the General Assembly how he is entitled to the same.	
To the Receiver of the Land Office at Baton Rouge, and the State Treasurer, for arrearages of commissions on sales of swamp lands, to be paid out of the swamp land fund	2440 78
For commissions to collectors of taxes out the general fund	25000
For commissions to collectors of taxes out of the school fund	20000
For compensation to Assessors out of the general fund	15000
For compensation to Assessors out of the school fund	10000
For deductions to collectors of taxes out of the general fund and school fund	75000
For interest on bonds to the New Orleans and Nashville Railroad Company	28980
For interest on bonds to Mexican Gulf Railroad Company	6000
For interest on bonds to New Orleans Draining Company	2500
For interest on the bonds due to the Citizens' Bank	15000
For interest on the bonds issued for the relief of the State Treasury	22500
For interest on the bonds issued to the Charity Hospital	6250
For publishing decisions of the Supreme Court	5000
For printing and advertising, and paying State Printer	25000
For payment to owners of slaves convicted of crimes	6000
For payment to owners of slaves sold out of depots by the State	2000
For reimbursements to legal heirs of proceeds of vacant estates paid into the Treasury	2000
For purchase of books for State Library	1000
For transportation of convicts to the Penitentiary	2000
For support of Internal Improvement service, out of the Road and Levee Fund,	5000
For support of Internal Improvement Service out of Int. Improvement Fund	15000
For premiums to builders of ships and vessels in this State, under Act No. 318, of 1852	10000
For expenses in criminal prosecutions	5000
For repairs to the Charity Hospital	20000
For support of the Insane Asylum at Jackson	15000
For Female Orphan Asylum at New Orleans, Sister Regis	6000
For the Society for the Relief of Destitute Orphan Boys, 4th Dist., N. Orleans	3000
For the Institute for Indigent Colored Orphan Boys, 3d Dist., New Orleans	2000
For Firemen's Charitable Association	2000
For St. Anna's Asylum for the relief of destitute women and helpless children of all religious denominations	2000
For Female Orphan Asylum at Baton Rouge	3000
For the Benevolent Association of the Catholic Ladies of Baton Rouge	1000
For St Mary's Catholic Boys' Asylum	6000
For indigent Widows under the charge of Les Dames de la Providence	2000
For Keeper of State House for lamp oil and fuel	25
For tuition of deaf and dumb children	9500
For erection of buildings for Deaf and Dumb Asylum at Baton Rouge	25000
For support of free public schools, payable out mill and poll tax funds	300,000
For the payment of interest on sales of 16th sections, for the benefit of the public schools situated in townships in which the said sections have been sold, and which the parish treasurer of the parish in which the said 16th sections have been sold, may apply for in accordance with existing laws	3000
To the volunteer companies of New Orleans, to be distributed by the Major General commanding	5000
To the Cannonie s of Donaldsonville	500
For St. Vincent Hospital and Asylum of Sisters of Charity, at Donaldsonville	2000
—One-half of said sum to the Hospital and the other half to the Asylum.	
For payment of prescribed witnesses' claims in matters of a criminal nature	300
For pension deficiencies under the act of 1853	15000
To the Orphan' Home, under the supervision of the Rev. Mr. Whitall, of New Orleans	1500
To the purchase of 1000 copies of the Militia Laws of 1853, in pamphlet form	185
For investments under acts Nos. 277 and 280, entitled: An act to provide the means necessary for the relief of the Treasury of the State, and: An act to provide for the payment of $300,000	

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ite bonds maturing for the years
5 and 1857 93000
uilding the Insane Asylum at Jack-
..... 20000
ie purchase of site and the erection
the obelisk or column on the battle
und of the 8th of January, 1815..... 1500
ie erection of buildings for a Semi-
y of Learning out of the Seminary
d 3456
$1000 be appropriated out of the
mp Land Fund, to complete the
mp land maps in the Register's
e, provided said maps shall not cost
s than five dollars each..... 1000
pairs of the roof of the State House
expended by the Governor..... 2000
Commissioners appointed by the
rnor to modify the contract be-
n the State and the Barrataria and
urche Canal Company for the pay-
t of their services and expenses..... 1210
or the deficiency of appropriation
mplete the building and repairing
State boats, out of the Internal Im-
ement Fund..... 5000

t the Auditor of Public Accounts and the
rer be and they are hereby required to pay
ropriations set forth in the foregoing section,
rence to all others.

2. Be it further enacted, &c.; That each
ry officer for the benefit of whose office
a contingent fund appropriated, shall ren-
tailed statement to the General Assembly,
session thereof, shewing what disposition
n made of such contingent fund.

notion the Senate adjourned until 5 o'clock,

EVENING SESSION.

THURSDAY, March 16th, 1854, 5 o'clock, P. M.

Senate met pursuant to adjournment.
R. C. Wickliffe, President pro tem. in the

otion the calling of the roll and reading of
nal were dispensed with.
yan called up a bill entitled
t to modify the right of appeal in suits
before the Justices of the Parish of Or-

tion, the rules were suspended, it under-
several readings, and when on its final
Mr Hodge called for the yeas and nays.
C Wickliffe in the chair.
Braud, Defreese, Hebert, Lacey, Mac-
lunday, Martel, Moore, Palfrey, Ryan,
n and Wickliffe—11 yeas.
Boatner, Hodge, Key, Kittridge, La-
ave, Rivers, Scott and Trudeau—9 nays.
rently the bill was concurred in.
ckliffe introduced the following resolu-

d that sixty days be allowed to Emile
Gacar Arroyo, after the adjournment of
, to accomplish the unfinished transla-
Journal, Resolutions, &c., of this body,
lay being rendered necessary from the
nevitable accumulation of business on
, which was adopted.
on of Mr Hodge, the same time was al-
Assistant Secretary of the Senate, to
ie unfinished business of the Senate.

On motion of Mr Trudeau the same time was allowed J. Dousat translating clerk.

On motion of Mr Kenner, the following resolution was adopted:

Be it resolved, That the sum of seventy dollars be allowed James G Hall, for reporting seven days during the absence of the Reporter; and that he be allowed seven days for bringing up his reports at a compensation of four dollars per day.

The following Senators called up the following bills entitled:

Mr Kenner—

An act to enable the City of New Orleans to drain and reclaim the swamp and overflowed lands within the corporate limits of said city and its vicinity.

On motion the rules were suspended, it underwent its several readings and it was concurred in.

Mr Lacoste—

An act to authorize the emancipation of Mary Ann, for the faithfull services to her owners.

On motion the rules were suspended, it underwent its several readings, and when on its final passage, Mr King called for the yeas and nays.

Hon. R C. Wickliffe in the chair.

Messrs Braud, Clifton, De Russy, Hebert, Key, Kittridge, Lacoste, Lawes, Lauve, Lacey, Mac murdo, Moore, Ryan and Wickliffe—14 yeas.

Messrs Defreese, Evans, King, Munday, Tayler and Trudeau—6 nays.

Consequently the bill was concurred in.

Mr Key—

An act to prevent persons from cutting or disposing of timber on any of the lands donated to this State by the United States.

On motion the rules were suspended—it underwent its several readings. and it was concurred in.

Mr Moore—

An act authorizing the State Engineer to appoint assistants.

On motion the rules were suspended—it underwent its several readings and it was concurred in.

On motion the Senate went into Executive Session, the doors being opened.

Mr Kittridge called up a resolution instructing the State Printer to print a certain number of copies of the bill organizing Free Public Schools, which on motion was laid on the table subject to call.

Mr Trudeau offered the following resolution which was read and adopted:

Resolved by the Senate and House of Representatives, That the Clerks appointed for Joint Committees shall receive no more than four dollars per diem—one half to be paid out of the contingent funds of each House.

The special messenger from the House requested the signature of the President to the following bills entitled:

An act to amend an act entitled an act to amend the several acts relative to Patrols, approved Jan. 9th 1821.

An act to amend an act entitled an act to regulate the terms of the District Courts, the parish of Orleans excepted, approved April 29th 1853.

An act entitled an act to reclaim and drain the swamps and overflowed lands of the State of Louisiana, approved April 30 1853, and to appropriate the sum of three hundred thousand dollars to carry out the provisions of this act.

The following Senators called up the following bills which passed or were concurred in.

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Mr Kittridge—

Resolution donating the public fence surrounding the State House grounds, and the house occupied by the Sergeant-at-arms to the Baton Rouge Orphan Asylum.

Mr King—

An act to exempt the Seamen's Home Association from taxation.

Mr Taylor—

Resolution requiring a survey to be made of Yellow Bayou in the parish of Avoyelles by the Commissionners of the Third District.

An act for the relief of Drury M Pritchard, Sheriff and Tax Collector of the parish of Catahoula.

Mr Kenner—

An act for the relief of Daniel Martindale.

Mr Brand—

Substitute for An act to provide for the navigation of the bayou Manchac and the river Amite.

Mr Lacey called up the following resolution which was read and concurred in:

Resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,

That the distinguished patriot and exile, John Mitchell, in consideration of his exalted character his pre-eminent ability, and just and expanded national sentiments, as particularly exemplified in his late letter on the subject of Southern institutions, be and he is hereby invited to the Seat of Government of this State.

Mr De Ruesy called up a bill entitled.

An act to regulate the emancipation of slaves in this State.

On motion to dispense with the rules for the third reading of the bill, Mr Hodge called for the yeas and nays.

Hon. C W Clifton in the chair.

Messrs De Ruesy, Lacey, McCay, Munday, Martel and Scott—6 yeas.

Messrs Boatner, Clifton, Defreese, Hodge, King, Kenner, Lawes, Lauve, Macmurdo, Palfrey, Ryan, Richardson and Trudeau—13 nays.

Consequently the Senate refused to suspend the rules.

Mr Kenner offered the following resolution which was adopted:

Resolved, That Durant Da Ponta, the Reporter of the debates of the Senate, be allowed his per diem for the term of sixty days after the adjournment of the Legislature, the time considered requisite to enable him to write out his Reports, and that said Reporter be required to make an index to said work in which both the subject and names shall be indicated. Provided that the sum of one hundred dollars be allowed for making said index.

The President appointed Messrs Boatner and Hodge a Committee on the part of the Senate to carry out the provisions of the bill entitled:

An act to provide for the revision of the Statutes of the State of a general character.

Mr Rivers offered the following resolution which was unanimously adopted:

Resolved unanimously, That the thanks of the Senate be and they are hereby tendered to Lieutenant Gov. W W Farmer for the able and impartial manner in which he has discharged the duties of President of the Senate during the present session.

The following bill was taken up and read.

On motion the rules were suspended, it underwent its several readings, and it was concurred in.

AN ACT.

To pay the contingent expenses of the House of Representatives and of the Senate of the State of Louisiana, at the first session of the Second Legislature of the State of Louisiana, for the year 1854.

Feliciana Whig, for papers	$18 00
McCormick & Co, for stationary	39 65
Opelousas Courier, for papers	7 50
W F Tunnard, coal, wheelbarrows, &c.	293 90
Orleanian, for papers	54 00
J. L. Wolf, for carpentering, repairing desks, &c	200 00
L Bonnecaze, for 1 box candles, last Convention	16 50
Lerguier & Lanoue, for hardware, &c.	61 50
A. Fink, for locksmithing	5 50
Woman Erie, for washing towels &c	8 00
Morry & Lagardere, for papers	4 00
Louisiana State Gazette, for papers	57 00
Steamboat Laurel Hill, for freight	1 00
" H. M. Wright, do.	50
Wharf Boat, for storage	24 00
Commercial Bulletin, for papers	68 00
Baton Rouge Gazette, do.	104 00
F. Pigneguy, 3 doz. towels	9 50
Concordia Intelligencer, for papers	4 00
Steamboat Frank Lyon, for freight	25
Shreveport Democrat, for papers	2 50
Boy Meredith, for cleaning vestibule of State House	34 00
Steamboat Kimball, for freight	4 50
" New Latona, for freight	2 00
F. Arbour, for lumber	6 00
Mr. Lawrence, for 3 water cans	4 50
Mr. Regar, for painting and glazing	25 00
J. A. Tomlinson, for spittoons, tumblers, waiters, globes, &c	52 35
Steamboat Gipsey, for freight for House and Senate	22 25
Pioneer, Assumption, for papers	70 00
Thibodaux Minerva, do.	6 00
Baton Rouge Comet, do.	66 00
Capitolian Vis-a Vis, do.	26 00
E. W. Fenner, M. D., for 1,500 copies History of the Epidemic	377 00
Baton Rouge Advocate, for papers and binding Roll Books, &c	251 00
New Orleans Bee, for papers	68 00
" Crescent, do.	112 00
W. D. Phillips, for towels, &c	12 00
Harrisonburg Independent, for papers	30 00
Stanton & Co., for ice	140 00
J. B. Steel, for stationary	1,334 05
J. B. Prean & Co., for candles and lamp oil for House and Senate	518 25
Caddo Gazette, for papers	1 00
J. H Peralta, for expenses last Convention, &c	15 35
New Orleans Picayune, for papers	210 00
" Courier, do.	404 00
Jas. McVay, for 6 boxes for privy	18 00
Mr. Silks, for travelling expenses as Clerk Bank Committee	20 00
New Orleans Creole, for papers	5 00
Bayou Sara Ledger, do. for 52 and 54	32 00
Louisiana State Republican, for papers	8 00
Boy Phillips, for hauling water for Senate and House	56 25
New Orleans True Delta, for papers	120 00

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. Tilano, for repairs on lamps and interns	3 75
Cormick & Co., for stationary	3 20
v Orleans Daily Delta, for papers	153 50
ourdan, for gum arabic, brushes, &c.	6 80
'eau, for traveling expenses as clerk Committee	40 00
isiana Democrat, for papers	58 00
State Paper, do.	6 00
hern Organ, do.	2 00
siana Chronicle, do.	8 00
Statesman, do.	2 00
ion Journal, do.	8 00
Courier, do.	2 00
inel and Union, do.	4 00
ger, do.	2 00
-d'Œil, do.	2 00
Dunn, services of one boy 60 days	80 00
Bonnecaze, " " 60 "	80 00
Dunn, " " 75 "	80 00
Matta, " " 75 "	80 00
Foster, " " 75 "	80 00
p, " " 68 "	80 00
ton Stewart, " " 60 "	80 00
Pellerin, " " 60 "	80 00
d Floyd, " " 40 "	50 00
dith, as mail carrier	30 00
. Remondet, as Clerk of Committee Contingent Expenses	20 00
Rouge Postmaster, postage on ers and newspapers	140 00
Delta, for papers	10 00
do.	2 00
ge, do.	20 00

SENATE.

Bulletin	20 00
Louisiana Courier	118 00
Delta	46 00
True Delta	26 00
Crescent	34 00
Picayune	64 00
Orleanian	4 00
Bee	28 00
Comet	16 00
Democratic Advocate	78 00
New York Herald	6 00
" Express	2 00
y National	15 00
Capitolian Vis a-Vis	5 00
Baton Rouge Gazette	24 00
y Planters' Banner	1 00
Minerva, Thibodauxville	7 00
Messenger, St. James	2 00
Vigilent	2 00
Louisiana Democrat	8 00
Pioneer, Assumption	8 00
Opelousas Courier	2 00
Piney Woodsman	5 00
Louisiana State paper	3 00
Republican	1 00
Bayou Sara Ledger	1 00
arrollton Star	2 00
Caddo Gazette	1 00
South Western	1 00
Intelligencer (Concordia)	4 00
Pointe Coupée Echo	4 00
Vicksburg Sentinel	1 00
Free Trader (Natchez)	1 50
Natchez Courier	2 00
Ouachita Register	3 00
ion (Washington)	2 00
Mississippian (Jackson)	1 00
Echo, Lafayette	2 00
Atakapas Gazette	1 00
hreveport Democrat	2 00
Daily Louisville Journal	4 00
" Mobile Tribune	2 00
Weekly Ouachita Independent	1 00
Daily Louisiana State Gazette	6 00
" Globe (Washington)	2 00
" Sentinel (Washington)	1 12
" New York Evening Mirror	4 00
Weekly St. Landry Whig	1 00
" Meschacebé (St. Charles)	1 00
Wm. Markham, storage	13 25
Steamboats, freights, as per bills	35 25
Jno L. Wolff, furniture and repairing	95 25
A. Regar, for painting	3 00
Daily Comet, for advertisement	9 00
Daily Gazette, do.	10 00
Theodore Goldman, for 1 clock	18 00
Democratic Advocate, for advertisement	15 00
Jacob Piper, for furniture	1 25
Telegraph Office of Baton Rouge	4 50
Larguier & Lanoue, hardware	10 70
Stanton & Co., ice	106 50
J. McCormick & Co., stationary	51 60
E. D. Fenner, M. D, for History of the Epidemic	63 50
S F. Blanchard, for sundries	7 10
A. Duplantier, for servant	60 00
T. G. Davidson, for servant	60 00
S. Henderson, " do.	60 00
Meredith, negro hire	30 00
B. Childress, as per bill	21 00
T. Lucas	25 00
J. B. Steel, stationary	1,425 92
D. Searls, furniture and repairs	25 00
Post Master of the city of Baton Rouge	132 59

Mr Boatner offered the following resolution, which was unanimously adopted.

Resolved that the thanks of the Senate be and are hereby tendered to the Hon. Louis Hebert, Senator from Iberville, for the prompt and able manner in which he has discharged his duties as chairman of the Enrolling Committee of the Senate.

On motion of Mr Trudeau, the following resolution was unanimously adopted.

Resolved, That the thanks of the Senate be and are hereby tendered to the Hon Robert C Wickliffe for the impartiality, ability and courtesy he has displaid in the discharge of his duties when presiding over the Senate.

Mr Hodge offered the following resolution, which was adopted.

Resolved, That Mr Oscar Arroyo be allowed the same compensation, as Special Messenger, that the Special Messenger of the Senate received last year, for the time the said Arroyo acted in that capacity.

The special messenger of the Senate informs the House that the President pro tem. of the Senate has signed the following enrolled bills:

An act to improve the navigation of the Sabine River.

An act to provide for the improvement of Bayou Lafourche, to reclaim swamp and overflowed lands and to reserve a portion thereof from sale for a certain time.

An act to make the interest of the bonds issued by the State payable in the city of New Orleans.

Mr Macmurdo moved that the bill be taken up accordingly—agreed to.

SALARY OF THE SECRETARY OF STATE $2,000.

Mr Hodge—

Is that the same as last year?

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Mr Macmurdo—

When there occurs any difference from last year I will state the fact that Senators may vote advisedly.

CLERK OF SECRETARY OF STATE $1,000

Mr Hodge—

I move to strike out $1,000 and insert $600.

Mr Kenner—

I would ask if the copying Clerk is the same individual.

Mr Macmurdo—

No sir, it is a person who copies the acts of the Legislature for the State Printer. This is a special service.

Mr Kenner—

It was never done before last year; and is therefore an unusual thing. Before last year the same individual performed both duties. I call the attention of the Senate to this fact. It is true he copies the acts; but they have always been copied, ever since the organization of the State government and we never paid extra for it till last year. I objected to it then, and I have seen no reason to change my mind.

The amendment was laid on the table.

Mr Hodge—

I move to strike out $1,000 and insert $1,200, so that all the work can be done by one person. We shall thus save $400.

Mr Munday—

I object to the amendment. $600 is not too much ror the work. copying the acts in both languages, the enrolled bills, &c. All this requires a very competent man It is nothing more than right to pay him a fair price for his work.

M Defreese—

I am opposed to voting the $1,200 because I believe if we do that the majority will keep in the $600 also.

The amendment was lost.

THE SALARY OF THE AUDITOR'S CLERK $2,000.

Mr MacMurdo—

The chief clerk in the Auditor's Office has a very laborious duty to perform. For services of the kind which he renders $2 800 is a very moderate sum. He must be familiar with all the duties of the office, prompt in giving information, besides doing much that we have no idea of. A good clerk cannot be obtained for less than that price If the Senate raise the sum to $2,500 the House will agree.

SALARY OF THE REGISTER OF WINNSBORO.

Mr Moore—

I shall move to strike out the salary of the Register at Winnsboro. The office is not needed indeed it is rather objectionable and frequently gives rise to conflict in entries. The Supreme Court has decided that it is a subordinate office to the one here. Few lands are sold there. Only those under the grant of 500,000 acres, and sometimes persons entering lands here go there and find them entered there also. When the office was established it was said there were about 80,000 acres in the District, they must be almost all sold by this time The conflict between the entries in thet wo offices makes that one a nuisance. It was thought it would be a benefit and convenience to the people of that section to have an office in the neighborhood. I assisted in establishing it, but I am convinced now that it is of no use, but rather the contrary.

Mr King—

If we want to abolish this office we ought to do it by law. It would be extremely awkward to retain the office and the officer and make no allowance for the salary. I think I should favor abolishing the office if it could be done, but this is not the way to do it.

Mr Moore—

I intended to move an amendment at the end of the bill abolishing the office. If I should move to strike out merely with a view of making a factious opposition to this officer getting his salary. I should be unworthy of the seat I hold as a Senator.

The amendment was laid on the table.

SALARY OF CLERK OF FIRST DISTRICT COURT $6000.

Mr Palfrey—

$6,000 is the full amount of the Salary? By the law he is to collect the fines and forfeitures and pay himself and account to the State for the remainder. I am told that he does not collect or account for any. He could collect at least one half the salary from the fines and forfeitures. I move to strike out $6,000 and insert $3,000.

Mr Macmurdo—

It is not contemplated to pay this out of the general fund except so much as may not be provided for by fines and forfeitures.

Mr Defreese—

Did he not draw the whole amount of the salary from the State?

Mr Macmurdo—

I am not informed.

Mr Palfrey—

I believe this could be the best way of making that officer collect the fines and forfeitures.

Mr Lacoste—

Have we the right to reduce his salary when we have passed a law to give him $6,000? I believe not.

Mr Munday moved to amend by inserting $4,000 which was carried.

After some further amendments the bill was adopted.

CUBA.

Mr. McCay introduced the following resolutions which were read, resolution by resolution.

Be it resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That we view with regret and alarm the policy recently inaugurated by the Government of Spain in the Island of Cuba, the manifest object and effect of which must be the abolition of slavery in that colony, and the sacrifice of the white race, with its arts, commerce and civilization, to a barberous and inferior race.

Resolved, 2d, That the consummation of their policy will exercise a most pernicious influence upon the institutions and interests, social, commercial and political of the United States.

Resolved, 3d, That, in our judgment, the time has arrived when the Federal Government should adopt the most decisive and energetic measures to thwart and defeat a policy conceived in hatred to this Republic, and calculated to retard her progress and prosperity.

On motion of Mr McCay, the rules were dispensed with, they underwent their several readings, and the first and second sections were adopted.

On the adoption of the third section, Mr. Hodge moved to strike out

Mr McCay called for the yeas and nays.

Hon R. C Wickliffe in the chair.

Messrs. Hodge, Kenner, Kittridge.

Messrs. Palfrey's and Taylor's names being called, they requested the Senate to permit them to spread their reasons for voting in the affirmative upon the journal, which was granted.

Reasons of Messrs. Palfrey and Taylor for voting

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ay the 3d resolution of Mr. McCay on the table:
"We vote yea because we have as yet seen no
cial announcement on the part of the General
vernment of the policy reprobated by the third
olution."—5 yeas.
Messrs Boatner, Clifton, Defreese, Griffin, Ken-
, Key, Lacoste, Lauve, Lacey, Macmurdo,
Cay, Ryan, Rivers, Richardson, Scott, Lawes
Trudeau—17 nays.
Consequently the third resolution was adopted.
On motion of Mr. McCay to suspend the rules
put the resolutions on their final adoption,
Mr. Hodge called for the yeas and nays.
Hon. R. C. Wickliffe in the chair.
Messrs. Boatner, Clifton, Defreese, Griffin, Ken-
Key, Lacoste, Lauve, Lawes, Lacey, Mac-
do, McCay, Munday, Martel, Palfrey, Ryan,
ers, Richardson and Trudeau—19 yeas.
Messrs. Hodge, Kittridge, Scott and Taylor—4
s.
onsequently the rules were suspended, and the
lutions adopted.

MESSAGES FROM THE HOUSE.

he special messenger from the House informed
Senate that the House has concurred in the
wing bills entitled
n act for the relief of Josias Reames.
n act for the relief of John Montjoy, a veteran
e war of 1814 and 1815.
n act for the relief of Thos. S. Sanders.
n act concerning the licensing of drinking
es and the sale of intoxicating liquors in this
.
n act to provide for the register of the names
residence of all qualified electors in the city of
Orleans.
n act to repeal an act entitled an act to regu-
the terms of the District Courts, (the parish
rleans excepted), approved 29th April, 1853.
r as the same relates to the Sixth Judicial
ict, and to repeal an act entitled an act to
ge the time of holding the terms of court in
Sixth Judicial District, approved 1st March,

act for the relief of Thos. J. Buffington, M. D.
act to amend the 11th section of an act en
an act to provide for carrying into effect the
ary system, approved 29th of May, 1846, re-
to jurors, (the parishes of Orleans, East and
Feliciana, Jefferson, St. Bernard and Plaque-
, St. Landry and Calcasieu excepted.)
act for the relief of James H. Stokes, of the
of Vermilion.
act to emancipate John Lanier, of the parish
ion.
act to allow further time to the Sheriff of
ish of St. Landry, to make his final settle-
with the Auditor of Public Accounts for the
on of taxes for the years 1851, 1852 and

ct to authorize the justice of the peace in
that portion of the parish of Orleans, si-
on the right bank of the Mississippi river,
s coroner in certain cases.
t to change the name of James Roach to
Hore.
t to authorize the State Engineer to build
boat, without steam, to improve the navi-
of the navigable waters of the parishes of
gton, St. Tammany, Livingston, East Ba-
ge and St. Helena.
t to amend the third section of an act en-
act to regulate the terms of the District
Courts, (the parish of Orleans excepted), approved April 29th, 1853.
An act for the relief of Armand Hulot, of the parish of Lafayette.
An act to authorize Joseph H. Harvey, of the parish of Jefferson, to co struct a lock to connect the Destrehan Canal with the Mississippi river.
An act to amend an act to incorporate the Shreveport Home Mutual Insurance Company.
An act to authorize the emancipation of the slave Angola.
And he requested the signature of the President to the following bills entitled:
An act for the relief of the heirs of Dr. Joseph Shannon, deceased.
An act for the relief of Charles S. Leckie, Collector of State Taxes for the parish of Rapides for the year 1850.
An act for the relief of John K. Elgee, of Rapides, and of Marie F. L. Ledoux, his wife.
An act to complete the improvement of the falls of Red River at Alexandria.
An act concerning forfeited bonds and recognizances and fines in criminal prosecutions throughout the State, (the parish of Orleans excepted.)
An act for the relief of Moses Lee, a veteran of the years of 1814 and '15.
Resolution instructing the State Engineer to perform certain improvements at the mouth of Bayou St. Malo, in the parish of St. Bernard.
Resolution relative to deepening the channel of Atchafalaya Bay.
And he requested the concurrence of the Senate in an act more effectually to prevent slaves from obtaining spirituous or intoxicating liquors without the consent in writing of their masters.
And he requested the signature of the President to the following bills entitled:
An act fixing the salary of the Sergeant-at-Arms of the Senate and House of Representatives of the State of Louisiana.
An act granting certain powers to the Mayor of the town of Donaldsonville.
An act to incorporate the Louisiana German Draymen's Association of New Orleans.
An act to authorize Railroad Companies to mortgage their roads.
An act to change the name of Henry Lightfoot Williams
An act to provide for the repairs to be made to the State Capitol.
An act to purchase additional copies of the Civil Code and Code of Practice, compiled by Thomas Gibbes Morgan, and also of the Louisiana Reports.
An act to provide for the improvement of the grounds surrounding the State House.
An act to re-district the parish of St Bernard.
The special messenger from the House requested the concurrence of the Senate in the following resolution and bills entitled
Resolution instructing State printer to print a certain number of copies of the bill organizing free public schools.
An act to amend the fifth section of the act to incorporate the town of Homer, in the parish of Claiborne, approved 13th March, 1850.
An act to authorise A. J. Vandegriff and his wife, of the parish of Orleans, to adopt Andrew Howard Miller, a minor, and change his name to that of Andrew Howard Vandegriff.
And he requested the signature of the President to the following House bills and resolutions:
Resolution for the improvement of Sabine river.
Resolution requiring the State Engineer to open a passage from bayou des Glaize to lake Pearl, in

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the parish of Avoyelles, also to clean out Little Bayou Rouge

An act to make the interest on the bonds issued by the State payable in the city of New Orleans

An act to authorize the Police Jury of the parish of Ascension, to establish a public road between New River and Donaldsonville.

An act relative to judicial advertisements in the parish of New Orleans

An act for the relief of Sheriffs and State Tax Collectors throughout the State for the licenses for the years 1850 and 1851.

An act authorizing an instrumental survey by the State Engineer with the view of improving the navigation of bayou Bœuf.

An act to amend an act relative to District Attorneys, approved May 29, 1846.

An act to incorporate the Vienna Male and Female Institute, in the parish of Jackson.

An act to authorize Samuel Harby, to adopt Francis Samuel.

An act for the relief of Henry O. McEnery, late Register of the Land Office at Ouachita, Louisiana

An act to revive and amend an act entitled an act to incorporate a congregation of the Roman Catholic Church of St. Francis in Natchitoches.

An act for the improvement of the bayou Lafourche.

Resolution extending the present lease of the Penitentiary to May, 1855.

An act to regulate the sessions of the Police Jury of the parish of Tensas.

Resolution for making a road from the Mississippi to Opelousas.

An act authorizing the Auditor of Public Accounts and the State Treasurer to credit the Union Bank of Louisiana with a certain amount; and for the relief of John Pemberton, for settling the interest of the State in said bank.

An act to incorporate the Ladies' Benevolent Society of New Orleans.

An act to amend an act entitled an act to prevent trespasses, approved April 6, 1843.

And that the House has concurred in the following bills and resolutions:

Preamble and resolutions concerning a grant of public lands by Congress for educational purposes for the blind, the deaf and the dumb.

Joint resolution for the extension of the port of New Orleans to Jefferson, and for a post office in the city of Jefferson.

An act supplementary to an act entitled an act supplementary to an act granting an extension of time to actual settlers to make application and proof and payment of the swamp and overflowed lands, granted to the State of Louisiana by act of Congress, approved March 2d, 1849, and Sept 25th, 1850, approved March 16th, 1853, approved March 28th, 1853.

And he requested the concurrence of the Senate in the following bill entitled:

An act to prevent persons from cutting or removing or disposing of timber on any of the lands donated to this State by the United States.

REPORT OF COMMITTEES.

Mr Boatner, from the Joint Committee, made the following report:

To the Hon W W Farmer, Lieutenant Governor and President of the Senate:

The Joint Committee appointed to examine the securities deposited by Bankers and Banking Companies, together with all books and papers relating to the business of Banking, under an act entitled an act to establish a general system of Free Banking in the State of Louisiana; also to count all the circulating bills which may have been returned by any Banker or Banking Company, and after comparing them with the books, to cancel and destroy the same, giving the Auditor a sufficient certificate for the same, &c., found in the Auditor's office a lot of bills of the Southern Bank of New Orleans for $100 each numbering from 921 to 1,500 inclusive, and amounting to $58,000, and marked A These bills were countersigned by I. Bordelon, the former Auditor, and were issued by the Bank.—The committee destroyed these bills by fire, and gave the Auditor a certificate to that effect. The committee also examined the securities deposited by the several Free Banks in the Treasurer's office and found every thing correct and safe. A statement is hereto annexed, to which reference may be had.

M. BOATNER,
Chairman Senate Committee.

G. C. McWHORTER,
Chairman House Committee.

Bonds Deposited by the Bank of New Orleans.

CONSOLIDATED CITY BONDS.

1 p'kge containing	45	bonds	$1000	each—	$45,000
1 do	90	do	1000	do	90,000
1 do	24	do	1000	do	24,000
1 do	45	do	1000	do	45,000
1 do	47	do	1000	do	47,000
1 do	30	do	1000	do	30,000
1 do	43	do	1000	do	43,000
					$324,000

STATE BONDS.

1 p'kge containing	10	bonds	$1000	each—	$10,000
1 do	21	do	1000	do	21,000
1 do	44	do	500	do	22,000
1 do	50	do	500	do	25,000
1 do	50	do	500	do	25,000
1 do	60	do	500	do	30,000
1 do	46	do	500	do	23,000
1 do	50	do	500	do	25,000
1 do	50	do	500	do	25,000
1 do	50	do	500	do	25,000
1 do	50	do	500	do	25,000
1 do	50	do	500	do	25,000
					$281,000

City Bonds	$324,000
State Bonds	281,000
Aggregate of securities deposited	$605,000

Examined by Joint Committee, 15th March, 1854.

—

Securities deposited by the Union Bank.

1 p'kge cont'g city bonds,	103	at	$1000—	$103,000
1 do	do	100	1000	100,000
1 do	do	100	1000	100,000
				$303,000

These bonds are in the Treasurer's office.

In the Auditor's office are $97,000 of city bonds, on which has been issued $34 360, leaving an excess of deposit to the amount of $63,520.

Examined and counted by the Joint Committee of the Legislature, March 15th, 1854.

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Securities deposited by the Southern Bank.

CONSOLIDATED CITY BONDS.

1	p'kge	cont'g city bonds,	137	at $1000—	$137,000
1	do	do	100	1000	102,000
1	do	do	100	1000	100,000
1	do	do	63	1000	63,000
1	do	do	100	1000	100,000
1	do	do	100	1000	100,000
					$602,000

Examined and counted by the Joint Committee of the Legislature, March 15th, 1854.

MESSAGES FROM THE HOUSE.

The special messenger from the House informed the Senate that the House has concurred in joint resolutions in reference to the policy pursued by the Spanish Government towards the Island of Cuba.

MESSAGE TO THE HOUSE.

The special messenger informed the Senate that the Speaker has signed the Cuba resolutions.

The Assistant-Secretary of the Senate informed the House that the Senate has no further communication to make to the House of Representatives, and was now ready to adjourn, sine die.

Mr. Boatner offered the following resolution, which was read and adopted.

Resolved, That a Joint Committee of the two Houses, consisting of three members of the Senate and——members of the House, be appointed to wait on the Governor to inform him that th Legislature is now ready to adjourn, sine die, and to inquire if he has any further communications to make to the Legislature.

The President appointed on that Committee, Messrs. Boatner, Clifton and Rivers, on the part of the Senate.

The Assistant-Secretary requested the concurrence of the House therein.

By a message from the House, through their Clerk, the Senate was informed of the concurrence of the House in the above resolution, and that the Speaker has appointed on the part of the House, Messrs. Pugh, Miller, Hatch, McWhorter, and Heard.

On behalf of the Joint Committee appointed in accordance with the above resolution, Mr. Boatner reported that the Committee had performed their duty, and that the Governor has no further communications to make to the General Assembly.

By a communication from the House, through their minute clerk, the Senate was informed that the House has no further communications to make to the Senate, and was now ready to adjourn, sine die.

The Senate then adjourned sine die.

DURANT DA PONTE,
Reporter.

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RAPPORTS OFFICIELS

ET

DOCUMENTS

DU

SÉNAT

DE

L'ETAT DE LA LOUISIANE.

SECONDE LEGISLATURE—PREMIERE SESSION.

NOUVELLE-ORLEANS:
IMPRIME PAR EMILE LA SERE, IMPRIMEUR D'ETAT.

1854.

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RAPPORTS OFFICIELS DU SENAT

DE

L'ETAT DE LA LOUISIANE.

LUNDI, 16 janvier 1854.

idi le Sénat s'assemble. Sont présents : M. W.
rmer, lieutenant-gouverneur et président du
et MM. Lacoste, King, McKay, Braud, Tay-
ndeau, Kittridge, Key, Hebert, Lacey, Mun-
ickliffe, Clifton, Rivers, Scott, Palfrey, Moore,
), Boatner et Richardson.
énat procède ensuite à l'élection des officiers.
sonnes dont les noms suivent sont unanime-
lues :
taire, W. F. Wagner; assistant secrétaire,
sson; sergent d'armes, B. Childers; portier,
; traducteurs, Oscar Arroyo, Emile Wiltz,
)ossat; commis aux enrégistrements, R. C.
trandt, L. B. Haynes, S. E. Hamlet, J. D.
, M. Rills et P Bienvenu.
orteur, Durant Da Ponte.
vers soumet une résolution présentant les re-
ients du Sénat à M. Horatio Davis, pour la
habile dont il a rempli les devoirs du secré-
r intérim.
résolution est unanimement adoptée.
nat prend ensuite un recès.

MESSAGES DE LA CHAMBRE.

que le Sénat s'est reconstitué en séance, il
message de la Chambre, annonçant que ce
nommé un comité de trois membres, chargé
idre auprès du gouverneur.
notion de M. Wickliffe, un comité de trois
s est nommé avec instruction de s'entendre
omité de la Chambre et d'agir conjointement

Kay présente une résolution pourvoyant à la
on d'un comité spécial chargé de rédigor
ments pour le Sénat, et fait la motion qu'en
t le rapport de ce comité, les règlements de
re session soient adoptés provisoirement.
notion est adoptée.
Sénat s'ajourne.

MARDI, 17 janvier 1854.

s—J'ai à présenter une resolution qui, je
era favorablement accueillie par le Sénat.
t à l'emprisonnement des esclaves dans le
ire—coutume que l'expérience a prouvé
us nuisibles aux intérêts publics. La résolu-
rt simplement le comité judiciaire de pré-
ill pour remédier à ce mal.
y—Au nom du comité spécial chargé de
es réglements pour le Sénat, j'ai l'hon
porter les réglements de la dernière session
l amendement, lequel a trait à la composi-
nités. En l'examinant on verra que le seul
t fait se trouve dans la 33me section par
deux comités désignés l'année dernière
de Comités des terres et levées et le co-
mélioratıons intérieures sont fondus en un

aire lit le rapport.
nt—Je remarque que le nombre des mem-
ont composer ce comité formé de la réu-
s comités n'est pas spécifié dans le rap-

—Le comité devrait être composé d'un
e de membres, attendu que les devoirs
remplir seront nécessairement nombreux

—Je suggérerai comme parfaitement con-
mbre 9, de telle sorte qu'il puisse y en-
sentants de toutes les parties de l'Etat.
elquefois que des intérêts divers, par-
s intérêts opposés devront être représen-
tés et il est juste que dans ce cas toutes les voix puis-
sent être entendues.

Le président—Je ferai observer que si le nombre des membres de ce comité est laissé au choix du président, j'en désignerai certainement 9.

M. King—Il est une question sur laquelle je crois qu'il est important d'appeler l'attention du Sénat. C'est une motion que je vais présenter demandant l'amendement du 11me règlement. Ce règlement tel qu'il est maintenant, dit : (Il lit.)

Je propose l'amendement suivant : Pourvu qu'une motion d'ajournement une fois faite ne puisse être faite de nouveau avant que le Sénat n'ait passé à quelque autre question. » L'opportunité, la nécessité même de cet amendement doit être visible au premier coup-d'œil. Son but est de prévenir le retour de ce qui a eu lieu ici, dans le Sénat, pendant la dernière session. Dans une circonstance surtout, une motion d'ajournement que le Sénat n'avait évidemment pas le désir d'accepter a été renouvelée continuellement, jusqu'à ce qu'enfin, de guerre lasse, le Sénat se vit obligé de s'ajourner même contre son gré. Le réglement tel qu'il est maintenant et tel je crois que le Président a déclaré l'année dernière qu'il devait être compris, semble sanctionner cette manière de faire et donner à tout membre le droit de renouveler perpétuellement une motion d'ajournement même avant qu'on ne se soit occupé d'aucune autre affaire.

MESSAGE DU GOUVERNEUR.

Le Message suivant du Gouverneur est reçu par le Sénat et lecture en est faite par le secrétaire.

CONCITOYENS DU SENAT ET DE LA CHAMBRE DES REPRESENTANTS,

La terrible épidémie qui a sévi dans presque tout notre Etat pendant les mois de l'été dernier, en même temps qu'elle plongeait dans la désolation des familles naguère heureuses et jetait prématurement dans la tombe des milliers de nos citoyens les meilleurs et les plus utiles, a eu pour résultat de développer chez les autres, de stimuler les vertus les plus nobles et les plus belles dont l'humanité puisse s'honorer. De bons Samaritains, à peine relevés de leur lit de douleur, de toutes les classes de la société, ecclésiastiques ou laïques, riches ou pauvres, oubliant leurs propres dangers, ont suivi pas à pas le fléau, assistant les pauvres et donnant des secours à ceux que le mal entourait de ses cruelles étreintes. Plusieurs ont succombé dans l'accomplissement de cette œuvre pie—plusieurs jeunes médecins pleins d'espérances, plus d'un ministre de Dieu, plus d'un prêtre, plus d'une sœur de charité, type vivant de la loi d'amour et de charité—et leurs noms sont maintenant dans toutes les bouches mêlés aux expressions de la plus profonde reconnaissance, de la plus ardente admiration. Quoiqu'ils aient été enlevés du milieu de nous, quoique maintenant ils jouissent de l'éternelle félicité auprès de celui dont la douloureuse agonie sur le Calvaire a été suivie immédiatement de la divine glorification, leurs noms resteront à jamais gravés dans tous les cœurs, ils seront conservés avec amour par leur bonne mère, par l'Etat qui a été le théâtre de leur sublime dévouement, et leur exemple, chaine d'or qui nous attache à eux, servira d'encouragement à ceux qui, comme eux, s'engagent dans cet étroit sentier de l'honneur et du devoir.

Mais ce n'est pas à ces citoyens là seulement que notre reconnaissance est acquise. Lorsque l'épidémie étendant ses ailes sombres eut répandu partout le deuil et la mort, lorsqu'il nous devint impossible de l'arrêter dans sa marche funèbre; lorsque les ressources nous firent défaut, les citoyens de tous les Etats

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de l'Union, tous nos frères enfin nous ont tendu leurs bras, nous ont ouvert leurs bourses, ont pris charitablement leur part de fardeau. Il m'est doux, à moi qui représente l'Exécutif de cet Etat, de reconnaître du plus profond de mon cœur et de proclamer hautement ces témoignages de bienveillance fraternelle d'affection dévouée qui ont placé l'Union aux yeux du monde entier, non seulement comme une confédération d'Etats souverains liés entr'eux par une simple Constitution écrite, mais encore comme une immense famille patriarcale, comme un peuple de frères et de parents.

Quelque pénible qu'il puisse être pour vous et pour moi de nous arrêter sur ce sujet qui nous rappelle des souvenirs si poignants, si douloureux, qu'il me soit permis de dire ici que cette expérience si chèrement acquise, ne sera pas sans heureux résultats. La condition sanitaire de la ville de la Nouvelle-Orléans, n'est plus une question d'intérêt local seulement.

Lorsque le réseau des chemins de fer qui doit bientôt relier à la grande métropole les parties les plus reculées de l'Etat, sera terminé, sera complet, les paroisses les plus éloignées, les villes les plus distantes seront comme des faubourgs de la Nouvelle-Orléans. Déjà les principales lignes sont commencées et en voie de progrès rapide, et dans un an ou deux les fertiles et populeuses paroisses de l'Ouest seront en communication constante et rapide avec Alger, et les chars partant du centre même de la ville s'étendront jusqu'aux forêts des paroisses orientales où l'atmosphère est si pure et si embaumée. L'avenir de toutes les paroisses est donc étroitement lié à celui de la Nouvelle-Orléans—et la salubrité de l'Etat dépendra en grande partie de celle de la métropole. En vue de cela, pour l'accomplissement de ce résultat, il est de votre devoir, et je ne doute pas que pour vous ce ne soit une agréable tâche, d'apporter la plus sérieuse attention à cette question, et de deviser le plus promptement possible telles mesures que vous croirez les meilleures pour parer à l'avenir au retour de l'épidemie, et si ce résultat n'est pas possible, pour diminuer du moins, le ravages du terrible fléau qui pendant les mois de l'été dernier a si cruellement sévi sur notre Etat. Il ne vous sera pas tout à fait impossible de réaliser ce rêve ; mais comme tout ce que le ciel n'accorde que comme une récompense aux nobles efforts et à l'ambition de l'homme, ce rêve ne sera réalisé qu'après bien des tentatives, après bien études et des recherches scientifiques, qu'après bien des épreuves successives.

Nous savons déjà par expérience et par suite des observations qui ont été faites, que l'épidémie éclate et se développe principalement dans les grandes villes, et qu'elle fait surtout son apparition là où la population a pris un certain accroissement. Les circonstances qui résultent de ces accroissements de population, de cette agglomération d'hommes ont donc quelque influence soit pour faire naître le fléau, soit pour le propager. Plusieurs de ces circonstances peuvent heureusement être évitées ou contrôlées avec du temps et des soins, et dans plusieurs des villes les plus peuplées de l'ancien monde d'importantes réformes ont été faites grâce à un système judicieux d'hygiène publique par lequel les citoyens jouissent dans leurs maisons d'une ventilation suffisante, et ont devant leurs demeures des rues promptement desséchées et des réservoirs convenables où sont portés les immondices et tout ce qui pourrait enfin être nuisible à la salubrité publique. Ce sera à vous de décider quelle part l'Etat doit prendre dans le plan que vous aurez devisé et adopté, et si telle n'était pas votre idée, de décider si seulement vous déléguerez à la corporation de la Nouvelle-Orleans le pouvoir d'adopter telles mesures qu'elle croira nécessaires ou convenables pour améliorer la condition de la ville. Mais quelque soit le résultat de vos délibérations sur cette question, il me semble que ce ne serait que justice de lui accorder pour le dessèchement de ses marais et de ses terres basses, dont l'effet est incalculable sur le progrès de la maladie, une part proportionnelle du produit des terres marécageuses. On ne saurait faire un emploi plus juste, plus convenable de cette magnifique donation que d'en affecter une partie, dans un but d'intérêt général, à l'assainissement du centre, du cœur même de l'Etat.

A ce sujet permettez que j'appelle votre attention sur la communication que je vous transmets en même temps que mon message. Elle est de la commission de santé nommée à l'époque où le fléau sévissait, et qui avait été chargée de s'enquérir de l'origine, du caractère et des causes du mal. Composée comme elle est, d'hommes de talent et d'expérience dans leurs branches respectives, et animés du plus grand zèle pour le bien public, les suggestions qu'elle présente doivent être d'un très grand poids. Vous recevrez de la part de cette commission d'excellents conseils, de précieuses informations pour l'accomplissement d'une partie de votre tâche.

Le rapport du trésorier vous représentera la situation financière de l'Etat. Vous y verrez que la dette proprement dite de l'Etat, en y comprenant les bons emis pour souscriptions au fonds des compagnies de chemins de fer de la Nouvelle-Orléans et de Jackson, de la Nouvelle-Orleans, des Opelousas, de Shreveport et de Vicksburg, est de $3,231,809 41.

Sous l'empire de la loi passée à la dernière session pour subvenir aux besoins de l'Etat, au moyen d'un emprunt de $750,000, les recettes du trésor pour l'année courante se sont elevées à $2,148,467 65.

Les dépenses pendant le même espace de temps, faites pour les frais du gouvernement et pour subvenir aux affectations votées par la dernière législature, s'élèvent à $1,340,443,30—ce qui laisse un surplus de $808,024,35.

Il ne faut pas oublier que ce vaste surplus provient d'emprunts autorisés par la dernière législature et par celles qui l'ont précédée. Si on les déduit du total des recettes et de la balance que le Trésorier a maintenant en mains ainsi qu'il appert par son rapport on trouvera un déficit. Avec de tels arguments, les chiffres que je vous présente, je ne crois pas nécessaire de vous prévenir que le Trésor n'est pas en situation de subvenir à des demandes extraordinaires, ni de vous suggérer l'opportunité de régler les recettes et dépenses de telle sorte que nous puissions remplir nos obligations alors qu'il sera nécessaire et sans avoir besoin de recourir à de nouvelles impositions de taxes. En plaçant à de bons termes et avec de sûres garanties le surplus qui se trouve entre les mains du Trésorier et dont on n'a aucunement besoin maintenant, on les mettrait à l'abri des appropriations imprudentes et on dechargerait l'Etat d'une somme correspondante d'intérêt qu'il a maintenant à payer. Les amis de l'Education Publique pourraient très bien profiter de cette occasion pour demander le paiement de ce qui est dû à ce fonds spécial —Cette somme convenablement placée, suffirait au bout de quelques années, au maintien des écoles et en assurerait l'existence.

Je ne voudrais pas qu'on put supposer que je recommande ici cette économie fausse et sordide de l'avare qui enfouit son trésor, ou du sommelier qui cache son vin, ou de l'homme de talent qui cache ses moyens; — mais cette économie intelligente qui n'investit les fonds publics qu'à l'époque, de la manière et aux conditions les plus avantageuses, et de celle qui doit probablement produire de bons résultats et refuse positivement d'accéder à toute demande, quelque peu considérable qu'elle puisse être, si elle n'a pas pour but un projet dont l'utilité est bien reconnue. Les sommes énormes d'argent appliquées à des projets extravagants et que dès juges compétents n'avaient ni analisés, ni approuvés, dont ils n'avaient même pas admis la practicabilité, souvent même dépensés en efforts inutiles pour atteindre à des chimères, auraient pu permettre à l'Etat, si l'on avait sur les placer convenablement, où si l'on s'était bien rendu compte de ce qu'on se proposait d'entreprendre, de terminer plusieurs des magnifiques canaux que la nature a si prodigalement semés sur tous les points de notre territoire et qu'elle a si bien formés, qu'il ne nous reste presque plus rien à faire pour les rendre navigables. Il est vrai que dans ces cas-là l'argent a été pris du fonds des améliorations intérieures; mais le mode de procéder ne différait pas essentiellement de celui qui est suivi pour les affectations de comptes du fonds général.

Un remède à ce mal se trouve dans le système adopté et suivi par les gouvernements de l'Ancien Monde, système que leur expérience positive et notre expérience négative recommandent également. Il consiste en ceci : Ne jamais appliquer les sommes fournies à la sueur de leurs fronts par les contribuables, à des mesures nouvelles, à des projets qui n'ont pas encore

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é expérimentés et soumis à tous les points de vue et
is toutes les faces à la discussion, à la critique, à
xpérience des hommes de science et de pratique.
s examens, ces études, ces analyses faits par des
nités parlementaires ou par des commissaires nom-
s par le gouvernement, quoique au premier abord,
puissent sembler fastidieux et inutiles ont tou-
rs pour résultat définitif une grande économie de
ps et d'argent ; ils constituent une base assurée
r la législation et donnent à la politique de l'Etat
suite, une unité de dessein qui, nous devons l'a-
er franchement, ne sont pas très fréquents dans no-
pays. Ce système lent, mais sûr, produirait d'au-
frants encore qui ne sont pas moins dignes de tou-
notre attention. Il contribuerait à éteindre, à
disparaître en partie cette législation spéciale et
iculière qui gêne notre système général de légis-
on et nuit à la jurisprudence de l'Etat, en ab-
ant le temps et l'attention de la législature par
questions dont la discussion est plus grave, plus
use, et exige plus d'études et de temps que d'a-
l'autre système que je viens de suggérer.

nformément à un acte de la dernière législatu-
ourvoyant au dessèchement et au recouvrement
erres en marais ou inondées, concédées à l'Etat
le gouvernement général, j'ai nommé un bureau
mmissaires pour exécuter les vastes travaux dont
prédécesseurs et leurs constituants espéraient
raison de si beaux résultats. Ce bureau s'est as-
blé au Capitole en mai dernier et a nommé des
nieurs pour les différents districts ainsi que le
ert la loi. Le devoir de ces ingénieurs était en
e de déterminer l'emplacement, l'étendue et
imensions des levées nécessaires pour garantir
ouvrer les terres en marais appartenant à l'Etat
exiger que tous les contrats pour la construction
réparation des levées fussent achevés le pre-
lundi de décembre de chaque année. Ce qui exi-
core cet acte est aussi judicieux. L'auditeur est
isé à payer toutes les dépenses faites sur un
at der commissaires ; l'argent doit être pris des
provenant de la vente des terres en marais, le-
fonds ne peut être appliqué à aucun autre ob-
te celui qui est indiqué dans le bill de concession
uvernement fédéral.

rapport des Commissaires sur lequel s'appellera
attention toute particulière, vous fera compren-
état actuel de cette importante question. Vous
que dans les premiers mois de leurs travaux ils
ncontré des obstacles presque insurmontables.
'il se sont assemblés, il y avait dans le Trésor
mme de $250,000 provenant de la vente des
en marais. L'Auditeur refusa de payer le pre-
andat qui fut émis pour des raisons que sans
il jugeait suffisantes, quoiqu'elles n'aient
nblé telles à l'Avocat de l'Etat et à l'Execu-
sera de votre devoir de prendre en considéra-
médiate cette question, et d'adopter telles me-
ui faciliteront au bureau l'accomplissement des
que la loi lui impose. Je ne doute pas que
compreniez et n'appréciez l'immense intérêt
ttaché à cette question et à l'accomplissement
oirs assignés à la Commission. Il n'y a pas de
perdre. La saison de l'année pendant, laquelle
ux sont le plus faciles est écoulée, il est vrai ;
ant le retour du printemps, plus tôt, même s'il
ssible, les travaux doivent être commencés et
avec zèle et énergie jusqu'à ce que le but si
e que l'on se propose soit enfin réalisé.

son de ce que je viens de présenter, le rap-
commissaires se borne donc à des plans et à
ts pour le présent, à des suggestions pour l'a-
on verra cependant qu'embarrassés comme ils
dès le début, et privés des ressources que la
ire avait mis à leur disposition, les commis-
sont pas restés inactifs. La justice exige que
at et pour eux-mêmes, le système sous lequel
nmencé leurs opérations soit bien et loyale-
périmenté. Quelque différentes qu'aient pu
lées et les opinions à l'époque où ce système
anisé, ce qu'il y a de plus prudent, mainte-
existe, c'est de laisser au temps et à l'ex-
d'en faire ressortir les avantages ou les

compagnies pour la construction de chemins
lusieurs pour la constructions de chemins
s, ont reçu des chartes de vos prédécesseurs.

L'Etat a été autorisé par la loi à souscrire pour ces différentes entreprises et à émettre de temps en temps des bons en paiement « pour une somme égale au quart du total reçu actuellement par la compagnie, et dont elle a reçu le paiement. » Conformément aux instructions de la Législature, j'ai émis le 27me jour de mai 1853, soixante seize bons de m lle piastres chacun en faveur du chemin de fer de la Nouvelle-Orléans, des Opelousas et de l'Ouest ; le 30 de juillet suivant j'ai émis une autre série de quarante-cinq bons de mille piastres chacun, et en octobre seize autres de la même dénomination. La compagnie du chemin de fer de la Nouvelle-Orléans, de Jackson et du Nord a reçu le 13 août cent soixante-cinq bons de l'Etat, de mille piastres chacun.

Je suis heureux de vous annoncer que les travaux de toutes ces lignes de chemin de fer, ont été poussés avec une louable énergie. Le chemin de fer de la Nouvelle-Orléans et des Opelousas, parcourt déjà un espace de dix-sept milles à partir de sa limite orientale. Le chemin de fer de la Nouvelle-Orléans et de la Mobile, avancent rapidement sous l'habile direction de ceux qui en sont chargés, et je suis persuadé que les travaux sur le chemin de Sreveport seront bientôt commences. Déjà les tracés ont été faits, les relevés sont achevés et les souscriptions s'élèvent à une somme considérable. Les compagnies de chemins plancheiés, aussi semblent animes du louable désir de pousser avec vigueur leurs travaux respectif.

Des obstacles imprévus et auxquels on ne pouvait parer, ont gêné quelque temps ces entreprises et les ont retardées. Cependant je suis heureux de pouvoir vous informer maintenant, qu'elles ne présentent pas un caractère sérieux. Peu après que les bons de l'Etat eurent été émis, les marches monetaires d'Europe et des Etats-Unis, ont subi un changement considérable, le taux de l'intérêt ayant augmenté dans une forte proportion. En consequence, les dits bons n'ont pu être vendus à cette époque. Mais cela, ni l'épidémie qui sévissait sur la ville, n'ont pu abattre l'ardeur. des compagnies. Je ne crois pas qu'ils aient jamais suspendu leurs opérations, et maintenant elles déploient toutes leurs ressources pour répondre à l'attente du public, et pour protéger les intérêts des actionnaires.

Un acte fut adopté le 10 mars 1852, restituant à la banque des Citoyens sa charte dont la forfaiture avait été déclarée: mais une condition avait été mise à cette réhabilitation, c'était : que la banque rendrait à l'Etat des bons de l'Etat jusqu'à concurrence de $800,000. Les clauses stipulées par la loi ont été mises à exécution par l'échange de $800,000 de bons de l'Etat qui ont ôte cancellees, et un capital additionnel de $934,430 a ete levé par les actionnaires au moyen d'une contribution de $7 par action, dont trois ont déjà ete versés a la banque et le restant doit être paye en 1854, 1855, 1856 et 1857. Ces clauses de l'acte ayant ete executées par les directeurs qui étaient alors chargés des affaires de la banque, une élection eut lieu, en vertu de la septième section, pour le choix de cinq directeurs de la part des actionnaires et les nouveaux élus, ainsi que les deux directeurs nommés par moi, sont entrés en fonctions le 1er juillet de l'annee passée.

Un des premiers actes des nouveaux directeurs a été de profiter des bénéfices de l'acte « autorisant la banque des Citoyens à convertir les actions garanties par hypothèque en actions au comptant,» afin d'augmenter le capital actif de la banque en obtenant le payement en argent comptant, de $10,000 prelevées sur 141,000 actions qui composent le capital de la banque. Cette opération a donne lieu à un arrangement entre les detenteurs d'actions au comptant et les détenteurs d'actions garanties par hypothèque, par lequel l'actif tout entier, tel qu'il existait au 1er septembre dernier, (excepté $500,000 transférées au département des operations de banque), doit fructifier au profit de ces derniers, et continuer a former une hypothèque spéciale pour le passif de la banque à cette epoque.

Les detenteurs d'actions garanties par hypothèque sont en outre déchargés de toute dépense d'administration, à l'exception des appointements de l'employé spécialement chargé des livres et comptes du département des actions garanties par hypothèque. Cet arrangement, tout en assurant la rédemption des obligations des détenteurs d'actions garanties par hypothèque, met l'Etat à couvert dans la même

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proportion, de toute obligation éventuelle sur les bons émis par la banque. Une judicieuse administration de cet établissement d'après l'arrangement actuel, produira, il y a tout lieu de l'espérer, un surplus considérable de bénéfices à partager entre les détenteurs d'actions garanties par hypothèque et l'Etat, d'après les termes de la charte.

La loi des banques libres qui a été adoptée pendant la dernière session a été mise en opération Ce système a réussi et tout porte à croire qu'il réalisera les avantages qu'en attendaient les auteurs de la loi.

Conformément à un acte adopté par vos prédécesseurs et approuvé le 28 avril 1853, m'autorisant à nommer un commissaire chargé de calculer et de recevoir les sommes dues par la Banque de l'Union à l'Etat, en vertu de la septième section d'un « acte pour incorporer la Banque de l'Union de la Louisiane, approuvé le 2 avril 1852 », j'ai chargé de cette tâche M Pemberton de la Nouvelle-Orléans, qui, après un examen approfondi, a consenti à recevoir la somme de $62,000 en paiement de tout intérêt de l'Etat dans cet établissement. $50,009 de cette somme devaient être payées en argent comptant sur le mandat du trésorier de l'Etat, et $12,000 en un billet de la banque, souscrit par le président et le caissier, daté du 3 juin et payable 4 mois après date. En conséquence de cet arrangement, l'Etat n'a plus aucun intérêt dans cet établissement.

J'ai été chargé par un acte adopté par la dernière Législature, dans le but de pourvoir aux moyens de soulager le Trésor de l'Etat, de faire publier en due forme, un avis demandant que des propositions fussent faites à l'Etat pour l'achat de Bons de l'Etat jusqu'à concurrence de $750,000. A l'expiration du terme prescrit par la loi, il s'est trouvé que la seule offre qui eût été faite, était celle de MM. J Corning & Cie., au pair. L'emprunt a donc été adjugé à ces messieurs La remise de ces Bons a éprouvé quelque retard, parceque le payeur n'a pas exécuté son contrat dans le délai fixé.

Dans le commencement du mois de novembre, l'Ingénieur de l'Etat s'est rendu dans les environs du Racourci, qu'on lui avait représenté comme causant des dommages importants sur les terres situées immédiatement en aval. Son rapport sur la « grande levée » fera voir les conséquences de cette malheureuse innovation. Mes vues sur ce sujet ont été exprimées lorsque j'avais l'honneur d'être ingénieur de l'Etat et des études ultérieures en ont prouvé la vérité. On me pardonnera, j'aime à le croire, de les rappeler, lorsque quelques uns de nos excellents concitoyens sont encore attachés à un système qui a été mis à l'épreuve et qui a produit des résultats si désastreux.

Comment parviendrons-nous a dessécher les terres inondées de la Louisiane ? Comment mettre en friche, sans dangers, ces immenses marais, ces terres-basses qui sont de beaucoup les plus productives de l'Etat ? Comment protéger les paroisses supérieures sans nuire aux inférieures ? En un mot, quelles mesures devons nous adopter pour protéger et récupérer les terres de l'Etat tout entier; sans qu'aucune partie en souffre. Voilà le problème que nous avons à résoudre. Les levées peuvent-elles accomplir cet objet ? Pour toutes les fins locales et temporelles, les levees suffisent; mais comme système général et permanent, elles sont défectueuses. Outre les frais continuels et considérables qu'elles exigent, la conséquence inévitable du resserrement des eaux agitées du fleuve entre des levées, est l'élévation graduelle de son lit. Il est clair que cette opération augmente le danger d'une inondation; l'expérience l'a prouvé partout où ce système a été adopté, et l'observateur le plus superficiel a pu en observer les effets sur le Mississipi, Le danger particulier de cette opération est que les progrès en sont lents, presqu'imperceptibles, tandis que l'effet en est certain, fatal. Le lit du fleuve s'élève enfin a un tel point, qu'il n'y a d'autre remède que la destruction de ces levées mêmes qui ont coûte tant d'argent et de perte de temps. Une inondation générale en est la conséquence inévitable, les eaux rentrent dans les anciens chenals et en forment de nouveaux; et le bras principal du fleuve revient à peu près à l'état où ils était antérieurement, seulement le lit en reste élevé. La situation du pays n'est donc nullement améliorée par le résultat final; au contraire les difficultés que présentent la protection et le desséchement se trouvent augmentées d'une manière importante et permanente. Voilà l'état de choses qui se prépare et les conséquences fatales qui nous menacent si nous persistons à entourer le Mississipi de levees et d'en fermer en même temps les débouchés naturels. Et ce ne sont pas là des suppositions dénuées de fondement; c'est le resultat inévitable de causes existantes. C'est aussi vrai et aussi certain que les eaux du Mississipi contiennent des matières qui forment des dépôts, et que ces eaux chercheront à prendre leur niveau naturel.

Est-t-il possible d'adopter un meilleur système? Cette question porte la réponse en elle-même, si nous considérons la formation du pays qu'arrose le Mississipi.

Les couches supérieures du Mississpi, lorsque les eaux sont hautes, et j'entends par là lorsqu'elles sont plus élevées que le niveau des plus basses terres basses sur les deux rives, paraît couler le long de la crête d'une chaîne de montagnes. (Il va sans dire que je ne parle pas ici du Mississipi dans toute sa profondeur, mais seulement du trop plein de ses eaux; sur la partie qui cause les inondations, et dont nous cherchons a nous débarrasser). Cette chaîne de montagnes à deux pentes ou versants, l'une dans la direction du courant général du fleuve, et l'autre qui le coupe à angle droit. C'est un fait que personne n'ignore. Est-il possible de chercher ou de trouver un cas, où le mode et les moyens de dessèchement et de protection, soient plus clairement indiqués et d'une application plus facile. Supposez un cas identique sur une moindre échelle, sur les terres d'un planteur doué d'une intelligence ordinaire. Un petit bayou, sujet à sortir de son lit pendant les fortes pluies traverse son habitation; la pente du terrain est dans la direction du bayou. Comment peut-il protéger d'une manière permanente les bords de ce bayou de l'inondation, sans avoir recours à une digue? En déversant le trop plein des eaux sur les terrains bas qui bordent le bayou, dans des canaux aboutissant à ce bayou. De cette manière, le but est immédiatement et aisément atteint.

Supposez maintenant qu'après avoir augmenté les facilités de décharger le courant d'eau à son embouchure, nous étendions, le long de la ligne inferieure des terres basses adjacentes, laquelle ligne serait parallèle au courant d'eau, supposez, dis-je, que nous prolongions ces canaux latersaux jusqu'au lac ou au réservoir dans lequel se jette le bayou. N'est-il pas évident que, de cette façon, on pourrait disposer de tout l'excédant d'eau ; les bords du bayou seraient garantis, les terres basses, les marais adjacents seraient desséchés, jusqu'au niveau du lac ou du golfe dans lequel les eaux se déchargent. Cela n'est-il pas clair ? N'est-ce pas facile en pratique, quelque soit le volume d'eau ? Donc cela se réduit à une question d'argent. Tout pays peut être desséché, toute rivière ramenée à son lit, dans les plus fortes inondations, quelle que soit cette inondation, quelle que soit l'élévation des eaux de cette rivière. Les eaux mêmes servent à un pareil système, en lavant leur propre chenal. Dans presque tous les cas, il suffirait de commencer l'ouvrage qu'achèverait la rapidité des eaux. De sorte que l'eau, maintenant un élément de destruction, deviendrait l'un des meilleurs agents d'un tel plan.

C'est là le système que l'on doit appliquer au Mississipi Je suis aussi fermement convaincu de la possibilité de le mettre en pratique et de le faire exécuter que je suis convaincu de la vérité de la plus claire des démonstrations mathématiques- L'eau peut-être amenée presqu'au niveau du Golfe du Mexique, et chaque pied de terre au-dessus de la marée haute peut-être certainement mis en culture. Il n'y a pas un doute à entretenir là-dessus. Le ferons-nous ? Adopterons-nous et poursuivrons-nous vigoureusement la mise en œuvre d'un large système destiné à rendre mille fois plus grandes les ressources de cet Etat, sans nous préoccuper d'intérêts locaux ou particuliers, sans nous effrayer de la grandeur du projet ? La capture a commencé l'ouvrage, le laisserons-nous inachevé ? Il y a des millions au fond de nos marais, les y laisserons-nous se perdre ? Sur la surface du globe il n'est pas de pays plus susceptible que le nôtre d'améliorations, nul pays qui en réclame plus, nul pays où

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s puissent être faites à moins de frais, nul pays où
s résultats doivent être aussi profitables.
ermettez-moi d'appeler votre attention la plus
euse sur le système actuel d'améliorations inté-
res, et de vous engager à trouver un remède pour
lefectuosités dont les mauvais effets ne peuvent
er à se faire sentir. L'ingénieur de l'Etat n'a pas
ouvoir discrétionnaire relativement aux améliora-
à faire, et au temps qui doit être consacré à
une d'elles. On décrète beaucoup de travaux
nature locale sans relevé préalable, sans exa-
on fixe le temps de leur achèvement, sans avoir
d à leur importance. Cela a pour conséquence
l'Etat après promené de bayou en bayou, après
hésité entre un point et l'autre, n'arrive à au-
ésultat, n'accomplit aucune amélioration réelle.
système actuel est tellement discrédité, grâce
echecs dans les tentatives même les plus sim-
que les fonds qui lui sont destinés sont livrés
projets les plus ruineux. La législature con-
a à tous les changements que l'on voudra y
r, soit parce que l'expérience a établi que ce
me est sans valeur, soit parce que ceux qui
t dans les districts où la plus grande partie de
nds est dépensée, supposent qu'ils n'ont pas
rêt à encourager le dit système. Il convien-
pourtant à tous de penser que, lorsqu'on aura
e les ressources d'où émanent ces fonds, il fau-
voir recours à une taxe générale. On ne pourra
y échapper: les terres fertiles qui bordent nos
s, nos courants d'eau, reçoivent chaque jour
uveaux cultivateurs, qui auront bientôt acquis
voir de punir de leur imprévoyance les habi-
des autres parties de l'Etat. Il faut espérer
législature trouvera un remède au mal. La
que possède l'Etat pour les améliorations in-
res est trop petite pour qu'on la divise; les
de l'homme, lorsqu'ils sont concentrés, résul-
ouvrages grandioses; le système actuel fonc-
en raison inverse, il atomise la force. En
la législature ne devrait consentir à aucune
tion de fonds, sans avoir ordonné d'avance des
s exacts, sans s'être convaincue de l'utilité, de
rtance des améliorations qu'on lui propose.
c'est le temps de se mettre à l'œuvre, de s'y
jusqu'à ce que les travaux soient complets, et
ssurer l'entretien par un droit de peage ra-
ble.

acte de la dernière Législature m'avait autorisé
mer des commissaires chargés de modifier le
t existant entre l'Etat et la compagnie du canal
ataria et de Lafourche. J'ai rempli ce devoir,
ois que l'on est arrivé à un résultat satisfai-
Le contrat passé par l'ex-ingénieur d'Etat a
éré de telle sorte, que la compagnie doit au-
ui compléter les travaux, à certaines condi-
écifiées. L'Etat consent à payer l'allocation
, le reste de l'appropriation de 1852, et trans-
la dite compagnie tous les matériaux ache-
deniers de l'Etat à différentes époques. La
nie s'engage, sous des pénalités très gran-
xécuter le contrat fait en vertu de la loi
modifié de telle manière qu'elle pourra se
r de faire une écluse sur le côté ouest du
afourche, et une autre écluse à l'endroit
nal rejoint le Mississipi. Le cautionnement
ar la compagnie met à couvert du mon-
l'allocation, et garantit l'execution du
Par cet arrangement, l'Etat perd les tra-
jà exécutés, mais il gagne les améliorations
es sur les bayous Black, Terrebonne et Cail-
aiement et la destination des fonds de l'E-
le contrôle des Directeurs de l'Etat, et l'al-
le vingt-trois mille piastres déposée au New-
Bank, est sujette à l'ordre de ces derniers.
ouvrage doit être achevé le 1er février

n examen minutieux de ce contrat, je n'hé-
dire que les commissaires ont conseillé les
intérêts de l'Etat. L'ancien contrat auquel
itué le nouveau aurait eu pour effet des
constantes de fonds au trésor, et une perte
le d'argent. En tant qu'on peut se fier à la
humaine, nous sommes certains de voir se
n ouvrage qui, à une époque peu éloignée,
une des principales artères de notre com-
rieur.

Le rapport officiel des commissaires que je vous soumets, vous donnera plus de détails sur toutes les transactions qu'ils ont faites avec la compagnie.

J'ai rempli, selon le vœu de la loi, tous les autres devoirs qui m'etaient imposés par l'acte de 1853.

Le sujet si intéressant de l'éducation publique vous sera développé par le surintendant de l'Etat. Jusqu'ici le système en vigueur a produit d'admirables résultats dans des districts très populeux, tandis que dans des paroisses peu habitées, il a désappointé ceux-là mêmes qui en étaient les meilleurs soutiens. Mais on pourra remédier graduellement à ce mal à mesure que notre population s'accroîtra. En attendant, on peut prendre dans différentes écoles de district les mesures que les circonstances et la connaissance de la question suggéreront. Le but à atteindre est si grand qu'il exige votre constante, votre entière sollicitude. Lorsqu'il s'agit d'un sujet aussi grave, on doit tenir compte, à ceux qui les font, même des tentatives malheureuses.

Le rapport du secrétaire d'Etat vous fera connaître la situation de son département et de la bibliothèque d'Etat. On ne peut donner trop d'eloges au bibliothécaire pour l'intelligence qu'il a déployée dans les échanges qu'il était autorisé à faire de nos documents publics de nos rapports, contre des ouvrages nationaux ou étrangers.

Par ce moyen, nous avons gagné 500 volumes, et, si les choses suivent toujours le même cours, notre bibliothèque pourra bientôt être mise en parallèle avec les bibliothèques les plus considérables, les plus habilement composées de l'Union.

La passation des lois qui augmentent le travail de l'Exécutif et du secrétaire d'Etat, demande qu'on donne aux employés de différents bureaux des appointements en rapport avec leur lourde tâche. Afin d'arriver à ce résultat, sans obérer le trésor, je vous recommanderai de voter une loi, semblable à celle qui existe dans presque tous les Etats, donnant aux dits employés le droit d'exiger une certaine somme somme fixe, pour la rédaction, l'enrégistrement, le sceau de tous les blancs, tels que commissions émanant de l'Exécutif, pour toutes places salariées qu'elles soient électives ou données par le Gouverneur. Je ne puis trop insister sur l'économie qu'il y aurait à payer les fonctionnaires publics selon les devoirs qu'ils ont à remplir et la responsabilité qui pèse sur eux, La justice de ce principe est évidente, il est clair que, par son application, nous garantirions à l'Etat des serviteurs eclairés et fidèles.

Le rapport du comité nommé, en vertu d'une loi, votée à la dernière session, pour visiter l'hospice des Alienés à Jackson, vous arrivera avec ce message. Je n'ai pas encore reçu celui des Administrateurs de l'Hôpital de Charité de la Nouvelle-Orléans, et d'autres institutions de même sorte, se trouvent soit dans cette ville, soit hors de ses limites. Je vous les transmettrai aitôt qu'ils m'auront été expédiés. Mais il est à ma connaissance personnelle que l'Hôpital de Charité est non seulement libre de dettes, mais qu'il possède encore un excédant de fonds. Cependant il aura besoin de l'allocation annuelle d'usage, avec une somme additionnelle de vingt mille piastres, afin de pouvoir faire les réparations qui sont impérieusement demandées.

L'institution des Sourds-Muets et des Aveugles a été en voie de prospérité durant toute l'année qui vient de s'écouler. Les nouvelles bâtisses, quelque peu retardées par l'épidemie, se poursuivent activement. Le nombre des pensionnaires a considérablement augmenté, et déjà, on sent le besoin d'agrandissement, en rapport avec ce surcroit de monde. Il sera besoin d'allocations supplémentaires pour compléter les édifices, et pour faire face aux dépenses courantes de l'école. Le Conseil des Administrateurs a rempli avec un zèle honorable toutes les intentions de la Législature, et la capacité du Surintendant, les soins tout paternels qu'il prodigue aux élèves, sa haute valeur comme professeur et directeur, a beaucoup contribué au succès, à l'état prospère de cette institution.

Le bail du Pénitentiaire expiré au mois d'octobre prochain. Ce sera à vous de décider s'il convient de renouveler ce bail, ou si le Pénitentiaire doit être placé sous le contrôle immédiat de l'Etat. Cette question embrasse des considérations d'un caractère moral et social, qui doivent avoir le pas sur toutes

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les autres. Les sommes jusqu'ici perçues par l'Etat, en vertu du système actuel, sont d'un montant trop minime pour influencer en rien votre décision : de forts capitaux ont été consacrés à l'exécution des bâtisses et des ateliers nouveaux. Si ces avances de fonds n'ont pas été faites vainement, si elles avaient en vue de produire le fruit dans un temps donné, l'heure est venue d'adopter un plan par lequel on puisse réaliser de pareils avantages. En un mot, si des considérations d'économie prévalent, on doit établir la concurrence entre ceux qui demandent le bail, si, au contraire, les considérations morales donnent toutes les autres, on ne doit adopter ni le système d'élire ceux qui prennent le bail, ni le système dont je viens de parler et qui consiste à adjuger le bail au plus haut enchérisseur : en effet, le premier rencontrera les mêmes objections que le dernier, tout en offrant moins d'avantages, sous le rapport pécuniaire. On pourrait arriver au meilleur résultat, en vendant le bail au plus haut enchérisseur, mais sous réserve pour l'Etat de nommer les officiers et les gardiens de cette institution.

Le rapport des Directeurs vous mettra au courant de ce qui a été fait au Penitentiaire pendant cette dernière année.

Je me suis efforcé, concitoyens, d'esquisser rapidement l'histoire administrative de cet Etat pendant l'année qui vient de se fermer et de vous faire les suggestions que je crois, en ma conscience, devoir servir les intérêts de nos communs constituants. Pourtant, mes obligations envers vous et tout l'Etat ne seraient remplies qu'en partie, si, me renfermant dans des questions d'administration intérieure, je n'appelais pas votre attention sur un sujet qui, s'il ne relève pas de votre juridiction immédiate, est cependant d'une importance trop vitale dans les Etats du Sud, pour qu'il soit laissé dans l'ombre. Il est impossible, après avoir étudié les événements qui se passent à l'île de Cube, événements qu'avait laissé prévoir la nomination du nouveau capitaine-général, il est impossible, dis-je, de ne point arriver à cette conviction que l'Espagne, soutenue par les conseils intéressés de l'Angleterre et de la France, et par cet esprit aveugle de fanatisme et de haine qui a souvent caractérisé son histoire politique et sociale, s'est décidée à suivre l'exemple de ces puissants alliés, et veut ajouter un nouvel Etat à l'empire noir qui s'étendrait ainsi des bouches de l'Orinoko aux rives du Mississipi.

Sous le prétexte de se conformer à des traités, elle a déjà imaginé le nouveau système, et elle le complétera bientôt par la création de ce qu'elle appelle des travailleurs libres destinés à prendre la place d'Africains émancipés en plus grand nombre encore. Les contradictions que l'on observe chez les diplomates de l'Europe ne peuvent changer la signification de ces faits et de la déclaration quasi-officielle des organes du gouvernement de Cube. Ce n'est pas répondre aux conséquences qu'on tire de ces faits que de dire qu'un pareil plan serait le suicide des intérêts espagnols. Ce n'est pas à Cube, mais bien à Madrid, à Londres et à Paris que sera décidée la question de l'émancipation. Là, les opinions à ce sujet diffèrent complètement des nôtres. Ce sujet sera ainsi laissé à la décision de philantropes qui ne souffriront pas de leur humanité à bon marché : dans ces conférences-là, les Cubiens ne seront pas représentés. La vérité de cette assertion est attestée par l'histoire des Indes Occidentales. Les possessions françaises et danoises ont été précipitées dans l'abîme de l'émancipation, alors même que de ses profondeurs on entendait s'élever la voix des colonies anglaises.

Le Brésil, quoique empire indépendant, et quoique ses intérêts exigent le maintien de son système actuel d'organisation du travail, le Brésil cède aux menaces de l'Angleterre et aux influences de ses alliés transatlantiques. Mais l'Espagne a un autre intérêt européen, intérêt qu'elle doit consulter et qui, attaquant sa haute classe, dominera toutes les considérations d'argent qu'elle pourrait attacher à la conservation de Cube. Cet intérêt est celui qui a réuni les pouvoirs monarchiques chaque fois que notre gouvernement a eu une difficulté avec l'un d'eux. La jalousie de notre force, de notre prospérité croissantes, la peur de la contagion de notre exemple sont notre garantie d'avenir à nous; mais il est de l'avantage des puissances européennes d'arrêter notre marche. En outre, de tous les Etats de l'Europe, l'Espagne est, certes, le moins capable de résister aux menées de ce gouvernement qui a pour but, non-seulement l'émancipation, mais encore l'*africanisation* de ses plus belles colonies, et cela, par des moyens qui étonneraient les plus crédules, s'ils n'avaient pas été dévoilés au monde par leurs propres inventeurs. L'Espagne n'a qu'un maigre trésor qui ne suffit pas à l'entretien de son onéreuse administration ; il y a toujours un abîme entre ses recettes et ses dépenses, et, à côté de cela, elle doit à l'Angleterre plus de cinquante mille livres sterling, dont les intérêts se sont accumulés depuis de longues années.

Menacée comme elle l'est par des dissensions intestines, on peut facilement prévoir les circonstances à quel point l'action des causes que nous venons d'énumérer deviendrait irrésistible Le gouvernement fédéral, chargé de veiller aux intérêts internationaux des Etats, ira-t-il au-devant du danger qui menace ou attendra-t-il patiemment, tranquillement qu'il se soit manifesté. Il ne serait plus temps alors.

Confiants, ainsi que nous devons l'être dans la fermeté, le patriotisme et l'esprit vraiment national du Président de l'Union, nous habitants de la Louisiane, nous soutiendrons l'administration, nous lui donnerons notre participation entière sur cette question de haute importance, nous l'aiderons de toutes nos forces pour faire triompher toutes les mesures qu'elle jugera nécessaires à notre protection.

P. O. HEBERT.

Janvier 1854

M. Wickliffe.—Je demande que ce Message soit tiré à 5,000 exemplaires.

M. Rivers.—Ce nombre est trop grand. 2 500 exemplaires seraient amplement suffisants.

M. Wickliffe.—Le coût de l'impression de 5,000 exemplaires sera moindre que celui de 2.500 exemplaires seulement. Nous avons fait imprimer 5,000 copies du Message du Gouverneur Walker. Le document qui est devant nous n'est pas moins important, il doit être aussi largement répandu.

M. Rivers.—Je croyais que nous n'avions fait imprimer que 3,000 exemplaires du Message du Gouverneur Walker. Je ne présenterai pas de captieuses objections à l'impression du nombre d'exemplaires demandé par le préopinant. Je retire mes objections.

Amendement du 11me réglement.

La motion de M. King demandant l'amendement du 11me réglement est prise en consideration.

M. King.—J'ai déjà dit dans quel but je faisais cette motion. Je crois que tous les sénateurs conviendront avec moi qu'elle devrait être adoptée, afin que le Sénat, comme un corps, soit mis à l'abri du danger de se voir placé entièrement à la merci d'un ou de plus de membres et mis de la sorte dans l'impossibilité de procéder à aucune affaire toutes les fois qu'il plaira à un membre quelconque de prendre à la lettre le réglement en question.

M: Rivers.—Je n'ai pas l'intention de faire aucune objection qui pourrait être considérée comme captieuse; mais je dois dire que je ne vois pas de bonne raison pour laquelle le changement proposé par le sénateur de la Nouvelle-Orléans, serait sanctionné et adopté par nous. Jusqu'à présent nous avons trouvé moyen d'aller de l'avant sous l'empire des réglements actuels, et je ne crois pas qu'un amendement soit plutôt nécessaire maintenant qu'il ne l'a été jusqu'aujourd'hui. L'allusion faite par le sénateur à certaine circonstance qui s'est présentée à la dernière session, m'est personnelle, si je ne me trompe. Le sénateur a raison de dire que j'ai fait ainsi qu'il rapportait. Mais je ne le faisais qu'obéissant au sentiment de mon devoir dans une circonstance ou je pensais qu'une injustice monstrueuse allait être commise, que les droits de la minorité allaient être foulés aux pieds par une majorité tyrannique.

Nous qui occupons cette partie-ci de la salle, nous étions en grande minorité. Une grande injustice allait être commise à notre détriment et j'avais l'intime conviction que la majorité n'y persisterait pas après que le temps et la reflexion auraient calmé les esprits, lorsque la raison aurait enfin repris son empire. Pour prévenir le mal que j'appréhendais, je fis donc la motion d'ajourner et je la répétai jusqu'à ce que, de guerre lasse, le Sénat consentit à l'ajournement. Mais c'était là un cas extraordinaire, qui je l'espère

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ois fermement ne se présentera plus à l'avenir.
ne pas se présenter de longtemps et je le répè-
bien sincèrement que j'exprime l'espoir que
onstances qui y ont donné lieu pendant la der-
sion ne se reproduiront pas à celle-ci.
reonstances étant telles je ne vois pas de bon-
n d'adopter l'amendement proposé par mon
. Le règlement tel qu'il est maintenant con-
our la minorité une sorte de protection, de
contre les empiètements de la majorité, et
pas surtout pour protéger la minorité que les
nts sont faits ? Adoptez l'amendement propo-
e sénateur de la Nouvelle-Orléans et vous on-
n seul coup à la minorité le seul moyen de
qu'elle ait contre une majorité peu scrupu-
tyrannique. J'espère que le Sénat n'adopte-
amendement.

ig—Lorsque j'ai fait allusion à cette circons-
s'est présentée à la dernière session, lors-
notion d'ajournement fut renouvelée conti-
nt, dans le but d'interrompre les procédures
t, je ne voulais pas désigner le sénateur de
ui qui vient de reprendre son siége. Je ne
s, ou plutôt, je ne me souvenais pas que le
eût pris part à cela. S'il en est ainsi, et
x que lui ne doit le savoir, ce doit alors avoir
peque où j'étais absent du Sénat. Je faisais
à une autre occasion du même genre, et que
enateurs se rappellent encore, je crois, du
ceux qui étaient présents alors Il paraît
la même chose a eu lieu deux fois, au lieu
ule, comme je le supposais, et ce fait milite
core en faveur du changement dont la néces
emble indispensable et que je viens de pro
n'est pas convenable que le Sénat se trouve
mis aux caprices d'un seul homme qui s'é-
un privilége que lui donnent nos règlements,
ulement retarder les affaires, mais même
absolument. C'est là un trop grand pou-
é à un seul membre. La seule objection
mendement, est que le cas que je viens de
ent à fait extraordinaire, et qu'il peut ne
ésenter à l'avenir. S'il en est ainsi, il n'y a
très-peu de nécessité de conserver le règle-
ne, si, comme l'a dit le sénateur, ce règle-
une protection offerte à la minorité contre
tements de la majorité. Si le cas ne doit
ésenter souvent, qu'importe ? Empêchons
esente jamais. Faisons que le Sénat ne
aissé à la disposition d'un seul homme.
rs—Si le but du sénateur est proposé en vue
te justice, devrait-il, je le demande, insister
a minorité soit mise ainsi pieds et poings
voir de la majorité.
on est rejetée.
—Je vais présenter au Sénat une résolu-
ur en assurer la prompte adoption, je de-
ne suspension des règles. En même temps
je présenterai quelques observations qui
l'expliquer. Le collecteur des taxes de la
Rapides, M. H. M. Neal, est mort peu de
t l'époque à laquelle il devait verser les
llectées par lui dans le trésor de l'Etat.
faire ses paiements à l'époque fixée par
int, en apparence, concussionnaire.
mort, ses administrateurs ont payé tout
ait à l'Etat, et j'ai maintenant à la main
lui a donné l'auditeur. Je présente donc
on demandant le paiement de la commis-
lle H. M. Neal, collecteur de taxes de la
Rapides, aurait eu droit s'il avait fait ses
l'époque fixée par la loi, et je demande
soit effacé de la liste des concussionnai-
e que le Sénat m'accordera cette suspen-
es et adoptera immédiatement cette ré-

—Je n'ai pas d'objection à l'adoption de
ion ; mais je pense qu'elle devrait être

—Je m'opposerai à ce que le bill soit réfé
ait exister d'opposition à une résolution
nt juste.
—Je crois que tous les bills de cette na-
nt être référés. Naturellement chaque
e favoriser ses constituants et croit que
ons faites par eux sont supérieures à tou-
. Je ne pense pas que nous devions agir avec tant de précipitation. Je n'ai pas d'objection à la suspension des règles ; mais je ne désirerais pas adopter le bill avant de l'avoir examiné. Je fais la motion qu'il soit référé au comité des réclamations.

M. Griffin—Quels sont les membres de ce comité ?

M. Ryan—Je demande qu'il soit référé à un comité spécial composé de trois membres.

M. Kenner—Il n'y a pas d'objection à la nomination d'un comité spécial. Tout ce que je demande pour ma part, c'est que la résolution soit examinée.

La résolution est référée à un comité spécial.

SALUBRITÉ PUBLIQUE.

M Trudeau—Je vais présenter une résolution que, vu l'importance du sujet auquel elle a trait, je ne voudrais pas voir traitée légèrement ou à la hâte Elle a en vue la salubrité de l'Etat, cette grande question au sujet de laquelle il y a eu une si grande divergence d'opinions que rien, si ce n'est un examen approfondi, une étude longue et sérieuse ne pourra nous faire arriver à un résultat satisfaisant et durable. Il y a même bien des opinions opposées à la simple question de l'établissement d'une quarantaine, et même à la Nouvelle-Orléans il n'y a pas unanimité sur ce point. C'est donc un devoir pour nous de nous enquérir et, s'il est possible, de reconnaître si l'établissement d'un système de quarantaine produirait réellement des résultats avantageux.

M. Trudeau présente alors une résolution pourvoyant à la nomination d'un comité de trois membres chargé de s'enquérir des meilleurs moyens d'assurer la salubrité de l'Etat.

La résolution est ajournée.

SESSION CONJOINTE.

Le Sénat se rend ensuite à la salle des séances de la Chambre des Représentants à l'effet de compter les votes donnés à l'élection des officiers de l'Etat.

Puis le Sénat ajourne à demain matin 10 heures.

MERCREDI, 18 janvier 1854.

M. Palfrey—Je viens offrir au Sénat un bill, et pour en faciliter la prompte acceptation, attendu qu'il s'agit d'une affaire de quelqu'importance, je demanderai à être dispensé des règles ordinaires. C'est un bill ayant pour but d'étendre pour certains officiers les délais necessaires pour se procurer les certificats constatant leur assiduité. Je ne fatiguerai pas l'assemblée par un long discours sur ce sujet. Je me bornerai à montrer la nécessité de voter ce bill. A la dernière session de l'assemblée générale, il a été adopté un acte ayant pour effet d'assurer le prompt paiement des fonds du trésor public, duquel acte la 2de section est ainsi conçue : (L'orateur lit la 2de sect.) Maintenant, messieurs, quand nous considérons les termes généraux dans lesquels est conçu le titre du bill, et l'insuffisance des renseignemens qu'on peut en tirer quant à l'esprit et à la nature précise du bill, nous ne pouvons pas nous étonner de voir qu'un grand nombre de personnes, même parmi les plus intéressées en la cause, soient jusqu'ici ignorantes de ses véritables dispositions et en aient involontairement violé le texte. J'ai consulté le secrétaire d'Etat à ce sujet, et j'apprends de lui que beaucoup d'officiers ont, jusqu'à ce jour, omis de se conformer aux prescriptions de cette loi particulière, soit par ignorance, soit par toute autre cause, et leurs fonctions leur ont été conséquemment retirées. On comprendra une fois pour toutes que les affaires publiques pourraient être sérieusement retardées si ces fonctions étaient déclarées vacantes et que de nouvelles élections fussent ordonnées à chaque fois que l'un des titulaires aurait manqué de fournir le certificat requis. Mon attention a été appelée sur ce sujet par ce fait que l'assesseur de la paroisse que j'ai l'honneur de représenter à cette chambre, se trouve dans ce dilemne. J'avais d'abord la pensée d'introduire un bill en sa faveur seulement, mais le secrétaire d'Etat m'ayant fait remarquer que la même difficulté se présentait presque pour toutes les fonctions, j'ai preferé introduire un bill général qui prévienne à l'avenir tous les embarras de ce genre.

Le Sénat adopte le bill propose.

M. Ryan—Au nom de la commission spéciale nommée hier à l'effet de faire son rapport sur un bill ayant pour but de venir au secours de H. M. Neal, je ferai observer que M. Neal était collecteur des taxes de la paroisse Rapide et est mort tout récemment, et quelques jours seulement avant le temps fixé par la loi

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pour les paiemens à faire par lui. A présent, toutes les sommes dûes sont payées ; c'est pourquoi la commission demande l'acceptation du bill que je vais lire au Sénat. (Le rapporteur donne lecture du bill.) Maintenant, M. le Président, je demanderai qu'on veuille bien suspendre l'application des règles ordinaires, afin que ce bill soit voté dans le plus bref délai possible.

Le bill est adopté et dispensé des règles.

M. Trudeau— Je demanderai à offrir ma démission de membre de la commission d'enrôlement. Sur les six personnes nommées par le Sénat, pour faire les fonctions de clercs de cette commission, deux seulement entendent le français et l'anglais, et sur ces deux personnes, une seulement entend bien les deux langues. On remarquera que cette circonstance pourra devenir un embarras sérieux. Je n'ai nullement la pensée de faire le travail des clercs; c'est pourquoi je désire qu'on accepte ma démission. L'année dernière, d'après ce que j'entends dire, M. Burthe, à qui je succède, a été membre de cette commission et tout le travail est retombé sur lui.

M. Wickliff—Je ne voudrais pas enlever le moindre laurier du front de mon ami M. Burthe, mais mon opinion d'alors, opinion que j'ai conservée jusqu'à ce jour, est que, l'année dernière, la plus grande partie du travail a été faite par M. Derbès.

M. King—Je pense que les motifs allégués par l'honorable membre pour faire accepter sa demission sont au moins prématurés. Tout au moins, rien jusqu'à ce jour ne les justifie. Il me semble que quatre clercs seulement sont absolument nécessaires en ce moment, deux pour chaque langue. Ce nombre sera certainement suffisant pour les trois ou quatre premières semaines de la session. J'espère, en conséquence, que le sénateur ne persévérera pas dans son désir d'être dispensé de ses fonctions de membre de la commission d'enrôlement, et que le Sénat ne sera pas privé de ses estimables services.

M. Trudeau—Je dois insister pour demander à être dispensé. Néanmoins, je consentirai à faire partie de la commission, si le sénateur qui vient de parler veut bien se joindre à nous. Alors, j'accepterai volontiers la tâche.

M. King—Si M. Trudeau veut assumer les devoirs de trois ou quatre places, qui absorbent tous mes instants, je suis tout à lui.

Le Sénat refuse d'accepter la démission du sénateur de Jefferson

REPARTITION.

M. Boatner—L'article 16 de la Constitution impose à la Législature le devoir de faire, pendant cette session, la répartition de la representation de l'Etat conformément au dernier recensement fait. En conséquence, je propose au Sénat de nommer une commission de cinq membres pour opérer cette répartition.

M. Kenner—L'article 16 de la Constitution ordonne-t-il qu'il sera nommé une commission investie du pouvoir de passer le bill ?

M. Boatner—Ce n'est pas à la commission que l'article 16 donne le pouvoir de le faire, mais à la Législature. Je ne prétends pas avoir plus d'experience en matière législative que l'orateur qui m'interrompt, et je ne demande pas mieux que d'accepter les conseils que voudront bien me donner ceux qui sont plus versés que moi dans ces questions.

M. Kenner—La seule remarque que je veuille faire, n'a d'autre but que de demander le changement de la résolution, de façon à ce qu'elle n'ait plus pour objet que la formation d'une commission qui fasse son rapport au Sénat sur le sujet en question.

M. Boatner—Si j'ai présenté cette proposition, c'est d'après les avis de sénateurs plus expérimentés que je ne le suis moi-même.

M. Kenner—Je demande que la commission soit composée de sept membres au lieu de cinq. L'affaire dont il s'agit ne manque pas d'importance, et on devra consulter les intérêts divers pour la rédaction du bill. Il y aura donc lieu de choisir les membres de la commission parmi les représentants des différentes parties de l'Etat

M. Boatner—J'accepte l'amendement. Je n'ai pas d'objection à la demande de sept membres.

La résolution est adoptée.

LE DERNIER TRESORIER.

M. McMurdo—J'ai à présenter une résolution tendant à opérer la décharge de M. McWhorter, le dernier trésorier de l'Etat. Je constate qu'à la dernière session de la Législature, les comptes de cet officier ont été examinés et trouvés exacts. La résolution tendant à le décharger n'a pas été introduite alors, comme elle aurait dû l'être, c'est pourquoi je la propose aujourd'hui.

La resolution est adoptée.

INDEMNITÉ EXTRAORDINAIRE.

M. Wickliffe présente une résolution tendant à faire payer au général Horatio Davis, dernier secretaire, une somme de $500 pour services rendus par lui en aidant à ouvrir la presente session du Sénat.

M. King—Je demande que cette résolution soit renvoyée à la commission des dépenses imprévues.

M. Wickliffe—Je m'oppose au renvoi de cette proposition à la commission des dépenses imprévues ou à toute autre commission. Cette proposition porte avec elle sa raison d'être, et il n'y a nul besoin qu'une commission décide de son opportunité. Je presume que tous les sénateurs ici presents sont parfaitement édifiés et sont préparés à voter la proposition. Ç'a été une coutume adoptée jusqu'à ce jour de voter une indemnité dans des circonstances pareilles, et j'espère que le Sénat ne refusera pas de la voter en cette occasion où il s'agit d'un vieux et fidèle serviteur qui mérite certainement cette légère rémunération de ses longs services, et ne renverra pas cette question à une commission, marche parfaitement inutile, attendu qu'il n'en peut jaillir aucune lumière pour le Sénat, la matière étant tous à fait simple et claire.

M. King—Je m'oppose à la résolution. Dans une occasion precédente, durant la dernière session, j'ai exposé mes vues sur le sujet qui nous occupe. Il est une habitude qui tend de plus en plus à prendre racine parmi nous, c'est celle de prodiguer les deniers de l'Etat en pures libéralités aux officiers de la Législature. De cette manière, à chaque session, des milliers de piastres sont votés sous le moindre prétexte. Je ne considère pas que nous ayons le droit de disposer ainsi du trésor public. Les fonds de l'Etat sont payés par le peuple pour subvenir aux dépenses rigoureuses du gouvernement. Les dépenses en pures gratifications et générosités, c'est, dans mon esprit, abuser de la confiance qu'on a mise en nous. Dans le cas particulier qui nous occupe, on peut objecter que M. Horatio Davis, en addition à son indemnité journalière, qui s'élevait à $14 par jour pendant la dernière session, a reçu une gratification extraordinaire de $750 qui était une pure liberalité et ne reposait sur l'allégation d'aucun service extraordinaire.

Je m'oppose aujourd'hui à cette allocation de $500, non par une considération particulière au cas qui nous occupe, mais parce que je suis opposé à tout semblable emploi des deniers publics. Cette motion est la première de cette nature qui ait été faite à cette session, et pour opposer un frein à cet abus de nos prérogatives, je crois qu'il est de mon devoir de l'arrêter à sa première apparition. Je désire que le Sénat adopte une règle uniforme pour les décisions qu'il prendra sur cette matière. Si cette allocation est refusée, j'espère que toutes les demandes de cette nature subiront le même sort. Si au contraire elle est votée alors préparez-vous à ouvrir vos mains toutes grandes et à dépenser les deniers publics par mille et mille piastres en gratifications et en libéralités inutiles.

M. Wickliff—J'ai écouté avec attention les remarques que vient de faire l'honorable membre. Elles sont d'une nature telle que, si je ne le connaissais pas aussi bien que je le connais, je serais induit à penser qu'il n'a d'autre but que d'obtenir et de mériter le surnom de cerbère du trésor. Mais en réfléchissant à l'attitude qu'il a prise jusqu'à ce jour dans le Sénat, je trouve qu'une pareille conclusion serait en réalité en opposition avec les faits. Je me rappelle très bien, et je présume que vraisemblablement il est au souvenir de plusieurs autres membres du Senat, qu'à la dernière session de la Législature, l'honorable membre, en sa qualité de rapporteur de la commission des améliorations intérieures, se prononça en faveur de l'impression de certains documents qui n'étaient pas d'une importance suffisante pour justifier les lourdes déponses que cette impression occasionnait à l'Etat. Elle a coûté, je crois, plusieurs milliers de piastres, et cependant, quoique mon contradicteur non seulement ne se soit pas opposé à cette dépense, mais encore l'ait fortement appuyée, il s'élève aujourd'hui contre le paiement d'une minime somme de $500 à notre dernier

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e, pour une indemnité que le Sénat a toujours
ablement accordée, se conformant en cela à
e constante et qui a été sanctionnée par cette
encore l'hiver passé.

rable membre a donné à entendre que c'était
sinuation du général Horatio Davis. Je suis
ligation de corriger cette expression. Il n'y
d'insinuation. Le général Davis ne m'a ja-
un mot de cela. Je l'ai informé ce matin de
ention d'introduire un bill sur ce sujet, et
ne simple communication de ma part, et rien
Je représente des constituants qui, j'en suis
ouvriront par leur approbation si je vote une
\$580 à un vieux et fidèle serviteur qui se
la vie publique après avoir consacré tant
au service de l'Etat. Je ne crains pas un
d'être condamné par les électeurs qui m'ont
eger parmi vous, si j'introduis cette résolu-
mande qu'elle soit votée d'urgence. Au con-
ssieurs, ils partageront mon sentiment, et se-
is, comme j'avais espéré que le serait chacun
que ce n'est là que l'observance d'une excel-
e, qui, sanctionnée par de si nombreux pre-
ne doit pas être violée, Je demande, mes-
e la motion de mon contradicteur soit écar
l'on consulte le bureau.

g—Je suis extrêmement peiné, M. le prési-
voir été dans la nécessité de faire des objec-
motion actuellement pendante devant le
Je ne voudrais pas qu'on supposât que mon
provient de quelque sentiment de person-
on but n'est que d'engager le Sénat à adop-
gle générale pour toutes les motions de ce
lle-ci est la première de cette nature qui soit
ette session, et je pense que c'est le moment
d'y opposer une barrière. Des sommes con-
ont été détournées jusqu'à ce jour du tré-
par cette facilité de la Législature. De fa-
précédent invoqué aujourd'hui est un pre-
heux, sur lequel il faut revenir le plus tôt
Il faut bien qu'il soit réformé un jour ou
puisqu'il faut commencer, je pense qu'on
choisir une meilleure occasion.

able membre insiste pour démontrer que la
llocation n'est pas une pure libéralité. Je
ien savoir sur quelle base d'appréciation il
ur évaluer les services de notre dernier se-
\$500 pour la présente session.

reçu son indemnité de \$14 par jour pen-
nière session et en addition à ce traitement
e somme de \$750 à la fin de la dite session
ire gratification. Quels services a-t-il donc
endant la présente session, pour lui donner
e nouvelle somme de cinq cents piastres ?

u à l'ouverture de la Chambre du Sénat
les fonctions de secrétaire environ deux à
jusqu'à ce que nous lui ayons élu un
C'est là tout ce qu'il a fait et c'est là-
ous vous basez pour demander une alloca-
iastres en addition au traitement de \$14
quel il a droit ? On nous dit qu'il est
près de la Nouvelle-Orléans pour ouvrir
ui l'a prié de venir tout exprès de la
éans pour ouvrir le Sénat, pour remplir
? Il l'a fait de son plein gré, et sans
heureux de se faire élire après son arri-
ne connais pas de loi qui nous obligo à
taire d'un point éloigné de l'Etat ; en-
aurait-il une loi qui nous autorisât à
demnité extraordinaire à un secrétaire
ui a plu de venir d'un point éloigné de
mplir cette fonction. Supposez que M.
heuré à Bâton-Rouge, eût-il été fondé a
semblable allocation ? Maintenant je
n'a pas plus de droits à faire cette ré-
s'il eût effectivement résidé à Bâton-
services pour lesquels il a droit de de-
demnité se bornent à deux ou trois
tions comme secrétaire. Pour ces ser-
alloue \$14, et c'est à mon avis une ré-
ès large. Par quel motif lui alloue-
\$500 ?

membre déclare que ce n'est pas là
Qu'entend-il donc par ce mot ? Pour
nds qu'une libéralité est le don d'une somme supérieure à la valeur des services rendus Si j'ai raison de définir ainsi ce mot, j'ai donc raison de dire que la proposition tendant à donner à M. Horatio Davis une somme de \$500 ne peut être considérée autrement que comme une pure libéralité. Les membres du Sénat reçoivent pour toute indemnité \$4 par jour. Le lieutenant-gouverneur en reçoit 8. Quand nous payons notre secrétaire \$14 par jour, je trouve qu'il est pleinement rémunéré de ses services. Toute allocation au-delà de cette somme, sans même qu'on alleguât aucun service extraordinaire, je la considérerais comme une pure libéralité, et comme un emploi de deniers publics que nous ne pouvons pas nous permettre sans trahir la confiance de nos constituants.

Pour avoir exprimé mon sentiment sur cette question, l'Hon. Sénateur a jugé à propos de m'appeler le boule-dogue du trésor. Maintenant, si je dois être stigmatisé par de semblables épithètes pour avoir essayé de faire mon devoir dans cette chambre, je me resignerai à les supporter, et je puis assurer à l'Hon. membre que l'humiliation de ces épithètes sera palliée par la conscience que j'ai de la justesse de la cause pour la défense de laquelle elles m'auront été infligées.

M. Wickliffe—L'hon. membre est dans l'erreur. Je ne l'ai pas appelé le boule-dogue du Trésor. J'ai dit qu'il semblait désireux de meriter le surnom de cerbère du Trésor. Pour ma part, je ne pense pas qu'il mérite ce surnom, mais je dis qu'il semble ambitieux de le mériter.

M. King—Très bien, messieurs. On a dit boule-dogue, ou cerbère, ou chien de garde, ou quelque chose d'équivalent.

L'Hon Sénateur a jugé convenable de faire allusion à un bill introduit par moi-même dans la session dernière en ma qualité de rapporteur de la commission des améliorations intérieures. J'avais ordre de la commission d'exprimer sa volonté ; or, c'est ce que j'ai fait, en y donnant, il est vrai, mon propre concours. Je puis avoir eu tort, mais j'ai cru le bill opportun, et je le crois encore.

M. Wickliffe—L'hon. Sénateur veut-il bien nous apprendre combien l'expédition Ricker a coûté à l'Etat ?

M. King—Je vais donner amples explications sur ce sujet. Une commission avait été nommée par le Sénat pour faire son rapport à la Législature sur le meilleur moyen de préserver l'Etat du danger des inondations. La commission a été requise d'agir après la retraite des Chambres et de faire son rapport à la Législature suivante.

D'après cette résolution, la commission s'est sentie autorisée à employer différentes personnes à faire les explorations nécessaires du Mississipi et des principales bouches de ce fleuve. Pour faire procéder à ces explorations, il a fallu employer des steamboats et autres bateaux. On a dû s'assurer aussi le service d'un certain nombre d'ingénieurs pris parmi les plus habiles de l'Etat, et le coût de leurs travaux a dû nécessairement être supporté par l'Etat. Un grand nombre des personnes ainsi employées ont présenté leurs réclamations contre l'Etat pour la rémunération de leurs services Le montant réuni de ces bills, autant que je puis maintenant me le rappeler, s'est élevé à environ \$75,000. Un nombre considérable de ces bills représentaient de l'argent déjà avancé, et les autres des services effectivement rendus. Quelques uns des réclamants avaient fait leurs demandes séparément et avaient même obtenu des rapports favorables des commissions chargées de prononcer à leur égard. J'ai considéré qu'il était injuste de payer les uns et de renvoyer les autres sans paiement. J'ai pensé qu'on devait ou les payer tous ou n'en payer aucun. La commission des améliorations intérieures, après une enquête sur ce sujet, a présenté un bill tendant à reduire le montant des réclamations à environ \$5000. Cette somme la commission ne pas l'a considerée comme une rémunération entière de tous les services ; mais comme il y avait quelque doute sur la question de savoir si la commission du Sénat avait le droit d'octroyer la somme considérable des dépenses faites, un chiffre fut alloué par la commission des améliorations intérieures dans le but seulement de sauver d'une perte totale les personnes ainsi employées.

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Les travailleurs, les propriétaires des bateaux ou les ingénieurs employés ont naturellement supposé que la commission avait le droit de les employer. Il ne leur appartenait pas de juger si oui ou non la commission transgressait ses pouvoirs. Ils ont fait d'importans et durs travaux. Quelques uns étaient engagés au mois. Des rapports ont été faits au Sénat sur le résultat de leurs travaux. Et ces rapports ont été imprimés par ordre de cette chambre. L'hon. Sénateur s'attache à moi parce que j'ai voté dans la dernière session l'impression de ces rapports. Il en a estimé la dépense à environ $15,000. Je n'ai pas vu le bill des imprimeurs; je ne puis pas dire avec certitude quel en fut le coût. Je rappellerai cependant qu'avant que l'impression de ces documents fut ordonnée par le Sénat, je fis une évaluation qui en fixa le coût à environ $800. Je suis sûr que l'hon. Sénateur s'est grossièrement trompé en constatant que la dépense occasionnée par l'impression de ces rapports s'est élevée à l'énorme somme qu'il prend sur lui d'énoncer.

L'hon. Sénateur semble disposé à jeter de la défaveur sur ces rapports en insinuant qu'ils étaient sans valeur. Tout ce que je puis dire, c'est que je les ai considérés comme d'une haute importance. Ils ont été conçus de manière à jeter une grande lumière sur la plus vitale de toutes les questions affectant les intérêts de la Louisiane. Les documents, une fois imprimés, ont été plus recherchés que tous les autres documents imprimés dans le cours de la dernière session. Dans mon opinion, ce fut là l'argent le mieux dépensé en fait d'impressions, de toute la dernière session.

A l'égard du bill proposé par la commission des améliorations intérieures pendant la dernière session, et allouant environ $5000 pour couvrir toutes les dépenses faites par M. Ricker, je crois que si quelques uns de ces bills ne passent pas, les divers réclamants se présenteront séparément et arriveront en fin de compte, à toucher le montant de leurs réclamations primitives. A la dernière session, quelques uns d'entr'eux ont réussi à obtenir des commissions des rapports favorables sur leurs réclamations. Le bill proposé par la commission des améliorations intérieures aurait mis fin à toutes les reclamations sur ce point, et aurait épargné à l'Etat à peu près $20,000. Le bill, malheureusement, n'a pas été voté à la dernière session, et l'affaire reviendra probablement à cette Législature. En appuyant ce bill alors j'ai cru bien faire. Mais je suppose que je me suis trompé, cela donne-t-il le droit à l'hon. senateur de dissiper les deniers publics en pures libéralités en donnant à M. Horatio Davis $500 auxquelles il n'a aucun droit pour services rendus?

L'hon. sénateur s'oppose énergiquement à ce qu'on paie la moindre somme aux ingénieurs et ouvriers engagés par M. Ricker, pour leurs loyaux et durs services; il ne veut pas qu'on rembourse aux propriétaires des différents bateaux employés par lui pour le service de l'Etat, les dépenses indispensables qu'ils ont dû faire, et cependant il veut bien allouer à M. Horatio Davis une somme de $500 pour deux ou trois heures de travail, en rémunération desquelles la loi lui accorde déjà $14 par jour. Je m'oppose à cette gratification en faveur de M. Davis, et j'espère que le Sénat me soutiendra dans cette opposition.

M. Wickliffe—Je n'ai pas l'intention de fatiguer l'assemblée par un discours, à la façon de l'hon. membre de la Nouvelle-Orléans [M. King], qui vient de reprendre son siége. Mais je suis forcé de dire quelques mots à propos d'une assertion qu'il a faite Dans le cours de ses observations, il nous a dit que l'expédition Ricker avait été autorisée par le Sénat. Messieurs, je ne partage pas son opinion sur ce point. Je soutiens, et un examen des archives justifiera pleinement ma constatation, que M. Ricker n'a pas été autorisé à faire ce qu'il a fait. Le Sénat n'a jamais entendu dire une semblable chose. L'honorable membre s'est plaint que je lui ai fait un reproche d'avoir présenté à la dernière session un bill à l'effet d'obtenir une somme de $5,000 pour payer les dépenses de cette expédition non autorisée. Je lui en fais certainement un reproche. L'honorable membre nous a informés que $25,000 à voter pour cette expedition ne seraient pas une somme qui dépassât nos pouvoirs, si tous les bills étaient payés intégralement. N'est-ce pas là une assertion inquiétante? Je vous demanderai, si M. Ricker avait réellement une autorisation quelconque pour s'engager dans cette expédition volontaire. S'il n'en avait aucune, et je répète ici qu'il n'avait pas la moindre autorisation de cette nature, il est évident que nous ne sommes pas responsables des dépenses qu'il a pu faire. De plus, ce membre a introduit ici un bill ayant pour but l'avénement d'un nouveau système qui entraînerait infailliblement le paiement intégral de ces $25,000. si nous nous engagions une fois dans cette voie.

J'ajouterai que ce membre, en demandant et en obtenant l'impression de ces documents auxquels il paraît attacher beaucoup d'importance, a établi un précédent pour le paiement de ces sortes de réclamations Il a mis en réquisition le travail d'un certain nombre de personnes, et il ne pouvait pas se refuser à les payer pour ce travail.

Maintenant, messieurs, j'en prendrai occasion pour vous rappeler mon espoir que le Sénat voudra bien voter la résolution que je lui propose. J'ose croire que le Sénat accordera volontiers cette faible allocation comme un acte de justice envers un vieillard à cheveux blancs, qui a si longtemps rempli parmi nous les fonctions de secrétaire, qui est venu de si loin à ses frais pour aider l'ouverture du Sénat Je prie la Chambre de vouloir bien prendre ces faits en considération. Il a certainement droit à une gratification pour les services qu'il a rendus, et je ne vois pas pourquoi nous montrerions à son égard un esprit mesquin et sordide.

M. Ryan—J'ai écouté avec attention les arguments qui ont été présentés au Sénat par les deux orateurs qui viennent de parler dans les deux sens sur la question. Il me semble que la discussion a porté sur des matières tout à fait étrangères au point en litige. Il ne s'agit pas de savoir ce qui a été fait en des occasions toutes différentes, ni si l'attitude de tel ou tel membre a été, ou n'a pas été logique. Le seul point en question devant nous est celui de savoir si l'allocation demandée est ou n'est point conforme aux usages de cette Chambre, et s'il est à propos de la voter. Si la demande est conforme aux habitudes du Sénat, je l'appuierai certainement de mon vote.

La motion de M. Wickliffe tendante à renvoyer au bureau la proposition de M. King est écartée.

La motion de M. King tendante à renvoyer la résolution à la commission des depenses imprévues est adoptée.

Clercs des Commissions.

M. Konner.—Je viens présenter au Sénat une résolution ayant pour but d'empêcher qu'aucune commission soit autorisée à nommer les clercs sans le consentement du Sénat. Ma pensée, en introduisant cette resolution, est d'épargner à l'Etat une dépense d'environ $5,000. Je conviens parfaitement de ce fait que les affaires de quelques-unes des commissions les obligent à avoir un clerc. Mais il n'y a que quelques-unes seulement des commissions qui aient des travaux importants.

C'est être très modéré que d'évaluer à $300 les appointements à donner à chaque clerc. Si chaque commission en avait un, cela donnerait un total d'environ $5,800; mais un grand nombre de commissions n'ont pas besoin de clercs. Je me rappelle parfaitement bien une certaine commission qui a employé un clerc pendant la dernière session, et il n'y eut qu'un seul bill renvoyé devant cette commission pendant toute sa durée, et ce bill n'a pas demandé plus de 15 minutes de délibérations. Je pense qu'il est temps de mettre un terme à de pareilles dépenses et que nous devons enfin essayer de faire quelque bonne besogne. Je n'aime pas à voir chaque commission, qu'elle ait ou non des travaux, se nommer un clerc uniquement parceque la chose est à la mode. Je désire épargner à l'Etat la dépense à laquelle se soumet un pareil système. Toutefois, comme je l'ai déjà fait remarquer, il y a quelques commissions qui ont réellement besoin d'un clerc Je vois ici le président de la commission judiciaire qui est chargé de travaux ardus, plus ardus peut-être que ceux d'aucun autre membre du Sénat. Si cet honorable sénateur se levait, en quelque occasion, pour demander à employer un clerc pour des travaux spéciaux, je présume que le Sénat ferait promptement droit à sa requête. Mais je ne voudrais pas

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s deniers de l'Etat se dissiper en appointements
:s.

acey—En ma qualité de membre de la commis-
diciaire, je dois informer l'honorable sénateur
roisse de l'Ascension (M. Kenner) qui a intro-
tte résolution, qu'il sera impossible à la com-
de se tenir sur le pied proposé par lui. Les
de la commission ne sont pas seulement ardus,
sont aussi incessants. S'il ne nous est permis
yer un clerc que pour certains travaux spéci-
que nous soyons en conséquence obligés d'en
ler la permission au Sénat chaque fois que
aurons besoin, nous ne serons jamais en état
plir notre besogne. J'espère que l'honorable
voudra bien modifier sa proposition de ma-
écarter ce dernier point.

ickliffe—Si le Sénat veut bien rappeler ses
rs, il se rappellera qu'à la dernière session
position à peu près semblable à celle-ci fut
, et que dans les trois jours qui suivirent, les
ions qui n'avaient pas de clercs en furent tou-
vues sans exception. J'étais président d'une
ion l'année dernière et j'ai fait toutes les
s moi-même. Je n'ai pas demandé de clerc.
sentant de la Nlle-Orléans en avait un.

nner—Je n'ai aucune objection à faire à l'a-
ent de ma proposition de façon à la rendre
le à l'honorable sénateur d'Est-Bâton-Rou-
père qu'on voudra bien remarquer ce fait que
liffe, représentant de Ouest-Féliciana, n'a-
de clerc. Le fait lui fait honneur.

olution ainsi amendée est adoptée.

deau—Je demande la permission d'appeler
n sur la résolution tendant à nommer une
on chargée de s'enquérir des meilleurs mo-
réserver l'état sanitaire du pays, resolution
ntroduite hier. J'ai certainement le plus
ir que cette résolution soit adoptée par le
j'espère que nous n'aurons pas à nous jeter
ne discussion à cet égard. Elle a rapport à
ur lequel nous ne sommes pas très compé-
lle n'a d'autre but que de nous mettre à mê-
ré rir, par des investigations sérieuses, des
s positives, de façon que nous puissions
ois sages. Une grande calamité a pesé sur
é dernier. La peste est venue fondre sur
ne l'ange exterminateur, et a enlevé du mi-
us un trop grand nombre de nos amis et de

Nous garantir c'un semblable fléau pour
oit être le plus ardent de nos vœux. Il est
voir de mettre en pratique tous les moyens
uvoir pour préserver la santé de nos con-
pour prevenir les attaques d'une autre épi-
nature de celle qui nous a si profondément
emment ; mais, messieurs, à mesure que le
uit et s'abîme dans les sombres profondeurs
tre mémoire ne garde plus qu'un souvenir
c des plus grandes calamités. L'histoire
main nous apprend que l'impression d'un
aujourd'hui vive et profonde, peut demain
lovenir imperceptible. A l'appui de cette
is mentionner l'inondation qui, il y a cinq
té une partie de la ville de la Nlle-Orlé-
campagnes voisines. Cette inondation a
l'une famille et occasionné d'immenses
endant, aujourd'hui, nous nous endor-
ne nonchalante sécurité sur les bords de
re des Eaux, comme si les vagues qu'il
a silencieuse grandeur, vers l'Océan, ne
is s'accumuler et nous engloutir encore.
insouciants, comme si le puissant Missis-
ait plus jamais être l'objet de nos crain-
tenant, les cris de la douleur sont à
, les traces du désespoir sont à peine ef-
visages, et cependant nous avons pres-
dans une seule ville, 12,000 de nos con-
té tout-à-coup lancés dans l'Eternité.
ffrayante épidémie, la ville de la Nlle.-
ucoup souffert et grande en effet fut son
is la ville n'a pas seule été victime, les
furent pas moins éprouvées, puisque
ies de notre Etat si vaste et si étendu,
violence de ce redoutable contre-coup.
devoir de toutes les sections de la Loui-
re des mesures pour prévenir le retour de semblables calamités. Mais la ville peut être bien assurée que je n'appuierai aucune résolution qui n'aurait égard qu'à ses intérêts seuls, et qui ne prendrait pas en égale considération les intérêts de la campagne. Je désire qu'il ne soit commis d'injustice à aucune section Je demande justice pour toutes.

La résolution est adoptée.

Le Sénat s'ajourne à demain à 10 1|2 heures.

JEUDI, 19 janvier.

Le rapport de l'Avocat-Général est présenté au Sénat—l'impression est ordonnée et il est référé au bill judiciaire.

M. Kenner—Est-ce un long rapport ?

Le secrétaire—Oui Monsieur.

M. Kenner—Je désirerais savoir ce dont il est traité ?

M. King—L'Avocat-Général est tenu en vertu de la loi de faire un rapport.

M. Kenner—Je le sais bien—Mais ce n'est pas là répondre à ma question et je ne suis pas plus avancé maintenant sur le contenu du rapport que je ne l'étais avant de faire ma question. Je désire tout simplement que quelque Sénateur me dise ce dont il traite afin d'être dispensé, pour satisfaire ma curiosité, "d'infliger " au Sénat la lecture de ce document.

BILL DES VENTES DE SUCCESSIONS.

M. Mc Cay appelle le bill qui règle les ventes de succession dans la paroisse d'Orléans.

M. Trudeau—Je ne vois pas trop qu'elle est la nécessité de changer la loi actuelle. Le système établi par le statut qui est maintenant en force est dans l'esprit de nos lois et de nos institutions, et jusqu'à présent on ne s'en est jamais plaint. D'après ce statut la personne qui a à disposer de propriétés appartenant à des successions a le droit et le pouvoir de choisir pour faire la vente soit le shérif soit un encanteur quelconque. La présomption est qu'elle choisira le mode de vente qui doit le plus probablement être favorable aux intérêts de la succession dont elle gère les biens. Si elle croit qu'il est plus avantageux que la vente soit faite par un encanteur que par le shérif, pourquoi le priver du droit de choisir son vendeur ? Pourquoi le forcer à choisir une personne plutôt qu'une autre pour faire sa vente ? Pourquoi intervenir dans une affaire où elle seule est intéressée et par conséquent est seule en état de bien juger ?

Je veux bien admettre que si la vente se fait en vertu d'une exécution ou d'un ordre de saisie, elle doit être faite par le shérif; il n'y a pas la moindre analogie entre ces ventes là et celles qu'on désigne sous le nom de ventes judiciaires. Dans ces dernières ventes l'administrateur doit avoir le droit de choisir le vendeur qui lui convient et je ne vois pas de bonne raison pour laquelle il ne lui serait pas loisible de choisir un encanteur licencie s'il le juge convenable. Que le shérif ait toutes les ventes par saisies, c'est très-bien, mais non le monopole de toutes les ventes judiciaires. Lui accorder ce monopole, l'investir de ce privilége serait aller directement contre l'intérêt public.

M. Lacey—Au nom du comité judiciaire par qui ce bill a été rapporté au Sénat, je désire expliquer les raisons qui, je crois, ont influencé la décision du Comité.

Lorsque ce bill nous a été référé pour que nous nous en occupions, le comité était complet, à l'exception d'un seul membre, un sénateur, qui n'est pas encore venu à cette session. Le comité, à l'exception de ce membre absent, était unanimement en faveur du bill. Il nous semblait que de puissantes considérations légales militaient en sa faveur. Lorsque les ventes de successions ne sont pas faites par le shérif, il n'y a pas autant de sécurité dans les titres. Le procès-verbal n'est pas aussi complet, et quelquefois, souvent même, je crois, des omissions sont faites ou des erreurs commises, si bien que la transaction des affaires des cours se trouve par là interrompue.

Une autre considération qui milite fortement en faveur du changement proposé dans ce bill est celle-ci : Les ventes faites par le shérif ont beaucoup plus

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de publicité que celles qui sont faites par les encanteurs. Le shérif est le seul officier public qui puisse et doive convenablement faire les ventes judiciaires de toutes sortes. Il est l'officier exécutif de la cour, et si l'on sait que toutes les ventes judiciaires doivent être faites par lui, elles auront certainement beaucoup plus de publicité que si elles étaient faites de toute autre manière ou par tout autre officier.

Après mûre considération, après un examen réfléchi, le comité en est donc venu à la conclusion contenue dans le bill. Il a pensé, pour les raisons que je viens de dire et pour d'autres encore, trop longues à énumérer, que le shérif est le seul officier public qui doive convenablement être chargé de faire les ventes judiciaires de toutes sortes. Le comité a donc recommandé le changement en question. Le Sénat décidera s'il a bien ou mal fait.

M. Kenner— Je demanderai l'appel nominal sur cette question. Je n'ai pas entendu une seule raison qui me convainque de la nécessité ou même de l'opportunité de ce changement.

M Palfrey—Je demanderai au sénateur qui a présenté ce bill si son intention est qu'il comprenne aussi les ventes de successions.

M. McCay—Oui, toutes les ventes faites en vertu d'un ordre de cour.

M. Ryan—Je partage l'opinion du sénateur de Jefferson (M Trudeau) qui s'est opposé à ce bill. Je ne suis pas convaincu par les arguments du président du comité judiciaire, quelque grande que soit l'estime que j'ai de son talent, quelque haute opinion que j'aie de ses connaissances. En premier lieu, le bill ne propose rien qu'on ne puisse obtenir facilement sans rien changer à la loi actuelle. S'il est de l'intérêt de l'administrateur que ce soit le shérif qui fasse la vente, eh bien! il lui est très-facile de le choisir dans ce but. Si la vente par le shérif a plus de publicité, ainsi que nous le dit le membre distingué d'Est-Baton-Rouge (M. Lacey), est-ce que la loi telle qu'elle est maintenant n'autorise pas l'administrateur ou les parties intéressées à faire faire la vente par le shérif?

Il est des cas où il est évidemment de l'avantage des parties qui ont à disposer de biens de succession, de choisir un encanteur pour la vente. S'il n'en était pas ainsi choisirait-on jamais les encanteurs? Les frais de ventes par les encanteurs sont beaucoup moindres qu'ils ne le seraient si le shérif avait seul ce privilége, parce que les commissions payées aux encanteurs sont moindres que celles que prélève le shérif. Cet avantage n'est pas à dédaigner, et forcer les personnes intéressées aux ventes judiciaires à se faire des frais plus considérables, c'est absolument comme si on prélevait sur une taxe additionnelle La loi actuelle se recommande elle-même à tous les égards. Les parties intéressées ont le droit de choisir ou le shérif ou un encanteur pour faire leurs ventes et peuvent ainsi jouir des avantages que présentent les deux systèmes. Si elles pensent qu'il est plus avantageux pour elles que la vente soit faite par un encanteur, elles sont libres d'en choisir un; si au contraire elles pensent qu'il est plus avantageux qu'elle soit faite par le shérif pour qu'elle ait plus de publicité, ainsi que le prétend le sénateur d'Est Bâton-Rouge, elles peuvent choisir cet officier. Rien ne gêne, rien n'entrave leur choix. Elles jouissent maintenant de tous les droits et de tous les avantages que leur donne le nouveau bill, plus d'autres droits et d'autres avantages dont il les prive.

Aussi les choses étant ainsi, et malgré tout le respect, toute la déférence que je professe pour les opinions émises par le comité judiciaire, je ne puis consentir à voter en faveur de ce bill. Rien ne le recommande à mes yeux et je trouve au contraire qu'il est nuisible, plutôt qu'utile, plutôt qu'avantageux.

M. Kenner.—Je ne puis laisser passer l'occasion qui se présente d'exprimer mon opinon au sujet de ce bill. Elle est celle qu'ont exprimé avec tant de force le sénateur de Jefferson [M. Trudeau] et celui des Rapides [M. Ryan]. Je crois que l'effet de ce bill, s'il était adopté, serait de créer un odieux monopole. L'idée de contraindre ceux qui ont des biens de successions qu'ils veulent vendre, à s'adresser à un seul homme est tellement absurde, tellement ridicule que jamais je n'aurais cru qu'on put s'y arrêter sérieusement un seul instant et encore moins la proposer et la défendre dans cette enceinte.

Le sénateur d'Est Bâton-Rouge, (M. Lacey) dans les remarques qu'il a faites en faveur de ce bill a fait mention de la plus grande publicité que l'adoption de cette mesure donnait à l'avenir à ces ventes judiciaires, en les confiant toutes au shérif; il a parlé du vaste concours de personnes qui se presseraient aux ventes faites par cet officier. Il s'est étendu longuement enfin sur les immenses avantages qui en seraient la conséquence. Cet argument est fallacieux, trompeur d'un bout à l'autre. Le shérif ne publie ses annonces que dans un seul journal et très probablement ce journal n'est pas celui qui a la plus grande circulation. Les encanteurs, au contraire, publient leurs annonces dans plusieurs journaux différents, de sorte que les ventes qu'ils doivent faire sont portées à la connaissance d'un beaucoup plus grand nombre de personnes. Nous savons tous que les ventes par le shérif ne sont pas aussi généralement suivies que les ventes faites par les encanteurs; que la foule y est beaucoup moins grande. De plus, M. le président, l'effet de ce bill serait de contraindre les personnes chargées de ses ventes à les donner toutes au shérif. Ce n'est certes pas là de la démocratie. Cela est en opposition avec l'esprit du siècle et avec nos propres institutions. C'est encourager le pire des monopoles.

Je suis disposé à donner aux pauvres débiteurs la chance de choisir la personne qui voudra ou pourra vendre sa propriété au meilleures conditions Ce que nous devrions nous proposer c'est surtout de protéger les droits du debiteur pauvre et non de l'écraser encore plus qu'il ne l'est déjà.

Je le demande, y a-t-il un seul membre de la campagne qui consentirait à sanctionner par son vote ou autrement le principe contenu dans ce bill? Qui voudrait essayer de l'appliquer dans les paroisses? Y a-t-il ici un seul membre de la campagne ici présent, qui voulut dire et affirmer que le shérif est le seul officier de sa paroisse qui doive ou qui puisse faire des ventes de propriétés? Je suis bien sûr qu'il n'y en a pas un seul qui voulut se faire l'apôtre de cette doctrine. Pourquoi donc essayer de l'établir dans la ville de la Nouvelle-Orléans? Pourquoi mettre le pauvre débiteur à la merci du shérif qui peut ou être son ennemi, ou avoir raison de s'intéresser d'une manière quelconque à ce qui peut lui être nuisible? Pourquoi chercher à substituer un odieux monopole au système actuel si juste, si libéral?

Je le répète, Monsieur, le principe contenu dans ce bill, s'il était accepté et consacré par la Législature, établirait un monopole plus odieux et plus oppressif que tous ceux que l'on pourrait signaler maintenant dans tout le monde connu; et cela dans quel but? pour ajouter encore aux honoraires déjà énormes d'un officier public privilégié.

Je le demande aux sénateurs de la ville qui doivent être bien renseignés sur cette question, quelle commission reçoit le shérif pour chaque propriété dont il fait la vente, et quel est le montant des propriétés qu'il vend dans une année? Qu'ils le disent et nous pourrons nous faire une idée approximative du montant des honoraires que reçoit maintenant le shérif, et du montant des honoraires qu'il recevrait si ce bill était adopté.

Il y a ici, dans cette enceinte, des sénateurs bien informés des choses qui regardent le commerce. Je ne veux pas dire des avocats; je veux désigner les sénateurs qui représentent les intérêts commerciaux de la ville. Qu'ils se fassent entendre sur cette question; qu'ils nous donnent les informations qu'ils possèdent. Quand ils l'auront fait, nous découvrirons sans doute que si ce bill est adopté, le shérif recevra quelque chose comme $100,000.

M. McCay—Ce bill n'est pas une innovation. Avant 1847, les ventes de succession étaient faites exclusivement par les shérifs. C'est dans cette année que je viens d'indiquer que le changement eut lieu.

Le bill que nous proposons n'a en vue que le rétablissement du système qui était en vigueur avant l'adoption de l'acte de 1847. Cet acte, dans la seconde section dont je vais donner lecture au Sénat, règle le taux de la commission que doivent prélever les shérifs. (Il lit la section.)

Il importe peu que la commission soit prélevée par

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érif ou par les encanteurs ; les frais pour le pu- sont exactement les mêmes dans tous les cas.

ie autre considération milite en faveur de ce cette considération devrait être de quelque . Les encanteurs ne sont tenus que d'un cau- ement de $5,000, et le montant des biens de suc- ns vendus dans une année est beaucoup plus dérable. Sans doute ils sont passibles d'une ac- n justice pour tous dommages qui pourraient ré- de leur faute ; mais est-on sûr qu'ils soient en on de répondre de la somme dont ils pourraient à répondre ? Dans tous les cas, le montant du onnement ne peut pas être mis en parallèle avec sques encourus.

e autre objection au système actuel est que les iteurs font leurs ventes en différents endroits. , trois, quatre ventes judiciaires peuvent avoir e même jour en des endroits différents Il est sible à une personne qui désire acheter, de se er présente à toutes. Il en résulte que la con- nce, que l'enchère est jusqu'à un certain point sible. Notre but doit être de simplifier autant ossible l'action de la loi. Nous ne devrions pas r faire par une douzaine ce qui peut être fait par ul. En concentrant toutes les ventes entre les du shérif, nous donnons plus de garanties à iéreur et les propriétés se vendent à un meil- rix. L'intérêt public se trouve avantagé de la

Ryan.—Le sénateur de la Nouvelle-Orléans e comme argument en faveur de ce bill le fait s encanteurs donnent un cautionnement compa- ment moindre que celui du shérif. Dans les pa- de la campagne où il se vend annuellement ande quantité de propriété le shérif n'est tenu un cautionnement de $5,000. Raisonnant par ie, si l'argument du préopinant est bien fondé, rifs de la campagne ne pourraient pas ou ne ent pas avoir les ventes judiciaires. Dans la e des Rapides, que j'ai l'honneur de représen- ne partie des ventes s'élèvent à au moins 00 par an, et cependant, comme je viens de le e cautionnement exigé des shérifs n'est que de Je ne doute pas que tel ne soit le cas dans oup d'autres paroisses, et cependant on ne nous que les shérifs ne peuvent pas faire les ventes ires. Les arguments du sénateur conduisent des conclusions que lui-même, j'en suis sûr, era insoutenables si le but de ce bill est d'aug- les facilités des ventes, en augmentant à cet- nombre des officiers qui en sont chargés, je gerais à l'opinion de ceux qui défendent le is puisque le but évident, le seul but de ce au contraire, d'imposer des restrictions, je vo- ntre.

enner—La question que je posais tout-à-l'heu- tivement aux honoraires du shérif et au mon- propriétés vendues annuellement, n'a pas en- enu de réponse de la part d'aucun des mem- la Nouvelle-Orléans. Aussi longtemps que ai pas eu de réponse nous resterons en quelque ns l'obscurité relativement à cette question. e répéter ici, M. le président, que je suis op- oute législation faite au bénéfice exclusif d'un ou d'une classe. Je crois que ce bill est pro vue d'un seul officier. Je désire donc savoir nt des honoraires qu'il reçoit déjà, et com- lus il aurait si ce bill était adopté. Obte- e information et nous verrons bien toute l'é- de la mesure qui concentre dans les mains le produit de toutes ces ventes, dans le but son salaire à une somme qui alors serait sans ts en Louisiane.

ple est le seul bon juge de cette question— oit décider qui doit faire ces ventes. Si tou- s qu'une vente de succession est à faire, nous u peuple « allez à telle personne, sans elle ouvez vendre votre propriété, » que dirait- s nous sommes des fous, » et je vous le de- tous, aurait-il tort ou raison ? Il dirait qu'il envoyer à l'Asile des Aliénés.

adoptions une loi décrétant que toutes per- ant à vendre des propriétés doit s'adresser de Concordia, par exemple, personne ne nie- rdité de ce système. Vous ne dites pas tout à fait cela ; mais vous me dites, si je suis habitant de la ville, « après votre mort, si votre propriété doit être partagée entre vos enfants il faudra qu'ils s'a- dressent au shérif de la paroisse d'Orléans.

N'est-ce pas là, M. le président, un monopole odieux, intolérable ? C'est du despotisme russe, c'est la loi du knout et du pal.

Il est un point sur lequel je désire arrêter le sénateur de la Nlle-Orléans (M. McCay). Mon collègue a dit que le seul but de ce bill est de ramener le même état de choses qu'avant 1847. Le sénateur se trompe là énormément. Ce que veut le bill n'a jamais existé avant 1847. Il n'existait pas alors de semblable monopole. L'administrateur avait le droit de faire lui-même les ventes et il semblerait par ce qu'a dit le sénateur que le shérif avait exclusivement le droit de les faire toutes.

M. Munday— Après avoir examiné ce bill, et avoir entendu les arguments déduits par les différents orateurs qui ont parlé sur la matière, je suis décidé maintenant à le soutenir. Je vais énoncer quelques unes des raisons qui ont déterminé mon opinion. Sous la constitution de 1812, les ventes judiciaires étaient faites par le juge de paroisse. Cet officier concentrait en lui les différentes attributions de juge, de clerc et d'encanteur. Par la constitution de 1841, les juridictions de paroisses furent abolies, et aujourd'hui les ventes sont faites par le shérif, l'administrateur ou un encanteur, selon que l'administrateur le décide. L'administrateur, quand il fait les ventes lui-même, ne perçoit aucune indemnité ou commission (fees). Le shérif, aujourd'hui, comme par le passé, vend toujours toutes propriétés qui sont mises en adjudication par un ordre de fi. fa. Dans ce cas, l'homme dont la propriété est vendue, n'a pas le droit de choisir l'officier qui doit la vendre. Ce pouvoir n'appartient qu'au shérif. Cependant, nous n'avons pas entendu dire que ce fut un monopole, quoique l'homme dont la propriété est vendue en vertu d'un fi. fa. ait à la vente un intérêt aussi direct, et même peut-être plus grand que celui que peut avoir un administrateur à la vente des biens d'une succession. Cette accusation de monopolisation est basée sur de fausses prémisses, et c'est pourquoi la conclusion est fausse.

Maintenant, M. le président, il est d'une bonne administration de concentrer l'exécution de la loi dans le plus petit nombre de mains possible. C'est à la fois plus simple et plus économique que la diffusion de l'application de la loi sur un trop grand nombre d'agents irresponsables. Si nous donnons au shérif le droit de faire la vente des biens des successions, nous avons par là l'avantage de simplifier les opérations légales. Au point de vue de l'économie, il est évident que le public n'est pas très surchargé par ce changement. La seule différence est que les commissions qui sont aujourd'hui payées aux encanteurs, seront payées au shériff. Quelle différence peut-il y avoir pour l'administration ? Dans les deux cas, les frais sont à la charge de la succession et non pas de l'administrateur. Voilà quelques-unes des raisons qui me portent à appuyer ce bill

Cependant, pour diminuer les frais des procédures judiciaires dans ces sortes d'affaires, je pense qu'il pourrait être fait quelque chose par la Législature. Je voudrais recommander la nomination d'une commission spéciale à laquelle il serait enjoint de rédiger un bill pour fixer un salaire uniforme pour tout l'Etat.— Je suis obligé de réitérer mon opinion, à savoir : que le shérif est l'officier le plus compétent pour faire les ventes de successions. Il possède une certaine somme de connaissance légale et est familier avec les différentes formes prescrites par la loi.

A tout évènement, le shérif est assisté d'un conseiller légal dont l'avis peut être pris dans chaque affaire. En achetant du shérif, les acquéreurs courraient moins de risques qu'en achetant d'un encanteur et les titres auraient une base plus rassurante, seraient plus clairs et moins sujets à renfermer des erreurs. Aussi, je ne vois aucune raison pour laquelle on accueillerait l'opposition que ces messieurs font à ce bill. Je pense qu'il présente de si nombreux avantages, si on le compare au système aujourd'hui en exécution, que nous ne devons pas hésiter à l'adopter.

M. King—Je n'avais pas l'intention de prendre part

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à cette discussion ; mais les erreurs flagrantes qui se sont produites dans le cours de ce débat, me forcent à dire quelques mots pour éclaircir l'obscurité dont la question semble entourée. L'honorable sénateur de l'Ascension (M. Kenner) me semble être sous cette impression, que le débiteur a *maintenant* le droit de faire choix de la personne qui vendra ses propriétés, lorsque celles-ci sont saisies en vertu d'un ordre d'exécution.

M. Kenner—Je n'ai pas dit que le débiteur pût faire cela maintenant. J'ai dit que les personnes qui avaient des ventes de successions à faire, pouvaient jouir de ce droit, et que ce droit, je voulais l'accorder aussi au débiteur malheureux.

M. King—Eh ! bien, monsieur, le débiteur malheureux, quel que soit le titre par lequel vous le désigniez, est, à votre avis, une personne contre laquelle on a un jugement. Maintenant, monsieur, je demanderai à l'honorable sénateur, comment on s'y prendra pour toucher des créances, si le débiteur, ou celui dont les biens sont vendus après jugement ou exécution, a le droit de faire choix de l'encanteur ou de la personne qui devra faire cette vente. Lui donner ce droit, serait une innovation dans les principes législatifs, que l'honorable sénateur ne penserait pas sérieusement à soutenir. Mais le bill ne fait aucun changement à cet effet. Il ne touche pas, il ne pense pas à toucher à ce point Le seul changement que le bill apporte au système actuel, est dans la manière de conduire les ventes de successions. Ces ventes devront être faites par le shérif, et cela sans augmentation de frais. Les frais sont les mêmes ; le public n'en souffrira pas pécuniairement.

On a encore avancé dans ce débat une opinion erronée. L'on a dit que pendant un temps, l'administrateur faisait les ventes, comme s'il était monté lui-même sur la table, et jouait le rôle d'encanteur. Eh bien, Messieurs, dans toute ma carrière d'avocat (et ce n'est pas d'hier que je suis avocat), jamais, au grand jamais, un administrateur n'a monté, n'a pu monter sur la table pour vendre lui-même les biens d'une succession. Avant 1847, les affaires etaient faites d'une autre façon. L'administrateur obtenait un ordre de cour, et le shérif procédait à la vente.

M. Palfrey—Avant 1845, les ventes des biens des successions étaient faites par l'enregistreur des testaments.

M. King—Je crois que l'honorable membre a raison. Je me rappelle maintenant qu'avant cette époque l'enregistreur des trstaments était chargé de ces ventes.

Le sénateur de l'Ascension [M. Kenner] nous a présenté un tableau très sombre, comme devant être la conséquence de l'adoption de ce bill. Il nous a dit que ce serait un monument de despotisme pire que le système russe ; que ce bill serait contraire à l'esprit du siècle et des institutions sous l'empire desquelles nous vivons. Il n'y a pas longtemps, M. le président, que ce système que l'honorable membre vous dénonce si amèrement, était en pratique parmi nous. On ne le stigmatisait pas alors de l'épithète de despotique. Je ne crois pas que notre amour de la liberté et notre horreur du despotisme soient plus vivaces aujourd'hui qu'ils ne l'etaient chez nos pères, qui risquèrent leurs propres vies pour sauver ce pays des dangers de l'invasion, ou même qu'il ne l'était chez nous il y a quelques années. Si le système que le bill a en vue était si odieux et si tyrannique, je ne crois pas que le sénateur de l'Ascension eût la prétention d'être le premier à en faire la remarque. Nous savons tous, M. le président, l'histoire de la législation par laquelle fut opérée la substitution de l'ancien système au nouveau. Cette substitution fut faite à une époque où les fonctions de shérif étaient remplies par une personne qui ne plaisait pas au parti dominant dans la Legislature. La majorité appartenait à une opinion politique opposée à la sienne, et elle crut rendre service au parti en arrachant une plume à l'aile du shérif. Ce dernier n'était pas son favori, et en conséquence ils avaient à cœur de diminuer son salaire. C'était là, en vérité, un motif bien merveilleux. Ce n'était pas là une raison qui eût dû avoir de l'influence sur une assemblée législative.

Mais nos motifs à nous, quand nous prétendons rétablir l'ancien système usité pour la vente des biens de succession, sont tout à fait différents. Notre but est d'offrir une protection au mineur et à la veuve pour le maintien de leurs droits légitimes. Nous désirons leur donner une garantie pour leurs intérêts, et les soustraire au danger d'être fraudés par des administrateurs infidèles. Notre vœu est d'obtenir que la vente des biens des successions soit faite loyalement, de manière que tout à la fois l'acquéreur et le mineur soient plus efficacement garantis.

Ce n'est point le puéril intérêt de savoir si ce sera M A B. ou M. C. qui fera ces ventes, et ce n'est pas non plus pour une simple question de frais que nous demandons l'adoption du bill. Le seul point en discussion est de savoir si le shérif est l'officier le plus propre à faire ces sortes de ventes, et si chacun aurait avantage à ce qu'elles fissent partie de ses attributions. C'est là une question qui peut être facilement mise à jour- Tout le monde sait qu'aux ventes faites par le shérif les enchères sont mises avec plus de confiance. Il y a toujours une foule de personnes à ces sortes d'adjudications, car chacun est convaincu qu'il n'y a pas de jonglerie possible, qu'il n'y a pas d'intelligences tacites entre le shérif et d'autres personnes. On sait que la vente doit nécessairement être loyale, et on a confiance dans les titres des propriétés à acquérir. Les prix des ventes faites par le shérif sont toujours plus élevés que ceux de toutes autres ventes forcées.

Donc, MM., je répète que non seulement il est de bonne administration, mais encore que c'est pour nous un impérieux devoir, de protéger les mineurs et les veuves contre la possibilité de toute fraude. Si nous ne les protégeons pas, qui donc alors les protégera ? Le système actuel donne lieu aux plus énormes abus et prête la main aux fraudes les plus coupables. Sous l'empire de ce système, les droits des mineurs et des femmes mariées prêtent le flanc aux attaques de tout administrateur corrompu au pouvoir duquel le hasard peut les faire tomber. Nous savons tous que plusieurs de ces successions sont mises entre les mains de personnes notoirement déshonnêtes.

Dans la ville de la Nlle-Orléans il est une classe de personnes qui, j'ai la douleur de le dire, font métier d'être à la piste des successions pour en obtenir la curatelle. Quand un homme meurt et que sa succession est vacante, ces oiseaux de proie observant les funérailles avec des yeux avides, calculent les bénéfices qu'ils peuvent faire sur l'administration des biens de sa succession. Ils attendent avec convoisise le moment où ils pourront mettre la griffe sur la fortune du défunt. Ils se rendent en toute hâte à la cour et se font nommer administrateurs. Et dans quel but ? Quel motif les pousse à se precipiter aussi indécemment audevant de cette nomination ? C'est la soif de l'or : *Auri sacra fames.*

Et sous l'empire du système actuel ils n'ont que trop d'occasions de satisfaire leur cupidité. L'administrateur a le plein et entier contrôle des biens du défunt. Au moment le plus grave, au moment de la vente, c'est lui qui dispose de tout sans la surveillance de la cour. La loi abandonne le mineur et ses intérêts à sa merci. C'est lui qui peut, à son gré, choisir un encanteur dans toute la ville. Il ne manque pas d'encanteurs à la Nlle-Orléans. Beaucoup d'entr'eux, indubitablement, sont des hommes honorables. Je ne puis affirmer qu'il y en ait de déshonnêtes. Mais je ne voudrais pas jurer de leur probité à tous. Et si l'administrateur a de mauvaises intdntions, s'il a le dessein de frauder ceux qu'il serait de son devoir de protéger, il se gardera bien de choisir un encanteur honnête. Ce sera le dernier dont il fera choix. Il prendra quelqu'une de ses créatures, quelque personnage servilement dévoué à ses volontés, et dont l'appât d'une part dans les dépouilles lui aura fait un complice. Cela est possible aujourd'hui, et sans aucun doute cela a été fait.

En addition à ces dangers qui menacent actuellement les successions, il est certain que les biens ne sont pas vendus à un prix aussi élevé que dans les ventes par le shérif, même dans les cas où les ventes sont loyalement faites par les encanteurs.

Les salles de vente des encanteurs sont situées en différents quartiers de la ville, et il arrive souvent qu'il se fait à la fois 5 ou 6 ventes le même jour ; de sa-

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qu'il est impossible qu'une même personne assiste
ites.
x ventes du shériff, au contraire, il y a toujours
oule de personnes venues pour enchérir. Et je
nds qu'il est important pour les intérêts publics
es ventes soient faites au grand jour et dans un
oit connu de tous, de façon que les biens soient
as à leur juste valeur. Aujourd'hui, un homme
aille peut empocher le produit et disparaître.
ne il n'aura donné qu'un faible cautionnement,
impossible d'obtenir aucune restitution.
and un homme riche vient à mourir, on voit im-
ttement une demi-douzaine d'encanteurs frapper
ortes pour obtenir la vente des biens de sa suc-
n. Et il arrive quelquefois que les propriétés du
t sont divisées entre 5 ou 6 encanteurs différents
uvent tous faire leur vente le même jour. Est-
une méthode loyale? Est-ce là le moyen d'ob-
e plus haut prix de la propriété? Tout le mon-
le contraire.
ntenant, on a considéré la question sous le
de vue des droits de vente à percevoir. Il y a
l entendu évident sur le chiffre des droits perçus
shériff sur les ventes. Il est vrai qu'il y a cha-
née une quantité considérable de biens de suc-
à vendre. Mais la plus grande partie de ces
provient de quelques successions importantes.
le sait, ces grandes propriétés sont rarement
s. Il y a généralement dans ces riches suc-
s assez d'argent pour payer les dettes, et le
les biens va aux héritiers.
ut arriver quelquefois qu'un homme riche meu-
sant une grande quantité de biens qu'il faille
. Mais c'est là un de ces cas qui se présentent
nt. Et même en admettant que le shérif reçût
te commission, pour droits de vente, quelle
ce y aurait-il pour le public à ce que ce fût
e que le shérif qui perçut cette commission?
lleurs où est la comparaison à établir entre le
de vente et les droits des mineurs et des fem-
riées?
m'attendais à l'opposition que ce bill a ren-
s. Je n'ai eu en vue que le pur avantage des
nts de la ville. Il n'intéresse en effet que la
ille. Mais nous avons trouvé des soutiens d'in-
que nous ne nous attendions pas à voir défen-
e aucune d'opiniâtreté. Nous nous sentirions
és de reconnaissance envers eux, s'ils avaient
otre ville la même sollicitude que pour les en-
s.
yan—Je n'ai ni le désir ni l'intention de sui-
nateur de la Nouvelle-Orléans, M. King dans
e de ses arguments qu'il a du reste préparés
t de soin. Je ne suis que depuis très peu de
embre de cette assemblée, et l'on ne peut par
ent s'attendre à ce que je possède le connais-
ces faits que le sénateur dit être si familiers
anciens membres. J'ignore entièrement quels
crets peuvent avoir dicté au Sénat la loi nou-
on nous propose d'abroger, et, le dirai-je? je ne
que même si j'y étais initié, ils pussent avoir
e influence sur mon jugement. Pour me for-
inion sur ce sujet, je n'ai qu'à consulter la
ille, à en étudier le but et les effets. J'ai
tentivement la lecture du bill; j'ai suivi
moins d'attention les arguments présentés
ntre le bill (*pro* et *contrâ*), et je dois dire en
érité qu'il prête beaucoup aux objections
é faites.
reprendrais pas de répondre au sénateur
le reprendre son siége, si dans les remarques
tes, il n'avait pas insinué que nous desi-
er en proie aux spéculateurs les biens des
des veuves. Le sénateur d'Orléans n'est
, ni flatteur. Il n'est pas heureux non plus.
suppositions, il imagine des circonstances
rent pas se présenter sous notre régime ac-
rle de vautours, d'oiseaux de proie flânant
Cours et épiant l'occasion de se faire nom-
ratteurs, afin de s'enrichir aux dépens de
a succession leur serait confiée. Le séna-
avocat, ignorerait-il donc! que lorsqu'une
mande une curatelle ou l'administration
sion, la Cour seule juge s'il est convenable
la demande et que si elle accepte elle fixe
e montant du cautionnement requis? Et
e propriété est vendue par le shérif, l'ad-
ministrateur n'aurait-il pas le droit d'aller à cet officier et de lui demander le produit de la vente faite par lui? Après l'avoir obtenu, ne pourrait-il pas quitter la ville et se rendre soit en Californie, soit ailleurs, tout aussi bien que peuvent le faire les encanteurs? Celui qui veut être malhonnête peut l'être dans un cas aussi bien que dans l'autre.

Les conséquences tirées par le sénateur ne découlent pas des principes qu'il a posés. Il n'y a pas la moindre analogie logique entre les faits qu'il expose et les exemples qu'il donne. Il se peut qu'il existe d'excellentes raisons pour que ce bill soit adopté; mais bien certainement elles n'ont pas été exposées par les sénateurs qui pourtant se donnent tant de peine. Leurs arguments ne sont pas du tout concluants. Ils ne me décident pas à voter en faveur du bill. S'ils ont encore quelques meilleurs raisons à donner, qu'ils les fassent donc valoir et alors, peut être, je serai convaincu.

Je veux bien admettre que l'opinion du comité judiciaire est de quelque poids. En toute autre circonstance c'est elle que j'aurais consultée, c'est sur elle que j'aurais basé mon jugement. J'ai eu une fois l'occasion de remplir la place de président de ce comité dans la chambre et je sais toute la responsabilité qu'entraîne cette place, je sais tout ce qu'elle exige d'études et de recherches. Mais je dois le dire, encore le comité n'a pas donné de bonnes raisons en faveur de ce bill. En toute sincérité il m'est impossible de renoncer à la conviction que je me suis faite Mon devoir comme officier public, comme Sénateur de la Louisiane, exige que je vote contre contre ce bill—je le ferai sans crainte.

M. Lacey—Je ne puis m'empêcher d'exprimer ici la profonde surprise où je suis de voir qu'un bill d'une nature toute locale et qui est soutenu par toute la délégation de la ville, rencontre tant et de si vives oppositions. Nous qui ne représentons pas la ville et dont les intérêts n'auraient aucunement à souffrir de l'adoption de ce bill, qu'avons nous à faire de cette question? Ne devrions nous pas laisser la responsabilité des mesures qui ne concernent que la ville de la Nlle-Orléans, aux Sénateurs qui la représentent avec tant de talent? Lorsque le Sénateur des Rapides proposera une mesure d'un interêt tout local et dont l'effet ne se fera pas sentir hors des limites de son propre district, je me ferai un veritable plaisir de voter avec lui. Je croirai sur sa seule parole que cette mesure est désirée par ses constituants parce que je ne crois pas qu'il y ait dans le Sénat un seul homme qui essayât de faire passer un bill ou une mesure qu'il ne saurait pas positivement être désirée par ses constituants. Je voudrais qu'on agît avec la même courtoisie à l'égard des membres de la Nlle-Orléans.

Et je le demande, M. le président, sur quoi se fonde cette opposition si violente? Je regrette d'avoir à le dire, on en a fait une question de salaire. La lutte semble être uniquement ceci—donner ces ventes au shérif ou aux encanteurs. Pour ma part, je suis aussi disposé à les accorder au shérif qu'à un encanteur. Et quand il arriverait que le shérif fut un membre du parti auquel j'appartiens, je ne vois pas pourquoi j'y verrais une raison de lui refuser ce que ma conscience me dit lui appartenir. L'opposition faite à ce bill est sans portée. Mes contradicteurs ont mis de la chaleur dans leur argumentation, mais ils n'ont pu me convaincre.

Quels sont au contraire les avantages du bill? J'y ai déjà fait allusion, mais je vais en donner de nouveau le résumé. En premier lieu, si la vente est faite par le shérif, une plus grande publicité est obtenue, et c'est là, à coup sûr, une grande considération. Cette publicité, diverses circonstances l'assurent. Le lieu où le shérif fait ses ventes est connu de tous, et est toujours le même. Il y a donc déjà une première raison de publicité, qui n'existe pas quand il s'agit des ventes par les encanteurs. Le shérif choisit une gazette très répandue pour y faire ses annonces. Ses additions à cela, les titres fournis par le shérif offrent plus de garanties. L'encanteur ne prend pas les mêmes soins et n'attache pas la même importance à la rédaction du procès-verbal. S'il y a quelques propriétés qui reposent sur des titres réguliers, ce sont assurément celles qui sont vendues par le shérif. Je ne prétends pas dire par là que les encanteurs soient de malhonnêtes gens. Je ne veux pas donner à entendre que j'en connais un ou plusieurs qui puissent être soupçonnés de fraude.

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Mais le système actuellement dominant peut ouvrir la porte aux abus les plus dommageables. Il est au moins une sorte d'invitation à la fraude, que la loi doit avoir en vue de rendre impossible, au lieu de l'encourager. Supposez, par exemple, que j'aie le contrôle d'une succession, dont les biens ont été vendus, si je suis un malhonnête homme et si je suis enclin à la fraude, j'ai la meilleure occasion de la commettre, dans la liberté que me donne la loi de choisir moi-même un encanteur. Certainement, avec de pareilles intentions, un encanteur honnête sera le dernier que je choisirai. Je choisirai un encanteur que j'espérerai pouvoir influencer et attirer dans mon projet pour en faire mon complice, et il trouvera dans sa profession les moyens de mettre la fraude à exécution. Ainsi, comme je l'ai dit, la porte est ouverte aux abus. C'est pour les prévenir que je propose ce bill. J'espère que le Sénat ratifiera la pensée de la commission en adoptant le bill. J'avoue que je ne verrai pas sans intérêt le Sénat adopter un bill proposé par une commission dont je suis le président.

M. Kenner—La position qu'a assumée le sénateur d'Est-Bâton-Rouge me paraît si insoutenable, que je ne puis m'empêcher de dire quelques mots en réponse à son discours. Si on venait une fois à admettre cette étrange doctrine, à savoir : que sous le prétexte qu'une question est purement locale par sa nature, nous n'avons d'autre rôle que de ratifier la decision que peut prendre le sénateur qui représente le District intéressé dans la cause, nous pourrions tout aussi bien nous en retourner chez nous, et laisser chaque District se faire des lois tant que bon lui semblerait. Il n'y aurait plus besoin de Sénat en Louisiane. Si quatre personnes nommées par la Nouvelle-Orléans peuvent se réunir dans une Chambre et décider de toutes les affaires qui intéressent cette ville, et si des hommes de distinction, comme le président de la commission judiciaire (M. Lacey) et le président de la commission des améliorations intérieures (M. King) se lèvent de leurs places et nous dire que nous n'avons plus qu'à aller chez nous faire nos propres affaires, je pense que nous ferions très-bien de suivre leur avis. En conséquence, si on n'a pas à nous apporter de meilleures raisons en faveur de ce bill, n'est-il pas évident qu'il doit y avoir là quelque mal caché, qu'on n'ose pas nous avouer !

M. King nous a dit que puisque nous nous faisions les tuteurs du Sénat, il préfererait que nous étendissions notre tutelle jusqu'à la ville de la Nouvelle-Orléans. Je ne voudrais pas, pour ma part, accepter la tutelle de personnes aussi profondément dans l'erreur que quelques-uns des sénateurs de la Nouvelle-Orléans.

M. King—Je demande la permission de redresser ce que vient de dire l'honorable membre. J'ai dit que puisqu'il semblait avoir pris sous sa protection la ville de la Nouvelle-Orléans, je le priai de vouloir bien étendre sa bienveillance aux veuves et aux orphelins.

M. Kenner.—Mais, M. le président, ceci n'est pas tout à fait une question locale, comme l'honorable membre semble la considérer. Rien de ce qui se fait dans ce grand centre de la Nouvelle-Orléans ne peut être entièrement local. J'espère que ces messieurs ne voudront pas nous opposer comme un argument péremptoire cette prétendue considération, qu'un sujet de cette importance est purement local, et que nous n'avons rien à y voir. Et je vous dirai encore que je ne sache pas que la totalité des représentants de la Nouvelle-Orléans soit en faveur de cette mesure. Il n'y en a que deux qui l'aient défendue, et tous deux sont avocats. Si les intérêts commerciaux venaient à nous et nous disaient que cette mesure est nécessaire, je pourrais peut-être hesiter, mais quand il n'y a que des avocats qui la défendent, je ne puis croire qu'elle soit réellement demandée par d'autres qu'eux, qui vivent dans les antichambres des Cours.

M King —Je ne vis pas les antichambres des Cours, mais dans les Cours mêmes.

M. Kenner.—Eh bien ! j'ose dire que l'honorable membre vit en effet dans les Cours elles-mêmes. Je sais que pendant un certain nombre d'années il a rapporté les décisions de la Cour Suprême. C'est pourquoi je suis d'autant plus surpris qu'il ait pu faire une erreur aussi énorme, il y a quelques instants, dans la citation d'une loi. Mes honorables contradicteurs ont parlé comme si nous n'avions à résoudre qu'une simple question de salaire.

Je voudrais leur demander si leur véritable but n'est pas de faire entrer ce salaire dans la poche d'un certain officier. M. King a donné ce qu'il a appelé un historique de la manière dont la loi a été votée Il a prétendu qu'elle avait été faite par une majorité whig, dans le but de réduire les émoluments d'un shérif démocrate. Maintenant, puisque l'honorable membre semble être si bien informé sur toutes choses ayant rapport à ce sujet, qu'il veuille bien nous dire qui était shérif à cette époque.

N King—C'était le général Lewis.

M. Kenner—Très bien. Cette année-là la Chambre des Représentants renfermait une majorité whig, et le Sénat une majorité démocrate. Pourquoi M. King ne nous a-t-il pas dit cela ? Il devrait le savoir puisqu'il est si bien informé sur toute cette affaire. Il n'a pas mentionné ce fait, parce qu'il voulait faire un appel au parti démocrate de cette chambre. Son but était d'entraîner le vote en s'adressant à l'esprit du parti. Mais j'espère qu'un semblable motif ne sera d'aucun poids sur les membres éclairés qui composent la majorité du Sénat. Je ne m'oppose pas à ce bill par aucun motif d'intérêt pour certaines personnes. Tout au contraire, si je pouvais avoir d'autres guides que ma conscience et ma raison, mes sympathies me porteraient plutôt que le bill. J'ai la plus haute considération pour le shérif actuel de la paroisse d'Orléans, au bénéfice de qui tournerait ce même bill.

Nous étions enfants ensemble, et nous nous connaissons depuis l'âge le plus tendre. Mais, dût-il voir diminuer par là ses émoluments. je ne voudrais pas qu'on créât le monopole qui serait le résultat de ce bill. J'ai vote pour la loi actuelle, non par le motif que M. King m'a attribue, mais pour rendre le système plus libéral, en donnant aux héritiers ou à l'administrateur le droit de choisir la personne qu'ils jegeraient à propos pour faire la vente des biens de la succession. J'ai dit au Sénat que l'effet de ce bill serait de créer un monopole et que l'adopter serait faire un acte de despotisme. Je le répète, M. le président, ce serait un acte de tyrannie indigne de notre siècle éclairé.

M. King a dit que jamais un administrateur, dans cet Etat, n'a eu le droit de vendre lui-même les biens de la succession. Je prie l'honorable membre de se reporter à la loi de 1847, qui, je crois, contredira ses assertions.

Mais revenons à ce bill. Avons-nous vu la moindre pétition en sa faveur, émanant des intérêts commerciaux de la Nouvelle-Orleans ? Le plus petit bruit d'un désir émis par l'opinion publique à cet égard, eût-il venu jusqu'à nous ? Non. Il n'y a pas la moindre indice que la réforme qu'on nous propose soit demandée ou désirée.

Le sénateur d'Est-Bâton-Rouge (M. Lacey) a dit que le shérif avait des jours et des locaux fixés pour ses ventes. Ne sait-il pas qu'il n'y a pas de jours fixés pour la vente des biens de succession ? Voilà pourquoi il n'est pas exact de dire qu'il y ait un plus grand nombre de personnes aux ventes du shérif que celles des encanteurs. Mais, pour en revenir à la question qui a occasionné ces remarques, qu'arrivera-t-il si l'opinion prévalente est que le bill est entièrement local, et que nous n'avons rien à y voir, c'est que notre opposition sera de nul effet. Mais la raison l'emporte, si le sujet est examiné avec attention, et si les membres de ce corps n'obéissent qu'à leurs convictions naturelles du juste et de l'injuste, le bill sera rejeté. J'ai demandé aux honorables membres qui pressent l'adoption de ce bill, de nous faire connaître le chiffre des propriétés vendues dans l'année, à la Nouvelle-Orléans, et le montant des émoluments perçus à ce sujet par le shérif. Il n'a fait aucune réponse à ma question. J'appelle l'attention du Sénat sur le silence qu'on a gardé sur ce point important. Il est ridicule de nous dire ce que New-York était en 1812, c'est-à-dire il y a plus de trente ans, quand cette ville n'était alors qu'un village en comparaison de ce qu'elle est aujourd'hui. L'idée de mettre la disposition des affaires des successions en bloc, est une idée absurde. Et, pour conclure, je demande que le bill soit renvoyé à une commission spéciale qui s'assurera des faits que j'ai avancés en ce qui concerne le chiffre des propriétés vendues et des émoluments reçus, et qui fera son rapport au Sénat.

Ce Bill est renvoyé à une commission spéciale.

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LUNDI, 23 janvier 1854.

apport du bibliothécaire de l'Etat est lu et le
en ordonne l'impression à 500 copies.
ure est donnée du rapport de l'ingénieur de l'E-
(Pour ces rapports voir l'appendice.)
Evans demande une suspension des réglements
'il puisse appeler un bill décrétant l'émancipa-
un mineur du nom de Gilmer.
une homme, dit M Evans, est frère du colonel
Gilmer de la paroisse Bossier. Il est héritier
ien considérable et sa mère désire qu'il soit
pé afin qu'il puisse gérer lui-même son bien.
Moore—Je fais objection à une suspension des
obtenus dans ce but. J'aime bien mieux que
oit référé et qu'un comité nommé à cet effet
e un rapport. Je ne vois pas de raison pour
s passions des bills pareils. La loi nous four-
moyen d'accomplir le but qu'on se propose et
is pas pourquoi la Législature interviendrait
e question où elle devrait n'avoir rien à faire.
le moyen indiqué et prescrit par la loi est dé-
aple, si facile, je ne vois pas pourquoi nous
us l'oreille à de semblables demandes. Que
voque une assemblée de famille et que les
du pétitionnaire s'y rendent. Mieux que per-
s peuvent décider de l'opportunité de l'éman-
demandée. S'ils ne jugent pas convenable
sentir c'est que probablement ils auront de
raisons pour cela.
tous les cas je blame l'adoption précipitée
ll de cette nature. Je fais la motion que ce-
it référé au comité judiciaire.
l est référé.

MARDI, 24 janvier 1854.

RÉPARTITION.

pport de la commission de répartition est mis
yeux du Sénat.
oore—La minorité de la commission de répar-
préparé un rapport. Je demanderai à la com-
du Sénat que la minorité soit admise à pro-
rapport avant le vote. Avec la permission
t, je vais lire ce rapport :
Moore lit le rapport de la minorité.) Je de-
dit M. Moore, que ce rapport soit imprimé,
le publie soit à même de se former une opi-
la question.
atner—L'honorable membre veut-il dire que
nents doivent être imprimés immédiatement,
ous devons laisser la question pendante jus-
impression ? S'il en est ainsi, il est inutile
notre temps davantage. Mais il me semble
pouvons décider la question de suite, et faire
les documents après.
g—Le rapport comprend-il le recensement ?
atner—Le rapport de la majorité le com-

ore—Le rapport de la minorité comprend
ecensement électoral. Par l'impression des
s, le peuple sera mis en état de voir qu'une
rtie des citoyens qui le composent sont dé-
u droit de représentation par le rapport de
é.
ssion des documents est ordonnée.
ner—Je demande à être dispensé des règles
nder le rappel du bill.
t décide alors qu'il sera passé à une seconde

DANS LES PAROISSES DE LA CONCORDE ET DE TENSAS.

rs—Je tiens à la main une résolution pour
demande la bienveillante faveur du Sénat.
lative à cette section que j'ai l'honneur de
aux paroisses de la Concorde et de Tensas.
qui connaissent la position topographique
ux paroisses, savent qu'elles sont situées
n toute particulière. Elles sont entourées
ns côtes. Les eaux rapides du Mississippi
à l'est, pendant que le Bayou Noir et le
eux ferment leur limite à l'ouest. On voit
elles sont, par tous les points, sujettes à
n. En fait, ces deux paroisses sont, je
exposées à ce danger qu'aucune autre pa-
Etat. On pourrait dire d'elles, en toute

Sic erat instabilis terra, immobilis unda.

Les habitants sont chaque année sous la menace de l'irruption des eaux. Ils s'y attendent à tout moment. Ils ne savent jamais si l'heure qui va suivre ne verra pas déborder ces torrents dévastateurs qui porteront chez eux la ruine et le désespoir.

Les dangers auxquels ils sont exposés sont encore augmentés par les grands bayous qui traversent cette contrée et sont sujets à se jeter hors de leur lit, s'il arrive que les affluents qui les entretiennent de leurs inépuisables réservoirs, viennent eux-mêmes à déborder. Sous cette menace incessante, les habitants ne se sont pas endormis. Tant qu'ils ont eu en eux-mêmes la possibilité et les moyens de détourner le mal, ils ne se sont pas bornés à implorer l'aide de l'Etat. Ils se sont aidé eux-mêmes. Ils se sont imposé une taxe annuelle de 5 à 10 pour cent, destinée à former un fonds pour la construction d'une levée générale. Il est même arrivé que les taxes spéciales se sont élevées au double de ce chiffre proportionnel. Le montant de ces taxes, payées chaque année par l'une des deux paroisses seulement, ne s'élève pas à moins de $40,000. Il y a maintenant des levées autour de cette contrée menacée, excepté dans quelques endroits sur les deux bayous qui exposent à l'inondation un espace de 8 milles de large sur 40 milles de long. La résolution que je présente au Sénat n'a pour but que de décider que l'ingénieur examinera la localité et fera son rapport sur ses observations. Ce n'est que justice de faire cela pour une portion de l'Etat aussi dangereusement menacée que l'est celle dont je vous parle. Les habitants de ces paroisses ont souffert beaucoup et longtemps, sans se plaindre. Ils ont fait tout ce qui était en leur pouvoir pour se protéger eux-mêmes contre le flot envahisseur.

L'Etat, jusqu'à présent, n'a rien fait pour eux. C'est pourquoi, j'espère que le Sénat verra d'un œil favorable cette résolution et permettra qu'elle passe avec dispense des règles ordinaires. La dépense sera certainement prise sur la portion du fond d'améliorations intérieures appartenant à ce district, si les ingénieurs et la commission pensent qu'il soit à propos de donner suite à cette affaire.

M. King—Je demande que la résolution soit renvoyée à la commission des améliorations intérieures.

M. Rivers—J'espère que la résolution ne sera pas renvoyée à cette commission. Je ne vois pas la nécessité d'un rapport sur ce sujet. Ordonner le renvoi de la résolution à la commission des améliorations intérieures, serait apporter à la solution de cette question un retard tout à fait inutile. J'espère que l'honorable membre voudra bien ne pas maintenir son opposition. Le Sénat peut voter en connaissance de cause sur cette matière, tout aussi bien aujourd'hui que demain ou tout autre jour à venir.

M. King—Ceci est une question de plus d'importance que M. Rivers ne semble le croire. Je serais disposé, s'il ne s'agissait que de mes sentiments personnels, à lui accorder toutes les faveurs qu'il pourrait demander. Mais, dans le cas qui nous occupe, mon devoir contrebalance mon désir de lui être agréable. Je me rappelle, et je suis sûr que toutes les personnes ici présentes se rappellent également, que, l'année dernière, le sénateur de l'Ascension (M. Keener), dans quelques courtes remarques, nous démontra, à propos d'une question analogue, le danger du système sur lequel s'appuie mon honorable contradicteur. Il fit ressortir combien il pouvait être funeste aux intérêts que nous sommes chargés de défendre, que la Législature abandonnât ses propres fonctions pour usurper celles des ingénieurs. Nous sommes ici comme sénateurs, et non comme ingénieurs. Nous avons établi un système général, qui, pensons-nous, doit être suffisant à l'accomplissement de nos desseins. Nous avons des hommes compétents pour faire marcher les rouages de ce système. Ils sont présumés savoir ce qui est bien et ce qui doit être fait, mieux que nous mêmes. C'est pourquoi, je m'oppose à ce que nous nous transformions en un corps d'ingénieurs, et à ce que nous envoyions nos ingénieurs régulièrement tantôt à une extrémité du pays, tantôt à l'autre, pour y faire des travaux qui peuvent être inutiles. C'est la première demande de ce genre qui se fait cette année au Sénat. Si elle passe, on en présentera quarante autres de même sorte, et après en avoir accordé une, nous ne pourrons plus refuser les autres.

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Pour ma part, je ne suis pas d'avis que nous gênions nos officiers dans leurs opérations. Il est à présumer qu'ils ont assez à faire sans que nous ajoutions encore à leurs travaux. Leur nomination à leurs fonctions fait supposer que ce sont des hommes compétents pour les remplir. Il ne nous appartient pas de faire le travail pour l'accomplissement duquel ils ont été nommés. On a déjà pu se rendre compte, par expérience, du mauvais effet de cette intervention, et j'espérais qu'on y avait renoncé. Un pareil mode de législation ne peut être que fatal. Nous ne devons pas entraver la libre action des ingénieurs. Nous devons leur laisser tout leur temps, pour les mettre à même de suivre le système que nous avons établi.

M. Rivers—Mon impression est que l'honorable membre a mal compris l'objet de cette résolution. Je pense qu'en y reflechissant mieux, il la trouvera bien différente de ce qu'il s'imagine. Le but de cette résolution n'est pas de gêner en rien les ingénieurs ou le commissaire de ce district. Elle n'a pour objet que d'amener de la part de l'ingénieur une étude d'une partie de l'Etat, qui, j'ai le regret de le dire, est trop peu connue. La paroisse Concorde ne demande pas à l'Etat de faire ces travaux, quoiqu'elle ait un droit légitime à le demander. La résolution indique seulement aux ingénieurs qu'ils auront à examiner les lieux et à faire un rapport sur les moyens pratiques d'accomplir ces travaux et de faire le devis des dépenses qu'ils pourront occasionner. N'oublies pas qu'il s'agit d'un district qui a, comme je l'ai dit, huit milles de large sur quarante milles de long. Il serait à désirer que ce rapport s'expliquât sur l'étendue de la partie du district sujette à l'inondation. Il ferait également connaître le montant des sommes qui ont été payées au trésor de l'Etat dans la pensée que ces terres seraient réclamées par des compagnies particulières. Et on verra alors que ces sommes ne s'élèvent pas à moins de $15,000. Si ces travaux sont faits, les sommes additionnelles qui seront garanties au trésor, seront au moins de $10,000 Maintenant, tout ce que demande la résolution, et ce n'est pas là une requête trop exorbitante, c'est que l'ingénieur fasse un rapport sur tous ces faits, et alors, s'il pense que l'Etat doive faire ces travaux, eh bien ! que l'Etat les fasse. Quand l'hon. membre de la Nlle-Orléans, a demandé le renvoi de cette proposition, je suis persuadé que c'est qu'il n'avait pas parfaitement compris l'objet de la résolution. La resolution ne demande pas une appropriation d'argent. Elle ne demande pas qu'il soit pris la moindre somme sur le fonds des améliorations intérieures. Si les travaux ne doivent pas ou ne peuvent pas être faits par l'Etat, alors ils seront faits par des compagnies, quoiqu'il pût paraître extraordinaire que notre circonscription fût la seule qu'on laissât un pareil abandon.

Néanmoins, en dépit des objections faites par lhon. membre, je suis convaincu que l'affaire est d'une telle importance, à raison de la quantité considérable de terres que cette nation est appelée à protéger, que l'Etat après examen, prendra lui même la direction de l'entreprise. J'espère que mon contradicteur ne maintiendra pas plus longtemps son opposition et n'insistera pas davantage sur le renvoi.

M. DeRussy—Je demanderai à l'hon. membre si cette affaire a été portée a la connaissance de la commission du district.

M. Rivers—Je crois que non.

M. King—Je me crois dans l'obligation de maintenir ma motion. L'hon. membre, bien certainement, est très sincère quand il dit que son intention n'est pas de déranger le commissaire ou l'ingénieur ; mais je crois qu'il se trompe. Il ne voit donc pas, alors, que tel serait pourtant l'effet de la résolution qu'il propose. Il dit que l'ingénieur est libre de faire l'ouvrage, ou de ne pas le faire. Mais, si l'ingénieur peut ne tenir aucun compte des résolutions du Sénat, qu'avons nous besoin de perdre notre temps à voter sur ce point ? Je tiens pour certain que si l'ouvrage est nécessaire et à propos, l'ingénieur le fera, s'il est compétent pour le faire. Et si cet ouvrage n'est pas nécessaire il ne doit pas être fait.

On nous dit que la portion du pays que concerne la résolution est très peu connue du reste de l'Etat, et que l'objet est d'appeler l'attention du commissaire et de l'ingénieur sur sa situation

Maintenant M. le Président. il est du devoir de ces officiers de connaître tous les faits qui se rattachent à leurs fonctions. L'hon. membre dit qu'il n'en est pas ainsi, c'est-à-dire que les officiers de cette catégorie ignorent souvent beaucoup de choses. Mais j'ai la conviction qu'ils feront une étude par eux mêmes, et qu'ils agiront selon qu'ils jugeront le plus à propos. Il est de leur devoir de faire ce que demande l'hon membre, s'il est convenable que ce soit fait, et personne ne peut nier qu'ils ne soient en effet et ne doivent être les meilleurs juges en cette matière. Si nous adoptons le plan recommandé par l'hon. membre, nous prenons sur nous de décider une chose sur laquelle un ingénieur seul a compétence pour décider. Quant à moi, je ne suis pas ingénieur. Je n'ai aucune prétention à la science d'un ingénieur. A la dernière session, le représentant de l'Ascension (Mr. Kenner) nous a convaincus de la nécessité de nous détacher de ce vieux système de législation, source évidente de tant de maux. Il nous a fait voir combien d'inconvénients résultaient de cette déplorable manie qu'ont les législateurs de vouloir usurper les fonctions des ingénieurs et de réglementer ce qu'ils ne comprennent pas.

Ce sont là, je le répète, des choses qui ne peuvent être faites que par les officiers spécialement délégués pour ce genre de travaux. Quand nous intervenons, nous nous exposons à faire beaucoup plus de mal que de bien. Il est possible qu'après un examen attentif, je puisse tomber d'accord avec l'hon. membre, de l'opportunité de cette résolution. Mais je ne puis pas consentir à la voter sans examen. Il me semble qu'en agissant autrement, nous violerions nous-mêmes le système que nous avons établi. Nous avons une règle, suivons la. Autrement, déclarons qu'elle est inutile. Mais au moins qu'il y ait égalité entre toutes les parties de l'Etat ; qu'il n'y ait pas de distinctions ni de préférence de nature à exciter la jalousie. Certes, s'il est une parsie de la Louisiane que je désire voir améliorer, c'est la partie que la résolution concerne ; mais je ne puis pas croire qu'il y ait nécessité que nous intervenions Nous ne pouvons pas comprendre cette question. Nous ne sommes pas compétents ; c'est l'affaire du commissaires et de l'ingénieur du district ; qu'ils fassent les travaux, s'ils les jugent nécessaires. Nous devons nous en rapporter pleinement à eux. Je répète encore une fois, et j'espère que les sénateurs y reflechiront, parceque mes paroles ne sont que l'écho de l'expérience, que si nous entrons une fois dans ce système de législation sur des matières qui demandent des connaissances spéciales, nous ne ferons qu'arrêter la marche des améliorations et produire ainsi les effets les plus désastreux.

M. Rivers— Je voudrais demander à l'honorable membre si les commissaires ne sont pas divisés dans leur opinion quant à leurs pouvoirs sous le régime de la loi actuelle, et s'ils pensent unanimement avoir le droit de construire des levées dans ces endroits.

Si un pareil doute s'est élevé dans leurs esprits, il serait nécessaire que la Législature prit quelque initiative.

M. King—Je n'ai pas lu les rapports des commissaires ni tenu aucune conversation avec eux sur ce sujet. Je suis conséquemment incapable de répondre avec certitude à la question posée par l'honorable membre. Cependant, j'ai entendu dire que les commissaires avaient émis cette singulière opinion, à savoir : que la loi ne veut pas dire ce qu'elle dit. Mais je n'ai fait aucune attention à ces bruits. Mille rumeurs diverses se sont croisées sur ce point, et je ne les ai jugées dignes d'aucun intérêt ; et celle-ci est si peu vraisemblable que je n'y ai pas attaché la moindre importance.

Comme je viens de le dire, je n'ai pas les documents et je ne les lirai pas avant leur impression. Jusque-là je ne puis donner une opinion sur le sujet sur lequel l'honorable membre a dirigé mon attention.

M Rivers— Pour montrer à M. King qu'il y a un conflit d'opinions entre les commissaires, je lirai une lettre que j'ai reçue de l'un d'eux, (Il lit la lettre.)

Si j'ai lu cette lettre, c'est afin de montrer à l'honorable membre que ce que j'ai rapporté n'est pas une vaine rumeur. On verra par là que l'Etat doit prendre l'affaire à sa charge, puisque les commissaires hésitent à faire les travaux, et que cependant ils sont d'une si haute utilité en même temps que d'une si grande urgence.

Le renvoi de la résolution est prononcé.

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MERCREDI, 25 janvier 1854.

Compagnie du Chemin de Fer de Jackson.

M. Mardo—Je fais la motion que la résolution Chambre, nommant un comité conjoint chargé quérir de la situation des affaires de la Com- du Chemin de Fer de Jackson, soit prise en ération.

e résolution est de quelque importance et j'es- que le Sénat s'en occupera et l'adoptera sans

plore, pour quelques instants seulement l'indul- le cet Honorable Corps pendant que je vais ex- quelques remarques au sujet de cette résolu- du but qu'elle est destinée à atteindre. C'est d'une importance telle qu'il n'a pas manqué r l'attention de tout le monde, que, pendant lernier, des discussions ont eu lieu dans les ux relativement à la manière dont sont conduit affaires de la Compagnie du Chemin de Fer de . Des accusations graves ont été faites contre ident et les Directeurs de la dite compagnie. l'Etat est grandement intéressé dans les affai- ette compagnie, il se doit à lui-même de s'en- ce sujet et nous devons à ces Messieurs eux- sur le compte desquels ont plané des soupçons les noms ont été mis devant le public de faire r immédiatement à une investigation. Cela être que conforme à leurs désirs, à leurs vœux le devoir de l'Etat non seulement eu égard rties intéressées, mais encore eu égard à l'ut- de procéder à cette investigation. J'espère e le Sénat adoptera sans délai cette résolu- la Chambre

artel—Je fais la motion que le bill révoquant ui organise le jury de police de la paroisse St- soit pris en considération.

nner—Je demanderai au sénateur si son bill obation de son collègue. S'il ne l'a pas, et, que le dit collègue est maintenant absent je erai que la prise en considération du bill soit e

artel présente quelques observations après bill est pris en considération et adopté.

Bill de Répartition.

l de répartition est pris en considération.

ore—Je fais la motion de substituer le rap- vant et le bill de la minorité du Comité Con- celui de la majorité.

RAPPORT DE LA MINORITÉ.

ussignés, membres du comité nommé à l'effet r l'Etat en districts sénatoriaux et de répar- résentation des diverses paroisses en districts ux, demande la permission de présenter au a minorité le rapport suivant:

ussignés, pénétrés de l'importance des de- leur sont imposés, regrettent vivement, que e comité, il n'y ait pas eu unanimité d'opi- un sujet si important. Mettant de côté osition de faction, les soussignés soumettent s suivantes qui les ont empêchés de concou- port de la majorité.

signés croient que la doctrine de l'égalité résentation est assise sur des bases trop soli- admettre des difficultés à ce sujet, et les s sont aussi certains que, lorsque les circons- mpêchent, et que la loi positive défend cette acte qui constitue la beauté et la force du représentatif, néanmoins, il nous est impé- t enjoint de faire tout ce qui est en notre our approcher autant que possible de cette

rité a-t-elle ainsi agi?

ent non!

x-neuf paroisses en cet Etat, (environ la ant une population totale de 88,551, et elles tentées à raison de 4,000, une proportion dessus de la moitié de celle adoptée par la Les soussignés ayant ces faits devant les Constitution déclarant et ordonnant l'éga- iformité de la représentation, sont obligés, timent de devoir, à recommander la pro- moins élevée que possible admise par la n, laquelle est 6503; et en le faisant, nous plement remplir une obligation constitu- Les soussignés représenteront comme une on digne de l'attention de cette Chambre, que nous établissons cette proportion, sur une base tout-à-fait nouvelle au peuple de cet Etat et déjà par anticipation, odieuse à une grande partie, sinon à la majorité de la population, en ce qu'elle la prive de ses droits et de son influence dans cette Chambre. Par cette raison, la politique et le devoir nous obligent à adopter cette proportion comme celle qui diminuerait le moins possible la représentation, d'une paroisse ou d'un district.

Les soussignés declarent qu'ils different d'opinion avec la majorité dans la division de l'Etat en districts sénatoriaux; ils sont d'opinion en la formation des grands districts, [la ville de la Nouvelle-Orléans exceptée] représentés par deux Sénateurs, est contraire à l'esprit et à la lettre de l'article 16 de la Constitution, et n'est permise, quand absolument requise, que pour effectuer les autres grandes mesures, l'égalité et l'uniformité de la représentation.

Les soussignés sont aussi pleinement convaincus que le district composé des paroisses de Caddo, De Soto, Sabine et Natchitoches, est une violation flagrante de la dernière clause de l'article 15 de la Constitution, qui dit: « Que si la proportion d'une paroisse ou d'un district excède ou est moindre d'un cinquième de sa population, alors, et dans ce seul cas, un district sera formé n'ayant pas plus de deux Sénateurs. » Les paroisses de Caddo et de De Soto sont contigues, et ont une population totale de 19,130, assez forte pour former un district, et n'excédant pas 16,011 ou la proportion d'un cinquième. En conséquence il n'existe aucune raison plausible pour que ce district soit joint à un autre.

Les paroisses Sabine et Natchitoches sont contigües et ont un total de population de 18,485, assez forte pour former un district et n'excédant pas la proportion d'une cinquième; ce qui démontre clairement que les circonstances dans lesquelles de tels districts peuvent être formés n'existent qu'en violant cette disposition de la Constitution.

Les soussignés vous soumettent ci-joint un projet démontrant le nombre des districts sénatoriaux et de leur population, ensemble la population de chaque paroisse et le nombre des représentants dans chacune d'elles, basé sur la proportion de 6,503 et de 7,000.

Le tout vous est respectueusement soumis.

Signé, A. BONNER.
" JOHN MOORE.
" H. J. HEARD
" PHILIP B. KEY.

ACTE

Divisant l'Etat en Districts Senatoriaux et faisant la répartition de la representation entre les différentes Paroisses et les districts electoraux.

SECT. 1re—Résolu par le Sénat et par la Chambre des Représentants, réunis en assemblée générale; que désormais, jusqu'à nouvelle répartition, la ville de la Nouvelle-Orléans et les différentes paroisses auront droit d'élire des Senateurs comme suit:

La ville de la Nlle-Orléans, cinq (5).

Les paroisses de Plaquemines, St-Bernard et Orléans, rive droite du Mississippi, un (1).

La paroisse de Jefferson, un (1).

Les paroisses de St-Charles et de Lafourche, un (1.)

Les paroisses de St-Jean-Baptiste et de St-Jacques, un, (1).

Les paroisses d'Ascension, d'Assomption et de Terrebonne, deux (2).

La paroisse d'Iberville, un (1).

Les paroisses d'Ouest Baton Rouge et de Pointe-Coupée, un (1).

La paroisse d'Ouest Feliciana, un (1).
La » d'Est » un (1).
La » » Baton Rouge, un (1).

Les paroisses de Livingston, Ste-Helène, St-Tammany et Washington, un (1).

Les paroisses de Concordia et Tensas, un (1).

Les paroisses de Madison et Carroll, un (1).

Les paroisses de Catahoula, Caldwell et Franklin, un (1).

Les paroisses de Ouachita, Morehouse, Union et Jackson, deux, (2).

Les paroisses de Claiborne, Bossier, Bienville et Winn, deux (2).

Les paroisses de Caddo et de Soto, un (1).

Les paroisses de Sabine et de Natchitoches, un (1).

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Les paroisses de Calcasieu, Rapides et Avoyelles, deux, (2).

Les paroisses de St-Landry et Lafayette, deux (2).

Les paroisses de Vermillion et St-Martin, un (1).

La paroisse de Ste-Marie, un (1).

SECT. 2me—Résolu de plus, &c.; Que désormais, et jusqu'à nouvelle répartition, les différents districts électifs de la ville de la Nlle-Orléans et des paroisses de cet Etat auront droit à nommer des membres de la Chambre des Représentans comme suit, savoir :

Les paroisses de Plaquemines, St-Bernard et Orléans, rive droite du fleuve Mississippi, chacune un, (1)

Les 1er, 4me, 5me, 6me et 7me districts de la ville de la Nlle-Orléans, chacun deux, (2).

Les second et dixième districts, chacun trois, (3)

Le 3me district quatre, (4).

Le 8me district, un, (1).

Les paroisses de St-Charles, St-Jean Baptiste, Ouest Baton-Rouge, Livingston, Ste-Hélène, St-Tammany, Washington, Madison, Catahoula, Caldwell, Franklin, Ouachita, Morehouse, Jackson, Union, Bienville, Bossier, Winn, De Soto, Sabine, Calcasieu, Lafayette et Vermillion, chacune un, (1).

Les paroisses de Jefferson, St-Jacques, Ascension, Assomption, Lafourche, Terrebonne, Iberville, Pointe-Coupée, Est Baton-Rouge, Est Feliciana, Ouest Féliciana, Concordia, Tensas, Carroll, Claiborne, Caddo, Natchitoches, Avoyelles, St-Martin et Ste-Marie, chacune deux, [2].

Les paroisses des Rapides et de St-Landry, chacune trois, [3].

REPARTITION.

Répartition des Sénateurs et Représentants, faite d'après le recensement de 1853, conformément aux articles 8, 15 et 16 de la Constitution. La proportion pour un Sénateur, hors de la ville de la Nouvelle-Orléans, étant de 16,011, et pour un Représentant, de 6,503.

	Paroisses et districts.	Population.	Population des districts sénatoriaux.	Nombre de sénateurs.	Nombre de proportion de 6503.	Représentants. Proportion de 7000.
	Plaquemines	6348			1	1
1	St-Bernard	4011			1	1
	Orléans, rive droite	3404	13763	1	1	1
N.	Orléans, 1er district	13457			2	2
	2nd do	18679			3	3
	3me do	23243			4	3
	4me do	15053			2	2
2d	5me do	14415	153007	5	2	2
	6me do	15905			2	2
	7me do	15451			2	2
	8me do	11769			2	2
	9me do	9449			1	1
	10me do	18586			3	2
3me	—Ville de Jefferson		14625	1	2	2
	St-Charles	5734			1	1
	Lafourche	12134	17868	1	2	2
	St-Jean-Baptiste	6674			1	1
	St Jacques	12462	19136	1	2	2
	Ascension	10622			2	2
	Assomption	12134			2	2
	Terrebonne	9963	32719	2	2	1
	Iberville		15112	1	2	2
	Ouest-Baton-Rouge	6060			1	1
	Pointe-Coupée	11747		1	2	2
	Ouest-Feliciana		12679	1	2	2
	Est-Feliciana		13825	1	2	2
	Est-Baton-Rouge		15916	1	2	2
	Livingston	3734			1	1
	Ste-Hélène	5105			1	1
	St-Tammany	4409			1	1
	Washington	3491	16739	1	1	1
	Concordia	9794			2	1
	Tensas	10233	20027	1	2	1
	Madison	8756			1	1
	Carroll	10359	19085	1	2	1
	Catahoula	6961			1	1
	Caldwell	3366			1	1
	Franklin	3441	13768	1	1	1
	Ouachita	5975			1	1
	Morehouse	5426			1	1
	Union	9393			1	1
	Jackson	7575	28169	2	1	1
	Claiborne	10569			2	2
	Bienville	7199			1	1
	Bossier	8792			1	1
	Winn	2632	29512	2	1	1
	Caddo	9950			2	1
	De Soto	9180	19130	1	1	1
	Sabine	4692			1	1
	Natchitoches	13793	18485	1	2	2
	Calcasieu	3500			1	1
	Rapides	18548			3	2
	Avoyelles	9353	31901	2	2	1
	St-Landry	22084			3	3
	Lafayette	7631	29715	2	1	1
	St-Martin	12977			2	2
	Vermillion	3818	16795	1	1	1
	Ste-Marie		15701	1	2	2
			585314	32	95	88

Cette motion de M. Moore est rejetée.

M. Ryan—M. le Président, je crois qu'il est de mon devoir, comme membre de ce comité, d'exposer mes vues et mes idées relativement à ce bill. Je n'ai pas mis en l'intention de voter en faveur de cette partie du bill qui détermine la répartition sénatoriale, et je vais dire le plus brièvement possible les raisons qui m'ont décidé à cela. Je ne désire pas abuser du temps des sénateurs par un long discours ; cependant, comme sénateur représentant les paroisses des Rapides et d'Avoyelles, je ne puis garder le silence lorsque je vois qu'une flagrante injustice est sur le point d'être commise au détriment d'une partie des constituants qui m'ont confié leurs intérêts Je crois qu'il est de mon devoir envers mes constituants de présenter au moins un protêt si je ne puis faire mieux. J'étais membre du comité conjoint par la majorité duquel le bill a été rapporté, mais je n'étais pas présent lorsque le comité a tiré ses conclusions. Des affaires très pressantes m'avaient appelé à la Nouvelle-Orléans. Lorsque je quittai la capitale, on m'assura que dans la nouvelle division des districts sénatoriaux, la paroisse des Rapides aurait un sénateur et qu'à elle seule elle formerait un district—ce qui n'était que justice puisque sa population est plus que suffisante pour lui donner un sénateur. Pendant que j'étais à la Nouvelle-Orléans j'ai appris que l'arrangement que je croyais convenu avait été changé et que la paroisse des Rapides était réunie à celle des Avoyelles pour former un district sénatorial. La paroisse des Rapides a une population de 18,000 âmes, ce qui est plus que suffisant pour lui donner droit à un sénateur pour la représenter toute seule.

Tout ce que je demande c'est que justice soit rendue à mes constituants—je manquerais à mon devoir si je n'en appelais pas de semblable injustice au Sénat. Je ne puis me décider à voter en faveur d'un bill qui est préjudiciable à tous ceux qui m'ont confié leurs intérêts. Rien ne pourrait m'y faire consentir. Je suis disposé à faire tous les sacrifices raisonnables ; mais sacrifier mon devoir, faire bon marché de ma conscience, jamais ! Je ne puis prendre part à une injustice commise au détriment de mes constituants. Je fais donc la motion de reconsidérer le vote par lequel la première section a été adoptée, et je désire que mon vote soit enregistré contre, afin que mes constituants sachent bien, qu'envers eux, j'ai agi en représentant fidèle.

M. Boatner—Je demande que la motion de reconsidération soit déposée sur le bureau.

Sa motion est adoptée

Le rapport qui est comme suit ayant été adopté, le Sénat passe le bill suivant :

Rapport de la commission jointe.

A l'honorable W. W. Farmer, Lieutenant-Gouverneur et Président du Sénat.

La commission conjointe, à laquelle a été référée une résolution pour répartir la représentation parmi les différentes paroisses et circonscriptions électorales, et aussi la répartition du Sénat, rapporte qu'elle a fait le travail qui lui a été confié, et soumet en conséquence un bill conformément aux prescriptions des articles 8 et 16 de la Constitution.

La commission, en examinant les documents déposés à l'office du Secrétaire d'Etat, a trouvé que les re-

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du recensement n'avaient pas été faits des pa
s suivantes, savoir : St-Charles, Rapides, Caddo
rmillion. Toutefois la commission a fait une éva
n de la population de ces paroisses en l'augmen
le quatre pour cent par an sur les retours de
chiffre probable de l'accroissement de leur popu

opulation totale de St-Charles, en 1850, était
20. Si on ajoute à ce chiffre quatre pour cent sur
is dernières années, on a un nombre total de
habitants. La population des Rapides en 1850
le 16,561—le même accroissement porte le chiffre
abitants à 18,548. La population de Caddo, en
était de 8,884—avec le même accroissement,
La population de Vermillion, en 1850, était de
suivant le même calcul, elle est aujourd'hui de

ommission, après s'être consultée, a adopté le
de 7,000 comme base de la représentation. En
issant la représentation à la Chambre des Re
tants sur cette base, le nombre des représen
e trouvera réduit de 97 à 88, circonstance qui,
opinion de la commission, est un grand avan
ar ce corps est aujourd'hui beaucoup trop nom
et la commission a la ferme conviction que la
ature a tout à gagner à voir diminuer le nom
es membres. Ses délibérations en seront beau
us promptes.
par cette considération jointe à ce fait que la
on du nombre dans cette proportion, ferait à
ne économie de $4,000, que la commission a
voir réduire le nombre des représentants. La
ssion, en conséquence, recommande l'adoption
re 7,000 comme base de la représentation à la
re des Représentants.

mmission a réglé la représentation au Sénat
ément à l'article 16 de la Constitution. Le
16,011 paraissant être le chiffre qui doit ser
ase à la représentation au Sénat, donnerait 21
s sénatoriaux, ainsi qu'il est établi dans l'acte
ompagne ce rapport.

cument marqué A est ci-annexé pour réfé
La commission demande que le bill soit voté
bases ci-dessus.

M. ROATNER,
Président de la commission du Sénat.

ACTE

partir la représentation au Sénat et à la
bre des Représentants dans l'assemblée géné
e l'Etat de la Louisiane, conformément au 1er
cment fait en 1853, en exécution de l'article 8
Constitution.

n 1.— Résolu par le Sénat et la Chambre des
tants de l'Etat de la Louisiane, réunis en as
générale,
qu'à un nouveau recensement et à une nou
artition, l'Etat sera divisé suivant les cir
ions sénatoriales ci-après, savoir :
oisses de Plaquemines, St-Bernard, et tou
artie de la paroisse d'Orléans, située sur la
e du Mississipi, formeront un district et éli
énateur
a portion de la paroisse d'Orléans de la rive
fleuve, comprenant la ville de la Nouvelle-
ormera un district, et élira cinq sénateurs.
isse de Jefferson formera un district et élira
ur.
isses de St-Charles et de Lafourche forme
strict et éliront un sénateur.
isses de St-Jean-Baptiste et de St-Jacques
un district et éliront un sénateur.
isses de l'Ascension, de l'Assomption et de
e formeront un district et éliront deux sé

sse d'Iberville formera un district et élira
r.
se d'Est-Bâton-Rouge formera un district
sénateur.
sses d'Ouest-Bâton-Rouge, Pointe-Coupée,
éliciana formeront un district et éliront
urs.
se d'Est-Féliciana formera un district et
nateur.
sses de Washington, St-Tammany, Ste-
Hélène formeront un district et éliront

Les paroisses de Concordia et de Tensas formeront un district et éliront un sénateur.

Les paroisses de Madison et Carroll formeront un district et éliront un sénateur.

Les paroisses de Morehouse, Ouachita, Union et Jackson formeront un district et éliront deux sénateurs.

Les paroisses de Catahoula, Caldwell et Franklin formeront un district et éliront un sénateur.

Les paroisses de Bossier, Bienville, Claiborne et Winn formeront un district et éliront deux sénateurs.

Les Paroisses de Natchitoches, Sabine, De Soto et Caddo formeront un district et eliront deux sénateurs.

Les paroisses de St-Landry, Lafayette et Calcasieu formeront un district et éliront deux sénateurs.

Les paroisses de St-Martin et Vermillion formeront un district et éliront un sénateur.

La paroisse de Ste-Marie formera un district et élira un sénateur.

Les paroisses des Rapides et Avoyelles formeront un district et éliront deux sénateurs.

SECT. II. Résolu en suite :

Que jusqu'à un nouveau recensement et à une nouvelle répartition, la représentation à la Chambre des représentants sera répartie entre les différentes paroisses et circonscriptions en prenant pour base de la représentation le chiffre de 7,000.

La paroisse de Plaquemines élira un représentant.
La paroisse St-Bernard, en élira un.
La paroisse d'Orléans, rive droite, en élira un.

Le premier district de la paroisse d'Orléans et de la ville de la Nouvelle-Orléans en élira deux.

Le second district en élira trois.
Le troisième district en élira trois.
Le quatrième district en élira deux.
Le cinquième district en élira deux.
Le sixième district en élira deux.
Le septième district en élira deux.
Le huitième district en élira deux.
Le neuvième district en élira un.
Le dixième district en élira trois.
La paroisse Jefferson en élira deux
La paroisse St-Charles en élira un.
La paroisse St-Jean Baptiste en élira un.
La paroisse St Jacques en élira deux,
La paroisse de l'Ascension en élira deux.
La paroisse de Lafourche en élira deux.
La paroisse de Terrebonne en élira un.
La paroisse de Ste Marie en élira deux.
La paroisse d'Iberville en élira deux.
La paroisse d'Ouest Bâton-Rouge en élira un.
La paroisse d'Est Bâton-Rouge en élira deux.
La paroisse de Livingston en élira un.
La paroisse Ste-Hélène en élira un.
La paroisse Washington en élira un.
La paroisse St-Tammany en élira un.
La paroisse d'Est Feliciana en élira deux.
La paroisse d'Ouest Feliciana en élira deux.
La paroisse de la Pointe-Coupée en élira deux.
La paroisse des Avoyelles en élira un.
La paroisse de la Concordia en élira un.
La paroisse de Tensas en élira un.
La paroisse Madison en élira un.
La paroisse de Carroll en élira un.
La paroisse de Caldwell en élira un.
La paroisse Franklin en élira un.
La paroisse de Ouachita en élira un.
La paroisse d'Union en élira un.
La paroisse de Jackson en élira un.
La paroisse de Claiborne en élira deux.
La paroisse de Bienville en élira un.
La paroisse de Winn en élira un.
La paroisse de Bossier en élira un.
La paroisse de Caddo en élira un.
La paroisse de Soto en élira un.
La paroisse de Natchitoches en élira deux.
La paroisse des Rapides en élira trois.
La paroisse de Sabine en élira un.
La paroisse de Calcasieu en élira un.
La paroisse de Lafayette en élira un.
La paroisse de Morehouse en élira un.
La paroisse de St-Landry en élira trois.
La paroisse de Vermillion en élira un.

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Noms des Paroisses.	Electeurs qualifiés.	Nombre de blancs.	Nombre de personnes de couleur libres.	Nombre d'esclaves	Nombre d'hommes blancs entre 18 et 45 ans.	Population totale.
Plaquemines	608	2 045	377	3,926	623	6.348
St-Bernard	323	1.147	78	1.794	309	4 011
Orléans, rive droite	280	2 312	128	964	631	3 404
Do 1er dist. rep	1.251	11 290	435	1.732	2.639	13,457
Do 2nd do	2 625	13 574	228	2.077	3,733	18,679
Do 3me do	2 750	20.183	824	2,236	5,620	23 243
Do 4me do	2 021	12 681	1.200	1.172	4 000	15,053
Do 5me do	1 167	10.356	2,214	1.845	3,056	14.415
Do 6me do	1 793	11.795	2.441	1.669	1,479	14 906
Do 7me do	1 007	7 23	3,011	2,201	1.560	12.451
Do 8me do	1 458	18 100	1.2 6	373	8.032	17 769
Do 9me do	798	8 252	196	1.001	1 731	9 449
Do 4th (Lafayette)	1.885	10 615	441	1 530	3 929	18.385
Jefferson	1.074	9.254	791	4 5 0	3 009	14 625
St-Charles	209	971	136	4 628	.....	5.734
St-Jean-Baptiste	388	2,336	288	4.050	350	6 674
St-Jacques	628	3 440	92	8,930	719	12 462
Ascension	673	3,520	203	6 889	66	10.622
Assomption	1,107	6.095	70	6,407	1.080	12 572
Lafourche	1,219	6 423	110	5.600	1,346	12,134
Terrebonne	578	4 409	349	5.195	808	9.903
Ste-Marie	827	3.670	585	10.846	767	15.101
St-Martin	1.074	5 573	731	6,67	985	12,977
Iberville	860	5.426	169	9,517	1,09	15.112
Ouest-Bâton-Rouge	581	1 782	106	4,178	326	6 066
Est-Bâton-Rouge	995	7.895	700	7,328	2,200	15 916
Livingston	649	2 799	19	916	577	3.734
St-Hélène	494	2 621	4	2,487	484	5 106
Washington	502	2 397	1	1,094	365	3,491
St-Tammany	49	2 588	447	1.374	382	4.409
Est-Féliciana	818	3 796	39	9,909	724	13.825
Ouest-Féliciana	560	2 331	70	10,278	523	12 679
Pointe-Coupée	720	3 042	69	8 000	865	11.737
Avoyelles	800	4 26	121	5,4 8	786	9.853
Madison	492	1 96	16	7,35	420	8 726
Tensas	339	1.078	13	9.142	323	10 233
Concordia	376	1 221	14	8 559	348	9 784
Carroll	606	2 499	1	7 859	590	10.359
Catahoula	702	3.090	37	3 834	558	5,961
Calcasieu	441	2 367	280	853	356	3,500
Natchitoches	1.181	5.141	982	7,670	982	13.793
Ouachita	570	2,55	7	3,237	499	5.775
Bossier	656	3 130	14	5 648	588	3,702
Caldwell	389	1,906	0	1.480	357	3 366
Lafayette	720	3,767	215	8,649	682	7 631
St-Landry	1,888	10.002	2,298	10 783	1.437	22 084
Morehouse	734	2,761	27	2 698	672	5,426
Franklin	393	1,708	10	1.728	376	3,441
De Soto	864	3 764	0	5,416	83	9,180
Sabine	717	3,472	2	1.218	624	4 692
Bienville	865	4 451	18	3,020	727	7,489
Union	1,236	5.863	0	3,550	1 080	9 393
Winn	354	2.03	33	567	360	2 632
Claiborne	1.221	6,70	0	3,890	1.009	10 599
Rapides	.....	.....	.....	.....	.....	18,548
Caddo	.....	.....	.....	.....	.....	9 950
Jackson	837	4,662	....	2,911	858	7.575
Vermillion	.....	.....	.....	.....	.....	3,818

LUNDI, 26 JANVIER 1854.

M. Lacoste appelle le bill annexant à la paroisse de Plaquemines une partie de la paroisse d'Orléans, située sur la rive droite du fleuve.

La motion est faite de référer ce bill à un comité spécial.

M. Lacoste—Je ne vois pas de bonne raison pour cela. Les habitants de cette partie de la paroisse d'Orléans qui est indiquée dans le bill, sont tous en faveur de cette mesure, et les représentants de la rive droite qui siégent dans l'autre Chambre ne s'y opposeront pas j'en suis sûr.

M. King—Mon avis est que le bill devrait être référé. Je vois qu'il s'agit de diviser ma paroisse, et je n'y puis consentir aussi longtemps que je ne serai pas mieux renseigné à ce sujet que je ne le suis maintenant.

Le bill est référé.

Bill decretant la nomination de peseurs de sucre et de coton.

M. Wickliffe appelle le bill décrétant la nomination de peseurs de sucre et de coton pour la ville de la Nouvelle-Orléans.

Le secrétaire donne lecture de ce bill.

M. Konnor—Je désirerais savoir qui a présenté ce bill.

M. Wickliffe—Je puis répondre à la question du sénateur. Je lui dirai de plus que ce bill est le même qui a passé au Sénat l'année dernière. L'intérêt du pays en réclame impérieusement l'adoption.

M. Ryan présente une résolution requerant le comité de finance de prendre des informations et de faire un rapport sur les obligations auxquelles est tenu envers l'Etat M. Leckey, shérif de la paroisse des Rapides.

M. Ryan dit—M. Leckey était autrefois shérif de la paroisse des Rapides. Il devint concussionnaire et s'enfuit en Californie, laissant à ses cautions de payer ses dettes. On ne sait pas au juste le montant de ladite dette. Le but de cette résolution est de faire savoir le montant exact de la somme que sont tenus de payer les cautions. Ces personnes sont prêtes à payer dès qu'on le leur demandera.

La résolution est adoptée.

M. King appelle le bill pour amender l'article 1116 du Code Civil.

M. King—Les sénateurs remarqueront que sous la loi actuelle, il peut survenir des dommages graves. Les Cours sont maintenant forcées de nommer deux curateurs, si deux demandent à l'être. A la Nouvelle-Orléans où quelques personnes se font une affaire de chercher des curatelles, il peut resulter de très grands torts. Le bill que j'ai présenté amende l'article en question de telle sorte, qu'il sera à la discrétion du juge de nommer un ou deux curateurs. Il est absurde de forcer le juge à nommer deux curateurs, lorsque le sens commun lui dit qu'un seul serait suffisant.

Le bill est pris en considération et adopté.

Le bill pour amender l'article 329 du Code Civil est pris en considération.

M. King—Si la Chambre le permet, je vais expliquer l'objet de ce bill. Conformement aux dispositions de cet article, tel qu'il existe maintenant, le juge nomme les appréciateurs. Il arrive que quelquefois un inventaire doit être fait dans une paroisse éloignée. La Cour est donc obligée de nommer des appreciateurs qui ne sont pas dans la paroisse ou doit avoir lieu le dit inventaire, et dans ce cas, que savent-ils des choses de cette paroisse? Le juge de la Cour des Preuves à la Nouvelle-Orléans a probablement plus de nominations de ce genre à faire que tous les juges de l'Etat Il a souvent beaucoup de peine à faire son choix, ce qui est très naturel, puisque on ne peut espérer qu'il connaisse des personnes résidant dans des paroisses éloignées. Dans des cas de cette nature, les nominations devraient être faites par le notaire qui fait l'inventaire. On me dit qu'ici les mêmes difficultés se présentent souvent. Le changement proposé serait avantageux pour la ville et pour la campagne.

M. Moore—Si je comprends bien le bill il propose que la nomination des estimateurs soit faite par les notaires.

M King—Pas dans tous les cas. L'amendement est conçu de manière que lorsque la nomination doit être faite pour la paroisse dans laquelle siége le juge, celui-ci fera la dite nomination. Mais lorsqu'elle devra être faite pour une paroisse éloignée, le notaire chargé de l'inventaire fera la nomination.

M. Moore—Je n'ai aucune objection à ce bill.

Le bill est adopté.

EMANCIPATION D'UN ESCLAVE.

Le bill pour émanciper un esclave de Mme S. A. Whitter, femme de Joseph M. Kennedy est pris en considération.

Le secrétaire lit le rapport du comité judiciaire dans lequel il est dit que cette esclave a sauvé la vie d'un enfant de Mme Kennedy.

M. Trudeau—Je désirerais savoir si le comité judiciaire en rédigeant ses rapports sur ces bills se conforme à certaines instructions du sénat. Je désirerais aussi savoir si le sénat a tracé aucune règle precise à cet égard. Il doit être de la politique des Etats où l'esclavage existe de restreindre autant que possible l'émancipation. Cependant il est bon quelquefois que les exceptions soient faites dans des cas comme celui-ci; mais alors les esclaves émancipés devraient être envoyés hors de l'Etat. Il devrait être établi une règle générale à ce sujet. Si cela n'est pas fait le sénat ne sera plus qu'un bureau d'éman-

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ion et les seules questions dont nous aurons à dé-
seront celles-ci :— quels esclaves doivent être
rés libres, et quels doivent rester en servitude ?
st temps de mettre ordre à cet état de choses.
us continuons de la sorte, si nous encourageons la
ntation de semblables pétitions, nous en serons
lés et nous ne pourrons nous occuper d'aucune
affaire. En ce moment j'ai mon bureau sur-
é de demandes d'émancipation — je suppose
en est de même pour les autres sénateurs. J'ap-
dore la très sérieuse attention du sénat sur
ion.

mal est devenu si grand que déjà nous sommes
és plus que nous ne devrions l'être. Mettons y
in pendant qu'il est encore temps. Les retards
nt des conséquences fatales.

Lacey—Je dirai que le comité judiciaire par le
e bill a été rapporté n'a pas été unanime sur
stion de l'esclavage. S'il ne s'était agi pure-
st simplement que de cette question il n'aurait
é possible d'obtenir un rapport favorable. Mais
traire, le comité a fait un rapport unanime sur
. Le cas actuel méritait une exception à la rè-
nérale adoptée dans ces circonstances; il com-
it la ligne de conduite que nous avons suivie,
tention favorable que nous y avons prêtée.

r moi, monsieur, qui ai éprouvé et qui éprouve
la force des liens de parenté, je sympathise
eux qui les éprouvent. Tous ceux qui ont
fants s'intéressent au fait actuel. L'esclave
n demande l'émancipation a sauvé la vie de
t de sa maîtresse. Celle-ci, pénétrée de recon-
noe, nous demande d'accorder la liberté à cette
et de lui permettre de rester dans cet Etat.
heureux de savoir que le sénateur de Jefferson
opposé à l'émancipation en général, votera
eur de ce bill. J'espère qu'il en sera de même
s les sénateurs.

ing—Je désire présenter quelques observations
jet, attendu que je considère que cette ques-
de la plus haute importance, de plus d'impor-
u'on ne croirait en n'examinant pas la chose
près. A la dernière session de la Législature,
té judiciaire du sénat fit un rapport unanime
les bills d'émancipation en général. Aussitôt
a de référer ces demandes au comité judiciaire;
été décidé immédiatement sans les référer,
mander de rapport à leur sujet. C'est en im-
chaque membre en en appelant directement à
d'eux, en présentant chaque nouvelle demande
un cas tout à fait exceptionnel, c'est en faisant
ix sympathies des sénateurs qu'on y parvenait.
rte chaque demande était accordée.

savons tous, Monsieur, que dans des cas de
ture, nous n'avons jamais qu'un côté de la
. On nous dit tel esclave devrait être éman-
ur telles ou telles raisons; que tel autre doit
our telle ou telle autre raison. Cela est
dit et je n'en doute pas, on toute sincérité.
is ne devrions agir que sur des certitudes et
les rapports EX PARTE.
s le demande, Monsieur, ou pouvons-nous
es preuves en pareil cas! Qu'on me le dise.
nous d'autres que la simple assertion de
présentent les pétitions. J'ai la plus gran-
nce dans le sénateur qui a rapporté le bill;
e sache pas que son rapport ait été basé sur
ues preuves. sbr des preuves plus positives,
stantielles que celles que nous avons nous-
ous les yeux. A la dernière session j'ai voté
d'un bill d'émancipation d'un mineur.
s alors que les raisons qui m'y détermi-
aient bonnes. Elles m'avaient été pré-
r des personnes en qui je croyais devoir
te confiance. Eh bien je ne savais pas alors
circonstances de l'affaire. Je ne savais pas
i appris plus tard; que les parties intéres
nt déjà fait une demande en cour et qu'elle
rejetée. C'est après cet échec qu'elles
dressées au Senat et lui avaient demandé
un acte leur accordant ce qu'elles ne pou-
nir d'une manière régulière. Je ne rap-
que comme preuve du fait que j'ai avancé,
ouvons tous être induits en erreur par des
s et des déclarations EX PARTE.
as auquel j'ai fait allusion j'appris en ar-
ille que les faits étaient bien différents de
ceux qui m'avaient été présentés ; je lus les dos-
siers d'une cour un rejet formel de la même de-
mande accordée par nous et en faveur de laquelle on
m'avait décidé à voter. Ceux qui demandent un
service de cette nature ont toujours d'excellentes rai-
sons à présenter. Mais qui peut jurer de la vérité
des allégations ainsi faites! Quelles preuves nous sont
fournies ? On nous dit une touchante histoire ; on
fait appel à nos sympathies et nous, dans la sincé-
rité de nos cœurs, nous cédons à la prière qui nous
est faite.

Pour une autre raison encore je suis opposé à ce
système de législation. Je suis bien convaincu qu'en
cédant à ces requêtes nous ne servons réellement pas
les intérêts de ceux que nous pensons obliger. Au
contraire, je crois que ce que nous pouvons faire de
plus mal c'est d'accéder à ces demandes. L'esclave,
aussi longtemps qu'il reste en servitude, est sous la
protection d'un bon maître dont la seule demande
d'émancipation prouve les bons sentiments. Quelque
puisse être la condition de l'esclave, elle devient
pire après son émancipation. Il peut être réduit à
la plus déplorable, à la pire des extrémités.

Alors qu'advient-il? On regrette d'avoir cédé à
un bon mouvement.

Permettez que j'appelle aussi l'attention des séna-
teurs sur un autre fait que je déduis d'un calcul in-
contestable. Si nous émancipons un esclave sur cent
par an, en cent ans toute notre population esclave sera
devenue libre. Il n'y aura plus un seul esclave dans
notre Etat et nous-mêmes nous aurons causé la ruine
de nos institutions.

Cent ans! ce terme peut paraître long ;—c'est plus
que la vie ordinaire d'un homme ; mais lorsque un
siècle se sera écoulé, lorsque nous tous, de la généra-
tion actuelle, serons descendus dans la tombe pour y
dormir du sommeil éternel, nos descendants gémi-
ront et diront que nous avons été bien fous d'oublier
que ce qui est beaucoup dans la vie d'un homme n'est
rien dans la vie d'une nation ou d'un Etat. Nous ne
devons pas penser à nous seuls. Ceux qui ont vraiment
à cœur la prospérité et le bien être de leur pays,
pensent à l'avenir aussi bien qu'à eux-mêmes. Je ne
fais que présenter succinctement ces réflexions, que les
Sénateurs les pèsent mûrement et dans leur sagesse
ils en apprécieront la justice et la vérité.

On me dit que même à présent il y a cinquante de-
mandes de cette sorte au moins adressées au Sénat. Si
nous en acceptons une, nulles autres nous seront pré-
sentées. Une fois engagés dans cette voie nous ne
pourrons plus dire où nous allons et où nous pourrons
nous arrêter.

Mais si nous accédons à une de ces requêtes, si nous
émancipons aucun de nos esclaves, nous devrons les
envoyer dans un pays où la liberté soit réellement un
bienfait et où ils puissent jouir des privilèges sociaux
et politiques des hommes libres. Ils ne devraient pas
rester ici où ils forment une classe anormale, qui tôt
ou tard peut être très dangereuse pour nos institutions
Cela n'est pas prudent ; c'est un grand tort qui fait
donner lieu à de graves périls et doit nécessairement
avoir les conséquences les plus désastreuses. Mettons
donc un terme à cet état de choses—coupons le mal
dans sa racine.

M. Kenner—Je fais la motion que le bill soit réfé-
ré de nouveau et je présente une résolution portant
que le comité judiciaire soit requis de rapporter un
bill autorisant les Cours à émanciper un esclave qui
aurait sauvé la vie à ses maîtres ou aurait rendu
quelque grand service à l'Etat.

M. Boatner—Ce que demande le Sénateur existe
déjà sous la loi actuelle. Le code lui-même pourvoit
à l'émancipation d'un esclave placé en pareilles cir-
constances.

M. Kenner—Je n'en suis alors que plus déterminé
à voter contre le bill ; si les Cours sont autorisées à
émanciper, pourquoi donc s'adresse-t-on à nous, pour-
quoi nous accable-t-on de pétitions ?

M. Boatner—Je l'ignore à moins que ce ne soit par
raison d'économie.

M. Kenner—C'est possible, mais si les frais sont
moindres pour les pétitionnaires, ils le sont également
pour nos constituants ?

M. Kenner—La différence est tout simplement
celle-ci : — Lorsque les esclaves sont émancipés par les
Cours ils ne peuvent rester dans l'Etat.

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Quant à la résolution du Sénateur, je considère qu'elle n'est pas à l'ordre. Dans tous les cas j'espère qu'elle ne passera pas.

Le Sénateur de la Nlle-Orléans (M. King), nous dit que nous n'avons pas de preuves de la vérité des choses avancées à l'appui de cette pétition et que par conséquent nous ne pouvons en décider impartialement. Si je ne me trompe le président du comité judiciaire a informé le Sénat de certain faits ; je crois du moins que ce sont des faits car il a dit les tenir de personnes dignes de foi—Voilà les preuves demandées. Ce ne sont pas des preuves ecrites ou dites sous serment; mais enfin ce sont les preuves dont nous nous sommes toujours contentés jusqu'aujourd'hui.

Le comité judiciaire a fait un rapport favorable sur ce bill, et ce comité a sans doute pris avec soin des informations. Est-il ici un seul Sénateur qui puisse voter contre un bill de cette nature. Depuis bien des années l'Etat accorde des actes d'émancipation dans des circonstances pareilles. L'objet de cette pétition est une pauvre esclave qui a sauvé la vie de l'enfant de sa maîtresse. Lui refusera-t-on sa requête ?

Mr. Moore.—Le maître et la maîtresse de cette esclave ont-ils écrit la pétition?

Mr. Lacey.—Je ne crois pas qu'une pétition ait été faite par eux ; mais celui qui m'a chargé d'obtenir cette émancipation, est le maître lui-même, Mr. J. M. Kennedy, ex greffier de la Chambre des Représentants. C'est un homme respectable et qui occupe un certain rang en ville. On me dit que la maîtresse est aussi désireuse que le maître de voir émanciper cette esclave. Je prie de nouveau le Sénat de consentir à leur demande.

M. Kenner—Je crois, moi, qu'il y aurait de l'humanité à refuser. Je propose qu'on fasse pour tous ce que le sénateur demande pour un seul. D'après le plan que je proposais, les Cours seraient autorisées à émanciper dans certains cas. Si un esclave se présente devant une Cour et se fait émanciper, puis qu'il vienne ici et demande l'autorisation de rester dans l'Etat, je voterai en faveur de sa demande, si je suis d'avis que les circonstances justifieraient mon vote ainsi donné.

M. Trudeau—Je crois que dans la discussion de ce bill, la question a été mal présentée au Sénat. Je ne m'oppose pas à l'émancipation de l'esclave Angéla ; l'affaire qui nous occupe me semble au contraire mériter toute notre considération, et je voterai certainement pour ce bill qui nous est soumis. Je voudrais seulement que le sénateur d'Ascension (M. Kenner) retirât sa résolution pour le moment, et nous pourrons la prendre en considération et l'adopter plus tard.

M. Moore—La seule question qui doive nous occuper est de savoir si nous permettrons à la négresse de rester dans l'Etat ; le Code pourvoit positivement au reste.

M. King—Il me semble que ce qu'il y aurait de mieux à faire, serait d'amender l'Acte de 1850 en y introduisant, pour certains cas, les exceptions qui auraient dû être faites dans cet Acte.

La résolution de M. Kenner est déposée sur le bureau, sujette à l'appel.

Le bill est ensuite adopté.

M. Trudeau—Je vais maintenant proposer une résolution qui, à ce que je crois, répond à toutes les exigences de la question. Il n'y a aucune nécessité d'adopter une loi générale maintenant L'acte qui est actuellement en vigueur et qui s'adapte à presque tous les cas, est amplement suffisant. La seule question doit donc être de savoir si nous conserverons les dispositions de l'acte de 1852. La résolution que je veux présenter au Sénat ne fait que déclarer que nous sommes déterminés à nous en tenir à l'acte de 1852. Dans l'état actuel des affaires, le comité judiciaire n'aura bientôt plus autre chose qu'à faire des rapports sur des demandes d'émancipation. L'objet de ma résolution est d'établir une règle générale pour la gouverne du comité judiciaire, c'est-à-dire de présenter un rapport défavorable à toutes les demandes d'émancipation, excepté dans le cas où un esclave aurait sauvé la vie de son maître, de sa maîtresse ou d'un de leurs enfants, ou dans le cas où il aurait rendu témoignage dans une affaire où l'Etat serait intéressé. Je considère cette question comme étant de la plus haute importance pour les intérêts des planteurs. Le contact et la fréquentation des nègres libres ne peut avoir qu'une influence fatale sur notre population esclave.

Il n'y a pas un planteur dans cette enceinte qui ne partage cette opinion. Les effets déplorables que doit produire ce contact sont trop évidents pour qu'il soit nécessaire de les démontrer. En lisant l'histoire et en réfléchissant aux enseignements qu'elle nous donne, nous ne pouvons nous empêcher de reconnaître que le contact de populations libres et esclaves appartenant à la même race, ne peut manquer d'avoir des conséquences fâcheuses pour toutes deux. Ce a le droit de s'étonner de voir une telle législation insérée dans les annales d'un Etat du sud. Elle est incompatible avec la stabilité de nos institutions et avec la politique qu'on s'accorde généralement à considérer comme celle qu'il nous convient d'adopter. La personne douée du moins de pénétration dans cet Etat ne peut s'empêcher d'être frappée des mauvais résultats que doit produire le mélange des nègres libres et des esclaves. Je soumets donc la présente résolution au Sénat et j'espère qu'il y donnera sa sanction.

M. Ryan—Adopter la résolution du sénateur de Jefferson [M. Trudeau], me semble une œuvre tout à fait surérogatoire. En 1852 la Législature adopta, pour régler cette question, une loi qui contient les dispositions suivantes : [M. Ryan lit la loi.] Les conditions exigées par cette loi sont précisément celles que contient la résolution de l'honorable membre. Les Cours sont autorisées à émanciper les esclaves qui seraient fait une des actions qui viennent d'être spécifiées, et on leur fournit alors des moyens suffisants pour se rendre dans un autre Etat ou dans un autre pays. Le sénateur de Jefferson [M. Trudeau] propose donc de donner au comité judiciaire des instructions pour qu'il fasse ses rapports exactement dans le sens des prescriptions de la loi actuelle. Je trouve cette résolution tout à fait superflue.

A quoi bon décider que nous adhérerons aux dispositions d'une loi qui est déjà en vigueur ? L'acte de 1852 pourvoit à tout ce qu'embrasse la résolution du sénateur de Jefferson. Si elle est adoptée, le Sénat ne fera que déclarer par l'organe du comité judiciaire, que la loi actuellement en vigueur sera maintenue. L'acte a maintenant force de loi et il restera en vigueur jusqu'à ce qu'il se présente un cas en faveur duquel il faille faire une exception. Ce cas échéant, le Sénat devra examiner si une juste politique et la justice demandent que cette exception soit faite; comme propriétaire d'esclaves, je suis directement intéressé au maintien de nos institutions sur l'esclavage et autant que quelque sénateur que ce soit, j'évite avec soin tout ce qui pourrait amener des conséquences dangereuses. Je suis donc opposé à l'émancipation en général parce que je la crois très dangereuse pour l'Etat. Cependant, il est des cas où l'on peut, où l'on doit faire une exception. Un esclave peut avoir sauvé la vie à son maître ou à sa maîtresse, il peut avoir rendu un très grand service à l'Etat, et alors l'exception ne serait que justice.

D'autres considérations encore, aussi puissantes, aussi justes peuvent se présenter et alors que l'émancipation soit la récompense accordée ; mais pas autrement. Je suis donc contre la motion de requérir le comité judiciaire de présenter un rapport contre l'émancipation pour toutes raisons autres que celles qui sont spécifiées dans la résolution. Je ne vois pas pourquoi nous nous restreindrions dans le cercle tracé par cette résolution. Nous devons nous enquérir, nous informer avec soin de toutes les circonstances de chaque affaire, et si les raisons nous semblent bonnes et valables, je ne vois pas pourquoi nous n'agirions pas selon ce qui nous semblera le plus convenable. Sans la loi pourvoit à l'émancipation des esclaves par les Cours dans certaines circonstances. J'approuve cette loi, elle est bonne et j'espère qu'elle sera maintenue. Mais quant à passer une résolution déclarant que la loi est juste et bonne, est, ainsi que je l'ai déjà dit, parfaitement inutile. Autant vaudrait alors adopter une résolution semblable pour chacune des lois de notre Code.

Comme je l'ai déjà dit, il peut se présenter des circonstances qui rendent nécessaire une exception à la loi générale. J'ai contribué moi-même à adopter cette loi en 1852. Ce que j'en pensais alors je le pense aujourd'hui. J'espère qu'elle sera maintenue; mais je

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as la nécessité de passer une résolution à cet

ideau.—Je désire relever quelques erreurs mises le sénateur. Il semble se tromper sur de la question qui est maintenant devant le La résolution que j'ai eu l'honneur de présen- pas un bill ; si elle est adoptée elle ne devien- in acte. C'est une simple résolution, décla- uelle manière nous désirons que le comité agisse dans certains cas si elle n'est pas je n'hésite pas à dire que bientôt nous serons de demandes d'émancipation, tandis que si qu'elles ne seront pas acceptées, ou que, se- glement du Sénat, il sera fait à leur sujet un défavorable nous cesserons d'en être fatigués que je l'ai dit plus haut ce n'est pas là un bill. ation ne dit pas ce que la loi devrait être, elle ce que la loi est, elle enjoint simplement au idiciaire de faire un rapport sur une certaine toutes les fois qu'il a à s'en occuper confor- aux dispositions de la loi. J'admets avec le qu'il peut se présenter des cas où il doit être xception. La résolution empêcherait seule omité judiciaire de faire un rapport à leur n'empêcherait pas qu'ils fussent soumis au ris en considération. Ils ne seraient pas ré- voilà tout. Ces émancipations absorbent un cieux qui pourrait être beaucoup plus uti- ployé autrement. Qu'on adopte donc une t égard et qu'on mette un terme à l'état s choses.

n.—Je fais la motion que la résolution du soit déposée sur le bureau.

notion est adoptée.

Comité Sanitaire.

leau—Je prends la parole dans le but de de- ne le sénat donne son concours à une résolu- Chambre accordant un commis au comité Je dirai au Sénat que depuis l'organisation ité je suis allé à la Nlle-Orléans pour affai- nant cette importante question. J'ai eu une vec le maire et autres authorités de la vil- ire a bien voulu céder au comité l'usage de a Conseil pour y tenir ses séances. En at- comité n'a pas été inactif—il s'est au con- upé constamment des importants travaux t confiée. Il a adressé des question à plu- decines relativement aux cause probables de ro épidemie qui a été si désastreuse et sur pourrait avoir l'établissement d'une qua- omme mesure préventive. Bien des répon- reçus—elles seront soumises au Sénat aus- comité aura preparé son rapport. La no- d'une commis rendrait beaucoup moins âche du comité. Je crois que nous pour- ier le tout à temps pour que le Séuat puisse tte question pendant la session actuelle. nembres, de ceux qui ont été nommés par mbre désirent sieger dans l'intervalle et la prochaine sessiou. Pour moi, je dési- travaille fut fait et acnevé pendant cette est afin d'expédier encore plus rapidement que je demande le concours du Sénat à la doptée par la Chambre.

- Je dois avouer que je ne vois pas de bon- dopter cette résolution. Le comité sani- par la ville de la Nlle-Orléans s'occupe ne temps de cette question. Ses membres tous les Etats-Unis pour obteuir des in- ils ont réuni grand nombre de faits et de qui, me dit-on, seront présentés à la Lé- session actuelle. Où est donc la néces- er un comité à la Nlle-Orléans ? Est-ce ce qui déjà est fait ? Ce que le comité t faire de mieux c'est obtenir du comité a Nlle-Orléans les informations recueil- rnier.

par le Dr Barton, président de ce comité, ntôt prêt à faire son rapport. Ce rapport outes les informations que peut obtenir et probablement beaucoup plus. Si le ment l'intention de terminer ses travaux sion, au lieu d'un commis c'est cinq ou udra.

Il me semble que le sénateur de la Nlle- King) n'a pas touché à la question prin- cipale dans les remarques qu'il vient d'adresser au Sénat. Le sénateur de Jefferson (M. Trudeau) nous a dit que le comité a besoin d'un commis afin de terminer plus promptement ses travaux. Ce comité a été nommé par le Sénat pour remplir certains devoirs qui, personne ne le niera, sont de la plus haute importance pour l'Etat. Le sénateur (M. King) nous a dit que le comité sanitaire de la ville de la Nlle-Orléans s'est beaucoup occupé de cette question, qu'il est composé d'hommes de talent et qu'essayer ce qu'il fait serait pour nous une œuvre entièrement superflue.

On nous dit que les membres du comité sanitaire de la Nouvelle-Orléans ont réuni tous les documents, toutes les occupations qu'il était possible d'obtenir et qu'il est parfaitement inutile pour nous de chercher à rien faire de plus.

Mais, M. le président, ce comité n'a été nommé que pour la ville de la Nouvelle-Orléans. L'épidémie qui tout dernièrement a exercé ses ravages sur notre population, a sévi dans toutes les parties de notre vaste Etat. Un petit nombre de paroisses seulement ont échappé à son atteinte.

Toutes les parties de l'Etat sont par conséquent intéressées au sujet qui nous occupe. Il appartient donc à l'Etat lui-même de prendre les mesures nécessaires pour préserver la population à l'avenir du renouvellement du fléau.

Je ne pense pas, M. le président, que notre comité doive jouer le rôle de doublure de la commission sanitaire de la Nouvelle-Orléans. Nous devons examiner la question nous-même, et tout en accordant confiance aux capacités des personnes nommées pour agir au nom de la ville, nous ne devons pas faire reposer entièrement notre décision sur leur expérience. Je pense que notre comité prendra en grande considération les indications du comité sanitaire ; mais comme il y a d'autres intérêts à consulter que ceux de la ville, il n'est que juste de prendre en considération les vues d'autres personnes non identifiées avec les intérêts de la ville. Il me semble donc évident, M. le président, que la nomination du comité ne constitue pas de notre part un acte sans motifs, et si nous désirons que ce comité agisse rapidement et effectivement, nous devons consentir à la demande du sénateur de Jefferson et permettre au comité de nommer un secrétaire.

M. Trudeau—Je ne puis faire mieux que remercier le sénateur d'Est-Bâton Rouge pour la réplique convaincante qu'il a faite aux remarques du sénateur de la Nouvelle-Orléans. Il est parfaitement vrai ainsi que le sénateur l'a observé, qu'il y a d'autres intérêts à consulter que ceux qui ont dû rencontrer l'attention du comité sanitaire. Le sénateur de la Nouvelle-Orléans est mû par l'intérêt de ses constituants. Nous devons en agir de même vis-à-vis des nôtres. Vraiment, M. le president, le comité a quelque chose de plus à faire que le membre d'Orléans semble le croire. Nous ne devons pas seulement nous enquerir du caractère et des causes probables de l'épidemie ; mais aussi des effets à attendre de l'institution d'une quarantaine comme moyen de la prévenir. Il était inutile de nous dire que la commission sanitaire a déjà complété le travail, car il restait à faire ce qui constitue la partie la plus importante de notre travail. Nous avons des questions à résoudre et notre rapport prouvera, j'espère, l'utilité de nos efforts. Appliquerons-nous l'action de la quarantaine aux promeneurs de la Ba , de la Mobile ? Quelle sera l'influence de la quarantaine sur nos interêts commerciaux ? Fermerons-nous une porte et laisserons-nous l'autre ouverte ? Toutes ces questions sont de notre ressort, le sénateur de la Nouvelle-Orléans avouera j'espère que véritablement Il nous reste quelque chose à accomplir.

La résolution est adoptée.

LUNDI, 30 janvier 1854.

Le bill pour venir en aide à Murphy est pris en considération.

M. Kenner—Avant de voter en faveur du bill, je désirerais avoir quelques informations. Je n'ai me pas à marcher ainsi dans l'ombre. Lorsque le bill était devant le Sénat, le sénateur qui l'a rapporté du comité judiciaire a dit qu'il prendrait des informations à ce sujet et qu'il pourrait répondre à la question que je faisais alors comme aujourd'hui. Ce que je désire savoir c'est si les enfants auxquels il est fait allusion dans le bill sont des enfants de couleur.

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M. Lacey—Voici les faits qui m'ont été transmis et qu'à mon tour j'exposerai au sénateur. Le père de ces enfants vivait avec leur mère. Ils sont à lui et naturellement il éprouve pour eux une affection de père. Il désire leur donner une éducation. Quant à leur couleur, je crois qu'ils ne sont pas tout à fait blancs ; néanmoins ils devraient être élevés conformément aux désirs de leur père. S'il veut les élever selon ses moyens, certes, cela devrait lui être loisible. Ils nous sont recommandés par des citoyens respectables et éminents de la Nouvelle-Orléans. Je suis convaincu qu'ils ne nous demanderaient jamais de faire mal et qu'ils n'insisteraient pas pour l'adoption de ce bill à moins que notre intervention ne fût réellement nécessaire. Il ne saurait y avoir d'objection à ce que cet homme dispose de son bien de la manière qu'il juge convenable, et aucune loi ne peut intervenir et l'empêcher d'accomplir ce qui doit être considéré comme un but très louable. Après avoir donné le jour à ces enfants il désire remplir envers eux ces devoirs que la nature et l'humanité imposent aux pères. Il désire leur donner une éducation telle qu'ils puissent plus tard affronter les dangers et les luttes du monde ; il désire leur donner son bien afin de les tirer du besoin et les mettre en état de vivre sans être à charge à la société.

Pourquoi lui refuserions-nous ce privilège? En accédant à son vœu nous ne faisons de tort à personne. Cet homme n'a pas d'héritiers forcés et conséquemment en adoptant ce bill nous ne violons aucun principe de loi.

Je ne puis dire par moi-même si les enfants sont blancs, noirs ou jaunes; cette considération, du reste, n'influencerait en rien mon vote. Je crois que la demande du pétitionnaire n'est pas seulement raisonnable, mais même qu'elle est juste, naturelle et qu'elle devrait être accordée sans hésitation par la Législature.

M. Kenner.—Le sénateur d'Est Baton Rouge en nous a pas après tout dit positivement si ces enfants sont blancs. Ainsi que je l'ai déjà dit, Mr. le Président, je n'aime à voter qu'avec connaissance de cause. Comme sénateur de l'Etat de la Louisiane, je désire, lorsque je vote, savoir au juste ce que demande un bill, par qui, pourquoi, et pour qui il est présenté. Si j'apprends positivement que ces enfants sont blancs, je voterai en faveur du bill parce que dans ce cas, je puis le faire sans violer aucun principe de loi. S'ils ne sont pas blancs je voterai contre le bill. Je ne désire en aucune manière encourager ces relations illicites entre deux races que la nature et nos lois séparent l'une de l'autre. Une des grandes plaies de notre société, je dois le dire, est cette alliance des deux races. Nous devrions tous faire pour l'empêcher et non l'encourager. Nous vivons dans un état à esclaves et l'intérêt de notre propre sûreté exige que nous ne fassions rien qui puisse mettre en péril nos institutions. Si ce bill est adopté, il en viendra cinquante autres semblables de mon propre district, et si nous accédons à une demande il nous faudra accéder à toutes.

M. Wickliffe.—Si ces enfants sont noirs, je voterai de la même manière que mon collègue de l'Ascension, (M. Kenner) c'est-à-dire contre le bill. Je suis de l'avis qu'il vient d'exprimer, et je ne puis consentir à rien faire qui pourrait porter atteinte à nos lois et à nos institutions. Si, au contraire, ces enfants sont blancs, je voterai en faveur du bill.

Le bill est adopté.

MARDI, 31 janvier 1854.

M. Lacoste—Je demande l'autorisation d'appeler le bill autorisant le coroner de la paroisse de Plaquemines à se nommer un député. Je dirai, pour expliquer le but de ce bill, qu'il est absolument nécessaire qu'il soit adopté. La paroisse de Plaquemines a 80 milles de longueur, s'étendant des deux côtés du fleuve Mississipi C'est un district beaucoup trop étendu pour qu'un seul homme en puisse faire le service ; il est de toute impossibilité pour le coroner de remplir les devoir de sa place sans l'assistance d'un aide. Ce bill autorise simplement le coroner à se nommer un député.

Les règles sont suspendues et le bill est adopté.

LOI D'ENREGISTREMENT.

M. Hodge—Je demande l'autorisation de présenter un bill pourvoyant à l'enregistrement des votants dans la ville de la Nouvelle-Orléans. Je fais la motion qu'il soit référé au comité sur les élections et mis à l'ordre du jour pour lundi prochain.

M. Wickliffe—Ce bill est de la plus haute importance. Il faudra qu'il soit imprimé et soumis à l'examen des sénateurs avant qu'on puisse rien décider à cet égard

M. Hodge—Le bill est déjà imprimé.

M. Wickliffe—Où est l'ordre d'impression ?

M. Hodge.—Il a été imprimé l'année dernière. Il n'est pas nécessaire de le faire imprimer de nouveau.

M. Wickliffe.—Le président peut se trouver dans l'impossibilité de présenter un rapport lundi prochain.

M. Hodge—J'apprends du président qu'il présentera son rapport ce jour-là.

M. Wickliffe—La raison pour laquelle je m'oppose à ce que ce bill soit mis à l'ordre du jour pour lundi est que pas un seul membre de la ville de la Nouvelle-Orléans n'est présent. Il est de toute importance que nous ayions une loi d'enrégistrement pour la ville. Quelques-uns des membres de la ville ne seront pas présents ici lundi prochain et bien certainement nous ne devrions rien faire sur cette question sans consulter leurs vœux et leur opinion. Aussi suis-je opposé à ce que ce bill soit mis à l'ordre du jour pour lundi, ou tout autre jour pendant lequel lesdits membres seront absents.

M. Hodge—Si les membres de la ville sont absents au jour indiqué, je ferai moi-même la motion d'ajournement.

M. Wickliffe—S'il en est ainsi, je retirerai mon objection.

Le bill relatif au «Destrehan Canal» est pris en considération.

M. Boatner.—Je ne suis pas pret à donner mon vote sur ce bill. Je désirerais être mieux informé à ce sujet que je ne le suis maintenant. Ce bill peut être seulement local; il peut être d'un caractère général; je voudrais qu'un comité s'en occupât d'abord et fit un rapport. Je suis persuadé que le sénateur qui a présenté ce bill n'aurait aucune objection à ce que le bill soit référé. Ce serait un retard de quelques jours seulement, et le résultat serait tout autrement satisfaisant.

Je fais donc la motion que le bill soit référé au comité des terres et levées.

M. Kenner—Je vais expliquer le but de ce bill, puis si le sénateur insiste sur sa motion de référer, je ne ferai pas d'opposition.

La personne qui adresse ce mémoire désire construire une écluse pour relier ce canal au fleuve Mississipi. Il croit que cela facilitera les communications des planteurs de cette localité avec la Nouvelle-Orléans. Il est impossible qu'il se trompe

Il résultera de la réalisation de ce projet des avantages personnels pour lui-même. Pour moi je ne crois pas que nous puissions nous y opposer même si nous le voulions. Il a parfaitement le droit de construire cette écluse sans aucune autorisation de notre part. Ce qu'il demande c'est de faire ce que font tous les planteurs de riz pour protéger leur champ contre les inondations du Mississipi.

M. Boatner.—Je dois dire que j'aimerais mieux voir ce bill référé à un comité. Je crois que ce bill est de la plus haute importance, d'autant plus qu'il intéresse bon nombre de personnes.

M. Kenner—Je n'y ai pas d'objection.

Le bill est en conséquence référé.

MERCREDI, 1er février 1854.

L'acte pour venir au secours de Pierre Caze, Bertrand Caze et Jacques Caire est pris en considération.

M. Hodge—Il me semble qu'il est impossible d'accorder le secours demandé dans ce bill, attendu qu'une loi adoptée à la dernière session de la Législature donne les amendes et forfaitures dans les affaires criminelles, aux differentes paroisses. Il me paraît que dans un cas comme celui qui nous occupe, c'est au juri de police de la paroisse que devrait être

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la demande de secours, puisque c'est au juri
e loi accorde les amendes et forfaitures.
avons pas le droit de disposer d'une somme
i tresor de la paroisse, après nous être dè-
ce droit.

kliffe—Le cautionnement a été forfait avant
n de l'acte en question, et par conséquent
ions de l'honorable sénateur ne sont pas fon-

lge—Ce fait n'établit aucune différence. La
ique à toutes les amendes et forfaitures,
ient été encourues avant ou après l'adop-
acte. Toutes les amendes et forfaitures, de
nature qu'elles soient, reviennent aux diffe-
roisses; l'acte n'excepte pas celles qui ont
rues avant son adoption, et celles qui n'a-
s été payées à cette époque appartiennent
de la paroisse. Je donnerai lecture de la
arle l'honorable membre.

lre—Il est décrété par le Sénat et la Cham-
présentans de l'Etat de la Louisiane reunis
blée generale,

utes les amendes et forfaitures qui seront
l'avenir pour violation des lois criminelles
et qui jusqu'à ce jour ont dû, en vertu de
e versées dans le trésor de l'Etat, appar-
et seront payées au trésor de la paroisse
elle elles auront été perçues, et dans la ville
velle-Orléans elles seront versées au trésor
ville. »

; et la lettre de la loi ne justifient pas l'in-
on qu'en fait l'honorable membre. Je crois
re l'esprit de cette loi; c'est moi qui l'ai pré-
je ne l'ai jamais comprise comme mon col-
lle parle d'amendes et forfaitures à *perce-*
qui comprend évidemment celles qui n'a-
été versées à l'époque de l'adoption de la
gent du cautionnement dont il est question
u'il aura été perçu, être versé au tresor
isse d'Iberville. Nous ne pouvons pas en
ttendu qu'il ne nous appartient pas.

kliffe—L'intention du législateur n'était
ent pas de donner à cette loi un effet rétro-
icun raisonnement n'arrivera à prouver que
rgent de ce cautionnement aura été perçu,
être versé au trésor de la paroisse d'Iber
loi que cite l'honorable préopinant ne jus
tte opinion. Elle s'applique évidemment
dos et forfaitures qui seraient encourues
option de l'acte. Le mot *perception* dans
pplique à toutes les amendes et forfaitures,
nature qu'elles soient, et les mots *à l'avenir*
sert la loi, indiquent celles auxquelles ils
ent. Nous avons incontestablement le
isposer de cet argent comme nous l'enten-

e.—J'ai dit déjà que c'est moi qui ai pré-
ote à la dernière session de la législature
qu'on me fera l'honneur de croire que je
ai voulu dire. Si j'avais voulu exprimer
tend l'honorable préopinant, on eût lu
s les amendes et forfaitures qui seront
nir, etc., appartiendront et seront payées
e la paroisse où elles seront perçues. » Le
loi dit au contraire « toutes les amendes
s qui seront perçues à l'avenir. » Dans ma
oi a reçu l'interprétation que j'y donne et
e que dicte la raison et le sens commun
roisse toutes les amendes et forfaitures
t été encourues avant ou après l'adop-
te, sont considérées comme appartenant
la paroisse, pourvu qu'elles n'aient pas
intérieurement. Il va sans dire que dans
s elles appartiennent à l'Etat.
—L'acte lui-même mettra fin à ce ma-
dit :
rété, etc., Que toutes les amendes ou
faites ou imposées pour violation des
es de l'Etat, etc. etc., appartiendront au
ont déposées dans le trésor de la paroisse
elles auront été collectées.
jamais lu cet acte avant que mon at-
ut appelée par le sénateur de Caddo,
mais je dois vous dire que selon moi, la
às l'interprétation qui lui est donnée, à
toutes les sommes dues jusqu'aujour-
encore collectées doivent être versées
dans le trésor des différentes paroisses. Les sommes dues avant l'adoption de cet acte appartiennent évidemment à l'Etat. La loi elle-même n'admet pas l'interprétation que cherche à lui donner le sénateur de Caddo.

L'une dit que toutes les sommes de cette nature dues jusqu'aujourd'hui, mais non encore collectées doivent appartenir aux trésors des paroisses ; l'autre dit que l'Etat seul a droit à ces sommes. Dans mon humble opinion la loi n'a trait qu'aux amendes et confiscations qui pourraient être recouvrables à l'avenir. C'est là une interprétation juste et raisonnable. Il n'est pas présumable que la Legislature de la Louisiane ait eu l'intention de faire don aux différentes paroisses des sommes immenses qui pouvaient être dues avant la passation de cet acte. Il pouvait y avoir alors des milliers de piastres dûs, et la Législature n'avait certainement pas l'intention de renoncer à ses droits, à ces sommes.

M. Hodge—La raison pour laquelle cette loi a été passée est celle-ci : La Legislature précédente avait passé un acte imposant aux différentes paroisses l'obligation de payer les frais des poursuites criminelles dans leurs limites. Cela leur imposait de fortes dépenses. Il n'était donc que très juste qu'elles reçussent les amendes et confiscations afin qu'il leur fut possible de faire face aux dites dépenses. C'est dans ce but que j'ai présenté le bill en question. J'avais pour but de parer à tous ces cas ; non seulement les amendes et confiscations qui pourraient être prélevables à l'avenir, mais aussi celles qui étaient alors dues et qui n'avaient pas été collectées. Dans ma propre paroisse il est arrivé quelque chose d'absolument semblable et il en a été décidé conformément aux vues que je viens d'exprimer.

M. McCay—Je voterai en faveur du bill qui est maintenant sous discussion. Peu m'importe qu'on ait voulu donner à ce bill un effet rétroactif ou un effet prospectif. La législature, selon moi a le contrôle exclusif et absolu de toutes les sommes jusqu'à ce qu'elles aient été reçues dans le trésor de la paroisse d'Iberville. La seule question à décider est de savoir si ces personnes méritent le secours qu'elles demandent.

M. Hodge—Je voterai contre le bill et je désire que mon vote soit enregistré. Je demanderai donc l'appel nominal.

M. Moore—J'ai suivi avec attention la discussion de ce bill. Je voterai contre parce que je suis fermement convaincu que nous n'avons pas le droit de disposer, ainsi de ces sommes. Nous avons déjà disposé de l'argent et il ne nous appartient plus. N'était cela, peut-être voterais-je en faveur du bill. Nous ne pouvons enlever cet argent à la paroisse à laquelle il appartient pour le donner à qui que ce soit.

M. Konner—Je desire expliquer le vote que j'ai l'intention de donner sur ce bill. Il importe peu que cet argent appartienne à nous ou à la paroisse d'Iberville. La seule question est de savoir s'il est dû pour ce bon. Nous devons tous admettre qu'il n'en est pas ainsi. Ce serait un acte d'injustice que de l'exiger. Il serait donc manifestement injuste de faire souffrir une personne simplement parce qu'il y a difference d'opinion sur cette question parmi les sénateurs. Pour cette raison je voterai en faveur du bill.

M. Hodge—Je regrette d'avoir à revenir sur cette question devant le Sénat, lorsque déjà je me flattais de l'avoir rendue, si claire, si simple, qu'il ne pouvait plus y avoir à douter. Je regrette aussi que le sénateur de l'Ascension ait pris ce terrain où je le rencontre maintenant. Autant que quelque sénateur que ce soit, je suis peu disposé à faire tort à un individu quelqu'il soit. Mais il existe entre l'Etat et les individus, entre l'Etat et les paroisses, certaines relations qui doivent être prises en consideration dans un cas de cette nature. Mon collègue veut bien reconnaître que la paroisse d'Iberville a un juste droit à ces sommes. Cependant il dit qu'il votera en faveur du bill qui les lui enlève. Faire cela, M. le président, ou prendre mille piastres dans la poche d'un citoyen quelconque de l'Etat, c'est absolument la même chose.

Je dis, monsieur, que cet argent appartient à la paroisse d'Iberville, et il est non seulement injuste, mais inconstitutionnel, de passer un acte qui l'en dépossillerait.

Il y a au fond de cette question un principe légal de la plus haute importance. Nous avons à décider si nous pouvons passer un acte disposant de sommes qui

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ne nous appartiennent pas. L'argument du sénateur d'Ouest-Féliciana [M. Wickliffe] ne touche pas le moins du monde à la question. Il dit que l'argent n'appartient pas à la paroisse puisqu'il n'est pas encore collecté. Je sais très bien qu'il ne peut pas entrer dans le trésor de la paroisse aussi longtemps qu'il n'est pas collecté. Mais celà ne prouve rien. Il ne peut entrer non plus dans le trésor de l'Etat. Le droit à celà appartient à la paroisse. L'Etat n'est que le répondant, le dépositaire de ces sommes pour la paroisse, si elles étaient dues avant l'adoption de l'année de 1853 et non encore collectées.

Elles appartiennent à la paroisse et nous n'avons pas le droit d'en disposer. Ce serait violer un droit constitutionnel.

Quant à moi, je proteste de toutes mes forces contre semblable fait, contre pareil acte qui serait indignes du Sénat de la Louisiane. Je voterai contre le bill et j'insisterai pour que mon vote soit enregistré.

Sur motion de M. Hebert et après dispenses des règles, ce bill est lu deux fois, et lorsque la motion est faite pour en adopter la première section, M. Hodge demande l'appel nominal,

MM. Boatner, Braud, Clifton, Defresse, Evans, Hébert, Kenner, Key, Lacoste, Lauve, Lacey, McCay, Munday, Martel, Pellerin, Lyau, Richardson et Wickliffe, 18 sénateurs votent dans l'affirmative.

Et MM. Hodge et Moore, 2 sénateurs votent dans la négative.

En conséquence, la première section est adoptée.

Et sur motion de M. Hébert, ce bill passe.

MESSAGE DE LA CHAMBRE.

Le messager spécial de la chambre vient demander la signature du président du Sénat aux bills et résolutions suivants, enrôlés :

Acte pour autoriser William A. Shaffer, de la paroisse de Terrebonne, administrateur de la succession de Benjamin et Anastasie Cross, de la paroisse de Lafourche, à fournir caution residant hors des limites de cette paroisse.

Acte pour venir au secours de William Edmond Marphy.

Adte pour pourvoir au paiement des membres, des officiers et des dépenses eussuelles de l'assemblée générale.

Acte pour autoriser l'ingénieur de l'Etat à nommer un aide spécial, à l'effet d'examiner le bayou Lafourche.

Et il demande le concours du Sénat aux bills et à la résolution suivants :

Acte pour amender la section 30 d'un acte intitulé « acte pour établir un système uniforme d'élection dans l'Etat de la Louisiane, les paroisses d'Orléans et de Jefferson exceptées.

Acte pour changer le nom de Asinath Melissa Clayton en celui de Hortense Héléna Tiffin.

Acte pour autoriser Pierre Whip, de la paroisse d'Iberville, à changer son nom de Pierre Whip en celui de Jhon Reames.

Acte pour changer l'époque des sessions des cours du neuvième et onzième districts judiciaire de cet Etat.

Acte pour pourvoir à l'exécution des sentences de mort dans la paroisse d'Orléans.

Résolution pour nommer un comité à l'effet d'examiner le système de pilotage établi à l'embouchure du fleuve Mississippi.

Et il informe le Sénat que la chambre a donné son concours au bill et à la resolution suivante du Senat :

Acte pour prolonger le temps accordé à certains officiers de paroisse et autres officiers, à l'effet de se procurer des certificats etablissant qu'ils ne sont pas concussionnaires en vertu de la seconde section d'un acte intitulé « acte pour assurer la collection et le paiement prompt des deniers publics », approuvé le 23 avril 1853.

JEUDI, 2 février 1854.

M. Boatner, au nom du comité des améliorations auquel a été référé une pétition de MM. Taylor, Elmor et King fait un rapport favorable.

Le même membre au nom du même comité auquel a été référé une pétition de J H. Maddox, rapporte la dite pétition au Sénat et demande qu'elle soit référée au comité judiciaire avec instruction que ledit comité rapporte aussitôt que possible.

Sur motion, la dite demande est accordée et la dite pétition est référée au dit comité.

MESSAGE DU GOUVERNEUR.

Le secrétaire intime du gouverneur informe le Sénat que son excellence a approuvé et signé l'acte pour répartir la représentation dans le Sénat et dans la Chambre des Représentants de l'Assemblée Générale de l'Etat de la Louisiane, conformément au premier recensement fait en mil huit cent cinquante quatre, en vertu de l'article huit de la Constitution.

MESSAGE A LA CHAMBRE.

L'assistant secrétaire va demander le concours de la Chambre à la résolution conjointe et au bills suivants.

Acte pour venir au secours de Pierre Case, Bertrand Case et Jacques Caire.

Pétition et résolution conjointes relatives à la concession des terres publiques dans l'Etat de la Louisiane pour les chemins de fer.

Et il informe la Chambre que le Sénat a donné son concours aux bills et à la resolution suivants :

Acte pour augmenter la compensation allouée aux juris dans la paroisse d'Est Bâton Rouge.

Acte pour rappeler une partie de la 3me section d'un acte intitulé :

Acte pour régler les sessions des Cours de District, excepté la paroisse d'Orléans, approuvé le 29 avril 1853, en tant qu'elle a trait aux Cours du 3me District judiciaire et d'en régler les sessions

Acte pour venir au secours de James Upshaw, shérif de la paroisse de Bienville.

Résolution relative aux améliorations à faire à l'emplacement sur lequel est bâti le Capitole et la Chambre des Representans.

Il demande la signature de l'Orateur de la Chambre à l'acte pour étendre le temps accordé à certains officiers de paroisse et autres, pour se procurer des certificats constatant qu'ils ne sont pas concussionnaires, en vertu de la 2me section de l'acte intitulé: Acte pour assurer la perception et le prompt versement des fonds publics, approuvé le 23 avril 1853.

Il est requis de demander le concours de la Chambre aux bills suivants :

Acte pour émanciper Abner Nash Ogden junior, de la paroisse de Jefferson.

Acte pour venir au secours de Henry Hammoth.

Acte pour autoriser Pierre Whip, de la paroisse d'Iberville, à changer son nom de Pierre Whip en celui de John Reames.

Et il est aussi chargé d'informer la Chambre que le président a nommé M. Ryan un des membres de la commission spéciale chargée de s'enquérir du système de pilotage à l'embouchure du fleuve Mississipi, au lieu et place de M. Griffin, lequel est absent.

Et il demande le concours de la Chambre à l'acte pour venir au secours d'Asa Emmanuel, collecteur des taxes d'Etat pour la paroisse de Wina.

RAPPORTS DES COMITÉS.

M. Lacey, au nom du comité judiciaire auquel a été référé l'acte concernant la licence pour le débit des liqueurs spiritueuses, dans l'Etat, fait un rapport favorable.

Et il fait un rapport défavorable à la pétition des citoyens de la paroisse de St-Landry et de la Fourche Coupée, demandant la passation d'une loi pour protéger le bois des terres d'Etat, du pillage des bûcherons.

M. Clifton, au nom du comité de banques et des affaires de banques auquel a été référé un acte pour autoriser l'Auditeur des comptes publics et le Trésorier de l'Etat à créditer la Banque de l'Union de la Louisiane d'une certaine somme et pour venir au secours de John Pemberton, pour avoir réglé l'intérêt de l'Etat dans la dite banque, fait un rapport favorable.

M. Hodge présente la résolution suivante, laquelle après lecture, a été adoptée ;

Résolu que l'avocat général de l'avocat [illegible] de la paroisse d'Orléans sont par la présente [illegible] d'informer le Sénat quelle procédure a été [illegible] près les dispositions d'un acte pour venir au [illegible] W. K. Styles, approuvé le 30 avril 1853, et [illegible] lièrement si des poursuites ont été faites, [illegible] est prescrit par la loi.

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VENDREDI, 3 février 1854.

Mac Murdo appelle le bill intitulé :

: autorisant l'auditeur des comptes publics, et
orier d'Etat a créditer la Banque de l'Union de
siane d'une certaine somme et venant en aide
Pemberton, pour avoir régle les intérêts de
dans la dite Banque.

notion, les régles sont suspendues, le bill subit
lecture et passe.

[cMurdo appelle aussi le bill autorisant le tré-
l'Etat à signer certain bond de chemins de fer,
r l'Etat en faveur de la compagnie du chemin
le Nashville,

vans—Avant de voter en faveur de ce bill, je
ais obtenir quelques informations.

IcMurdo—Il est très facile d'expliquer cette
n d'une manière satisfaisante. L'Etat a émis
en faveur de l'ancienne compagnie du chemin
e Nashville; mais par suite de quelque erreur
quelque négligence, le trésorier ne l'a pas si-
Aussi chaque fois que le terme des intérêts
lu il fallait qu'on fit un affidavit pour pron-
ce bond avait réellement été émis par l'Etat.
autorise simplement le trésorier à signer main-
e bond afin d'eviter à l'avenir le retour de
malité aussi inutile que gênante.

ore—Il ne devrait pas y avoir la moindre
é à cela. Rien ne serait plus juste ou plus
ble que l'adoption de ce bill. J'ai vu moi-
e bond. Le trésorier d'Etat de cette époque a
de le signer au nom de l'Etat Quoi de plus
ble que d'autoriser cet officier à signer main-

l est adopté.

otion de M. Lacey, le Sénat s'occupe du bill
lequel, après dispense des régles, subit sa
lecture, section par section.

our autoriser les Cours, dans certains cas,
ir des cautions judiciaires qui résident hors
ces de la paroisse.

n 1.—Il est decrété par le Sénat et la Cham-
Représentants de l'Etat de la Louisiane, réu-
semblee generale; Que lorsqu'il apparaîtra à
action d'un juge d'une des Cours de cet Etat,
risdiction dans l'affaire, que toute personne
été nommée pour remplir les fonctions d'ad-
teur, executeur, tuteur, curateur ou à toute
ploi de confiance quelconque, ne pourra four-
on dans la paroisse, alors et dans ce cas, le
le pouvoir d'ordonner que des cautions ré-
rs de la paroisse soient reçues

2 —Et il est de plus décrète &c.; Que dans
ns où les cautionnements sont offerts par des
qui résident hors de la paroisse, le juge seul
oit de décider sur la validité desdits cau-
nts et exigera telle preuve qu'il jugera né-

3.—Et il est de plus décrété &c.; Que tous
sur les obligations contre les cautions ci-
urront être intentés dans la paroisse et dans
ant juridiction primitive de l'affaire et les
squ'elles seront légalement citées, seront
la juridiction de ladite Cour.

—Et il est de plus décrète &c.; Que cet
en force à dater de sa promulgation.

e—Je ne puis pas dire que je crois néces-
ser ce bill. A moins que l'honorable pré-
omité judiciaire (M Lacey) ne veuille bien
et donner quelque bonne raison qui milite
r, je me croirai force de voter contre. J'ai-
ndre les raisons en faveur de ce bill, s'il
Le système qui est maintenant en vigueur
is longtemps et je ne sache pas qu'il en soit
une conséquence fatale. Je ne consenti-
e qu'il soit changé à moins que de bien
ons ne me soient présentées.

—La seule raison que je puisse donner en
angement proposé, est que quelquefois le
ssaire ne peut pas fournir une caution qui
ence dans la paroisse. Si sa caution ré-
, je ne vois pas pourquoi il n'obtiendrait
oit acceptée. S'il ne le peut pas, s'il doit
e caution dans une paroisse où il ne peut
r, il peut se trouver dans l'absolue impé-
cepter le fidéi-commis. Le bill a été una-
apporté par le comité judiciaire, et son
tainement droit à quelque considération.

M. Hodge—Les raisons présentées par le sénateur ne me semblent pas suffisantes pour justifier un changement aussi important, aussi radical dans notre système de législation. Le but de la loi actuelle en exigeant que la caution reside dans la même paroisse que l'executeur, administrateur, tuteur ou curateur, est que le juge puisse voir lui-même la personne présentée comme caution, et s'assurer par lui-même qu'il possède les qualifications requises. Il est nécessaire que le juge soit convaincu de la solvabilité de la caution. Sous le bill qui est maintenant proposé une caution résidant au Nord ou dans l'Ouest, pourrait être présentée. Le juge aurait alors à s'en rapporter au dire et aux représentations de tierces personnes. Il dit que le juge doit pouvoir juger et déterminer par lui-même; mais pour cela il faut de grandes dépenses et même alors il est exposé à de très graves erreurs.

Pour moi j'aime bien mieux que la loi reste comme elle est. Jamais à ma connaissance il n'en est résulté rien de fâcheux. Si, comme on le dit, une personne ne pouvait pas se procurer une caution dans la paroisse et qu'elle ne peut l'avoir qu'ailleurs, rien ne serait plus facile pour elle, que d'obtenir une lettre de créance avec laquelle elle pourrait se procurer cette caution dans sa propre paroisse. Après bon nombre d'années de pratique dans les cours de cet Etat, je n'ai jamais vu un seul cas dans lequel un fidéi-commissaire n'ait pas pu se procurer la caution requise par la loi. Il est de l'interêt de l'Etat, de l'intérêt public en général, que ces garanties la soient considérées comme bonnes et suffisantes.

Supposez par exemple que la caution ou qu'une des cautions réside dans le Nord et que les circonstances deviennent telles qu'il soit nécessaire de le poursuivre, et vous voyez de suite quels délais peuvent résulter de ce fait, et à quel tort immense il peut donner lieu. Ces delais, ce tort peuvent être, et de fait, ils sont prévenus, il y est obvie par la loi qui exige que les cautions resident dans la même paroisse que l'exécuteur ou administrateur. Je ne vois pas de raisons qui militent en faveur d'un changement aussi grand, aussi radical que celui qui est proposé dans le bill. Je voterai contre, et je demande l'appel nominal.

Le bille passe.

Sur motion de M. King, le vote sur la 4me section est pris de nouveau en considération et la motion est effacée.

Sur motion de M. Evans, le Sénat s'occupe du bill suivant lequel subit ses deux lectures :

Acte pour venir au secours de Hamon A Drew.

SECT. 1re—Il est decrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane réunis en assemblée générale; Que la somme de cent piastres est et demeure par le present appropriée, de tous fonds du Trésor, non autrement affectés, laquelle sera payee à Harman A. Drew, ci-devant Avocat de District du 10me District judiciaire, la dite somme étant le montant qui lui revient, comme sa part dans l'amende imposee sur D. W. Trotter, pour avoir vendu des liqueurs spiritueuses aux esclaves; laquelle amende il n'a pas recouvrée parce que l'amende a été remise par l'Exécutif.

SECT. 2me—Et il est de plus décrété, &c, Que cet acte sera en force à dater de sa passation.

M. Wickliffe—Je vais dire les raisons pour lesquelles je m'opposerai à ce bill. Si je ne me trompe, il est question de donner à l'ex-Avocat de District du Dixième District judiciaire telle partie du montant d'une amende du paiement de laquelle le Gouverneur et le Sénat ont dispensé le prévenu et à laquelle A. Drew, ci-devant Avocat du Dixième District judiciaire, aurait eu droit si la dite amende avait été collectée par lui.

Je dois dire que si je m'étais trouvé ici à l'époque où la proposition a été soumise au Sénat, j'aurais voté contre la mesure prise par le Sénat et sanctionnée par la signature du Gouverneur.

Quoi qu'il en soit, l'amende n'a pas été payée de par autorité. Je ne crois pas que l'Avocat de District a aucun droit établi, fixe, certain, à en réclamer une partie quelque grande ou quelque minime qu'elle soit, ou qu'elle puisse être. Le Gouverneur et le Sénat de la Louisiane l'ont en quelque sorte éteinte, elle a été effacée, si je puis dire, par les autorités auxquelles seules appartient le droit de le faire. Il n'y a donc plus amende; il n'existe plus rien à quoi l'Avocat de District peut avoir le moindre droit. Il

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n'a pas le moindre droit à rien jusqu'à ce que la partie soit convaincue et que l'amende soit perçue, et pour cela il faut que l'affaire ait passé par toutes les formalités légales, celle qui consiste en l'approbation du Senat et la signature du Gouverneur. S'ils veulent remettre l'amende, c'est comme s'ils annulaient le tout. Si nous payons à l'Avocat de District ce qu'il réclame comme sa part, il faudra prendre cette somme dans le trésor de l'Etat. Soutiendra-t-on que nous devions faire cela ?

M. Hodge—Je ne me rappelle pas comment j'ai voté à la dernière session sur la question de l'amende à laquelle ce bill fait allusion. Je considère cependant que la question n'est plus pendante.

L'année dernière, l'Avocat de District d'Est-Feliciana a fait application pour qu'on lui donnât une partie d'une somme dont le Gouverneur et le Sénat ont donné remise. Le cas était identiquement le même et je crois que l'affaire a été décidée en faveur de la réclamation de l'Avocat de District. Il peut être très-vrai qu'il a pris la place *cum onere* et que l'action possible du Gouverneur et du Senat est une des éventualités qui doivent être prévues dans un cas de cette nature, et nous devons en tout consulter la justice. Cet officier public a rempli les devoirs que la loi lui impose. Il a convaincu le délinquant, et c'est là tout ce qu'il pouvait faire Le Gouverneur et le Sénat ont jugé convenable d'accorder remise de l'amende. Les raisons qui ont déterminé cette mesure n'ont pas été portées devant aucune Cour et sans doute elles ont été communiquées au Gouverneur et au Sénat. Le jugement de la Cour prouve que l'amende est percevable. Si le Gouverneur et le Sénat jugent convenable d'accorder remise de cette amende pour des raisons dont eux seuls sont juges, l'Avocat de District doit-il être privé de cette partie à laquelle il avait droit ? Le sénateur d'Ouest-Feliciana (M. Wickliffe) établit des distinctions subtiles entre les droits acquis et les droits non encore acquis Il soutient que l'Avocat de District n'a pas un droit acquis à cette amende.

Je soutiens, Monsieur, que lorsqu'une condamnation a été prononcée et que l'avocat de District a plaidé la cause et rempli tous les devoirs que lui impose la loi, elle a acquis un droit que l'Etat ne peut pas lui enlever. Hier nous avons adopté un bill faisant remise d'une amende encourue par une personne de cette paroisse, mais la part qui devait en revenir à l'avocat de District a été reservée. Pourquoi ferions-nous une exception en faveur du cas dont il s'agit ?

M. McCay—Dans le cas dont parle l'honorable membre, les honoraires qui ont été reservés devaient être payés par le défendeur et non par l'Etat, tandis que dans l'affaire qui nous occupe ils devraient être payés par le Trésor de l'Etat. Les deux cas ne sont donc pas identiques. Lorsque l'avocat de District accepte sa charge, il est sujet au pouvoir de faire grace qui appartient au gouverneur ou au Sénat. En votant maintenant pour ce bill, je m'obligerais probablement à donner mon vote à une douzaine d'autres bills de la même teneur. Voilà pourquoi je suis opposé à ce bill, et je voterai contre son adoption.

M Moore—Ayant voté aujourd'hui contre le bill faisant remise d'une amende à certaines personnes de la paroisse d'Iberville, je voterai contre la motion de déposer sur le bureau la motion qui nous est soumise en ce moment. Je voudrais pourtant dire quelques mots pour expliquer les raisons qui me guident dans cette circonstance. Dans le premier cas, je croyais que nous n'avions pas le droit d'accorder la remise de cette amende, attendu qu'elle appartenait à la paroisse d'Iberville. Le second cas est différent. Notre acte, il est vrai, fait remise de l'amende, mais l'avocat de District a fait son devoir. Il a rempli toutes les obligations que lui impose la loi. Il a fait un certain travail et il a droit aux honoraires que lui accorde la loi. Nous ne pouvons pas l'en priver par un acte. Il a un droit légal et constitutionnel à la part de l'amende qui lui revient, et si nous l'empêchons de la recouvrer du défendeur, il faut que nous payions nous-mêmes.

M. King—Je désire aussi exprimer mes vues relativement à cette question. Avant ce jour, nous avons de la même manière, exactement que dans le cas actuel, donné de l'argent aux autres. Je pense, quant à moi, que le principe sur lequel nous avons agi, est entièrement mauvais. Mais si nous refusons de faire pour cette personne ce que nous avons déjà fait pour d'autres, dans des circonstances identiquement les mêmes, nous nous rendrons coupable d'une grande injustice. Ce serait là de la législation partiale. Sans doute nous n'aurions pas dû établir le precedent, mais puisqu'il existe maintenant, nous sommes legalement, moralement tenus de nous y conformer aujourd'hui.

M Wickliffe—Je ne comprends pas ce que le sénateur veut dire par les mots de legislation partiale ou partielle. Je vote en faveur d'un bill s'il me semble juste et bon. Si je le juge mauvais, je m'y oppose sans m'occuper, pour déterminer mon jugement, de consulter tel ou tel autre bill. Dans le cas actuel, je crois que l'avocat de District n'a pas de droit à cette somme. Je voterai toujours pour qu'on ne donne rien aux avocats de District dans les affaires où il y aura eu une remise accordée par le gouverneur et confirmée par le Senat

M. McMurdo—Je voterai en faveur du bill parce que je crois qu'il est de l'interêt de l'Etat d'encourager les avocats de District dans l'exercice de leurs devoirs.

La motion de déposer sur le bureau est rejetée, et le bill passe.

M. Macmurdo annonce qu'il présentera sous peu un bill pour rapporter l'acte intitulé, "Acte accordant des pensions aux vétérans de 1814 et '15," approuvé le 30 avril, 1853

M. Macmurdo—La législature en adoptant ce bill avait pour but de prevenir le renouvellement des abus qui avaient déjà été communs sous l'empire de l'acte intitulé, « Acte accordant des pensions aux veterans de 1814 et '15,» approuvé le 17 mars, 1852. Cet acte n'a pas du tout atteint le but qu'on se proposait. Les demandes faites au trésor furent aussi nombreuses, sinon plus nombreuses, que sous l'ancien régime. La somme de $10,000 effectée au paiement des applications faites en vertu de l'acte de 1853 fut epuisée, et il y a encore un grand nombre de petitionnaires Convaincu que le seul moyen d'empêcher cela est de referer l'acte auquel j'ai fait allusion, et de retablir l'ancien systeme tel qu'il etait etabli avant l'adoption de l'acte adopté le 17 mars, 1852.

M. Palfrey—Si le Senat n'a pas à s'occuper immédiatement de questions presentes je demanderai que ce bill soit pris maintenant en consideration. (Les règles sont suspendues.) Je vais expliquer en peu de mots le but de ce bill

A l'epoque de l'invasion de la Louisiane par les troupes anglaises et lorsqu'on ignorait encore sur quel point l'ennemi opérerait son debarquement, des détachements furent envoyés sur differents points du littoral du lac pour observer ses mouvements. Les hommes dont ces detachements étaient composés montrèrent le même zèle, supportèrent les mêmes fatigues et, on doit le supposer, coururent les mêmes dangers que ceux qui restaient avec le gros de l'armée, et qui combattirent à la ligne. Et pourtant ils sont exclus du privilège de la loi des pensions, et c'est dans le but de les en faire jouir que le bill est présenté.

Le bill est adopté.

MESSAGE DE LA CHAMBRE.

Le messager spécial de la Chambre informe le Sénat que la Chambre a donné son concours aux bills suivants du Senat.

Acte pour creer deux notaires publics additionels pour la paroisse de Rapides.

Acte pour changer l'epoque des sessions de Cour dans le 6me District Judiciaire et pour fixer les sessions du jury.

Et il demande le concours du Sénat au bill suivant, intitulé :

Acte pour pourvoir à la nomination d'un notaire public pour la paroisse Plaquemines.

Et que l'Orateur a signé les bills suivants, dûment enrôlés.

Acte pour autoriser Hypolite Chrétien et son épouse Célestine Cantrelle à disposer d'une famille d'esclaves, par acte de vente ou autrement.

Acte pour prolonger le temps accordé à certains officiers de paroisse et autres officiers, à l'effet de se procurer des certificats établissant qu'ils ne sont pas concessionnaires en vertu de la 2me section d'un acte intitulé :

Acte pour assurer la collection et le prompt paiement des fonds publics, approuvé le 28 avril, 1853.

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LUNDI, 6 février 1852.

King, au nom du comité des améliorations à
ieur, des terres marécageuses et des levées,
a été référé un « acte pour créer et établir
ccursale du bureau des terres de l'Etat à Mon-
ns la paroisse de Ouachita, » a fait le rapport

norable président et aux membres du Sénat de
l'Etat de la Louisiane.

majorité du comité des améliorations à l'inté-
les terres marécageuses et des levées, m'a
le rapporter contre le bill qui lui avait été ré-
titulé « Acte pour créer et établir une suc-
du bureau des terres à Monroe, dans la pa-
e Ouachita. »

Signé WM. W. KING,
Rapporteur

tion de M. Rivers, le Sénat s'occupe du dit

ACTE

éer et établir une succursale du bureau des
s à Monroe, dans la paroisse de Ouachita.

1. Il est décrété par le Sénat et la Cham-
Représentans de l'Etat de la Louisiane, réu-
assemblée générale;
era créé et établi, par cet acte, une succur-
bureau des terres à Monroe, dans la paroisse
hita, pour la vente des terres publiques choi-
pour la vente de telles terres publiques qui
nt être établies et concédées par le Congrès,
de la Louisiane, situées dans le district des
nord de la Rivière Rouge.

2. Il est de plus décrété &c.
médiatement après la passation de cet acte,
rneur, de l'avis et du consentement du Sé-
nera un register et un receveur de la dite
le du bureau des terres publiques de l'Etat,
seront nommés pour le terme de deux années,
qu'ils ne soient légalement destitués, lesquels
t chacun un salaire de deux cents piastres, et
t droit en sus à recevoir des acquereurs les
rais et émoluments qui sont actuellement al-
register et au receveur des fonds publics des
is, dans l'Etat de la Louisiane.

3 Et il est de plus decrété, &c; Que le Re-
le Receveur nommés par le Gouverneur, con-
nt aux dispositions de la seconde section de
devront, avant d'entrer en fonctions, prêter,
t toute personne ayant autorité de l'admi-
ment de soutenir la Constitution et les
ats-Unis et de l'Etat de la Louisiane, et de
s devoirs de sa place fidèlement, et fournira
tion, avec bonne et suffisante caution, à la
n du Gouverneur, de la somme de trois
res, pour la fidèle exécution des devoirs de

Et il est de plus décrété, &c; Qu'il sera du
Register de la dite succursale du bureau des
liques, de remplir tous les devoirs, et qu'il
aux mêmes réglements, restrictions, peines
bilités qui sont ou pourront être prescrits et
Register du bureau des terres publiques,
gouvernement, et tant que la vente des
ont situées dans la section de cet acte est
et il fera tous les trois mois un rapport à
les comptes public, de toutes les terres qui
être vendues à la dite succursale, avec la
des dites terres et le montant pour lequel
é vendues.

Et il est de plus décrété, &c; Que le Rece-
nds publics à la dite succursale, remplira
oirs et sera sujet aux mêmes reglements,
peines et responsabilités prescrits par la
rier de l'Etat relativement à l'entrée et la
rres appartenant à l'Etat, dans les limites
ar le première section de cet acte, et re-
ptes avec l'auditeur des comptes publics
s les trois mois au trésorier de l'Etat
mmes en mains appartenant à l'Etat.

t il de plus decrété, etc. Qu'aussitôt que
ter et receveur auront été nommés et au-
serment et fourni le cautionnement re-
uatrième section de cet acte, le register
es terres publiques au siége du gouverne-
at de la Louisiane délivrera au register

nous ayons une succursale à Monroe. Le comité n'a pas jugé convenable de donner les raisons pour lesquelles il a fait un rapport défavorable au bill; je le regrette excessivement. Je désirerais entendre ces raisons Je crois que c'est là une mesure très importante, et qui méritait une mention et plus détaillée et plus approfondie qu'il ne peut s'en trouver dans un simple rapport defavorable. Nous, qui sommes en faveur du bill, nous pouvons dire les raisons qui nous décident à penser ainsi. J'espère que le comité nous fera l'honneur de nous faire part des leurs; j'espère qu'il nous expliquera comment et pourquoi il en est venu à la conclusion qu'il expose. S'il n'a pas de bonnes raisons à donner, je le supplie de revenir sur sa décision et de soutenir le bill. Qu'il soit admis comme loi. Il est de la plus grande importance pour une des parties les plus vastes, les plus prospères de notre Etat.

J'espère donc que le bill sera adopté.

M. King—Il est vrai que dans le rapport qu'il a présenté, le comite n'a pas explique les raisons qui l'ont déside à faire opposition a ce bill; mais le senateur peut être sûr que le comite n'a pas agi inconsidérément et sans reflexion.

Le fait est que nous avons jugé tout-à-fait inutile d'établir une succursale à Monroe; si nous commençons à diviser et à subdiviser ce bureau, on nous demandera l'établissement d'une succursale dans chacune des paroisses de l'Etat, et il en résultera que tout le revenu provenant de la vente des terres marecageuses passera en salaires d'employes. Je dois le dire, il n'est pas une seule partie de l'Etat pour laquelle j'ai plus de sympathies que celle à l'avantage de laquelle il est question d'établir une succursale du bureau des terres. Certes, si nous divisions ce bureau, c'est à cette paroisse incontestablement que nous devrions penser en premier lieu.

Mais le comité n'a pas jugé prudent ou opportune de diviser le bureau et cela pour les raisons que je viens de dire. Je ne puis croire que le senateur de Jackson, (M. Defrees) attribue mon opposition à ce bill à d'autres motifs qu'à des considérations d'intérêt public.

de la succursale du bureau des terres publiques, créée et établie en vertu de cet acte, tous les plans des terres publiques dans le district établi par cet acte ensemble avec un état correct de toutes terres vendues par l'Etat, situées ou fixées dans le dit district.

Sect. 7. Et il est de plus décrété, etc. Que l'acte intitulé: « Acte pour créer et établir une succursale du bureau des terres publiques à Woinsborough, dans la paroisse de Franklin, » approuvé le 4 mai 1847, ainsi que toutes les lois contraires aux dispositions de cet acte, sont par le présent acte rappelés, et le register des terres publiques à Woinsborough est, par le présent, requis de délivrer au register de la dite succursale du bureau des terres publiques, à Monroe, créée et établie par cet acte, tous les plans des terres publiques dans le district établi par le présent acte, avec un état correct de toutes les terres de l'Etat qui sont vendues et situées dans les limites de la dite section sous certificats vendus par l'Etat en tant qu'ils sont venus à sa connaissance.

M. Defrees—Je dois dire que le rapport présenté par le comité des améliorations intérieures au sujet de ce bill, me cause autant d'etonnement que de regrets. Je déplore que le comité ait cru devoir faire un rapport aussi défavorable. L'importance du sujet réclamait une décision toute différente, si l'on avait établi la succursale à laquelle ce bill pourvoit une partie très grande et très importante de notre Etat aurait beaucoup profité, parce que c'était lui assurer des facilités dont elle est aujourd'hui entièrement dépourvue. Il y a dans ce district un grand nombre de terres publiques qui auraient pu être vendues beaucoup plus facilement, si la dite succursale avait été établie à Monroe. Maintenant les personnes qui désirent s'inscrire pour des terres sont forcées de venir jusqu'ici, dans la capitale, à une longue distance de chez elles, ce qui leur occasionne à la fois et d'inutiles délais et de la fatigue, et des dépenses qui pourraient être évitées par le moyen qui est indique dans le bill.

Il est, je puis le dire, d'une absolue nécessité, que

M. Hodge propose l'amendemhnt d'insérer après les mots « Monroe dans la paroisse de Ouchita » les mots « Shreveport dans la paroisse de Caddo. »

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M. Kenner fait la motion d'insérer comme amendement à l'amendement de M. Hodge, les mots « Donaldsonville dans la paroisse de l'Ascension »

M. Moore fait la motion d'insérer, comme amendement de M. Kenner, les mots « Opelousas dans la paroisse St-Landry.

M. King fait la motion que le dit bill et les Amendements soient déposés indéfiniment sur le bureau.

M. Defrees—J'espère que le sénateur n'insistera pas sur cette motion et qu'il permettra que le vote soit pris immédiatement sur ce bill.

Le bill est déposé sur le bureau.

M. Macmurdo fait la motion de prendre en considération l'acte pour pourvoir au paiement des coupons et des intérêts détachés des bonds émis par l'Etat, lesquels coupons peuvent être dus,

M. Macmurdo—Je n'ai pas besoin de dire au Sénat combien ce bill est importante ni qu'il est nécessaire qu'il soit adopté le plus tôt possible.—J'essayerai en quelques mots d'en expliquer le but, La Constitution décrète, ainsi que tous mes collègues le savent, qu'il ne sera tiré aucun argent du trésor si ce n'est d'après une affectation spéciale et qu'aucune affectation ne sera faite pour un terme plus long que deux ans. D'ordinaire nous faisons les appropriations pour le paiement de la dette de l'Etat et de l'intérêt, d'année en année et si les coupons ne sont pas présentés dans les deux ans requis par la loi (ce qui arrive souvent) il deviennent nuls. Les coppons ont quelquefois détachés des bonds et ne sont présentés pour être payés que long-temps après qu'ils sont dus.

Le but de ce bill est de former un fonds duquel les coupons d'intérêt pourront être payes sur présentation. Je tiens à la main un extrait du *Journal de Commerce*, un des principaux journaux de New-York qui démontre l'importance de ce bill. Je vais en donner lecture :

« Une maison recommandable de cette ville qui fait » des affaires avec l'Angleterre, a reçu dernièrement » de Londres, pour être collectés, vingt coupons d'in- » térêt sur les bonds de l'Etat de la Louisiane. Le » tout s'élevait à $600. Les coupons ont été immé- » diatement envoyes à Bâton-Rouge pour être payés. » Cette maison vient de recevoir le paiement comp- » tant de dix-sept d'entre-eux, s'élevant à la somme » de $510; mais les trois autres s'élevant à la somme » de $90 n'ont pas été payés, le trésorier de l'Etat » à Bâton-Rouge ayant declaré qu'il n'y avait pas » d'appropriation faite au-delà de la somme qu'il » payait; mais que la Législature devait s'assembler » dans le cours du mois et y pourvoierait sans aucun » doute.

» N'y a-t-il donc personne en Louisiane qui put » prêter à l'Etat $90 dans ce moment critique ?

» Voici une copie d'un des coupons qui n'ont pas » été payés :

BOND DE L'ETAT DE LA LOUISIANE.

Doit—

Mandat de $30 dû le 11 septembre 1858 et payable au lieu designé dans l'endossement.

No 70. C. G, Trésorier.

Si les choses restent ainsi, qui peut douter que le crédit de l'Etat ne soit bientôt détruit ? Des cas de la nature de celui que rapporte le *Journal de Commerce* se présentent souvent et il est nécessaire que de promptes mesures soient prises à cet effet.

Le bill passe avec un amendement.

BANQUE DES CITOYENS.

M. Clifton, du comité des banques et maisons de banque, présente un rapport favorable au bill suivant :

Acte pour amender la charte et les divers actes relatifs à la Banque des Citoyens.

Section 1. Il est décrété &c; Que le proviso contenu dans la 3me section de l'acte du 30 janvier 1836 intitulé « Acte pour amender les divers actes relatifs à l'acte intitulé « Acte pour incorporer la Banque des Citoyens de la Louisiane, qui est conçu en ces termes : « Bien entendu, qu'aucune personne qui ne sera pas citoyen libre et blanc des Etats-Unis et domiciliée dans l'Etat de la Louisiane, ne deviendra ni directement ni indirectement propriétaire d'aucune partie du fonds capital de la dite compagnie » est par le présent abrogé.

Sec. 2. Il est de plus décrété, &c., Que la 9me section du dit acte, approuvé le 30 janvier 1836, autorisant la banque à charger le taux d'escompte sur tous billets n'ayant pas plus de cent-vingt-quatre jours à courir, six pour cent, et sur tous prêts ayant plus de cent-vingt-quatre jours à courir, sept pour cent : et la 8me section d'un acte daté le 23 mars 1839 intitulé « Acte pour amender l'acte intitulé : « Acte pour amender et supplémentaire aux divers actes relatifs à l'acte pour incorporer la Banque des Citoyens, qui autorise la Banque à exiger huit pour cent d'escompte sur les prêts pour un terme excédant six mois ou davantage, est et demeure par le présent amende ainsi qu'il suit, savoir : « Que la Banque des Citoyens de la Louisiane aura le droit de faire payer six pour cent d'escompte sur les prêts (excepté sur les prêts sur actions) n'ayant pas plus de 90 jours à courir, et sur tous prêts au-dessus de 90 jours de terme, huit pour cent d'escompte.

Sect. 3. Il est de plus décrété, &c., Que la 3me section de l'acte du 12 fevrier 1836, intitulé « Acte pour amender les divers actes relatifs à l'acte intitulé « Acte pour incorporer la Banque des Citoyens de la Louisiane, » qui est conçue en ces termes : « Qu'à l'avenir aucune nomination des officiers de la Banque ne se fera sans qu'un avis préalable ait été donné pendant huit jours dans deux gazettes de cette ville, lequel sera publié en anglais et en français, Best et demeure par le présent abrogée.

Sect. 4 Il est de plus décrété, &c, Que toute cette partie de la 7me section de l'acte du 1er mars 1852, intitulé « Acte pour venir au secours de la Banque des Citoyens, qui autorise les actionnaires à élire cinq directeurs, est et demeure amendée de manière à s'interpréter comme suit : « Que les actionnaires de la dite corporation auront le droit d'élire sept directeurs, lesquels, ensemble avec les deux directeurs nommés par l'Etat, constitueront le Bureau des Directeurs de la dite Banque des Citoyens de la Louisiane.

Sect. 5. Il est de plus décrété, &c, Que cet acte ne sera pas mis en vigueur avant qu'il n'ait été accepté par écrit par une majorité des actionnaires en comptant et hypothécaires de la Banque.

M. McMurdo—Je fais la motion que le bill soit pris en consideration et qu'il en soit disposé.

M. Evans—Je ne puis pas dire que je comprends parfaitement ce bill, et ne le comprenant pas, je ne puis consentir à voter en sa faveur.

M. McMurdo—J'essaierai d'expliquer la nature du bill de telle sorte, que le sénateur puisse le comprendre parfaitement. Le but de ce bill est excellent, et je crois qu'il obtiendra l'approbation générale du Sénat. Il s'agit tout simplement de permettre à la Banque des Citoyens d'exiger huit pour cent sur les prêts de plus de 30 jours, ce qui serait placer cette Banque sur un pied d'égalité avec les autres. C'est un privilege accordé aux banques libres etablies d'après l'acte de la dernière session, et avec lesquelles la Banque des Citoyens entre en compétitition. De plus, cela sera avantageux à la campagne, où les emprunts sont généralement faits à 90 jours, et s'il n'est pas permis à la Banque des Citoyens d'exiger le même taux d'interêt que les autres, il arrivera qu'elle ne pourra pas étendre ses prêts à un terme de plus de 90 jours.

Ce bill a aussi pour but de bénéficier les propriétaires d'hypothèques parmi lesquels l'Etat a un intérêt résidiaire. Je ne vois pas d'objection possible à ce bill et je suis sûr que le sénateur n'en aura plus du tout après que j'aurai dit que son seul but est de placer la banque des Citoyens sur un pied d'egalité avec toutes les autres en lui accordant les mêmes privilèges dont elles jouissent.

M. Moore—L'intention du sénateur est-elle d'augmenter l'intérêt sur les billets hypothécaires ?

M. McMurdo—Tout ce que l'on demande c'est de permettre que l'agent puisse être investi de telle sorte que ceux qui ont des billets hypothécaires puissent avoir quelque retour des fortes contributions imposées sur eux.

M. Trudeau—Si je comprends bien le bill son but est comme suit : La Banque des Citoyens occupe une position différente de celle des autres. Elle a le droit

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ipter des billets à un terme plus long que 90
nais lorsque le billet est à plus de 90 jours elle
itée à un intérêt de 6 pour cent seulement. Le
ce réglement est d'empêcher la banque d'es-
r des billets à plus de 90 jours en faisant qu'il
pas de son intérêt de le faire. Les autres ban-
t le privilége d'escompter pour un terme plus
e 90 jours à 8 pour cent d'interêt. Cela agit
lement au grand détriment des personnes de
agne qui font des affaires avec la Banque des
s parce qu'elle ne veut pas escompter à moins
autres, et par conséquent elle ne veut pas
ses prêts au-delà de 90 jours. Quelques ban-
t le privilége d'exiger 9 pour cent après un
temps. La Banque de la Louisiane ne deman-
autorisation d'exiger plus que le taux légal
érêt. D'après le réglement auquel je viens de
usion elle est restreinte à un temps très court.
it lui être permis d'avoir les mêmes privilé-
les autres banques.
que le sénateur de la Nouvelle-Orléans l'a
arquer avec raison, l'Etat a un intérêt direct
uestion et pour lui au moins, nous devrions
avant de rien décider.
ore—Le bill devrait être amendé de manière
e du cercle des opérations de cette banque les
othecaires. D'après sa charte elle n'a pas le
xiger plus de 7 p. cent sur les prêts hypothé-
en conséquence le bill devrait être amendé
orte qu'il soit conforme à cette disposition de
. Si le bill est rédigé de manière à n'impli-
les prêts sur les billets à ordre, je n'y ai pas
ire objection ; mais s'il comprend aussi les
pothécaires, je m'y opposerai parcequ'il con-
rait à une disposition spéciale de la charte.
ction imposée aux prêts hypothécaires est
ent celle-ci : Lorsque la caution est bonne et
le taux de l'intérêt ne devrait pas être aussi
lorsque la caution n'est ni bonne ni solva-
me trompe lorsque je dis que cette restric-
tablie dans la charte, j'espère que quelque
mieux informé que je ne suis, voudra bien
oir mon erreur.
Murdo—Le bill excepte les prêts avec garan-
s propriétés.
re—Je fais alors la motion d'excepter les prêts
aires
ideau— Je fais objection à l'amendement.
n'ignore que le taux de l'intérêt est mainte-
élevé à la Nouvelle-Orléans ; il est même
s'y procurer de l'argent à 8 pour cent. Si
ons le taux de l'intérêt auquel il est permis
anque d'escompter au dessous du taux de
onventionnel, il en résultera que nous l'em-
de jamais escompter. Il n'y a pas de clause
arte qui l'oblige à cela. Si elle ne peut pas
même taux que les autres banques, elle ne
prêt de cette nature, parce qu'elle peut
terme plus court et à de meilleures condi-
le est mise sur le même pied que les autres
le consentira à donner plus de facilités aux
hose dont ils ont bien grand besoin.
idge—J'espère que l'amendement ne pas-
S'il est adopté, il privera le pays des
qu'il espérait retirer du rétablissement de
ie. Lorsque les planteurs se rendent en
nprunter de l'argent ils n'espèrent pas que
les Citoyens leur prête à un taux moindre
andent les autres Banques. Ils ne sau-
er que la Banque le fasse, et par consé-
drraient tous les avantages de cette insti-

ey—Je suis opposé à l'augmentation du
térêt qu'il est permis à cette Banque
Mon opinion est qu'il n'est pas loisible à la
éterminer qu'elle soumne elle peut prêter
nes garanties. Je crois qu'elle est tenue
e certaine portion sur des billets à ordre,
portion sur des billets hypothécaires,

do—Il est du plus grand intérêt pour la
Citoyens qu'elle soit mise sur le même
autres Banques de la Nouvelle-Orléans.
avec difficulté que l'on peut obtenir des
écaires peuvent être obtenus en ville à
nt. Les autres Banques sont autorisées
f pour cent. Cette Banque est plus ré-
pandue dans la campagne que toutes les autres; ses affaires y sont beaucoup plus grandes et il n'est que très juste non seulement envers elle, mais aussi envers ses habitués qu'elle soit placée sur un pied d'egalité avec les autres Banques.

M. Hodge—Je voterai contre le bill parce qu'il concède à la Banque le droit d'exiger un taux plus elevé d'intérêt qu'il n'est permis aux particuliers de recevoir. Il y a une bien grande différence entre 8 pour 100 d'intérêt et 8 pour 100 d'escompte. Permettre à la Banque de prendre plus de 8 pour 100 d'escompte, c'est plus que de l'autoriser à prendre 8 pour cent d'intérêt.

Et pourquoi établirait-on une semblable différence, une différence aussi injuste ? Pour moi, je ne vois pas qu'on doive en établir aucune entre les banques incorporées ou non incorporées.

M. McMurdo—Il n'est pas de jours où les courtiers ne demandent plus de huit pour cent.

M. Hodge—Cela est alors de l'usure.

M. McMurdo—Cependant l'escompte généralement exigé est de huit pour cent. Cette règle est etablie par la coutume.

M. Hodge—Les banques libres ont elle le droit d'exiger huit pour cent?

M. Macmurdo—Oui, monsieur.

Une motion est faite alors de déposer l'amendement sur le bureau.

Cette motion est perdue.

M Hodge—Je fais la motion que le bill soit déposé indefiniment sur le bureau ; mais avant que la question ne soit posée je désirerais que le sénateur lut la section de la loi des banques libres qui autorise à prendre 8 pour cent.

M. Evans—Est-on à l'ordre en demandant que le bill soit déposé indéfiniment sur le bureau ? Quant à moi je crains toujours d'accorder trop de pouvoirs, trop de privilèges aux banques et comme je ne comprends pas très bien la question dont le Sénat s'occupe maintenant relativement à la Banque des Citoyens je ne désirerais pas voter immédiatement pour ou contre le bill. Néanmoins je voterai contre la motion de déposer indéfiniment le bill sur le bureau parce que si je puis être convaincu de son opportunité je le soutiendrai. Je désirerais donc que le bill soit ajourné à plus tard.

M. Kenner Je seconderai cette motion. Il semble qu'il existe au sujet de ce bill quelques malentendus qui j'en suis sûr, disparaîtront lorque les sénateurs auront eu le temps de l'étudier et de réfléchir. Dans quelques jours je n'a pas de doutes que le bill ne soit adopté sans opposition.

M. King—Je crois indispensable de faire un amendement à ce bill. Nous devrions y insérer une section pourvoyant à ce que les actionnaires soient consultés sur l'amendement et que leur décision soit connue avant que la loi ne soit passée. La charte appartient aux actionnaires; elle est pour eux chose acquise et nous ne pouvons la changer sans leur consentement.

M. Moore—Ainsi que je l'ai déja dit, la charte astreint la banque à prêter une certaine proportion sur hypothèques. L'amendement proposé à ce bill peut-être nécessaire; il peut produire le plus grand bien; mais quant à moi, je suis d'une opinion toute différente et je n'hésiste pas à dire que s'il est adopté, si le bill passe, deux jours après le fonds de la banque des Citoyens vaudra 110. C'est là un fait important à considérer.

M. Hodge—Le sénateur de la Nouvelle-Orléans (M. MacMurdo) a fait la remarque que les banques établies sous la loi des banques libres, ont le droit d'exiger 8 pour cent d'escompte. Je conteste cela. Il dit que ces banques ont le droit de demander l'intérêt légal le plus élevé. Pour arriver à une conclusion qui soit juste, il faut d'abord savoir cé qu'est l'intérêt légal le plus élevé. Il est de 8 pour cent. Mais 8 pour cent d'escompte sont plus que 8 pour cent d'intérêt.

Je suis donc opposé à ce qu'on accorde aux banques des privilèges plus grands que ceux dont jouissent les particuliers. Pourquoi le ferions-nous ? Quelle raison avons-nous pour cela ? Quel droit les banques ont elles a plus de faveur de notre part ? Je le repète, Monsieur, le principe est faux et jamais je ne le sanctionnerai par mon vote.

M McMurdo—Je regrette que le sénateur ait contesté ce que j'avançais au sujet du droit des particuliers d'exiger 8 pour cent d'escompte. J'en appe-

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le au président du comité des améliorations intérieures (M. King) et je consens à me courber devant sa décision.

M. King—Huit pour cent, ainsi qu'un sénateur l'a déjà dit, est le taux légal de l'intérêt; mais un tiers porteur peut toucher le montant total du billet.

M. Hodge—Le sénateur prétend-il dire que les lois usuraires de l'Etat peuvent être ainsi mises de côté ? C'est la première fois que j'entends dire sérieusement qu'en changeant le nom d'une chose on change la chose elle-même; c'est la première fois que j'entends dire qu'on pouvait ainsi violer les lois d'usure. Ces lois sont faites pour déterminer quels profits peuvent être faits sur les prêts d'argent et empêcher qu'on ne «rase de trop près» (si je puis employer l'expression vulgaire) ceux que la nécessité force à avoir recours aux prêteurs. Exiger plus qu'un certain escompte c'est se rendre coupable d'usure et c'est toujours de l'usure soit que vous appeliez le gain escompte ou intérêt.

Le bill est mis à l'ordre du jour pour mercredi

M. King demande et obtient la permission de présenter un acte pour rappeler en partie l'article 1546 du Code Civil. La question est référée au comité judiciaire.

Le même membre demande et obtient la permission de présenter un acte pour indemniser différentes personnes employées par le comité nommé par le Sénat en 1850, pour préserver l'Etat de l'inondation.

M. King—Je fais la motion de référer ce dernier acte au comité des améliorations intérieures.

M. Wickliffe—Je demande que cet acte soit référé au comité des réclamations. Ce comité n'est lié par aucune promesse. J'espère que l'honorable membre n'insistera pas sur sa motion de référer le bill au comité des améliorations intérieures. Nous savons que le président de ce comité a positivement promis de faire payer ses réclamations. Pour ma part je ne les crois pas justes. Je puis être dans l'erreur, mais telle est mon opinion, et lorsque le bill nous sera soumis je donnerai des preuves à l'appui de ce que j'avance. La demande qui nous est présentée est une réclamation, et comme telle elle doit être examinée par le comité compétent. C'est ce qui est fait pour toutes les autres demandes de ce genre, et j'espère que nous ne ferons pas une exception en faveur de celle-ci. Le comité des améliorations intérieures n'a rien de commun avec une question de cette espèce Le bill demande, ni plus, ni moins, le paiement de certaines réclamations contre l'Etat, et le comité qui doit examiner une demande de ce genre est le comité des réclamations. Je crois, comme je l'ai déjà dit, que ces réclamations ne sont pas fondées. La fameuse expédition de M. Ricker était une vraie chasse à l'oie sauvage, et il n'y était nullement autorisé par l'Etat. Je le répète, j'espère que l'honorable membre n'insistera pas sur sa motion, alors qu'il s'est irrévocablement engagé à soutenir ce bill.

M. King—L'honorable préopinant est d'avis que ce bill ne doit pas être référé au comité des améliorations intérieures, pour la raison que je suis déterminé à en favoriser l'adoption. Je lui ferai observer que je ne forme pas tout le comité et que je ne suis pas autorisé à parler en son nom, sans en être requis, ni à promettre son concours ou son opposition à une mesure quelconque. C'est moi qui ai présenté ce bill, il n'est donc pas étonnant que je sois favorable à son adoption, il serait même fort étrange que je fusse autrement disposé; mais il y a dans le comité d'autres membres dont la voix a le même poids que la mienne L'honorable membre ne refusera pas, je crois, de s'en remettre à leur jugement.

Mon collègue demande ce que le comité des améliorations intérieures a de commun avec cette question; s'il avait lu le titre du bill, il ne me ferait pas cette question. M. Ricker était le président d'un comité nommé par le Sénat pour aviser aux moyens de mettre l'Etat à couvert d'une inondation. Le comité des améliorations est chargé des mêmes fonctions, il est donc on ne peut plus compétent pour examiner ce bill.

L'honorable membre dit que ces réclamations ne sont pas justes, je crois au contraire qu'elles sont des mieux fondées, et lorsque le bill nous sera soumis, j'espère le démontrer, bien que je ne parviendrai probablement pas à convaincre l'honorable membre qui est irrévocablement opposé à la mesure M. Ricker, comme président du comité nommé par le Sénat, a présenté au comité des améliorations intérieures un rapport sur le résultat de ses investigations. Ce comité a devant lui tous les plans, cartes, papiers et autres documents réunis par M. Ricker. Il a donc en sa possession des moyens d'information que ne possède pas le comité des réclamations.

L'honorable préopinant a cru devoir annoncer que je suis porté à favoriser l'adoption du bill, et il donne à entendre que le comité que j'ai l'honneur de présider est dans les mêmes dispositions. Je soutiens que ce comité n'est pas plus lié que celui des réclamations. L'année passée, une réclamation émanant d'une personne employée par M. Ricker fut présentée à ce comité. Elle se montait à $800. Le rapport fut favorable, mais le comité des réclamations réduisit ce chiffre à $100. Si le comité judiciaire, suivant ce précédent, rapportait en faveur du montant entier de tous ces bills, le chiffre s'élèverait à $25,000. Le comité judiciaire, au contraire, ne le porte qu'à $5,000.

Je le répète, ces réclamations sont justes et en conséquence je crois qu'elles devraient être payées. La crainte des améliorations intérieures (en disant cela je ne prétends heurter en rien la susceptibilité du sénateur d'Ouest Féliciana) la crainte des améliorations intérieures, dis-je, est celui qui peut le mieux les examiner. Le comité des réclamations ne peut pas posséder une connaissance aussi parfaite de la question parce qu'il n'a pas les mêmes détails, les mêmes informations. Quant au comité des améliorations intérieures qu'on dit être engagé, j'ai fait voir que c'était une erreur, une grande erreur. Je ne connais pas un seul membre qui soit engagé, de sorte que les appréhensions du sénateur à ce sujet sont très mal fondées.

M. Wickliffe—Le sénateur dit que le comité des améliorations est engagé autant, a-t-il dit, je crois, que le comité dont il est président. Que pensera-t-on de cette imputation lorsque j'aurai fait voir que pas un seul des membres qui l'année dernière composaient ce comité n'en fait partie aujourd'hui, n'est même dans le Sénat ?

Je le répète, je ne vois pas pour quelle raison ce bill serait référé à un comité dont le président est engagé à le soutenir, tandis que d'autres bills sont référés à des comités qui ne sont pas engagés à l'avance. C'est là, M. le président, une distinction injuste, indigne. L'argument du sénateur que le comité des améliorations intérieures a plus de moyens de l'informer, n'est pas tenable. Le sénateur lui-même qui prend tant d'intérêt à M. Ricker n'aura sans doute pas d'objection à faire voir ces cartes, ces plans et ces documents dont il a parlé au comité des réclamations pour l'aider dans ses recherches. Je présume trop de son obligeance et de sa courtoisie pour supposer un seul instant qu'il puisse refuser.

M. King—Qu'il me soit permis de dire au sénateur que je ne prendrai pas la peine de courir au comité des réclamations pour lui soumettre des plans ou des documents d'aucune sorte. Ce n'est pas là mon affaire Je lui dirai aussi que je n'ai pas d'autre intérêt à ce bill que celui qu'éprouvent tous les sénateurs. Je considère que ces réclamations sont justes et je pense qu'elles devraient être payées.

M. Kenner—Je voudrais que cette question fut terminée sans délai. Je fais donc la motion de déposer indéfiniment ce bill sur le bureau. Depuis trois ans cette réclamation Ricker est devant le Sénat C'est véritablement une calamité au moins pour moi et je suis sûr que bien peu de sénateurs ne partagent pas mon avis.

M. King—Si nous ne passons pas un bill général de cette nature nous serons accablés de pétitions et de réclamations spéciales qui absorbent notre temps le plus précieux et entraîneront l'Etat à des dépenses beaucoup plus grandes que si ce bill était une fois adopté.

M. Kenner—Puisque je vois décidément que le Sénat désire en finir avec cette question, je retire ma motion de référer le bill au comité des réclamations.

M. King—Je n'ai pas d'objection à retirer ma motion de référer le bill au comité des améliorations intérieures. Je ne m'oppose pas à l'examen de cette

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ons par un comité quel qu'il soit, car je les crois
tes et animés des meilleures intentions.
Il est référé au comité des réclamations.
notion de M. King, le Sénat s'occupe du bill de
abre intitulé :
pour rendre plus efficace les dispositions d'un
itulé « Acte pour améliorer et dessecher les
arécageuses et inondées qui ont été données
de la Louisiane en vertu d'un acte du Con-
tulé « Acte pour aider l'Etat de la Louisiane
cher les terres marécageuses qu'y s'y trou-
pprouve le 2 mars 1849.
otion, et après dispense des règles, ce bill
ux fois et est référé au comite des améliora-
l'intérieur.
ckliffe—Je fais la motion de passer au bill de
bre pourvoyant à l'enregistrement des hypo-
legales et tacites et de le référer au comité
. La raison pour laquelle je demande
que le bill est présenté par un ami est avo-
la Chambre qui a consacre beaucoup de
de peine à le préparer. J'ai la plus grande
dans son jugement et je crois que ce bill ob-
approbation du Sénat de même qu'il a obte-
de la Chambre. Je voudrais qu'avant de rien
e bill fut soumis au comité judiciaire.

ORDRE DU JOUR.

LOI D'ENREGISTREMENT.

r étant celui fixé pour prendre en considé-
s bills suivants intitulés :
our pourvoir à l'enregistrement des votans
ville de la Nouvelle-Orléans, conformement
e II de la Constitution. Et
our pourvoir à l'enregistrement des noms et
ences de tous les votans qualifiés dans la
a Nouvelle-Orléans.
Cay—Je réclamerai l'indulgence du Sénat
de l'omission que j'ai commise de préparer
t sur ces bills. La raison pour laquelle je
s fait est qu'un de mes collègues du comité
ons (M. Dupré) a été forcé de partir de la
our des affaires très pressees; l'autre mem-
mité (M. Ryan) est aussi absent pour af-
e sénateur a, je crois, deux bills sur le mê-
J'en ai moi-même deux que je désirerais
au comité; je fais donc la motion que le
mis à l'ordre du jour pour jeudi prochain.
notion est adoptée :

POUR EMANCIPER W. H. BOATNER.

y appelle le bill de la Chambre pour éman-
H. Boatner.
eau—Je fais objection à l'adoption de ce
noment. Je ne pourrai voter en sa faveur
ue j'aurai obtenu certaines informations. Si
iens bien, tous les mineurs ont maintenant
la loi le droit d'être émancipés par une
de famille ou par un jugement de Cour
onc alors la Législature serait elle toujour
de semblables bills ? D'après l'acte de 1848,
l'a-t-elle pas le droit d'émanciper, et ne se-
quelque motif secret qui fait que l'on s'a-
Législature. Le tuteur veut donc aller di
ontre le desir d'une assemblee de famille ?
les deviennent trop nombreuses. La se-
ère le Sénat en etait tellement encombré,
eut je ne regrette pas de m'être trouvé
ndant cette semaine-là le Sénat n'a pu
aucune affaire importante.
que le Sénat comprenne bien ma pensée.
se à toute législation spéciale ; je suis
irement oppose à l'émancipation d'un
re le désir de sa famille.
s des lois générales d'après lesquelles on
aux mêmes résultats qu'en s'adressant à
e. Que l'on ait donc recours aux moyens
la loi et qu'on cesse enfin de nous sur-
emandes.
—Lorsque j'aurai dit au sénateur que le
il s'agit est le frère d'un de mes collè-
roisse d'Est-Bâton-Rouge, qui est main-
la Chambre des Représentants, et en
le frère d'un de nos collègues du Sénat,
nou que ce bill n'est pas de la nature de
onne. Le but des parties est d'opérer
e biens. La propriété est petite et ne
as les dépenses qu'il faudrait faire si
l'on recourait aux procédures légales ordinaires. Le Sénat a déjà adopté des bills de cette nature, et même à cette session il en a adopté. Je sais que le sénateur est opposé au principe ; je le suis moi-même ; mais le Sénat a déjà mainte et mainte fois sanctionné ce principe, et il serait injuste de faire une exception dans le cas actuel.

J'espère donc qu'il sera adopté par le Sénat.

M. Trudeau J'aimerais à faire preuve de courtoisie envers le sénateur ; mais je ne puis consentir à soutenir un bill au principe duquel le suis opposé. Je ne fais pas d'exception dans ce cas, parce qu'invariablement j'ai été opposé à ces sortes de demandes. Je crois qu'il est très dangereux d'emanciper ainsi les mineurs Plusieurs membres ont été surpris lorsque j'ai dit qu'il n'était pas besoin de faire de loi à cet égard—que déjà il existait une loi générale à ce sujet.

Je suis opposé au principe ; et je ne ferai d'exception en faveur d'aucun bill. Je voterai contre toutes les fois que l'occasion s'en présentera.

Le bill est adopté.

M. Rivers présente les délibérations et les résolutions passées par les citoyens des paroisses de Carroll, de Madison, de Tensas et de Concordia, lesquelles, après lecture, sont référées au comité des améliorations à l'intérieur, des terres marecageuses et des levees.

JEUDI, 7 février 1854.

Le Sénat s'assemble à 11 heures.— 19 sénateurs sont présents.

Un mémoire des citoyens de la Nouvelle-Orléans est présenté en opposition à l'acte qui règle les ventes judiciaires.

M. Kenner— Je demande lecture des noms dont est signé le mémoire. Ce n'est pas souvent que je partage l'opinion des democrates, aussi ai-je un très grand desir de savoir les noms de ceux qui ont signé ce memoire.

Lecture est faite des dits noms.

M. King— Je suis bien aise que les noms aient été lus. Si ces personnes-là sont toutes démocrates il reste donc bien peu de whigs à la Nlle-Orléans.

Sur motion de M. McCay, l'on s'occupe du bill intitulé :

Acte pour pourvoir à la saisie, sur procédures conservatoires, et en vertu d'exécution, de tous jugemens, droits et réclamations en litige.

Section 1. Il est decreté par le Sénat et la Chambre des Representants de l'Etat de la Louisiane, réunis en assemblee générale ; Qu'à dater de la passation de cet acte, tous jugements, réclamations et droits affectant une propriete, soit mobilière ou immobilière, ou en argent, les droits et les creances qui seront revendiques en cour, par voie de pétition, d'opposition ou——— et toutes réclamations sur tableau de distribution, pourront dans tous les cas être saisis en vertu d'un ordre d'execution et pourront l'être sur procédures conservatoires dans le cas où, d'après les lois existantes, ces procedures peuvent avoir lieu.

Sect. 2 Il est de plus decreté &c ; Que toute personne qui aura droit à exécution, soit interlocutoire ou finale, ou qui les aura fait émettre dans aucun des cas prévus par la section qui precède, et sur lesquels saisie devra être faite, devra faire notifier le debiteur par le sherif lorsque le débiteur réside dans la paroisse dans laquelle la saisie est faite comme dans les affaires ordinaires et lorsque le débiteur ne reside pas dans la paroisse, alors le service de la notice sera fait sur un de ses avocats qui apparaissent sur le roll dans l'affaire dans laquelle les droits, la réclamation ou le jugement auraient été saisis.

M. King— Je propose d'amender cet acte en ajoutant le mot « notice » au mot « jugement.

M. McCay—La loi actuelle est ainsi conçue.

M. Lacey— J'espère que le bill sera referé pour être amendé et retouché.

M. McCay—Le bill me semble bien clair sans amendement. Je ne ferai cependant pas d'objection à ce qu'il soit référé puisque le sénateur le désire.

M. Munday— J'insiste sur la motion qu'a faite mon collègue, M Lacey, que le bill soit référé.

Le bill est mis à l'ordre spécial du jour pour mercredi prochain.

Une motion est faite d'établir une malle journalière entre la Nlle-Orléans et Bâton-Rouge.

M. Kenner— Je ne sais si la faible voix de la Loui-

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siane sera entendue du gouvernement federal, mais, à ma connaissance, la plus petite ville des Etats-Unis a une malle journalière, et Bâton-Rouge, la capitale de l'Etat, n'en a pas.

Je ne fais aucune allusion politique, je ne blâme aucunement l'administration actuelle des postes. Le présent directeur ne fait rien que ce qu'ont fait ceux qui l'ont precédé.

Et pourtant il serait d'absolue nécessité que nous en eussions une.

La résolution est adoptée.

Ordre du jour.

Un acte réglant le debit des liqueurs spiritueuses.

M. McCay—Je suis en faveur des principes généraux du bill, mais je ne puis consentir à ce que chaque ward de la ville décide pour lui-même par son propre vote. D'après ce bill le vote doit être pris annuellement, et déjà nous n'avons que trop d'elections.

M. Munday—M. le président, je désirerais savoir sur quoi sont fondées les objections que l'on fait à ce que les wards decident pour eux-mêmes. Pour moi je voudrais que les wards votent separement pour ce qui les concerne.

M. McCay—Je dirai une de ces objections. Quand un ou plusieurs wards auront refusé d'avoir des cafés, il adviendra que ces établissements s'accumuleront dans les wards qui les auront autorisés et la population qui les fréquente s'y portera aussi. De la sorte, il sera établi une énorme inegalité dans le vote de ces wards. Cette seule raison me semble suffisante.

M. Munday. Il serait peut être mieux d'imprimer le bill et de laisser aux sénateurs le loisir de l'examiner, puisqu'il touche au bonheur de tant de personnes Je dois dire cependant, que je ne comprends ni n'approuve l'objection du sénateur.

M. Palfrey. M. le président, je fais la motion de reconsidérer le vote qui met à l'ordre du jour spécial pour jeudi en huit, le bill conjoint relatif aux hypothèques et de le mettre à l'ordre du jour pour lundi en huit, parce qu'il serait important qu'il y eut séance complète lorsqu'il sera pris en considération et qu'il en sera décidé.

M. King—Je m'oppose à ce renvoi qui a été fait, de même qu'à la dernière session pour la convenance de quelques comités. Si par ce délai on se propose de tuer le bill, je m'y opposerai, et j'insisterai pour que rien ne soit changé.

M. Palfrey—J'informerai le sénateur du fait suivant : les comités ne vont pas à la Nouvelle-Orléans par partie de plaisir. Pour moi, j'aime mieux rester ici et m'occuper des affaires du Sénat.

M. Lacey—Je partage l'opinion du sénateur de la Nouvelle-Orléans. J'aimerais mieux agir sans les comités, si les attendus devait causer la perte du bill.

M. Munday—Autant que qui que ce soit, je desire me trouver là où me retient mon devoir. Je suis en faveur de l'ajournement pour que le Sénat puisse être au complet. Je suis force de m'absenter avec un comité. Je ne crois pas que tout soit perdu même si le bill était rejete.

Sur motion, l'acte remettant en vigueur et amendant l'article 1116 du Code Civil est pris en considération.

M. King—M. le président, je demande que le Sénat refuse son concours à l'amendement de la Chambre. Il ne doit pas y avoir d'amendements au bill tel tel que le Sénat l'a adopté. Le juge doit avoir un pouvoir discrétionnaire pour la nomination des curateurs.

Message a la Chambre.

Le secrétaire adjoint va informer la Chambre que le Sénat a donne son concours au bill suivant :

Acte pour changer l'epoque des sessions des cours de district des 9me et 10me districts judiciaires de l'Etat.

Et de demander le concours de la Chambre au bill intitulé :

Acte pour pourvoir au paiement des coupons d'intérêts détachés des bons émis par l'Etat, lesquels coupons sont exigibles.

Et que le Sénat a donné son concours, avec amendement, au bill suivant :

Acte pour venir au secours de F. L. Glover.

Bills presentes.

M. Pellerin obtient la permission de présenter un bill intitulé :

Acte pour venir au secours d'Armand Hulot, de la paroisse de Lafayette.

Sur motion, et après dispense des règles, ce bill subit ses deux lectures et est référé au comité des réclamations.

M. Evans donne avis qu'il présentera sous peu un bill intitulé.

Acte pour accorder l'aide de l'Etat pour bâtir et doter les colleges et les universités de premiere classe.

M. King, sans en avoir donné avis au préalable, obtient la permission de presenter un

Acte pour autoriser Joseph Emilie Vallée à adopter Elizabeth Brunet comme son héritière legale.

Sur motion du même membre, et après dispense des règles, ce bill subit ses diverses lectures.

M. Macmurdo, sans en avoir donné avis au prealable, obtient la permission de présenter un

Acte pour maintenir en vigueur et pour amender l'acte intitulé « Acte pour incorporer l'église et la congrégation presbyterienne de la ville et paroisse de la Nouvelle-Orléans, » approuvé le 1er mars 1834.

Sur motion, et après dispense des règles, ce bill subit ses deux lectures et est referé au comité judiciaire.

M. King obtient la permission de présenter un acte pour fixer le jour de l'election de l'imprimeur de l'Etat.

Sur motion, et après dispense des règles, il subit ses deux lectures et est referé au comite judiciaire.

Le même senateur presente une petition d'Eugène Musson et J. F. Pepin, laquelle a ete référée au comité des reclamations.

M. Kenner obtient la permission de présenter un

Acte pour affranchir l'esclave Louis, appartenant à la veuve Patrick Uriell, de la paroisse Saint-Jacques.

Sur motion, et après dispense des règles, ce bill subit ses deux lectures et est referé au comité judiciaire.

Acte pour autoriser le recorder de la paroisse St. Jacques à nommer un député.

Sur motion de M. Kenner, et après dispense des règles, ce bill subit ses différentes lectures et passe.

M. King obtient la permission de présenter un

Acte pour pourvoir aux ameliorations à l'intérieur de l'Etat et pour la confection des levées et le desechement et l'amélioration des terres marécageuses et inondees de l'Etat.

Sur motion de M. King, et après dispense des règles, ce bill est lu deux fois, et

Sur motion de M. Kenner, il est référé au comité des améliorations à l'intérieur, des terres marecageuses et des levees, et le Senat ordonne l'impression immediate de ce bill à Bâton-Rouge, et que l'original du bill soit remis à l'imprimeur.

Par un message de la Chambre, les bills et la résolution enrôlés à la Chambre sont soumis à la signature du Président ;

Acte pour autoriser Pierre Whip, de la paroisse d'Iberville, à changer son nom de Pierre Whip en celui de John Reams.

Acte pour augmenter la compensation des jurés dans la paroisse d'Est Baton-Rouge.

Acte pour rappeler telle partie de la 3me section d'un acte intitulé : "Acte pour regler les sessions des cours de district (la paroisse d'Orleans exceptée",) approuvé le 29 avril 1853, en tant que le 8me district judiciaire est concerne, et de régler les sessions de la cour.

Acte pour autoriser James M. Meredith et son épouse Josephine Larsh, de la paroisse de Caldwell, à adopter l'orpheline Elisa Jane Rice et de changer son nom en celui d'Elisa Jane Meredith.

Acte pour venir au secours de Samuel Patterson, shérif de la paroisse de Livingston.

Acte pour venir au secours de James Upshaw, shérif de la paroisse de Bienville.

Résolution invitant nos Sénateurs et Représentants au Congrès à faire passer une loi pour l'établissement d'une poste hebdomadaire de Stony Point, et d'Est Baton-Rouge, à Springfield, dans la paroisse de Livingston.

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je la Chambre a donné son concours au bill
l du Sénat :
pour venir au secours de H. McNeil.
sacy donne avis qu'il présentera sous peu les
ilvants :
pour pourvoir à la navigation du Bayou Man-

pour accorder à la compagnie du chemin plan-
de Baton-Rouge, de Grosse Tête et des Ope-
le service des esclaves condamnés au péniten-
t les esclaves saisis de Williams et qui sont
tant détenus dans le pénitentiaire.
Trudeau obtient la permission de présenter un
ur assurer les droits de préemption.
motion, et après dispense des règles, ce bill
es deux lectures et est référé au comité des
ations à l'intérieur, des terres marécageuses
levées.

ORDRE DU JOUR.

Première lecture.

pour autoriser Tilmon Hemphill, de la paroisse
enville, à adopter Miranda Indiana Owen et
Napoléon Owen, et de changer leurs noms
de Miranda Indiana Hemphill et William Na-
Hemphill.
pour amender la trentième section d'un acte
« Acte pour établir un système uniforme d'é-
lans l'Etat de la Louisiane, [les paroisses
ns et de Jefferson exceptées.]
pour changer le nom de Henry Lightfont
s.
relatif au changement du siége de la justice
roisse de Concordia.
pour changer le nom d'Assenath Melissa Clay-
lui d'Hortense Helena Tiffin.
pour pourvoir à une nouvelle division de la
de Concordia, en districts de jury de police.
our émanciper John Fletcher Wyche Jr
pour incorporer le Collége de la Nouvelle-Or-

pour exempter les commis, les journaliers et
oyés de la succursale de l'Hôtel de la Mon-
Etats-Unis à la Nouvelle-Orléans, de servir
urés dans les cours de district de la Nouvelle-

our incorporer l'Association Louisianaise des
[charretiers] Allemands de la Nouvelle-Or-

pour amender la 10ème section de « l'acte
niser les Cours de District de la Nouvelle-
»
ur autoriser Louis Auguste Léopold Bonne-
e certaine disposition de ses propriétés.
ur créer un juge de paix et un constable
els dans et pour la paroisse de Washington.
ur autoriser Christian Mathers et son épou-
ga, Stiep à adopter Peter Mathes et Jo-
iep et à leur faire des donations.
ur venir au secours de Ivy F. Thompson.
ur pourvoir à la nomination d'un notaire ad-
our la paroisse de Plaquemines.
r émanciper John Mc Willie.
on invitant nos sénateurs et nos représen-
ongrès à faire passer une loi pour donner
e terre à tout occupant qui n'en sera pas
.
n invitant nos sénateurs et nos représen-
ongrès à faire passer une loi pour établir
oste hebdomadaire de St-Martinville, par
ortage, à travers le lac Fausse-Pointe,
you Chêne, dans la paroisse St-Martin.
n relativement à l'impression des bills,
ons et des rapports des deux Chambres.

Deuxième lecture.

protéger les créanciers contre la distri-
luleuse des biens de successions et de fail-
paroisse d'Orléans.
régler les taxes de paroisse dans la pa-
ncordia.
augmenter le paiement des jurés dans la
Carroll.
requérant l'ingénieur de se rendre à la
achita et d'examiner les battures qui s'y

, cette résolution est référée au comité des améliorations à l'intérieur, des terres marécageuses et des levées.

Acte concernant les licences de cabaret et la vente des liqueurs enivrantes dans l'Etat.

Le Sénat ordonne l'impression du dit bill.

Résolution invitant nos sénateurs et nos représentants au Congrès à faire passer une loi pour établir une malle poste hebdomadaire de la Nouvelle-Orléans au quartier des Buras, dans la paroisse de Plaquemines.

Sur motion, ce bill est déposé sur le bureau sujet à l'appel.

Sur motion, et après dispense des règles, les bills suivants sont lus pour la troisième fois par leurs titres, passent, et le Sénat y donne son concours.

Acte concernant le paiement par l'Etat aux propriétaires des esclaves condamnés à mort ou au pénitentiaire.

Acte relatif aux procédures et aux jugements rendus par les juges de paix dans la paroisse d'Orléans.

Acte pour pourvoir à l'exécution des condamnations à mort dans la paroisse d'Orléans.

Résolution invitant nos sénateurs et nos représentants au Congrès à faire tous leurs efforts pour la passation des lois qui sont pardevant le Congrès ayant pour objet la concession de terres par le gouvernement général au chemin de fer de Vicksburg, de Shreveport et du Texas.

Troisième lecture.

Les bills suivants sont déposés, sujets à l'appel :

Acte autorisant l'émancipation de l'esclave Angela.

Acte pour venir au secours d'Antoine Joseph Buras.

MERCREDI, 8 février 1854.

L'acte amendant et remettant en vigueur l'acte pour le dessèchement des terres marécageuses ou inondées, est pris en considération.

M. Kenner—Je crois comprendre que ce bill a pour but de couvrir les frais des travaux qui ont été faits l'année dernière.

M. King—Je ne connais pas le détail des travaux pour le paiement desquels on demande $50,000. Il y a un contrat de $12,000 qui a été passé pour la construction d'une grande levée; il y a aussi d'autres travaux qui ont été faits et dont le coût est de $25,000. A cela il faut ajouter les frais d'ingénieurs, &c. Le fonds spécial affecté à cet emploi a été refusé par l'auditeur des comptes publics pour des motifs d'inconstitutionalité.

M. McMurdo—Je suis en faveur de l'affectation.

M. Kenner. Je désire ne voter qu'avec connaissance de cause. Qu'il me soit permis de demander, si dans les $50,000 on fait entrer les $30,000 pour la grande levée ?

M. Munday—Je répondrai au sénateur, qu'une partie de cette somme est destinée a d'importants travaux sur l'Atchafalaya

La 1re section est adoptée.

M. McMurdo— Je demande une reconsidération. Mon but est de protéger le fonds des améliorations intérieures et que ce bill ne crée pas d'appropriations pour de nouveau travaux.

M. Trudeau.—Je prepare un amendement dans ce but.

M. Kenner.—Je n'y ai pas d'objections s'il n'a pas pour but de payer de nouveaux contrats.

Le bill est adopté.

Le bill pour venir au secours de Thomas S. Saunders, est pris en considération.

M. Boatner.—Je pense M. le Président, que puisqu'il y a un fonds des écoles publiques, les paroisses auxquelles ce bill beneficie devraient payer ces réclamations.

M. Moore.—La paroisse de Ste. Marie n'a pas reçu le fonds de $50,000 pour 1847 et ce bill est destiné à payer des services rendus.

M. Boatner.—La phraséologie de l'acte est trop générale. Il devrait être clairement entendu que cette somme va à la paroisse de Ste. Marie seulement.

M. Moore.—Je crois qu'il est parfaitement compréhensible parce que dans le corps de l'acte j'ai pris soin de citer les actes dont il s'agit. Cet argent ne doit pas être pris du fonds des écoles publiques.

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C'est pour le paiement de services rendus avant que les fonds des écoles publiques ont été créé L'acte de 1848 comprenait les années 1846, 1847 et 1848, et les services ont été rendus en 1848.

M. Moore présente la résolution suivante :

Résolu par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane réunis en assemblée générale, Que les commissaires des terres marécageuses, et leurs ingénieurs seront invités à fournir un état de leurs dépenses contingentes et autres frais encourus pendant leur administration, ainsi que tous les contrats qu'ils pourraient avoir faits et qu'ils n'auraient pas rapportés.

M. Macmurdo fait la motion d'ajouter l'amendement suivant :

« Bien entendu que les dits commissaires n'auront pas le droit de contracter pour la confection de nouvelles levées, excepté en cas de nécessité ou de danger de crevasse. »

M. Rivers propose d'amender le proviso de M. Macmurdo en y ajoutant les mots « pendant la session actuelle de la Législature.

Sur motion de M. Moore et après dispense des règles, cette résolution subit ses différentes lectures et passe.

Sur motion, le secrétaire adjoint va demander le concours de la Chambre à la dite résolution.

Bills présentés.

M. Mc Cay demande la permission de présenter un acte pour amender un acte intitulé « Acte pour fixer l'époque des ventes par les shérifs et les coronors » approuvé le 5 mars 1852.

Sur motion et après dispense des règles, ce bill est lu deux fois et est référé au comité judiciaire.

Message de la Chambre.

Par un message de la Chambre le Sénat est requis de donner son concours à

Un acte pour révoquer les articles 130, 131, 132, 133 et 134 de la constitution, lesquels articles sont relatifs au bureau des travaux publics; et à

Un acte pourvoyant à la révision des statuts de l'Etat qui sont d'un caractère général.

Message à la Chambre.

Le secrétaire adjoint du Sénat informe la Chambre du concours du Sénat aux bills suivants :

Acte pour autoriser le recorder de la paroisse de St-Jacques à nommer un député.

Resolution relative à l'établissement d'une certaine route de poste entre les villes de la Nlle-Orléans, Baton-Rouge, Bayou Sarah et toutes les postes intermédiaires sur le Mississippi.

Acte pour autoriser Joseph E. Vallée a adopter Elisabeth Brunet, comme son héritière légale

Acte concernant le paiement par l'Etat, aux propriétaires d'esclaves condamnés à mort ou au pénitentiaire.

Acte pour amender et décréter de nouveau l'article 1116 du Code Civil.

Et il va informer la Chambre que le Sénat a donné son concours aux bills suivants :

Acte pour pourvoir à l'exécution de la peine capitale dans la paroisse d'Orléans.

Résolution invitant nos Sénateurs et nos Représentans au Congrès à user tous leurs efforts pour obtenir la passassion des différentes lois qui sont par devant le congrès ayant pour objet la concession des terres par le Congrès, au chemin de fer de Vicksburg, de Schreveport et du Texas.

Rapports des Comités.

M. Lacey, au nom du comité judiciaire, fait un rapport favorable aux bills suivants :

Acte pour accorder à certains esclaves appartenant à la succession de feu H. R. W. Hill, de la ville de la Nouvelle-Orléans, le privilége de rester dans l'Etat, après leur affranchissement.

Acte relatif aux divorces.

Pétition demandant un changement dans la loi relative au tirage de juri.

Acte pour pourvoir au jugement par juri de certaines affaires de succession.

Acte relatif aux motions pour suspendre les jugements dans les affaires criminelles.

Et il rapporte contre les articles suivants :

Acte relatif aux procédures sur jugements rendus par les juges de paix dans la paroisse d'Orléans.

Et un acte relatif aux personnes qui auront souffert par l'Ouverture du Raccourci.

Le Comité rapporte qu'il n'a pu s'accorder sur ce bill et fait savoir au Sénat sa délibération à ce sujet et rapporte le dit bill au Sénat.

M. Moore, au nom du comite de l'instruction publique, fait le rapport suivant :

Le Comité de l'instruction publique, auquel avait été référé la pétition de Thomas S. Sanders, laquelle a été mûrement considérée par le Comité, qui trouve son compte, dûment certifié et assermenté, d'après les dispositions des actes du 26 mars 1845, du 27 février 1847 et du 16 mars 1848, et qu'il a été employé en qualité d'instituteur d'une école publique dans la paroisse de Sainte-Marie, avant que la loi de l'année 1847, qui établit les écoles publiques gratuites, n'eût été mise en force.

Les actes de 1842 et du 27 février 1847 pourvoient à ce que lorsque le juri de police d'une paroisse aura imposé une taxe, qui ne sera pas moindre de $200 et n'excédera pas $400, alors le trésorier de l'Etat sera autorisé à payer le double de la somme à l'usage des écoles publiques dans la dite paroisse. L'acte du 16 mars 1848, maintient ce principe, mais il pourvoit que le paiement sera fait par l'entremise de l'Auditeur des comptes publics le 4 mai 1847. Une allocation de $50,000 a été faite afin de faire face aux dépenses à encourir, d'après les dispositions des lois de 1845, 1847 et 1848.

Il paraît que la paroisse de Sainte-Marie a tiré du trésor la somme de $800 pour chacune des années 1846 et 1847, et cette portion de l'allocation pour l'année 1848 est encore due à la dite paroisse. Il paraît en outre que le pétitionnaire a reçu sa proportion de l'allocation des années 1846 et 1847, quoique sa réclamation pour cette époque, ainsi qu'il est certifié, est encore due. Il paraît en outre qu'il a reçu la somme de $1010.71, qui lui est due pour ses services pour l'année 1848. Il paraît en outre que de l'appropriation de l'année 1847, il existe une balance de la somme de $241,70, et que le paiement de cette réclamation est basé sur de pareilles réclamations.

En conséquence et en présence de tous ces faits, le Comité est d'opinion que le pétitionnaire a droit à sa réclamation, qui ne devra pas excéder le montant qui aurait été tiré par la paroisse de Sainte-Marie, pour le paiement de telles réclamations, et à cet effet il rapporte un bill.

ORDRE SPECIAL DU JOUR.

Ce jour étant celui fixé pour prendre en considération le bill intitulé :

Acte supplémentaire à la Charte et aux différents actes relatifs à la Banque des Citoyens de la Louisiane,

Sur motion, la lecture de ce bill, section par section est reprise, et ce bill passe.

Sur motion, le secretaire adjoint va y demander le concours de la Chambre.

Le Sénat reprend la considération du bill intitulé : Acte pour pourvoir à la saisie sur procédures conservatoires, et en vertu d'exécution, de tous les jugements, droits et réclamations en litige.

La seconde section est adoptée, ainsi qu'elle a été amendée.

Sect. 3 Il est de plus décrété, &c.; Que dans tous les cas où le débiteur résiderait hors de la paroisse dans laquelle la saisie est faite, et n'aurait pas d'avocat connu, ou si son avocat venait à mourir ou à s'absenter, le créancier qui aura obtenu l'ordre de saisie pourra, sur motion faite en Cour, dans l'affidavit duquel le writ a été lancé, demander la nomination d'un curateur d'un avocat, pour représenter le debiteur, et alors la modification sera remise audit curateur

Sect. 4—Il est de plus décrété, &c ; Que le shérif, en faisant la saisie dans l'un ou l'autre des cas prévus dans la première section de cet acte, donnera la modification de la saisie, y désignant les droits, la réclamation ou le jugement saisie, et ladite modification sera remise au greffier de la Cour, dans laquelle les droits, la réclamation ou le jugement saisie, auront été revendiqués.

Sect. 5—Il est de plus décrété, &c.; Qu'il soit le devoir du greffier de la Cour qui aura reçu la modification de la saisie, ainsi qu'il est prévu dans la section précédente, d'enliasser immédiatement ladite modification de saisie avec les autres papiers contenant

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re dans laquelle les droits, la réclamation ou le
ient saisis auront été revendiqués: et aussi de
mention de la saisie sur le régistre [docket] de
ir, donnant le nom du créancier qui a fait sai-
la date de la saisie.
t. 6—Et il est de plus décrété, &c.; Qu'aucune
qui aura été faite dans l'un ou l'autre des cas
nnés dans cet acte, ne pourra être renvoyée ou
hée par aucune vente, session ou transfert, si
de vente, de session ou de transfert, n'a pas été
ie avec les papiers de l'affaire à l'époque où la
ation de la saisie a été donné au greffier de la
ainsi qu'il est prévu dans cet acte.
. 7—Il est de plus décrété, &c.; Que l'acqué-
e tous droits, de toutes réclamations ou de tous
ents rendus dans l'un ou l'autre des cas men-
s dans cet acte, remplacera le débiteur, et de
sera subrogé à tous ses droits, priviléges et hy-
ques.
. 8—Il est de plus décrété, &c.; Que toutes les
de droits, de réclamations ou de jugements sai-
isi qu'il est prévu dans cet acte, seront faites
s dix jours qui suivront l'avis publié sans qu'il
soin d'estimateurs.
9—Il est de plus décrété, &c; Que rien de cet
pourra être interprété de manière à autoriser
ie des droits personnels qui sont maintenant
és de saisie; ni aucune disposition de cet acte,
rra être interprétée comme empêchant d'exer-
troit de tiers saisi, tel qu'il existe maintenant.
10—Il est de plus décrété, &c; Que cet acte
force à dater de sa passation.
notion de M. Trudeau, les mots dans la 2me et
ne de la 3me section. « Paroisse dans laquelle
» est faite, » sont insérées sur motion de M.
les mots « par application pendant le recès de
sont insérés, et la 3me section est alors adop-
si qu'elle a été amendée.
acey offre ce qui suit au lieu et place de la 4me

4—Il est de plus décrété, &c; Que lorsqu'un
nt, un droit ou une réclamation aura été saisi
s'il est pourvu dans la première section de cet
otification de cette saisie devra être donnée au
sur des droits, de la réclamation ou du juge-
isis ainsi qu'il est ci-dessus prescrit et lorsque
ersonne ou personnes, que le défendeur dans le
, vertu duquel la saisie faite, reclame ledit ju-
, lesdits droits et ladite réclamation et a paru
egistres de la Cour, alors et dans ce cas noti-
lui devra être donnée. Bien entendu que si
parties ci-dessus mentionnées n'a aucun avo-
pparaît sur les registres de la Cour, ou si son
st mort ou absent, un curateur ad hoc lui sera
ainsi qu'il est pourvu pour le défendeur dans
par la section 3 de cet acte.
e section au lieu et place de la 4me section du
itif est lue et adoptée.
e section au lieu et place de la 5me section du
tif est lue et adoptée.
ey offre l'amendement suivant comme étant
7 au lieu et place de la section 6 du bill pri-

tion de M. Trudeau toute cette partie de la
on offerte par M. Lacey, après le mot de la
, est effacée.
—Il est de plus décrété, &c; Qu'aucune saisie
été faite dans l'un ou l'autre des cas men-
ans cet acte, ne pourra être empêchée par
ente, session ou transfert, à moins que la
la légalité ou de la réalité de ladite vente,
transfert, soit produite dans les temps pres-
loi. Pourvu cependant que si la preuve
vente, de ladite session ou dudit transfert
ait pas sur les registres de la Cour, à l'épo-
notice de la saisie a été donnée au greffier
ainsi qu'il est pourvu par cet acte, alors la
in faveur de laquelle le transfert sera fait,
sable de tous les frais de saisie, même si le
rait maintenu.
section est adoptée, ainsi qu'elle est amen-

ection est lue et adoptée, au lieu et place
n 7 du bill primitif.
tion de M. McCay, la 8me section du bill

section du bill primitif est lue et adoptée.

Sur motion de M. Moore, la 10 section du bill pri-
mitif est effacée.

Sur motion de M. McCay et après dispenses des règles, ce bill passe.

JEUDI, 9 février 1854.

M. Wickliffe présente la pétition du nommé Josiah Reams, vétéran de 1814 et 1815.

M. Rivers—Je demande le renvoi du mémoire au comité compétent.

M. Wickliffe—Je désire expliquer pourquoi je demande que la pétition soit mise immédiatement sous les yeux du Sénat. Le pétitionnaire était pensionnaire en vertu de l'acte de 1850. Il avait fait application pour sa pension en vertu de l'acte de 1852, mais avant qu'il eut fourni ses certificats, les fonds disponible avaient disparu en totalité.

La première section du bill est adoptée.

M. Defrees—M. le président, il y a une règle générale pour les pensionnaires, et je préfère que le cas soit renvoyé au comité.

M. Wickliffe—Mais il n'y a pas lieu à examen. Le citoyen dont il s'agit est pensionnaire en vertu de l'acte de 1850.

M. Defrees—Je retire mon opposition.

M. McMurdo—M. le president, je n'étais pas au Sénat quand la question s'est presentée, et je voudrais demander si les pièces à l'appui ont été fournies.

M. Wickliffe—Oui, monsieur.

M. Trudeau—M. le président, je voterai contre le bill et contre tout bill de même nature tant qu'un bill général n'aura pas été adopté.

M. Wickliffe—Il y a maintenant une loi générale.

Le bill est adopté.

M. Lacey introduit un acte pour l'amélioration du Bayou Manchac. Je contesterai, ici dit l'honorable membre, qu'il y ait nécessité de passer cet acte. Les paroisses de la Floride ont été très négligées, pendant qu'on n'oublirait pas les autres portions de l'Etat. Moyennant la faible somme demandée dans le bill, nous pouvons avoir une libre navigation sur un parcours de quatre-vingts milles dans la rivière Amite, et de quinze milles dans le bayou Manchac. Cela permetrrait aux habitants qui vivent sur les bords de ces cours d'eau d'expedier chaque semaine leur sucre, leur coton et tous leurs autres produits. J'ai la confiance que le Sénat ne voudra apporter aucun empêchement à cette amelioration, pour laquelle on ne demande que la faible somme de $3,500. L'ingénieur de l'Etat a dit qu'on avait commis une grande injustice dans cette affaire. Ne souffrez donc pas que la localité dont il s'agit soit plus longtemps privée des secours de l'Etat qui ont été si libéralement accordés aux autres sections du pays.

M. Rivers—Je ne voterai pas pour le bill jusqu'à ce qu'il ait été renvoyé devant le comité des améliorations intérieures et que nous ayons entendu le rapport régulier de ce comité.

M. Lacey—Les faits sont devant le Sénat. Le comité des améliorations intérieures en a pris connaissance, et je ne puis admettre que pour cette minime somme de $3,500 les membres de cette assemblée se départent de leur munificence ordinaire.

M. Rivers.—Mais si M. Lacey est sûr que le comité ne fera pas d'objections, pourquoi s'oppose-t-il à ce que l'affaire lui soit renvoyée. Cela n'occasionnerait qu'un délai d'un jour.

M. Trudeau. Je n'ai pas reçu beaucoup d'éclaircissemens des comités La somme est de faible importance, et je ne vois pas pourquoi on ne voterait pas dès à présent pour le bill.

M Kenner—M. le président j'ai visité les cours d'eau dont il s'agit. Ils sont situés dans mon district; et s'il y a quelque avantage notable à leur amélioration, mes constituants en sauront tirer parti. Mais je dois insister sur le renvoi du bill au comité. Il s'agit de travaux considérables. Il est question d'améliorations au cours d'eau sur la rivière Amite et le bayou Manchac, jusqu'à la plantation de M. Brown, sur le Mississipi. Ce que je demande, c'est un rapport qui nous rassure en nous affirmant que la somme demandée sera pour faire les travaux.

M. Lacey—Les travaux d'améliorations ne s'étendront pas jusqu'au fleuve. Des sondages ont été faits, et l'examen des lieux a démontré qu'il n'y a que des saillies à faire disparaître.

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M. Moore.—Remarques que vous admettriez ainsi un principe nouveau. Nous avons maintenant un corps d'ingénieurs qui coûte à l'Etat $ 6000 et un matériel de bateaux de sondage et d'explorations de valeur d'environ $ 10,000, et si nous adoptons ce nouveau mode, faisons-le alors d'une manière générale et non pas pour un fait isolé, et, comme conséquence de ce nouveau système, abolissons le corps des ingéniuers. Il y eu une appropriation faite pour cette rivière il y a quelques années, et on n'en a plus guère entendu parler depuis.

M. Rivers.—J'espère que le sénateur de Bâton-Rouge n'interprètera mes paroles comme une opposition au bill Je demande seulement qu'il soit renvoyé au comité. Mais si le sénateur est d'accord avec M. Trudeau pour prétendre que les comites ne jettent aucune lumière sur les questions qui leur sont soumises, je n'insisterai pas sur le renvoi.

M. Trudeau.—M. le président, je suis maintenant en faveur du renvoi, parce que deux des sénateurs, dont les constituants sont intéressés à l'affaire, sont opposés l'un à l'autre.

Le bill est renvoyé eu comité des améliorations intérieures.

M. McCay, demande à introduire une résolutionconjointe, invitant le comité de salubrité à faire une enquête et à dresser un rapport sur les moyens pratiques d'acquérir l'hôpital Luzenberg et de le destiner spécialement aux personnes atteintes de maladies contagieuses, et à être dispensé des règles ordinaires.

M. Moore—Je m'oppose à ce que ce bill soit dispensé des règles.

M. McCay—Je ne demande qu'une résolution d'enquête, remarquez-le. Pour ma part, je serais d'avis qu'on achetât l'hôpital. Les maladies contagieuses, en s'introduisant dans notre hôpital, se répandent dans tout l'établissement. Si l'honorable M. Moore, après avoir réfléchi sur ma demande, persiste dans son opposition, je retirerai mon bill.

M. Moore—il y a deux mots dans ce bill auxquels je fais opposition, ce sont ceux-ci : *les moyens pratiques*. La chose sera très praticable si on a des milliers de piastres à dépenser.

M. Trudeau—Il vaudrait mieux remplacer ces mots par le mot «nécessité.»

M. McCay—Non. Prenez alors «l'utilité.»

La résolution est adoptée avec cette modification :

« Un acte pour pourvoir à la vacance des places de juges de District» ayant été passé:

M. Moore—M. le président, cette loi est inconstitutionnelle. La Constitution dit :

« Les juges des différentes Cours inférieures seront élus par les votants des Districts ou Paroisses.»

Passez par-dessus ce texte, si vous le pouvez.

M. Wickliffe—L'honorable membre demande, d'une manière passablement emphatique, de passer par dessus ce texte, si nous le pouvons. S'il veut bien prêter l'oreille, il entendra.

M. Moore—Très bien.

M. Wickliffe lit l'article de la Constitution. Vous voyez bien, dit-il, qu'il n'est nullement question dans cet article de la vacance de juges de Districts.

M. Moore—Au contraire, j'y vois que les juges «seront élus.» L'article que l'honorable membre vient de lire ne peut recevoir d'application que lorsqu'il y a vacance, et à moins qu'il n'y ait «dès à présent» vacance, le bill est évidemment inconstitutionnel.

Le Sénat ne prend pas cet acte en considération.

M. Trudeau appelle l'attention du Sénat sur « un acte donnant permission à certains esclaves de H. R W. Hill de rester dans l'Etat après leur émancipation par leur maître. »

M. Trudeau—M. le président, si j'ai bien compris, ce bill émancipe envfron 20 nègres dans mon District, et je désire être présent quand il sera discuté. Pour cette raison je demande qu'il soit porté à l'ordre du jour pour une date determinée.

M. Lacey—Je demanderai à l'honorable membre s'il entend prendre la responsabilité du bill de M. McMurdo en l'absence de ce dernier.

M. Trudeau—Il s'agit ici d'un bill dont l'effet se fera ressentir dans mon District

M. Lacey—Il n'est pas d'usage qu'un membre évoque un bill en l'absence du sénateur qui l'a introduit.

M. Trudeau—Il n'est pas absent ; il est sans doute aux alentours de la chambre du Sénat. Je dis d'ailleurs que je désire être ici quand on mettra ce bill en discussion, mais je désire, bien entendu, que l'honorable membre y soit aussi.

M. Wickliffe—Je demande le renvoi de la discussion à un jour donné. J'ai dix ou douze bills de la même nature, et si j'en appuie un, j'appuierai tous les autres.

M. Martel—M. le président, j'ai environ vingt-cinq bills du même genre, dont je demande l'adoption, si celui-ci est voté.

M. Trudeau—J'en ai dans mon pupitre environ trente-cinq.

La discussion du bill est renvoyée à un autre jour.

L'ordre du jour appelle la prise en considération d'un acte ayant pour but d'exempter des fonctions de jurés les clercs, ouvriers et employés à la Monnaie de la Nouvelle-Orléans.

La prise en considération est prononcée.

M. Trudeau—Je propose un amendement pour exempter des mêmes fonctions tous les officiers publics.

M. McCay—Je demande que l'amendement soit donné par écrit. Je désire savoir s'il exempte les officiers de toutes sortes, tels que généraux, colonels, etc., etc.

M. King—M. le président, je ferai remarquer que presque tous les officiers publics sont déjà exemptés des fonctions dont il s'agit.

Le bill est renvoyé à un comité.

Bills et resolutions presentes.

M Lacey obtient la permission de presenter un acte pour autoriser l'achat de 175 exemplaires des Lois sur l'Insolvabilité, par Louis Eyma

Sur motion, et après dispense des règles, ce bill est lu deux fois, et est renvoyé au comité judiciaire.

Sur motion de M. Trudeau, le Sénat s'occupe d'un acte pour accorder la permission à certains esclaves appartenant à la succession de H. R. W. Hill, de la ville de la Nouvelle-Orléans, de demeurer dans l'Etat après leur affranchissement par leur maître.

Sur motion, ce bill est mis à l'ordre spécial du jour pour mardi, le 21 février 1854.

Sur motion de M. King, le Sénat s'occupe du bill intitulé :

Acte pour exempter les commis, journaliers et employés de la succursale de l'Hôtel des Monnaies des Etats-Unis à la Nouvelle-Orléans, du service du jury dans les cours de district de la Nlle-Orléans.

M Trudeau fait la motion d'amender cette loi en ajoutant à la fin de la 7me ligne les mots «et tous les officiers publics.»

Et il fait la motion de déposer le bill et l'amendement indefiniment sur le bureau.

L'hon. R. C. Wickliffe occupe le fauteuil.

MM. Clifton, Defrees, Kenner, Key, Kittridge, Mc Cay, Palfrey, Rivers, Scott, Taylor et Trudeau 11 sénateurs, votent dans l'affirmative.

Et MM. Boatner, Evans, Griffin, King, Lacey, Mc Murdo, Munday, Martel, Moore, Pellerin, Richardson et Wickliffe, 13 sénateurs, votent dans la negative.

En consequence, le Sénat refuse de déposer le bill et l'amendement sur le bureau.

Sur motion de M. Wickliffe, et après dispense des règles, ce bill est lu deux fois et est référé au comité judiciaire.

M. Wickliffe obtient la permission de presenter un bill intitulé :

Un acte pour venir au secours de John Reames.

Sur motion du même membre et après dispense des règles, la seconde section de ce bill est effacee, le bill subit ses differentes lectures après que le titre a été amendé et passé.

M. Lacey obtient la permission de présenter un bill intitulé :

Acte pour pourvoir à la navigation du Bayou Macchac qui debouche a la rivière Amite.

M. Palfrey obtient la permission de présenter un bill intitulé :

«Acte pour amender un acte intitulé "Acte pour prévenir certains delits, approuvé le 6 avril 1853."

Sur motion, et après dispense des règles, ce bill est lu deux fois et est référé au comite judiciaire.

M. Rivers obtient la permission de présenter un bill intitulé :

Acte pour amender la 4me section d'un acte pour réorganiser les écoles publiques gratuites dans l'Etat de la Louisiane.

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Sur motion de M. Trudeau, les mots "la possibilité" dans la quatrième ligne sont effacées, et les mots "utilité" sont insérés.

Sur motion et après dispense des règles, la résolution subit ses différentes lectures et passe ainsi qu'elle a été amendee.

M. McCay obtient la permission de présenter la résolution suivante :

Il est Résolu, par le Sénat et la Chambre des Représentants, réunis en Assemblée Générale.

Que la commission sanitaire est requise de s'enquérir et de rapporter sur la possibilité d'acquérir l'hôpital connu sous le nom d'Hôpital Luxemberg, dans la ville de la Nouvelle-Orléans, à l'effet de recevoir exclusivement les cas de maladies contagieuses.

Rapports des comités.

M. King, au nom du comité des améliorations à l'intérieur, fait le rapport suivant :

A l'Hon. W. W. Farmer, président du Sénat.

Le comité des améliorations à l'intérieur, des terres marécageuses et des levées, auquel avait été référé le rapport des commissaires nommés par le Gouverneur en vertu de l'acte du 30 avril 1853, concernant la Compagnie du Canal de Barataria et de Lafourche a chargé le soussigné de rapporter qu'il est d'opinion de ne pas agir sur le dit rapport.

Mais en tant que les documents qui ont été référés à ce comité contiennent des informations importantes à l'Etat, il est nécessaire qu'ils soient déposés dans le bureau de l'auditeur des comptes publics. Le comité recommande la passation d'une résolution à ce sujet.

Signé W. W. KING,
Rapporteur du comité.

Et il présente la résolution suivante, laquelle est lue et adoptée :

Résolu, que le secrétaire du Sénat est requis de délivrer à l'auditeur des comptes publics le rapport des commissaires nommés par le Gouverneur en vertu de l'acte du 30 avril 1853, concernant la compagnie du canal de Barataria et Lafourche, ainsi que les obligations et les documents qui en font partie.

Le même membre, au nom du même comité, soumet *le rapport* suivant :

Le comité des améliorations à l'intérieur, des terres marécageuses et des levées, auquel avait été référé la résolution de la Chambre requerant l'ingénieur de l'Etat de se rendre sur la rivière du Ouachita et d'examiner les bancs de sable qui s'y trouvent, l'honneur de rapporter la dite résolution favorablement, avec l'amendement : de substituer à la 7me ligne aux mots «dans le plus bref delai» les mots aussitôt que possible.»

Signé W KING,
Rapporteur du comité.

M. Lacey au nom du comité judiciaire, auquel avait été référé un bill intitulé :

Acte concernant le judiciaire,

A rapporté le dit bill favorablement, par substitution.

Sur motion du même membre, et après dispense des règles, ce bill subit ses différentes lectures et passe.

M. Palfrey demande la reconsidération du vote donné sur la passation de ce bill, et il demande l'appel nominal à ce sujet.

Et MM. Defrees, Evans, Kenner, Key, Moore, Palfrey, Rivers, Scott, Taylor et Trudeau, 10 sénateurs, votent dans l'affirmative.

Et MM. Boatner, Clifton, De Russy, King, Lacey, Murdo, McCay, Munday, Martel, Palfrey et Wickliffe, 11 sénateurs, votent dans la négative.

En conséquence, le Sénat refuse de reconsidérer le bill.

Le comité sur l'éducation publique fait un rapport favorable, avec des amendements au dit bill.

Sur motion de M. Rivers, le Sénat s'occupe du dit bill, et après dispense des règles, il subit ses diverses lectures et passe.

Sur motion, le secrétaire adjoint est chargé de demander à la Chambre son concours au dit bill.

Sur motion et après dispense des règles, ce bill subit ses deux lectures et est référé au comité des améliorations à l'intérieur.

M. Rivers, au nom du comité spécial auquel avait été référé le préambule relatif à l'emprisonnement des esclaves dans le pénitentiaire, rapporte un bill intitulé :

Acte pour abolir l'emprisonnement des esclaves dans le pénitentiaire.

Sur motion et après dispense des règles, ce bill est lu et le Sénat en ordonne l'impression.

Sur motion de M. Evans, un membre additionnel est nommé au comité des institutions charitables.

Le président nomme de ce comité M. Boatner.

M. King, au nom du comité des améliorations à l'intérieur, auquel avait été référé un bill intitulé :

Acte pour abolir le Bureau des Travaux Publics, ainsi qu'il est pourvu par la Constitution.

Fait un rapport favorable.

Sur motion de M Kenner, ce bill est mis à l'ordre spécial du jour pour le 1er mars 1854.

Message de la Chambre.

Par un message de la Chambre, le Sénat est informé que la Chambre a donné son concours, avec des amendements, au bill suivant, savoir :

Acte pour pourvoir au paiement des coupons d'intérêts détachés des bons émis par l'Etat, lesquels coupons sont exigibles.

Et il demande le concours du Sénat à la résolution suivante :

Résolution requérant l'ingénieur de l'Etat de se rendre immédiatement au bayou Plaquemines et d'enlever les obstacles qui empêchent la navigation dudit bayou.

Et que l'Orateur de la Chambre a signé le bill suivant dûment enrôlé par le Senat :

Acte pour venir au secours de Pierre Caze, Bertrand Cazo et Jacques Caire.

Et il demande la signature du président du Sénat aux bills suivants dûment enrôlés de la Chambre :

Acte pour rendre plus efficaces les dispositions d'un «acte pour améliorer et dessécher les terres marécageuses et inondées qui ont été données à l'Etat de la Louisiane en vertu d'un acte du Congrès, intitulé : «Acte pour aider l'Etat de la Louisiane à dessécher les terres marécageuses qui s'y trouvent, approuvé le 2 mars 1849.»

Acte pour autoriser les Cours à recevoir, dans certains cas, des cautions judiciaires résidant hors des limites de la paroisse.

Message à la Chambre.

Le secrétaire adjoint va demander la signature de l'Orateur au dit bill. Et il est chargé d'informer la Chambre que le Président a signé les bills suivants :

Acte pour autoriser Pierre Whip, de la paroisse d'Iberville, à changer son nom de Pierre Whip en celui de John Reames.

Acte pour venir au secours de James Upshaw, shérif de la paroisse de Bienville.

Acte pour autoriser James M. Meredith et son épouse Josephine Larsh, de la paroisse de Caldwell, à adopter l'orpheline Eliza Jane Rice et à changer son nom en celui de Elisa Jane Meredith.

Acte pour augmenter la compensation des jurés dans la paroisse d'Est Bâton Rouge.

Acte pour rappeler toute cette portion de la 3ème section d'un acte intitulé : "Acte pour régler les sessions des Cours de District, (excepté dans la paroisse d'Orléans,) en tant que cela concerne le 3ème District Judiciaire, et d'en regler les sessions.

Et l'assistant secrétaire est chargé d'aller demander la signature de l'Orateur au bill suivant :

Acte pour venir au secours de H. M. Neal.

Le comité des enrôlements rapporte comme correctement enrôlés les bills suivants :

Acte pour venir au secours de Samuel Patterson, shérif de la paroisse de Livingston.

Résolution requérant nos Sénateurs et nos Représentants au Congrès de procurer le passage d'une loi pour l'établissement d'une malle poste hebdomaidre, de Stony Point, dans la paroisse d'Est Bâton Rouge à Springfield dans la paroisse de Livingston.

Le comite d'enrolement rapport comme dûment enrôlés les bills suivants :

Acte pour changer l'époque des sesions de la Cour dans le Sixième District Judiciaire et pour fixer des sessions de jury.

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VENDREDI, 10 février 1854.

LA RIVIERE AMITE.

M. Griffin—J'ai instructions du comité des améliorations intérieures de faire un rapport favorable au bill relatif au bayou Manchac et à la rivière Amite.

CAUTIONS DE WILLIAM K. STYLES.

Le président pro tem du Sénat soumet la communication suivante.

NLLE-ORLEANS, le 8 février 1854.

A l'honorable président et membre du Sénat de la Louisiane.

Messieurs,

L'acte de la dernière législature pour venir au secours des cautions de William K. Styles, étant un acte d'une nature privée, a été appelé à mon attention jusqu'à ce que j'y aie été appelé par la résolution de votre honorable corps à ce sujet. Immédiatement après la réception de votre résolution, je me suis mis en devoir de mettre à exécution les dispositions de cet acte, et ce matin même j'ai institué, par devant la 3me cour de district de la Nouvelle-Orléans, un procès pour presser la réclamation de l'Etat contre les diverses cautions. Aussitôt que les avis nécessaires seront donnés aux parties, l'affaire sera fixée. Ceci peut occasionner quelques délais, et tant que les parties sont nombreuses et que quelques-unes d'entr'elles sont mortes, il serait nécessaire de s'enquérir de leurs représentants légaux.

J'ai l'honneur d'être,

Votre obéissant serviteur,

Signé, B. J. TAPPAN,
Avocat de district.

RAPPORT DES COMITES.

M. King, au nom du comité des améliorations intérieures des terres marécageuses et des levées, présente les rapports suivants.

Le comité des améliorations à l'intérieur, des terres marécageuses et des levées auquel avait été référé un acte pour améliorer la navigation de l'Atchafalaya.

Le comité accepte le substitut suivant à la première section.

Il est décrété, &c; Que la navigation des rivières Atchafalaya et Courtableau, sera améliorée, à partir de la jonction de cette dernière rivière, avec l'ancien lit du fleuve Mississipi, jusqu'à l'embouchure de cette dernière, en remontant jusqu'à l'embouchure du Petit Diable; et une levée sera construite sur la rive sud de ce dernier, de manière à empêcher le courant d'y porter les bois de dérives de l'Atchafalaya, et qu'un passage de soixante pieds de large sera ouvert dans toute cette étendue.

Ainsi que l'amendement suivant, après le mot « requis », le dernier mot dans la seconde section d'y ajouter, n'excédant pas la somme de quatre mille piastres à la fois.

Le comité étant également divisé sur le mérite du bill, a requis le soussigné de faire un rapport contre le bill.

W. W. KING,
Rapporteur du comité.

Le comité des améliorations à l'intérieur, des terres marécageuses et des levées, auquel avait été référé l'acte pour assurer le droit de préemption aux occupants actuels et aux propriétaires riverains, pour toutes les terres marécageuses et submergées situées dans la profondeur et concédées par le gouvernement général à l'Etat, a l'honneur de rapporter que le comité accepte les amendements suivants :

1o A la 5me ligne de la 1re section, d'effacer les mots "quatre-vingt" et d'insérer les mots "quarante-deux."

2o A la 9me ligne de la 1re section, d'effacer les mots "deux sections", et d'insérer les mots "une section et demie".

3o A la 39me ligne de la 1re section, d'insérer après le mot "tems" les mots "à raison d'une piastre et demie par acre".

4o Après le mot "nul", le dernier mot de la dernière ligne de la première section, d'insérer les mots : "Bien entendu que tout propriétaire riverain qui négligerait d'entrer la terre dans le temps prescrit, ne pourra d'aucune autre manière, entrer ladite terre ou aucune partie d'icelle, avant ou dans les six mois qui suivront le temps dans lequel il devrait le faire".

Le comité a l'honneur de rapporter contre ledit bill.

Signé, W. W. KING,
Rapporteur.

M. Richardson appelle le bill pour venir au secours de Ivy F. Thompson;—il ajoute :

« Je dirai pour l'information du Sénat que M. Thompson a rendu des services comme avocat de district *pro-tem* par nomination de la Cour. Lorsqu'il a agi dans cette capacité dans la paroisse de Livingston il n'y avait pas d'avocat de District; lorsqu'il a agi dans la paroisse de Ste-Hélène, c'était en remplacement de l'avocat de District qui était malade alors et hors d'état de remplir les devoirs de sa place. Le but de ce bill est tout simplement de le rémunérer de sa peine. Y aurait-il quelque objection à cela ?

M. Taylor.—D'ordinaire les bills de cette nature sont référés au comité des réclamations. Je fais une motion à cet effet.

M. Richardson—Je ferai objection au renvoi à un comité et j'espère que le sénateur retirera sa motion. Le bill a déjà été examiné par un comité de la Chambre, un rapport favorable en a été fait et il a été adopté. Il n'y a donc pas lieu à tous les délais qu'occasionnerait le renvoi à un comité.

M. Taylor—Il importe peu que le bill ait été examiné dans l'autre Chambre. J'insiste sur ma motion.

Le bill passe.

Message à la Chambre.

Le secrétaire du Sénat va demander le concours de la Chambre aux bills suivants:

Acte pour venir au secours de Jonas Reames.

Acte pour pourvoir aux vacances qui surviendraient dans des places de juges de district.

M. Griffin, au nom du comité des améliorations à l'intérieur, auquel avait été référé l'acte pour pourvoir à la navigation du Bayou Manchac et à la rivière Amite, fait un rapport favorable.

Le secrétaire-adjoint rapporte à la Chambre que le président protem du Sénat a signé,

Un acte pour rendre plus efficace les dispositions d'un acte intitulé :

Acte pour améliorer et dessécher les terres marécageuses et inondées qui ont été données à l'Etat de la Louisiane par acte du Congrès, intitulé :

Acte pour aider l'Etat de la Louisiane à dessécher les terres marécageuses qui s'y trouvent, approuvé le 2 mars 1849.

Message de la Chambre.

Le messager spécial de la Chambre informe le Sénat que la Chambre persiste dans son amende au bill du Senat, intitulé :

Acte pour amender et décréter de nouveau l'art. 1,115 du code civil,

Et à cet effet il demande un comité de conférence.

Et que la Chambre a donné son concours aux bills et aux résolutions du Sénat.

Acte pour autoriser Mme J. A. Withers, épouse de Jos M. Kennedy, à émanciper son esclave Charisse, avec permission de demeurer dans l'Etat.

Acte pour abroger un acte intitulé :

Acte pour incorporer la loge de la Nouvelle Ibérie, No 36 de l'Ordre indépendant des Odd Fellows de l'Etat de la Louisiane.

Résolution relative à la concession des terres publiques à l'Etat de la Louisiane, pour l'usage des chemins de fer.

Résolution à l'effet de procurer la passassion d'une loi pour une poste journalière entre les villes de la Nouvelle-Orléans, de Bâton-Rouge et de Bayou-Sarah, et toutes les postes intermédiaires sur le fleuve Mississipi.

Et il demande le concours du Sénat aux bills suivants de la Chambre :

Acte pour autoriser M. C. Wilson à affranchir son esclave David.

Acte pour venir au secours des vétérants de 1814 et 1815.

Acte pour autoriser John Cousin, de la paroisse de St-Tammany, à affranchir l'esclave Frances et ses enfans.

Acte pour pourvoir à la souscription pour la ville de la Nouvelle-Orléans, au fonds capital de la Compagnie du chemin de fer de la Nouvelle-Orléans, de

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Jackson, du Nord et de la Compagnie du chemin de fer de la Nouvelle-Orléans, des Opelousas et de l'Ouest.

Et il demande la signature du président du Sénat aux bills suivants dument enrôlés de la Chambre :

Acte pour pourvoir à l'exécution des condamnés à mort dans la paroisse d'Orléans.

Acte pour venir au secours de Samuel Patterson, shérif de la paroisse de Livingston.

Acte pour venir au secours de H. M. Neal.

Résolution requérant nos sénateurs et nos représentants au Congrès, de faire tous leurs efforts à l'effet de procurer la passation des lois actuellement pendantes par devant le Congrès, ayant pour but de concéder les terres par le gouvernement général au chemin de fer de Vicksburg, de Shreveport et du Texas.

Et de rapporter comme enrôlé d'une manière incorrecte, le bill suivant du Sénat :

Acte pour changer l'époque des sessions des cours dans le 6me district judiciaire et de fixer des sessions de juri.

Bills présentés.

M. King obtient la permission de présenter, sans en avoir donné avis préalable, un acte pour amender un acte intitulé :

Acte concernant l'affranchissement des esclaves dans l'Etat, approuvé le 18 mars 1852.

Et un acte pour aider à la colonisation des personnes de couleur libre en Afrique.

Sur motion de M. King, et après dispense des règles, ces bills sont respectivement lus deux fois par leurs titres, et sont référés au comité judiciaire.

M. Evans présente une pétition des résidans de la Nouvelle-Orléans, relativement à un bill présenté et intitulé :

Acte pour créer des peseurs de sucre et de coton dans la ville de la Nouvelle-Orléans, laquelle est lue

Le même membre fait la motion que cette pétition soit référée au comité d'agriculture et de commerce.

M. Richardson demande que l'on s'occupe d'un bill intitulé :

Acte pour autoriser John Cousin, de la paroisse St-Tammany, à affranchir les esclaves Frances et ses trois enfans.

Sur motion du même membre, et après dispense des règles, le Sénat donne son concours audit bill.

Et un acte pour créer un juge de paix et un constable additionnels dans et pour la paroisse de Washington.

Sur motion du même membre, et après dispense des règles, ce bill est lu deux fois, et sur motion du même membre, le mot «shérif» dans la seconde ligne de la seconde section est effacé, et les mots «président du juri de police,» sont insérés aux lieu et place.

Sur motion, ce bill est lu une troisième fois et passé ainsi qu'il est amendé.

M. Taylor, sans en avoir donné avis au préalable, obtient la permission de présenter les bills suivants :

Acte pour autoriser les femmes mariées à contracter et à engager leurs biens paraphernaux et dotaux.

Acte pour abroger les articles 1430 et 1481 du code civil de l'Etat de la Louisiane, et pour abolir la légitime.

Sur motion du même membre, ces bills sont lus deux fois par leurs titres et sont référés au comité judiciaire.

LUNDI, 13 février 1854.

LE BAYOU MANCHAC ET LA RIVIERE AMITE.

M. Lacey—Si on n'y voit pas d'objections, je désirerais que le Sénat voulût bien dispenser des règles ordinaires la mise en discussion d'un bill fort important. Il s'agit d'améliorations à apporter à la navigation du Bayou Manchac et la Rivière Amite. La commission a fait sur ce bill un rapport favorable, et je crois que la majorité du Sénat est aussi en faveur de la proposition.

Le Sénat prononce la dispense demandée.

Voici la teneur de ce bill :

ACTE

Pour améliorer la navigation dans le Bayou Manchac et la Rivière Amite.

Sect. 1. Il est décrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane réunis en assemblée générale, Que Thos. Green Davidson, J. West McMain, Dr. F. M. Hereford, Cotton et George S. Lacey, sont nommés commissaires des travaux d'améliorations à faire pour faciliter la navigation dans le Bayou Manchac, depuis son embouchure jusqu'au débarcadère Hereford, et dans la rivière Amite depuis l'embouchure du Bayou Manchac jusqu'au ferry de M. Johnson, et aussi loin que les eaux de la rivière le permettront.

Sect. 2. Pour mettre les dits commissaires à même de faire les démarches qu'ils jugeront à propos de faire dans le but indiqué dans la 1re section du présent acte, la somme de $3,500 leur est allouée sur les fonds des améliorations intérieures, laquelle somme sera payée par le trésorier aux dits commissaires ou à leur ordre, sur un mandat de l'auditeur des comptes publics.

Sect. 3. Ce mandat de paiement ne sera délivré aux commissaires qu'après que ceux-ci auront fourni à l'Auditeur des comptes publics bonne et valable sécurité pour l'emploi de la dite somme au but ci-dessus assigné, c'est-à-dire à l'amélioration du bayou Manchac et de la rivière Amite.

Sect. 4. Cet acte aura plein et entier effet à dater du jour de son adoption.

M. Hodge—Je voudrais demander au sénateur de vouloir bien expliquer l'objet précis du bill.

M. Lacey—J'ai déjà donné toutes les explications nécessaires à ce sujet, quand le bill a été pris en considération par le Sénat, mais je crois que l'honorable membre n'était pas présent ce jour-là. Je vais donc tâcher de l'expliquer de nouveau. Le bill est, comme je l'ai dit, d'une très grande importance, car il s'agit d'améliorer la navigation sur un parcours de cent milles au moins. L'Ingénieur de l'Etat, dans son rapport, constate qu'une grande injustice a été faite à la paroisse de la Floride. Je cite textuellement ses expressions :

« J'avoue franchement que pendant la saison der-» nière la Floride a été entièrement négligée, et » n'a reçu aucun aide sur les ressources de l'Etat. » Il me semble que pour être juste envers cette pa-» roisse, il faudrait que, cette année, on lui donnât » quelque chose de plus que sa part dans les fonds » destinés aux travaux publics. »

Quand j'affirme que les travaux qui sont ordonnés par le bill proposé rendront navigables environ quinze milles du bayou Manchac et 80 milles de la rivière Amite, je suis sûr de ne rencontrer aucune objection, particulièrement si on réfléchit à l'injustice qui a été commise envers cette portion de l'Etat. Cette section n'a rien eu sur les fonds de l'Etat. Elle a vu les deniers publics employés pour l'amélioration de presque toutes les autres paroisses, et elle a souffert longtemps et en silence, malgré la nature pressante de ses besoins. Cette paroisse a besoin d'un *packet* régulier qui porte ses produits au marché. Cela serait d'un profit incalculable pour les planteurs et tendrait à stimuler et à développer l'industrie déjà florissante de cette portion de l'Etat.

Il vaut mieux que nous votions ce bill et que nous fassions l'appropriation demandée que de mettre l'Etat dans la nécessité d'entreprendre lui-même ces travaux. Je suis sûr que l'ouvrage sera, en fin de compte, fait à bien meilleur marché et beaucoup mieux. A l'appui de ce que j'avance, je dirai qu'il y a quelques années, l'Etat essaya de faire quelque chose pour ces contrées. Dans le cours des travaux, un grand nombre d'arbres furent abattus ou déracinés et jetés avec un amas de décombres dans le cours d'eau et en obstruèrent le lit, qui depuis n'a jamais été débarrassé. En négligeant de réparer ce dommage, l'Etat a commis une véritable injustice, dont il doit aujourd'hui indemniser cette localité, s'il veut se conformer aux règles communes de l'équité.

La 3me section du bill oblige les commissaires à fournir caution pour assurer le bon emploi des fonds qui leur seront versés. C'est pourquoi il ne peut pas y avoir le moindre danger que la somme puisse être détournée du but de l'allocation. Maintenant, mon

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sieur, il ne s'agit ici que d'une somme en elle-même fort minime. Elle est minime surtout si on considère l'importance de l'étendue des travaux dont elle doit aider l'accomplissement, et surtout si on la compare aux sommes considérables qui ont été allouées avec tant de prodigalité pour d'autres portions de l'Etat. J'espère que le Sénat adoptera le bill et fera ainsi justice à une section, dont les besoins et les droits ont été si longtemps oubliés. Jusqu'à ce jour, les deniers de l'Etat ont été plus particulièrement employés au profit de la partie Nord-Est de la Louisiane ou autres points. La section pour laquelle j'appelle votre justice n'a pas été secourue, et je demande aujourd'hui qu'une faible somme soit appropriée pour un travail qu'on peut considérer comme important et très avantageux au pays.

M. Hodge—Je ne suis pas préparé à voter pour ce bill, malgre tout ce que vient de dire en sa faveur, l'honorable sénateur d'Est-Bâton-Rouge. En premier lieu, je crois que la méthode proposée pour la confection du travail est mauvaise. C'est par l'Etat que ce travail doit être fait, sous la direction de l'Ingénieur de l'Etat. Je ne disconviens pas de ce que l'honorable membre a dit de l'injustice commise l'année dernière envers cette portion du pays. J'accepte parfaitement comme exactes, les paroles de l'Ingenieur de l'Etat sur ce point. Mais, mon impression est, que précédemment, cette localité a reçu de l'Etat, tout autant que les autres parties de la Louisiane.

Je ne prétends pas dire que des secours publics n'aient pas été accordés à la partie Nord-Ouest de la Louisiane, mais s'il en a été donné, je puis affirmer que rétultat de ces travaux n'a pas été bien merveilleux, car cette portion de l'Etat n'en a pas jusqu'à présent tiré un grand profit apparent. D'un autre côté, je ne me rappelle pas que l'ingénieur de l'Etat ait dit que les travaux faits dans la paroisse de la Foride ait eu des résultats dommageables. L'honorable membre admet que des travaux ont déjà été faits dans cette localité. L'ingénieur, dans son rapport, exprime son désir et son intention de les compléter. Je pense qu'il est justement l'officier compétent pour les terminer, et que nous n'avons pas à intervenir dans cette affaire. Par ces motifs je demande que l'Etat continue à être chargé des travaux et je fais opposition à ce qu'aucune appropriation soit faite pour cet objet. Je voterai certainement contre le bill.

M De Russy—Je voudrais inviter l'honorable membre qui a introduit ce bill à consentir plutôt à ce que la discussion en soit remise à un autre jour. La commission a fait un rapport défavorable sur cette motion, par le motif que les fonds des améliorations intérieures sont en ce moment trop épuisés pour qu'il puisse être prélevé maintenant sur cette caisse un pareil prélèvement, qu'il y avait beaucoup de demandes de cette nature et qu'il ne pouvait être donné satisfaction à toutes. Pour ma part, je ne considère que l'amélioration demandée par le bill sera d'un grand avantage pour une grande portion de l'Etat, et conséquemment doit être faite.

Mais il y a aussi d'autres demandes de la même nature, peut-être plus importantes encore, et auxquelles il doit être également fait droit. Le président de la commission n'est pas à son banc. Je crois que nous ferions mieux d'attendre son retour avant de voter sur ce bill.

M. Richardson—Ne viens-je pas d'entendre dire à l'honorable membre que la commission avait fait un rapport defavorable sur ce bill.

M. de Russy—Oui, monsieur.

M. Richardson— Je suis alors dans l'obligation de faire savoir à M. de Russy qu'il est dans une erreur complète. La commission a fait au contraire un rapport favorable sur la demande.

M de Russy—J'étais sous l'impression que la commission était divisée et que le président avait voté contre le bill.

M. Richardson—C'est une nouvelle erreur de la part de l'honorable membre. La commission, comme je l'ai dit déjà, s'est prononcée favorablement sur le projet. Le bill sur lequel elle a emis un jugement défavorable est celui présenté par le sénateur de St-Landry (M. Martel).

M. Hodge—Je demanderai pourquoi la commission a fait un rapport favorable sur l'un et défavorable sur l'autre.

M. Richardson—C'est à la commission qu'il faut vous adresser pour vous faire expliquer ce point.

M. Moore— Je viens demander qu'on dépose le bill sur le bureau pour figurer dans un autre ordre du jour. Je n'ai pas de doute que si le senat était au complet une grande majorité serait acquise au projet et qu'il serait adopté. Néanmoins, je n'aimerais pas à en voir precipiter le vote en ce moment.

M. Lacey—J'espère que le sénateur n'insistera pas sur sa motion. Il y a en ce moment au Sénat une majorité prononcée pour le bill, et j'aimerais mieux qu'on votât immédiatement. L'allocation demandée n'est pas élevée, et on peut l'accorder pour un but dont l'importance a été démontrée par le rapport favorable de la commission des améliorations intérieures.

M. Moore—La raison pour laquelle je fais cette motion est qu'il y a un bill de la même nature devant la commission, pour l'amélioration de l'Atchafalaya. Quelques membres de cette commission ont voté d'une manière différente sur les deux bills, chose que j'avoue ne pouvoir comprendre, attendu que les deux bills sont absolument identiques et qu'ils semblaient devoir être soumis à la même règle et subir le même destin. Il n'y a pas de raison pour que l'Atchafalaya soit mis hors la loi commune. Le bill à ce sujet avait été introduit longtemps auparavant celui dont s'occupe aujourd'hui le Sénat, et il a droit aussi à ne pas être mis en oubli. Si l'un des deux mérite une préférence, c'est certainement le dernier. Mais ce qui ne sera certainement pas admis par le Sénat, c'est l'adoption de l'un et le rejet de l'autre. Les motifs qui portent à accueillir le premier doivent nécessairement faire accepter le second, puisqu'il y a similitude. Vous ne pouvez pas, sans injustice, vous prononcer d'une façon pour l'un, et d'une autre façon pour l'autre. Quant à moi, je soutiens le bill qui nous est actuellement soumis, par la même raison qui me rend favorable à l'autre. Je les appuierai tous les deux et j'espère que le Sénat les votera l'un et l'autre.

M. Lacey—Je demanderai de nouveau la permission d'exprimer l'espoir que l'honorable membre ne persistera pas dans la motion, car je crois qu'elle serait la ruine de ce bill, Je suis moi-même partisan du bill de l'Atchafalaya auquel il prend un si vif intérêt, et je le soutiendrai de mon vote quand il sera soumis au Sénat. Je n'épargnerai rien pour assurer son passage, je le proclame dès à présent. Mais cela ne m'empêche pas de demander un vote immédiat sur le bill actuellement en discussion. Il doit être adopté dès à présent. Je ne vois aucune raison plausible d'en différer le vote. Et j'espère que l'honorable membre fera pour mon bill ce que je suis décidé à faire pour le sien.

Sur motion de M. Lacey, on procède à la lecture du bill.

La première section est adoptée.

Sur la seconde section, M. Hodge demande que l'on compte les voix pour et contre.

Se prononcent pour l'adoption :

Honorable R. C. Wickliffe, président temporaire, Messieurs Boatner, De Russy, Defreese, Evans, Hebert, Lacey, McCay, Munday, Martel, Moore, Pellerin, Ryan, et Rivers, en tout 17.

Et contre l'adoption :

M. Lawes est excusé.

Messieurs Dugue et Hodge. Total 2.

M. Moore—Je crois que l'honorable membre ferait mieux de consentir à la remise du vote général sur le bill. Il passerait indubitablement.

M. Lacey—Je m'oppose de nouveau à toute remise. Le moment me paraît au contraire très opportun pour le vote. Le bill est soumis au Sénat. C'est maintenant qu'il faut décider de son sort, l'accepter ou le rejeter, comme on voudra. Mais s'il est rejeté, que mes collègues prennent garde à leur bill de l'Atchafalaya.

M. Moore.—M. Lacey semble s'offenser de ce que j'ai demandé la remise du bill, quoique j'aie aussi mes dispositions favorables en ce qui le concerne. Je répète que je suis en faveur du bill. Je l'ai appuyé dans la commission, et je le soutiendrai encore quand le moment du vote sera venu. Mais je ne voudrais pas qu'on pressât ce vote, parce que je ne vois pas de motif pour qu'on le sépare de cet autre bill auquel je prends un si profond intérêt, et que mon ami est que

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le Sénat doit prononcer sur tous deux en même temps.

M. MacCay—Je demande que le bill soit mis à l'ordre du jour de demain.

Cette motion est rejetée.

Le Sénat n'étant pas en *quorum*, le sergent d'armes est envoyé à la recherche des membres absents.

Sur motion de M. McCay, le secrétaire fait l'appel nominal des sénateurs.

17 membres répondent à l'appel de leurs noms. Ce sont M. R. C. Wickliffe, président temporaire, au fauteuil, et MM. Boatner, De Russy, Defreese, Dupré, Evans, Hodge, Hebert, Lacey, Lawes, McCay, Munday, Martel, Moore, Pellerin, Ryan et Richardson

Sur motion de M. Moore de renvoyer la delibération à un autre jour, M. Lacey demande que l'on vote par oui et non.

Se prononcent pour le renvoi :

Le président R. C. Wickliffe, et MM. Dupré, Hodge, Lawes, McCay, Moore.—En tout, 6.

Et contre le renvoi :

MM. Boatner, de Russy, Defrees, Evans, Hébert, Lacey, Munday, Martel, Pellerin, Ryan et Richardson—En tout, 11.

En conséquence, la délibération sur le bill continue.

Sur motion de M. Larcey d'adopter la 2de section, M. Hodge demande le vote par oui et non.

Pendant qu'on procède à ce vote, le Sénat, sur le consentement de M. Lacey, décide que la suite de la délibération sur le bill sera renvoyée à demain et inscrite spécialement à l'ordre du jour.

L'ILE DE CUBE.

Sur motion de M. McCay cette portion du message du gouverneur, qui est relative à l'île de Cube, est renvoyée à la commission des relations fédérales.

Message de la Chambre des Représentants.

Le messager spécial de la Chambre requiert la signature du président du Sénat sur les bills et résolutions suivants de la Chambre.

Un acte pour venir au secours de F. L. Glover.

Un acte pour changer les termes de sessions de district des 9èmes et 11èmes districts judiciaires de cet état.

Résolution pour inviter nos sénateurs et représentants au Congrès à demander l'établissement d'une malle hebdomadaire entre *Stony Point*, dans la paroisse de Bâton-Rouge, et Springfield, dans la paroisse de Livingston.

Le messager de la Chambre informe en outre le Sénat que la Chambre a donné son concours aux bills et à la désignation suit ;

Un acte pour émanciper George E. Gilmor.

Un acte pour émanciper John W. Hewitt.

Un acte pour autoriser M. Lea et Lœtitia M. Lea, à adopter Eléonord Lombard.

Un acte pour émanciper Andrew Lawson Jr., de la paroisse de Bossier.

Un acte pour émanciper Eliza Morin;

Un acte pour venir au secours de Mathew Watson, shérif de la paroisse de Caddo;

Un acte pour venir au secours de L.F. Steele, collecteur des taxes de la paroisse de Bossier;

Un acte pour émanciper Abner Nash Ogden Jr, de la paroisse de Jefferson;

Enfin le messager de la Chambre demande que le Sénat donne son concours aux autres résolutions et bills de la Chambre, et dont la désignation suit:

Un acte pour venir au secours de Jesse Sykes, L. Baker, A. G. Milbank et Samuel Williams;

Un acte pour émanciper Don Louis Maurin;

Un acte pour venir au secours de Thomas Killgore;

Un acte pour émanciper Sally, enfant et esclave de Carney, homme de couleur libre, de la paroisse Bâton-Rouge;

Un acte pour venir au secours d'Antoine Marrero, ex-collecteur des taxes de la paroisse de St-Ber-

Un acte pour venir au secours de R. A. Sibley, shérif de la paroisse de Sabine;

Un acte pour rapporter dans la 10me section d'un acte intitulé "Acte au jugement des esclaves, approuvé le 1er mars 1846, les dispositions qui prescrivent l'exécution à l'intérieur de la prison, des esclaves condamnés à la peine capitale;

Un acte pour autoriser Edward D. Woods, à accepter la tutelle du mineur Lewis E. Woods.

Un acte pour venir au secours du Shérif de la paroisse de Lafourche.

Un acte pour venir au secours de J. H. Dillard, collecteur des taxes dans la paroisse de De Soto.

Un acte pour émanciper James Y., et Emily L. Williams, de la paroisse d'Est-Bâton-Rouge.

Un acte pour venir au secours d'Edgard E. Voorhies, dernier Surintendant des Ecoles Publiques dans la paroisse de St. Martin.

Un acte abolissant les termes de session de la Cour des Preuves dans le 10ème district judiciaire de l'Etat, et fixant les termes de session du jury dans ce district; et enfin une résolution invitant les commissaires des terres marécageuses à faire faire une étude de la portion de territoire située dans la paroisse de Madison et connue sous le nom de Diamond Island Bend (L'Ile aux Diamands).

Le Bureau des Commissaires des Terres Marécageuses.

M. Moore, membre de la commission spéciale conjointe, fait le rapport suivant, dont le Sénat ordonne l'impression immédiate à 200 exemplaires.

Voici ce rapport :

La commission spéciale conjointe, nommée pour examiner les comptes de l'imprévu et autres dépenses du bureau des commissaires des terres marécageuses et de leurs ingénieurs, ainsi que les contrats faits par eux ou sous leur autorité, rapporte,

Que ces fonctionnaires ont accompli le devoir qui leur a été assigné, et d'après l'inspection des comptes qui lui ont été présentés, la commission trouve que les dépenses faites et les engagements sont comme suit :

Dépenses generales du bureau.

Salaire du Secretaire du bureau		$375 00
Fournitures du bureau	123 80	
Impression	100 00	223 80
Frais de notaire		12 00
		$620 80

Salaires.

1er District.—		
Commissaire	$1,125 00	
Ingénieur	500 00	
Assistant-Ingénieur	577 74	
	$2,192 74	
2nd District.—		
Commissaire	$1,125 00	
Ingénieur	838 44	
Assistant-Ingénieur	300 00	
Ingénieur pour remplir la vacance	692 46	
	$2,955 90	
3me District.—		
Commissaire	$1,125 00	
Ingénieur	1,832 20	
	$2,957 20	$8,105 84

Depenses casuelles et autres depenses.

1er District—		
Dépenses de voyages et autres dépenses du Commissaire et des ingénieurs appuyés par des preuves		$1,051 51
Sans preuves		168 05
		$1,219 56
2nd District—		
Dépenses de voyages et autres du Commissaire	$ 95 25	
Dépenses de feu Kirkland, ingénieur	40 65	
Assistance, Dépenses de voyages	115 00	
Dépenses de l'Ingénieur actuel	179 85	
Dépenses d'avis, $46 pour des piquets, $29 50	75 50	
Dépenses de plans du bureau des Ingénieurs	62 00	
	$ 568 25	
3me District—		
Dépenses de voyage du		

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Commissaire	$ 133 40	
Dépenses de voyage des Ingénieurs avec preuves	288 60	
Sans preuves	136 90	
Payé aux porteurs de douves ou bâtons, $45 par mois	180 00	
Avis	1,750 00	
	$ 706 40	2,494 21

Contrats.

1er District—		
Levée sur l'habitation Drausin Labranche	$3,187 00	
Bouligny	2,212 00	
Mathers	368 00	
MM. Duncan & Co	900 00	
Dito	400 00	
	$7,517 00	
2nd District—		
Levée au Lac Borgne, 6,529 yardes cubes à 20 cts	1,705 80	
Au bayou Middle, 4,000 yardes cubes, à 13 cts 3/4	730 00	
Bayou Pickett, 3,800 yardes cubes à 20 cts	760 00	
Bayou West, 3,500 yardes cubes à 20 1/2 cts	375 50	
	$4,130 80	
3me District—		
Contrats avec John C. Young; à 15 cts la yarde.	$1,134 68	
John Reynolds à 15 cts yardes cubes	390 00	
John Cheney à 15 cts	4,569 90	
D. A. Smith à 15 cts	1,568 00	
Levi Wilson à 15 cts	10,705 20	
E. L. Compton à 10 cts	4,529 00	
	$35,263 88	47,010 80
Total		$58,231 65

Ce montant est crédité aux trois Districts comme suit :

Ier District—		
Salaires du Commissaire et des Ingénieurs	$2,132 74	
Dépenses de voyages et autres	1,219 56	
Contrats pour la confection et la réparation des levées	7,617 00	
Un tiers des dépenses générales du bureau	206 93	11,236 23
2nd District—		
Salaires du Commissaire et des Ingénieurs	2,955 90	
Dépenses de voyages et autres	538 25	
Contrats pour la confection des levées	4,130 80	
Un tiers des dépenses générales du bureau	206 94	7,861 89
3me District—		
Salaire du Commissaire et des Ingénieurs	2,957 20	
Dépenses de voyages et autres	706 40	
Contrats pour la confection des levées	35,263 00	
Un tiers des dépenses générales du bureau	206 93	$33,133 53
Total		$53,231 65

Cette statistique ne comprend pas les travaux faits à la grande levée de la Pointe Coupée, dans le 2ème District, dont les comptes n'étaient pas encore préparés, travaux qui, au surplus, n'étaient pas entièrement achevés. M. Stephen Van Wickle, commissaire de ce District, qui a eu la surintendance de ces travaux, promet que les comptes seront prêts dans un court délai. Il établit que les dépenses faites pour ces travaux s'élèveront à la somme de $19,378 95 cts et qu'il faudra encore une somme considérable pour achever le travail.

EDUCATION PUBLIQUE.

M. Evans—Conformément à l'avis préalable que j'en ai donné, j'introduirai ici un bill pour pourvoir à l'amélioration de notre système d'éducation publique. Ce qui m'a porté à présenter ce projet, ce sont les communications multiples que j'ai reçues sur la nécessité de fonder plusieurs collèges. Je n'ai pas d'espoir d'obtenir aucune appropriation spéciale pour fonder des collèges dans tel ou tels endroits déterminés; c'est pourquoi j'ai donné à ce bill la forme d'une loi générale. Je désirerais en donner lecture au Sénat, pour que mes collègues comprennent bien quelle sorte de résolution je demande; je demande qu'on le renvoie à la commission d'éducation publique.

Le bill est lu et renvoyé à la dite commission.

MARDI, 14 février 1854.

RAPPORTS DES COMITÉS.

M. Lacey, au nom du comité judiciaire, fait un rapport favorable aux actes suivants:

Acte pour prévenir les délits.

Acte pour autoriser Joan Cousin, de la paroisse de St.-Tammany, à affranchir l'esclave Frances et ses enfants.

Acte pour aider à la colonisation des personnes de couleur libres en Afrique.

Acte pour autoriser l'achat de 175 exemplaires des œuvres d'Eyma, intitulé: Lois de la Louisiane sur l'insolvabilité.

Et il rapporte contre,

L'Acte pour rappeler les articles 1480 et 1481, du code civil, et pour abolir la légitime.

Et il rapporte favorablement avec des amendements,

L'Acte pour autoriser les femmes mariées à contracter des dettes et à engager leurs biens paraphernaux et dotaux.

M. Hébert, au nom du comité d'enrôlements rapporte comme correctement enrôlés les bills suivants

Acte pour abroger un acte intitulé :

Acte pour incorporer la loge de la Nouvelle-Relève, No 36, de l'ordre des Odd Fellows indépendants de l'Etat de la Louisiane.

Acte pour autoriser Mme. J. A. Withers, épouse de Jos. M. Kennedy, à émanciper son esclave Charlot, avec permission de demeurer dans l'Etat.

Acte pour changer l'époque des sessions de Cour dans le 6me District judiciaire et pour fixer des sessions de juri.

Acte pour pourvoir au paiement des coupons d'intérêts, détachés de bons émis, par l'Etat, les quels coupons sont exigibles.

Résolution reunie, requérant les commissaires des terres marécageuses et leurs ingénieurs de fournir un tableau de leurs dépenses casuelles et autres dépenses, etc.

Le secrétaire adjoint est chargé de demander la signature de l'Orateur au dit bill.

Il informe aussi le Sénat que les bills de la Chambre ont été correctement enrôlés.

Acte pour venir au secours de Samuel Patterson, shérif de la paroisse de Livingston.

Acte pour venir au secours de F. L. Glover.

Acte pour changer l'époque des sessions des Cour de District des neuvième et quatorzième Districts judiciaires de l'Etat.

Resolution requérant nos sénateurs et représentans au Congrès de procurer une malle poste hebdomadaire, de Stony Point, dans la paroisse d'Est-Baton-Rouge, à Springfield, dans la paroisse de Livingston.

Résolution requérant nos sénateurs et nos représentants au Congrès, de faire tous leurs efforts à l'effet de procurer la passation par le Congrès des lois actuellement pendantes, ayant pour but de concéder des terres à la compagnie du chemin de fer de Vicksburg, Shreveport et du Texas, par le gouvernement général.

BILLS PRESENTES.

M. Ryan, sans en avoir donné avis au préalable, obtient la permission de présenter les bills suivants:

Acte relatif à la nomination d'administrateurs dans certains cas.

Acte relatif à la prise des témoignages, dans certaines affaires criminelles.

Sur motion de M. Ryan, et après dispense des règles ces bills sont lus deux fois séparément et sont referés au comité judiciaire.

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M. Munday, sans avoir donné avis au préalable, obtient la permission de présenter les bills suivants :

Acte pour émanciper George W. Packwood.

Acte relatif aux dispositions des cautionnements forfaits et aux amendes imposées dans les affaires criminelles.

Sur motion, ces deux bills subissent leur seconde lecture et sont référés au comité judiciaire.

Aussi, un acte pour venir au secours de Martin Kohler, lequel subit ses deux lectures et est référé au comité des réclamations.

M. Hodge, sans en avoir donné avis au préalable, obtient la permission de présenter les bills suivants:

Acte pour étendre le privilège des vendeurs d'effets mobiliers.

Acte pour pourvoir à l'entretien, etc, de toutes personnes accusées et qui doivent être transportées d'une paroisse à une autre.

Sur motion du même membre, ces bills sont lus deux fois et sont référés au comité judiciaire.

M. McCay obtient la permission de présenter un acte pour affranchir l'esclave Cécilia et ses enfants, Celeste, Victoria, Emile et Cécilia, les esclaves de C. Rosalie Morin, de la paroisse d'Orléans.

M. Evans obtient la permission de présenter un acte pour émanciper Moses C. Cawet et James R. Cawet.

Sur motion, et après dispense des règles, ce bil est lu deux fois et est référé au comité judiciaire.

M. Lacey demande que l'on s'occupe d'un acte pour aider à la colonisation des personnes de couleur en Afrique.

Sur motion, et après dispense des règles, ce bill est lu une seconde fois section par section.

Sur motion, la première section est adoptée.

Sur motion de M. Richardson, d'ajourner faute de quorum,

M Hodge demande l'appel nominal.

L'Hon. R Wickliffe occupe le fautouil.

MM Defresne, Hodge, Moore et Richardson—4 sénateurs votent dans l'affirmative.

Et MM Boatner, Evans, Hébert, Lacoste, Lacey, Lawes, Mc Cay, Martel, Pelerin et Ryan—10 sénateurs votent dans la négative.

En conséquence, le Sénat refuse d'ajourner.

Le Sergent d'armes va chercher les membres absens

Sur motion, le Sénat est ajourné à demain, à 10 heures du matin.

MERCREDI, 15 février 1854.

Le Bayou Manchac et la rivière Amite.

M. Lacey appelle la mise en discussion du bill intitulé :

« Acte pour améliorer la navigation sur le bayou Manchac et la rivière Amite. »

M. Hodge—Je suis opposé à ce bill, comme le sait l'hon. M. Lacey ; c'est pourquoi je ne suis pas d'avis qu'il soit appelé avant son tour regulier. Je n'aimerais pas à faire à ce bill une opposition qui pût paraître factieuse, mais étant opposé au bill, en principe, il est tout naturel que je ne lui accorde pas une dispense de faveur.

Le Sénat se prononce pour la suspension des règles.

M. Hodge—Puisque le bill a été dispensé des formalités et règles ordinaires, et que le Senat est appelé dès à present à délibérer sur la question, je demanderai à faire quelques remarques explicatives sur les raisons qui motivent mon opposition à ce bill. Et d'abord, la première chose que je combats, c'est cette facilité donnée aux commissaires de se faire donner, sur leur propre demande, l'appropriation de $3,500 sur le Trésor

En second lieu, le bill ne règle nullement la manière dont les travaux devront être faits, et laisse le tout au contraire à la libre disposition des commissaires. La seule restriction que je trouve dans cet acte, est que les commissaires devront fournir sécurité pour garantir que les fonds versés par le trésor seront employés au but que le bill a en vue d'atteindre.

Ainsi, d'une part, les commissaires peuvent se faire payer tout d'une fois la totalité de l'allocation, tandis que, d'un autre côté, le bill ne fixe aucun délai pour l'accomplissement ou l'achèvement des travaux. Il n'y a pas de délai spécifié, et cependant ils peuvent demander l'argent quand et comme bon leur semblera, sauf ensuite à l'employer, quand ils le trouveront à propos, au but dont il s'agit. Certes, il n'entre pas dans ma pensée de mettre ici en question le caractère des commissaires, ni de jeter le moindre doute sur leurs intentions. Ils peuvent être, au contraire, et sont très certainement, des hommes parfaitement honorables. Mais il n'en est pas moins vrai qu'aux termes de la loi qu'on vous propose de voter, ils peuvent toucher l'argent, et puis ensuite le conserver entre leurs mains aussi longtemps qu'ils le trouveront à leur convenance. C'est sous ce point de vue que le bill est sujet à opposition.

On peut faire à cet acte une autre objection encore. C'est qu'il crée un office jusqu'alors inconnu à la loi, et étranger au système adopté par l'Etat pour les améliorations interieures. Nous avons déjà un officier dont les fonctions spéciales sont justement de diriger les travaux de cette nature, et qui, sous tous les rapports, est l'homme le plus propre à la chose.

Ne donnons-nous pas à notre ingénieur d'Etat $3,500 par an pour exécuter précisément les travaux que le bill propose de transferer à des commissaires? N'avons-nous pas plusieurs steamboats et plus de cent nègres pour cette destination spéciale, et qui ne laissent pas de coûter à l'Etat des sommes considérables ? L'ingénieur de l'Etat n'est-il pas capable d'exécuter ce travail ? N'a-t-il pas déjà exprimé sa bonne volonté et son désir de le faire ? Sur quel motif plausible l'honorable membre se fonde-t-il donc pour demander que $3,500 soient diverties des fonds des améliorations intérieures, pour être placées entre les mains de parties irresponsables ? Puisque nous avons un officier dont la capacité n'est pas mise en question, et à qui nous payons de forts émoluments pour diriger nos améliorations intérieures, pourquoi donc ferions-nous une exception pour le cas qui nous est soumis ? L'Etat a déjà acheté des nègres et des steamboats ; utilisons les donc sous la direction de l'officier compétent.

La seule base sur laquelle, en apparence du moins, on semble s'appuyer pour faire la demande dont il s'agit, c'est la déclaration faite par l'ingénieur que « pendant la saison dernière il n'a pas été fait autant de travaux dans ce district que dans beaucoup d'autres. » Mais il ne faut pas oublier que cet officier a ajouté que son intention formelle était de faire le travail cet été. Les commissaires peuvent-ils le faire dans le même espace de temps ? Je pense qu'il leur en faudra beaucoup plus seulement pour faire faire les études et pour arrêter un plan des travaux à exécuter.

Maintenant, Messieurs, je voudrais appeler pour un moment l'attention du Sénat sur les effets de ce mode de legislation. Si je ne pouvais pas obtenir la passation d'un bill au moyen de son propre mérite, si ses qualités intrinsèques ne le recommandaient pas à la faveur du Sénat, je le dis hautement, je n'essaierais pas de peser sur la conscience de mes collègues et de les forcer à donner un vote par la menace de faire par mon opposition échouer d'autres mesures dont l'adoption leur semblerait utile.

Quand ce bill était devant le Sénat, l'autre jour, le senateur d'Est-Bâton-Rouge (M. Lacey) a dit, d'une façon toute menaçante, à un respectable sénateur assis à ma gauche, qu'il ne soutiendrait un bill auquel ce dernier prenait vif intérêt qu'à la condition que ce même sénateur (M. Moore) donnerait son appui au bill qui était alors devant le Sénat. C'est là messieurs, une tendance on ne peut plus déplorable. C'est faire qu'un bill qui sera trouvé bon en fasse adopter un qui serait trouvé mauvais, et c'est là un système qui tend à détruire l'impartialité de notre jugement et la rectitude de notre action. Pour ma part, je combattrai de tous mes efforts et je le signalerai hautement à l'opinion publique toutes les fois que l'occasion s'en présentera. Je demande à M. Lacey si c'est là une manière de procéder vraiment digne et loyale. N'a-t-il pas laissé voir la faiblesse de son bill et sa defectuosité quand il a menacé d'entraîner avec lui dans sa défaite le bill concernant les travaux d'améliorations à faire dans l'Atchafalaya ? Le sénateur qui est à ma gauche [M. Moore] desire obtenir une allocation de $15,000 pour l'amélioration de l'Atchafalaya. Je pourrais, avec autant de raison, demander une appropriation de $100,000 pour la Rivière Rouge. L'importance relative de cette rivière justifierait et au-delà une pareille demande. Je pro-

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l'honorable membre de méditer sur les conséquences de ce mode de législation. Cet amalgame et cette solidarité des votes ne pourraient qu'amener les plus funestes conséquences. C'est là une voie fausse et dans laquelle le Sénat ne souffrira pas qu'on essaie de l'engager.

Chaque bill doit être accepté ou rejeté en dehors de toute consideration étrangère et seulement sur l'appréciation de ses propres mérites ou de ses propres défectuosités. Ce n'est que de cette manière que nous pouvons espérer de voter des lois impartiales. J'ai eu avec l'ingénieur de l'Etat sur la matière qui nous occupe une conversation particulière. Il m'a positivement dit qu'il ferait les travaux cet été, et qu'il en ferait autant en quatre semaines que les commissaires en peuvent faire avec les $3,500 que le bill propose d'approprier. Il est vrai, comme l'a dit M. Lacey, que la somme demandée est peu considerable, mais c'est de petites sommes que se composent les grosses. Si nous accueillons ce bill, où nous arrêterons-nous? A quel résultat arriverons-nous? Qui peut dire combien de bills de la même nature nous serons forcés d'accueillir sous peine d'être accusés de partialite et de favoritisme? On nous dit que les travaux sont nécessaires, et que pour ce motif nous devons voter le bill. Mais, de cette façon, on peut, de tous les points de l'Etat, nous demander de semblables appropriations pour des travaux d'amélioration qu'on nous dira nécessaires.

Je répète, messieurs, que ce système, si nous y entrions une fois, nous conduirait aux plus fâcheux résultats. Je suis l'ennemi d'une pareille tendance, et je la combattrai sans cesse de tout mon pouvoir. Encore une fois, si l'importance et la nécessité des travaux étaient une consideration suffisante à elle seule pour l'adoption du bill, je pourrais, avec non moins de raison, demander $100,000 pour la Rivière Rouge, dont l'importance est bien autrement grande pour les intérêts de l'Etat.

Et chaque section aurait le même choix de venir demander des appropriations pour des besoins locaux. Et comment pourrions-nous les leur refuser, quand nous aurions établi le précédent par l'adoption de ce bill? Nous ne le pourrions pas. Force nous serait d'accueillir tous les bills de cette nature qui pourraient nous être présentés, et la conséquence d'un pareil mode de procéder serait l'annihilation de notre système d'améliorations intérieures et l'épuisement du Fonds qui leur est destiné. Nous pourrions alors, avec bien plus de raison et de logique, vendre nos bateaux et nos nègres, et remercier notre ingénieur, car ils nous deviendraient inutiles après que nous aurions épuisé le Fonds général en appropriations particulières.

Telle serait pourtant, messieurs, l'inévitable conséquence de notre imprudence, si nous avions le malheur de nous aventurer sur cette mer pleine de périls et de hasards où l'on veut nous pousser. J'appelle l'attention sérieuse du Sénat sur ces considérations. Croyez bien que je ne suis, en cette affaire, conduit par aucun esprit de jalousie locale. Tout au contraire, je désire sincèrement que toutes les parties de l'Etat soient améliorées avec une égale sollicitude de la part des officiers. Mais je demande que toutes ces améliorations soient faites de la manière la plus convenable, et pour cela il ne faut pas qu'elles soient exécutées tantôt d'une façon et tantôt d'une autre, mais il est nécessaire qu'elles soient toutes soumises à une méthode, à une règle, au système enfin que nous avons adopté comme nous paraissant le plus efficace et le plus praticable.

M. Lacey—J'avais espéré, M. le président, qu'un bill comme celui-ci, si juste quand on l'examine, et si important aux intérêts et à la prospérité d'une grande portion de l'Etat, aurait un droit assuré à la consideration du Sénat. Pour soutenir un pareil bill, il n'est pas besoin d'employer des moyens detournés. Le membre qui descend de cette tribune s'est tout-à-fait mépris sur mes intentions et a mal compris mes paroles, en supposant que je voulais avoir recours, pour faire accueillir le bill, à de semblables moyens. Encore une fois, j'espère qu'il s'est trompé aussi en supposant que pour être adopté, le bill eût besoin d'être soutenu par des moyens factices. Et je pense, messieurs les sénateurs, que pas une parole n'est sortie de ma bouche qui puisse justifier une telle accusation. L'honorable membre a très mal compris mes observations. J'ai dit que si quelques-uns de mes collègues désiraient l'adoption d'autres bills de la même nature que celui-ci, fondés sur le même principe et s'appuyant sur les mêmes motifs pour invoquer votre consideration, et qu'ils fissent opposition à ma demande, ils ne pouvaient pas raisonnablement s'attendre à ce que je donnâsse mon appui à des demandes du même genre. Et pourquoi n'aurais-je pas dit cela? Pourquoi viendrait-on me demander de soutenir des bills en tout semblables à celui-ci, après que le Sénat aurait décidé le principe par le rejet du mien? Si ces sénateurs me refusent même la faveur vulgaire de laisser discuter franchement mon bill devant le Sénat, pourquoi serais-je tenu envers eux à plus de courtoisie?

C'est là la seule argumentation que j'aie faite. Je ne cherche pas à rattacher ce bill à un autre. Je dis que le sénateur me comprend mieux maintenant, et je crois qu'il ne trouvera rien à reprendre à mes paroles si je lui dis que, quelque soit le résultat du vote du Sénat sur mon bill, la décision du Sénat n'aura aucun effet sur mon propre vote à l'egard de l'autre bill. J'avais espéré que mon bill passerait à la faveur de son propre mérite, qu'on le discuterait à fond et de bonne foi devant cette assemblée, et que le Sénat lui prêterait l'attention à laquelle son importance lui donne droit. Cette importance n'est-elle donc pas visible à première vue! N'est-elle donc pas éclatante aux yeux de tous ceux qui voudront réfléchir un moment sur le but que la proposition veut atteindre? Je demande si la nécessité du bill n'est pas assez clairement démontrée, quand je fais voir qu'il s'agit de rendre navigables plus de cent milles de parcours, qui sont en ce moment fermés à tous débouchés et à toutes communications, et que les travaux réglés par le bill doivent ouvrir les portes du marché à une population industrieuse et considérable! Les honorables membres du Sénat ne sont-ils pas convaincus de l'opportunité du bill quand ils voient, comme cela résulte clairement du rapport de l'ingénieur de l'Etat lui-même, que ce bill ne fait que demander justice pour une section de l'Etat qui n'a pas été traitée avec la même libéralité que toutes les autres? Je répète, Messieurs, que je n'ai nullement l'intention de faire adopter ce bill par des moyens autres que ceux que pourrait avouer l'homme le plus loyal et le plus sincère. Je ne veux pas favoriser son adoption par la menace de représailles.

Je répudie de pareilles influences. Confiant dans la seule force que ce bill tire de lui-même, je demande seulement que le Sénat le discute franchement et impartialement. J'en ai indiqué les avantages; j'ai démontré que son adoption ne serait qu'un acte de justice envers une section de l'Etat qui a été victime d'un abandon immérité. Je demande le passage de ce bill, en ne m'appuyant que sur la propre valeur qu'il tire de lui-même, et je répudie toute autre influence avec autant d'indignation que le sénateur de Caddo. Non, je n'ai pas l'intention de me servir de la menace comme d'un moyen d'appui, et ma conduite au moment de la discussion de toute autre mesure ne sera pas affectée par le sort de celle-ci.

Loin de moi toute pensée semblable. Je ne demande le vote du bill par le Sénat, que parce que je le crois bon par lui-même, intrinsèquement, et en dehors de toute consideration étrangère. J'espère qu'il sera adopté à une majorité suffisante pour qu'il soit envoyé à l'autre Chambre sous le patronage de notre approbation bien marquée. J'ai la confiance qu'à la Chambre des Représentants il trouvera une majorité aussi nombreuse qu'au sein même du Sénat. C'est une proposition bonne en elle-même, équitable, importante. Quand des considérations de bonne administration et d'equité se trouvent unies en faveur d'un bill, il doit necessairement passer. Je demande donc que nous le votions sans plus de retard.

M. Moore—Les observations qu'a fait entendre le sénateur de Caddo (M. Hodge), rendent nécessaire une explication de ma part, et j'ose espérer que le Sénat me fera la faveur de m'écouter pendant quelques instants. J'ai soutenu ce bill devant la commission, parce que j'étais convaincu que c'était la meilleure manière d'assurer l'accomplissement des travaux dont il s'agit dans ce bill. Je ne pouvais pas, en bonne conscience, y faire opposition quand j'en soutiens moi-même un, basé précisément sur le même principe, et

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relatif à une autre section de l'Etat, lequel est présenté par le sénateur de St-Landry (M. Dupré). Je sais que cette résolution intéresse une grande portion de l'Etat. Elle a pour but de régler l'amélioration d'un cours d'eau qui est la seule route qui relie au Mississipi les habitants d'une grande et productive section du pays.

Cette section a été entièrement négligée pendant ces dix dernières années. On n'a rien fait pour améliorer ce cours d'eau. En vain les habitants de cette portion du pays ont-ils attendu que l'ingénieur de l'Etat prit l'initiative dans cette affaire. Non seulement rien n'a été fait; mais il n'y a même rien qui indique que quelque chose doive être fait. Ce cours d'eau est comme je l'ai dit, la seule voie de communication qu'aient avec le Mississipi les habitants de cette portion de l'Etat. C'est le canal par lequel passent, pour être conduits au marché, tous les produits de St-Landry, des Avoyelles, de Calcasieu, de St-Martin et de plusieurs autres riches et florissantes paroisses.

Ces paroisses produisent, chaque année, plus de cent mille boucauts de sucre et environ quarante mille balles de coton. Pendant la saison des eaux basses, cette immense accumulation de produits est obligée de rester là, au grand dommage des habitants. C'est justement ce qui a lieu au moment où je vous parle. Les eaux sont très basses, et les planteurs sont réduits à l'expectative. L'ingénieur de l'Etat ne peut pas, même avec les fonds dont il dispose, arriver à un résultat suffisant. C'est pourquoi l'appropriation demandée doit être accordée. La même cause a motivé l'introduction du bill proposé par le sénateur de St-Landry (M. Dupré).

Je me crois en conséquence obligé de soutenir le bill maintenant en discussion, parce qu'il est fondé sur le même principe que l'autre. Je ferai remarquer aussi que je ne suis pas de ceux qui se laissent intimider par des menaces. Je ne me suis jamais laissé influencer par de pareils motifs, et je ne céderai jamais à de telles considérations. Je donnerai mon vote comme il convient à un sénateur de la Louisiane, c'est-à-dire, un vote dicté par d'honnêtes convictions.

M. Hodge—Si le Sénat veut me le permettre, je vais lui donner lecture du passage du rapport de l'ingénieur de l'Etat, auquel il a été fait allusion dans le cours de ces débats :

« J'avouerai franchement que pendant la session dernière, les paroisses des Florides ont été entièrement négligées et n'ont eu aucune part dans les secours de l'Etat. L'équité me semble demander que cette année elles reçoivent quelques choses de plus que leur part dans les travaux publics.

» A moins que les Chambres n'imposent une autre direction à mes travaux, je ferai faire des études de manière à bien savoir à quels endroits je puis faire travailler pour opérer le plus de bien dans le moins de temps, et alors je ferai faire les travaux au moment opportun. »

En addition à ceci, je ferai remarquer que je suis allé voir M. Morse, l'ingénieur de l'Etat, et que j'ai conféré avec lui sur cette affaire. Il m'a dit que dans quelques semaines il pourrait envoyer des bateaux sur les lieux et faire commencer les travaux, et de plus il a ajouté, comme j'ai déjà eu l'honneur de le dire au Sénat, que dans sa pensée, il croyait pouvoir faire exécuter autant dans cette saison que les commissaires en pourraient faire avec la totalité de l'appropriation de $3,500. Il est vrai que cette somme est prise sur les fonds des améliorations intérieures, mais n'oublions pas que l'ingénieur est l'homme chargé de faire l'emploi de ces fonds.

Le Sénat décide que le bill est admis à une seconde lecture.

M. Hodge—Je voudrais demander au sénateur d'Est-Bâton-Rouge (M. Lacey) s'il ne pense pas sérieusement que cet office soit entièrement inconnu à la constitution, et, si cela est vrai, pouvons-nous adopter ce bill et voter que l'argent de l'Etat soit mis dans la poche de M. Thomas Green Davidson, l'un des membres de l'autre Chambre ? Je pose simplement cette question pour connaître l'opinion de l'honorable membre sur ce sujet.

Au moment du vote définitif, le Sénat n'est pas en *quorum*.

M. Ryan demande et obtient la permission d'introduire un bill pour venir au secours de John R. Elizee, des Rapides, et de Marie F. Ledoux, sa femme.

M. Ryan—La raison pour laquelle je réclame la bienveillance du Sénat, pour l'introduction de ce bill dans cette forme, c'est qu'il est d'une nature entièrement locale. Il ne concerne uniquement que M. Elizee et sa femme. Le citoyen dont je parle est connu de beaucoup de membres du Sénat et est un de mes constituants. Le bill, après examen, sera certainement trouvé juste en tous points. Il se borne à donner aux parties un droit dont elles jouissaient avant leur mariage, celui de faire les conventions qu'elles jugeront à propos de faire au sujet de la communauté de gains et acquêts qui est établie par nos lois. On pourra dire qu'en passant ce bill nous faisons une exception à la loi générale de l'Etat et que ce serait une dérogation au système de politique intérieure. Mais on devra se rappeler qu'avant 1808 les parties avaient ce droit. Elles l'ont maintenant sous l'empire des lois d'Espagne, et dans les colonies où les lois de ce dernier pays sont en vigueur. Je ne vois donc aucune raison de refuser de faire droit à leur demande. Le caractère honorable du pétitionnaire et leur position distinguée dans notre société, nous sont un sûr garant qu'en leur octroyant ce qu'ils demandent nous ne pouvons tomber dans une erreur préjudiciable à qui que ce soit, ne céder à des motifs qui ne soient pas en tout point parfaitement honorables. J'espère que le Sénat accueillera favorablement ce bill. Il est d'un caractère tellement local et si limité dans son application que personne ne peut y trouver l'ombre d'une plaiute ou d'un reproche.

M. Hodge—Je demande le renvoi de ce bill à une commission judiciaire.

Le renvoi est prononcé.

M. Dupré demande et obtient la faculté d'introduire, sans autre avis préalable, un acte pour autoriser Donato Martin, exécuteur de Donato Martin, décédé, à émanciper certains esclaves.

M. Defrees—J'espère que l'hon. membre n'insistera pas sur sa demande d'un vote immédiat du bill. Le Sénat n'est pas au complet. Beaucoup de nos collègues ne sont pas à leurs bancs, et je préférerais que nous attendissions leur présence pour prendre une décision sur un bill de cette nature. Pour ma part, je voterai certainement contre ce bill, si on en demande l'adoption immédiate. L'introduction en est faite à un moment inopportun, pour ne rien dire de plus. Peut-être l'hon. membre regarde-t-il comme propice à son passage le moment où un grand nombre de siéges sont vacants, mais, lui et moi, nous différons d'opinion sur ce point. Je pense qu'il conviendra avec moi que ce serait peut-être manquer de justice envers ceux de nos collègues qui sont absents, que de choisir le moment où ils ne sont pas ici pour prendre une décision précipitée sur un bill exceptionnel. Nous sommes à peine en quorum, et je crois qu'en pareille circonstance nous devons éviter de voter sur des matières d'une certaine gravité. Il faut que le Sénat soit au complet pour qu'on puisse avoir l'expression véritable de son opinion. Je dois dire qu'en règle générale, je suis opposé à ce mode de législation. Il peut y avoir quelques cas rares où notre assentiment soit pour ainsi dire forcé, à raison de motifs graves commandant notre adhésion à première vue, mais je ne sache pas que celui-ci soit un de ces cas exceptionnels sur lesquels l'opinion soit unanime pour l'adoption. J'ose exprimer de nouveau l'espérance que l'hon membre voudra bien attendre un autre jour pour la mise en discussion de son bill.

M. McCay—Le sénateur de Jefferson [M. Trudeau] a, je crois, exprimé le vœu que tous les bills de cette nature fussent portés à un même ordre du jour pour une séance déterminée, par ce qu'il désirerait que la discussion s'établît d'une manière générale et qu'ainsi il fût décidé sur tous à la fois. Il a fait comprendre qu'il désirait ne pas être dans l'obligation de faire un discours séparé pour chaque bill en particulier, mais qu'il préférait que le Sénat les réunît en un faisceau pour ne faire qu'une seule et même délibération. Je crois, messieurs, que nous ne ferions que nous conformer aux lois d'une juste courtoisie en différant la discussion du bill de l'hon. M. Trudeau.

M. Ryan—Je désirerais savoir pourquoi nous devrions faire une exception pour ce cas particulier. Ce qui est bon pour l'un est bon pour l'autre. Nous avons établi un précédent, pourquoi ne pas nous y conformer ? Nous avons déjà voté d'autres bills de la même nature, pourquoi ne voterions-nous pas celui-ci ? Et

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pourquoi le sénateur vient-il ici prophétiser la défaite de ce bill, quand le Sénat vient, il y a quelques moments à peine, de voter un bill du même genre ? Dans le cours de cette session, nous en avons déjà passé plusieurs de la même nature ; pourquoi fermerions-nous la porte juste sur celui-ci ? Si l'hon. membre peut donner une bonne raison pour justifier son opposition à ce bill, peut-être m'amènera-t-il à voter avec lui. Je ne demande qu'à être convaincu. Je me suis toujours incliné devant la raison. S'il m'est démontré que le bill soit en réalité une exception à notre mode ordinaire de législation, je suis prêt à me joindre à M. McCay dans son opposition. Mais nous avons passé d'autres bills de ce même caractère, et jusqu'à plus ample informé, je demande que nous ne revenions pas sur le précédent que nous avons établi. Je ne prends aucun intérêt particulier à ce bill. Je ne connais pas les personnes pour l'avantage desquelles il est introduit. Mais je connais les respectables sénateurs dans le district desquels ces personnes demeurent et dont l'un a porté ce bill devant le Sénat. Je sais qu'ils ne voudraient pas demander quelque chose qui ne fût pas conforme au droit et à la raison.

M. Moore—Pour l'édification du Senat je dirai que je connais les personnes dans l'intérêt desquelles ce bill est introduit. Quoiqu'étant des personnes de couleur, elles jouissent d'une grande considération parmi les habitants les plus respectables de la localité qu'elles habitent. On les connaît dans toute la contrée et chacun les respecte.

M. Defreese—Le sénateur des Rapides, (M. Ryan), nous a présenté comme une raison suffisante pour déterminer l'adoption de ce bill, cette circonstance que le Senat a établi aujourd'hui un précédent en en votant d'autres d'un caractère identique. Je puis informer l'hon membre que pas un bill de cette nature n'a été voté par le Sénat avec mon concours ou ma participation aujourd'hui. Je lui dirai aussi que jamais je ne mettrai mon laissez-passer sur un pareil mode de législation. Je n'ai pas à m'occuper du caractère plus ou moins respectable des parties intéressées. Il est suffisant pour moi de savoir que les enfants sont des enfants de couleur. Par cette seule raison je voterai contre le bill. Ils sont les enfants d'un blanc, le fruit d'un commerce condamné tout à la fois par la morale et par la loi. Ils doivent porter la marque de la réprobation que la société a placée sur eux. Tant que nous n'aurons pas maintenu la sévérité de la loi dans toutes les affaires de ce genre, nous ne viendrons jamais à bout d'arrêter le flot d'immoralités, qui menace de saper les fondements de la société et toutes nos institutions.

Si nous cedons à des demandes de cette nature, l'immoralité ne fera qu'augmenter au lieu de diminuer. La loi doit réprouver et non pas encourager de pareilles tendances Si un homme cohabite avec sa propre esclave, s'il lui plaît de violer les lois de la décence et de la moralité, il doit se résigner à subir les conséquences de son action. Il n'a pas le droit de venir à nous pour nous demander de le sortir du dilemme où sa propre conduite l'aura enfermé. S'il a trouvé bon d'avoir des enfants en dehors de la loi sociale, eh bien qu'il en ait. Je ne veux pas me mêler de ce qu'il aura fait. S'il peut les envoyer dans un autre pays ou dans un autre Etat, où les lois, les institutions et les habitudes sociales leur permettent de prétendre à une position supérieure à celle qu'ils occupent ici, où ils puissent jouir de privilèges plus grands, où ils seront enfin relevés du stigmate dont les frappe nos institutions, qu'il les envoie là. Nous avons déjà trop de nègres libres ici. Des statistiques dignes de foi nous ont appris qu'il y en a 20,000 dans l'Etat de la Louisiane, et c'est un fait notoire que le nombre en va croissant d'année en année. Ils forment une classe de population dont la présence ne peut être que funeste à l'Etat, et nos efforts devraient plutôt tendre à diminuer ce chiffre déjà trop alarmant qu'à l'augmenter encore. Telle devrait être notre politique. Et nous sommes déjà appelés à reconnaître cette vérité par l'adoption d'une mesure dont le but sera de faire diminuer le nombre de nègres libres.

Nous avons devant nous un bill qui taxe chaque nègre libre dans l'Etat à la somme d'une piastre, dans le but de former un fonds destiné à la colonisation de la race africaine. Si l'un deux se refuse au paiement de la taxe, en vertu de ce bill être réduit en servitude pendant un temps limité. Ce bill est fortement appuyé par un grand nombre de sénateurs et son introduction est une preuve évidente de la conviction où ils sont du danger qu'il y a à souffrir une augmentation de la population de couleur libre. Cependant, chaque jour, nous agissons contre ce principe en passant des bills pour émanciper des esclaves et nous augmentons ainsi à tout propos le nombre de cette classe dont la présence parmi nous est considérée comme un danger imminent; de cette classe, qui, nous sommes sur le point de le déréter, doit être envoyée hors de l'Etat ou de nouveau réduite en servitude. Et parceque je suis opposé à cette contradiction que nous mettons chaque jour entre nos principes et nos actes, parceque je suis opposé à cette manière d'agir, on me demande d'expliquer les raisons de mon opposition. On veut savoir pourquoi je combats la résolution, on me dit avec beaucoup de sérieux que je n'ai pas le droit de prophétiser la défaite de ce bill, ou même de voter pour son rejet. Mais je réponds ici que je persiste toujours dans mes opposition à ces sortes de bills. Je suis fermement convaincu que nous ne devons pas encourager ce mode de législation Nous devons au contraire frapper de réprobation ceux qui violent ainsi les lois de la décence dans leur vie privée et se placent ainsi et placent leur innocente progéniture dans une si malheureuse position aux yeux du monde.

Aussi longtemps que nous voterons de semblables résolutions, ce genre d'immoralité ira toujours croissant et par notre législation nous ne ferons qu'accélérer les progrès du mal au lieu d'en diminuer les ravages, si, dans d'autres Etats ou pays, les gens de cette classe jouissent des droits de citoyens, qu'ils y aillent et s'élèvent à une position à laquelle ils ne sauraient prétendre ici.

Mais qu'on ne vienne pas nous demander de violer nos principes en encourageant le vice.

Si ces gens-là doivent être émancipés et bien qu'ils le soient, mais que défense leur soit faite de rester plus longtemps dans l'Etat. Notre politique doit être de les éloigner de notre pays et ce système est celui de nos lois existantes.

I. y a des cas pour lesquels on peut, sans inconvénient, établir une exception : ce sont, par exemple les cas où des esclaves auraient rendu d'éminents services à l'Etat, etc. Mais ces cas se présentent rarement. Je ne sache qu'il s'agisse ici d'un de ces cas exceptionnels.

En m'opposant au passage de ce bill et de tous autres du même genre, je ne fais que me conformer à mes convictions et à ma conscience, et accomplir mon devoir de sénateurs de la Louisiane.

M. Martel—J'espère qu'après que j'aurai donné quelques explications sur l'attention et la faveur particulières que mérite le cas qui nous est soumis, l'honorable membre de l'Ouachita (M. Defrees) ne persistera pas dans son opposition. Il y a quelques jours, un sénateur, maintenant absent, faisait remarquer, sous forme de plaisanterie, qu'il avait trente ou quarante bills de cette nature dans son pupitre. Je conviens qu'il y a eu déjà trop de bills d'émancipation introduits au Senat. Mais je puis dire, en toute sincérité, qu'il n'est pas un homme qui ait été plus constamment opposé à l'émancipation des esclaves que moi-même. J'ai voté contre le système en principe; et je suis d'accord avec l'honorable membre sur les effets du mal. Mais ma conscience me ferait un reproche, si je ne votais pas pour ce bill. Le vieillard, dont les enfants sont à émanciper, habitait depuis nombre d'années la section de l'Etat que je représente. Il a toujours été sincèrement attaché au pays et a donné un témoignage de son dévouement quand au moment de l'invasion anglaise, il s'est joint à nos pères pour repousser l'ennemi de la Nouvelle-Orléans. Quoiqu'homme de couleur, il a toujours été, comme l'a dit mon ami et collègue de St. Martin, respecté de tous ceux qui l'ont connu. Cet homme, le vieux Denato, à son lit de mort, a recommandé ses enfants à ses amis blancs, dans l'espérance que ceux-ci voudraient bien les protéger et assurer la conservation de leurs droits. Dans sa vieillesse il entra relations intimes avec une jeune mulâtresse, son esclave, et comme il était lui-même homme de couleur, l'action n'était pas aussi répréhensible. D'elle il eut plusieurs enfants. Il était naturel qu'il désirât les faire jouir du bénéfice et des privileges de la liberté. En conséquence, dans son testament, il exprima le

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vres qu'ils fussent émancipés, et s'en remit pour cela à ses amis blancs.

Outre ces enfants, il avait des rejetons légitimes. A ceux-ci il imposa la condition d'admettre ses enfants illégitimes au partage de son immense fortune. Je dois dire, en effet, ici, que le vieux Donato était l'un des hommes les plus riches de la Louisiane.

Il a toujours paye exactement les taxes sur ses nombreuses propriétés et était, sous tous les rapports, un homme fort honorable. Je suis opposé à l'émancipation des esclaves en général, parce que je considère en effet cette tendance comme fatale à nos institutions. Mais il s'agit ici de l'un de ces cas qui doivent faire exception. Comme je l'ai dit déjà, ma conscience me reprocherait de refuser ce bill. Le vieux Donato etait âgé d'environ cent ans quand il est mort, et pendant toute la durée de cette longue vie, il n'a cessé de jouir de la confiance et du respect de la société tout entière au milieu de laquelle il vivait. Le sénateur d'Ouachita, après mon explication, n'aura que bien peu d'égards pour l'appel que je fais à sa bienveillance, s'il ne consent pas à retirer son opposition. J'ai donné une explication que je considère comme satisfaisante, et si je ne me trompe sur le caractère de l'honorable membre, il la trouvera telle J'espère que le Sénat passera ce bill et accordera aux enfants de Donato la permission de rester dans l'Etat où ils sont nés, où ils ont déjà passé toute leur vie, et où ils sont entourés de toutes les relations qui rendent la vie agreable, ou du moins supportable. Je certifie à l'honorable membre que l'entière population de ma section non seulement sera satisfaite, mais encore sera on ne peut plus heureuse de voir réaliser les dernières volontes du vieux Donato.

M. Defrees—Ne viens-je pas d'entendre dire au sénateur de St-Landry que le père de ces enfants était lui-même un homme de couleur ?

M. Martel—C'est précisément ce que j'ai dit. Le vieux Donato était un homme de couleur qui était tenu en haute estime par tous ceux que l'ont connu. Il a été habitant de la Louisiane pendant 80 ans. Il a prêté la main à l'expulsion des Anglais de notre territoire, et n'a cessé de payer régulièrement les taxes sur des propriétés de la valeur d'au moins un demi million de dollars.

M. Defrees—Cette explication place la question sous un jour bien différent de celui sous lequel je l'avais envisagée. Je suppose que le Sénat a bien compris les motifs de mon opposition. J'étais sous l'impression que c'était là un de ces cas où le père est un blanc qui, par ce que j'appellerai une violation de sa dignité, a lui-même placé ses enfants dans une position malheureuse. En pareil cas, je ne voudrais nullement intervenir pour le tirer de ce mauvais pas, conséquence méritée de sa propre imprudence. Je ferai remarquer ici qu'en matière d'émancipation, je fais une distinction, que je crois juste et équitable, entre la position d'un père qui, étant lui-même homme de couleur, désire que ses enfants soient affranchis par testament, et celle d'un homme blanc qui, après avoir violé la loi par une union déshonnête, vient ensuite nous demander l'absolution de ses fautes.

Loin de moi la pensée de demander maintenant l'expulsion des enfants au nom desquels la pétition est faite, leur éloignement des lieux qui leur ont été rendus chers par toutes les relations de leur vie, du pays enfin où ils ont pris naissance et où ils ont eu leurs plus tendres affections. Je voterai pour le bill. C'est un des cas exemptionnels auxquels je faisais allusion dans les observations que j'ai présentées sur la matière. En conséquence des explications fournies par le sénateur d'Ouachita, je me sens donc obligé de retirer mon opposition.

Le bill est adopté.

LUNDI, 20 février.

Sur motion de M. Palfrey, le Sénat prend en considération le bill suivant :

Acte pour amender un acte intitulé : « Acte pour prévenir certains délits, approuvé le 6 avril 1813.

SECT. 1re Il est décrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane, réunis en assemblée générale ; Que la quatrième section de l'acte auquel ceci est un amendement, qui est conçue en ces termes : « qu'après la passation de cet acte, nul ne pourra prendre possession d'une terre ou terrain, ou d'une maison ou une propriété d'un autre, s'il n'a pas acquis légalement ce droit, sans être coupable de malveillance, et sur conviction du fait, il sera passible d'une amende ou d'un emprisonnement, ou des deux peines, à la discrétion de la Cour, laquelle amende sera de cinquante piastres au moins, ou de mille piastres au plus, et l'emprisonnement sera de dix jours au moins et de six mois au plus, et le délinquant paiera en outre les frais de poursuite : Bien entendu cependant que cette punition ne pourra s'appliquer à celui qui aura eu une possession paisible et sans trouble pendant un an, » soit amendée et décretée de nouveau de manière à être conçue en ces termes, savoir : Qu'après la passation de cet acte, nul ne pourra prendre possession d'une terre ou terrain, ou d'une maison ou autre propriété d'une autre, s'il n'a pas acquis légalement ce droit, ou qui, avec connaissance de cause et avec malice, enlèverait, briserait ou détruirait de quelque manière que ce soit, l'entourage et les barrières du champ ou du lot de terre d'une autre personne, sera coupable de malveillance, et sur conviction du fait sera passible d'une amende ou d'un emprisonnement, ou de deux peines, à la discrétion de la Cour, laquelle amende ne sera pas moins de cinquante piastres, et n'excèdera pas mille piastres, et le dit emprisonnement ne sera pas moins de dix jours et n'excèdera pas six mois, et le délinquant paiera en outre les frais de poursuite. Bien entendu cependant que cette punition ne pourra s'appliquer à celui qui aura eu une possession paisible et sans trouble pendant un an. Et bien entendu aussi que le fait étant prouvé, et qu'il sera à la charge du défendeur, de prouver qu'il n'a pas agi avec malice.

M. Martel—Je fais la motion que le bill soit imprimé. C'est un des plus importants qui aient été devant le Sénat pendant cette session.

M. Palfrey—Je ne vois pas la necessité de ce délai. Il ne peut y avoir d'objection particulière à ce bill. Il a été referé à un comité, et un rapport favorable en a été fait. Je vais dire en quelques mots l'objet de ce bill. Déjà la loi pourvoit à la prise de possession illégale d'une maison ou d'une propriété. Ce bill a pour but d'empêcher la destruction des barrières, &c., &c., chose à laquelle la loi actuelle ne pourvoit pas. Ce but est certes excellent, et je ne doute pas qu'après un peu de réflection, le sénateur ne retire son opposition, ou plutôt qu'il ne retire la motion qu'il a faite d'imprimer le bill.

M Martel—Je désirerai entendre encore une fois lecture du bill. Il est possible qu'après je retire ma motion,

Le secrétaire lit le bill.

M Martel—Je retire ma motion, mais je serai forcé de voter contre. Au premier coup d'œil, les personnes qui ne connaissent pas bien l'intérieur de notre pays et ses particularités curieuses pourraient croire que ce bill est très bon. Mais c'est là une grande erreur, ainsi que je crois pouvoir le prouver. Depuis longtemps il est d'usage que les personnes qui possèdent une grande fortune entourent des terres appartenant au gouvernement et de cette manière les personnes qui auraient pu s'établir sur ces terres en sont empêchées. Je connais une foule de cas de cette nature.

Et cependant ceux qui se seraient établis là, cette classe nombreuse de notre population a toutes mes sympathies. Ils devraient avoir le privilège de s'établir même sur les terres qui sont entourees de la sorte. C'est un privilège que la loi leur accorde et que personne n'a le droit de contester. Si nous autorisons semblable chose, si cela se fait aussi simplement, nous priverons la partie active, laborieuse de notre population des avantages des lois de préemption, non seulement des Etats-Unis mais encore de l'Etat de la Louisiane. Il est tellement d'usage que les personnes riches entourent ainsi les terres de l'Etat, qu'elles demandent même à cet égard, des privilèges à la Législature.

Quant à moi je suis d'avis que nous ne devons pas intervenir dans les droits que donnent les lois de préemption, chose que nous ferions indirectement si nous adoptions ce bill Déjà la loi est trop sévère à cet égard. L'Etat de la Louisiane est allé trop loin dans la punition de ceux qui cherchent à profiter du droit qu'ils ont de s'établir sur les terres du domaine public.

Les Etats-Unis n'ont jamais fait de lois aussi sévè

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res que le sont celles de la Louisiane. Oui, notre loi pénale est beaucoup trop rigoureuse et je m'étonne qu'on ne songe pas plutôt à l'adoucir qu'à l'empirer encore. Nous avons vu que sous la loi actuelle on n'est même pas tenu de prouver son titre à une propriété qu'on dit avoir été violée. Supposez, par exemple qu'un homme s'établisse sur certaines terres qu'il croit être publiques et qui le sont après tout. Quelqu'un les a entourées. Il fait un affidavit contre celui qui s'y est établi, ainsi que nous venons de le dire, le fait arrêter et traduire devant une cour de justice. Le plaignant n'est même pas tenu de prouver sa propriété ; il lui suffit de prouver la possession. Celui dont la loi devrait respecter et protéger les droits n'a même pas celui de faire entendre sa défense. Lorsqu'il s'établit sur une terre réclamée par un individu qui n'y a pas le moindre titre, il est arrêté, traduit devant un grand jury. On ne s'enquiert pas des titres. C'est l'Etat qui poursuit et le malheureux accusé est forcé de payer des avocats, de faire cent et une autres dépenses que le plus souvent il est dans l'impossibilité de porter. Il ne lui est pas permis de faire voir que le plaignant n'a pas l'ombre même d'un titre en dehors du titre de possession de terres qui en réalité appartiennent au gouvernement. Pour moi, je crois qu'on doit plutôt mitiger la loi que de la rendre plus dure encore.

M. le président, je ne parle pas des suppositions, sur des conjectures, mais sur des faits qui sont à ma connaissance particulière.

M Ryan—Je désirerais que le secrétaire donnât encore lecture du bill. Je crois que le sénateur se méprend sur son objet.

Le secrétaire en donne lecture.

Je croyais que le sénateur se trompait. Les remarques tendant à obtenir protection pour le colon malheureux contre le riche. Le reste de son argumentation porte tout en faveur du bill.

Quels sont ces arguments ? Le sénateur dit que plusieurs personnes riches ont l'habitude d'entourer de barrières des terres qui appartiennent au gouvernement. Je désire que la loi soit moins sévère contre cette sorte d'empiètement commis par des personnes pauvres qui ont le droit de s'établir sur des terres publiques. Le bill dit que toutes les fois qu'une personne entrera sur les terres d'une autre personne, ou détruira ses barrières, elle sera passible d'une certaine peine précisée par le bill. Si la propriété ou les barrières appartiennent aux Etats-Unis, le contrevenant est également passible d'une certaine peine. De sorte que loin de tendre à opprimer le colon, le bill lui donne réellement plus de droits qu'il n'en possède maintenant parce qu'il empêche le riche de faire ce à quoi le sénateur à fait allusion dans le cours de ses remarques. De sorte, que si un individu pénètre sur la propriété d'un autre, soit qu'elle lui appartienne réellement ou qu'elle appartienne aux Etats-Unis, il sera passible de la peine imposée par la loi.

Ainsi donc les observations présentées par le sénateur militent plutôt en faveur du bill que contre lui. Prenons l'exemple cité par lui-même. Supposons qu'un colon s'établisse sur une terre appartenant aux Etats Unis et qu'une de ces personnes riches dont il a parle les ait entourées de barrières ; qu'il soit traduit en Cour ; dans ce cas tout ce qu'il a à faire c'est de déclarer que la dite terre ou les dites terres n'appartenaient pas au plaignant et que par conséquent il n'avait pas le droit de les entourer. Si les terres appartiennent aux Etats-Unis, l'argument du sénateur ne peut pas être applicable ; il n'est plus d'aucun poids, d'aucune portée. Si un individu entoure de barrières une terre publique, et s'il y mène un colon pour l'y établir, le colon peut l'evincer avec dépens parce qu'il peut alléguer qu'il avait pleinement le droit de s'établir sur ces terres, qu'elles n'appartenaient pas au plaignant et qu'il n'avait pas de titre sur lequel il pût se fonder pour intenter une action. Ce serait là le moyen le plus court et le plus naturel L'argument du sénateur ou plutôt sa longue homélie au sujet du pauvre et du riche ferait peut être très bien à une séance académique et serait une assez bonne harangue à prononcer devant une assemblée politique pendant une campagne électorale ; mais est fort mal placée au milieu d'un débat dans un corps comme celui-ci qu'on doit supposer être au-dessus de ces appels et ne point ignorer quel style convient à un sénateur. Oui, je le répète, ces appels sont fort déplacés devant le Senat.

M. Martel—Je regrette, M. le président, d'avoir à avouer que je ne me reconnais ni le génie politique ni les connaissances légales que possède à un degré si éminent le sénateur des Rapides, J'espère que personne ne m'attribue tant de presomption. Je dois dire cependant que le sénateur, dans les remarques qu'il vient de faire au Sénat, a défiguré un peu trop sans scrupule, non seulement ce que j'ai voulu dire, mais encore ce que j'ai dit réellement.

Je suis opposé aux principes de ce bill, et aussi longtemps que j'aurai droit à un siége dans cette enceinte je m'y opposerai de tout mon pouvoir. Je n'ai pas eu l'intention d'attaquer la classe entière des riches. Ceux qui, par leur industrie, par leur travail, réussissent à se faire une fortune ont droit à l'estime et à la considération de tous. C'est là ce que j'ai dit et ce que j'ai voulu dire.

Nulle part au monde il n'existe une semblable loi ; nulle part de semblables privilèges ne sont protégés par les lois pénales. J'ai vu des citoyens accusés comme je l'ai dit déjà et il leur était même refusé de faire entendre leur défense. Une affaire est portée devant une Cour ; l'accusé (ce cas est malheureusement très fréquent) n'est pas riche ; il ne peut payer des avocats ; il faut donc qu'il renonce à ses droits faute de pouvoir les faire valoir; parfois même on ajoute l'ironie à son injuste condamnation et on lui dit de se réjouir d'en être quitte à si bon marché. Je le répète, il n'est pas juste que les choses se passent ainsi et que le pauvre soit opprimé de la sorte par le riche. C'est là une violation du grand principe de l'égalité des droits, c'est là une injustice à laquelle je m'opposerai toujours. Elle opprime le pauvre en favorisant le riche.

Un satirique romain a dit avec raison :

" Nil habet infelix pauper durius in se "
" Quam quod ridiculos homines facit. "

Ce qui était vrai alors l'est également aujourd'hui. Le pauvre est encore à la merci du riche. Comme législateurs, nous devrions songer à changer cet état de choses, à écarter les épines et les ronces de la route que suivent si péniblement ces hommes laborieux.

Supposez qu'un de ces hommes actifs et industrieux qui s'établissent ainsi sur les terres publiques pour les cultiver, les fertiliser (quatter) prenne possession d'une terre appartenant au gouvernement et qu'une personne qui n'en avait pas le droit a entourée de barrières, quelle est la première mesure prise contre lui. Il y a des avocats ici qui le savent aussi bien que moi. La personne qui a entouré ces terres avec ou sans raison, avec ou sans titre, se présente devant un juge de paix et fait un affidavit contre le «squatter.» Ce magistrat n'a pas droit de décider des titres à la propriété. Il n'a pas à s'occuper de cette question. Le défendeur est alors traduit devant le grand jury qui ne peut entendre que le plaignant ; puis le défendeur a à comparaître devant une Cour de District où l'on exige de lui un fort cautionnement. Ceux qui ne peuvent payer un avocat pour les défendre ont peur de se présenter. Ils sentent que leur pauvreté les livre pieds et poings liés. Ils consentent donc à renoncer à leurs droits. Est-il rien de plus injuste, de plus odieux, rien qui doive plus affliger ceux qui pensent, qui réfléchissent ? Et voilà ce qu'amènerait tous les jours l'adoption de ce bill ! Aussi j'espère que le Sénat ne l'adoptera pas

M. Palfrey—Je ne partage pas l'opinion du sénateur qui vient de reprendre son siége. Ce bill ne consacrerait aucune injustice. Son seul objet est de protéger les personnes ou plutôt les propriétés contre les empiétements. Si un individu a un titre légal, ce bill ne le dépossède pas ; il n'a qu'à en faire preuve et il est déchargé. Nul n'a le droit d'abattre ou de brûler les barrières construites par un autre. La loi est muette à cet égard et c'est pour combler cette lacune, c'est pour remplir cette omission que le bill est proposé.

M Wickliffe—Je demande l'abrogation de toute cette section, où il est dit que le fait étant prouvé il sera à la charge du défenseur de prouver qu'il n'a pas agi avec malice.

M Martel—Je fais la motion que les titres soient examinés.

M Palfrey—Je fais la motion de déposer l'amendement sur le bureau.

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L'amendement est déposé et le bill passe à sa troisième lecture.

LA RIVIERE AMITE ET LE BAYOU MANCHAC.

M Lacey—Je demande une suspension des règles afin que le Sénat puisse s'occuper du bill pour l'amélioration de la rivière Amite et du bayou Manchac. Le bill a déjà passé à sa troisième lecture par un vote de seize contre un. Je ne suppose pas qu'aucun sénateur s'oppose a son adoption.

M King—Je fais objection à la suspension des règles

Une de mes raisons est que la rivière qu'il est question d'améliorer se trouve dans le district d'un sénateur, M Kenner, qui est maintenant absent. Il a exprimé le désir d'être présent lorsque le bill serait pris. Une autre raison est que je suis opposé au bill.

Les règles sont suspendues et le bill est pris.

M King—Avec la permission du Sénat je vais motiver mon objection à ce bill. Je suis, comme je l'ai déjà dit dans mainte et mainte occasion, opposé à toute législation de cette nature. Nous apprenons par le rapport de l'Auditeur que le revenu annuel entier du fonds des améliorations intérieures ne s'élève qu'à $15,000, qui doivent être affectées aux améliorations intérieures dans tout l'Etat. Cela est à peine suffisant pour les dépenses courantes ordinaires.

Nous avons trois bateaux à vapeur dont les frais d'entretien etc., etc., sont nécessairement très grands; puis nous avons 106 nègres qu'il faut nourrir et entretenir; nous avons un ingénieur d'Etat auquel nous payons un salaire de $3,000, un assistant-ingénieur qui reçoit $2,000 et les dépenses casuelles du bureau sont de $1,000. Ces frais absorbent presque tout le revenu du fonds des Améliorations Intérieures. Si *nous* adoptons ce bill, demain il nous en sera présenté un autre de la même nature. Il y a d'autres rivières dans l'Etat qui sont beaucoup plus importantes que celle qui est désignée dans ce bill et partout les demandes seront de plus en plus fortes. Accéder une fois c'est s'engager à accéder toujours, à moins de vouloir commettre une injustice. Et si les choses vont *ainsi* où et quand nous arrêterons-nous ?

Que ferons-nous de nos nègres, que nous ne pourrons plus ni nourrir ni entretenir. Autant vaudrait les mettre de suite à l'encan et les vendre au plus haut enchérisseur. Et nos bateaux qu'en ferons-nous ? Ne pouvant plus payer les frais qu'ils nécessitent on-trois que ni moi, ni la Législature ne peuvent, ni ne doivent décider quelles rivières doivent être améliorées. Ce n'est pas ainsi que les particuliers dirigent leurs propres affaires. Ils ne construisent pas une maison sans savoir à l'avance quel en sera le coût. Pourquoi l'Etat agirait-il autrement ? Pourquoi ne se conformerait-il pas à ces règles ordinaires du bon sens que suivent les particuliers dans les affaires ordinaires ? Pour moi, je suis opposé à ce que l'on prenne de l'argent du fonds des améliorations intérieures pour l'appliquer à tel ou tel usage.

La rivière Amite n'est pas la plus importante de l'Etat et dans les campagnes nous en avons d'autres qui, plus que l'Amite, reclameraient notre attention immédiate.

M. Wickliffe—Je demande l'autorisation de dire quelques mots d'explication sur ce sujet. Je regrette de si sombres pressentiments tourmentent le sénateur de la Nouvelle-Orléans. Il nous demande anxieusement ce que nous ferons de nos nègres et ce qui viendra de nos ingénieurs si nous adoptons le bill. J'espère bien, monsieur, qu'ils ne seront pas perdus pour cela. Je ne vois pas que ce bill doive leur être fatal. Il nous demande aussi si l'Amite est la rivière plus importante de l'Etat. Certes, elle n'est pas si grande, ainsi vaste que le Mississippi; elle n'est chargée des produits de tous les climats; mais sur ses bords résident des citoyens dignes et industrieux qui méritent bien quelque considération Il n'ont encore rien eu du fonds des améliorations interieures, n'ont pas participé aux avantages des travaux exécutés jusqu'à ce jour. Depuis des années ils souffrent dans un mauvais état de cette rivière toute pleine d'obstructions de toutes sortes.

Je ne dis pas que ce soit de la faute de l'ingénieur d'Etat. Je ne désire jeter aucun blâme sur lui; je sais que les travaux qu'il a eu à faire étaient nombreux, difficiles et que les ressources dont il disposait étaient très limitées; mais je défie qu'on me montre une seule amélioration qui ait jamais été faite dans cette section.

Le sénateur de la Nouvelle-Orléans exprime aussi de vives appréhensions de voir s'épuiser le fonds des améliorations intérieures si ce bill est adopté. Mais qu'il consulte les faits, il verra que l'Etat doit au fonds des améliorations intérieures une somme considérable.

M. King—Le président du comité de finances dit que le trésor ne doit pas un sou au fonds des améliorations intérieures.

M. Wickliffe—Je sais que le sénateur prend le plus grand soin des finances; je crois cependant que je puis prouver qu'il s'est trompé. Je suis d'opinion que le sombre tableau de la Nouvelle-Orléans qu'il vient de tracer ne se réalisera pas si le bill est adopté, et pour moi j'espère qu'il le sera.

M. King—Je regrette d'avoir encore à abuser du temps et de la patience du Sénat, mais je crois devoir dire quelques mots en réponse. Je ne suis pas opposé à l'amélioration de la rivière Amite; je crois qu'elle devrait être améliorée, mais je suis opposé au système d'amélioration indiqué dans le bill. Je suis opposé à ce que l'on prenne de l'argent du fonds des améliorations intérieures. Si nous continuons de cette manière nous aurons bien vite épuisé le fonds et nous nous verrons enfin forcés de renoncer à notre système d'améliorations intérieures. Nous serons forcés de renvoyer notre ingénieur, d'abandonner nos bateaux, de vendre nos nègres. C'est ce à quoi nous arriverons infailliblement si nous continuons le système contenu dans le bill qui est devant le Sénat. Il n'est pas besoin d'être prophète pour le prédire; si l'amélioration de la rivière Amite est nécessaire qu'on y procède d'une manière régulière avec les ouvriers de l'Etat dirigés par les officiers compétents. Que l'ingénieur de l'Etat fasse les relevés nécessaires et qu'il décide du meilleur parti à prendre, De cette manière l'ouvrage sera fait régulièrement et la règle généralement suivie ne sera pas enfreinté.

M. Lacey—La tournure qu'a prise cette discussion m'engage à différer quelques observations qui, peut-être, auraient été inutiles et superflues après ce que vient de dire le sénateur d'Ouest-Feliciana. Il a dit avec raison que ce district n'a pas encore eu à se louer de l'Etat, et c'est en vain que l'on chercherait la trace d'une seule amélioration faite à la rivière Amite, si ce n'est à un seul point, et là même on ne trouverait rien que le bois et les matériaux avec lesquels les ouvriers de l'Etat ont obstrué le chenal. Non Monsieur, ce district n'a jamais rien eu du fonds des améliorations intérieures, et l'officier auquel aurait été confié un writ de recherche aurait à faire le retour suivant : *Non est inventus*. Je le répète, quoique ce district mérite, autant qu'aucun autre, la sollicitude de l'Etat, il n'en a encore rien reçu.

Le sénateur de la Nouvelle-Orléans (M. King) croit que le fonds des améliorations intérieures doit être réservé pour des travaux de plus grande importance, et que si ces travaux sont faits ils doivent l'être par les ouvriers de l'Etat. Mais il en coûterait beaucoup plus pour envoyer là un des bateaux de l'Etat, que pour faire l'ouvrage entier de la manière indiquée dans le bill.

Je ne doute donc pas que le bill ne passe à une majorité aussi forte qu'à la Chambre des Représentants.

Le bill passe.

M. King appelle l'acte relatif à la suspension du jugement dans les affaires criminelles. Il dit :

Le but de ce bill est expliqué par le titre ; il est de détruire une absurdité qui existe malheureusement dans notre Code. Dans tous les autres Etats et même en Angleterre, cela n'existe pas, et un inculpé, un prisonnier n'a pas le droit, après qu'un verdict a été rendu, d'échapper à la loi en prenant une injonction à propos de quelque informalité légale.

Sur motion de M. Ryan, le bill est déposé.

Sur motion de M. Martel, le Sénat s'occupe du bill intitulé :

Acte pour améliorer la navigation du bayou Manchac

Sect. 1. Il est décrété, &c., Que la somme de quinze mille piastres est, par le présent, allouée à l'effet de faire enlever les empêchements à la navigation de la rivière de l'Atchafalaya, l'embouchure du bayou Courtableau, à un mille au-dessus du bayou, et pour la confection d'une levée sur la rive ouest du dit bayou, de son embouchure jusqu'à la rivière de l'Atcha-

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falaya, jusqu'au bayou Courtableau, ainsi que les commissaires qui sont nommés en vertu de cet acte, jugeront nécessaire.

Sect. 2. Il est de plus décrété, &c., Que William Offat, de Washington; Walthall, Burton, William H. Nelson, C. S. Gordon, John J. Morgan, de l'Atchafalaya, sont, par le présent, nommés commissaires, ensemble avec l'ingénieur de l'Etat, et que la somme de quinze mille piastres qui a été payée des fonds affectés aux améliorations à l'intérieur, est, par le présent, allouée spécialement et sera payée au contracteur ou aux contracteurs, sur le mandat d'au moins quatre des dits commissaires en telle somme ou sommes qu'ils jugeront convenables.

Sect. 3. Il est de plus décrété, &c., Que les dits commissaires devront affermer au rabais la confection du dit contrat, après avoir donné trentre jours d'avis dans deux gazettes, savoir: « le Courrier de la Louisiane » et « le Courrier des Opelousas, » du temps et du lieu de l'adjudication, la dite adjudication sera faite à la maison de Mme Robbin, sur la rivière Atchafalaya, le premier de mai prochain 1854, entre 10 heures du matin et 4 heures de l'après-midi.

Sect. 4. Il est de plus décrété, &c., Qu'un passage aussi droit que possible, ayant soixante pieds de large sur cinq pieds de profondeur, durant les eaux les plus basses, sera ouvert à travers toute cette partie de l'Atchafalaya, qui est maintenant obstruée par des radeaux, y compris le bayou Courtableau, en remontant à un mille du dit bayou, et qu'il sera établi une levée sur la rive occidentale du dit bayou, en remontant jusqu'à une distance qui sera déterminée par les commissaires.

Sect. 5. Il est de plus décrété, &c, Que trois des dits commissaires formeront un quorum à l'effet d'affermer le dit contrat, et en cas que le dit quorum ne s'assemblerait pas le premier de mai sur les lieux ci-dessus mentionnés, alors et dans ce cas, les dits commissaires devront ajourner la dite adjudication jusqu'à ce qu'il y ait un quorum, et au cas qu'il n'y aurait pas un quorum le trois de mai 1854, alors le nombre des commissaires présents affermera le dit contrat, pourvu que le coût de la dite adjudication et de toutes les dépenses n'excède pas la somme de quinze mille piastres.

Sect. 6. Il est de plus décrété, &c., Que les dits commissaires sont requis et autorisés d'exiger de l'adjudicataire du dit contrat, une obligation, avec caution, de la somme de cinq mille piastres, payable au gouverneur de l'Etat ou à ses successeurs en office, comme garantie de la fidèle exécution du dit contrat; la dite obligation sera fournie sur les lieux, le jour de l'adjudication, à défaut de quoi les dits commissaires feront une seconde adjudication le même jour ou ils pourront la renvoyer au jour suivant, et si aucune enchère n'avait lieu ce jour-là, les dits commissaires devront afficher de nouveau et affermer le dit contrat, ainsi qu'il est ci-dessus mentionné.

Sect. 7. Il est de plus décrété, &c, Qu'une majorité des dits commissaires présents à l'adjudication, sera nécessaire à l'effet d'approuver le cautionnement du contracteur, mais au moins quatre des dits commissaires devront être d'accord pour recevoir les dits travaux ou le contrat.

Sect. 8. Il est de plus décrété, &c, Que les conditions du dit contrat, ainsi que ce qui s'y rattache, seront publiées tout au long dans les dits actes.

Sect. 9. Il est de plus decrété &c, En cas que le contracteur ne remplisse pas son contrat, il sera du devoir de l'avocat général ou de l'avocat de district, d'intenter par devant toute cour de jurisdiction compétente, un procès pour le recouvrement du dit cautionnement, le montant duquel sera déposé dans le trésor de l'Etat, au crédit de l'ingénieur de l'Etat, pour être appliqué par la suite, par les dits commissaires, à l'effet d'améliorer la navigation de la rivière de l'Atchafalaya.

Sect. 10. Il est de plus décrété &c, Que l'ingénieur de l'Etat est par le présent autorisé à faire publier ledit contrat, le, ou avant le quinze de mars prochain (1854), de la manière ci-dessus décrite.

Lequel acte, sur motion de M. Martel, est lu une seconde fois, section par section.

M. King—Je crois devoir présenter une observation. J'ai toujours blâmé le système d'affectations spéciales de cette nature et j'ai également blâmé cette manière de prendre de l'argent du fonds des améliorations intérieures, parce que si nous continuons de la sorte nous nous trouverons dans l'impossibilité de payer notre ingénieur et nous serons forcés de vendre nos bateaux et nos nègres. La rivière Atchafalaya est de grande importance et si les travaux doivent être faits, je désirerais que quelque chose fut réservé pour son amélioration. J'aimerais mieux voter pour ce bill que pour aucun autre de la même nature. Je désire que l'on sache bien que c'est là la seule raison pour laquelle je voterai en faveur de ce bill alors que je suis formellement opposé au système qu'il inaugure. Si nous devons faire ces travaux je voudrais que du moins on les appliquât le mieux possible.

Sur motion de M. Moore, la section suivante est insérée au lieu et place de la première et quatrième section.

Sect. 1. Il est décrété par le Sénat et la Chambre des Représentants de l'Etat de la Louisiane, reunis en assemblée générale; que la navigation des rivières de l'Atchafalaya et de Courtableau, sera améliorée à la jonction de la première rivière avec l'ancien lit du fleuve Mississipi, jusqu'à l'embouchure de la dernière rivière, et en remontant jusqu'à la source du Petit Diable, et il sera construit une levée sur la rive sud de la dernière rivière, de manière à empêcher le passage du courant, qui y charie les bois de dérive de l'Atchafalaya, et il sera fait, à travers toute cette étendue, un passage de 60 pieds de large et libre de tous chicots.

M. Martel fait la motion d'adopter le dit substitut, et sur cette motion, M. Defrees demande l'appel nominal.

L'Hon. R. C. Wickliffe occupe le fauteuil,

MM. Dupré, Griffin, Hébert, King, Kittridge, Lauve, Lacey, Lawes, Martel, Moore, Palfrey, Pellerin, Ryan, Richardson, Taylor et Wickliffe—16 sénateurs votent dans l'affirmative.

Et MM. Defrees, Evans et McMurdo—3 sénateurs votent dans la négative.

En conséquence, la 1re section est adoptée au lieu et place des 1re et 2nde sections.

Sur motion de M. Moore les mots:

« N'excédant pas la somme de quatre mille piastres à la fois, » sont insérés à la fin de la seconde section.

La seconde section est adoptée ainsi qu'elle a été amendée.

La troisième section est lue et adoptée.

La cinquième section est lue et adoptée, au lieu et place de la quatrième section.

M. Defreese propose d'amender la sixième section du bill primitif, en insérant à la sixième ligne les mots « Quinze mille » au lieu et place des mots « cinq mille. »

Sur motion de M. Dupré, cet amendement est déposé sur le bureau.

Motion est faite d'adopter la sixième section au lieu et place de la cinquième section. Sur cette section, M. Defrees demande l'appel nominal.

L'Hon. R. C. Wickliffe occupe le fauteuil.

MM. Dupré, Evans, Griffin, Hebert, Kittridge, Lauve, Lacey, Lawes, Martel, Moore, Palfrey, Pellerin, Ryan, Richardson, Taylor, Scott et Wickliffe—17 sénateurs votent dans l'affirmative.

Et M. Defrees—1 sénateur vote dans la négative.

En conséquence, la sixième section est adoptée au lieu et place de la cinquième section.

Les septième, huitième et neuvième sections sont lues et adoptées au lieu et place des huitième, neuvième et dixième sections.

Sur motion de M. Martel, et après dispense des règles, ce bill est lu une troisième fois et le bill passe.

M. King—Je fais la motion de prendre en considération le bill pour aider à la colonisation en Afrique des personnes de couleur libres de cet Etat. Comme le Senat n'a rien devant lui maintenant, je pense que nous pouvons tout aussi bien en finir maintenant avec ce bill.

M. McMurdo—Le bill vient d'être imprimé et déposé sur le bureau des membres. Quelques sénateurs peuvent être au fait de la question, mais je suis persuadé que tous les sénateurs ne le sont pas. Il serait mieux, je crois, de mettre ce bill à l'ordre du jour pour une prochaine séance.

M. King—Le bill est long, il est vrai; cependant il est clair et pas d'une importance très-grande. Il n'a

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git tout simplement d'imposer une taxe sur les hommes de couleur libres, afin de composer un fonds pour envoyer en Afrique ceux qui désirent y aller.

M. McMurdo—Je suis au fait moi-même de la question. Je n'ai pas d'objection à ce que le Sénat s'occupe de ce bill.

M. Martel—Je fais de nouveau objection, si le sénateur de la Nouvelle-Orléans retire la séance. Le bill vient d'être déposé sur le bureau des membres. Je le crois important, et mon avis est qu'il vaudrait mieux le mettre à l'ordre du jour pour une prochaine séance.

Message de la Chambre.

Le messager spécial de la Chambre vient demander le concours du Sénat aux bills suivants :

Acte pour amender un acte intitulé : « Un acte pour régler les sessions des Cours de District (excepté la paroisse d'Orléans), en tant que le second District judiciaire est concerné. »

Acte intitulé : « Acte pour amender un acte intitulé : « Acte pour augmenter le salaire du Greffier de la Première Cour de District de la Nouvelle-Orléans. »

M. Lacey présente la résolution suivante, laquelle est adoptée :

Résolu, Que 500 exemplaires du rapport de l'institution louisianaise des sourds-muets et des aveugles, soient imprimés pour l'usage du Sénat, et que 500 exemplaires additionnels soient imprimés dans la langue française et 1000 exemplaires dans la langue anglaise, seront imprimés à l'usage de l'Institution, et qu'ils soient délivrés au principal de l'Institution.

Message du Gouverneur.

Lecture est donnée du message suivant du gouverneur:

BUREAU DE L'EXECUTIF,
Bâton Rouge, le 15 février 1864.

Aux Président et Membres du Sénat,

J'ai l'honneur de vous transmettre les rapports ci-joints du bureau des administrateurs et du surintendant de l'institution pour les sourds—muets et les aveugles.

L'augmentation rapide du nombre d'élèves admis dans cet asile, et le grand nombre d'aveugles qui se trouvent maintenant dans l'Hôpital de Charité et qui doivent entrer dans la première institution, demandent que la Législature s'occupe sans délai à faire exécuter les travaux déjà commencés, en portant à cette institution l'assistance dont elle a besoin pour accomplir les faits charitables qu'elle a en vue.

En conséquence j'appellerai particulièrement l'assistance de votre honorable corps sur cette partie du rapport du bureau qui demande une allocation additionnelle pour construire des édifices, laquelle, je l'espère, sera accordée par vous.

[Signé] P. O. HEBERT.

Sur motion de M. Wickliffe, le message et les documents qui l'accompagnent, sont renvoyés au comité des institutions charitables.

Rapports des Comites.

M. Hébert, au nom du comité des réclamations, fait un rapport favorable, avec un amendement à un acte pour venir au secours d'Armand Herlot, de la paroisse de Lafayette.

Il fait aussi un rapport favorable, par substitut à l'acte pour venir au secours de Martin Kohler.

Le même membre, au nom du comité d'enrôlement, rapporte comme dûment enrôlés les actes suivants :

Acte pour autoriser Robert M. Lee et Letitia M. Lee, à adopter Eléonore Lombard.

Acte pour émanciper John W. Hewitt.

Acte pour venir au secours de Mathew Watson, shérif de la paroisse de Caddo.

M. Lacey, au nom du comité judiciaire, fait un rapport favorable aux bills suivants :

Acte pour émanciper Moses C. Cavell et James R. Cavell.

Acte pour étendre le privilège de vendeur sur les meubles.

Acte relatif à la disposition des cautionnements faits, reconnaissances et amendes en matières criminelles.

Acte pour émanciper le mineur George E. Packard.

Et il fait un rapport favorable à l'acte pour amender l'article 1,065 du Code Civil.

M. McMurdo, au nom du comité de finances, présente le rapport suivant :

A l'honorable Président et Membres du Sénat de l'Etat de la Louisiane.

Le soussigné, président du comité de finances du Sénat, a l'honneur de rapporter, que le comité de finances a pris en considération la réclamation de Geo. P. Briant, pour services rendus à l'Etat pour la collection de la somme de onze mille piastres des municipalités de la Nouvelle-Orléans, dans le courant du mois de mai dernier. Et après examen, le comité recommande que la somme de cent piastres lui soit allouée pour ses services, payable sur son propre mandat, des fonds du trésor non autrement appropriés.

J. R. McMURDO, Rapporteur.

Le même membre, au nom du même comité, rapporte qu'il a examiné le tableau des dépenses casuelles du bureau de l'Auditeur, et qu'il est correct.

Et il rapporte en faveur des bills suivants :

Acte pour venir au secours de W. Odom.

Acte pour venir au secours de Thos. J. Buffington, M. D.

Sur motion de M. McMurdo, et après dispense des règles, ces bills subissent leurs différentes lectures, et ils passent.

Bills, &c.—Presentes.

M. King demande que l'on s'occupe d'un acte intitulé :

Acte relatif aux motions pour suspendre les jugements en matières criminelles.

Sur motion de M. Ryan, ce bill est déposé sur le bureau, sujet à l'appel.

Sur motion de M. Evans, le Sénat s'occupe du bill de la Chambre, intitulé :

Acte pour venir au secours de Thomas Kilgore.

Sur motion du même membre, et après dispense des règles, ce bill subit ses différentes lectures et le Sénat donne son concours au dit bill.

M. Richardson demande que l'on s'occupe du bill de la Chambre intitulé :

Acte pour venir au secours des vétérans de 1814 et 1815.

Sur motion du même membre, et après dispense des règles, ce bill subit ses différentes lectures, et le Sénat y donne son concours.

M. Ryan sans en avoir donné avis au préalable, obtient la permission de présenter les bills suivants :

Acte pour autoriser Robert Huie, de la paroisse des Rapides, à adopter un orphelin nommé James Huie, et

Acte pour abroger l'article 719 du Code de Procédure.

Sur motion du même membre, ces bills sont respectivement lus deux fois et sont référés au comité judiciaire.

Le même membre demande que l'on s'occupe de la résolution de la Chambre ordonnant à l'ingénieur de l'Etat de se rendre à la rivière Rouge

Sur motion et après dispense des règles, elle est adoptée.

Et la résolution relative à un Hôpital de Marine à Alexandrie, dans la paroisse des Rapides, laquelle résolution est rejetée par le Sénat.

M. Wickliffe, sans en avoir donné avis au préalable, obtient la permission de présenter les bills suivants :

Acte pour venir au secours de John Mountjoy, vétéran de la guerre de 1814 et 1815.

Sur motion et après dispense des règles, ce bill subit ses deux lectures et est référé au comité des réclamations.

Et un acte pour venir au secours de Moses Lee, vétéran des années 1814 et 1815.

Sur motion et après dispense des règles, ce bill subit ses deux lectures et est référé au comité des réclamations.

M. Pellerin, sans en avoir donné avis au préalable, obtient la permission de présenter un acte pour venir au secours de James H. Stockes, de la paroisse Vermillon.

Sur motion et après dispense des règles, ce bill est lu deux fois et est référé au comité de finances.

M. Griffin présente une pétition de J. H. Barbin et autres, laquelle après lecture est référée au comité des améliorations à l'intérieur, des terres marécageuses et des levees.

M Lacey obtient la permission de présenter les bills suivants :

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Acte pour venir au secours de John H Martin, G P Satterberry, Rufus J Moore et Alexis Sappington.

Acte pour venir au secours de Louis Dubreuil, de l'Etat du Missouri.

Sur motion du même membre, lesdits bills sont lus deux fois, et sont référés au comité des réclamations.

Acte pour pourvoir à l'établissement d'une école de l'Union dans les 1er et 2nd Districts, de la paroisse d'Est Baton Rouge.

Sur motion du même membre, et après dispense des règles, ce bill subit ses deux lectures et est référé au comité de l'Instruction Publique.

Acte pour incorporer l'Association de la Vierge pour venir au secours des Orphelins pauvres et indigens dans la paroisse d'Est Baton Rouge.

Sur motion du même membre et après dispense des règles, ce bill subit ses deux lectures et est référé au comité judiciaire.

M Ryan, sans en avoir donné avis au préalable, obtient la permission de présenter un acte pour achever les améliorations aux chutes de la rivière Rouge à Alexandrie.

Sur motion, et après dispense des règles, ce bill est lu deux fois et est renvoyé au comité des Améliorations à l'intérieur, etc.

MARDI, 21 fév. 1854.

Sur motion de M Griffin, le Sénat prend de nouveau en considération la résolution requérant nos Représentants et nos Sénateurs au Congrès, de faire tous leurs efforts pour obtenir du Gouvernement Fédéral, un hopital de marine, à Alexandrie.

M. RYAN. Je veux expliquer la nature de cette résolution. J'ai la conviction, qu'en raison de son titre, elle n'a pas été parfaitement comprise hier. La Rivière Rouge n'est certainement pas une mer intérieure, et on pourrait considérer comme incongru l'établissement d'un hopital de marine sur ses bords. Cependant, c'est un fait bien connu que le Gouvernement des Etats-Unis a établi des institutions appelées hopitaux de marine sur différents points du Mississipi et sur ses affluents. Il y en a un à Memphis, dans le Tennessee, un autre à Paducah, dans le Kentucky, un autre en face de la Nlle-Orléans, et il doit y en avoir encore à d'autres endroits. Ces établissements sont appelés hopitaux de marine. Le mot *marine* est un dérivé du mot latin *mare*, qui veut dire *mer*; et ces institutions sont des hopitaux de marine, quoiqu'il n'y ait pas une goutte d'eau salée auprès d'eux. Sur la Rivière Rouge, à raison du grand commerce qui se fait sur cet important cours d'eau, un établissement de ce genre ne serait pas moins nécessaire que sur le Mississipi lui-même. Il est absolument nécessaire que sur un si grand passage, il y ait quelque asile où l'on puisse recueillir les personnes malades et leur porter secours.

Il est nécessaire aussi d'avoir là un asile pour préserver les villes et les campagnes des ravages de l'épidémie qui est sujette à être importée des régions basses de l'Etat. C'est de cette manière que s'est introduite la fièvre jaune, l'été passé, et tout le monde sait quelles traces sinistres de son passage, elle a laissé derrière elle.

En fait, la campagne de la Rivière Rouge a souffert plus qu'aucune autre partie de l'Etat, en proportion de sa population. Ainsi, un hopital de marine, si on en établissait un dans cette contrée, joindrait aux avantages que procurent ordinairement de semblables établissements, l'inestimable bienfait de préserver le pays environnant des atteintes des épidémies, parce que, dès qu'une personne sentirait les premières attaques de la maladie, elle serait transportée dans cet hopital. De cette façon, toute communication serait interrompue entre le patient et la population, et, parconséquent, on n'aurait plus à craindre la contagion. Pour ces raisons, j'espère que le bill sera adopté.

M. KENNER. Pour ma part, je dois avouer que je ne vois aucune objection à ce bill. Il est vrai, comme l'a fait très bien remarquer l'hon. sénateur des Rapides, que la Rivière Rouge n'est pas une mer, mais je l'ai vue par moments avoir 40 miles de large et, conséquemment, présenter l'aspect d'une mer intérieure. A ces époques d'inondation, on pouvait naviguer sur la Rivière Rouge et dans toute la campagne environnante, sans apercevoir la terre d'aucun côté.

Celui qui eût vu cette rivière pour la première fois alors, certes, ne l'eût pas prise pour un des affluents du Mississipi, mais bien pour un immense lac. Au surplus, s'il fallait absolument trouver quelque analogie entre la Rivière Rouge et la mer, je dirais d'abord que cette rivière est extrêmement profonde par intervalles et roule des masses d'eau considérables; j'ajouterai qu'on trouve sur ses rives des sources d'eau salées et de vastes plaines de sel. Ainsi, pourquoi n'aurions nous pas un hopital de marine à Alexandrie? Il serait tout aussi à propos d'en avoir un là qu'à Memphis ou à Paducah. Mais, quelque pût être le résultat pratique de cet hopital, je crains fort qu'il n'existe jamais, et que nous ne perdions en ce moment notre temps et notre éloquence. Il est probable que cet établissement ne coûtera pas bien cher à l'Union, car, pour ma part, je ne crois pas que le Congrès fasse la moindre attention à notre requête.

M. KING. Je suis opposé à la résolution dans sa forme actuelle. Je pense, avec le sénateur de l'Ascension, que, même si nous votons le bill, le Congrès n'en fera pas grand cas. Mais, malgré cela, je ne voterai pas la proposition, s'il n'y est fait un amendement. Le mot *marine* venant du mot *mer*, il est nécessaire, si les Etats-Unis consentent à placer là un hopital de marine, qu'ils y envoient aussi des malades ayant été marins. Or, je doute qu'il y en ait beaucoup dans cette portion de la Louisiane. Si ce n'est pas ainsi qu'on l'entend, alors ce n'est pas un hopital de marine qu'on demande, c'est un hopital ordinaire comme il y en a dans tout l'intérieur.

M RYAN Je dirai à l'hon. sénateur que je suis moi-même quelque peu latiniste, et que je connais parfaitement l'étymologie du mot *marine*, qu'il vient d'expliquer au Sénat. C'est du reste ce que j'avais moi-même constaté, il y a quelques moments. Mais je pense que le Sénat m'a compris, et que je n'aurai pas besoin d'entrer dans de nouvelles explications. Je répète qu'on a déjà établi des hopitaux, dits *de marine*, sur les bords du Mississipi et sur d'autres rivières. De sorte que je ne comprends pas comment il y aurait inopportunité dans notre demande d'un établissement du même genre sur la Rivière Rouge. Un asile de cette nature est indispensable, et il est inutile de considérer à l'avance si le Congrès fera droit à notre requête. Nous ne perdrons toujours pas à essayer.

M. TRUDEAU. Je voterai contre la résolution précisément par les mêmes raisons qu'allègue pour l'appuyer le sénateur des Rapides. Je pense que si un hopital était créé, et qu'on y recueillît les personnes malades de l'épidémie, il y aurait beaucoup plus de danger que le mal se répandit au dehors que si l'hopital n'existait pas.

ORDRE DU JOUR.

Bill décrétant l'abolition des hypothèques tacites.

L'ordre du jour appelle la discussion du bill tendant à rendre obligatoire l'inscription des hypothèques légales en faveur des mineurs et des femmes mariées.

Voici la teneur de ce bill.

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ACTE

POUR POURVOIR A L'ENREGISTREMENT DES HYPOTHEQUES TACITES ET LEGALES.

Section 1ère — Il est décrété par le Sénat et par la Chambre des Représentants de l'Etat de la Louisiane, réunis en Assemblée Générale.

Qu'aucune hypothèque légale ou tacite n'aura d'effet, à moins que preuve écrite ne soit inscrite dans le livre des hypothèques au domicile du débiteur de la manière et dans la forme prescrites pour les hypothèques conventionnelles et seulement pour la somme pour laquelle elle est inscrite.

Section 2. — Il est de plus décrété, &c, que preuve écrite, en ce qui regarde les mineurs, les interdits et les absents, sera le ou les bonds officiels de leur tuteur ou curateur, lequel devra être donné conformément aux lois existantes et à la 3me section de cet acte, et lorsqu'une propriété qui appartient en commun à un mineur et à son père ou à sa mère est adjugée au père ou à la mère, le jugement qui fait adjudication de la propriété, mentionnera le montant pour lequel la propriété est adjugée, et l'inscrira dans le livre des hypothèques, et le jugement, faisant l'adjudication de la propriété, sera comme nul et non avenu jusqu'à ce que ladite inscription ait été faite.

Section 3. — Il est de plus décrété, &c., qu'il sera du devoir des greffiers des différentes cours de cet Etat, d'exiger un bon de tous les tuteurs naturels, tuteurs testamentaires et autres, qui, par les lois existantes, sont exemptes de fournir un bon avec garantie pour le même montant qui serait exigé d'eux, s'ils étaient tenus de fournir caution, et il sera du devoir desdits greffiers de faire inscrire au bureau du conservateur des hypothèques, au domicile du tuteur ou du curateur, lesdits bons ainsi que les bons des autres tuteurs ou curateurs de personnes interdites ou absentes, immédiatement après leur exécution, et avant d'administrer le serment d'office ou d'émettre des lettres de tutelle ou de curatelle, les frais devant être payés des biens du mineur, de l'interdit ou de l'absent.

Section 4. — Il est de plus décrété, &c., qu'il ne sera pas légal pour un tuteur-curateur, de prendre possession de ou de l'immiscer en aucune manière dans la propriété d'aucun mineur ou personne interdite, qui peut être acquise par héritage ou donation pendant la tutelle ou curatelle, jusqu'à ce qu'il ou qu'ils fait inventoriser ladite propriété, et qu'ils aient fourni un bon sur le montant de ladite propriété, et fait enregistrer ledit bon dans le bureau du conservateur des hypothèques, ainsi qu'il y est pourvu dans la section précédente, et aucun reçu ou quittance de propriété acquise ne sera valide ou d'aucun effet, à moins que le bon ne soit enregistré ainsi qu'il y est pourvu.

Section 5. — Il est de plus décrété, &c., que l'office de tous les tuteurs et curateurs dans cet Etat, expirera le premier jour de janvier 1854, à moins que, dans l'intervalle, lesdits tuteur ou curateur ne fasse enregistrer dans le bureau du conservateur des hypothèques, au domicile dudit tuteur ou curateur, son bon fourni ou devant être fourni, ainsi qu'il est pourvu plus haut, et qu'il ne le présente de nouveau au bureau du greffier, avec le certificat du conservateur des hypothèques, prouvant qu'il a été dûment enregistré.

Section 6. — Il est de plus décrété, &c., que la preuve écrite dont l'enregistrement est requis pour les femmes mariées, peut être le contrat de mariage, les actes de vente des biens de la femme, le reçu du mari pour les biens de sa femme, acquis par elle pendant le mariage, soit par héritage ou donation ou toute déclaration écrite ou mémorandum faits par le mari, la femme ou une tierce personne quelconque, indiquant le montant et l'origine du titre de l'hypothèque. Pourvu que la femme établisse ses demandes par preuves légales, et que les reçus du mari, les déclarations ou mémorandums auxquels il est fait allusion plus haut, soient reçus seulement pour prouver l'enregistrement, à moins qu'ils ne soient pas eux-mêmes des preuves légales ; et pourvu qu'il soit du devoir des parents, tuteurs et toutes autres personnes faisant des paiements ou des donations au mari, pour être remis à sa femme, de faire enregistrer, dans le bureau du conservateur des hypothèques les mois desdits paiements ou donations ; et aucun reçu ne sera valide ou d'aucun effet à moins qu'il ne soit enregistré ainsi qu'il vient d'être dit. Ces dispositions de cette section ne seront pas en vigueur, pour ceux qui peuvent s'être mariés antérieurement à la promulgation de cet acte, si ce n'est à partir du 1er janvier 1856.

Section 7. — Il est de plus décrété, &c., que les hypothèques en faveur des mineurs, des interdits, des absents et des femmes mariées, une fois enregistrées, resteront en vigueur sans l'enregistrement au bout de dix ans, à moins qu'elles ne soient concellées.

M. KING. Comme il y a plusieurs sénateurs qui n'étaient pas ici l'année passée quand le bill a été discuté, je me sens obligé de faire quelques remarques sur la question.

M. WICKLIFFE. Avant que M. King aille plus loin, je désirerais introduire un bill dont je présenterai quelques sections à la place du bill déjà présenté. Ce nouveau bill a été renvoyé au comité judiciaire, et, sans aucun doute, pris en haute considération par ce comité. C'était dû aux lumières d'un membre de l'autre Chambre, qui est on ne peut plus compétent pour faire ce projet de loi.

ACTE

Ordonnant l'inscription des hypothèques tacites, en faveur des mineurs et des femmes mariées.

Section 1. — Il est résolu par le Sénat et la Chambre des Représentants de l'Etat de la Louisiane, réunis en Assemblée Générale ;

Qu'à compter du 1er jour d'avril 1855, aucune hypothèque n'aura d'effet et d'existence contre les tiers de bonne foi qu'autant qu'elle sera dûment inscrite au bureau du conservateur des hypothèques. L'inscription faite, l'hypothèque frappera les propriétés territoriales, et les esclaves tant attachés à ces propriétés qu'indépendants de ces mêmes propriétés, mais habitant la paroisse où elles sont situées, et frappera également les autres esclaves dans la paroisse où le débiteur a son domicile ou sa résidence habituelle.

Section 2. — Résolu ; qu'il sera du devoir de tous notaires publics ou autres officiers, en exerçant les fonctions, de faire transcrire au bureau des hypothèques dans la paroisse où réside la partie contre laquelle l'hypothèque peut exister, tout acte passé devant eux et dans lequel, en vertu des lois existantes, une hypothèque légale est accordée en faveur de la femme, sur la propriété de son mari ; soit que ledit acte soit un contrat de mariage ou tout autre acte pouvant servir à indiquer les sommes d'argent ou autres biens ou valeurs que la femme peut avoir apportés par voie de douaire au moment du mariage ; soit enfin que ce soient des quittances ou autres actes servant à indiquer le montant des sommes ou les autres biens et valeurs reçus par elle ou par son mari pour son compte pendant le mariage ; que tous notaires publics ou personnes en exerçant les fonctions qui négligeront de se conformer aux prescriptions de cette section, quant à la transcription des actes plus haut men-

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tionnés, seront personnellement passibles envers la personne qui aura pu souffrir de ce défaut de transcription, de tous dommages et intérêts, et, de plus, seront considérés comme coupables de malversation dans l'exercice de leurs fonctions, et, en conséquence de ce, après instruction de l'affaire, destitués de leurs dites fonctions et condamnés à une amende et à un emprisonnement dont le montant et la durée sont à la discrétion du juge.

Section 3. — Résolu de plus ; que toutes les fois qu'une femme mariée recueillera par héritage ou par testament, des biens immeubles ou des sommes d'argent, il sera du devoir des exécuteurs, curateurs ou administrateurs qui recevront des biens ou valeurs, de retirer du mari une quittance authentique de l'argent ou des biens reçus, laquelle quittance sera transcrite au bureau des hypothèques dans la paroisse où le mari réside, s'il réside dans cet Etat, et formera hypothèque contre lui ; mais les biens ou l'argent ne seront délivrés au mari que lorsqu'il aura prêté serment que ladite quittance a été transcrite dans la paroisse où il réside et dans toutes les autres paroisses de l'Etat où il peut posséder d'autres immeubles : Résolu que cette section ne s'appliquera pas aux cas où la femme est séparée de biens d'avec son mari, et administre elle-même sa fortune ; et résolu encore qu'une quittance de ce genre ne prouvera la délivrance des fonds ou des biens au mari, que lorsque cette quittance sera endossée " payée" par la personne à qui le paiement ou la délivrance auront été faits, lequel endossement doit porter une date postérieure à la transcription.

Tout exécuteur testamentaire, curateur ou administrateur qui négligera d'accomplir le devoir qui lui est imposé par cette section, non seulement sera personnellement passible de tous dommages envers la personne qui aura souffert de sa négligence, mais encore sera destitué de ses fonctions, et, après conviction, sera condamné à une amende et à un emprisonnement à la discrétion de la Cour.

Il sera du devoir des clercs de Cours de justice, qui trouveront, dans les archives desdites Cours, des pièces constatant l'existence d'une hypothèque légale sur la propriété du mari en faveur de la femme, si ces pièces n'ont pas déjà été transcrites, de les faire transcrire au bureau des hypothèques, et faute de le faire d'ici au 1er avril 1854, au plus tard, ils seront responsables envers toute femme mariée des dommages qu'elle a pu souffrir par suite de cette négligence, et condamnés de plus à une amende de 100 piastres, dont moitié appartiendra à la personne poursuivante. Pour chaque transcription que les clercs des Cours auront ainsi fait faire, ils recevront un droit fixe de une piastre et demie, en dehors de ce qui pourra être dû et payé au conservateur des hypothèques pour cette même transcription.

Section 4. — Il est de plus résolu &c., que toutes les fois que le tuteur d'un mineur ou le curateur des biens d'un absent ou d'un interdit, aura été désigné par le juge ou par toute autre autorité compétente pour nommer les tuteurs et curateurs, le greffier de la Cour livrera à la personne ainsi désignée ou à son agent ou avocat, une copie de l'ordre de nomination, afin qu'elle puisse être transcrite au bureau des hypothèques, conformément à cet acte, ainsi que des lettres de curatelle qui ne seront délivrées qu'après que ledit ordre aura été enregistré, et après que la personne ainsi nommée à la tutelle ou à la curatelle, aura prêté et signé le serment suivant :

" Je (A. B) tuteur de l'enfant ou des enfants nommé ou nommés, ou curateur de — absent, ou de — interdit —, selon que le cas l'exige, jure solennellement (ou affirme, — si la personne a des scrupules de conscience à prêter un serment), que j'ai fait enregistrer au bureau du conservateur des hypothèques, l'ordre de nomination qui m'a été donné, dans la paroisse où je réside et dans toutes les paroisses de cet Etat où je possède des propriétés foncières ;"

Lequel serment doit être enregistré par le greffier dans son bureau.

Rien dans cet acte n'empêchera les tuteurs de donner une hypothèque spéciale au lieu de l'hypothèque générale en faveur des mineurs à laquelle la loi pourvoit ; mais dans tous les cas de cette nature, chaque tuteur, avant d'entrer dans l'exercice de ses fonctions, au lieu de la dernière clause de la formule ci-dessus, sera tenu de prêter serment que ladite hypothèque a été enregistrée dans la paroisse ou les paroisses, suivant le cas, de cet Etat, dans laquelle lesdites propriétés, ainsi spécialement hypothéquées, sont situées.

Section 5. Résolu de plus, &c., que les fonctions de tous tuteurs et curateurs d'absents ou interdits, dans cet Etat, actuellement en exercice, cesseront de droit le premier juillet prochain, à moins que, dans l'intervalle, ces officiers n'aient fait transcrire leurs lettres originaires de tutelle ou de curatelle, ou une copie de ces mêmes lettres, ou un certificat du clerc indiquant la date de leur nomination dans la forme prescrite par la précédente section du présent acte, pour la transcription des ordres de nomination, et à moins qu'ils n'aient prêté le serment ordonné par cette même section, lequel serment devra être également transcrit. Lesdites lettres, une fois transcrites, donneront effet à l'hypothèque, à partir de la date de la nomination originaire du tuteur ou du curateur. Si le tuteur, au lieu d'une hypothèque générale sur tous ses biens, a donné, dans les formes déterminées par la loi, une hypothèque spéciale, il pourra continuer à agir à la condition d'affirmer par serment, dans le délai ci-dessus prescrit, que cette hypothèque spéciale a été transcrite de la manière indiquée dans la section qui précède.

Section 6. — Résolu de plus, &c., que, à partir dudit jour 1er juillet prochain, il sera du devoir de tous clercs des Cours de justice de cet Etat, excepté les clercs de la Cour Suprême, dans les archives desquelles Cours il se trouvera des pièces constatant la nomination de tuteurs ou de curateurs d'absents ou interdits, de feuilleter lesdites archives, et de, dans les 10 jours après le 1er juillet, faire une liste correcte de toutes lesdites tutelles ou curatelles dont ces archives feront mention ; laquelle liste désignera les noms des mineurs et des tuteurs curateurs, nommés antérieurement à cet acte, avec les dates de leurs nominations. La liste, ainsi achevée, sera conservée comme partie intérante des archives de la Cour.

Il sera en outre du devoir du clerc de faire trois copies de ladite liste, dont l'une sera tenue affichée à un endroit apparent dans son office, pendant l'espace de 40 jours ; une autre sera tenue affichée à la porte dans la salle d'audience de la maison de Cour pendant le même espace de temps ; et la 3me sera délivré au juge de sa Cour, ou de la Cour compétente en ces matières, immédiatement, si ladite Cour est en session, si non, au plus prochain terme de session de ladite Cour. Le clerc recevra une piastre de chaque tuteur ou curateur pour faire lesdites listes.

Il sera en outre du devoir desdits clercs, s'ils ont qualité pour cela, ou à leur défaut des juges ou autres autorités compétentes, de sortir ou faire sortir un avis, lequel sera notifié par le shérif dans la forme prescrite pour les citations à faire aux tuteurs ou curateurs qui ont omis de faire confirmer

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leur nomination. Cette notification leur enjoindra de comparaître dans les cinq jours devant lesdits clercs ou juges, ou autres autorités compétentes, afin d'avoir à se faire confirmer dans leurs fonctions, conformément aux prescriptions du présent acte. Pour ce, le shérif recevra la même indemnité que celle allouée par la loi pour les citations.

Faute par le shérif d'avoir fait ladite notification dans les cas où c'est lui qui doit la faire, ou d'en faire le retour dans les cinq jours qui suivent, non seulement il sera passible envers les mineurs et autres parties intéressées de tous dommages et dépens, mais encore il sera soumis à une amende de vingt piastres (qui appartiendra aux mineurs), par chaque cas où il manquera à ce devoir ; et si la notification ne peut pas être faite, le shérif devra retourner les pièces dans les vingt jours de la délivrance qui lui en aura été faite. La même pénalité et amende seront encourues par le shérif s'il manque à une seule des obligations qui lui sont imposées par le présent acte.

Si le tuteur ou curateur comparait dans le délai prescrit, et demande sa confirmation, il sera soumis aux formalités ordonnées par le présent acte, c'est-à-dire qu'il prêtera le serment voulu par la 4me section, et affirmera en outre qu'il a fait transcrire une copie de ses lettres originaires de tutelle ou curatelle, ou bien un certificat du clerc indiquant la date de sa nomination première, et que cette transcription a été faite tant dans la paroisse où il réside que dans toutes les paroisses de l'Etat où il possède des immeubles. Alors, ces lettres ou certificats ainsi transcrits, emporteront hypothèque sur la propriété, à compter du jour de la nomination primitive. Mais si le tuteur a donné une hypothèque spéciale, alors il devra simplement prêter serment que ladite hypothèque spéciale a été inscrite au bureau de la paroisse où est situé l'immeuble hypothéqué. L'inscription dont il est ici question, devra être faite dans les 40 jours qui suivront la demande de confirmation par le tuteur.

Si le tuteur ou curateur ne comparait pas dans le délai voulu, ou si, après sa comparution, il n'a pas rempli dans les 40 jours les formalités prescrites, le clerc, s'il en a le pouvoir, ou sinon, le juge, ou toute autre autorité compétente, procédera, selon le cas, à la nomination d'un autre tuteur ou curateur remplissant les conditions voulues par la loi, et méritant de remplir lesdites fonctions, et il sera du devoir du nouvel élu de s'adresser immédiatement au clerc pour avoir copie des lettres de tutelle ou curatelle originairement données au tuteur ou curateur déchu, ou un certificat constatant la date de la nomination originaire de son prédécesseur. Ces lettres ou certificat seront transcrits à sa vigilance, au bureau des hypothèques, à moins que ces pièces ne l'aient déjà été dans la paroisse où réside son prédécesseur, ou dans laquelle il résidait, s'il est mort, ainsi que dans toute autre paroisse de l'Etat dans les limites de laquelle il a quelque raison de croire que son prédécesseur possède ou possédait des immeubles ; et si son prédécesseur a donné une hypothèque spéciale qui n'a pas été transcrite, (au lieu de l'hypothèque générale), il sera de son devoir de faire transcrire cette hypothèque spéciale dans la paroisse ou les paroisses de cet Etat où sont situés les immeubles hypothéqués ; et de plus il sera encore de son devoir de faire transcrire de la même manière les pièces de toute tutelle ou curatelle antérieure, ou de toute autre hypothèque aussi antérieure, toutes lesquelles pièces ainsi transcrites, emporteront hypothèque sur les immeubles des tuteurs ou curateurs antérieurs, à compter de la date de leurs nominations respectives.

Pour toute négligence dans l'accomplissement des devoirs prescrits par la présente section, le tuteur ou curateur ainsi nommé, sera responsable envers les mineurs ou autres personnes intéressées, de tous dommages et dépens que cette négligence peut avoir occasionnés, et, de plus, sera soumis, dans le cas où le mineur aurait quelque perte à supporter, aux peines édictées par la loi criminelle contre les tuteurs qui détournent ou dissipent les valeurs dont ils sont chargés, et, après instruction du procès et conviction légale, sera condamné aux travaux forcés pendant un temps qui ne pourra excéder deux années.

Il sera encore du devoir de tout tuteur ou curateur nommé en vertu de cette section, d'intenter, s'il est nécessaire, une action contre tous tuteurs ou curateurs antérieurs, pour obtenir le recouvrement des sommes ou valeurs qui peuvent être par eux dues aux mineurs dont ils ont été tuteurs ou curateurs.

Résolu qu'à quelque époque que ce soit, avant que le tuteur nouvellement élu ait rempli les formalités voulues, il sera facultatif à la personne ayant pouvoir et qualité pour cela, de renommer le tuteur ou curateur originaire, si ce dernier fournissait la preuve qu'il n'a été coupable d'aucune négligence, et offrait de remplir les formalités prescrites par le présent acte. Le tuteur ou curateur qui négligera de remplir ces formalités, sera passible des dépens indiqués par cette section.

Section 7. — Résolu en outre, &c., que lorsqu'un tuteur ne réside pas ou cesse de résider dans la paroisse où il a été nommé dans l'origine, la notification ordonnée par la section précédente sera envoyée par le clerc au shérif de la paroisse où réside ledit tuteur ou curateur, et il sera alloué à ce dernier 20 jours pour faire sa comparution et sa demande de confirmation dans ses fonctions, et le shérif aura 40 jours pour faire le retour des pièces, mais sans néanmoins que le retour puisse excéder 20 jours après la notification.

Tout shérif qui manquera aux devoirs prescrits dans cette section, sera soumis aux pénalités portées contre cette omission par la section qui précède.

Section 8. — Résolu en outre, &c., que si un tuteur ou curateur nommé avant la promulgation de la présente loi, ne réside pas ou a cessé de résider dans la paroisse de sa nomination originaire, et que le lieu de sa nouvelle résidence soit inconnu, s'il ne comparait pas pour demander sa confirmation dans ses fonctions, dans les 40 jours après le 1er juillet prochain, il sera du devoir de l'autorité compétente de procéder à son remplacement, pourvu, bien entendu, qu'il soit constaté dans la procédure, pour la nomination nouvelle, que la résidence du tuteur ou curateur à remplacer, est inconnue.

Section 9. — Résolu en outre, &c., que si un tuteur ou curateur nommé à l'avenir, transporte son domicile hors de la paroisse dans laquelle il résidait au temps de sa nomination, il sera de son devoir, à moins qu'il n'ait donné une hypothèque spéciale au lieu d'une hypothèque générale, de faire immédiatement après son changement de domicile, transcrire au bureau des hypothèques de la paroisse où il aura pris domicile, les titres hypothécaires existant contre lui, soit comme tuteur, soit comme curateur, et il aura soin de remplir les mêmes formalités à chaque fois qu'il changera le lieu de sa résidence. Et dans le cas où, sans changer de domicile, un tuteur ou sa curateur acquerrait des propriétés foncières ou des esclaves dans une autre paroisse, postérieurement à sa nomination, il devra faire inscrire l'hypothèque légale au bureau de ladite paroisse. Pour toute négligence

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dans l'accomplissement de ce devoir, les tribunaux compétents devront le destituer de ses fonctions et le remplacer par un autre.

Ledit tuteur ou curateur sera de plus condamné à payer à la personne nommée à sa place, une somme qui ne pourra être inférieure à 100 piastres, ni supérieure à 1,000 piastres, de laquelle somme le recouvrement pourra être poursuivi devant tout tribunal compétent.

Si quelque perte ou dommage résultait pour le mineur ou pour l'absent ou interdit, de la négligence du tuteur ou curateur qui a changé de résidence ou qui a acquis des propriétés immobilières ou des esclaves depuis sa nomination, dans d'autres paroisses que celle de sa résidence, et de l'omission par ce dernier de l'inscription de l'hypothèque dans les paroisses où ces biens sont situés, non seulement ce tuteur ou curateur sera responsable envers le mineur ou l'absent ou l'interdit, de tous dépens, dommages et intérêts, mais encore il sera considéré comme coupable de dissipation, et, après conviction légale, condamné à une amende et à un emprisonnement laissés à la discrétion de la Cour.

Section 10. — Résolu de plus, &c., que toute autre personne qui prendra possession d'une propriété appartenant à un mineur qui n'a pas de tuteur et qui conservera ladite propriété sans en avoir donné connaissance au tribunal qui a compétence pour nommer des tuteurs et demandé la nomination soit de lui-même, soit de toute autre personne possédant les qualités requises et consentant à se charger de ladite tutelle, non seulement sera personnellement passible de tous dommages causés par ladite possession, mais encore sera considérée comme coupable de spoliation, et sera, après conviction, condamnée à une amende ou à un emprisonnement laissés à la discrétion du juge.

Section 11. — Résolu de plus, &c, qu'il sera du droit de toute personne, sous la seule condition d'avancer les frais, de demander la transcription à tel bureau d'hypothèque que de droit, de tout acte ou document tendant à indiquer l'existence d'une hypothèque légale, comme aussi de tous documents ou certificats qui, en vertu de la présente loi, sont considérés comme donnant lieu à une hypothèque légale, et il sera du devoir de tous les conservateurs des hypothèques, d'exiger ladite transcription à toute réquisition.

Section 12. — Résolu de plus, &c, que tout clerc d'une Cour de Justice de cet Etat qui n'aura pas accompli les devoirs que lui impose le présent acte, ou qui se sera rendu coupable d'une négligence volontaire, à cet égard, sera destitué de ses fonctions par le juge de la Cour dont il sera clerc, et, de plus, sera passible envers les mineurs, de tous dépens, dommages et intérêts. Il aura néanmoins le droit de former appel de ce jugement devant la Cour Suprême.

Section 13. — Résolu de plus, &c., que tout juge ou officier de justice qui aura méconnu les devoirs que lui impose la présente loi, sera considéré comme coupable de malversation dans ses fonctions, et pourra être destitué desdites fonctions par voie d'empêchement ou d'adresse.

Section 14. — Résolu de plus, &c., qu'il ne sera pas nécessaire, à l'avenir, de renouveler, après le laps de dix années, l'inscription des hypothèques légales en faveur des mineurs, des femmes mariées, des interdits ou des absents. L'inscription, une fois faite, conservera sa force et sa validité, jusqu'à l'extinction de l'hypothèque par paiement, prescription ou autrement.

Section 15. — Résolu de plus, &c., que toutes lois ou parties de lois contraires au présent acte, ou contradictoires avec ses dispositions, sont et demeurent abrogées.

Section 16. — Résolu enfin, &c., que l'Imprimeur de l'Etat est invité à publier, pour être distribués en forme de pamphlet, 5,000 exemplaires du présent Acte, dans le plus bref délai possible, après le passage dudit Acte. La distribution en sera faite comme suit : Une demi-douzaine à chaque clerc des Cours de District, un exemplaire à chaque officier public de l'Etat, et le reste, aux membres des deux branches de la présente Législature ; cette distribution sera faite avec affranchissement des droits de poste. L'imprimeur avancera les frais de cet affranchissement, et en portera le montant sur son bill contre l'Etat.

M. KING. Quand le bill a été introduit, je n'ai présenté aucune explication sur son caractère et son but. Je ne puis donc pas laisser arriver sous les yeux du Sénat, une question d'une importance aussi vitale, sans dire quelques mots à ce sujet. J'essaierai donc de donner un rapide aperçu des maux auxquels il est destiné à porter remède, et je conclurai par une histoire résumée du caractère et des opérations anticipées du bill lui-même.

Je tiens pour certain que ce bill sera reçu dans le pays avec une satisfaction universelle. Tout le monde trouvera que c'est un acte de haute justice et en même temps de bonne et sage administration, que de faire disparaître ces entraves qui s'opposent sans cesse à la libre transmission de la propriété. Sous l'empire du système actuel, pas de sécurité possible pour l'acquéreur de biens immeubles. Il est certain que certains droits doivent être protégés, mais doivent-ils l'être au détriment de tous les droits des tiers? Evidemment non. Une pareille doctrine conduirait au plus insupportable despotisme. Il y a longtemps que le commerce souffre de cet état de choses. Nous devons enfin mettre un terme à des obstacles qui s'opposent au libre développement de l'industrie. Car rien n'est plus funeste à son essor que les barrières jetées devant la libre circulation des capitaux. Or, la peur est la plus redoutable de ces barrières. Du moment où il n'y a pas sécurité pour le prêteur, il n'y a plus de prêt possible. Le mal que je vous signale, et auquel le bill doit porter remède, il n'était pas besoin de l'œil du juriste pour le découvrir. Toutes les classes de la société en ont trop souffert pour ne l'avoir pas dénoncé depuis longtemps à la sollicitude des Législateurs. Or ceci n'est pas une simple assertion que j'apporte devant cette assemblée. A l'appui de mon affirmation, je vais établir des faits et exposer quelques-uns des maux qu'engendre le système qui nous régit actuellement. Et d'abord, le nom même de la chose que nous voulons détruire n'est-il pas une première preuve de mes assertions? Une hypothèque *tacite!* Est-ce que ce nom n'a pas par lui-même quelque chose de sinistre et d'effrayant pour l'acheteur ou le prêteur sur hypothèques! Comment voulez-vous qu'il ait confiance? Au moment où il va verser son argent, ne sent-il pas un ennemi caché dans une embuscade, un ennemi toujours effrayant, parce qu'il est inconnu, un ennemi invisible retranché derrière ce nom ténébreux hypothèque tacite!

Mais derrière ce voile il y a tout pour le capitaliste ; il y a sa ruine et celle des siens. N'y a-t-il pas mille causes d'hypothèque tacite? Comment les connaître toutes? Comment savoir si un homme a eu n'a pas été tuteur, s'il a fait un juste emploi des capitaux dont il avait la garde? Ce n'est pas tout de savoir même si cet homme peut être frappé d'hypothèque légales. Mais quand à force de peines, de soins et de recherches, vous serez parvenu à connaître toute sa vie, et avoir la conviction que

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vous n'avez rien à craindre de son côté, serez-vous pleinement rassurés? Pas le moins du monde. Et les auteurs de cet homme? Ceux de qui il tient sa propriété, les connaissez-vous tous? Et ils peuvent être fort nombreux. Comment aller chercher dans un inextricable dédale de successions, dans la vie de propriétaires antérieurs qui, n'eussent-ils été propriétaires qu'un moment, ont pu, à leur insu même, être frappés d'hypothèques légales et tacites, comment dis-je, retrouver dans ce dédale le fil que vous cherchez? Et si ce fil se brise entre vos doigts, si vous le perdez un seul moment, il se peut que dans ce moment même il soit né une hypothèque tacite qui causera votre ruine! En vérité, cela ne se peut pas. Protégeons les faibles, rien de mieux. Mais ne ruinons pas dix forts pour assurer les droits d'un faible. Protégeons ouvertement, et non clandestinement. Dites à un tuteur, à un curateur, à un mari: L'hypothèque légale dont vous être frappé, vous la ferez inscrire, et vous y serez obligés sous peine de telle amende. Proportionnez l'amende à la fortune. Enfin, prenez vos sûretés, et frappez, mais frappez ouvertement. Que les tiers sachent à quoi s'en tenir.

On comprendra facilement que les principes qui doivent guider le législateur, sont ceux d'un sage équilibre entre les intérêts divergents qu'ils ont pour mission de concilier. De ce que les mineurs et les femmes mariées sont des êtres faibles vis-à-vis de la loi, et qui ont conséquemment droit à sa protection, il ne s'en suit pas qu'il faille leur sacrifier complètement les intérêts du commerce et de l'industrie. Le remède serait alors pire que le mal. Est-ce donc que nous vous demandions d'abolir l'hypothèque légale de ces mineurs? Nullement. Nous demandons qu'elle soit inscrite, c'est-à dire connue de tous, exposée à la face du soleil. Nous voulons qu'un tiers en prêtant de l'argent sur une propriété ou en mettant une enchère sur cette propriété, sache ce qu'il fait. Nous voulons qu'il sache si cette propriété est grevée d'hypothèques, ou si elle est libre de toute charge, parceque, dans le premier cas, le capitaliste peut être allèché par une croyance trompeuse, et engloutir son argent dans un abîme dont il ne connaît pas le fond; et, parceque dans le second cas, c'est-à-dire si la propriété n'est pas grevée, le capitaliste, dans le doute où il est tenu, n'offrira qu'un prix très médiocre ou prêtera son argent à un taux très élevé. Car, encore une fois, il a peur. Eh bien, conservez aux mineurs ce gage légal que la sagesse des premiers législateurs a eu raison de leur donner, mais inscrivez-le. Cherchez le moyen le plus efficace pour arriver à faire que cette inscription soit toujours faite. Punissez sévèrement toute négligence coupable. Mais il est du plus haut intérêt pour le pays que cette obscurité disparaisse. Si vous voulez appeler la confiance, il ne faut rien cacher.

Faut-il mettre sous les yeux du Sénat, le tableau du tort effectif que céla cause au commerce de notre pays? En Europe, il y a peu de temps de cela, on pouvait se procurer de l'argent sur hypothèque, à quatre pour cent par an: et aujourd'hui, à raison du désordre apporté dans l'industrie par les troubles politiques, on peut même en obtenir à trois pour cent par an. A New York, on peut en avoir, sur gage hypothécaire, à six pour cent par an. Il est avéré que, toutes choses égales, le capitaliste préfère le gage hypothécaire à tous les autres gages. Il le considère, à juste titre, comme le meilleur qui puisse lui être offert. C'est, qu'en effet, quels que soient les changements qui s'opèrent autour de nous, la terre seule, notre vieille et bonne mère, se tient toujours là, stable et immobile. On la retrouve toujours où on l'a laissée. Sous un bon système de lois, ce serait donc le meilleur gage qui fût.

Mais en est-il de même dans notre Etat? N'est-ce pas tout le contraire? Et d'où vient cette condition anormale et antinaturelle à laquelle nous sommes réduits? Est-ce qu'il n'est pas évident qu'il doit y avoir quelque vice dans notre code? Est-ce que chacun ne sent pas que c'est là que se cache le mal, et qu'il ne peut pas être ailleurs? Et bien, n'est-ce pas à nous de le découvrir et d'y porter immédiatement remède? Ce mal, nous en savons tous l'origine et la cause. Il prend sa source dans notre système d'hypothèques latentes. Sous l'empire de ce système, nous sommes arrivés à ce triste résultat, qu'au lieu d'être le meilleur de tous les gages, la propriété foncière en est chez nous le plus détestable. En Louisiane, la terre est, pratiquement parlant, un capital mort pour son propriétaire.

A la Nlle-Orléans, la propriété immobilière est inférieure au plus mauvais papier. Ce résultat, Messieurs, n'est pas dû à une cause naturelle. Il est l'effet d'une mauvaise législation.

Il y a d'autres maux encore qui sont dus à ce système d'hppathèques tacites. Tout ce système, je le répète, n'est qu'une grande trappe où viennent se prendre les innocents. Supposons, par exemple, qu'un homme achète une propriété. Il croit s'être bien assuré qu'elle n'est pas grevée. Il a demandé le certificat hypothécaire; ce certificat est négatif. Conséquemment, il se croit bien et dûment propriétaire. Il commence donc, s'il s'agit d'une maison, à faire faire des réparations; s'il s'agit d'une terre, il en fait renouveler la culture, il fait, en un mot, de grands frais d'amélioration. Et puis, un beau jour, il apprend qu'il existe sur la propriété une hypothèque légale, une hypothèque portant le nom abominable d'hypothèque tacite, c'est-à-dire traîtresse. Il se trouve ruiné.

On le voit donc, c'est déprécier la propriété que de permettre la durée d'un pareil système, et c'est en même temps tromper l'acheteur de bonne foi, qui a versé son argent en toute confiance; ou bien c'est empêcher que l'homme que des malheurs obligent à vendre à jour fixe, ne retire de sa propriété le prix qu'elle vaut réellement.

Il faut donc que ce système soit détruit. Il nous conduit aux abîmes.

Mais, disent les défenseurs de tout ce qui a le mérite de l'ancienneté, comment protégerons-nous les êtres faibles que la loi a voulu entourer de sa vigilance?

A cela je puis répondre: Et quelle garantie trouvez-vous dans le code qui nous régit? Ne voyons-nous pas tous les jours la femme renoncer volontairement à cet inappréciable gage de sécurité, devant les sollicitations d'un mari embarrassé dans ses affaires? N'est-ce pas ce qui arrive le plus fréquemment? Il faut, Messieurs, qu'un mari ait bien peu d'influence sur sa femme pour ne pas obtenir d'elle ce sacrifice volontaire. Il faut qu'il ait perdu toute son estime et même toute autorité sur elle. C'est donc un cas exceptionnel que protège la loi. Quant aux mineurs, n'arrive-t-il pas tous les jours qu'ils soient frustrés par des tuteurs trop habiles? Ainsi, malgré les sacrifices énormes que nous imposons à la société toute entière, malgré la ruine et le discrédit dont nous frappons notre commerce et notre industrie, nous arrivons à reconnaître que nous avons échoué dans nos efforts? Nous sommes forcés de nous incliner devant l'évidence de cette triste vérité, à savoir que les mineurs au profit desquels nous avions établi ce dispendieux échafaudage, n'en ont pas même profité! Ce but que vous invoquez, et dont vous vous armez pour nous

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combattre, vous ne l'atteignez pas! Votre système est trompeur. Il fait des promesses qu'il ne peut pas tenir. Tout le corps social souffre d'un despotisme très dur, et vous échouez dans vos efforts!

C'est qu'en effet, ce système des hypothèques occultes ne peut pas donner la protection que vous avez en vue. Il retire d'une main ce qu'il donne de l'autre. S'il conserve les droits mobiliers des mineurs, il déprécie leurs propriétés immobilières.

Chacun sait cela; aussi bien les adversaires du bill que ses partisans.

Et bien! puisque cela est démontré, puisque cela est clair, puisque l'expérience a tué à jamais ce système en portant ses vices à la connaissance de tous, pourquoi nous obstiner à le maintenir? Pourquoi maintenir debout, au prix de tant de sacrifices, ce monument du passé qui nous paraît un palais et qui n'est qu'une prison? Devons-nous, à ce point, nous prosterner devant le passé? N'y a-t-il de bon et de beau que ce qui nous vient de nos ancêtres? Le progrès n'est-il donc rien? Les leçons de l'expérience, devons-nous les fouler aux pieds? Et bien, Messieurs, ce système a fait son temps. Il pèse sur nous d'un poids insupportable; il nous écrase; il étouffe en nous la vie. Il faut nous relever enfin, et secouer cette oppression. Il faut rendre la liberté et le mouvement au commerce haletant, épuisé. Il faut conserver l'hypothèque légale, mais il faut la faire sortir de la nuit où elle se cache. Il faut la forcer à se montrer à la lumière du jour.

Faisons-le donc, car nous avons tout à gagner à ce changement. Nous pouvons remplacer le système qui nous opprime par un autre qui offre les mêmes avantages sans entraîner les mêmes inconvénients. Il y a des personnes qui sont toujours en adoration devant le passé. Conservateurs éternels, ils s'accrochent à des ruines, et ne s'aperçoivent pas que tout change autour d'eux. Qu'a donc ce vieux système de si sacré pour que nous n'osions pas y toucher? Nous a-t-il donc été apporté par les anges? Est-il le produit d'une inspiration d'en haut? Est-ce enfin la révélation de la parole de Dieu?

C'est une œuvre purement humaine, et que les hommes peuvent modifier à leur gré si la raison réclame cette modification, améliorer, si l'amélioration est possible, et enfin abroger si l'abrogation est nécessaire. Je crois le bill en ce moment soumis au Sénat, bien préférable à celui qui nous régit. Je crois même qu'il donne de plus de sûreté au mineur, parce que je suis d'avis qu'une hypothèque inscrite vaut mieux que mille hypothèques non inscrites. La non inscription de l'hypothèque peut être dans certains cas très préjudiciable à ce mineur. Un exemple le prouvera. Je suppose qu'un homme a acheté un nègre frappé d'une hypothèque légale non inscrite. S'il a quelque intention de frauder, quoi de plus aisé pour lui que de conduire le nègre hors des limites de l'Etat? Il n'y a que bien peu d'hommes qui, acquéreurs de bonne foi, et ayant payé leur prix, dans l'ignorance de cette hypothèque tacite, ne seraient pas pleinement justifiés pour avoir agi ainsi.

Je pourrais citer beaucoup d'autres cas du même genre; mais il serait inutile d'appeler sur eux l'attention de mes collègues, qui les auront présents à l'esprit, pour peu qu'ils réfléchissent sur ce sujet.

La bonne foi excuse tout. Et le mineur n'en est pas moins dépouillé. L'hypothèque inscrite, au contraire, ne se prête à aucune fraude et ne permet pas non plus à la bonne foi de s'égarer. L'avertissement est là, manifeste pour l'acquéreur, qui doit en tenir compte à ses risques et périls.

Et alors, que devient votre système d'hypothèques tacites? Où est donc cette protection si efficace et qui ne saurait être remplacée par aucune autre? Vous le voyez, Messieurs, tout cela aboutit à beaucoup de mal, et, en fin de compte, à très peu de bien.

Mais faisons maintenant l'historique du bill qui vous est soumis. Quand je fis, pour la première fois, partie du Sénat, j'étais vivement pénétré de l'importance du sujet et de la nécessité de modifier la loi existante. J'ai communiqué ma pensée à un membre distingué du barreau, aujourd'hui Sénateur au Congrès, et je m'éclaircis encore par la discussion, avant d'essayer de donner un corps à mes idées en les couchant sur le papier. Plus tard, je rédigeai un projet de résolution que je présentai à ce même jurisconsulte, et j'en envoyai copie à tous les légistes importants de l'Etat, demandant à chacun d'eux de vouloir bien m'adresser son opinion et d'y joindre ses propres observations sur les améliorations à apporter à ce projet. Je n'épargnai rien pour obtenir des éclaircissemens et des avis, et je mis à contribution les lumières de chacun. Quand le bill eût été introduit au Sénat, il fut renvoyé au comité judiciaire, devant lequel il s'établit une discussion critique très prolongée à son sujet; puis, amendé par ce comité, le bill revint devant le Sénat, qui le discuta et l'examina avec le plus grand soin. Cette nouvelle discussion le modifia encore quelque peu; enfin, il passa. Mais, arrivé devant la Chambre, il échoua. Pendant l'été qui suivit l'ajournement de la Législature, je tournai de nouveau mon attention sur ce sujet et je l'examinai de recherche avec la plus grande assiduité. Je consultai ceux de mes amis dont l'opinion me paraissait avoir quelque poids, et, après cette nouvelle étude, je rédigeai un bill semblable au premier dans l'ensemble, mais en différant cependant sur plusieurs points de détail.

Comme vous le voyez, Messieurs, ce bill n'est pas le mien seulement. Je n'en revendique pas la paternité exclusive. Il est l'œuvre de 40 ou 50 esprits différents et des plus éminents de cet Etat. Parmi ces hommes qui ont contribué de différentes manières à ce bill, je citerai spécialement M. Sh—t, un de nos honorables collègues, M. Lacey, le président distingué du comité judiciaire, et M. Benjamin, l'un de nos sénateurs au Congrès des Etats-Unis. Il a été rédigé avec soin et habileté, et renferme l'expression de la pensée de beaucoup d'hommes que le talent et l'expérience semblaient désigner principalement pour l'accomplissement d'une semblable tâche. La théorie générale du bill est que les hypothèques tacites doivent disparaître. Toutes les dispositions secondaires se relient à celle-là et s'y subordonnent. J'imagine qu'il n'y a personne ici ni ailleurs qui ne pense que les registres des hypothèques doivent montrer la position véritable de toutes les propriétés situées dans l'Etat. Il n'en est pas ainsi aujourd'hui. Le bill cherche à accomplir et à réaliser cette réforme. Certaines personnes diront que les mineurs, sous le nouveau système, pourront être victimes de la fraude; je ne le nie pas: mais je prétends qu'ils ne sont pas beaucoup à l'abri sous le système actuel. Si donc il y a égalité sur ce point entre les deux systèmes, il n'y a pas à hésiter entre les deux; car, sous tous les autres rapports, le nouveau régime hypothécaire que nous proposons de substituer à l'ancien, présente une incontestable supériorité. Les biens des mineurs doivent être protégés, assurément; mais pourquoi d'une manière spéciale? Que leurs biens soient protégés, mais comme ceux des autres personnes.

Chacun a les mêmes droits à la protection jalouse de la loi. Pas une classe de citoyens ne doit souffrir pour le bénéfice d'une autre classe. Sans doute, sous ce nouveau régime comme sous l'ancien, il y aura des abus commis, il y aura de la fraude

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Mais quelle est la loi qui n'ait pas été violée? Y a-t-il une loi au monde qui n'ait jamais été enfreinte? N'avons-nous pas des lois très sévères contre l'assassinat? Cependant, on assassine. Faut-il, pour cela, supprimer la Loi? Remarquez qu'il ne faut jamais n'examiner une question que sous une seule face: Il faut la considérer sous tous les aspects. Il ne faut pas voir seulement les mineurs dans cette question. Il y a deux graves intérêts en jeu, tous les deux également respectables, l'intérêt des mineurs et l'intérêt des tiers. Si, pour assurer d'une manière absolue le premier de ces intérêts, il faut sacrifier aussi absolument le second, devra-t-on s'arrêter à ce moyen complètement injuste? Si les mineurs ne doivent pas être dépouillés, faut-il que les majeurs le soient? Pourquoi les mineurs seraient-ils placés dans cette position exceptionnelle? On leur accorde une hypothèque légale. Il est vrai que malgré la pénalité, on pourra se soustraire quelquefois à la loi, et ne pas faire inscrire l'hypothèque. Mais c'est là l'inconvénient de toutes les lois. Faut-il enchaîner la société toute entière, parceque quelques malfaiteurs peuvent être cachés dans son sein?

Non. Tout ce que peut faire le Législateur, c'est de prononcer une pénalité contre les fraudes comme contre le crime. Mais il se commettra toujours des fraudes et des crimes.

Nous vous soumettons aujourd'hui ce que nous croyons être un bon bill. C'est le résultat de longues études et de la plus mûre réflexion. C'est l'opinion des premiers jurisconsultes de l'Etat. Nous vous l'offrons comme un remède à un mal douloureux qui épuise la société, à un mal dont l'existence oppressive n'est contestée par personne, même par nos adversaires. Si le bill, tel que nous vous le présentons, laisse encore à désirer, si quelques amendements sont nécessaires pour le rendre meilleur encore, eh bien, qu'on les propose, qu'on les vote. Il est des amendements que moi-même je désire proposer, et qui peut être rendront le bill acceptable pour chacun. J'accepterai avec reconnaissance ceux qui pourront être proposés par mes collègues, de même que j'accueillerai avec bonheur tous les avis utiles qui pourront nous venir, de quelque part que ce soit. Mais enfin, Messieurs, faisons un pas, constatons un principe, sortons de cette ornière où nous sommes embourbés. Donnons au pays quelque chose qui ressemble à un progrès. Sans doute, il arrivera que nous ne serons pas tous d'accord sur chaque mot du bill, mais si nous sommes tous d'accord sur l'ensemble, nous pouvons, ce me semble, nous faire quelques concessions de détail.

M. Palfrey. Messieurs, à la dernière session de la Législature, quand un bill du même caractère que celui-ci, a été introduit devant le Sénat, j'ai pris part à la discussion qui s'y établit alors, et, quoique inaccoutumé à traiter des questions purement légales, j'ai cru de mon devoir de signaler les points de ce bill qui me paraissaient défectueux ou vicieux, de les combattre, et enfin d'essayer de faire adopter divers amendements à ce bill. J'ai eu la bonne fortune de voir accepter ces amendements par le Sénat d'alors, et ils ont passé avec le bill. Quelques autres, également proposés par moi, ont échoué devant la même assemblée. Quoique le bill, en ce moment soumis à nos délibérations, diffère en quelques points particuliers, mais d'importance secondaire, de celui présenté à la dernière session, cependant comme dans son ensemble il repose sur les mêmes principes et doit produire les mêmes effets désastreux, je me crois encore obligé, cette fois, malgré la conscience que j'ai de mon incompétence, et ma crainte de ne pas m'acquitter comme il faudrait d'une tâche aussi importante, je me crois obligé, dis-je, à commenter encore ce bill, à faire ressortir ce que j'appelle ses inconvénients, et à faire tous mes efforts pour empêcher son adoption. Tout au moins, si ce résultat est au dessus de mes forces, j'essaierai de faire accepter quelques amendements qui en diminuent la pernicieuse influence. J'espère, Messieurs, que dans cette difficile entreprise, je ne serai pas seul dans mon camp, et que, à mesure que la discussion s'avancera, des champions plus compétents et plus habiles, et que je vois à mes côtés, prendront part à la lutte, et donneront à la cause que je défends, l'appui de leur talent et des ressources que leur fournira une longue expérience et la pratique des lois.

Et, à ce propos, je ne puis m'empêcher de payer, en passant, un tribut de considération à un de nos anciens collègues, qui, à la dernière session, était au milieu de nous, et a opposé au bill auquel j'ai fait allusion, toute la vigueur de son talent et la rectitude de son esprit. Quoique ce ne soit peut-être pas régulier, je demanderai, Messieurs, qu'on veuille bien me permettre de profiter de cette occasion, la seule qui se soit encore présentée, de rendre témoignage à son caractère élevé et digne d'un homme chargé de défendre les intérêts publics. Tout le monde a compris que je veux parler de l'hon. Thomas C. Nicholls. De son siège au Sénat, le peuple de son district l'avait élevé, par vote unanime, jusqu'à un siège à la Cour. Ceux qui ont été ses compagnons de travail, ici, sur ces bancs, peuvent, comme moi, rendre hommage à son zèle pour le bien public, à l'urbanité et à l'aménité de ses manières, à sa candeur, au soin avec lequel, dans les discussions les plus chaudes, il évitait toutes personnalités disgracieuses, étranger qu'il était à l'âpreté et à la violence de l'esprit de parti. Mais on ne peut lui rendre pleinement justice, que lorsqu'on l'a connu dans sa vie privée, aussi bien que dans la sphère à laquelle il avait été appelé en quittant le Sénat. Dans l'exercice des hautes fonctions judiciaires auxquelles l'avaient élevé les suffrages unanimes de ses concitoyens, il s'est montré ferme, indépendant, impartial et éclairé. Son amour des immuables principes de la vérité et de la justice, avaient appelé la confiance sur ces décisions; et on le considérait autant comme un arbitre officieux que comme un juge. Quand il avait à décider sur des affaires criminelles, il savait allier les rigueurs de la justice avec les besoins de la clémence, et le châtiment, sans cesser d'être sévère, était cependant mitigé dans ce qu'il pouvait avoir de trop cruel.

Ce sénateur si éminent, ce magistrat si intègre, nous l'avons perdu jeune encore et dans la plénitude de ses hautes facultés. Il nous a quittés, pour comparaître lui-même devant un tribunal plus élevé que tous les tribunaux terrestres, et il y reçoit sans doute la récompense dûe à sa vie si noble et si pure.

Et maintenant, je reviens à la question hypothécaire, en priant de nouveau le Sénat de vouloir bien me pardonner cette digression en faveur d'un souvenir aussi respectable.

Je prétends donc que le bill actuellement devant le Sénat, en voulant prendre la place de la loi qui nous régit en ce moment, ne nous donnerait équivalent à ce qu'il veut détruire, en ce qui concerne la sécurité des mineurs et des femmes mariées. Selon moi, l'obligation d'inscrire les hypothèques légales est fatale aux intérêts des personnes dont il s'agit. Et cependant, Dieu me garde de faire à ce bill une opposition fanatique. Je ne suis pas si aveuglément attaché à un système particulier de législation, que je ne puisse apercevoir les mérites d'un autre système. Je l'avouerai, d'ail-

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leurs, j'ai souvent eu à regretter les inconvénients que traîne après lui le présent système. J'ai vu avec peine la nécessité d'avoir recours à des hypothèques tacites. La plus légère réflexion fait comprendre que les intérêts de toutes les classes de la société doivent être protégés, aussi bien ceux des créanciers et des capitalistes, que ceux des mineurs et des femmes mariées.

Maintenant, lequel de ces droits devons-nous principalement protéger? le *fort* ou le *faible*? ceux qui sont en état de se protéger eux-mêmes en faisant des recherches et en s'assurant de l'état hypothécaire des immeubles qu'ils veulent acheter, ou sur lesquels ils veulent faire un prêt,—ou bien ceux qui sont incapables de rien faire pour se défendre contre la fraude?

Pour ma part, je n'éprouve pas la moindre hésitation à déclarer que, dans mon opinion, la loi doit accorder toute protection aux faibles, aux êtres incapables de se défendre par eux mêmes. Les défenseurs du bill nous ont uniformément déclaré que l'objet de ce bill est de convertir les hypothèques inconnues en hypothèques connues. Si en effet c'est là que se borne la portée du bill; s'il est vrai qu'on ne veuille que changer le caractère latent de l'hypothèque contre un caractère apparent, et si l'on est cependant prêt à conserver à l'hypothèque légale son effet général sur tous les biens présents et à venir du tuteur ou du mari, alors je n'ai pas d'objection. Mais, est-ce bien là ce qu'on veut? Je ne le pense pas. Le bill renferme certaine prescription qu'il ordonne aux tuteurs ou aux maris d'accomplir sous certaines peines. Mais supposons que des infractions à cette loi soient commises, (et les tentations ne seront que trop fréquentes), eh bien! vous appliquerez la peine. Mais cela rétablira-t-il le mineur ou la femme mariée dans ses droits? En aucune façon. Je crains bien que ce bill ne fournisse aucun moyen efficace de rendre inévitable l'inscription des hypothèques en faveur des mineurs et des femmes mariées, dans les paroisses autres que celles de la résidence du tuteur ou du mari, et sur les propriétés acquises à différentes époques depuis le mariage ou la tutelle. De sorte qu'en même temps que ce bill nous promet beaucoup, je crois qu'il tiendra fort peu; car il se trouvera sans effet dans ses principales dispositions.

On a prétendu que le système des hypothèques tacites est un obstacle à la prospérité de l'Etat, et plus particulièrement encore au développement commercial et industriel de la Nouvelle-Orléans. On a dit que ce régime produit un sentiment d'incertitude et de doute sur la validité des titres de propriété, qui éloigne les capitaux, empêche qu'ils ne soient employés en acquisition d'immeubles ou en prêts sur hypothèque, et que par conséquent il est une cause de décadence et de ruine. Mais si nous regardons autour de nous, ne pouvons-nous trouver d'autres causes à ce manque de prospérité et de développement, à cette défiance des capitaux, que celles qui ont été alléguées? Les lois qu'on veut détruire, comme étant la cause de tout ce mal, n'ont-elles donc pas toujours existé dans notre état? et cependant malgré leur existence l'Etat n'a-t-il pas, dans d'autres temps et d'autres circonstances, été florissant et prospère? Rappelez-vous ce qu'était la Louisiane jusqu'en 1837 ou 1836. Vit-on jamais développement plus rapide, prospérité plus grande, qu'à la Nouvelle-Orléans pendant de longues années avant l'époque que je viens de citer? Le déclin de la prospérité ne peut-il donc être attribué à d'autres cause qu'à l'existence de la loi hypothécaire qui est en vigueur depuis la formation du gouvernement?

Ne peut-on attribuer ce déclin, en premier lieu, à la construction de lignes de transport conduisant les produits de l'ouest à d'autres marchés que celui de la Nouvelle-Orléans; à l'insalubrité de la ville, et à l'indifférence manifeste de ses autorités en ce qui regarde l'amélioration des conditions sanitaires? Faut-il compter pour rien les énormes taxes, si propres à détourner les capitaux des propriétés foncières; et la dépression des produits de tous genres, les charges extraordinaires auxquelles ils sont assujettis, et la nécessité où se trouvent conséquemment les producteurs de les conduire par navires à d'autres marchés éloignés! Tout cela n'est-il rien à vos yeux?

Si ce décroissement de la prospérité de la ville avait réellement les causes que lui assignent les défenseurs du bill, est-ce que les intérêts de l'agriculture n'en seraient pas affectés, aussi bien que ceux de la ville? Assurément, oui. Or, à quoi doit-on attribuer la crise temporaire de l'Angleterre, si ce n'est à la dépression dans le prix de nos productions importantes? Il est déraisonnable de chercher bien loin une cause à cette souffrance toute passagère de l'agriculture, lorsque le motif en est si visible à tous les yeux. Est-ce que la valeur des propriétés territoriales ne va pas, au contraire, toujours croissant? Est-ce que cette augmentation de la valeur vénale de la terre ne marche pas assez rapidement pour démontrer qu'il y a progrès et prospérité, et pour annoncer une confiance raisonnée dans l'avenir?

Pour moi, messieurs, je ne crois pas que le temps d'arrêt qui a succédé au rapide développement de la Nouvelle-Orléans, doive être attribué à l'existence de la loi hypothécaire. Je crois qu'il y faut chercher des causes toutes différentes. Que la ville fasse nettoyer ses rues; qu'elle améliore sa condition sanitaire par des mesures sévères de salubrité; que son administration municipale apporte moins d'économie dans les détails qui intéressent la santé des citoyens et des étrangers; qu'on abaisse les taxes énormes sous lesquelles gémit la population de la ville; enfin, si l'on veut y conserver l'entrepôt des produits de l'intérieur et encourager les navires marchands à y apporter les produits du dehors, qu'on abaisse les droits de wharf et de port. Que les riches habitants de la ville construisent, au moyen de souscriptions, de nouveaux railroads; que les capitalistes ouvrent de nouveaux chemins au commerce et donnent de nouveaux encouragements à l'agriculture, et alors, vous verrez le commerce se relever et la prospérité renaître, sans qu'il soit nécessaire pour cela de sacrifier les intérêts des femmes mariées et des faibles orphelins sur l'autel des intérêts commerciaux et industriels.

Messieurs, au lieu d'attaquer la loi directement et avec des arguments de logique, on s'est plu à déverser le mépris, et, permettez-moi de le dire, la calomnie, sur cette loi hypothécaire que l'on voudrait renverser. On vous l'a peinte sous des traits hideux; on lui a jeté à la face les épithètes les plus outrageantes et les plus acerbes. On l'a traitée de *loi de trahison*, de loi faite pour encourager le dol et la fraude. On l'a comparée à un *stylet espagnol*, destiné à frapper dans l'ombre; enfin, on vous a fait apparaître à cette occasion mille visions fantastiques d'un caractère fort peu rassurant.

Eh bien, moi, messieurs, qui ne suis pas habitué aux figures du langage, et qui ne les recherche pas, si je voulais comparer à quelque chose cette loi qui a pour elle la sanction des âges et d'une sûre expérience, cette loi que nous ont transmise les profonds jurisconsultes de la grande époque romaine, et qui a été greffé sur notre code civil par les plus

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habiles jurisconsultes qu'ait jamais fait éclore la Louisiane, ah! certes, ce n'est pas à un stylet, à une arme traîtresse et faite seulement pour le meurtre et l'assassinat, que je voudrais la comparer; non, elle serait à mes yeux bien plutôt comme un bouclier d'airain, dont la puissance inoffensive et silencieuse couvre d'une protection efficace les faibles êtres qui sont hors d'état de se protéger eux-mêmes contre la fraude et la rapacité de leurs tuteurs infidèles.

A mon sens, c'est là une loi morale au premier chef. C'est la plus belle qu'ait pu produire la sagesse humaine; car elle est un frein mis à la cupidité des malhonnêtes gens; et nous avons la satisfaction de voir que si les enfants sont privés de la protection de parents qu'ils ont perdus, au moins ils trouvent dans la loi une seconde mère, qui leur assure la conservation de ces biens qu'avait ramassés pour eux une vie de travail et de privations. Je ne vois rien de plus désirable que la continuation de cet état de choses.

Toutefois, Messieurs, cela ne veut pas dire que je sois insensible aux inconvénients que cette loi entraîne après elle. Je sais qu'elle n'est pas parfaite; et je déclare que s'il était possible de faire disparaître les inconvénients sans diminuer la sécurité des mineurs et des femmes mariées, je verrais avec plaisir un pareil changement s'opérer dans la loi. Si donc, on peut me convaincre que les droits de ces personnes sont aussi efficacement protégés par l'hypothèque inscrite que par l'hypothèque latente, je suis prêt à retirer mon opposition. Mais c'est ce qui me paraît impossible. C'est pourquoi je persévère dans mon opposition.

Cependant, je serais bien aise qu'on essayât de concilier les deux systèmes; et, si la chose est possible, un comité nous le dira. Nommons, Messieurs, un comité à l'effet d'étudier cette question et de chercher un plan qui donne satisfaction à tous les intérêts.

Et quand ce comité l'aura trouvé, qu'il vienne le soumettre à l'Assemblée Générale; et, si le danger que j'ai signalé n'existe plus, alors, mais seulement alors, je voterai pour la réforme proposée.

M. Taudeau—Quoique je sois en faveur d'un système quelconque d'enregistrement de ces hypothèques que l'on nomme maintenant hypothèques tacites, je ne puis consentir à soutenir le bill sous sa forme actuelle et tel qu'il est présenté au Sénat. Car, Monsieur, en même temps qu'il éteint la garantie que la loi donne actuellement aux mineurs et aux femmes mariées, il ne présente aucun substitut valable. Le but de la loi est de protéger ces personnes que je viens de désigner, et rien ne saurait être plus juste, plus équitable, que la protection de leurs droits.

Ce bill peut être amendé, et de telle sorte, je crois, qu'il deviendra parfaitement acceptable. Il y a surtout une partie, un passage auxquels je suis opposé. C'est cette section qui laisse à l'option du tuteur d'enregistrer ou de ne pas enregistrer les hypothèques. Je vais lire cette section:

"Il est de plus décrété &c., Que toutes les fois que le tuteur de mineurs ou le curateur des biens d'un absent ou d'un interdit aura été désigné par le juge ou tout autre autorité compétente, pour nommer les tuteurs ou curateurs, le greffier de la cour délivrera à la personne ainsi désignée ou à son agent ou avocat, une copie de l'ordre de nomination afin qu'elle puisse être enregistrée dans le bureau du conservateur des hypothèques, conformément à cet acte; et les lettres de curatelle ne seront données qu'après que le dit ordre aura été enregistré, et après que la personne ainsi nommée comme tuteur ou curateur aura prêté et signé le serment suivant:

"Je (A. B.) tuteur de l'enfant ou des enfants nommé —— ou curateur de —— absent—ou de —— interdit, selon que le cas l'exige, jure solennellement (ou affirme, si la personne a des scrupules de conscience à prêter un serment) que j'ai fait enregistrer au bureau du conservateur des hypothèques l'ordre de nomination qui m'a été donné, dans la paroisse dans laquelle je réside et dans toutes les paroisses de cet Etat dans lesquelles je possède des propriétés foncières.

"Lequel serment doit être enregistré par le greffier dans son bureau.

Rien dans cet acte n'empêchera les tuteurs de donner une hypothèque spéciale au lieu de l'hypothèque générale en faveur des mineurs à laquelle la loi pourvoit; mais dans tous les cas de cette nature, chaque tuteur, avant d'entrer dans l'exercice de ses fonctions, au lieu de la dernière clause de la formule ci-dessus, sera requis de prêter serment que la dite hypothèque a été enregistrée dans la paroisse, ou les paroisses, suivant le cas, de cet Etat, dans laquelle la dite ou les dites propriétés ainsi spécialement hypothéquée ou hypothéquées sont situées."

Ainsi, comme on le voit, au lieu d'une hypothèque nous n'avons qu'un simple serment. Une personne peut obtenir des lettres de tutelle, ou de curatelle, soit qu'elle ait enregistré l'hypothèque ou qu'elle ne l'ait pas enregistrée. Tout ce qu'il est nécessaire qu'elle fasse c'est de prêter le serment à cet égard.

M. le Président, je ne voudrais pas que des droits aussi précieux que ceux des mineurs, des femmes mariées, des absents ou des interdits n'aient pour garantie qu'un simple serment qui peut être vrai ou faux, qu'un serment qu'un homme d'honneur observera sans doute, mais qu'un fripon violera sans scrupule. Je désire que les hypothèques soient enregistrées et que l'enregistrement soit une certitude. On désire substituer une hypothèque spéciale à l'hypothèque tacite ou générale. Le but serait atteint si nous faisions de cette clause une obligation. Au lieu du serment exigé par le bill, nous devons exiger que le certificat du conservateur des hypothèques soit produit en preuve du fait que l'enregistrement a été fait en son bureau. Si la personne n'a pas de propriétés suffisantes dans une paroisse, elle doit être tenue alors d'obtenir des certificats des conservateurs d'ypothèques, suffisants pour engager une valeur en propriétés plus forte d'un quart que la somme pour laquelle elles sont hypothéquées.

Je voterais en faveur du bill s'il contenait une clause semblable; mais tel qu'il est je m'y opposerai. J'espère que le Sénateur de la Nouvelle-Orléans verra lui-même la force de mon objection et qu'il admettra que le changement proposé par moi est convenable. Je voudrais que le bill soit référé à un comité, afin que ce changement puisse y être fait. D'autres modifications encore pourraient y être apportées, et si le comité conserve ce qu'il y a de bon et ajoute qui manque, le bill ne peut que devenir parfaitement acceptable.

M. Ryan—Je ne désire pas m'étendre longuement sur les mérites du bill, quoique je doive dire que je considère cette question comme de la plus grande importance pour les intérêts de l'Etat. Les opinions semblent bien partagées, bien contradictoires. Les uns soutiennent que ce bill détruira les sauvegardes dont la loi entoure maintenant les droits des mineurs et des femmes mariées; les autres disent au contraire que le système actuel gêne les opérations commerciales, diminue la va-

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leur des propriétés et retarde la prospérité de l'Etat.

Pour moi, Monsieur, je suis en faveur de l'abolition des hypothèques tacites, ou plûtot je voudrais qu'on avisât au moyen de les rendre publiques. Fussé-je seul je voterais pour obtenir cela. Mais je ne dis pas que je puisse soutenir ce bill. En premier lieu il est tellement prolixe qu'on a peine à le bien comprendre. En second lieu mon opinion est qu'il rendra inefficaces ces lois qui sont maintenant la garantie des droits des mineurs et des femmes mariées. C'est là un grand mal. La protection de cette classe a toujours commandé l'attention de nos législateurs et a été la pensée dominante dans nos lois. Nous ne devrions pas renoncer à cette protection, quelque grands que pussent être d'ailleurs les avantages du bill. Je partage l'opinion du Sénateur qui vient de reprendre son siége (M. Trudeau), qu'il peut être fait un autre bill qui présente tous les avantages de celui-ci et n'en ait pas les inconvénients, les objections fatales auxquelles je viens de faire allusion. Les particularités de nos lois actuelles à cet égard mettent en opposition les droits des mineurs et des femmes mariées avec ceux de la communauté en général. Il suffit d'y réfléchir un seul instant. Notre but devrait être de concilier autant que possible ces intérêts adverses. Je voterai en faveur d'un bill qui, tout en débarrassant le commerce des entraves qui le gênent maintenant, protégera efficacement les droits des mineurs et des femmes mariées. Leurs droits, Monsieur, doivent être rendus plus sûrs et non affaiblis. La main de la loi doit toujours s'interposer entre eux et ceux qui voudraient leur faire tort.

On ne peut se dissimuler que de grands maux résultent du système actuel. Il a été mis en opération dans une bonne intention de la part de ceux qui l'ont créé; mais les résultats qu'il a produits sont tels qu'un changement est absolument indispensable. Sous ce système il résulte souvent des fraudes dans les achats, de sorte que ce qui était destiné à être une défense pour les uns a été un tort considérable pour les autres. Je le répète, je voterai en faveur d'un bill qui remédiera aux inconvénients de l'ancien système sans présenter les désavantages du bill actuel. Nous devons protéger les droits des mineurs et des femmes mariées de cet Etat, et rien, pas même les intérêts du commerce, ne devrait nous les faire abandonner.

Cela une fois obtenu, je ne vois pas quelle objection un sénateur peut avoir à rendre publiques les hypothèques qui sont maintenant tacites ou cachées. Je ne vois pas pourquoi nous n'adopterions pas un bill rendant publics les droits des mineurs de telle sorte que le monde entier pût en avoir connaissance. Pourquoi ne le ferions-nous pas? Comment pouvons-nous porter préjudice aux mineurs en rendant publics leurs droits? Au contraire, bien loin qu'ils aient à en souffrir, il arrivera, Monsieur, qu'ils en bénéficieront beaucoup. Les capitalistes sont prudents; ils désirent toujours savoir quels droits, hypothèques ou servitudes existent sur les propriétés qui leur sont offertes en vente. Ils font de strictes investigations à cet égard. Mais à quoi leur servent, à quoi aboutissent toutes leurs recherches? il peut exister sur la propriété une hypothèque tacite. Ils se rendent au bureau du conservateur des hypothèques, et là ils ne trouvent aucune preuve, aucun indice d'une hypothèque semblable. Les années s'écoulent, et tout-à-coup, au milieu de leur sécurité trompeuse, une hypothèque tacite est dévoilée, une hypothèque dont ils étaient loin de soupçonner l'existence; la propriété est saisie et vendue, et le propriétaire de bonne foi, légitime, reste comme on dit vulgairement, "le bec dans l'eau."

C'est là un des inconvénients du système actuel; il est des plus nuisibles aux mineurs, parce qu'il tend à déprécier la valeur de leurs propriétés. C'est pourquoi nous devrions rendre publics ces droits et ne les plus laisser dans le mystère où ils sont plongés aujourd'hui.

Ainsi que je l'ai dit en commençant, je n'ai pas l'intention de faire un discours sur cette question. Je n'ai voulu que présenter le plus sommairement possible les objections qui se présentaient à mon esprit. Cette question est importante; elle a besoin d'être débattue et décidée avec calme et réflexion ainsi qu'il convient à un corps comme le Sénat. Je suis en faveur du principe général que le sénateur de la Nouvelle-Orléans (M. King) a présenté dans le cours de ses observations; mais mon opinion est que le bill ne donne pas assez de garanties, assez de sécurité aux mineurs et aux femmes mariées. Je crois néanmoins qu'un bill peut être préparé qui obvie à ces inconvénients, et en conséquence j'appuie la motion qu'il soit référé au comité.

M. WICKLIFFE—Mon intention n'est pas d'infliger un discours à mes collègues ici présents; je ne désire pas abuser d'un temps précieux qui peut être beaucoup mieux employé autrement, d'autant plus que les discours que je vois prodiguer si libéralement promettent de nous tenir encore quelques semaines sur cette même question. Pourquoi ne pas prendre le bill section par section et le discuter? Je dois dire, M. le President, que je n'aborde qu'avec méfiance cette question, parce que j'en apprécie toute l'importance et que je sens quel calme, quelle réflexion mûre et sage doit présider à nos délibérations. Le sénateur de la Nouvelle-Orléans (M. King) a dit que ce bill est le résultat des travaux de quarante des membres les plus éminents de notre Etat. Je ne prétends pas contredire ce fait qu'il avance, il me suffira d'appeler l'attention sur la première section. Elle est conçue comme suit:

"Section 1ère. Il est décrété par le Sénat et la Chambre des Représentants de l'Etat de la Louisiane réunis en Assemblée Générale, Qu'à partir du 1er jour d'avril 1855, aucune hypothèque ne sera mise à exécution ou n'existera contre une tierce personne agissant de bonne foi, à moins que l'hypothèque ne soit dûment enregistrée au bureau du conservateur des hypothèques. Cet enregistrement sera fait de manière à porter les propriétés foncières et les esclaves qui y sont attachés dans la paroisse dans laquelle chaque propriété est située et à porter sur les esclaves dans la paroisse où le débiteur a son domicile ou sa résidence ordinaire."

Voilà tout d'abord, M. le Président, une contradiction, ou du moins, ce qui peut donner lieu plus tard à une contradiction. Qui doit décider la question de savoir si la dite tierce personne a été de bonne foi? Quel tribunal doit décider de cela? Comment pouvons-nous savoir, à moins d'une enquête, s'il y a eu bonne foi de sa part? et comment cette enquête peut-elle être faite si ce n'est par voie judiciaire? C'est là une difficulté sérieuse. Dire qu'une hypothèque ne sera mise à exécution, ni n'existera contre une tierce personne agissant de bonne foi, c'est donner lieu à des contestations à des lenteurs sans nombre. C'est là une question qui ne peut être détermtnée autrement que par une enquête légale.

Je saisis cette occasion de répéter que je ne doute pas que ce bill ne soit, ainsi que le sénateur l'a dit, le résultat des travaux de quarante des plus

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fortes têtes de l'Etat. J'ai la plus grande confiance dans le jugement du président distingué du comité judiciaire, et aussi dans celui de mon honorable ami qui l'année dernière présidait le comité des terres et levées. Je ne puis qu'exprimer l'espoir que les inconvénients que j'ai signalés dans le bill ne sont pas leur ouvrage.

J'appellerai maintenant l'attention du Sénat sur la 10me section. Elle est conçue comme suit :

"Section 10. Il est de plus décrété, &c., Que toute personne qui prendra possession d'une propriété appartenant à un mineur qui n'a pas de tuteur et qui conservera la dite propriété pendant un espace de soixante jours, sans en avoir donné connaissance au tribunal qui a compétence pour nommer des tuteurs, et demandé la nomination soit de lui-même, soit d'aucune autre personne qui possède les qualités requises et consente à se charger de la dite tutelle, outre qu'elle sera passible personnellement de tous dommages causés par la dite possession, elle sera encore tenue comme coupable de spoliation, et après conviction, elle sera condamnée à une amende ou à un emprisonnement selon la décision du juge."

J'ose dire, M. le Président, que l'effet de cette section sera d'empêcher que personne ne prenne les qualifications requises pour être tuteur. Il doit en être nécessairement ainsi. Il peut se présenter des circonstances dans lesquelles il serait impossible à une personne de faire la déclaration nécessaire dans le temps spécifié, et alors le mineur perdrait l'avantage d'une tutelle ; car qui oserait se charger de la tutelle d'un mineur, lorsque dans le cas où il serait empêché de se présenter en cour dans les soixante jours, il serait soumis à une amende ou à un emprisonnement?

Mon collègue fait de la tête des signes de désapprobation. Croit-il toujours que ce bill est le résultat des travaux de quarante des plus fortes têtes de l'Etat? Supposons qu'une personne se rende auprès du juge et lui demande de faire la nomination ; supposons que personne ne puisse être trouvé qui veuille bien accepter, qu'arrivera-t-il? Il y a des moments où il pourrait être très difficile de trouver personne qui voulût accepter la nomination, et cependant ce bill empêcherait que personne voulût se charger de la propriété jusqu'à ce qu'un tuteur pût être trouvé, ou du moins, s'il le faisait, il s'exposerait à de très grands désagréments. Le sénateur nous a dit que le bill accorde une ample protection aux mineurs. Est-ce là ce qu'il nomme une ample protection? Cette section leur ôte toutes les sécurités que la loi leur accordait.

Les devoirs imposés aux greffiers des cours par ce bill sont d'une telle nature que pas un seul homme dans tout l'Etat ne pourrait les remplir dans le temps spécifié. Dans la paroisse d'Est Féliciana seulement l'ouvrage ne pourrait pas être fait en deux mois, et le bill dit qu'il doit être fait en dix jours. En outre il sera d'une impossibilité morale pour les notaires publics de remplir les devoirs exigés d'eux. Pour ces raisons je préfère le bill de la Chambre ; car il ne présente pas les objections que je viens de signaler.

M. KING—Je demande l'autorisation de dire quelques mots au sénateur qui a parlé le dernier. Lorsqu'il présentera le bill de la Chambre au lieu et place de celui que j'ai présenté, j'aurai quelques mots à dire. Je ne juge pas convenable d'en dire plus en ce moment. J'admets que quelques parties de ce bill ont besoin d'être amendées. Pour le moment, je me bornerai à quelques remarques sur le bill qui est maintenant devant nous, et je répondrai aux objections faites par le sénateur d'Ouest Féliciana, M. Wickliffe.

La première section du bill est conçue en ces termes (il lit la 1ère section).

M. le Président, rien ne saurait être plus clair, plus intelligible que cette section. Et cependant, que disent ceux qui sont opposés au bill? Tantôt ils s'écrient que les mineurs ne sont pas suffisamment protégés ; que même maintenant ils sont exposés à devenir la proie des fripons, et que nous allons leur enlever leur dernière sauvegarde. Eh bien, Monsieur, ils attaquent là un bill dont le but est de donner le plus de force possible aux droits des mineurs ; ils font objection à une section qui empêche précisément que l'on puisse frustrer les mineurs de ce qui est bien et légitimement à eux. Devant une semblable opposition ne doit-on pas supposer que ces messieurs sont animés bien plus du désir de tuer ce bill que du désir de sauvegarder les droits des mineurs?

D'après les dispositions de ce bill, si un tuteur néglige de faire l'enregistrement nécessaire, il est passible d'une forte peine. Ceux qui sont opposés au bill disent que cela ne sera pas une garantie dans tous les cas. Cela est vrai ; mais n'est-il pas également vrai que la loi sur le meurtre n'empêche pas qu'il ne s'en commette de temps à autre?

Supposez qu'un tuteur déshonnête manque de faire enregistrer l'hypothèque, dirons-nous pour cela qu'il retire les bénéfices de sa propre faute?

Non, Monsieur, et si mon vote peut quelque chose, je le donnerai contre semblable chose. J'apprécie trop bien les droits des mineurs, j'ai trop le sentiment de mon devoir comme sénateur pour ne pas lutter de toutes mes forces contre une semblable proposition. Lorsqu'il est prouvé que le tuteur a failli à son devoir, il ne devrait pas lui être permis de profiter de sa faute. Le but de cette section est d'empêcher ce résultat et d'assurer l'enregistrement de ces hypothèques. Et pourtant, le sénateur qui se donne comme l'apôtre, comme l'avocat des droits des mineurs, objecte à cette section.

M. WICKLIFFE—Le préopinant semble n'avoir pas compris la nature et le caractère de mon objection. Ce que j'ai dit, c'est que la première section en donnant lieu à des conflits, à des contradictions, contrecare l'effet du bill entier.

M. KING—Passons à la dixième section. (Il lit la 10ème section).

Et maintenant, M. le Président, effacez cette section, et toute la protection qu'elle donne aux mineurs est perdue, et il en résulte, quoi? je vous le demande. Cette section n'empêche pas qu'une personne puisse agir comme ami du mineur pendant l'espace de soixante jours. Si dans cet intervalle il se rend devant la cour, s'il déclare à qui appartient la propriété, s'il demande la nomination d'un tuteur, il prouve par là qu'il n'a aucunement l'intention de commettre une fraude, qu'il n'a aucune intention criminelle. Naturellement dans ce cas il n'est pas passible de la peine décrétée. Supprimez la section, quelle devient la position du mineur? Il est évident qu'une personne ayant de mauvaises intentions peut prendre une propriété, négliger de se faire qualifier comme tuteur, ou de donner aucune information en cour ; de la sorte, il garde à jamais la propriété. Le mineur n'aurait aucun recours. Il se verrait enlever les biens sans qu'il puisse jamais les reprendre. Voilà ce qui résulterait de la suppression de cette section.

M. le Président, il n'y a rien dans l'histoire de la discussion qui a eu lieu sur cette question qui m'ait autant frappé, pas même de voir quelques sénateurs se placer tour à tour dans des positions si différentes, si contradictoires. Tantôt on nous dit que la garantie en faveur des mineurs n'est pas assez grande, que les sauvegardes dont la loi les en-

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toure maintenant seront détruites par là ; que les mineurs seront laissés en proie aux fripponneries des tuteurs malhonnêtes ou incapables ; d'autres fois on nous dit, abandonnant ce premier terrain qui, je viens de le faire voir, n'est pas très solide, on nous dit qu'il faut défendre les droits des mineurs contre les attaques de ceux qui se disent leurs champions. Il en était de même l'année dernière lorsque la mesure a été discutée dans le Sénat ; c'était alors exactement comme aujourd'hui. J'espère qu'en dépit des efforts de l'opposition, le Sénat adoptera ce bill. Je n'ai pas dit que ce fût le meilleur bill qui pût être fait ou que l'on pût imaginer ; mais j'ai dit ce que je répète maintenant, que c'est le résultat des travaux de plusieurs des hommes les plus éminents de l'État, et je ne crois pas devoir ajouter que je suis loin d'avoir la moindre prétention de figurer parmi eux.

M. WICKLIFFE—Que le Sénat me pardonne de lui adresser encore une ou deux observations. Le sénateur de la Nouvelle-Orléans, M. King, demande quelle sera la position du mineur si nous supprimons la 10me section. Cette question, la fait-il sérieusement ? Ne sait-il pas, lui avocat, que si un individu prend possession d'une propriété, appartenant à un mineur, que s'il refuse ou omet de se faire qualifier, il y a contre lui par le fait seul de la loi une hypothèque tacite répondant du dommage qui pourrait avoir été causé ? Il me semble que c'est là une garantie suffisante. Mais quel est le but de la section dont nous nous occupons ? Elle déclare que si un individu prend possession d'une propriété appartenant à un mineur, et que s'il la retient soixante jours sans porter ce fait à la connaissance d'une cour, demandant la nomination d'un tuteur, il sera considéré comme coupable d'escroquerie et condamné soit à une amende soit à un emprisonnement, suivant le bon plaisir du juge. Je dis qu'une disposition semblable ne peut qu'être nuisible au mineur, dangereuse pour lui. Il y a des circonstances dans lesquelles un ami du mineur, quoiqu'il soit lui-même inéligible comme tuteur, peut consentir à prendre soin de la propriété et la gérer jusqu'à ce que la nomination d'un tuteur ait été faite. Il ne désirera certes pas le faire si dans le cas où il serait empêché pendant soixante jours de se rendre en cour, il doit être passible de peines telles que l'amende ou l'emprisonnement. Aux époques d'épidémie, combien de successions sont laissées ainsi dans la ville de la Nouvelle-Orléans, et alors peut-on espérer que dans le cours délai de soixante jours on puisse se rendre en cour et faire la déclaration voulue ? Cette section empêcherait qu'aucun ami voulût se charger des propriétés laissées ainsi : car le moindre oubli, la moindre négligence de sa part le rendraient passible de fortes peines. Est-ce là ce que le sénateur appelle protéger les mineurs ? Pour moi, je crois bien plûtôt que c'est le contraire.

M. LACEY—Lorsque le sénateur de la Nouvelle-Orléans, M. King, qui a présenté ce bill, a déclaré que c'était un des plus importants qui eussent encore été soumis au Sénat, j'ai répondu avec chaleur et cordialement à ses paroles. C'est en effet un bill qui réclame la plus sérieuse attention. De sa solution dépendent en quelque sorte les vastes intérêts commerciaux de notre Etat et les droits d'une grande partie de notre population. Pour moi j'appuierai le bill autant que me le permettra le sentiment de mes devoirs. Je regrette de ne pouvoir dans ce but aller aussi loin que je l'ai fait l'année dernière. Alors je l'ai soutenu avec le plus grand zèle sans prendre en considération ces objections constitutionnelles qui depuis se sont présentées à mon esprit. Comme président du comité judiciaire, j'ai encore défendu ce bill cette année ; mais je dois dire que dans le sein du comité il n'avait été élevé aucune objection constitutionnelle.

Je n'avais alors aucun doute au sujet du bill. Cependant, après avoir réfléchi mûrement sur cette question, après avoir examiné attentivement les deux bills, celui qu'a présenté le sénateur de la Nouvelle-Orléans, M. King, et celui qu'a présenté le sénateur d'Ouest Féliciana, M. Wickliffe, je n'ai pas le moindre doute que chacun d'eux contient une section qui est une violation de la Constitution. J'essaierai d'amender le bill à ce point de vue. Si je n'y réussis pas ; si le Sénat ne partage pas mon opinion à cet égard, s'il refuse de supprimer cette section du bill, je me soumettrai à sa décision et je donnerai mon vote dans le sens de la majorité. Avant d'aller plus loin, je vais essayer de développer mes idées sur l'inconstitutionalité de cette section à laquelle je viens de faire allusion. En consultant l'article 3298 du Code Civil on verra quels seraient les résultats produits par cette partie du bill. Qu'il me soit permis ici, qu'ayant en vue la haute importance de cette question, je n'hésiterai pas à occuper quelque temps l'attention du Sénat, aussi longtemps que je jugerai indispensable pour que le bill puisse être mûrement examiné. L'article 3298 du Code Civil est conçu en ces termes :

"Art. 3298. L'hypothèque existe indépendamment de toute inscription, en faveur des mineurs, des interdits et des absents, sur les biens de leurs tuteurs, curateurs et autres personnes sur les biens desquels la loi leur accorde une hypothèque tacite, soit générale, soit spéciale.

Quelle est la loi actuelle ? Quel est le statut inscrit dans le Code Civil comme une protection en faveur des mineurs, des interdits et des absents ? L'article du Code que je viens de vous lire est la réponse à ces questions. "Ils ont une hypothèque sur les biens de leurs tuteurs, curateurs et autres personnes sur les biens desquels la loi leur accorde une hypothèque tacite, indépendamment de toute inscription." Les formalités nécessaires dans tous les autres cas, ne le sont pas dans le cas qui nous occupe. Il est aisé de comprendre l'effet de cet article, mais il n'est pas aussi facile de trouver un moyen constitutionnel de nous en défaire. Il nous tout notre système de lois comme un monstre caché dans ses entrailles, toujours prêt à mordre et à déchirer. Il pèse d'un poids insupportable sur les intérêts commerciaux de notre Etat. C'est avec joie, Messieurs, que je verrais suggérer un moyen de nous en défaire, avec joie que je contribuerais à débarrasser notre Etat de ce seul résultant d'un système erronné, si cela était constitutionnellement possible. Examinons maintenant ce que propose le bill, et voyons s'il cadre aucunement avec cet article que je vous ai lu. Le bill ne propose ni plus ni moins que l'extinction totale des hypothèques tacites ; il dit qu'après le premier jour d'avril 1855, aucune hypothèque non inscrite ne pourra subsister. Le bill présenté par le sénateur d'Ouest Féliciana, M. Wickliffe, contient en substance la même disposition. Un de ces bills déclare qu'après le 1er avril 1855 il n'existera plus aucune hypothèque tacite ; l'autre n'indique pas l'époque à laquelle elles cesseront d'exister ; tous deux cependant déclarent qu'il n'existera pas d'autres hypothèques que les hypothèques inscrites. Le Code Civil accorde un certain droit à certaines parties. Un bill présenté par le sénateur de la Nouvelle-Orléans, M. King, enlève entièrement ce droit à partir du 1er jour d'avril 1855, et un bill présenté par le sénateur d'Ouest Féliciana, M. Wickliffe, l'enlève à partir du moment où le bill deviendra loi. Il

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ne saurait y avoir de doute possible sur le but de la loi actuelle et sur son effet légal. Elle concède un droit ; et ce droit, les deux bills ne le détruisent-ils pas ? La loi déclare expressément que l'hypothèque sera tacite et qu'elle existera sans qu'il soit besoin d'une inscription. Et le bill ne déclare-t il pas tout aussi expressément que l'hypothèque doit être publique et qu'elle n'aura d'effet qu'autant qu'elle aura été inscrite ? C'est donc une violation directe de la loi organique. Lisez l'article 109 de la Constitution, et vous verrez clairement, incontestablement, qu'il y a, comme je le dis, violation directe de la loi organique. Que dit cet article ?

"Il ne sera passé aucune loi *ex post facto* ni aucune loi portant atteinte à la validité des contrats ; nul ne sera privé de ses droits acquis si ce n'est pour cause d'utilité publique et moyennant une juste et préalable indemnité."

Je vois ici, dans cette enceinte, quelques uns de ceux qui ont rédigé cette Constitution, quelques honorables membres de la convention de 1844. Que pensent-ils de cette proposition ? La Constitution nous dit : "nul ne sera privé de ses droits acquis &c. &c." Aux termes de la Constitution ces droits sont des droits acquis et ce bill les éteint. Peut-on si l'on veut y réfléchir un seul instant n'être pas convaincu de cette incontestable vérité. Cette section du bill est en violation flagrante de la Constitution à laquelle nous avons solennellement juré de nous soumettre. Convaincu comme je le suis qu'il en est ainsi, je proposerai en temps opportun de supprimer cette section qui déclare que nulle hypothèque ne sera valable si elle n'a été inscrite. Je sais bien quelle réponse sera faite à mon argument : que la Législature a le droit de passer telles lois d'inscription ou d'enregistrement qu'elle juge nécessaires. C'est là ce que pourront dire ceux qui ne partagent pas mon opinion, et ils citeront l'affaire de Jackson vs. Camphire, décidée par la Cour Suprême des Etats-Unis. Mais si l'on veut aller plus au fond de la question, si on l'examine bien, on verra que cette opinion n'est pas soutenable. La décision n'a nullement été que les législatures d'Etat peuvent quand elles le jugent convenable rappeler une loi en vigueur et qui a déja donné lieu à certains droits acquis. Que l'on examine, que l'on étudie cette décision et l'on verra la vérité de ce que j'avance. Il s'agissait de la propriété d'une certaine portion de terre dans l'Etat de New York. La Législature de cet Etat avait passé une loi exigeant, pour qu'un titre fût parfait, que l'inscription ou l'enregistrement en eût été fait au préalable. La question de la constitutionalité de cet acte ayant été évoquée, la Cour Suprême rendit la décision suivante que je vais lire :

"La Cour n'est pas disposée à adopter ce raisonnement ou à considérer cette affaire comme reportant, à proprement parler, de la clause de la Constitution des Etats-Unis sur laquelle se fonde le plaignant. Le seul contrat passé par l'Etat est une concession faite à John Cornelius, ses héritiers ou ayant cause de la propriété en question ; la patente ne contient aucune convention de faire ou de ne pas faire de nouveaux actes relativement à cette propriété ; et nous ne croyons pas pouvoir dans ce cas en créer une par implication. Par cet acte l'Etat n'a pas diminué la force de la concession ; il n'essaye pas de reprendre la dite terre aux ayant cause de John Cornelius et de la donner à un autre qui ne la réclame pas en son nom ; l'avance même n'a pas ce résultat ; la concession reste en pleine vigueur ; la terre concédée reste en possession de celui à qui la concession a été faite, et l'Etat n'y élève aucun titre."

Suit la décision, dont le sénateur donne lecture.

En principe général, soutenu par la décision que je viens de citer, la Louisiane a incontestablement le droit de passer des lois d'inscription ou d'enregistrement pour faire preuve d'un acte dans les cas de simple concession pour l'enregistrement obligatoire de laquelle il est clair que la Législature a le droit de passer une loi. Il n'en est pas de même dans le cas où il existe déjà une loi concédant certains droits aux mineurs et aux femmes mariées. Ce sont là des droits acquis aux termes de la Constitution, et aucun acte législatif ne peut les en dépouiller. La décision de la Cour Suprême ne prête aucune force à la doctrine que ce pouvoir est entre nos mains. Elle ne fait que confirmer la nécessité de l'enregistrement pour la perfection d'un titre. Mais lorsqu'une loi pré-existante dit que cet enregistrement n'est pas nécessaire pour rendre valide une hypothèque et qu'une hypothèque a été établie en vertu de cette loi en faveur d'un mineur, soutiendra-t-on qu'un acte subséquent peut supprimer ou détruire des droits ainsi acquis ? Je le répète, lorsque le but est simplement de compléter un titre par l'enregistrement, l'acte peut-être constitutionnel ; mais lorsqu'il attaque des droits acquis en vertu d'une loi pré-existante, je ne crois pas qu'il puisse y avoir de doute sur son inconstitutionalité. La décision de la Cour Suprême des Etats-Unis dans l'affaire de Jackson vs. Camphire n'est pas applicable dans ce cas ; car les circonstances ne sont pas du tout analogues. Selon moi elle ne peut aucunement affecter la constitutionalité de ce bill. Néanmoins, et quelque ferme que soit ma conviction, mon esprit est toujours ouvert à la conviction, et si le Sénat juge, décide dans sa sagesse que je ne suis pas dans le vrai, je me soumettrai sans murmure à sa décision, quelle qu'elle soit, et je voterai en faveur du bill.

Cette section exceptée, le bill est excellent, aussi bon que pouvaient le faire non pas quarante seulement, mais cent, mais mille hommes de l'élite de la nation. Néanmoins, je soutiens que nous ne pouvons adopter une loi qui porte atteinte aux droits des mineurs et des femmes mariées de notre Etat ; et même si nous en avions le pouvoir, je doute fort qu'il fût d'une sage politique de l'exercer en pareille circonstance. Que les droits qu'ils ont acquis, que les priviléges que la loi leur assure leur soient conservés ; qu'ils soient considérés comme inviolables et sacrés, et qu'aucune loi nouvelle n'y touche. Efforçons-nous d'exiger l'inscription de ces hypothèques, mais n'abusons pas dans ce but de nos pouvoirs législatifs.

J'appellerai maintenant l'attention du Sénat sur les détails de ce bill et j'exprimerai mon opinion à ce sujet en commençant par déclarer qu'à part la section qui, comme je viens de le dire, est, dans mon opinion, inconstitutionnelle, tout le reste a mon entière approbation. La pénalité que le bill impose aux tuteurs et aux curateurs, dans le cas où ils négligeraient de se conformer aux dispositions de la loi, a soulevé quelque objection de la part d'un sénateur. Je dis, moi, et je soutiens que ce n'est que par une forte pénalité en cas d'omission que nous pouvons obtenir l'enregistrement des hypothèques. Le bill peut être appelé un bill de pénalité, mais c'est là sa force principale. C'est par ce seul moyen qu'il peut être rendu efficace. Peut-être aussi trouvera-t-on qu'il est long ; mais cela est de toute nécessité. La transition d'un ancien système à un système nouveau, surtout dans des questions aussi importantes, nécessite des détails nombreux et complexes qui ne peuvent être circonscrits dans les étroites limites d'un bill ordinaire. Sa longueur empêchera peut-être qu'il ne

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soit lu ; mais ce serait bien à tort, ce serait bien regrettable.

Je vais maintenant essayer de faire voir que ce bill n'est pas du tout un épouvantail ainsi qu'on l'a prétendu ; et pour cela il me faudra analyser en courant et le plus brièvement possible ses différentes dispositions. Le premier article traite particulièrement des femmes mariées. Je dois déclarer ici que dans toutes ses parties le bill est parfaitement clair. Ainsi que je l'ai déjà dit, la courtoisie, l'exquise galanterie qui distinguent l'honorable sénateur qui a présenté le bill l'ont décidé à donner en premier lieu toute son attention au sexe le plus faible, mais aussi le plus beau. Mais voyons le bill. Que décrète-t-il lorsque la femme a une hypothèque secrète ou tacite? Voici le texte :

Section 2· Résolu, Qu'il sera du devoir de tous notaires publics ou autres officiers exerçant les fonctions de notaire public, de faire inscrire au bureau de la conservation des hopothèques dans la paroisse où réside la partie contre laquelle il peut exister une hypothèque légale, tout acte passé devant lui et qui, en vertu des lois de cet Etat, donnerait lieu à une hypothèque légale en faveur de la femme sur les biens du mari, que ce soit un contrat de mariage ou tout autre acte servant à constater les sommet d'argent que la femme peut avoir apportées sous forme de donaire au moment du mariage, ou que ce soient des quittances ou toutes autres pièces indiquant d'une manière formelle les sommes d'argent ou autres valeurs reçues par la femme ou pour elle par son mari pendant le mariage ;

Que tout notaire ou toute personne exerçant les fonctions de notaire, qui aura négligé de se conformer aux prescriptions de la présente section en ce qui concerne la transcription des actes ci-dessus mentionnés, au bureau des hypothèques, sera personnellement responsable envers la personne qui aura pu souffrir de ce défaut de transcription, de tous dommages et intérêts, qu'il sera considéré comme coupable de malversation dans l'exercice de ses fonctions, et, en conséquence de ce, après instruction de l'affaire, destitué de ses dites fonctions et condamné à une amende et à un emprisonnement dont le montant et la durée seront à la discrétion de la cour."

On voit donc par là que le bill impose simplement aux notaires qui ont passé des actes comportant hypothèque légale de les faire transcrire afin de les rendre publics, et que cette obligation leur est imposée sous une pénalité en cas d'omission. Et pourquoi la loi ne commanderait-elle pas cela? pourquoi ne punirait-elle pas toute négligence à cet égard? C'est là un acte qu'il est facile d'accomplir, et le moyen proposé par le bill est le seul qui puisse assurer la publicité.

Ensuite le bill passe aux exécuteurs, curateurs, administrateurs et autres personnes par l'entremise desquelles peuvent être reçus les biens et les valeurs appartenant au mineur ou à la succession, et impose à ces dépositaires l'obligation de retirer du mari une quittance authentique de l'argent ou des valeurs, laquelle quittance sera transcrite au bureau des hypothèques et formera inscription contre le mari. Cette transcription aura lieu dans la paroisse où réside ce dernier et dans toutes les paroisses où il peut posséder quelques immeubles. Il y a aussi une pénalité prononcée contre tous exécuteurs testamentaires, curateurs ou administrateurs qui négligeront de se conformer aux prescriptions de la loi.

Enfin le bill dispose encore que les clercs des cours dans l'office desquels il peut exister quelque pièce concernant et indiquant une hypothèque légale en faveur de la femme, sur les biens de son mari, fera transcrire cette pièce au bureau des hypothèques.

N'est-ce pas très simple et très clair? Chacun ne peut-il pas comprendre cette loi à première lecture? Non seulement le texte est clair, mais ses prescriptions sont faciles à accomplir, et leur effet est sûr, si on s'y conforme. Les hypothèques doivent être inscrites dans la paroisse où la personne réside et dans toute autre paroisse où il peut posséder quelques immeubles. Aussitôt que l'inscription a eu lieu, elle prête le serment d'usage, et l'argent lui est alors versé. Est-ce que cela n'assure pas la publicité de ces hypothèques? Aussitôt que la quittance est transcrite et que le serment est prêté, l'argent est versé, mais non auparavant. Cela est excessivement simple. On ne saurait rien imaginer de plus simple.

Ainsi, j'ai fait voir, en premier lieu, quel sera, sous l'empire de ce bill, le devoir des notaires, et, en second lieu, quel sera celui des curateurs, exécuteurs testamentaires et administrateurs. Ceux-ci ne reçoivent l'argent ou les valeurs que lorsqu'un acte authentique aura été transcrit dans chaque paroisse de l'Etat où ils peuvent posséder quelque propriété foncière.

M. RYAN—Je voudrais faire une question à l'honnorable membre, La quatrième section du bill dit :

Section 4.—Il est de plus résolu &c., que toutes les fois que le tuteur d'un mineur ou le curateur des biens d'un absent ou d'un interdit, aura été désigné par le juge ou par toute autre autorité compétente pour nommer les tuteurs et curateurs, le greffier de la Cour livrera à la personne ainsi désignée ou à son agent ou avocat, une copie de l'ordre de nomination, afin qu'elle puisse être transcrite au bureau des hypotheques, conformément à cet acte, ainsi que des lettres de curatelle qui ne seront délivrées qu'après que le dit ordre aura été enregistré, et après que la personne ainsi nommée à la tutelle ou à la curatelle, aura prêté et signé le serment suivant :

"Je (A. B.) tuteur de l'enfant ou des enfants nommé ou nommés, ou curateur de — absent, ou de — interdit—, selon que le cas l'exige, jure solennellement (ou affirme,—si la personne a des scrupules de conscience à prêter un serment), que j'ai fait enregistrer au bureau du conservateur des hypothèques, l'ordre de nomination qui m'a été donné, dans la paroisse où je réside et dans toutes les paroisses de cet Etat où je possède des propriétés foncières."

Lequel serment doit être enregistré par le greffier dans son bureau.

Rien dans cet acte n'empêchera les tuteurs de donner une hypothèque spéciale au lieu de l'hypothèque générale en faveur des mineurs à laquelle la loi pourvoit ; mais dans tous les cas de cette nature, chaque tuteur, avant d'entrer dans l'exercice de ses fonctions, au lieu de la dernière clause de la formule ci-dessus, sera tenu de prêter serment que la dite hypothèque a été enregistrée dans la paroisse ou les paroisses, suivant le cas, de cet Etat, dans laquelle les dites propriétés, ainsi spécialement hypothéquées, sont situées."

Je suppose que la personne soit complètement insolvable, et qu'elle prenne la fuite, où sera, dans ce cas, la sûreté des droits des mineurs?

M. LACEY—C'est là une question étrangère aux débats. Nous ne nous occupons pas ici de faire une loi qui garantisse les droits des mineurs. Tel n'est pas l'objet de ce bill. Ces droits sont déjà protégés. Le seul objet du bill que nous discutons est de rendre obligatoire l'inscription des hypothè-

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ques légales qui conservent ces mêmes droits. Je dis ici, une fois pour toutes, que nous ne cherchons pas ici à assurer les droits des mineurs. Retranchez la première section qui est inconstitutionnelle, et les droits dont on parle seront tout aussi bien garantis que sous l'empire du présent système hypothécaire. L'honorable membre demande quelle sera la garantie des mineurs, si le bill passe. Leur garantie sera dans la pénalité sévère que prononce la loi contre tous notaires, clercs, curateurs, tuteurs, &c., qui auront manqué de faire inscrire l'hypothèque légale qui leur aura été connue. Il me semble que ce n'est pas là une protection illusoire, mais au contraire bien efficace.

M. TRUDEAU—Le bill n'aura-t-il pas pour effet d'abolir entièrement les hypothèques tacites?

M. LAGUE—Je pense que ce serait au contraire l'effet inévitable des bills proposés. L'abolition serait immédiate aux termes de l'un des bills, et serait retardée seulement jusqu'à la fin d'avril 1855, aux termes de l'autre. Je le répète, je regarde cette portion du bill comme inconstitutionnelle, et c'est pourquoi j'en demande le retranchement.

Maintenant, analysons le bill. La première page ordonne l'inscription des hypothèques futures en faveur des femmes mariées. Mais ce bill serait imparfait s'il s'arrêtait là. Il est nécessaire qu'il ordonne également l'inscription des hypothéques déjà existantes. C'est précisément ce qu'il fait. Les clercs des cours ont ordre de classer les documents qui sont en leur possession et de faire inscrire toute hypothèque de cette nature. Ainsi, comme on le voit, le bill a prescrit la publicité des hypothèques déjà créées et de celles à venir. Puis, après s'être occupé des femmes mariées, le bill passe au chapitre des mineurs. Comment arrive-t-il à assurer l'inscription des hypothèques légales en faveur des mineurs, soit présentes, soit futures, c'est ce que je vais faire ressortir. Voici comment s'exprime à cet égard la section 4 du bill:

Section 4.—Il est de plus résolu &c, que toutes les fois que le tuteur d'un mineur ou le curateur des biens d'un absent ou d'un interdit, aura été désigné par le juge ou par toute autre autorité compétente pour nommer les tuteurs et curateurs, le greffier de la Cour livrera à la personne ainsi désignée ou à son agent ou avocat, une copie de l'ordre de nomination, afin qu'elle puisse être transcrite au bureau des hypothèques, conformément à cet acte, ainsi que les lettres de curatelle qui ne seront délivrées qu'après que le dit ordre aura été enregistré, et après que la personne ainsi nommée à la tutelle ou à la curatelle, aura prêté et signé le serment suivant:

"Je (A. B.) tuteur de l'enfant ou des enfants nommé ou nommés, ou curateur de — absent ou de — interdit—, selon que le cas l'exige, jure solennellement [ou affirme, — si la personne a des scrupules de conscience à prêter un serment], que j'ai fait enregistrer au bureau du conservateur des hypothèques, l'ordre de nomination qui m'a été donné, dans la paroisse où je réside et dans toutes les paroisses de cet Etat où je possède des propriétés foncières;

Lequel serment doit être enregistré par le greffier dans son bureau.

Rien dans cet acte n'empêchera les tuteurs de donner une hypothèbue spéciale au lieu de l'hypothèque générale en faveur des mineurs à laquelle la loi pourvoit; mais dans tous les cas de cette nature, chaque tuteur, avant d'entrer dans l'exercice de ses fonctions, au lieu de la dernière clause de la formule ci-dessus, sera tenu de prêter serment que la dite hypothèque a été enregistrée dans la paroisse ou les paroisses, suivant le cas, de cet Etat, dans laquelle les dites propriétés, ainsi spécialement hypothéquées, sont situées.

Quand toutes ces formalités sont accomplies; quand le tuteur a été nommé, quand le clerc a délivré copie de l'ordre de nomination à ce dernier ou à son conseil, quand cet ordre a été transmis au bureau des hypothèques, alors, et alors seulement, les lettres conférant l'exercice de la tutelle seront délivrées. Tout cela n'est-il pas tres simple? n'est-ce pas très facile à accomplir?

On pourra dire que toutes ces formalités entraînent beaucoup d'embarras, et sont, après tout, fort gênantes. Mais ne vaut-il pas beaucoup mieux s'y soumettre que de laisser le commerce écrasé sous un joug funeste, et les propriétés frappées de discrédit, comme il arrive aujourd'hui? Abolissons donc le système actuel. Rendons enfin publiques et faisons connaître à tous les hypothèques de toute nature qui peuvent grever une propriété. Quand un homme qui désire acheter un immeuble peut s,assurer par lui-même de l'état hypothécaire de cet objet, il ouvre les yeux et n'est pas exposé à être trompé.

La sixième section du bill ordonne que le premier jour de juillet, ou auparavant, il sera du devoir de tous clercs des Cours de Justice de l'Etat, (excepté toutefois les clercs de la Cour Suprême), de rechercher les pièces conservées dans les archives de leurs offices, pouvant concerner la nomination de tuteurs ou de curateurs à des personnes interdites aux biens d'individus absents, et de dresser au plus tard, dans les dix jours qui suivront le 1er juillet, une liste exacte de toutes ies dites tutelles ou curatelles dont les archives auront indiqué l'existence; laquelle liste contiendra les noms des mineurs et de leurs tuteurs et curateurs qui ont été nommés avant l'empire du nouveau bill, avec les dates de ces nominations.

La cinquième section déclare "que les fonctions de tous tuteurs ou curateurs d'absents ou interdits, actuellement en exercice, cesseront le premier jour de juillet prochain, à moins que, dans ces intervalles ils n'aient fait transcrire aux bureaux d'hypothèques indiqués par la loi, les lettres de tutelle à eux originairement données, etc."

Cela, la Législature a le droit de le faire.

La Législature a le droit incontestable de mettre fin à toutes tutelles et curatelles à un jour dit. Le bill, ensuite, dans la section 6, indique la manière dont ces tuteurs et curateurs devront être cités en justice pour recevoir, s'il y a lieu, de nouvelles lettres de nomination. J'ai lu au Sénat, la première partie de cette section. Les dispositions qui terminent cette première partie s'occupent de la manière dont les citations doivent être données aux tuteurs et aux curateurs, et réglent les pénalités qui doivent être prononcées pour négligence du shérif dans l'accomplissement de ses devoirs, ainsi que diverses autres formalités indispensables.

Telles sont à peu près les principales dispositions du bill. Elles sont extrêmement simples, et la seule objection qu'on puisse faire à ces dispositions, est dans la sévérité des peines prononcées contre la négligence des officiers chargés de faire faire l'inscription des hypothèques légales. Mais je ne puis pas m'arrêter à une pareille objection: elle est sans valeur à mes yeux, et je ne la trouve même pas raisonnable.

Ces pénalités sont absolument nécessaires pour rendre inévitable l'exécution de la loi. Sans cette conservation indispensable, il serait inutile d'espérer de pouvoir jamais atteindre le but proposé. On peut l'appuyer du nom de Bill Draconien, mais là seulement est la beauté, là seulement est sa force. Si vous enlevez la pénalité, que reste-t-il? un texte vain, un non-sens. Les lois, sans la conservation

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pénale, ne sont plus qu'un livre de morale. Il faut les imprimer à la suite de l'Evangile, et cesser de les insérer dans nos codes.

J'arrive maintenant à une ou deux objections au bill, faites par le sénateur d'Ouest Féliciana, M. Wickliffe. La première porte sur ce que les tuteurs sont obligés de fournir caution. A présent les tuteurs naturels ne sont pas requis de fournir aucune caution. Et pourquoi y seraient-ils contraints? Pourquoi imposerait-on à des parents, protecteurs naturels de leurs enfants, l'obligation de comparaître en cour, pour y fournir une caution de leur fidélité à remplir ces devoirs que la nature elle-même leur a imposés? Qu'avons nous besoin de modifier la loi actuelle sur ce point? La loi est-elle plus forte que la nature? Je crois, pour ma part, que l'obligation naturelle est assez forte, et que nous ne pouvons rien y ajouter sans anticiper sur les droits de la famille et porter atteinte à la dignité du père ou de la mère. Ne portons pas une main sacrilége sur ces liens sacrés; ne nous interposons pas entre le père de famille et ses enfants qu'avec respect et déférence; et, comme le dévot Musulman, ôtons nos sandales avant d'entrer dans le sanctuaire de la famille. Je ne vois aucune nécessité de modifier notre législation sur ce point.

Le bill de la Chambre dit que tous tuteurs seront tenus de fournir caution. Je vais montrer, par un seul exemple, quelles peuvent être les conséquences de cette disposition. Je suppose qu'un père de famille ayant un enfant en bas âge est appelé par le cours naturel des choses, à dire à ce monde terrestre un éternel adieu. Il descend dans la tombe, en laissant à son épouse affligée le soin du cher enfant, gage de leur union. Le père et mari n'est pas plûtôt couché dans la solitude du tombeau, que la mère, les yeux encore mouillés de pleurs, le cœur gros d'affliction, doit aller se présenter devant une cour et réclamer ses lettres de tutelle; et Shylock lui demandera caution? Mais alors que devient donc cette sainteté de l'amour maternel? que faites-vous donc de cette affection sublime que Dieu a mise au cœur des mères, et contre laquelle les obstacles sont impuissants? Ah! vous outragez la loi divine, ne le comprenez vous pas, en essayant de greffer sur nos lois un principe aussi manifestement contre-nature! Le tuteur naturel est celui que semble désigner la nature. En lui confirmant son titre, vous ne faites qu'obéir à une loi supérieure; qu'avez-vous donc besoin de lui demander caution? J'ose espérer, Messieurs, que vous n'adopterez pas un bill entaché d'une pareille monstruosité. Je ferai encore une autre objection à ce bill: c'est que plusieurs de ses dispositions ne sont sanctionnées par aucune pénalité et sont par conséquent sans efficacité. Remarquez au contraire que dans le bill proposé par le sénateur de la Nlle-Orléans, cette condition indispensable d'une bonne loi n'a pas été oubliée. Aussi le premier bill manquera-t-il le but qu'il se propose, tandis que le second est assuré de l'atteindre. J'ai pleine confiance dans les lumières du membre distingué de la Chambre, qui a évoqué le bill introduit par le sénateur d'Ouest Féliciana. Ses opinions et son jugement méritent qu'on en fasse cas; mais dans cette circonstance, il n'a pas fait preuve de cette sage prévoyance qui distingue si éminemment le bill du sénateur de la Nlle-Orléans. Ce sénateur a été assez bon pour faire une allusion trop flatteuse a mes faibles collaborations à ce bill. Je dois, pour rendre hommage à la vérité, déclarer que tout le mérite lui en revient.

Et ne croyez pas, parce que je demande le renversement de notre système d'hypothèques tacites, que je sois pour cela un ami des changements en législation, généralemant parlant. Ne croyez pas que je me plaise à jeter par terre les monuments qu'ont respectés nos pères. Tout au contraire, j'aime et je vénère ces nobles débris d'une antique civilisation, dont le souvenir domine si majestueusement les horizons du passé. Je suis plein d'admiration pour ces nobles jurisconsultes, amis de la vérité et de la justice, et osant les défendre au péril même de leur vie. Je ne saurais oublier celui d'entr'eux qui, sommé par Caracalla de trouver un moyen de l'excuser du meurtre de son père, lui répondit ces paroles mémorables: "Il est plus aisé de commettre un parricide que de le justifier".

Tous ces souvenirs sont gravés en mon cœur. Je sais d'ailleurs que ces sages éléments de législation ont pour eux la consécration de la longue expérience des siècles. A part les changements opérés dans les mœurs par les progrès de la civilisation, les principes généraux sont ce qu'il y a de plus pur et de plus vrai. J'aime donc, Messieurs, cette loi antique qui a consacré la société au milieu de l'ignorance de conquérants barbares, J'apprécie aussi à leur juste valeur les jurisconsultes qui ont si bien interprêté la loi romaine, soit en France, soit en Espagne, et en ont mis en harmonie toutes les parties éparses.

Je le répète, je ne suis point l'avocat du changement en matière législative, et je ne demande la réforme d'une loi qu'en cas d'absolue nécessité.

Et c'est ici le cas ou jamais.

Sous l'empire de notre système actuel d'hypothèques tacites, nous avons eu à déplorer les plus fatales conséquences. Les capitaux, sans production et mis, pour ainsi dire, au ban de la loi, ont cherché un autre écoulement. Le commerce est resté languissant, et les propriétés ont immensément diminué de valeur. Tels sont les maux déplorables qui apparaissent aux yeux de l'observateur le moins attentif. Nous devons y porter remède sans aucun retard. Il ne faut pas qu'il y ait rivalité et encore moins animosité entre les partisans de chacun des deux bills. Mûs par le même désir du bien public, et d'accord sur le principe général, ils doivent se faire des concessions réciproques et marcher en bonne et pleine intelligence. Prenons-les tous deux en considération, examinons-les avec soin, harmonisons leurs dispositions contradictoires, tâchons, s'il est possible, de les fondre tous deux en un seul bill, passons ensuite ce bill ainsi conçu, et envoyons-le à l'autre Chambre pour lui demander une adhésion que, j'en suis sûr, elle ne nous refusera pas si nous passons un bill qui, sans s'immiscer en aucune façon dans les droits des mineurs ce des femmes mariées, ordonne simplement la publicité des hypothèques légales créés à leur profit, l'autre Chambre ne pourra y faire aucune objection. Si elle en faisait, et bien alors, laissons-la supporter seule le poids de l'indignation populaire. Nous aurons fait notre devoir, et nous pourrons nous présenter devant nos Constituants le cœur pur et la conscience tranquille.

M. Moore. C'est avec une grande défiance que je me hasarde à risquer quelques observations sur un sujet qui vient d'être traité avec autant de science et de talent par ceux que nous avons entendus. Mais je ne puis me dispenser de soumettre au Sénat les sentiments et les réflexions qui me portent à être maintenant opposé aux bills qui nous sont présentés. Quand, pour la première fois, je pris connaissance du bill introduit devant le Sénat, je le croyais vraiment très bon et très opportun, mais depuis, un examen plus attentif de cette résolution m'a éclairé sur ses dispositions, et j'ai été, je l'avoue, effrayé de leur complication et des embarras énormes qui en doivent inévitablement surgir. En addition à ces difficultés, il est encore

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une autre objection qui en est, selon moi, la condamnation positive, c'est que les deux bills sont inconstitutionnels. Il ne peut y avoir doute à cet égard, dans l'esprit de personne. En essayant de renverser le système des hypothèques tacites, nous allons directement contre le texte et l'esprit de la Constitution. L'hon. sénateur d'Est-Bâton Rouge, M. Lacey, dit que si on peut le convaincre qu'il n'y ait pas là une inconstitutionnalité, il votera pour le bill, et, tout aussitôt, sans tenir compte du principe qu'il vient de poser, il vient présenter des arguments en faveur du même bill. Comment peut-il douter qu'il y ait là une violation de la Constitution? N'y a-t-il pas un article de la loi fondamentale, qui dit, en termes aussi clairs que possible, qu'il y aura des hypothèques tacites, et qui, en conséquence, créent ces mêmes hypothèques? N'y a-t-il pas un article de la Constitution, qui déclare que les droits acquis ne pourront pas être enlevés à ceux qui les possèdent? Si vous passez le bill, n'enlevez-vous pas des droits acquis? Pouvez-vous le faire? Tout le monde peut parfaitement comprendre et reconnaître que vous ne le pouvez pas. On n'a pas encore produit un seul argument qui tendit à détruire ce que je dis là. Nous avons une loi qui dit que quand la femme contracte mariage, aussitôt le versement du douaire entre les mains du mari, celui-ci est aussitôt frappée d'une hypothèque légale, non seulement sur ses propriétés actuelles, mais encore sur les biens à venir. Si donc maintenant, vous passez une loi déclarant que la femme perdra cette hypothèque, qu'elle tient déjà de la loi, est-ce que vous ne le dépouillez pas de droits acquis? Et quand bien même la chose ne serait pas inconstitutionnelle, est-ce qu'elle ne serait pas en opposition avec tous les principes de la justice. Je veux bien qu'il ne puisse plus être créé aucune hypothèque dispensée de la formalité de l'enregistrement ou plutôt de l'inscription; mais il ne faut pas pour cela fouler aux pieds les droits acquis. Quand vous réduisez à néant les hypothèques tacites, il semble qu'à vos yeux ce soit un acte qui ne puisse être préjudiciable à qui que ce soit. Je vous demande bien pardon. Sous l'hypothèque tacite se cache un droit réel déjà acquis, quoique non inscrite. Je le répète, je veux bien qu'on exige l'inscription de l'hypothèque à l'avenir, et qu'on oblige les clercs des cours à remplir cette formalité.

Le sénateur d'Est Bâton Rouge a présenté un argument en faveur du bill, et nous a fait voir la question sous un côté sentimental. Il nous a dit qu'il était inhumain de demander un titre contre un tuteur naturel. Pourquoi cela? Comment pourrez-vous alors rendre l'inscription obligatoire pour certains officiers publics, s'ils n'ont aucune pièce qui prouve l'hypothèque. Est-ce que le bill du Sénateur de la Nlle-Orléans, exempte les tuteurs naturels de la nécessité de fournir ce titre? Nullement. Examinez le bill, et vous verrez qu'il ne dit rien de cela. Supposons maintenant que les tuteurs naturels ne soient pas forcés de fournir un titre, quel serait le résultat de cette inscription, si non de ramener les choses au même état de doute et d'incertitude dont vous essayez en ce moment de les arracher. Voyons quel est l'objet du bill, et quels en seront les effets. Il semble avoir été introduit et rédigé pour le seul avantage et profit des prêteurs d'argent qui ont besoin de garanties plus faciles à vérifier que celles qu'ils ont en ce moment, sous l'empire de la loi qui nous régit. Ils n'aiment pas à aller jusques dans les paroisses des campagnes pour prendre la peine d'y examiner les archives de la Cour. Ce serait cependant très facile, mais ce serait pour eux trop de dérangement. Il leur faudrait se rendre dans la paroisse où demeure l'emprunteur et y vérifier s'il a jamais été tuteur, curateur ou administrateur, et, je le répète, ce serait trop de peine pour ces Messieurs. Il leur faut des affaires plus faciles. Il faut que pour ne pas les fatiguer, nous bouleversions l'antique recueil de nos lois. Cependant, la vérification serait aisée et sûre.

Presque chaque personne de la paroisse pourrait donner au prêteur les informations requises. Chaque habitant de la localité qui aurait rempli les fonctions de tuteur, curateur ou administrateur, est parfaitement connu, de sorte que c'est la chose du monde la plus facile que de s'en assurer. Je répète que ce bill semble avoir été fait dans l'intérêt exclusif des prêteurs d'argent, et dans le seul but de leur éviter quelque embarras ou désagrément. Dans la paroisse que j'habite, Messieurs, je mets en fait que chacun vous dira les noms de tous ceux qui peuvent être frappés d'hypothèques tacites. Je ne partage donc pas l'opinion du membre sur la question des titres à fournir par des tuteurs naturels. Je pense que toutes personnes exerçant l'une de ces fonctions judiciaires, doivent être forcées de fournir un titre. Il n'y a rien là qui soit contre nature. J'ai moi-même été tuteur naturel, et j'ai toujours été prêt à donner un titre. Tout honnête homme doit être prêt à le faire. Ce n'est pas là une dureté.

Et maintenant, Messieurs, je répète que nous ne pouvons pas réduire à néant des droits nés et acquis. Que les prêteurs d'argent se livrent à l'examen des titres. Qu'ils fassent le nécessaire pour assurer leur créance. Ils sont, Dieu merci, assez généralement fort habiles en ces matières. Et ne changeons pas pour eux un système que nous regretterions ensuite.

Le crédit, en thèse générale, est basé sur la confiance. Dans le commerce, dont on a tant parlé, ces sortes de vérifications ne sont pas en usage.

Le crédit ne s'occupe d'aucun des détails dont on parle. Il se donne généralement à des personnes dont on ne connaît aucunement la solvabilité réelle. Il se proportionne à des apparences extérieures, à l'allure de la personne, à son exactitude dans les paiements, à son entente des affaires, à l'importance de ses bénéfices présumés et à la nature de sa clientèle. En un mot, il est basé sur la confiance réciproque. Tout le monde connaît la loi telle qu'elle est aujourd'hui. Changez-la, et il s'écoulera plus d'un quart de siècle avant que votre nouvelle loi soit connue des masses. Par ce seul motif, elle serait déjà une injustice à l'égard des classes inférieures, c'est-à-dire de celles qui, absorbées dans un travail pénible, n'ont que très peu de temps à consacrer à l'étude des lois de leur pays. Il vaut mieux, après tout, que la loi soit un peu plus dure et qu'elle soit connue de tous.

On nous dit que, sous le système actuel, la Louisiane n'est pas prospère. Messieurs, je ne puis croire à cette assertion. J'ai débarqué à la Nlle-Orléans à une époque où elle ne comptait que 8,000 habitants, et depuis ce temps, j'ai vu cette ville grandir sans cesse, à ce point qu'elle renferme aujourd'hui 150,000 habitants, et est en possession du monopole du commerce de toute la vallée du Mississipi. C'est là, si je ne me trompe, une certaine prospérité.

Et durant tout ce temps, pendant que s'est opéré ce prodigieux développement, quelle était la loi hypothécaire qui nous gouvernait?

Nous avons eu des codes. Sous les deux législations le même système hypothécaire a été conservé. Quelle différence peut résulter pour la situation du commerce, de l'inscription ou de la non inscription des hypothèques légales? Comment la prospérité du commerce peut-elle en être affectée?

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Cependant, je me prêterai volontiers au système d'inscription des hypothèques légales dont la création sera postérieure à notre bill, si le Sénat croit nécessaire de l'établir, quoique, à mes yeux, ce ne soit qu'un embarras rien de plus. Les gens qui nous viennent des Etats où les femmes n'ont aucun droit et n'ont à attendre aucune protection de la loi, viennent nous dire que notre pays est inhabitable, que les femmes y ont des droits positifs, et que c'est une indignité. Ce langage, ce sont les prêteurs d'argent qui le tiennent. Personne, dans les campagnes, ne désire le changement dont on nous a peint la nécessité en traits si ardents. Je fais le pari qu'il n'y a pas dans toute ma paroisse cinq personnes qui le désirent. En effet, chez nous, nous connaissons, d'une manière exacte et bien précise, sans pouvoir nous y tromper, tous les tuteurs et toutes les femmes mariées. Et il en est de même dans toutes les autres paroisses de la campagne. Si une personne désire acquérir une propriété, elle n'a qu'une chose bien simple à faire pour avoir un titre parfait, c'est d'obtenir de la femme une renonciation à ses droits. Nous sommes très bien comme nous sommes, et nous devons rester ainsi.

Ne nous occupons pas tant des préjugés et des opinions erronnées des personnes étrangères à notre Etat, et qui n'entendent pas bien nos lois, et conséquemment ne sont pas à même de bien apprécier la valeur et la portée. Les intérêts commerciaux de la Nlle-Orléans ne sont pas les seuls intérêts auxquels nous devions avoir égard. Nous ne devons pas non plus nous attacher exclusivement à l'opinion et aux vœux des personnes qui n'entendent pas nos lois et demandent des changements qui ne doivent profiter qu'à elles-mêmes.

Peut-être aurais-je quelques autres observations à ajouter à propos du bill ; mais, pour le moment, je me borne à en demander l'amendement de façon à faire qu'il ne soit applicable qu'aux hypothèques à venir. Cela, du moins, serait constitutionnel, tandis que la proposition d'anéantir des droits déjà existants, est manifestement inconstitutionnelle. Nous ne pouvons pas toucher à des droits acquis. L'argument du sénateur d'Est Baton Rouge, sur ce point, est sans réplique.

M. King. — Si l'hon. membre veut bien m'accorder quelques moments d'attention, je pense qu'il pourra puiser quelque satisfaction à sa demande dans les arguments que je vais lui présenter.

Selon moi, la prétendue inconstitutionnalité aperçue par le sénateur d'Est Bâton Rouge est une pure chimère, un leurre de son imagination.

L'hiver dernier, quand un bill semblable à celui-ci, a été introduit devant le Sénat, la matière a été élaborée avec le plus grand soin. Or, personne ne s'est levé de son siège pour dire que le bill fût inconstitutionnel. Le bill a passé devant le Sénat, mais a échoué dans l'autre Chambre. J'étais à la Chambre pendant le court débat qui s'est engagé sur ce sujet, et je puis dire que le bill a été rejeté avant même qu'il eût été à moitié lu et par conséquent, compris

Je vais maintenant expliquer la loi au point de vue constitutionnel, et dissiper les nuages que quelques membres se sont plus à jeter dans l'esprit des Sénateurs. Je donnerai mon opinion, mais je l'appuierai de celle de la plus haute autorité légale, je veux parler de l'opinion de la Cour Suprême des Etats-Unis, présidée par le chef de la justice, M. Marshall. Le bill introduit par le sénateur d'Est Feliciana, M. Wickliffe, ordonne l'abolition immédiate de toutes les hypothèques tacites. Je suis tout prêt à admettre qu'un bill qui règle leur destruction immédiate et complète, dans un seul et même instant, pourrait être regardé comme inconstitutionnel et même inique. Mais en même temps que je reconnais ce point, je rappellerai au Sénat un autre principe légal. C'est le droit indiscutable de chaque communauté, de passer telles ou telles lois d'enregistrement que bon lui semble, par des raisons de bonne administration intérieure. Tout ce que pourrait faire une Cour, si le cas était porté devant elle, ce serait de décider d'après l'intention de la Cour. Elle aurait à s'enquérir et à décider si la Législature a eu en vue d'enlever à des citoyens, des droits acquis, ou si elle n'a songé, au contraire, qu'à établir un bon système de gouvernement. Dans le premier cas, il y aurait inconstitutionnalité, dans le second la Législature aurait agi dans la plénitude de ses droits. C'est du moins l'avis qu'a exprimé sur ce sujet notre plus haute autorité légale, la Cour Suprême des Etats-Unis. Le sénateur d'Est Baton Rouge a cité une décision de ce tribunal, qu'il a cru être une justification de ses vues sur cette matière.

Je crois pouvoir prouver que ces déductions sont entièrement fausses.

Voici les circonstances de l'affaire : Un individu, du nom de Cornélius, vendit des terres d'abord à une personne, puis à une autre, ce qui, comme bien on en pense, donna lieu à des difficultés, à un procès. A cette époque (l'époque à laquelle eut lieu la vente), il n'y avait pas de loi d'enregistrement dans l'Etat de New-York, et, naturellement, les titres reposaient sur les principes généraux de la loi commune, qui établissent formellement que les titres les plus anciens sont les meilleurs. Cependant, l'Etat passa plus tard une loi dont le but était de faire connaître la condition de toutes les propriétés foncières, situées dans l'Etat, et qui enjoignait à chaque propriétaire de faire enregistrer ses propriétés. Le premier auquel le transfert avait été fait, négligea de se conformer à cette loi, mais le second ne fit pas de même et il fit l'enregistrement requis. Il devint ainsi le propriétaire absolu de ces terres, puisque le défaut de son titre se trouvait de la sorte effacé par l'enregistrement et par la négligence du premier acquéreur. L'affaire fut portée devant la Cour Suprême des Etats-Unis, qui décida que les Législatures avaient indubitablement le droit de passer des lois d'enregistrement, et que si quelqu'un négligeait de s'y conformer, ainsi que dans le cas précité, il perdrait son droit. Voyons dans quels termes s'exprime la Cour :

" Il est incontestablement au pouvoir des Législatures de l'Etat, de passer des actes d'enregistrement, par lesquels les titres du premier acquéreur peuvent être perdus, s'il ne fait pas enregistrer la propriété dans le délai fixé, et le pouvoir est le même, soit que le titre est daté avant ou après l'adoption de l'acte d'enregistrement. Quoique l'effet d'une telle loi est de rendre frauduleuse la première vente, de la rendre nulle devant une vente subséquente, elle ne détruit pas l'obligation des contrats; tel est également le pouvoir de passer des actes de limitation. Des considérations de la plus haute importance ont souvent nécessité l'adoption générale de lois de cette nature, et leur validité ne saurait être mise en doute. L'époque et le mode de leur mise en vigueur, les exceptions qui peuvent être faites, les actes à partir desquels comptera l'époque de la limitation, dépendent généralement des Législatures, et sont, suivant la nature des titres, la situation du pays et les circonstances qui y ont donné lieu. Il peut se présenter des cas dans lesquels les prescriptions d'une loi de cette nature soient si déraisonnables, qu'elles ne soient rien qu'un déni de justice et qu'elles nécessitent l'intervention d'une Cour ; mais tel n'est pas le cas actuel."

Outre ces lignes que je crois bien claires, bien

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formelles, je vais encore donner un exemple que vous fournit notre Etat. L'année dernière il n'y avait pas en Louisiane de limitation de jugement. Une fois le jugement obtenu, il était bon pour des milliers d'années. La dernière Législature passa une loi déclarant qu'un jugement qui ne serait pas inscrit de nouveau, deviendrait nul au bout de dix ans, et cela s'applique à tous les jugements, soit qu'ils existent déja, soit qu'ils n'aient pas encore été rendus. Cependant, lorsque ce bill fut adopté, s'éleva-t-il une tempête semblable à celle qu'on soulève aujourd'hui? S'est-on autant récrié au sujet des droits acquis qu'on l'a fait dans tout le cours de cette interminable discussion? A-t-on comme aujourd'hui entassé pendant huit heures, "remuant terre et cieux avec une parole, Wagram sur Marengo, Champ-Aubert sur Arcole, Pélion sur Ossa."

La Cour Suprême dit que nous avons le droit de passer des lois d'enregistrement; cela ne laisse plus de doutes sur la question de constitutionnalité. Le bill indique le 1er avril 1855 comme le jour à partir duquel l'enregistrement des hypothèques devra être fait, ou suivant la motion, de substituer à cette date, le 1er octobre. Si le Sénat juge cette époque plus convenable, j'y consens volontiers; mais, dans tous les cas, il est temps d'en finir avec ce système détestable qui nous écrase, qui nous ruine. Malgré ses défauts reconnus, ses effets désastreux, devons-nous continuer à le supporter? Nous est-il irrévocablement, fatalement imposé? Est-il attaché à nous comme le vieux de la montagne, à l'infortuné Simbad-le-Marin? Tous ceux qui ont parlé sur cette question, à l'exception du sénateur de Saint-Martin, M. Moore, ont reconnu, ont admis que le système actuel est détestable, et ce sénateur lui-même, cédant sans doute au courant de l'opinion publique, consent à ce que nous exigions à l'avenir l'enregistrement de toutes les hypothèques. Mais cette concession ne serait que de très peu d'effet, et avant qu'il en pût résulter aucun bien, toutes les femmes mariées seraient mortes, tous les mineurs auraient atteint leur majorité. Plusieurs sénateurs sont venus ici engagés à entreprendre l'abolition de ce système d'hypothèques tacites. Nos Constituants espèrent que nous remplirons cette promesse. Accepter la proposition du sénateur de St-Martin, ce serait leur donner des pierres quand ils demandent du pain, ce serait les bercer d'un espoir qui ne se réalisera pas.

Le sénateur a dit que le peuple ne désire pas ce changement. S'il est sincère dans cette opinion qu'il a émise, il sera donc disposé à ce qu'un appel soit fait au peuple. Adoptez donc le bill et soumettez-le ensuite à la sanction du peuple. Vous verrez qu'il ne s'élèvera pas une seule voix contre. On lit dans l'histoire qu'un empereur romain fut détrôné parce qu'il faisait afficher si haut ses lois que personne ne pouvait les lire: que dira-t-on de la Louisiane qui n'écrit même pas ses lois?

M. le Président, qu'il me soit permis de déclarer aussi que mes sympathies en faveur des mineurs et des femmes mariées, sont aussi vives, aussi sincères que celles d'aucun sénateur dans cette enceinte, et que je consentirais aussi peu qu'aucun d'eux, à faire ou à proposer quoique ce fût qui pût leur être préjudiciable.

Je soutiens que sous le régime du bill que j'ai eu l'honneur de présenter, les droits des mineurs seraient beaucoup plus en sureté que sous ce misérable système d'hypothèques tacites. Je suis opposé au substitut du sénateur d'Ouest Feliciana, et j'espère qu'il ne sera pas accepté.

Avant de terminer, qu'il me soit permis de dire un mot encore au sujet de la question de constitutionnalité. Si quelques sénateurs ne partagent pas avec moi l'opinion que toutes les objections sont de véritables chimères, que devons-nous faire alors? Renoncer aux immenses avantages que causerait l'adoption de ce bill? Oh non, je l'espère du moins. J'espère que le Sénat ne s'y résoudra pas et que le bill sera adopté.

JEUDI, 23 fevriér 1854.

LA RIVIERE ATCHAFALAYA.

M. Palfrey présente une résolution conjointe requérant nos Représentants et nos Sénateurs au Congrès de faire tous leurs efforts pour obtenir une appropriation qui devra être employée à donner au chenal de la rivière Atchafalaya une profondeur de douze pieds

M. Palfrey—Je désire soumettre quelques observations à l'appui de ce bill. On sait que le chemin de fer des Opelousas, ou plutôt la route du chemin de fer projeté passe à un certain endroit connu sous le nom de baie de Berwick qui est la voie de communication de la mer à la rivière Atchafalaya à travers une région riche et fertile. On désire rendre plus profond le chenal de la rivière qui est maintenant semé d'une foule d'obstacles de toute nature. La résolution n'a pas en vue une appropriation à faire par l'Etat, elle appelle simplement l'attention de nos Représentants et de nos Senateurs au Congrès sur cette question et les requiert b'obtenir, s'il est possible, du gouvernement fédéral, une appropriation dans ce but.

La résolution est adoptée.

M. Wickliffe évoque le bill pour venir au secours de Moses Lee.

M. Hodge—Je désirerais avoir quelques informations au sujet de ce bill avant de donner mon vote pour ou contre

M. Wickliffe—Je répondrai au Sénateur que M. Lee a droit à cette somme. Il s'est exactement conformé aux dispositions de l'acte de 1853. Il envoya ses papiers ici, mais ne pût être payé par la seule raison que l'appropriation du montant auquel il aurait eu droit d'apres cet acte. Il a été référé au comité judiciaire et a été l'objet d'un rapport favorable. J'espère qu'il sera adopté, car il n'a rien en vue qu'un acte de simple justice.

M. Hodge—Eh bien, Monsieur, je voterai contre ce bill, parce qu'il est d'une nature spéciale. S'il était d'une nature générale, je voterais pour. Mais ce n'est là qu'un sur mille des cas résultant de la loi de 1852, dans lesquels des personnes qui avaient droit à être payées ne l'ont pas été.

M. Wickliffe—Si l'acte de 1852 n'avait pas passé à la Législature, nous ne nous en trouverions que mieux. Je suis d'avis qu'aucune pension ne devrait être faite si ce n'est pour des raisons particulières de mérite ou de talent. Sous le régime des lois générales la preuve est toujours *ex parte*, et les moyens de juger bien des mérites d'une affaire sont beaucoup moindres, et des personnes qui n'ont que peu de titres peuvent obtenir paiement, quand d'autres qui devraient y avoir plus de droits n'y peuvent pas parvenir. Dans ces circonstances, l'appropriation entière avait été épuisée par des personnes résidant non loin du siége du gouvernement et qui pouvaient par consequent faire valoir immédiatement leurs titres.

M. Kenner—Je demanderai si M. Lee est un de ceux qui ont obtenu antérieurement des secours.

M. Wickliffe—Je l'ignore absolument.

Le bill est adopté.

QUARANTAINE.

M. Trudeau—Je demande l'autorisation de présenter, au nom de la commission sanitaire, le rapport rédigé par elle, et avant je lirai la réponse de la chambre de commerce de la ville de la Nouvelle-Orléans aux questions proposées par le comité.

Après avoir donné lecture de cette lettre, M. Trudeau présente le rapport suivant:

Rapport de la Majorité

Au Sénat et à la Chambre des Représentans.

Le comité étant convaincu que la Nouvelle-Orléans a toujours été le foyer de toutes les épidémies qui ont régné dans l'Etat, a cru devoir s'enquérir des moyens les plus efficaces pour protéger la ville ou la rendre plus salubre.

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Protéger la ville, c'est protéger l'Etat. La première enquête du comité fut de savoir comment on pourrait prévenir l'importation des maladies par des navires étrangers. — Ce qui amena le comité à faire de grandes recherches quant aux avantages et aux inconvénients qui pourraient résulter d'un système de quarantaine. La position géographique de la Nouvelle-Orléans est toute particulière ; située à quatre-vingt-dix milles de la mer, on peut s'y rendre soit par la Balize, soit par les lacs ou par l'Atchafalaya. Protéger un de ces points sans garantir les autres, serait faire une dépense inutile. Ainsi il faudrait établir trois quarantaines pour empêcher ces maladies de s'introduire par mer.

Le comité craignait que si l'on établissait une quarantaine à la Balize seulement, le flot des émigrants qui se rendraient à la Nouvelle-Orléans, s'y rendraient par la Mobile, et qu'une grande quantité de marchandises se transporteraient par la même voie, au préjudice de la ville ; ce qui en même temps détruirait le système de quarantaine.

Le comité a conclu que si l'on adoptait ce système de quarantaine, il faudrait l'établir sur les lacs. Il serait inutile d'en établir une sur la baie de l'Atchafalaya, attendu qu'il n'y entre que de petits navires, durant les mois d'hiver, qui s'en retournent sans toucher à la ville.

Outre les difficultés qui existent quant à la position particulière de la Nouvelle-Orléans, des intérêts immenses seraient engagés. Fermez le port de la Nouvelle-Orléans, arrêtez le commerce ; quelles en seraient les conséquences ? Qu'on achève le chemin de fer de la Mobile et de l'Ohio, et vous verrez probablement les marchandises destinées pour le Sud-Ouest, arriver à leur destination par ce chemin, tandis que les produits de l'Ouest qui sont aujourd'hui presqu'exclusivement expédiés pour la Nouvelle-Orléans, seront expédiés par la voie de la Mobile, pour faire face aux lettres de change tirées sur l'Ouest.

D'autre part, le grand nombre des décès durant l'été dernier fait naître de telles craintes pour l'avenir et a jeté un tel discrédit sur la ville, que la Nouvelle-Orléans, qui sort à peine des fers dans lesquels l'avait jetée une mauvaise administration et l'apathie de ses citoyens, est maintenant menacée d'une émigration générale ; ce qui aurait lieu si les scènes dont nous avons été témoins l'été dernier venaient à se renouveler.

Bien pénétré de l'objet de sa mission, le comité n'a rien épargné pour arriver à connaître l'histoire de la dernière épidémie et de celles qui l'ont précédée.

Il a adressé une circulaire aux médecins de la Nlle-Orléans, leur soumettant une série de questions, et les invitant à y repondre le plus tôt possible. Il regrette de dire qu'il n'a pas trouvé chez eux l'assistance qu'il avait le droit d'attendre. Les seuls qui ont bien voulu donner au comite leur opinion sur ce sujet, sont messieurs les médecins Cartwright, McFarland, Cenas, Kenner, Ney et Copes. La Commission Sanitaire a procuré au comité des documents utiles. Elle lui a soumis le résultat de toutes ses recherches et de ses travaux, et elle a employé tous les moyens pour aider le comité à asseoir son opinion d'une manière satisfaisante.

Après avoir examiné cette masse de matières, lesquelles étaient basées d'opinions contradictoires, il a été très difficile au comité de résoudre la question. Il est admis que l'épidémie qui a regné l'année dernière est la fièvre jaune. Qu'il est probable que le premier cas qui s'est présenté a pris naissance dans la ville de la Nlle-Orléans. Que, dans des cas particuliers, elle ait changé de caractère, et ait produit des symptômes inconnus jusqu'alors ; que ceux-ci l'aient crue contagieuse, ceux-là l'aient déclarée pestilentielle, et qu'une troisième classe ait décidé qu'elle n'était ni contagieuse ni pestilentielle, sont des faits qu'on ne peut pas nier. Quant au comité, son opinion est, que si cette maladie s'est répandue par tout le pays et sur les plantations, contrairement à ses habitudes, c'est qu'elle était d'un caractère pestilentiel, ou, en d'autres termes moins scientifiques, mais plus clairs, c'est qu'elle se communiquait par la respiration d'un air impur. Et sans nous arrêter à la théorie habile du docteur Cartwright sur la production des (algua organisum) il nous suffit d'admettre que cet air vicié pout être importé, pour expliquer la rapide extension de la dernière épidémie jusqu'aux confins de l'Etat. Nous avons vu la maladie suivre invariablement le même cours ; s'étendre graduellement des bords du fleuve jusque dans l'intérieur. Nous avons vu que, toutes les fois qu'un cas s'est présenté dans une petite ville ou dans une famille, (excepté la ville de Donaldsonville dont la population était acclimatée) il y surgissait immédiatement d'autres cas. N'ayant pas de théorie à défendre, nous devons reconnaître que la maladie peut être importée. Que des personnes non-acclimatées aient soigné des malades sans être atteintes de la fièvre, cela n'établit pas la preuve que cette maladie n'est pas contagieuse ou pestilentielle. Ce ne sont que des exceptions à la règle générale. Et nous croyons qu'il faut qu'un individu exposé à la maladie la plus contagieuse, ait une certaine predisposition physique pour être atteint.

Nous avons dit que la fièvre jaune avait pris naissance à la Nouvelle-Orléans (bien que nous n'en sommes pas encore certains); on ne peut nier qu'elle ait changé de caractère sans que personne ait pu expliquer ce changement. Et si nous voulions trouver les causes qui ont amené ce changement dans le caractère de la maladie, nous n'avons qu'à nous référer à la dissertation habile du docteur Cartwright, approuvée par d'autres médecins. Ou la fièvre des navires (ship fever) transmet ses symptômes à la fièvre jaune, ou bien elle change de caractère. Le navire Northumberland, parti de Liverpool, arriva à la Nouvelle-Orléans au commencement de mai avec 480 émigrants; et nous avons été informés que ceux des émigrants qui étaient atteints de la maladie dite ship fever, en arrivant à la Balize avaient le teint des malades attaqués de la fièvre jaune. Nous sommes arrivés à la conclusion que les maladies peuvent changer de caractère, soit par des circonstances particulières, soit par des influences atmosphériques; que le caractère de la fièvre jaune ordinaire a subi un grand changement par la présence du Typhus, et a pris un caractère dangereux très peu de temps après l'arrivée du Northumberland. Que la fièvre jaune proprement dite ne peut être importée et s'étendre que l'extension d'une prédisposition atmosphérique de nature à engendrer cette maladie.

Le simple fait que, en 1802, l'amiral *Gravina* débarqua à Cadix avec 500 malades atteints de la fièvre jaune, sans que cette maladie eut attaqué d'autres personnes, serait une preuve concluante en faveur de notre opinion, si déjà elle n'était appuyée sur des opinions émises sur ce sujet par les écrivains les plus capables.

Mais si elle peut être créée par les influences atmosphériques, se repandrait-elle parmi notre population permanente sans être importée ? et dans ce cas ne s'éteindrait-elle pas lentement si elle n'était pas alimentée par d'autres influences ? L'été dernier deux mille émigrants périrent de cette maladie mais qu'une seule personne résidant à la Nouvelle-Orléans en fut atteinte, et il est certain que les personnes non acclimatées sont plus ou moins sujettes à cette maladie à son début, en proportion du temps de leur residence ici.

Si l'on admettait une bonne fois, que l'engendrement ou la propagation de cette fièvre dussent à être alimentée, où serait la difficulté d'empêcher l'introduction des emigrants, parmi nous, durant une certaine saison. Il est immoral et inhumain de les expedier pour ce port durant l'été, et pour leur propre sûreté aussi bien que pour la nôtre, on ne devrait pas leur permettre d'entrer dans notre port, car une mort certaine les attend. Forcez le capitaine d'un navire arrivant ici durant l'été, de débarquer ses passagers à la quarantaine avec des provisions nécessaires, ou maintenez en quarantaine les navires, jusqu'à ce que la saison des maladies soit passée, et l'émigration, pour ce port, durant l'été, cessera.

Si nous ne pouvons pas empêcher la fièvre jaune d'apparaître ici ; si c'est une maladie purement locale, le nettoiement de nos rues, le desséchement des marécages et toutes autres mesures sanitaires deviendraient inutiles. Cependant, nous pouvons l'empêcher de se répandre en la privant de ce caractère pestilentiel qu'elle avait pris en 1853. Nous ne nous souvenons pas que cette maladie ait jamais, avant l'été dernier, existé dans nos plantations ou se soit répandue dans nos campagnes. Nos propres observations, le témoignage de tous les

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anciens citoyens appuie l'assertion, que nos paroisses de l'intérieur (les villages exceptés) avant l'été dernier, ont toujours été à l'abri de cette maladie.

Si l'on admet que cette maladie n'a existé dans les campagnes que parce que les émigrants s'y sont répandus, cela prouverait que cette fièvre est contagieuse. Jamais auparavant les étrangers qui respiraient l'air pur dans nos campagnes n'en ont été atteints, ni n'ont-ils jamais communiqué la maladie, lorsqu'ils en portaient le germe avec eux.

Le navire Augusta arriva ici le 17 mai dernier, et il est admis que les dix ou douze premiers cas de fièvre jaune ont pris naissance parmi les hommes de son équipage. Peu de temps après l'arrivée de ce navire, deux autre cas se sont présentés dans une autre partie de la ville où il n'existait aucune communication avec ce navire. Cependant il se peut qu'on ait pris pour des cas de fièvre jaune, ceux qui provenaient d'autres causes. Votre comité ne dit pas que la maladie a été apportée par le navire Augusta, il ne fait que mentionner des faits, et il laisse aux autres le droit d'en tirer des conséquences.

La fièvre jaune n'est pas le seul fléau qui ait décimé notre population, la fièvre typhoïde, la picotte volante, la fièvre scarlatine, la rougeole, le choléra, ont souvent fait leur apparition parmi nous. Et il est aussi important d'empêcher les ravages de ces maladies que ceux de la fièvre jaune.

La quarantaine nous protégerait-elle contre ces maladies? l'expérience seule peut nous répondre. Elle n'a pas plus réussi contre le choléra en Europe que les cordons sanitaires.

Vouloir empêcher la propagation d'une maladie purement épidémique dans les campagnes qui sont limitrophes, où l'air impur peut être communiqué d'un point à un autre par chaque bouffée de vent, serait vouloir arrêter les nuages eux-mêmes dans leur course. Et il est très probable que nous obtiendrions ici les mêmes resultats dans des circonstances semblables. Mais cet air vicié peut-il parcourir des millions de milles qui nous séparent de l'Europe, sans être modifié, s'il n'est pas renfermé dans la cale mal aérée d'un navire, où il conservera sa malignité par sa propagation constante?

Le docteur Cartwright dit, que dans plus de cent occasions, on a arrêté les progrès du choléra sur les plantations, en transportant en plein air les nègres avec leurs vêtements. Ne pourrait-on pas obtenir les mêmes resultats en prenant ces precautions à l'égard des navires qui transportent des émigrants.

Le typhus, la rougeole et la picote volante sont reconnus comme des maladies pestilentielles, et on est presque convaincu qu'elles peuvent être propagées, si ce n'est par les malades qui en sont atteints, du moins par leurs lits et leurs vêtements empreints de leurs émanations impures renfermés dans la cale d'un navire où l'air pur pénètre à peine. Si la mortalité provient de ces causes seulement, le système que nous proposons doit prévaloir.

L'opinion des médecins à la Nouvelle-Orléans, ne doit pas nous guider, attendu que la plupart n'ont pas voulu s'occuper de ce sujet et que ceux qui ont bien voulu nous aider dans nos recherches ne s'accordent pas.

Bien qu'à l'étranger il n'y ait plus la même confiance dans le système de quarantaine, cependant lorsque nous voyons nos voisins de l'Est jouir sans interruption d'une bonne santé, maintenir un système considéré par d'autres comme étant condamné, nous devons croire qu'ils considèrent ce système comme avantageux et utile.

Les écrivains européens peuvent bien attaquer un système qui leur est inutile. L'émigration ne va pas ici chez eux, mais de chez eux ici. Ils n'ont besoin aucun réglement pour les mettre à l'abri des maladies qui prennent naissance à bord des navires mal rés, où des êtres humains sont tellement entassés, e l'air qu'ils respirent est bientôt privé de son orine, et vicié par les émanations de l'agglomération s individus; ils n'ont besoin d'aucune protection ntre les maladies qui règnent constamment dans les uges humides habités par leur population à moitié e et mourant de faim.

Nous ne sommes pas étonnés que leur faculté médile ait protesté contre une charge aussi inutile que pendieuse. Mais quelle difference ici! Notre doux mat, notre sol, nos institutions gratuites, nos bras ouverts aux opprimés du monde entier, sont des attraits plus qu'engageants. Des milliers d'émigrants arrivent dans notre port, et se dispersent dans toutes les directions; mais dans quel état arrivent-ils après une traversée de cinquante à soixante-dix jours, durant lesquels leur constitution a été minée par de mauvais alimens et l'air impur; les régistres de l'Hôpital de Charité, et les gardiens de nos cimetières seuls peuvent répondre s'ils n'apportent pas avec eux dans leurs vêtements salis, toutes les maladies qu'ils ont eues en mer, ou importées de chez eux, ils arrivent au moins à un état qui doit engendrer et propager toutes les maladies.

Qu'ils arrivent ici durant les jours humides du mois de décembre, sous l'influence médicinale des eaux du Mississippi, lorsqu'il existe quelques cas sporadiques de choléra parmi nous; ou qu'ils arrivent ici durant les journées chaudes du mois d'août, lorsque l'atmosphère est chargée d'une predisposition à la fièvre jaune, quelles en seraient les consequences? une épouvantable épidémie.

L'émigration est pour la Nouvelle-Orléans, ce que le Nil est pour les Egyptiens. Abandonné à son propre cours, c'est un torrent dont les eaux bourbeuses entrainent avec elles la mort et la destruction—bien dirigé, il fait naître la richesse et la prospérité.

Outre les raisons contenues dans ce rapport, votre comité croit que le désir d'une grande majorité de nos constituants merite considération.

Et si un système de quarantaine ne devait produire d'autres résultats que celui de rétablir la confiance et prouver à nos voisins notre ferme intention de remédier au mal, nous n'hesiterions pas à le recommander. Nous devons aux autres Etats avec lesquels nous sommes constamment en rapport d'affaires, en retour des produits qu'ils nous expédient, quelque chose de plus que des théories abstraites. Nous avons beaucoup de compétitions pour les riches denrées qui nous viennent de la vallée du Mississippi, et l'expérience nous a déjà démontré que notre marché n'est pas le seul où elles puisent être expédiés

L'avenir de la Nouvelle-Orléans est menacé, et plutôt que de fermer nos ports et croiser nos bras, nous préferons regarder le danger en face. De tous les côtés, les chemins de fer étendent leurs bras pour nous arracher nos riches moissons. Vienne une autre epidémie avant que la memoire de la dernière soit effacée, la Nouvelle-Orléans sera presque ruinée.

Les citoyens intelligents et expérimentée de la Nouvelle-Orléans devraient se joindre à nous, pour établir desréglements sanitaires propres à établir la reputation habituelle de salubrité.

D'après les documents qui accompagnent ce rapport, on verra que la Chambre de commerce, en réponse aux questions que nous lui avons adressées, a declaré et d'une manière positive, qu'une quarantaine n'entraverait nullement le commerce, qu'au contraire, elle serait d'un grand avantage pour la ville. Ce qui donne plus de force à notre opinion, et renverse toutes les objections au système que nous recommandons.

Dans peu de jours la commission sanitaire de la Nouvelle-Orléans présentera un rapport corroborant nos conclusions.

Votre comité recommande un système de quarantaine qui, tout en améliorant la salubrité publique de l'Etat ne mettra que peu d'entraves dans les opérations commerciales.

Signé, A TRUDEAU,
" R W JAMES,
" B OLNEY,
" R.M. KEARNEY,
" J. S. WILLIAMS.

Sur motion de M. Trudeau, on ordonne l'impression de ce rapport à deux cent cinquante exemplaires

Contre Rapport du Comité réuni des deux Chambres de l'Assemblée Générale de l'Etat de la Louisiane, nommé à l'effet de s'enquérir des mesures les plus efficaces à adopter, pour assurer la salubrité de l'Etat.

Les soussignés, membres du comité réuni du Senat et de la Chambre des Représentants, chargés de s'enquérir des mesures les plus efficaces à adopter pour assurer la salubrité de l'Etat, ont l'honneur de soumettre le rapport suivant:

«Ayant pris en considération les mesures les plus efficaces pour assurer la salubrité de la Nouvelle-Or-

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léans et de l'Etat, et pour prévenir la propagation des maladies épidemiques, nous abordons ce sujet avec grande défiance, fortement convaincus de l'importance de l'enquête et de l'étendue des recherches minutieuses propres à faire ressortir ses nombreux et différents aspects, de manière de pouvoir former une juste opinion de l'utilité ou de la prudence qu'il y aurait à établir des quarantaines.

A cette occasion, nous désirons exprimer notre reconnaissance, pour les renseignements, fournis par une longue expérience des profondes recherches qui ont rapport au sujet qui nous occupe, à la commission sanitaire et aux médecins de la Nouvelle-Orléans, qui les ont généreusement donnés a votre comité et aux soussignés personnellement.

Nous observerons aussi qu'en présentant un rapport pour servir de guide à la Législature, nous ne pensons pas qu'il soit ni convenable, ni utile d'entrer dans un long détail des theories de la profession médicale, sur les maladies épidémiques ; mais nous tacherons de tirer de justes conclusions de la nature des faits qui se r'attachent à l'origine et aux progrès de la fièvre jaune, du choléra, etc.

Cependant en nous livrant à cette enquête, notre premier objet serait de nous rendre compte de la nature et de l'origine (ou du moins les comprendre autant que notre raison le permet) pour asseoir une opinion quant à la nature et à l'origine des principaux désordres épidemiques, et quant aux lois qui gouvernent leur développement et leur contagion. Notre opinion sur cette branche de l'enquête fera ressortir l'avantage ou l'inutilité d'établir des quarantaines afin d'obtenir le résultat que nous avons en vue.

Nous pensons que bien peu de personnes nieront cette proposition, à savoir: que la cause ou le virus générateur de la plupart des épidemies auxquelles l'humanité est exposée et qui nous occupe dans cette enquête, existe et se développe dans l'atmosphère.

Nous pouvons aussi admettre comme une vérité résultant des observations et de l'experience, que la cause essentielle à l'extention ou à la propagation des maladies épidémiques est, qu'une certaine condition épidemico-atmospherique *doit exister* et *existe* en effet, produite probablement par des influences électriques ou météorologiques.

Nous avançons cette derniere proposition pour expliquer le développement des épidémies à certaines époques, sur une vaste étendue du pays, tandis que ces mêmes localités, dans des conditions atmosphériques semblables, échappent à la contagion.

Nous citerons pour exemple la Nouvelle-Orléans qui, pendant les six dernières années, malgré ses relations commerciales avec le monde entier, n'a eu aucune fièvre jaune, dite épidemique, pendant les cinq premières années, mais qui dans ce même espace de temps a eu à souffrir d'un choléra épidemique et à la fin de ce fléau, d'une fièvre jaune également épidémique.

Demandons-nous maintenant pourquoi, dans les mêmes circonstances et conditions atmosphériques, la Nouvelle-Orléans a pu échapper pendant une première période de cinq ans, à la fièvre-jaune épidemique, et être ravagée pendant la sixième année ? La seule reponse à cette question est celle que nous avons donnée plus haut.

Mais la question qui se présente maintenant est celle de savoir si ce qu'on pourrait appeler, faute d'une meilleure expression, une atmosphère épidemique, dispense de la nécessité de s'enquerir des causes purement locales necessaires à la propagation de la dernière épidémie ? Nullement. Car, soit que nous considerions comme un fait admis pour les besoins de l'enquête seulement, que le virus ou germe de la fièvre jaune n'est jamais suffisamment dégagé et concentré par l'action combinée prolongée de la chaleur et des miasmes sur les vegetaux en decomposition, de manière à produire la fièvre jaune, et dès lors la maladie n'est pas indigène, mais d'origine étrangère. Cependant, nous ne devons pas perdre de vue les vérités suivantes, savoir : premièrement, que la fièvre jaune ne se declare ou ne se propage pas dans une atmosphère pure. 2o. qu'en supposant qu'elle se declare ou se propage sous l'influence d'une ou de plusieurs causes, elle n'est pas moins due à la présence d'une atmosphère empoisonnée par l'action continuelle de la chaleur sur les matières végétales en décomposition ou même sur la terre nouvellement remuée, avec laquelle elles se trouvent combinées 3o. Que la fièvre-jaune épidemique, ainsi que le choléra, la grippe, &c, dépendant d'élements atmosphériques, quant à leur origine et à leur propagation, «ne sont point des maladies contagieuses,» dans le sens général du mot, c'est-à-dire une maladie qui dépend d'un certain germe, et est transmise d'une personne à une autre, avec les mêmes caractères. 4o. Que depuis un siècle, dans différentes localités, et à certaines époques, la fièvre-jaune PEUT-ETRE et A ETE indigène parmi nous dans na très grand nombre de cas observés.

C'est une vague idée assez généralement reçue parmi le peuple, qu'une maladie épidémique dans son invasion, portant une si grande malignité dans de vastes et différentes localités, doit être propagée par la contagion. Mais si cette idée est vraie, on découvrira que les moyens de propagor la cause de la maladie, sinon la cause elle-même « doit exister » et « existe » en effet au milieu de la population.

Ainsi que nous l'avons déjà observé, nous n'avons pas l'intention d'entrer dans des détails, mais nous tirerons des conclusions basées sur des observations de faits tendant à prouver ou à faire rejeter les principes de la contagion relativement à la fièvre jaune, au choléra, etc ; observations faites et recueillies par une grande majorité du corps medical dans le monde entier jusqu'à nos jours.

Nous donnerons ici quelques-unes de ces observations :

M. Gilkress, inspecteur-général des hôpitaux militaires en Angleterre, après mûrs examens du sujet qui nous occupe, est arrivé à la conclusion qu'aucune preuve satisfaisante n'a été produite dans aucun pays à l'appui de l'assertion que la fièvre jaune et le choléra sont des maladies contagieuses, mais que le contraire a été prouvé.

Le Bureau de Santé de Londres a dernièrement publié un document portant que, d'après les rapports reçus, la crainte de l'epidémie n'est d'aucune portée dans la pratique

En 1849, les administrateurs de l'hôpital de Guy à Londres, refusèrent d'y admettre des cholériques alors qu'ils étaient eux-mêmes entourés de malades et qu'ils mouraient de cette maladie, et cela par crainte de la contagion ; mais à présent cet établissement compte plus de cas de choléra qu'aucun autre hôpital dans cette ville, ayant reconnu que la maladie n'a aucun caractère contagieux.

Le Dr. Farlange, qui a acquis beaucoup d'expérience relativement à la fièvre jaune dans les Indes Occidentales, declare qu'aucun medecin dans nos contrées ne croit à la contagion de la fièvre jaune.— Nous voudrions maintenant au point où se présente naturellement la question savoir si la fièvre jaune, le choléra, etc, « ne sont point des maladies contagieuses » et exigeant « toujours » certains élements atmosphériques propres au pays pour tenir lieu de la cause propagatrice de ces épidémies : quels sont les moyens que nous devons adopter pour arriver plus sûrement à la préservation de la salubrité dans l'Etat ?

Nous répondrons sans hesitation : Eloignes toutes matières végétales en décomposition qui pourraient alterer la pureté de l'atmosphère dans toutes les localités : évitons de fouiller la terre en l'exposant à l'action continuelle de la chaleur combinée avec l'humidité.

La Nouvelle-Orléans, cette grande métropole de l'Etat, peut être citée pour prouver, ainsi que nous l'avons déjà dit plus haut, les effets salutaires de la propreté.

Quelle est la condition des rues, des ruisseaux, des cours et des logements de la classe pauvre de cette ville et de ses faubourgs ?

Les ruisseaux d'egout de la ville et de ses faubourgs sont comblés ou plutôt présentent dans un état de stagnation complète, toutes les immondices qu'une population de 150,000 âmes y jette journellement, et même des matières qui s'échappent des lieux d'aisance.

Un grand nombre des rues et des égouts des environs de la ville et de ses faubourgs ne sont point pavés, et de veritables bourbiers mêlés de matières végétales, dans lesquels on s'enfonce jusqu'aux genoux; la moitié des terrains de la ville et de ses faubourgs sont plus bas, de six à douze pouces, que les banquettes, et se trouvent inondés après de fortes pluies; et

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ces eaux mêlées à ces matières végétales dont nous venons de parler, forment des centaines de marais hermétiquement entourés de barrières de 8 pieds de haut et qui restent ainsi exposés jusqu'à ce qu'il soient absorbés par les rayons d'un soleil ardent et d'une chaleur de 120 degrés de Farenheit.

Nous demandons maintenant, peut-on espérer d'obtenir un air pur et salubre dans de tels circonstances ?

Lors même que toutes les connaissances chimiques du monde seraient mises en réquisition, on ne saurait imaginer un laboratoire plus ingenieux pour la fabrication d'un air impur destiné à détruire la vie de l'homme, que celui qui existe dans la Nouvelle-Orléans et ses faubourgs. Ajoutez à cela que la classe pauvre est condamnée à vivre dans des taudis bâtis au milieu de ces bourbiers infects qui mettraient en danger la vie des animaux immondes, et par la même raison doivent inévitablement engendrer des maladies et porter la mort dans l'espèce humaine.

Après cet aperçu des localités, nous nous demanderons comment on peut obtenir un air pur à la Nouvelle-Orleans et quels sont les moyens qu'on se propose ? Nous suggererons : 1o Que toutes les rues de la ville et de ses faubourgs devraient être pavées. 2o Que tous terrains situés dans la dite ville et ses faubourgs devraient être plus élevés que les banquettes, lesquelles devront être carrelées en briques placées sur du ciment hydraulique, surtout les terrains bâtis ou entourés. 3o Egouter complètement par des fosses tous les marais des derrières de la ville ; ne plus exposer les terres marécageuses à l'action des rayons du soleil en abattant les arbres (leurs protecteurs naturels) source de fièvres semblables à celles des marais Pontins près de Rome 4o Etablir une quantité suffisante de machines hydrauliques sur le bord du fleuve afin de laisser couler constamment une eau vive dans tous les ruisseaux de la ville et de ses faubourgs,à toutes les époques où la rivière est trop basse pour fournir de l'eau sans l'aide de pompes 5o Une amélioration dans la construction des logements destinés à la classe pauvre; avoir soin de bien les aérer, y construire un bon plancher à une certaine élévation du sol

Quand ces améliorations seront faites, la population de la Nouvelle-Orleans, désormais pleine de securité, pourra s'enorgueillir de sa salubrité et d'un air pur dont elle jouira, et ne craindra plus les épidémies auxquelles elle a été exposée jusqu'à présent.

Nous remarquerons ici de plus, que la population de la Nouvelle-Orléans n'a d'autre moyen d'esperer d'être à l'abri du fleau dont il est question qu'en adoptant les mesures que nous venons de suggérer.

Que nous sommes convaincus qu'aucuns reglements de quarantaine ne seront assez efficaces pour garantir la salubrité de la ville ou de l'Etat contre l'invasion des maladies epidemiques. Que le seul bien qu'on puisse retirer des reglements sanitaires serait la nomination d'un officier de santé dont le poste serait à la Balise, qui irait avec les pilotes au devant des navires pour les visiter et voir s'il existe à bord des cas de fièvre dite Ship Fever ou des cas de petite verole ; son examen se bornera à ces deux espèces de maladies serait constatée, faire nettoyer le navire, laver le corps ainsi que les hardes de tous ceux qui jouiraient d'une bonne sante, et les renvoyer ensuite satisfaits à leur destination. Quant aux malades, les retenir et leur fournir un abri aéré et peu coûteux jusqu'a ce que l'etat de leur santé leur permette de continuer leur voyage.

Nous croyons qu'on ne peut obtenir aucun avantage d'un système de quarantaine établi sur les principes les plus simples ou aussi complets, dans aucune autre localité. Et l'expédient que nous suggérons ne doit pas être considéré comme faisant partie d'un système de quarantaine quelconque, mais seulement comme un moyen d'empêcher le débarquement des maladies et d'émigrés mal propres dans des lieux mal aérés et déjà encombrées par la classe pauvre de la Nouvelle-Orléans.

(Signé) E. E. KITTRIDGE,
F. A. WILLIAMSON,
J. A. BRAUD,
CHS. SEUZENEAU.

VENTES DES TERRES DES ECOLES.

M. Lacoste demande que l'on s'occupe du bill suivant, intitulé :

Acte pour venir au secours d'Antoine Joseph Buras, de la paroisse Plaquemines.

Il est décreté par le Senat et la Chambre des Représentans de l'Etat de la Louisiane, réunis en assemblée générale, qu'Antoine Joseph Buras, de la paroisse de Plaquemines, est, par le present acte, autorisé à acheter de l'Etat de la Louisiane, la section seize du TOWNSHIP (district) dix-neuf, sud, de la rangée (RANGE) seize, à l'est du fleuve Mississipi, dans la paroisse de Plaquemines, à un prix qui ne sera pas moins d'une piastre et vingt-cinq cents par acre, laquelle terre a été habitée et cultivée par le dit Buras avant l'arpentage des terres publiques.

M. Lacoste—C'est avec plaisir que j'expliquerai le but de ce bill. Ainsi que son titre l'indique, il a pour but de venir au secours d'Antoine Joseph Buras de la paroisse de Plaquemines. Cet homme est pauvre; il a une nombreuse famille à soutenir. Il a résidé sur les terres indiquées dans le bill pendant les cinquante dernières années et y a construit un petit cottage dans lequel il reside avec sa famille. Ce que le bill démande c'est l'autorisation pour cet homme d'acheter ces terres au minimum du prix c'est-à-dire à une piastre et vingt-cinq cents par acre. Je ne vois pas quelle objection on pourrait opposer à ce bill.

M. Morse—J'y vois de très fortes objections. Ce serait en quelque sorte révoquer un acte du Congrès. D'après une loi du Congrès chaque 16ème section de terre est concédée au township dans lequel il se trouve situe pour être appliqué à un but d'education publique et ne peut être vendu sans un vote préalable des résidents du dit township, autorisant la vente. Si cet homme réside sur ces terres il peut aussi bien que tout autre en payer le prix entier. Rien ne serait plus facile au Surintendant de l'éducation publique que d'ordonner une election par les votants du township, les résidents ne fussent-ils qu'au nombre de sept ils ont le droit de voter sur cette question. S'ils autorisent la vente de ces terres, c'est très bien. Mais du moins que ce soit fait regulièrement. Adopter ce bill serait révoquer virtuellement un acte du Congrès et commettre une violation des lois sur la question de l'education publique.

Mr. Lacoste. Lorsque j'aurai expliqué la position de cette famille, je ne doute pas que personne ne vote faveur du bill. Cette famille est très pauvre et n'a pour vivre que ses propres ressources. Le père a dix enfants dont il est le seul soutien. Nous devrons accéder à la demande ; ce serait un acte de bienfaisance dont aucun Senateur n'aura jamais à se répentir.

Mr. Munday. Je désirerais apprendre du comité sur l'education si son opinion est que cela peut se faire. Je le demande par ce qu'il se présente un cas absolument semblable dans ma paroisse.

L'annee dernière la Legislature a passé une loi mettant à l'encan certaines portions des terres des écoles. Le Sherif va bientôt procéder à la vente conformément à la loi. C'est là un précédent. Je désirerais qu'on accedat à la demande du vieillard qui nous occupe si nous pouvons le faire avec justice autrement je ne vois pas pourquoi nous adopterions le bill.

Une motion est faite de déposer le bill sur le bureau.

Mr. Martel. Je demande la lecture du bill.

Lecture est faite du bill.

La motion de déposer le bill sur le bureau est perdue.

Mr. Munday. Ainsi que je l'ai déja dit je désirerais qu'on accédat à la demande de ce vieillard ; mais je voudrais présenter un amendement d'abord, décrétant que le vote des residants du township soit pris avant que la vente n'ait lieu.

Mr. Lacoste. C'est le veritable moyen de tuer le bill. Les votants auraient trop de peine pour rien.

Mr. Moore. Ces terres sont concedées par le congrès pour être appliquées à l'education publique. La concession n'est faite que dans ce but. C'est un fonds qui nous est confie dans un but spécial, nous n'aurons pas le droit de nous en servir dans un but que n'autorisent aucunement les dispositions de l'acte du congrès qui créée cette allocation ou cette concession.

Pouvons nous comme sénateurs, acceder a semblable proposition. Nous n'avons pas le moindre

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droit de le faire. Ces terres nous sont données en quelque sorte en dépot. Vous avez autant de droit de prendre de l'argent dans ma propre poche que d'en prendre de ce fonds qui a une destination spéciale Ce fonds, nous ne l'avons qu'à titre de dépot ; nous n'avons pas le droit de disposer d'aucune de ces terres pour qui que ce soit au monde et je m'étonne qu'on ait pu le penser un seul instant.

Mr. Lacoste. J'accepte l'amendement du sénateur d'Est-Feliciana.

Mr. Munday fait la motion d'ajouter à la fin dudit bill le proviso suivant :

Bien entendu qu'avant d'émettre le droit de préemtion, la majorité des votants du district (*township*) y donneront leur consentement.

Sur motion de M. Lacoste, d'adopter le bill ainsi qu'il est amendé.

M Hodge demande l'appel nominal.

L'hon. W. W. Farmer occupe le fauteil.

MM. Lacoste, Lacey, Munday et Wickliffe, 4 sénateurs, votent dans l'affirmative.

Et MM. Braud, Defreese, Evans, Hodge, King, Kenner, Kittridge, Lauve, Lawe, Macmurdo, Martel, Moore, Palfrey, Taylor et Trudeau, 15 sénateurs votent dans la négative.

M Martel—Si je comprends bien la loi du Congrès elle est comme suit : — Lorsque l'on désire vendre quelqu'une de ces terres appartenant aux Ecoles, l'opinion des votants du township dans lequel ces terres se trouvent situées doit être pris S'ils autorisent la vente, celle-ci se fait à un crédit de un, deux ou trois ans. Telle est la loi. Maintenant, je le demande, Monsieur, pourquoi ferions-nous ce qui nous est propose dans le bill et cela au profit d'un seul individu ? Ce serait un précédent très-dangereux. La terre peut valoir cinquante fois plus que le prix auquel il est question de la vendre ; pourquoi priver alors de cette somme le fonds des Ecoles publiques ? Est-ce dans un but d'intérêt public ? J'y consentirais. Mais non, c'est pour un seul individu. La Législature n'a pas le droit d'étendre si loin sa charite ; le Congrès n'a accordé qu'aux résidents de chaque township le droit d'en disposer. Il leur a concédé ces terres pour être par eux affectées a l'education publique. La Législature peut-elle ou veut-elle les priver de leurs droits ? Si l'on etudie avec soin la Constitution, on verra que nous ne le pouvons pas. Je suis opposé au but que le bill se propose

M Moore—Je demanderai l'appel nominal sur l'adoption de ce bill. Nous verrons qui votera pour ou contre

M. Munday fait la motion d'ajouter à la fin dudit bill le proviso suivant :

Bien entendu qu'avant d'émettre le droit de préemption, la majorité des votants du district [*township*] y donneront leur consentement.

Sur motion de M. Lacoste, d'adopter le bill ainsi qu'il est amendé,

M Hodge demande l'appel nominal.

MM. Lacoste, Lacey, Munday et Wickliffe, 4 sénateurs, totent dans l'affirmative.

Et MM Braud, Defreese, Evans, Hodge, King, Kenner, Kittridge, Lauve, Lawes, Macmurdo, Martel, Moore, Palfrey, Tayler et Trudeau, 15 senateurs, votent dans la negative.

En consequence, le bill et le proviso sont rejetés.

EMANCIPATION D'UN MINEUR.

M. Wickliffe sans en avoir donne avis au préalable, obtient la permission de presenter un acte pour émanciper la mineure Mary S. Saunders, épouse d Andrew S Herron.

M Trudeau—Je fais objection à l'adoption de ce bill. J'ai deja cité la loi a ce sujet, et j'ai fait voir comment le même resultat peut être obtenu en s'adressant aux tribunaux de l'Etat. Je ne vois pas pourquoi le Sénat perdrait son temps à s'occuper de ces demandes et petitions, lorsqu'il existe un autre moyen de regler ces questions. Cela devrait être fait par une assemblée de famille, ainsi que la loi le decrète Je ne suis pas opposé particulièrement à ce bill plus qu'à aucun autre bill de cette nature, Je suis oppose à tous en général. J'espère que le bill ne sera pas adopte.

M. Wickliffe—Dans mon opinion, le plus grand des *humbugs* existant sous le régime de nos lois actuelles est celui là, les assemblées de famille Je dois dire que pendant le temps qu'il a fallu au sénateur pour formuler son objection, le bill aurait pu être adopté. Le sénateur dit que l'émancipation peut être obtenue devant une assemblée de famille ; personne n'ignore cela; mais ce bill a été présenté à la requête de la dame et de sa famille, afin qu'elle put passer des titres à sa sœur et regler avec elle ses affaires pendant qu'elle est ici. Pour moi je ne saurais voir d'objection à l'adoption de ce bill. J'espère que par galanterie au moins le sénateur retirera son opposition.

Le bill est adopté.

—

ORDRE SPÉCIAL DU JOUR.

Bill pour l'enregistrement des hypothèques tacites.

Section 1. Il est décrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane, réunis en assemblée générale, Qu'à dater du premier jour d'avril 1855, aucune hypothèque ne pourra être mise en force ou exister en faveur d'un tiers agissant de bonne foi, à moins que la dite hypothèque ne soit enregistrée au bureau du Conservateur des Hypothèques. Cet enregistrement sera fait dans le but de grever la terre et les esclaves qui y sont employés, dans la paroisse où la propriété est située, et de grever les autres esclaves qui se trouvent dans la paroisse où le tuteur a son domicile ou sa résidence.

M Wickliffe offre la première section du bill de la Chambre comme substitut à la première section qui précède.

Acte pour pourvoir à l'enregistrement des hypothèques légales et tacites.

Section 1. Il est décreté par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane réunis en assemblée générale, Qu'aucune hypothèque légale ou tacite n'aura d'effet à moins que la preuve écrite ne soit enregistrée dans le registre des hypothèques, de la même manière et dans la même forme prescrite pour l'enregistrement des hypothèques conventionnelles et pour la somme seulement pour laquelle inscription aurait été faite.

M. Hodge—Je fais la motion de déposer le tout sur le bureau.

M Trudeau— Ce serait là terminer un peu cavalièrement une question qui est cependant de la plus grande importance.

M. Hodge—Je ne fais pas cette motion pour mettre fin à la discussion. Si quelque sénateur désire prononcer un discours, je retirerai ma motion afin qu'il puisse le faire à son aise. Je n'avais en vue que d'obtenir un vote d'épreuve.

La motion est perdue.

M. Lacey— Je fais la motion de déposer sur le bureau la première section du substitut sujette à l'appel.

M Wickliffe— D'après les règles parlementaires le sénateur a-t-il le droit de faire cette motion? Elle équivaut à déposer indéfiniment sur le bureau.

M. Lacey—Ce n'est pas ce que je veux.

La motion l'emporte.

M. Hodge— Je fais encore maintenant la motion de déposer sur le bureau la première section du bill qui est devant le Senat.

Cette motion est rejetée.

M. Trudeau— Je proposerai maintenant un substitut à la première section.

Section 1. Il est décrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane réunis en assemblée générale, Que toutes les femmes mariées, qui ont des hypothèques tacites sur les propriétés de leur mari, soit pour la réception ou l'aliénation de leurs biens dotaux ou paraphernaux et qui négligeraient d'en faire faire l'enregistrement au bureau des hypothèques, des differentes paroisses où sont situées les dites propriétes, le 1er avril 1855, ou avant cette époque, elles ne seront pas admises à faire valoir leurs droits aux dites hypothèques contre les tiers agissant de bonne foi. Pourvu que toutes les hypothèques contre les tuteurs, les curateurs des personnes absentes ou interdites qui n'auraient pas été enregistrées le 1er octobre 1855 seront nulles contre les tiers de bonne foi

Mon but est de parer de la sorte à l'objection de constitutionalité. Je partage l'opinion du sénateur d'Est-Bâton-Rouge et du sénateur de St-Martin quand ils disent que le bill(le substitut) est inconstitutionnel tel qu'il est à présent, parce qu'il ne spécifie pas l'époque où il commencera à avoir effet. La Législature peut passer une loi requérant l'inscription de ces

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hypothèques ; mais il faut rendre cette inscription obligatoire dans un temps donné. Mon amendement rend cette inscription nécessaire dans un délai spécifié, et si elle n'est pas faite dans ce délai, les droits qu'elle est appelée à garantir sont éteints. Il ne s'applique pas aux mineurs, parce qu'ils ont des droits acquis, mais seulement aux femmes mariées La Législature a également le droit de déclarer vacantes, après un certain temps, les fonctions de tous tuteurs, curateurs, administrateurs, etc. Cela n'est pas inconstitutionnel. L'objection faite par le sénateur d'Est-Bâton-Rouge (M. Lacey) est le seul point sur lequel on s'appuie pour considérer le bill comme inconstitutionnel. J'offre l'amendement à l'effet d'aller audevant de ces objections. Je crois qu'en effet il est un remède aux inconvenients signalés.

M. Ryan— L'amendement peut être bon, mais la raison qu'on donne pour le justifier me paraît sans valeur. Je ne veux pas discuter ce point quant à présent, quoique je croie être en mesure d'établir la vérité de la position que je défends. Mais que je le puisse ou non, là n'est pas la question. L'honorable membre dit qu'il exempte les mineurs de l'obligation et des rigueurs de son amendement, parce qu'ils ont des droits acquis, et il fait l'application aux femmes mariées, parce qu'elles n'ont pas de droits acquis. Par cet amendement, les femmes mariées perdront leurs droits, à moins que ces droits hypothécaires n'aient été inscrits dans un temps donné. Je voudrais demander si la femme mariée n'a pas de droits acquis tout aussi bien que le mineur ? Supposons qu'elle ait $200,000 dans les mains de son mari, son droit d'action contre celui-ci n'est-il pas un droit acquis ? Le fait que les mineurs et les femmes mariées sont sous ce rapport sur un pied exactement semblable, ce fait, dis-je, est hors de toute contestation. Les mineurs ont des droits acquis sur les propriétés de leurs tuteurs, et les femmes mariées ont le même droit sur celles de leurs maris. Dans l'un comme dans l'autre cas les droits sont des droits acquis. Si le bill est inconstitutionnel parce qu'il attaque les droits des mineurs, l'amendement ne l'est pas moins, attendu qu'il porte atteinte aux droits des femmes mariées. C'est, je le repète, c'est en vain que vous prétendez établir une distinction entre des droits tout à fait identiques, distinction que vous énoncez d'ailleurs, sans essayer de la prouver, quoique l'étrangeté de l'affirmation semble mériter au moins une démonstration. Les femmes ont des droits tout aussi sacrés que les mineurs ; comme ceux-ci, elles sont, aux yeux de la loi, dans une sorte d'état de minorité, et votre distinction ne saurait nullement se justifier. En vérité, je voudrais qu'on produisît seulement un argument en explication de cette proposition si nouvelle.

Je suis tout à fait favorable à la loi qui protégera les droits des mineurs, mais je mets les droits des femmes mariées sur la même ligne et je demande pour elles la même protection que pour les mineurs, jusqu'à plus ample informé.

Pour ma part, je ne pense pas que le bill soit inconstitutionnel, et je donnerai, en temps opportun, mes raisons de cette opinion. J'ai seulement fait ces quelques remarques pour faire voir que les motifs allégués par l'hon. sénateur de Jefferson, M Trudeau, sont sans fondement ; que les femmes mariées, pendant qu'elles sont sous la tutelle de leur mari, ont les mêmes droits que les mineurs et ont un droit égal à la protection de la loi. C'est là la raison pour laquelle la loi est et doit être la même pour ces deux classes de mineurs.

Comment pouvoir établir une différence entre l'une et l'autre ? C'est ce que je ne puis comprendre. Je puis être dans l'erreur, et si j'y suis en effet, je désire au moins qu'on essaie de me faire voir en quoi et comment je me trompe.

—M Trudeau—L'hon. membre n'a pas bien compris ma pensee. J'ai dit que la première section est inconstitutionnelle, parce qu'elle n'exige pas d'une manière impérative que les hypothèques soient investies dans un certain délai spécifié. Cela a pour conséquence d'anéantir ces droits tout d'un coup et de porter atteinte à des droits acquis, cela est inconstitutionnel.

La Législature a le droit de déclarer que certains droits sont prescrits à défaut de leur inscription dans un temps qu'elle doit spécifier. C'est là tout ce qu'elle peut faire. Mais elle ne saurait aller au delà. En donnant un temps voulu, elle n'apporte plus qu'une condition à accomplir, condition dont l'inaccomplissement entraîne la déchéance. Chacun peut alors conserver son droit en se conformant à la loi. Mais prononcer la déchéance sans avoir donné le temps d'accomplir la condition, c'est là ce que ne peut faire le Législateur. Les mineurs, je le répète, ne sont pas dans la même position que les femmes mariées.

Il existe entre ces deux catégories de mineurs une grande différence, en fait. Le bill déclare qu'après un certain délai la tutelle sera déclarée vacante. Cela n'est pas inconstitutionnel. Tous les droits existants sont conservés par le bill, si la condition prescrite par la loi est accomplie. Le bill dit seulement qu'après un temps donné les fonctions de tuteur seront declarees vacantes et qu'une nouvelle sécurité sera donnée.

Personne ne peut dire qu'il y a là inconstitutionnalité. Mais avec les femmes mariées, le cas est différent, en ce que le bill ne leur accorde pas le même délai qu'aux mineurs, et prononce la déchéance sans avoir donné le temps d'accomplir la condition.

M. Lacoste—Nous sommes ici pour protéger les droits des femmes et des enfants, et non pas pour les détruire. La loi existante est bonne, car elle remplit parfaitement ce double but. Le seul effet du changement proposé serait de profiter à messieurs les avocats. Sans contredit, ils feraient beaucoup d'argent, tandis que les femmes et les orphelins seraient livrés sans défense à leur rapacité. Il vaut mieux déposer le bill sur la table. S'il est soumis à nos délibérations, je voterai certainement contre.

M. Moore—Je viens prier le Sénat de vouloir bien écouter les quelques reflexions que j'ai à lui soumettre sur ce sujet. L'amendement prête le flanc à l'une des objections que j'ai faites contre le bill. Le bill originaire a été rédigé avec beaucoup de soin et de talent. Il faut au moins lui rendre cette justice. Quant à l'autre, je crois qu'il ne peut être plus simple. Par le substitut du sénateur d'Ouest-Feliciana, il est ordonné, que l'hypothèque devra être inscrite dans chaque paroisse où la personne a des propriétés et de plus au lieu de son domicile. Le premier est simple, le second est complexe. Si nous adoptons le bill simple, l'enregistrement devra seulement être fait au domicile du mari. Mais en vertu de ce bill, un homme pourrait avoir un certificat de vente de propriete, et alors quel recours resterait-il ?

Nos statuts sont pleins de dispositions en faveur du marchand et des classes laborieuses. Un senateur nous a dit que le travail n'est pas protégé dans cet Etat. Je soutiens, moi, que le travail est mieux protégé dans la Louisiane qu'il ne l'est dans aucun autre Etat de l'Union. Le marchand a un titre et une action contre le planteur et sur sa récolte, pour le prix des marchandises qu'il lui fournit. C'est là une hypothèque tacite. Cependant on n'en a encore rien dit. Nous ne nous plaignons pas de cette hypothèque latente, parce qu'elle est établie en faveur des classes commerçantes. Je le répète, Messieurs, nulle part ailleurs le travailleur n'est aussi bien protégé que dans la Louisiane. S'il travaille dans une ferme, il a son privilége. Or, ce privilége n'est autre chose qu'une hypothèque tacite.

S'il bâtit une maison, il a encore son privilége Ce sont là, je le répète, des hypothèques tacites. Cependant je ne sache pas que personne ait encore formulé contr'elles la moindre accusation. L'ouvrier qui contribue pour la plus petite chose à la construction d'une maison, a son privilége, remarques le bien, et ce privilége existe independamment de l'inscription. Sans doute il vaudrait mieux, je suis le premier à en convenir, que toutes les hypothèques fûssent inscrites. Cependant ce bill est si complexe, qu'il prête encore beaucoup plus à la fraude que ne l'a jamais fait le système qui nous régit aujourd'hui. Un homme peut recevoir l'argent sur sa parole, puis s'en aller ensuite dans une paroisse éloignée et l'employer à l'achat d'une terre.

Il se procure alors un certificat du conservateur des hypothèques, constatant qu'il n'y a pas d'hypotheque sur sa terre. Le mineur se trouve ainsi dépouillé de ses droits, et n'a plus aucun recours. Ainsi on verra par là que ce bill se prête beaucoup plus à la fraude que le système sous lequel nous vivons. Il est impossible, comme on l'a fait remarquer avec raison, de faire une loi qu'on ne parvienne parfois à éluder. Il

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y a toujours quelque endroit faible que peut entamer l'esprit d'entreprise, quelque joint par où passent la ruse et la mauvaise foi. Mais ne vaut-il pas mieux laisser aux prêteurs d'argent le soin de veiller à la conservation de leurs intérêts que de livrer le mineur à de pareils embarras ? La loi doit prendre le faible sous sa garde. Le fort peut se défendre lui-même Les prêteurs d'argent seront assez vigilants, croyez le bien, pour découvrir tout ce qui pourrait affecter leurs intérêts. Ils se garderont bien de prêter leur argent avant de s'être procuré, au préalable, la renonciation de la femme à ses droits hypothécaires

Je suis opposé à l'amendement, parce que je crois qu'au lieu d'améliorer le bill, il le rend moins acceptable encore. En vérité, tout imparfait qu'est le bill, je le préférerais encore de beaucoup à l'amendement. Mais, messieurs, à mon avis, nous ferions beaucoup mieux de nous en tenir à ce que nous avons. Je suis un vieillard. Il se peut que je ne voie pas très-clair à ces questions difficiles; mais mon opinion est que sous le bill qu'on nous propose, nous serons beaucoup plus exposés à la fraude que nous ne le sommes aujourd'hui.

M. King—Si j'ai bien compris ce que vient dire l'honorable M. Moore, il votera pour un bill qui ne rendrait l'inscription obligatoire qu'au domicile du tuteur ?

M. Moore—Oui, pourvu que ce bill ne s'applique qu'aux hypothèques futures.

M. King—C'est là entre nous une grande différence d'opinions. La proposition de l'honorable M. Moore voudrait, nous faire vivre longtemps encore sous ce beau système de la loi espagnole, qui pèse si lourdement sur les contrées qu'elle régit, et qui appelle si manifestement une réforme, mêlée qu'elle se trouve à nos institutions républicaines.

L'honorable membre et moi, nous voyons la question sous un jour bien différent. Il dit que le bill a pour principal objet de favoriser les prêteurs d'argent Je dis, moi, que tout au contraire, il est conçu dans l'intérêt des emprunteurs. Pourquoi ne pourrons-nous pas obtenir d'argent ici sur nos propriétés, à d'aussi bonnes conditions qu'à New-York ? La raison en est manifeste, – notre garantie ne vaut rien, parce que le titre n'est pas sûr. C'est selon moi, bien mal envisager une question que de n'en voir qu'une seule face. Un contrat est ordinairement fait pour le bénéfice des deux parties contractantes. Si cela est vrai, le contrat de prêt est aussi avantageux à l'emprunteur qu'au prêteur. Je dirai plus l'intérêt du capital ici n'est qu'un intérêt particulier Celui de l'emprunteur, au contraire, est une sorte d'intérêt général; car l'argent emprunté par lui est destiné à quelque travail, à quelqu'entreprise, dont profite la société Supposez le capital tout-à-fait retiré du pays, et voyez ce qu'il restera d'industrie et de commerce. Favoriser le capital, c'est donc bien plutôt protéger la société que ce n'est protéger le capitaliste Comment voulez-vous qu'un homme ordinaire puisse avoir quelque confiance dans le gage de la propriété, quand M. Rosélius. lui-même, tout versé qu'il est dans ces matières hypothécaires, a perdu une somme considérable par l'effet d'une hypothèque tacite dont l'existence avait échappé à son investigation.

Il faut que l'inscription soit faite dans chaque paroisse, et non pas seulement au lieu du domicile, car outre qu'il se peut que le tuteur n'ait pas de propriété dans la paroisse de son domicile, la question du domicile elle-même est une des plus incertaines de notre jurisprudence, et elle a donné lieu à de nombreuses controverses, sur lesquelles il a souvent été fort difficile de décider. Ainsi, deux embarras se présentent. Trouver d'abord le domicile, et puis ce domicile une fois découvert, arriver fort souvent à apprendre qu'il n'existe pas de propriétés appartenant au tuteur dans la paroisse de ce domicile. D'un autre côté, il se pourra qu'il en ait pour des millions dans d'autres paroisses, et cependant l'hypothèque ne les atteindra pas Tous les sénateurs qui m'entendent, apprécieront ce que produirait un pareil bill.

L'honorable membre parle des priviléges des artisans, des engagés et des marchands. Il paraît oublier qu'il y a un article du code qui ordonne que tous les priviléges excédant 500 piastres devront être inscrits. La section du bill originaire est presque semblable. Elle fait spécifiquement ce que celle-ci fait négativement.

M. Lacey—Je m'oppose à l'amendement par la même raison qui a motivé mon opposition au bill originaire. Je le crois destiné à détruire les droits des mineurs et des femmes mariées. Sur un pareil sujet, je ne puis consentir à aucune transaction. Ces droits doivent être inviolables et inviolés. Je veux bien seulement qu'ils soient inscrits pour le bénéfice des tiers. Mais l'amendement va trop loin, quand il dit que, faute d'avoir été inscrits, ces droits seront sans force et sans effets.

C'est là ce que je considère comme une violation de la loi fondamentale de l'Etat ; et si ce n'est pas une violation de la Constitution, tout au moins est-ce une mesure entièrement politique. Si je pouvais obtenir l'assentiment du Sénat, je ferais disparaître du bill originaire toute cette partie comprise depuis la première ligne jusqu'à la sixième, ainsi conçue :

» SECTION 1RE.—Décrété par le Sénat et la Cham-
» bre des Représentants de la Louisiane, réunis en
» assemblée générale ; Qu'à partir du 1er avril 1855
» aucune hypothèque ne pourra avoir effet contre
» une tierce personne de bonne foi, à moins d'avoir
» été dûment inscrite au bureau du Conservateur
» des Hypothèques. »

Je voudrais faire disparaître cette portion du bill ; si je réussis, qu'arrivera-t-il ? L'hypothèque conservera sa force exactement comme aujourd'hui ; aucun droit ne sera offensé, ce qui ne nous empêchera nullement de prendre les mesures nécessaires pour arriver à rendre l'inscription de cette hypothèque obligatoire. Remarquez l'inconséquence du bill. Il ordonne l'inscription. Mais à qui impose-t-il l'obligation de la faire faire ? Aux tuteurs, aux maris et à certains officiers publics. Qui punit-il pour l'oubli de ce droit. Il en punit, messieurs, la femme et le mineur, c'est-à-dire ceux qu'il faudrait défendre de la fraude, ceux qui sont innocents du fait de la non-inscription, ceux contre qui l'omission aura été faite

Ce raisonnement me paraît clair ; cependant, si le Sénat est d'une opinion contraire, je me rangerai à l'opinion général et je voterai pour le bill tel qu'il est présenté.

Je le répète, en temps opportun, je demanderai la suppression de cette partie du bill qui, à mes yeux, touche à des droits acquis et sacrés, et viole conséquemment la loi fondamentale de l'Etat. Maintenant quant à la question de savoir si nous prendrons des mesures pour forcer l'inscription de toutes les hypothèques, ce n'est plus qu'une question de règlement et non de principes. Je suis en faveur d'une telle mesure, mais je ne veux pas prendre le bill comme on le présente. Respectons les droits acquis. Ne touchons pas à l'hypothèque légale en elle-même, mais exigeons en l'inscription et prenons des mesures efficaces pour arriver à ce but. C'est là le principal objet que nous devons nous proposer.

Ainsi, encore une fois et pour me résumer, je veux qu'on respecte l'hypothèque, mais je suis d'avis que de tacite elle devienne apparente. Proposez-nous un bill dans ce sens et je voterai avec vous.

M. Hodge présente sur la première section du bill original un amendement ordonnant que tous les tuteurs seront requis d'avoir à faire inscrire les lettres de tutelle au bureau du Conservateur des Hypothèques dans les différentes paroisses où ils peuvent avoir des propriétés et imposant aux clercs des cours de justice où ces lettres sont délivrées, d'en adresser copie, dans les cinq jours, au Conservateur des Hypothèques, qui devra les transcrire sur ses registres.— Aux termes de cet amendement tout recorder ou clerc qui aura négligé d'accomplir ce devoir, sera responsable de tous dommages qui peuvent avoir été causés par cette négligence.

M. King—C'est la loi d'aujourd'hui. Les clercs des cours de justice, sous le régime actuel, sont obligés de délivrer les lettres de tutelle. J'ai déjà discuté ce sujet pleinement et je pense avoir établi chaque point qui nous divise, de sorte que je ne me sens pas le courage de recommencer un pareil examen. Je ferai cependant quelques remarques. Le sénateur de St-Martin et le sénateur d'Est Bâton Rouge désirent que le bill ne soit applicable qu'aux hypothèques non encore existantes. Tel qu'il est, le bill met un terme au système des hypothèques tacites après un temps spécifié et raisonnable. Leur opinion est de ne pas toucher aux hypothèques existantes et de faire que le bill n'ait d'effet que sur celles à venir. Mais com-

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ment ne voient-ils pas que c'est là nous rejeter à une époque tout à fait indéterminée et fort éloignée de nous, car pour que les tiers puissent trouver quelque sécurité dans le gage hypothécaire ou dans la propriété, il faudra attendre que toutes les femmes mariées soient mortes et que tous les mineurs aient atteint leur majorité. En vérité, ce serait, en quelque sorte, priver la génération présente du bénéfice de la loi, et cela pour l'interêt très douteux de quelques personnes privilégiées, dont les droits peuvent être, après tout, conservés par la simple formalité de l'inscription.

Cependant, comme il vaut mieux accepter une demie réforme que de s'endormir à tout jamais dans le mal, si je ne puis obtenir mieux, je me réfugierai en dernier ressort dans le camp de des timides réformateurs.

M. Hodge—Je n'ai pas encore pris la parole sur ce bill. Je veux dire quelques mots pour expliquer pourquoi je suis en faveur de l'amendement. A la dernière session, je me trouvais parmi les opposants à cette mesure, par la raison que je ne voulais pas qu'il fut porté la moindre atteinte aux droits d'aucune classe de notre population. Maintenant, j'ai la conviction que ces droits ne sont nullement atteints par ce bill. Et si je ne vote pas pour le bill lui-même, ce n'est pas que je le considère comme inconstitutionnel. Non, je le crois parfaitement en harmonie avec la Constitution; c'était déjà mon opinion à la dernière session ainsi que j'ai eu occasion de le dire. Mais on se fait remarquer avec beaucoup de raison que la Législature adopterait là une mesure tout à fait impolitique, si elle portait la main sur les droits de ceux qui sont incapables de se proteger eux-mêmes, et cela dans le but de venir au secours de ceux qui n'ont pas besoin de l'assistance de la loi. Le sénateur de la Nouvelle-Orléans (M. King) disait ce matin que notre present système dérive de la loi espagnole; et qu'il n'est pas consistant avec nos libres institutions commerciales. Maintenant, messieurs, j'ose dire que si nous abolissons les hypothèques tacites, nous placerons les mineurs non seulement dans une position pire que celle où ils étaient auparavant, mais encore dans une position pire que ne l'est celle des mineurs dans aucun autre Etat de l'Union. Même avec ce cerbère farouche, qu'on appelle le système des hypothèques tacites, les mineurs sont moins efficacement protégés chez nous que partout ailleurs, aux Etats-Unis. On a beau se recrier contre ce genre d'hypothèques, dans une longue carrière des affaires, j'ai vu très peu d'individus qui aient eu à en souffrir, tandis qu'au contraire j'ai souvent vu et tous les sénateurs ici présens n'auront certainement pas manqué d'avoir vu une foule de cas où les mineurs ont été dépouillés Et cependant vous voulez leur enlever la seule protection qu'leur reste. Comment pouvez-vous penser qu'un mineur, dans sa première enfance, puisse veiller à ce que l'inscription soit faite ; et, comme on l'a fort bien fait remarquer, c'est eux que vous puniriez de la négligence d'un autre ! Compter sur le tuteur pour que cette inscription soit faite, c'est folie. Comment croire qu'il prendra la moindre peine pour aller faire grever sa propriété ? c'est contre nature Si vous voulez que l'homme execute la loi, tâchez qu'elle soit dans son intérêt. Si elle est contraire à ses interêts ce n'est pas lui qui doit être chargé de la mettre en pratique, car il y a tout à parier qu'il se soustraira autant qu'il le pourra à cette obligation. Est-ce qu'un voleur va se dénoncer lui-même ? non. Qui le dénonce ? ceux qui ont interêt à le faire, c'est à dire les autres citoyens. Tâchons, messieurs, de faire des lois qui ne soient pas contre nature. Pour ma part, je n'ai jamais connu un seul tuteur qui eût accompli tous ses devoirs à la lettre. L'hon. membre dit qu'on pourrait charger le juge de district de veiller à l'observation de la loi. Mais qui s'assurera que le juge fasse son devoir ? La seule personne intéressée à le savoir, c'est le mineur ; comment le saura-t-il ?

Mon amendement fait porter ce devoir sur le clerc, et le rend responsable de toute negligence. Il est passible de tous dommages interêts pour tout le mal qu'a pu occasionner cette négligence. Je ne suppose pas, je ne peux pas supposer que le sénateur de la Nouvelle-Orléans, malgré l'opposition qu'il fait aux interêts des mineurs, ait cependant l'intention qu'ils soient victimes de la fraude. Mais il a pris une telle détermination de renverser la loi existante, qu'entraîne par son fanatisme, il semble ne plus tenir compte d'aucune des conséquences fâcheuses que ce renversement pourrait entraîner. Il semble n'avoir d'autre vue que d'ajouter un nouveau lustre à son nom, en obtenant un succès là où tant d'autres ont échoué avant lui. Car jusqu'ici tous les efforts tentés dans le même sens, malgré la tenacité et le talent même de leurs auteurs, ont été infructueux, tant est grand le respect que la population louisianaise porte aux êtres faibles et sans défense.

Mais, pour revenir à l'amendement, les promoteurs du bill soutiendront-ils qu'aucun clerc d'une cour de justice voudra prendre la responsabilité de tenir copie de toutes les nominations aux tutelles, curatelles, etc., quand la moindre omission, même involontaire, peut entraîner contr'eux des conséquences aussi terribles. Il ne serait pas raisonnable de supposer que, si le tuteur est seul chargé de faire faire l'inscription, il fera tout son possible pour dépouiller le mineur, et pourra même s'entendre avec le clerc pour arriver à ses fins. Cela s'est toujours fait et ne manquera pas de se faire encore. La politique de notre Législature doit être de protéger ceux qui sont hors d'état de se protéger eux-mêmes. Le faible a des droits à nos sympathies Le fort est parfaitement capable de se défendre contre les périls qui peuvent menacer sa fortune. Nous devons faire des lois en faveur des pauvres ; quant au second, il n'a pas les mêmes droits à notre sollicitude.

Je ne dirai rien de la question de constitutionnalité de cette affaire. Je ne vois pas dutout en quoi le créancier peut avoir à souffrir de la non inscription de l'hypothèque. Je ne connais pas un seul cas où un honnête creancier ait réellement souffert des hypothèques tacites. Il est aisé de savoir qu'elles existent, quand on veut prendre la peine de faire des recherches. Mais si vous voulez forcer un homme à envoyer ses lettres de tutelle au conservateur des hypothèques, pour les faire transcrire, pourquoi n'est-il pas aussi aisé d'imposer cette obligation aux clercs de Cours. Cela serait juste et aussi très aisé dans les paroisses de la campagne, et même dans la ville de la Nouvelle-Orléans, parce que là toutes les affaires de succession sont faites à la même Cour. Dans les paroisses de la campagne, il serait tout aussi facile de transcrire le titre hypothécaire au bureau du clerc qu'au bureau du conservateur des hypothèques.

En premier lieu, on pourrait s'assurer si le tuteur a donné un bond (bound).

Ce bond, une fois transcris, opérerait comme une hypothèque. D'abord, il est certain que le bond doit être fait, avant de pouvoir être transcrit. Je voudrais obliger les tuteurs naturels à donner un bond aussi bien que les autres tuteurs. Quand il y a des femmes mariées dans l'affaire, je confesse que la question présente beaucoup de difficultés. Mais si l'honorable membre cesse d'attaquer le système, je veux alors que toutes ces hypothèques tacites soient abolies. Quand un homme prend la position et assume la responsabilité d'un mari, il est naturel de supposer qu'il a assez d'interêt à la prospérite des affaires communes, pour bien administrer les biens de sa femme.

M Ryan—Messieurs, dans le cours de ces débats, on a beaucoup parlé du bond qui doit être fourni. Maintenant Messieurs, qu'elle est la signification de ce mot bond ? Le bond à donner par un tuteur est différent de celui d'un administrateur. Un bond n'opère pas comme une hypothèque spéciale. Si je suis tuteur d'un mineur possédant $150,000 en terres, esclaves et autres valeurs, je donne un bond seulement pour les valeurs mobilières.

Supposons qu'un mineur a des valeurs mobilières pour $35,000, des biens immeubles pour $115,000, je donne un bond seulement pour $35,000. J'ai entendu qu'on parlait d'un bond comme de l'inscription d'une hypothèque.

Pourquoi ne doit-on transcrire que l'acte de nomination à la tutelle, et rien de plus ! Parce que le bond, n'etant donné que pour une partie de la fortune, la partie mobilière, il ne saurait y avoir rien de complet dans la transcription de ce bond. Voici, Messieurs, la loi contenue dans l'article 330 du Code.

« Tout tuteur, excepté le père et la mère, donneront au juge qui l'a nommé ou confirmé dans ses fonctions, une sécurité bonne et suffisante comme gage de la bonne foi de son administration.

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» Cette sécurité devra être égale au montant des créances, argent et autres valeurs mobilières constatées dans l'inventaire, et le juge y ajoutera même telle autre somme qu'il jugera convenable, pour garantir le mineure contre tous dommages ou pertes que pourrait occasionner à celui-ci la negligence ou la mauvaise administration du tuteur.»

Le bond du tuteur est donc seulement donné pour le montant des créances, de l'argent et des valeurs mobilières se trouvant dans la fortune du mineur Quand il s'agit d'un administrateur, le bond est donné non seulement pour le montant des valeurs mobilières mais pour la totalite de la fortune, plus un quart en sus. Ainsi, un administrateur d'une propriété valant $1000,000 donne un bond pour $125,000. Telle est la loi. On ne saurait dire le contraire. Je ne pretends pas dire que le tuteur ne soit pas obligé de donner un bond, mais simplement que ce bond n'est pas suffisant pour servir de base à l'hypothèque.

Le mineur, au lieu d'avoir une hypothèque pour le montant de tous ses biens, n'est temoin que pour partie. J'accepte le montant du bond dans le cas dû. C'est bien différent du cas des administrateurs comme je viens de l'etablir. La raison de cette distinction est que le tuteur n'est pas obligé d'administrer les terres et les esclaves. Il peut les louer.

La loi considère comme propriété mobilière tout ce qui n'est pas propriété réelle. Les chevaux, les mulets, le betail, &c., sont des biens mobiliers par nature; mais dans beaucoup de cas ils sont immeubles par destination, et alors le tuteur n'est pas appelé à donner un bond pour leur valeur. Ainsi, il ne donne aucun bond pour le stock attaché à une plantation Il donne un bond seulement pour les effets que la loi déclare mobiliers Y aurait-il quelqu'avantage à transcrire ce bond au bureau des hypothèques ? Si je me trompe dans ce que je dis, que les avocats ici présens redressent une erreur. Je dis, messieurs, que ce bond ne donnerait pas une sécurité suffisante. Il n'opère pas comme une hypothèque. Il n'y a d'hypothèque que celle qui résulte de la nomination même du tuteur et prend naissance *ipso facto* aussitôt après cette nomination. Cette hypothèque est illimitée et frappe la propriété du tuteur pour garantir le mineur contre toutes les conséquences d'une mauvaise administration. Maintenant, si l'honorable membre désire proposer un amendement qui ferait voter l'hypothèque seulement du jour où le tuteur reçoit l'argent ou les valeurs mobilières, il ne ferait que demander une chose en elle-même très désirable. Supposons que je suis tuteur d'un mineur. Je puis ne pas recevoir d'argent pendant vingt ans, mais je puis vendre des propriétés aujourd'hui, et le mineur a une hypothèque dessus, quoique je ne lui doive pas un écut C'est là un mal qu'il faudrait faire disparaître. Si nous nous proposons d'être utile aux mineurs il faut, pour être justes, comment par ne pas nuire sans utilité aux intérêts des tuteurs

M. Hodge—L'amendement a pour but de faire transcrire le bond, de manière qu'il ne puisse être détruit et que les droits du mineur ne puissent en souffrir.

M. Ryan—Mais, que fait le bond avec la question qui nous occupe? Quel résultat aura-t-on obtenu quand on aura transmis le bond? Le bond n'est pas ce qui peut donner naissance à l'hypothèque C'est la nomination seule qui la crée à l'instant même. Le bond, d'un autre côté, ne peut pas non plus servir de base à connaitre le montant de l'hypothèque car, comme je l'ai dit, le bond est partiel, tandis que l'hypothèque doit être générale. Il y a là une erreur évidente, et qui entrainerait plus tard une fausse interprétation de la loi. Il pourrait arriver qu'un jour on croit que l'hypothèque, au lieu d'être générale et limitée, n'est plus qu'une hypothèque restreinte et illimitée. Ce serait un tort grave porté aux mineurs.

M. Trudeau—La question se complique tellement, qu'elle est à peine compréhensible. En premier lieu, nous avons le bill originaire, introduit par le Sénateur de la Nlle-Orléans. M. King, puis le substitut introduit par le sénateur de Ouest-Féliciana, (M. Wickliffe), puis enfin, en addition à ces deux bills, de nombreux amendements dont l'un, je crois, est devant le Sénat. Je voudrais ramener la discussion sur un terrain moins vague et moins général et la circonscrire dans les limites de la section particulière qui est en ce moment soumise à notre examen.

La discussion a pris de telles proportions qu'elle devient extrêmement fatigante. Nous n'avançons pas. A propos de chaque point de détail, on trouve bon de rentrer toujours dans la discussion générale, d'opposer des principes déjà exposés nombre de fois par les orateurs qui ont précédé Le bill a 16 sections, songez-y. Au train dont nous allons, il nous faudra six mois pour en finir. Je prie le Sénat de faire que les discours des orateurs se bornent au point en discussion, et ne s'étendent plus à l'ensemble. Quand on en sera à la 4me section, je proposerai un amendement qui, j'en suis sûr, rendra le bill acceptable pour tous. Pour ce qui est de l'amendement maintenant en discussion, j'y suis opposé, parce qu'il aurait pour effet de nous laisser pendant trente ans encore esclaves au detestable régime actuellement en vigueur. Que nos enfants fassent des lois pour eux, nous, faisons-en pour nous.

L'amendement de M. Hodge est déposé sur la table.

M. Lacey—Je demande qu'on supprime la première section du bill.

La motion est adoptée.

M. Wickliffe—Je demande une décision de bill par le comité, et à ce que nous ne discutions que sur un bill qui aura, au prealable, son assentiment.

M. King—Ce bill a obtenu l'adhésion de tous les membres du comité. Je ne vois pas d'espérance qu'on puisse obtenir mieux qu'un vote unanime.

M. Wickliffe—Il n'en serait peut-être pas de même à présent.

M. King—Mais alors il n'y aurait plus de fin. Il faut que nous en terminions, si le Senat veut enfin adopter le bill, qu'il le passe; si non, rejetez-le immediatement.

M. Lacey—Je demande que la motion soit déposée sur la table.—Adopté.

M. Hodge—Je demande qu'il dépose de même le reste du bill.

M. Lacey—Je demande le vote par OUI et par NON.

M. King—J'appuie la motion de déposer le bill sur la table. Nous lui avons coupé la tête, nous pouvons maintenant parfaitement bien brûler le reste.

Cette motion est adoptée.

M. King prévient le Senat que demain il proposera une nouvelle prise en consideration.

Message de la Chambre.

Le messager spécial de la Chambre vient demander la signature du président aux bills suivants de la Chambre, lesquels sont dûment enrôlés.

Acte pour pouvoir au paiement des coupons d'intérêt, détachés des bons émis par l'Etat, lesquels coupons sont exigibles.

Acte pour abroger l'acte intitulé :

Acte pour incorporer la loge de la Nouvelle-Iberie, No 36 de l'ordre des Odd Fellows, indépendant de l'Etat de la Louisiane.

Acte pour autoriser Mme H. Wetbera, épouse de Jos. McKennedy, à affranchir son esclave, nommée Clarisse, avec la permission de demeurer dans l'Etat.

Acte pour changer l'époque des sessions de la Cour, dans le 6me district judiciaire et d'établir des sessions de juri.

Acte pour émanciper Eliza Mauvin.

Acte pour émanciper Abner Nash Ogden, jr, de la paroisse de Jefferson

Acte pour émanciper Andrew Lawson, jr, de la paroisse de Bossier.

Résolution requérant les commissaires des levées marécageuses et leur ingénieurs, à fournir des comptes de leurs dépenses casuelles et autres déposés.

Le messager spécial de la Chambre demande la signature du Sénat aux bills et à la resolution de la Chambre.

Acte pour venir au secours d'Antoine Marrero, ex-collecteur des taxes d'Etat pour la paroisse de St. Bernard.

Acte pour émanciper James Y et Emilie L. Wood, de la paroisse d'Est Bâton Rouge.

Acte pour autoriser John Cousin, de la paroisse de St-Tammany, à affranchir l'esclave Frances et ses trois enfants.

Acte pour créer un juge de paix et un constable

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additionnels dans et pour la paroisse de Washington.

Acte pour autoriser W. C. Wilson, à affranchir David, son esclave.

Acte pour venir au secours de R. A. Sibley, shérif de la paroisse de Sabine

Acte pour autoriser Edward D. Woods, à accepter la tutelle du mineur Lewis E Woods.

Résolution relative à l'établissement d'une malle-poste dans la paroisse de St-Jacques.

Et il informe le Sénat que la Chambre a donné son concours aux bills suivants du Sénat.

Acte pour émanciper Wm M. Burns.

Acte pour émanciper W. J. Thigpen.

Et il demande le concours du Senat aux bills et à la résolution de la Chambre.

Acte pour créer un notaire additionnel pour la paroisse de Ste-Helène.

Acte pour autoriser les trésoriers de paroisse à employer le shérif ou l'encanteur, afin de vendre les sections seize.

Acte pour augmenter la compensation des jurés dans la paroisse de Terrebonne.

Acte pour amender un acte intitulé :

Acte pour abroger telle portion de la 13me section d'un acte intitulé :

Acte pour régler les sessions des cours de district judiciaire (la paroisse d'Orléans exceptè,) approuvé le 29 avril 1853, et d'en fixer les sessions.

Résolution relative à la publication des documents français et espagnols appartenant à l'Etat.

BILLS ET RESOLUTIONS PRESENTÉS.

Sur motion de M. Moore, et après dispenses des règles, ces bills sont lus deux fois et le premier acte est renvoyé au comité des réclamations, et le dernier acte est référé au comité des améliorations à l'intérieur des terres marécageuses et des levées

M. McMurdo presente une pétition des exécuteurs testamentaires de feu Alexandre Gordon.

M. Lacey, sans en avoir donné avis au préalable, obtient la permission de présenter le bill suivant, intitulé :

Acte pour pourvoir aux améliorations à faire à la terre qui entoure le Capitole.

Sur motion, ce bill est déposé sur le bureau sujet à l'appel.

M. Moore obtient la permission de présenter les bills suivants :

Acte pour venir au secours de Ferjus Fusillier.

Acte pour pourvoir à l'ouverture d'un passage pour empêcher l'inondation de Lafourche, pour améliorer les terres submergées et inondees, et de les préserver pour une certaine époque.

RAPPORTS DES COMITÉS.

M Griffin, au nom du comite des améliorations à l'intérieur, &c, auquel avait été référé l'acte pour venir au secours de James H. Barbin, Francis B. Barbin, Fabius Ricord, de la paroisse des Avoyelles et de Charles Pitt, de la paroisse d'Orléans, fait un rapport favorable.

Sur motion de M. Griffin, et après dispense des règles, ce bill subit ses differentes lectures et passe.

M. Braud, au nom du comité de commerce et d'agriculture, auquel avait eté réfere un acte pour nommer des peseurs de coton et de sucre pour la ville de la Nouvelle-Orléans, fait le rapport suivant lequel est lu :

Le comité de commerce et d'agriculture auquel a été référé un bill intitulé :

Acte pour nommer des peseurs de sucre et de coton dans et pour la paroisse de la Nlle-Orléans, a l'honneur de rapporter : Qu'ils ont examiné avec soin les différentes dispositions du dit acte, lequel embrasse un changment radical du système actuel, pour l'achat et la vente des sucres et des cotons, qui est d'une grande importance, pour ceux dont les intérêts sont immédiatement intéressés.

En vertu de cet acte, le gouverneur est autorisé à nommer, de l'avis et avec le consentement du Sénat, douze peseurs des sucres et des cotons pour la ville de la Nouvelle-Orléans, qui resteront en fonctions deux années, lesquels fourniront caution de la somme de $5,000 pour la fidèle exécution de leurs devoirs ; et les dits peseurs, ainsi nommés, auront le pouvoir de nommer un ou plusieurs députés, afin de les aider et de les assister dans l'exécution de leurs devoirs, chaque peseur sera responsable de la conduite fidèles des dits députés.

L'importance des intérêts qui seront affectés par les dispositions de ce bill, requiert la considération sérieuse de la Législature, et l'Etat ne devrait pas s'immiscer dans les usages établis par le commerce, jusqu'à ce qu'il soit prouve que le système actuel de la disposition des sucres et des cotons, dans la ville de la Nouvelle-Orléans, n'est pas équitable, tant à l'acquéreur qu'au vendeur.

Le comité n'a encore rien vu pour l'induire à invoquer l'aide de l'Etat, afin de choisir des officiers publics dans le but de remplir un devoir, qui est maintenant rempli par des peseurs choisis par ceux dont les intérêts sont directement intéressés.

Le comité est d'opinion que la passation de cet acte créerait un monopole de la plus odieuse nature, en tant que ce pouvoir de nommer serait exercé par les douze inspecteurs nommés par le gouverneur, chacun desquels aurait le droit de nommer un ou plusieurs députés, et le nombre total des personnes ainsi choisies auraient à peser 1,600,000 balles de coton, et 1,500,000 boucauts de sucre, reçus annuellement à la Nouvelle-Orléans, lesquels ne seraient pas moins de cent en nombre.

Mais, à part cette objection, votre comité ne voit aucune raison plausible pour laquelle il ne serait pas laissé aux parties interessées dans l'achat et la vente des sucres et des cotons à la Nouvelle-Orleans, le droit de choisir leurs propres agents, afin de peser, comme cela se pratique dans les autres parties de l'Etat. Si les dispositions de ce bill sont applicables à la ville seulement, pourquoi, par la même raison, ne le seraient-elles pas à tout l'Etat ? Une grande partie de la récolte des sucres, même la moitié est pesée, vendue et livrée sur l'habitation. Si le système de pesage à la Nouvelle-Orléans est defectueux, il importe, autant à l'acquéreur qu'au vendeur, d'avoir de justes poids des sucres vendus sur l'habitation. Ces deux moyens de livrer le même article tendraient à jeter de la discorde dans l'une ou l'autre des parties contractantes.

Dans le système actuel de la vente des sucres et des cotons, le facteur est l'agent direct de l'habitant, et il est à presumer qu'il prend le même interêt en choisissant un peseur capable qu'en vendant la denrée à un prix plus avantageux. La responsabilité directe du peseur envers le facteur, et de ce dernier envers l'habitant, est, dans l'opinion de votre comité, plus précise, lorsque le peseur est choisi par le facteur, que s'il serait nommé par l'Etat.

Toute négligence de la part du peseur tendrait à le priver de son emploi, tandis que tout recours serait sans efforts lorsqu'il serait nommé par l'Etat.

Le bill pourvoit de plus que chaque boucaut de sucre et chaque balle de coton seraient marqués du nom du peseur et avec le poids brut, etc Ces formalités ne tendraient qu'à embarrasser l'achat et la vente de ces deux articles et à en retarder la livraison.— Il est douteux si la moitié de la quantité, soit de sucre ou de coton, pourrait être livrée avec la même facilité que sous le système actuel, l'encombrement de ces articles sur la levée et dans les presses à coton pendant une grande partie de la saison des affaires, de tels inconvéniens seraient de nature à effecter sérieusement le trafic de ces denrées.

En somme, votre comité considère les diverses dispositions de ce bill comme autant d'entraves au commerce de l'Etat, au lieu de laisser une compétition bien disposée, tant pour ce qui concerne la nature des services à rendre, que pour la compensation.

En consequence, le comité rapporte contrairement à l'adoption du bill qu'on lui a soumis et demande à être déchargé de la considération ultérieure du sujet.

Respectueusement,

(Signe) J. A. BRAUD, Président.
A. B. LAUVE.

M. Lacey, au nom du comité des edifices publics, fait le rapport suivant:

A l'honorable W. W. Farmer, lieutenant-gouverneur et président du Sénat.

Le comité des édifices publics auquel a été référée la résolution réunie relativement aux améliorations à faire au terrain sur lequel la maison d'Etat est bâtie, et aux changements à faire au plafond de la Chambre des Représentants, a l'honneur de rapporter,

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Que le comité de votre honorable corps s'est réuni à celui de la Chambre, dans le but de prendre en considération la resolution ci-dessus, et l'opinion unanime des deux comités réunis, est: Que le terrain de la maison d'Etat devrait être entoure convenablement avec un grillage en fer sur des fondations en briques, recouvertes de granit; que la terre soit bien nivellée, que des arbres et des arbustes y soient plantés, et que d'autres améliorations y soient faites; que la banquette autour du Capitole soit briquetée et recouverte de ciment et flanquée de pierres, et que les deux passages du Capitole aux deux portes d'entrée soient couverts de coquilles, avec une couche de ciment. Le comité réuni est aussi d'opinion unanime, qu'il n'est pas convenable de faire aucun changement au plafond de la Chambre des Représentants, et que la petite maison, où loge le sergent d'armes de la Chambre, soit enlevée.

Et le comité de votre honorable corps rapporte, en outre, au Sénat, que le comité réuni a autorisé son rapporteur à inviter la commission des propositions pour le prix, le plan et le devis des travaux à faire, et a autorisé le paiement de $250 pour les dits plans et devis qui pourraient être adoptés par le comité, pourvu que les dits plans et les spécifications soient délivrés le, ou avant jeudi le 9 fevrier 1854; que le dit jour plusieurs plans, devis, etc., furent soumis au comite, et après mûres deliberations, il a eté unanimement résolu que les plans et devis, proposés par Charles Ritter, soient adoptés par le comite, lesquels plans et devis ont été présentes au comité de la Chambre des Représentants, où la résolution a pris naissance.

Votre comité représente de plus à votre honorable corps, que, d'après les devis proposés par le dit Ritter, le coût du travail, recommandé par votre comité, serait ainsi qu'il suit, savoir:

1,600 pieds grillage en fer, avec fondations en briques, recouverte de granit,	$ 13,498 40
Banquettes, degrés, pentes, pavages, bordures de pavage, &c.,	4,331 84
Améliorations au terrain, confection des degrés, des banquettes et plantation d'arbres,	3,800 00
Montant total,	$ 21,630 24

Tout ce qui précède contient un aperçu le moins coûteux soumis à votre comité.

Votre comité ne peut clore son rapport sans représenter à votre honorable corps, qu'en M Ritter, le comité a trouvé une personne ayant toutes les qualités requises, non seulement pour faire lesdits plans, spécifications et devis qui sont requis par le comité, mais encore de les mettre à exécution; et votre comité n'hésiterait pas d'exprimer comme son opinion, qu'il serait plus avantageux à l'Etat d'accepter la proposition dudit Ritter, de faire lesdits travaux au prix ci-dessus mentionné dans le rapport ci-annexé. Votre comité croyant avoir pleinement rempli sa mission, en vertu de la résolution des deux Chambres, demande à être déchargé de toutes considérations ultérieures à ce sujet et recommande respectueusement à votre honorable corps l'adoption de la résolution annexée à ce rapport, et la passation du bill qui l'accompagne.

Le tout vous est respectueusement soumis.

Signé, GEO. S. LACEY.
M. BOATNER.

Résolu que la somme de deux cent vingt-cinq piastres soit payée à Ritter ou à son ordre, du fonds des dépenses casuelles du Sénat, pour plans, spécifications et devis, par lui fournis au comité réuni des deux Chambres, laquelle ensemble avec un même montant qui devra être payé du fonds des dépenses contingentes de la Chambre, forme la somme convenue qui doit être payée audit Charles Ritter par ledit comité.

Sur motion de M Lacey, le rapport et la résolution sont adoptés.

VENDREDI, 24 Février, 1854.

Bills présentés, &c.

Mr. Moore obtient la permission de présenter une résolution à l'effet de réserver jusqu'à la fin de la session de la Législature, la vente de certaines terres.

Sur motion et après dispense des règles, cette résolution subit ses différentes lectures et passe.

Sur motion du même membre, le secrétaire-adjoint est chargé d'aller y demander le concours de la Chambre.

Le même membre obtient la permission de présenter un acte pour abroger la première section d'un acte pour pourvoir à la vente des terres marécageuses et submergées, cédées à l'Etat par les actes du Congrès, approuvés le 2 mars 1849 et le 28 septembre 1849, et pour disposer du produit desdites ventes, approuvé le 17 mars 1852.

Sur motion et après dispense des règles, ce bill subit ses différentes lectures et passe.

Et le même membre demande que l'on s'occupe du bill intitulé:

Acte pour pourvoir à l'ouverture d'un passage à l'effet d'empêcher Lafourche d'être inondée, de dessécher les terres marécageuses et inondées, et d'en réserver une portion de la vente pour une certaine époque.

Sur motion et après dispense des règles, on ordonne l'impression de ce bill, et il est mis à l'ordre spécial du jour pour mardi le 28 de ce mois.

Mr Wickliffe, sans en avoir donné avis au préalable, obtient la permission de présenter un bill intitulé:

Acte pour pourvoir au paiement du salaire du rapporteur des décisions de la Cour Suprême, pour une partie de l'année 1852.

Sur motion et après dispense des règles, ce bill est lu deux fois et est renvoyé au Comite des Réclamations.

M. Palfrey obtient la permission de présenter un bill intitulé:

Acte pour autoriser Mathilde Laura Olivier, à hypothéquer sa propriété.

Mr. Pelleria obtient la permission de présenter les bills suivants:

Acte pour affranchir les esclaves Louis, Arélie, Octave, Gustave, Don Louis, Joséphine et Alexandrine.

Lequel après dispense des règles, est lu deux fois, et, sur motion, est référée au Comité des Affaires Paroissiales.

Acte pour affranchir les esclaves Madeleine, Marie, Joseph, Nazida et Sylvie, appartenant à Adélaïde Breaux.

Mr. Wickliffe obtient la permission de présenter un bill intitulé:

Acte pour émanciper Offney F. Horneby.

Sur motion et après dispense des règles, ce bill subit ses différentes lectures et passe.

Sur motion de Mr. Macmurdo, le Sénat s'occupe du bill intitulé:

Acte pour émanciper John Fletcher Wyche, Jr.

Sur motion et après dispenses des règles, ce bill subit ses différentes lectures et passe.

Sur motion de Mr. Hodge, le Sénat s'occupe du bill intitulé:

Acte pour émanciper John McWillie, junior, et Annie McWillie.

Sur motion et après dispense des règles, ce bill subit ses différentes lectures et passe.

Conformément à l'avis préalable qu'il en avait donné, Mr. Lacoste présente le bill intitulé:

Acte pour autoriser les juges de paix dans et pour cette portion de la paroisse d'Orléans, sise sur la rive droite du fleuve Mississippi, à agir en qualité de coroner dans certains cas.

Sur motion et après dispense des règles, ce bill subit ses différentes lectures et passe.

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Mr. Lacey, sans en avoir donné avis au préalable, obtient la permission de présenter un bill intitulé :

Acte pour abroger un acte intitulé:

Acte relatif à la récusation des Juges de la Cour Suprême.

Sur motion et après dispense des règles, ce bill subit ses différentes lectures et passe.

Mr. Lacey, au nom du Comité Judiciaire auquel avaient été référés les bills suivants :

Acte pour fixer l'époque de l'élection de l'imprimeur de l'Etat, fait un rapport favorable audit bill.

Acte pour autoriser Robert Huie, de la paroisse des Rapides, à adopter un orphelin nommé James Roach, fait un rapport favorable audit bill avec un amendement.

Sur motion de Mr. Ryan, et après dispenses des règles, ce bill subit ses différentes lectures et , ame.

Message de la Chambre.

Le messager spécial de la Chambre vient rapporter que la Chambre a donné son concours au bill suivant :

Acte pour maintenir en vigueur et amender l'acte intitulé:

Acte pour incorporer l'église de la Congrégation Presbytérienne, pour la ville et la paroisse d'Orléans, approuvé e 1er mars 1834.

Message à la Chambre.

Le secrétaire-adjoint est chargé de demander le concours de la Chambre aux bills suivants:

Acte pour emanciper Geo. H. Packwood, mineur.

Acte pour venir au secours de John K. Elgee, et de son épouse Marie J. L. Ledoux, de la paroisse de Rapides.

Acte pour venir au secours de Moses Lee, vétéran de la guerre de 1814 et 1815.

Acte pour autoriser Judith Toutant, épouse d'Alexandre Legendre, à vendre certains esclaves.

Acte pour venir au secours de James M. Babin, Frances B. Babin, Fabius Ricord, de la paroisse des Avoyelles, et de Charles Pitts, de la paroisse d'Orléans.

Résolution relative à la fouille du lit de la baie de l'Atchafalaya.

Et il informe la Chambre que le Sénat a donné son concours aux bills suivants :

Acte pour venir au secours d'Edgar E. Voorhies, ex-surintendant des écoles publiques de la paroisse de St. Martin.

Rapports des Comités.

Mr. Lacey obtient la permission de présenter au nom du Comité Judiciaire, un bill intitulé :

Acte pour changer le nom de James Roach en celui de James Huie.

Sur motion de Mr. Ryan, et après dispense des règles, ce bill subit ses différentes lectures et passe.

Mr. Lacey, au nom du Comité Judiciaire, présente le rapport suivant de la majorité du dit comité.

A l'Hon. W. W. Farmer, Lieutenant Gouverneur et Président du Sénat :

Le Comité Judiciaire de votre honorable corps, auquel avait été référé la considération d'un bill intitulé :

Acte pour venir au secours de Ivy F. Thompson, et le rapport du Comité des Réclamations qui l'accompagne, a l'honneur de rapporter :

Qu'en vertu d'un acte approuvé le 28 janvier 1817, les différentes Cours de cet Etat ont le pouvoir de nommer un avocat, en cas d'absence de l'avocat de district, à l'effet de poursuivre, au nom de l'Etat, (l'Etat vs. Jerry 4. Annuel, p. 191,) et comme il est démontré que le pétitionnaire Ivy F. Thompson, a rendu des services à l'Etat, en sa capacité d'avocat de district pro. tem., le comité est d'opinion que le montant mentionné dans le bill, devrait lui être alloué.

Le Comité recommande respectueusement la passation du bill.

[Signé] GEO. S. LACEY,
Rapporteur.

Mr. Hodge, au nom du même comité, présente le rapport de la minorité.

A l'Hon. W. W. Farmer, Lieutenant Gouverneur et Président du Sénat:

En ce qui concerne l'acte pour venir au secours de Ivy Thompson, je suis d'opinion que l'avocat de district régulier, devrait compenser l'avocat de district pro. tem., et que l'Etat ne devrait pas être obligé de payer deux fois pour les mêmes services.

]Signé] R. S. HODGE,
Au nom du Comité Judiciaire.

Bill des Hypothèques Tacites.

Conformément à l'avis qu'il en avait donné, M. King fait la motion de considérer de nouveau le bill intitulé :

Acte pour pourvoir à l'enregistrement des hypothèques légales et tacites.

Et il fait la motion que la considération de ce bill soit fixée à lundi.

Mr. Hodge réclame l'appel nominal sur cette motion.

L'honorable John Moore, au fauteuil.

Messrs. DeRussy, Griffin, Hodge, Hébert, Lacoste, Martel, Palfrey, Pellerin, Scott et Wickliffe. —10 sénateurs, votent dans l'affirmative;

Et Messrs. Braud, Defreese, King, Kittridge, Lauve, Lacey, Lawes, McMurdo, McCay, Ryan, et Trudeau—12 sénateurs votent dans la négative.

En conséquence, le Sénat refuse de considérer de nouveau le vote lundi prochain.

Mr. Wickliffe fait la motion de mettre ledit bill à l'ordre du jour pour lundi, le 17 mars prochain.

Mr. King fait la motion de déposer la motion de Mr. Wickliffe sur le bureau indéfiniment, et à cette fin, il réclame l'appel nominal.

L'hon. John Moore au fauteuil.

Messrs. Braud, Defreese, King, Key, Kittridge, Lauve, Lacey, Macmurdo, McCay, Palfrey, Ryan et Trudeau—12 sénateurs votent dans l'affirmative.

Et Messieurs DeRussy, Griffin, Hodge, Hébert, Lacoste, Lawes, Martel, Pellerin, Scott et Wickliffe—10 sénateurs votent dans la négative.

En conséquence, la motion de M. Wickliffe est déposée sur le bureau.

Mr. King fait la motion de considérer de nouveau le vote donné hier, à l'effet de déposer le reste du bill sur le bureau, et à cette fin, réclame l'appel nominal.

L'honorable John Moore au fauteuil.

Messieurs Braud, Defreese, King, Key, Kittridge, Lauve, Lacey, Lawes, Macmurdo, McCay, Ryan et Trudeau—12 sénateurs votent dans l'affirmative.

Et Messrs. DeRussy, Griffin, Hodge, Hébert, Lacoste, Martel, Palfrey, Pellerin, Scott et Wickliffe—10 sénateurs votent dans la négative.

Mr. Griffin fait la motion de référer de nouveau ce bill à un comité spécial de cinq sénateurs, nommé par le président.

Mr. Lacoste fait la motion de déposer le bill sur le bureau, indéfiniment,

L'honorable John Moore au fauteuil.

Messrs. Braud, Defreece, Lacoste, Lauve, Mar-

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tel, Pelletin et Trudeau—7 sénateurs votent dans l'affirmative.

Et Messrs. Griffin, Hodge, Hébert, King, Key, Kittridge, Lacey, Lawes, Macmurdo, McCay, Ryan, Scott et Wickliffe—13 sénateurs votent dans la négative.

En conséquence, la motion de Mr. Lacoste est rejetée.

Bill des Améliorations Intérieures.

Mr. King, au nom du Comité des Amélioration" à l'intérieur, des terres marécageuses et des levées, présente le rapport suivant :

Le Comité des Améliorations à l'Intérieur, des terres marécageuses et inondées, auquel avait été référé l'acte pour pourvoir aux améliorations à l'intérieur de l'Etat, et pour la confection des levées et des desèchements nécessaires, et pour le desséchement des terres marécageuses et inondées, appartenant à l'Etat, a l'honneur de rapporter que le Comité accepte les amendements suivants:

Dans la section 5, à la seconde ligne, d'effacer le mot "quatre" et d'insérer le mot "trois," et à la cinquième ligne de la même section, d'ajouter après les mots "comptes" les mots "en proportions égales du fonds des améliorations à l'intérieur, et du fonds des terres marécageuses, à l'effet de le payer si ces fonds le permettent, et au cas du contraire, il pourra être payé d'un desdits fonds qui aurait le montant requis." A la 12me section, dans la 20me ligne, d'insérer après les mots districts, "toute la paroisse des Avoyelles inclusivement." A la 14me section, dans la 8me ligne, d'effacer les mots "trois mille", et d'insérer au lieu et place "deux mille cinq cents", et à la 20me section, à la 17me ligne, d'ajouter après le mot "section", ce qui suit :

Section 21. Il est de plus décrété, &c., Que lorsqu'il n'y aura plus au Trésor une somme suffisante appartenant au fonds des terres marécageuses, à l'effet de mettre l'Ingénieur de l Etat à même de construire telles levées, et de faire tels desséchements qu'il croira nécessaires, pour mettre en exécution les dispositions de ce bill, il sera autorisé à publier que les contrats seront payables en certificats de terre. Bien entendu que le coût des levées n'excèdera pas 20 sous par yarde cube, payable en terres, à raison d'une piastre et vingt-cinq sous par acre, et lorsque le travail sera terminé, le certificat sera émis par l'Ingénieur Civil pour des subdivisions légales de terres, et pour être pris sur les terres publiques, cédées par le Congrès à l'Etat, afin d'aider à dessécher les terres marécageuses et inondées qui ont été arpentées et qui sont sujettes à être entrées. Le Register des Terres Publiques est, par le présent, autorisé a permettre aux porteurs de pareils certificats, d'entrer la terre de la même maniere que si l'argent avait été payé. Lesdits contrats devront être faits d'après les dispositions de ce bill, relativement a l'exécution des contrats pour la construction des travaux publics, et que les parties intéressées seront soumises aux mêmes obligations, et seront sujettes aux mêmes pénalités.

Une majorité du comité est en faveur d'effacer la section 23 du bill primitif.

Avec ces amendements et ces changements, une majorité du comité recommande la passation du bill.

[Signé] W. W. KING, Rapporteur.

Sur motion de Mr. King, ce bill est mis à l'ordre spécial du jour pour mercredi, le 1er mars 1854.

Réclamation de J. H. Maddox.

Mr. Lacey, au nom du Comité Judiciaire, présente le rapport suivant :

A l'Hon. W. W. Farmer, Lieutenant Gouverneur et Président du Sénat.

Les soussignés, membres du Comité Judiciaire du Sénat, auquel avait été référée la pétition de J. H. Maddox, et le rapport du Comité des Réclamations, demandant l'opinion du comité sur la légalité de la réclamation faite par ledit Maddox, ont l'honneur de rapporter qu'il a été impossible au comité, tout en s'occupant de la légalité de la réclamation, de ne pas prendre en considération des faits qui y avaient rapport; la décision du comité, sur la légalité ou la non légalité, dépendait presque de l'existence ou de la non existence de certains faits; et le comité s'est vu forcé par des circonstances qu'il ne pouvait pas empêcher, de faire un examen qu'il n'avait pas l'intention de faire à l'époque où la pétition et le rapport susdits ont été renvoyés au comité.

La première question qui occupât le comité fut l'Etat; pouvait-il faire un contrat avec un individu? L'opinion du comité était que lorsque l'Etat s'obligeait envers un individu, il se dévêtissait, en tant que les diverses transactions avaient rapport avec cet arrangement, de sa souveraineté et prenait le caractère et la position d'un simple citoyen.

Ses pouvoirs, ses privilèges et ses prérogatives, en tant qu'ils avaient rapport à la transaction, n'existaient plus, et l'Etat était placé au même niveau que la partie opposée, et était réduit a la position d'un individu qui pouvait et avait contracté. Cette opinion était fortement supportée par la décision dans le 4me. vol. des rapports de Gell et Johnston, Etat du Maryland.—Canal vs. Compagnie de Chemin de Fer, dans laquelle est établie la doctrine "qu'un Etat ou le Gouvernement Général en sa capacité de souverain, peut contracter avec un individu. Le comité partageant cette opinion, rapporte, sans hésiter, au Sénat, que l'Etat de la Louisiane pourrait passer un contrat avec un particulier."

Un contrat a-t-il été fait et passé entre l'Etat de la Louisiane d'une part, et le pétitionnaire, Joseph H. Maddox, d'autre part?

A la session de la Convention de 1852, laquelle représentait l'Etat, le réclamant fut nommé imprimeur, (page 5) ; et le caractère et le prix de son travail furent fixés, ainsi qu'on peut le voir en se référant au rapport du comité spécial, page 20, du journal de la convention. La quantité a été établie par les résolutions adoptées postérieurement; une d'elles, le 20 juillet 1852, page 50, ordonnant à l'imprimeur de la Convention, d'imprimer 1000 exemplaires des Débats en anglais et 500 en français—Et l'autre résolution adoptée le 31 juillet 1852, page 86, ordonnant l'impression de 1,000 exemplaires des Débats en anglais et 500 en français, en outre du nombre déjà ordonnée:" Ces faits établissent que l'Etat a fait choix de M. Maddox, comme imprimeur de la Convention, et démontrent le caractère, la quantité et le prix du travail qui lui a été ordonné par la Convention; le travail commencé, fait voir l'entreprise du pétitionnaire de l'exécution aux conditions stipulées. Ces deux positions réunies, font voir, d'après les principes qui ont été établis par l'Etat lui-même pour guider les autres, qu'un contrat a été fait et passé entre l'Etat et Mr. Maddox.

Un contrat consiste d'une proposition et de son acceptation ; et le contrat est complet par l'acceptation de la personne à laquelle il est proposé. Il n'est besoin d'aucun mot technique pour l'établir ou le définir. Le bon sens seul est nécessaire et l'opération, dans des cas semblables à celui-ci, peut

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être établie sur preuves légales. (Code Civil, 1791, 1794.)

Le comité a décidé que l'Etat de la Louisiane pouvait passer un contrat avec le pétitionnaire, et qu'il a légalement et positivement contracté avec le pétitionnaire, pour imprimer 2,000 exemplaires des débats en anglais, et 1,000 en français aux conditions suivantes: pour 200 exemplaires en forme de livres, en français et en anglais, et imprimés en mignonne, et composés des matières publiées dans le journal, les pages devant contenir 81 lignes, y compris le titre, la ligne en blanc sous le titre et la ligne au bas de la page; le livre devant être cousu et relié de la même manière que les livres de lois, à $2 50 la page; et pour chaque 200 exemplaires, après les 200 premiers, $2 par page; et le comité ayant examiné ce sujet et fixé sa décision sur ce point, s'est occupé des autres points, savoir:

Le réclamant, M. Joseph H. Maddox, a-t-il été toujours prêt à remplir les devoirs qui lui étaient imposés concernant l'impression des débats et leur insertion dans la gazette quotidienne et hebdomadaire; l'Etat n'a-t il pas manqué à remplir les conditions stipulées pour sa part; et si M. Maddox a été prêt à remplir sa part du contrat et que l'Etat a manqué de remplir la sienne, l'Etat lui doit il une indemnité?

Le premier témoignage dont le comité s'est occupé, est l'affidavit du pétitionnaire dans lequel il dit: Qu'afin d'être toujours prêt à exécuter son contrat avec l'Etat, il lui a été impossible de s'occuper d'autres ouvrages, qu'il a entendu fort longtemps, et qu'il n'a pu, par conséquent, faire usage des lettres d'imprimerie.

Le second témoignage est celui de Thadeus D. Vanhoon, qui dit sous serment: Que l'imprimeur commença l'impression et la publication des Débats de la Convention et continua l'impression de ses débats tant qu'ils ont été fournis par le rapporteur Edwards; qu'il s'est souvent présenté à Mr. Edwards pour obtenir le manuscrit des rapports; mais il n'a pu rien obtenir après les premières pages."

Le comité s'occupe ensuite du témoignage écrit de L. Graham, dans lequel il dit: "quelques feuilles des rapports ont été fournies à l'imprimerie par Mr. Edwards, le rapporteur de la Convention, elles ont été composées et tirées immédiatement; après quoi, nous ne pûmes en obtenir d'autres du rapporteur; nous fûmes obligés de tenir les caractères prêts, en l'attendant, et nous ne pûmes employer les caractères à d'autres ouvrages."

Au commencement de la session de la Législature de 1853, M. McCay presenta au Sénat une résolution ordonnant au bibliothécaire d'écrire au rapporteur de la dernière Convention, à l'effet d'obtenir les raisons qui ont empêché de rapporter et de publier les débats de la Convention. En vertu de cette résolution, le bibliothécaire écrivit, sous la date du 7 mai, 1853, une lettre à Mr. Edwards, le rapporteur, et reçut la réponse du rapporteur, le 13 juin 1853. Dans sa reponse, Mr. Edwards dit: "qu'aussitôt que je le pourrai, ou que j'aurai recouvré assez de force pour écrire une page sans perdre entierement le sujet, je recommencerai a à ecrire les débats et les continuerai jusqu'a la fin."

Peu de temps après avoir écrit cette réponse, le rapporteur mourut sans avoir laissé un manuscrit des débats.

Conformément aux faits établis, le réclamant a exprimé son désir de faire le travail qu'il n'a pu exécuter par la faute du rapporteur. Les preuves, dans cette affaire, ont convaincu le comité de la bonne foi de la part de Maddox, et il n'a aucun doute que l'Etat, par sa Convention, ou plutôt par son officier, le rapporteur de cette convention a été coupable d'omissions, de négligence et délais, et qu'il a été clairement mis en demeure par l'imprimeur Maddox. Alors surgit la question: "le réclamant ayant été prêt à remplir sa part du contrat, et l'Etat ayant manqué de remplir la sienne, le premier a-t-il droit à une indemnité?

La Législature de l'Etat de la Louisiane, dans l'article No. 1,924 du Code Civil, déclare que "l'obligation du contrat s'étendant à tout ce qui en est la suite, la partie qui le viole doit, comme suite de son obligation, le paiement des dommages que l'autre partie souffre par sa faute," et comme le comité n'a pu découvrir aucune bonne raison, pourquoi l'Etat ne serait pas sujet à la règle qu'il a établi lui-même pour le gouvernement de ses citoyens, il a conclu qu'il ne serait que juste que l'Etat soit tenu de payer tous les dommages ou les pertes qui ont été occasionnées par sa négligence; et cette conclusion n'est non seulement pas arbitraire, mais elle est appuyée sur des autorités, soit législatives, soit judiciaires. [6 vol. des rapports du New Hampshire, page 494, Materston vs. Mayor; 7 vol. Hill, rapporteur de New York] Dans la dernière affaire, la question des dommages a été ainsi discutée, et le droit d'indemnité bien établi, c'est-à-dire en tant qu'il a rapport aux individus.

Judd vs. Comstack—rapports de New York, page 411.

L'histoire de ce procès est comme suit;

James Jones et Edward Jones, intentèrent un procès à Judd, devant la Cour de première instance, dans le comté de Cataragus, pour recouvrer le paiement de travaux exécutés par eux. Le défendeur avait passé un contrat avec l'Etat, pour achever des parties du canal de la vallée de Genesee. Il passa un autre contrat avec les demandeurs pour exécuter une partie du même travail. Les travaux sur le canal, y compris ceux que le demandeur devaient exécuter, furent arrêtés par les commissaires du Canal, avant qu'ils eussent exécuté leur entreprise et ils ne l'ont jamais achevée. La Législature décréta "l'acte pour maintenir le credit de l'Etat" qui mit fin au contrat originaire passé entre le défendeur et l'Etat. L'accomplissement de la condition requise étant devenue impossible par l'opération de la loi, la Cour décida que les demandeurs avaient droit à une indemnité, attendu que la non exécution du contrat ne venait pas d'eux.

Subséquemment, la Législature remboursa à Judd, les dommages qu'il avait payés aux défendeurs dans cette affaire.

Ensemble, le comité prit en considération quelques précédents remarquables établis sous le gouvernement fédéral. D'après un contrat passé avec le département de la guerre, Nimrod Farrow et autres, s'obligèrent à construire une certaine fortification sur l'île Dauphine. Les contracteurs commencèrent les travaux; ils préparèrent tout pour l'exécution de leur contrat. L'allocation nécessaire ne fut pas votée par le Congrès, on suspendit les travaux, et les contracteurs furent congédiés. Pour ce manquement de la part du gouvernement fédéral, les contracteurs réclamèrent le prix entier fixé dans le contrat. Par un acte du Congrès, la réclamation fut renvoyée à un commissaire chargé de s'enquérir du montant des bénéfices qu'auraient faits les contracteurs, si les travaux avaient été achevés. Le commissaire, H. Swann, avocat habile, décida que les contracteurs avaient droit à la somme entière. Ce jugement fut approuvé par le Congrès. Nimrod Farrow et Cie, en vertu de ce jugement, reçurent comme bé-

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néfices plus de 70,000 piastres, en considération de la violation du contrat de la part du Gouvernement Fédéral. Voy. Rapp de la C. des R., seconde session, 25e Congrès, document 56. Aussi, une autre affaire où le Gouvernement Fédéral négligea de désigner l'endroit où devait être construite la fortification. Dans cette affaire, le commissaire décida qu'il serait juste et raisonnable qu'on allouât les bénéfices que les contracteurs auraient pu faire par l'emploi de leurs ouvriers.

Voyez aussi l'acte en faveur de Peter Barges. Lois des Etats-Unis, vol. 6. p. 670.

Une autre.—Blair et Rives, furent, en 1840, élus imprimeurs de la Chambre des Représentants des Etats-Unis. Il devint nécessaire, durant le recès de publier un résumé de recensement.

Mr. Webster pensant que ce travail ne devait pas être compris dans le contrat de Blair et Rives, comme imprimeurs de la Chambre des Représentants, en donna l'impression à Thomas Allen, éditeur alors du Madisonian. Blair et Rives protestèrent contre l'exercice de ce pouvoir de la part de Mr. Webster, et prétendirent être les imprimeurs qui devaient faire l'ouvrage, et ils réclamèrent au Congrès la compensation en entier, comme s'ils avaient fait tout le travail. On leur accorda leur réclamation. Nous pouvons aussi vous référer au rapport fait au Congrès pour allouer des dommages, lorsque le gouvernement a négligé de remplir ses contrats, &c., &c., voyez 2de session, 22e Congres, vol. 1, Document No 1. Voyez dans le juriste américain, octobre 1833, article 3, page 251, la dissertation habile concernant l'exécution d'un contrat par le Gouvernement, dans laquelle la doctrine est reconnue que le Gouvernement est responsable des dommages ou du montant des bénéfices, toutes les fois que, par sa faute ou par celle de ses officiers, un contrat est violé.

Le comité ne croit pas devoir terminer ce rapport sans faire mention des détails de l'affaire qui a rapport aux Indiens Chickasaw. Par le traité de Pontotac, le 20 avril 1836, les Indiens Chickasaw consentirent à se retirer à l'ouest de la rivière Mississippi, et le Gouvernement Général s'engagea à leur fournir tous les moyens de le faire. Pour mettre à exécution cette obligation, un contrat fut passé avec le capitaine Buckner. Lorsque les Chickasaws s'assemblèrent à Memphis, il n'y en eût que 300 qui voulurent se rendre à leur destination par les bateaux. Le reste de la tribu refusa de le faire, et se rendit par terre jusqu'au pays qui leur était destiné, à l'ouest du Mississippi. Pour tous les Indiens qui se rendirent par terre, le capitaine Buckner réclama le même prix de transport que s'ils se fussent embarqués dans les bateaux, et pour ce, on lui alloua la somme de $37,749. C'est à dire qu'on le paya pour transporter sur des bateaux, des Indiens qui avaient voyagé par terre.

Ces faits et ces autorités étant soumis au comité, il n'a pu refuser d'admettre que le réclamant a droit à une indemnité, et, en outre, il doit dire que le montant de cette indemnité ne doit pas être moindre de celui des dommages qu'a souffert M. Maddox, et du montant des bénéfices qu'il aurait faits si le travail avait été achevé.

Le comité ne s'est pas cru autorisé à examiner le montant de la réclamation, et afin que cette question et d'autres qui constituent l'affaire en litige, soient examinés avec soin, le comité demande à votre honorable corps, d'adopter la résolution qui suit.

Le tout vous est respectueusement soumis.

[Signé] GEO. S. LACEY,
THOS. McCAY,
B. L. HODGE.

Résolu que le Comité des Réclamations soit requis de s'enquérir du montant que Joseph H. Maddox a droit d'exiger de l'Etat, sur sa réclamation: et qu'il soit aussi requis de s'assurer si la somme de $3,010, reçue par ledit Maddox, en vertu d'un acte de la dernière Législature, n'a pas été reçue par lui comme paiement en entier de toutes ses réclamations contre l'Etat, pour avoir imprimé les Débats et les avoir publiées dans sa gazette quotidienne et hebdomadaire.

Sur motion de Mr. Lacey, le Sénat ordonne l'impression de ce rapport à 100 exemplaires.

Mr. King, au nom du même comité, présente le rapport suivant de la minorité.

A l'Hon. W. W. Farmer, Lieut.-Gouverneur et Président du Sénat.

Je, soussigné, membre du Comité Judiciaire auquel avait été référé la légalité de la réclamation de Joseph H. Maddox, contre l'Etat, en sa capacité d'imprimeur de la Convention, ai l'honneur de présenter le rapport suivant.

L'histoire de cette réclamation est comprise par nous, en voici les faits:

Lorsque la Convention de l'Etat s'est assemblée en 1852, pour former une constitution, elle a résolu d'élire un imprimeur de la Convention. A cette élection qui a eu lieu subséquemment, le prétendant a été élu imprimeur de la Convention. La Convention a aussi élu un rapporteur à l'effet de rapporter leurs débats. Le rapporteur est mort avant d'avoir complété ses rapports. Pendant la session de la dernière Législature, Mr. Maddox a présenté sa réclamation pour imprimer telles parties des Débats qui lui ont été fournies par le rapporteur, et a été payé pour cet ouvrage par une allocation d'environ $3,010. Il avait déjà été payé pour d'autres impressions de la Convention faites par lui.

A la session actuelle de la Législature, il vient devant nous, et il presse une réclamation qui, dans notre opinion, s'élèvera à plus de 15,000 piastres, à titre de compensation, laquelle est basée sur les considérations suivantes.

Il allègue que le rapporteur de la *Convention* est mort sans lui avoir fourni les *Débats de* ce corps. Il allègue en outre que si le rapporteur lui avait fourni les Débats pour l'impression, il aurait probablement fait le montant de bénéfice.

Il allégue aussi qu'à l'effet de se préparer à imprimer l'ouvrage de la Convention, il lui a été nécessaire d'avoir recours à des dépenses considérables dans l'achat des caractères requis pour l'exécution de ce travail. Et, à cet effet, il soutient qu'il a droit à être indemnisé

Toute question de loi doit être déterminée en se référant à quelque état de faits. Dans l'opinion de votre comité, les soussignés pensent que les faits de cette enquête, savoir: la légalité de ladite réclamation.

Sous de pareilles circonstances, l'opinion des soussignés est que par l'effet de son élection, Mr. Maddox est devenu officier public de la Convention. Ses devoirs étaient d'imprimer telles matières qui lui seraient fournies par la Convention.

Le principe, en tant que cela concerne la souveraineté de l'Etat, que les officiers publics n'ont aucuns droits acquis soit dans la teneur de leurs places ou des devoirs qui leur sont imposés, a été depuis trop longtemps déterminé, autant par autorité légale que par la pratique de tout gouvernement, pour être mis aujourd'hui en controverse. Pour illustrer ce principe, nous n'avons seulement qu'à nous référer à l'histoire de la Louisiane. A l'époque de l'exécution du traité de cession, les officiers Espagnols et Français agissant sous l'auto-

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rité de leurs souverains, ont cédé leurs emplois et le Gouvernement aux officiers des Etats-Unis. Les juges nommés à vie et les autres officiers du gouvernement territorial, ont de même résigné leurs fonctions à l'époque de l'admission de la Louisiane dans l'Union. Les juges nommés à vie, sous l'empire de la Constitution de 1812, et les autres officiers dont la teneur des places n'était pas fixée, ont abandonné leurs places à l'époque de l'organisation du Gouvernement, sous l'empire de la Constitution de 1845. Plus récemment, nous avons vu que le Gouverneur de l'Etat, les juges de nos Cours, et plusieurs autres officiers qui n'avaient pas fini leurs termes, ont abandonné leurs places à leurs successeurs, sous l'empire de la Constitution de 1852. Aucun n'aurait probablement abandonné leurs places, s'il n'avait été admis qu'ils avaient un droit acquis à leurs places, lorsqu'il a été prouvé que même le pouvoir souverain ne pourrait les troubler. La teneur d'une place est toujours sujette à la volonté souveraine du Gouvernement, lorsqu'elle est exprimée légitimement.

La loi est également certaine en tant qu'elle concerne les devoirs d'une place. Le pouvoir souverain peut les augmenter ou les diminuer, sans que, dans aucun cas, ils aient droit soit à une augmentation dans le salaire, ou à des dommages pour la diminution de l'ouvrage. Si l'officier public croit lésé par le changement, il a toujours un moyen de montrer son mécontentement, savoir celui de résigner. C'est un principe de loi bien établi dans ce pays, que tout officier civil peut résigner à volonté, et ni le Président des Etats-Unis, ni aucune autre autorité de ce Gouvernement, peut le forcer à agir contre sa volonté.

Tel étant le principe établi de la loi, il nous reste à en appliquer les mérites au cas de Mr. Maddox.

La Convention étant une réunion du peuple de l'Etat, dans leur plus haute souveraineté, avait indubitablement le droit de le destituer à son gré, sans lui donner le droit à une réclamation légale quelconque contre l'Etat. Son droit, soit d'augmenter ou de diminuer ses devoirs, a été également certain.

Les officiers publics n'ont aucun droit de se plaindre de l'exercice de ce pouvoir, car ils sont présumés connaître les incidents qui accompagnent l'acceptation de cette place. Mr. Maddox par l'acceptation de cette place, s'est engagé à faire toutes les impressions que la Convention lui donnerait. S'il ne pouvait pas remplir cette obligation, il devait résigner. S'il a imprimé les matières qui lui ont été fournies, il avait une réclamation contre l'Etat pour la compensation stipulée.

Si une telle réclamation existait contre une personne, il aurait un droit légal de le recouvrer et pourrait en forcer le recouvrement devant les Cours de Justice. Au-delà de cette position, il n'avait aucun droit légal quelconque. L'idée qu'il a un droit legal de recouvrer de l'Etat ce qu'il aurait fait, si la Convention lui avait donné plus d'ouvrage, est, dans notre opinion, ridicule.

Tout officier de l'Etat peut forcer la réclamation d'une compensation additionnelle, pour des services de même nature, particulièrement lorsque ses émoluments dépendent de frais de bureaux. Car la plus grande partie d'entre eux pourrait dire, avec beaucoup de raison, qu'ils auraient pu faire plus d'ouvrage et auraient pu avoir plus d'argent si l'Etat leur avait donné plus à faire.

Nous nous proposons d'examiner brièvement la réclamation de M. Maddox.

Tout individu qui postule une place, donne au public la garantie qu'il peut remplir les devoirs de la place qu'il demande.

Les compétiteurs de Mr. Maddox à cette place, se sont sans doute représentés, et probablement étaient compétents à remplir cette position. Que Mr. Maddox ait dépensé un sous ou un million, afin de se préparer à remplir son obligation, est un objet dans lequel l'Etat n'a aucun intérêt quelconque. S'il n'était pas content et s'il n'était pas préparé à remplir les devoirs de cette place, il n'aurait pas dû l'accepter. Il aurait dû laisser le champ libre à un autre qui, probablement aurait été satisfait de l'avoir et en aurait rempli les devoirs. En conséquence, et à cette occasion, il n'a aucun sujet de réclamation équitable.

Tant qu'à sa réclamation pour ce qu'il aurait fait si la Convention lui avait fourni plus d'ouvrage, il pourrait, avec la même raison, demander des profits qu'il aurait pu faire en imprimant de nouveau tous les livres de la bibliothèque. D'après ce même principe, notre imprimeur, à cette session, pourrait réclamer à titre de profits qu'il aurait pu faire sur tous les documents qu'il pourrait croire que nous aurions dû publier, mais aussi pour les documents qu'il calculerait que nous aurions dû publier. Une telle position, nous croyons indigne de réfutation ultérieure.

Le pétitionnaire, dans son mémoire, nous a référé à plusieurs autorités légales. Après mûre considération, nous croyons, et il est évident, qu'elles ne peuvent être appliqués à sa cause.

La plus grande partie des autorités auxquelles nous avons été référés, nous représentent des circonstances où l'Etat avait fait un contrat spécial avec un individu.

Il n'y a aucun doute que le souverain peut faire un contrat spécial ; et lorsque ce contrat est fait, il est sous l'obligation morale qui pourrait lier un individu sous les mêmes circonstances. Mais nous avons déjà démontré que cela n'est pas applicable relativement à l'Etat et à un officier public.

Un officier public est toujours sous le contrôle de l'autorité souveraine, et il n'y a aucun contrat, soit quant à la teneur, aux devoirs ou aux émoluments de sa place, et il ne peut se plaindre légalement du pouvoir que l'autorité peut exercer. Les faits, dans ce cas, et la théorie de notre mode de gouvernement, ne justifient pas l'existence d'un contrat.

Le cas de Blair et Rives n'est pas applicable à ce cas. Ils étaient les imprimeurs légaux du Congrès. Le secrétaire des Etats-Unis a donné à un autre individu l'impression de ce qu'ils avaient par droit. En agissant ainsi, le secrétaire d'Etat a agi en opposition à la loi, et les a privés d'un ouvrage et des profits auxquels ils avaient droit légalement.

M Maddox ne se plaint pas que l'impression à laquelle il avait droit a été donnée à un autre. A l'effet de rendre les deux cas analogues, il aurait dû démontrer que le secrétaire de la Convention ou quelque autre officier subordonné de ce corps, aurait donné l'ouvrage auquel il avait droit à quelque autre personne, et que celui qui a reçu ces faveurs illégales a profité avantageusement des droits auxquels l'imprimeur de la Convention avait légalement droit. M Maddox ne présente aucune allégation de ce genre. Le cas n'est pas analogue et l'autorité n'est pas applicable.

Pour terminer, notre opinion est que la réclamation de M Maddox n'est fondée ni en loi ni en équité, et qu'elle n'est soutenue ni par la justice, ni par aucun précédent.

Signé, W. W. KING.

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COLONISATION AFRICAINE.

ORDRE SPECIAL DU JOUR.

Ce jour étant celui fixé pour la considération du bill intitulé :

Acte pour aider à la colonisation en Afrique des personnes de couleur libres,

Lecture en est faite, section par section, ainsi qu'il suit :

Section 1. Il est décrété par le Sénat et la Chambre des Représentants de l'Etat de la Louisiane, réunis en Assemblée Générale, Que Son Excellence le Gouverneur de cet Etat, le Secrétaire d'Etat et l'Auditeur des Comptes Publics et leurs successeurs, sont et demeurent constitués sous le nom de "Bureau de Colonisation", deux desquels formeront un quorum.

Que le dit bureau est, par le présent, autorisé à recevoir des donations et des legs, et le montant de toutes les taxes qui pourront être imposées dans cet Etat pour cette colonisation, et à affecter les fonds ainsi reçus au transport sur la côte d'Afrique, des nègres libres qui doivent, en vertu de la loi être transportés, et des autres qui voudront être transportés.

Que le dit Bureau pourra poursuivre et être poursuivi devant toute Cour de cet Etat. Il devra faire un rapport de toutes ses délibérations à chaque réunion de l'Assemblée Générale, faisant savoir le montant des sommes reçues et dépensées, ainsi que les noms, la résidence, l'âge, le sexe de chacune des personnes de couleur qui auront été transportées en Afrique, en vertu de cet acte.

Sec. 2. Il est de plus décrété &c, Qu'une taxe annuelle d'une piastre, est et demeure par le présent imposée à chaque personne de couleur âgée de 21 ans et plus, qui se trouve dans cet Etat; cette taxe sera assise, perçue et versée dans le trésor par les mêmes officiers, et de la même manière que le sont les autres taxes d'Etat; et il sera du devoir des collecteurs de taxes de percevoir la dite taxe, et ils recevront, pour ce service, une commission de cinq pour cent sur le montant total perçu. Il sera tenu un compte, dans les livres du trésorier et de l'Auditeur des comptes publics, de toutes sommes d'argent imposées et reçues en vertu de cet acte, lesquelles formeront, pour toujours, un fonds distinct.

Et tout nègre libre qui refusera de payer la dite taxe, sera poursuivi, par le collecteur, de la même manière que le sont les autres contribuables délinquents, et si le délinquant n'a pas de propriété, il sera légal, après que le jugement aura été rendu, de lancer un ordre pour arrêter et emprisonner le dit délinquant; et il sera mis à l'enchère au rabais, pour être loué au dehors, à celui qui aura payé la dite taxe et les frais, et qui aura offert de louer les services du dit nègre pour le temps le plus court.

Sur motion de M King, les mots "Son Excellence le Gouverneur" dans la 3me et la 4me ligne de la 1ère section, sont effacés, et les mots "Avocat-Général de l'Etat" sont insérés à leur place.

La 1ère section ainsi amendée est adoptée.

Sur motion de M King, la 2de section est amendée en effaçant les mots "et plus" dans la 4me ligne, et en insérant à leur place les mots "et de moins de soixante."

Sur motion du même membre, d'effacer toute cette partie de la 2de section après les mots "contribuables délinquants",

M Hodge demande que la motion de M King soit déposée sur le bureau, et réclame l'appel nominal.

L'Hon. John Moore au fauteuil.

Messrs. Hodge, Macmurdo, McCay, Wickliffe, votent en faveur—4 voix.

Et Messrs. Griffin, Hébert, King, Key, Kittridge, Lacey, Lawes, Martel, Moore, Pellerin, Ryan, Scott et Trudeau votent contre—12 voix

En conséquence, la motion de M Hodge est rejetée.

M King demande l'adoption de la 2de section ainsi amendée

M Hodge demande l'appel nominal.

M John Moore occupe le fauteuil.

Messrs. Griffin, Hébert, King, Key, Kittridge, Lacey, Lawes, Macmurdo, Martel, Ryan et Scott votent en faveur—11 voix.

Et Messrs. Defreese, Hodge, McCay, Moore, Trudeau et Wickliffe votent contre—6 voix.

En conséquence, la 2de section est adoptée ainsi amendée.

M Hodge demande l'ajournement, et réclame l'appel nominal sur sa motion.

L'Hon. John Moore au fauteuil.

Messrs. Hodge, Pellerin et Trudeau votent dans l'affirmative—3 voix

Et Messrs. Defreese, Griffin, Hébert, King, Key, Kittridge, Lacey, Lawes, Macmurdo, McCay, Martel, Ryan, Scott et Wickliffe votent dans la négative—14 voix.

En conséquence, le Sénat refuse l'ajournement.

M Wickliffe demande l'appel des membres.

Messrs Defreese, Griffin, Hébert, King, Key, Kittridge, Lacey, Lawes, Macmurdo, McCay, Martel, Moore, Ryan, Scott, Trudeau et Wickliffe répondent à l'appel, 16 membres.

Sur motion, le Sénat s'occupe à huis clos d'affaires de l'Exécutif.

Les portes sont ouvertes.

Une motion est faite d'ajourner à lundi, à dix heures du matin.

M Lacey demande l'appel nominal.

L'Hon. John Moore au fauteuil.

Messrs. Hodge, Pellerin, Trudeau et Wickliffe votent dans l'affirmative—4 voix.

Et Messrs. Defreese, Griffin, Hébert, King, Key, Kittridge, Lacey, Lawes, Macmurdo, McCay, Martel et Ryan votent dans la négative—12 voix.

En conséquence, le Sénat refuse d'ajourner.

Sur la motion de M Martel, les membres suivans répondent à l'appel:

Messrs. Defreese, Griffin, Hébert, King, Key, Kittridge, Lacey, Lawes, McCay, Martel, Moore, Palfrey, Pellerin, Ryan, Scott, Trudeau et Wickliffe—17 sénateurs.

Sur motion d'ajourner jusqu'à lundi prochain, à dix heures du matin,

M Martel demande l'appel nominal.

L'Hon John Moore au fauteuil.

Messrs. Defreese, Griffin, Hébert, Kittridge, McCay, Pellerin, Scott, Trudeau et Wickliffe votent dans l'affirmative—9 voix.

Et Messrs. King, Key, Lacey, Lawes, Martel, Moore, Palfrey et Ryan votent dans la négative—8 voix.

En conséquence, le Sénat s'ajourne à lundi prochain, à 10 heures du matin.

LUNDI, 27 février 1854.

Lecture est donnée du journal du Sénat.

Mr Moore—Messieurs, avant que le clerc porte les bills à l'autre Chambre, je crois qu'il est de mon devoir de demander une nouvelle prise en considération du bill que j'ai introduit l'autre jour pour rapporter (abroger) une certaine section d'un certain acte concernant les terres publiques. J'étais dans une sorte de fanatisme à l'époque, au sujet

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d'un bill que j'avais introduit et qui avait pour but de faire retirer de la vente une certaine portion de terres publiques. Depuis, je me suis aperçu que l'effet de ce bill serait d'arrêter la vente de toutes les terres. Je n'avais pas cette intention. J'avais été induit en erreur par les observations des personnes qui m'entouraient. Je suis toujours disposé à rectifier une erreur, quand je m'aperçois que je me suis trompé

Le vote est reconsidéré, et le bill est déposé sur la table indéfiniment.

Bill concernant les ventes judiciaires.

Mr King, membre de la majorité du comité spécial chargé d'examiner le bill ayant pour but de régler les ventes judiciaires des biens des successions dans la paroisse d'Orléans, lit un rapport accompagné d'un bill.

Mr Kenner—Je veux faire une remarque qui m'est personnelle au sujet du bill sur lequel le comité a fait un rapport. On se rappellera que, sur ma motion, le bill originaire introduit par le Sénateur de la Nelle-Orléans, (Mr King,) a été renvoyé à un comité spécial. Le président du Sénat m'a fait l'honneur de me nommer membre de ce comité. Il y a de cela trois ou quatre semaines. Je désire établir maintenant, pour l'édification du Sénat, que jamais le président de ce comité ne m'a dit, ni personne, quand une réunion aurait lieu. Tout a été tenu secret, et la première fois que j'en ai entendu parler, ça été par le rapport du comité. J'étais extrêmement désireux de prendre part aux délibérations de ce comité Je désirais y provoquer certaines enquêtes que je croyais importantes et même nécessaires à une complète élucidation du sujet, et j'avais aussi le désir de prévenir un contre-rapport. Je dis ceci avec tout le respect dû au comité Je ne voudrais pas qu'on pût m'accuser d'un manque de courtoisie; mais je considère qu'il est de mon devoir d'établir les faits de la cause pendante devant le Sénat, sauf à laisser ensuite les membres de cette assemblée tirer d'eux mêmes les conséquences.

Mr King—Je dois dire, messieurs, que je vois avec le plus grand regret que l'honorable Mr Kenner puisse se sentir blessé de l'action du comité; mais j'avoue que je ne comprends pas bien comment il peut se trouver ainsi personnellement offensé. Depuis la date de la nomination du comité, jusqu'au moment où je parle, je ne pense pas qu'une seule fois il ait été possible de réunir tous les membres. Vendredi dernier, le comité fut invité à se réunir; et si l'honorable membre eût été présent ici, il aurait certainement été informé du fait, et je puis dire en toute sécurité, que rien n'eût pu nous faire plus de plaisir que sa présence au sein du comité. Je ne saurais pas plus que l'honorable Mr Kenner, me rendre coupable de la moindre discourtoisie envers qui que ce soit, et je crois savoir comme lui-même le degré de considération que nous tous ici présents, nous nous devons les uns aux autres. Mais enfin il fallait bien que le comité se réunit à un moment quelconque. La session tirait à sa fin; il se trouvait ce jour-là un plus grand nombre de membres présents que de coutume, et j'ai pensé que le moment était favorable pour provoquer la réunion du comité. Je n'ai pas trop vu la nécessité de différer la réunion, puisqu'un nouveau délai aurait eu pour résultat probable d'avoir un moins grand nombre de membres présents.

Mr McCay—Comme le Sénateur de l'Ascension [Mr Kenner] semble désireux de faire un rapport pour avoir ses vues sur le bill insérées au journal, je demande qu'on porte la discussion du bill à l'ordre du jour de mercredi prochain, en laissant à Mr Kenner le loisir de faire un rapport.

Mr Rivers—Je demande que le bill soit de nouveau renvoyé au comité.

Mr Kenner—Je ferai observer, en réponse aux observations du Sénateur de la Nouvelle-Orléans, (Mr King,) que le comité a existé pendant plusieurs semaines, et qu'aucune réunion n'a été provoquée, quoique j'aie été très assidu aux séances pendant longtemps. J'ai rencontré l'honorable membre jeudi dernier, et je lui ai dit mon intention de m'absenter, de manière à ce qu'il fut prévenu que je ne serais pas ici pendant quelques jours. Il paraît qu'il en aurait voulu prendre avantage, et que pour cette raison il a convoqué le comité pendant mon absence.

Mr McCay—Je ne vois pas d'objection à la motion du Sénateur de Concordia. Je pense que nous devons donner au Sénateur de l'Ascension la faculté de pouvoir provoquer ces importants interrogatoires J'appuie la motion de renvoyer le bill au même comité.

Cette motion est adoptée, et le bill est de nouveau renvoyé au comité.

Collecte des Taxes.

Mr Macmurdo lit un rapport favorable sur le bill ayant pour but de venir au secours du Shérif de la paroisse de St. Landry, et s'exprime ensuite en ces termes:

Je vais exposer les raisons de ce rapport. La paroisse de St Landry est de plusieurs années en arrière pour ses retours de taxes à l'office de l'Auditeur. Le nouveau Shérif veut bien prendre sur lui-même la charge de la collecte des taxes pour ces années en retard; mais pour être en état de faire cette collecte, il demande qu'on recule le délai dans lequel il est obligé de faire ses retours.—Le Comité des Finances a pensé non-seulement que la demande est raisonnable, mais encore que l'offre de cet officier public est avantageuse à l'Etat, et que conséquemment il y a lieu d'octroyer au Shérif le délai qu'il réclame.

Le bill est adopté.

Bons de Chemin de Fer.

Mr Macmurdo évoque le bill suivant, ayant pour but d'autoriser la ville de la Nouvelle-Orléans à émettre des bons en faveur du Chemin de Fer Jackson, de la Nouvelle-Orléans et du Nord, et de celui des Opelousas. Ces bons seraient, par ce bill, substitués aux taxes.

Suit la teneur du bill.

ACTE

Pour pourvoir à la souscription au stock du Grand Chemin de Fer de la Nouvelle-Orléans, de Jackson et du Nord, et au stock du Grand Chemin de Fer de la Nouvelle-Orléans, des Opelousas et de l'Ouest, par la Nelle-Orléans.

Section 1. Il est décrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane, réunis en Assemblée Générale; Que le Conseil de Ville de la ville de la Nouvelle-Orléans sera autorisé à souscrire au fonds capital de la Compagnie du Grand Chemin de Fer de la Nouvelle Orléans, de Jackson et du Nord pour une somme qui n'excèdera pas deux millions de piastres, et aussi à souscrire au fonds capital de la Compagnie du Grand Chemin de Fer de la Nouvelle-Orléans, des Opelousas et de l'Ouest, pour une somme qui n'excèdera pas un million cinq cent mille piastres.

Sec. 2. Il est de plus décrété, &c.; Que toute ordonnance autorisant ces souscriptions devra contenir les dispositions suivantes, savoir:

1o. Un état des actions, en nombre et en somme, pour lesquelles la ville souscrit.

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2o. Que la souscription de la ville sera faite par le Maire et sera payable en bons de la ville, de mille piastres chaque, échéant dans vingt ans, portant interêt au taux de six pour cent par an, avec des coupons d'intérêts y attachés, payables semi-annuellement à la Nouvelle Orléans ou a New-York, selon que la compagnie qui les recevra, le jugera convenable, transférables par l'endossement du Président et du Secrétaire de ladite Compagnie, et convertibles en actions de ladite Compagnie, à l'option du porteur, en tout temps dans les dix années de leur date.

3o. Qu'une taxe spéciale sur les propriétés foncières et les esclaves sera prélevée en janvier de chaque année, pour payer les intérêts annuels sur lesdits bons, spécifiant le taux de ladite taxe, laquelle sera perçue en même temps et de la même manière que le sera la taxe pour payer l'emprunt de la ville consolidée ; et toutes les ordonnances, résolutions ou autres actes passés par ledit Conseil après le premier janvier de chaque année, [excepté l'ordonnance pour imposer ladite taxe pour l'emprunt de la ville consolidée] seront nuls et de nul effet, si ledit Conseil n'a pas passé avant une résolution imposant une taxe spéciale pour payer les intérêts sur lesdits bons émis en faveur desdites compagnies de chemins de fer y nommées. Bien entendu qu'aucune taxe ne pourra être imposée, pour payer les intérêts sur lesdits bons, après que la ville aura reçu, sur ses actions dans lesdites compagnies, le dividende de six pour cent par an, comme il est ci-après stipulé ; lesquels dividendes seront affectés par la ville au paiement des intérêts. Et bien entendu de plus, que lorsque les dividendes sur les actions de la ville dans lesdites compagnies de chemins de fer s'élèveront à plus de six pour cent par an, l'excédant, après avoir payé les intérêts, sera affecté au rachat des bons émis par la ville, en vertu de cet acte ; il est bien entendu que lorsque les dividendes sur les actions de la ville dans lesdits chemins seront moindres de six pour cent par an, une taxe pour payer les intérêts sera prélevée pour la différence seulement qui existera entre le montant du dividende annuel et le montant des intérêts annuels.

4o. Qu'aussitôt après le décret de l'ordonnance autorisant la souscription et qu'elle sera sanctionnée par les votans de la ville, ainsi qu'il est ci-après prévu, le Maire ordonnera d'émettre des bons en faveur de chacune desdites compagnies de chemins de fer, pour la proportion de la souscription de la ville, égale à la proportion qui aura été exigée par le bureau des directeurs desdites compagnies de chemins de fer respectivement, sur les souscriptions des actionnaires individuels dans la ville de la Nouvelle-Orléans; et par la suite il ordonnera d'émettre des bons en faveur de chacune desdites compagnies pour la même proportion qui aura été exigée des actionnaires individuels, en vertu de tout appel subséquent desdits bureaux.

5o. L'abrogation de l'ordonnance du Conseil de Ville de la Nelle-Orléans, approuvée le 13 mai 1852, intitulée ordonnance pour pourvoir à la souscription par la ville de la Nelle-Orléans au fonds capital de la Compagnie du Grand Chemin de Fer de la Nelle-Orléans, des Opelousas et de l'Ouest, et de l'ordonnance approuvée le 17 mai 1852.intitulée: Ordonnance pour pourvoir à la souscription par la ville de la Nelle-Orléans au fonds capital de la Compagnie du Grand Chemin de Fer de la Nelle-Orléans, de Jackson et du Nord. Bien entendu que l'abrogation desdites ordonnances ne pourra être interprêtée de manière à décharger la ville de la responsabilité de la perception et du remboursement auxdites compagnies de chemins de fer, de cette portion de la taxe de chemin de fer, imposée en vertu desdites ordonnances, pour l'année 1853, qui n'a pas encore été perçue et remboursée auxdites compagnies.

Sec 3. Il est de plus décrété, &c.; Que les bons émis par la ville en faveur des compagnies de chemins de fer seront reçus par elles au pair ; et lesdites compagnies de chemins de fer émettront en échange, en faveur de la ville, des certificats d'actions pour un montant égal au montant des bons reçus par elles ; et ces certificats d'actions desdites compagnies, ainsi émis en faveur de la ville de la Nelle-Orléans, resteront toujours en garantie pour le rachat desdits bons ; Bien entendu cependant, que tout porteur desdits bons qui désirera les convertir en actions au fonds capital de la compagnie du chemin de fer en faveur de laquelle ils ont été emis, en s'adressant au trésorier de ladite ville, et en lui rendant les bons qu'il veu convertir, recevra dudit trésorier un transfert des actions représentées par les bons rendus, et lesdits bons seront immédiatement cancellés.

Sec. 4. Il est de plus décrété, &c.; Qu'aucune ordonnance décrétée par le Conseil de Ville, conformément à cet acte, ne sera valide ou ne pourra être exécutée avant d'avoir été approuvée ou ratifiée à une élection qui devra être tenue à cet effet par ordre du Conseil de Ville, par une majorité des votans de la ville qui, en vertu des lois existantes, ont le droit de voter aux élections de ville. Ladite élection aura lieu dans les quinze jours qui suivront le décret de ladite ordonnance—sera precedée d'un avis public, durant six jours, publié par le Maire dans deux ou plus des gazettes de la ville, et sera, sous tous les rapports, [excepté dans des cas autrement prévus dans cet acte,] conduite de la manière qui est prescrite par la loi pour les élections de ville. Bien entendu que si le Conseil de Ville refuse de souscrire au fonds capital desdites compagnies de chemins de fer y nommées, de la *manière qui* est établie dans cet acte, ledit Conseil *pourra* à toute époque subséquente et aussi souvent qu'il le jugera convenable, à des intervalles de deux mois au moins, reprendre en considération *la question*, et si l'ordonnance, après qu'*elle aura été décrétée* par le Conseil, est rejetée *par le vote d'une* majorité des votans dûment qualifiés de la ville, à la première fois que ladite ordonnance lear aura été soumise pour être ratifié, le Conseil pourra, à toute époque subséquente, à des intervalles de deux mois au moins, et aussi souvent qu'il le jugera convenable, soumettre de nouveau la question aux votans, de la même manière qu'à la première élection.

Sec. 5. Il est de plus décrété, &c.; Qu'aucune ordonnance décrétée par le Conseil, en vertu de cet acte, ne sera soumise à la ratification des votans qui ont le droit de voter aux élections de ville, avant que les bureaux des directeurs desdites compagnies n'aient donné avis, par écrit, au Maire, de leur acceptation de ladite ordonnance. Bien entendu que leur acceptation de l'ordonnance, avant qu'elle n'ait été soumise à la ratification des votans de la ville, sera nulle et de nul effet, dans le cas où l'ordonnance serait rejetée par lesdits votans.

Sec. 6. Il est de plus décrété, &c, Que tous les bons qui peuvent avoir été émis par l'une ou l'autre desdites compagnies de chemins de fer et garantis par la taxe des chemins de fer, pour les années 1854, 1855, 1856, 1857 ou 1858, imposée en vertu de l'ordonnance du Conseil, mentionnée dans la seconde section de cet acte, et approuvée les 13 et 17 mai 1852, seront cancellés par la compagnie qui les aura émis, avant que ladite compagnie ne puisse recevoir de la ville aucun des bons qui doivent, en vertu de cet acte, lui être dé-

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livrés pour la souscription au fonds capital de ladite compagnie ; et si la compagnie le préfère, elle pourra déposer dans la Banque de l'Etat de la Louisiane, le montant en argent nécessaire pour payer lesdits bons ainsi garantis par la taxe de chemins de fer, et les intérêts sur lesdits bons jusqu'à leur échéance ; et lorsque les bons garantis par la taxe de chemins de fer, cancellés par la compagnie, et un certificat du caissier de ladite banque, faisant voir le montant de l'argent spécialement déposé pour le rachat des bons avec les intérêts sur iceux jusqu'à leur échéance, garantis par la taxe des chemins de fer, et non encore cancellés, seront exhibés au Maire, celui-ci, s'il est satisfait que tous les bons de la compagnie, garantis par la taxe du chemin de fer, ont été cancellés et qu'un dépôt a été fait de la manière prévue par cet acte, pour le rachat de ceux qui n'ont pas encore été cancellés, délivrera les bons de la ville à ladite compagnie qui y aura droit, pour le montant de la souscription de la ville.

Sec. 7. Il est de plus décrété, &c. ; Que le Conseil de Ville devra, dans le mois de mai de chaque année, élire collectivement trois citoyens de la ville de la Nelle-Orléans comme directeurs de la Compagnie du Grand Chemin de Fer de la Nouvelle-Orléans, de Jackson et du Nord, et trois autres citoyens de ladite ville comme directeurs de la Compagnie du Grand Chemin de Fer de la Nouvelle-Orléans, des Opelousas et de l'Ouest, lesquels resteront en place pendant un an, ou jusqu'à ce que leurs successeurs soient élus ; Bien entendu qu'aucun membre de l'un ou l'autre Conseil de ladite ville ou officier de la corporation ne sera éligible comme directeur ; et bien entendu de plus, qu'en convertissant en actions un tiers des bons émis par la ville en faveur desdites compagnies, le Conseil de Ville ne pourra élire que deux directeurs dans chacune desdites compagnies. Lorsque les deux tiers desdits bons auront été convertis, le Conseil n'élira qu'un directeur ; et lorsque tous les bons auront été convertis, le Conseil ne pourra plus élire de directeurs.

Sec. 8. Il est de plus décrété, &c. ; Que cet acte sera en force à dater de sa passation.

Mr Evans—Je n'ai pas eu de copie du bill, et par conséquent je ne puis pas dire que je le comprends en son entier. Si j'entends bien sa disposition, je voterai contre. Quand le bill passera, la ville émettra des bons, et le peuple subira des taxes pour en payer l'intérêt plus tôt que sous la dernière loi. Il est déjà taxé très lourdement pour raison de chemins de fer, et il n'y a pas de nécessité d'élever sans cesse des taxes.

Mr Macmurdo—L'honorable membre me semble être dans l'erreur quant aux effets de ce bill. Il n'impose pas, comme ce Sénateur le suppose, une taxe additionnelle, et il n'augmente pas non plus le chiffre des souscriptions de l'Etat. L'objet du bill est simplement de substituer des bons ayant un long espace de temps à courir, à la taxe indirecte qui est maintenant imposée.

Mr Evans—Mais ce bill élève plus promptement le chiffre à payer. Par exemple, aussitôt que ces bons sont émis par la ville en faveur de la compagnie, l'Etat devient souscripteur pour un cinquième de la somme. Ainsi, je ne me trompe pas en disant que cela arrive plus tôt que cela n'arriverait en conservant la loi existante, en vertu de laquelle une certaine somme est imposée chaque année au moyen de taxes.

Mr Macmurdo—Cela est vrai jusqu'à un certain point. Mais l'honorable membre doit se rappeler que tout ceci n'augmente pas le chiffre à tirer des coffres du trésor de l'Etat. L'Etat émet des bons ayant quarante ans à courir. C'est là la méthode qui a été adoptée.

Le Secrétaire donne lecture du bill.

3me Section.—Mr Defreese—Je ne comprends pas cette section. Je n'aimerais pas à voter contre le bill ou contre une section quelconque de ce bill ; il me semble que cette section sera la cause de quelque perte pour l'Etat. J'aimerais à voir l'honorable membre l'expliquer clairement.

Mr Macmurdo—Je ne vois pas comment l'effet auquel Mr Defreese fait allusion, pourrait être produit.

Mr Defreese—L'Etat ne souffrira-t-il pas de la dépréciation de ses valeurs après l'émission de ces bons ?

Mr Macmurdo—Il y a lieu de penser que la sécurité sera de nature à le rendre équivalent à un stock de six pour cent. Je ne vois rien qui puisse motiver l'appréhension de l'honorable Sénateur.

4me Section

Mr Defreese—Sous l'empire de cette loi, qui défrayera les dépenses de ces nombreux votes ?

M Wickliffe—Je propose d'effacer le mot "deux" et de le remplacer par le mot " trois " Cela sera assez souvent pour ces élections. Je suis opposé à ce qu'on lasse la patience du peuple en l'appelant si souvent à voter. Le bill peut être impopulaire, il peut être rejeté par le peuple de la Nouvelle-Orléans, et nous irions le faire voter de nouveau, voter sans cesse !

Mr Macmurdo—Il ne peut pas y avoir de doute sur l'action favorable du peuple de la Nouvelle-Orléans, sur cette proposition. L'intervalle qui séparera les élections est fixé à deux mois, à raison de la nécessité d'une prompte action de la part des compagnies de chemins de fer, si, par hasard, un Conseil venait à y faire opposition et à refuser de soumettre la question au peuple, un autre Conseil pourrait peut-être être disposé à le faire.

Mr Evans—Le bill donne au peuple de la Nelle-Orléans le pouvoir de régler l'action de l'Etat, en plaçant dans ses mains le pouvoir de décider quand les bons seront émis par l'Etat.

Mr Macmurdo—L'honorable Sénateur se trompe sur ce point ; l'Etat est déjà souscripteur.

Mr Evans—Mais si cette proposition est adoptée par le peuple de la Nelle-Orléans, l'Etat sera forcé d'émettre ses bons plus tôt qu'il ne le ferait, s'il en était autrement.

Mr Macmurdo—Cela ne fait aucune différence. Que les bons soient issus maintenant ou l'année prochaine, l'échéance arrive et ils n'en seront pas moins payés à la même époque.

Mr Kenner—Je voudrais faire remarquer au Sénateur de West Féliciana (Mr Wickliffe) que le Conseil Commun de la Nelle-Orléans représente le peuple de cette ville, dont il est l'élu. Sans aucun doute, ils ne voudront pas fatiguer leurs constituants sans nécessité. Les craintes de l'honorable Sénateur sont plus imaginaires que réelles.

Mr Palfrey—Avant d'aller plus loin dans la lecture du bill, je désirerais être renseigné sur un point que, pour le moment, je n'entends pas parfaitement. Comment les propriétaires pourront-ils disposer des droits ou actions qu'ils acquerront par le paiement même des taxes, en vertu de la présente loi.

L'acte de 1852 dit :

Section 4. Il est de plus décrété, &c. ; Que si une souscription est faite en vertu du présent acte, le capital ainsi souscrit n'appartiendra pas à la paroisse et ne sera pas administré par elle ni par la corporation municipale par l'intermédiaire de laquelle les souscriptions auront été faites ; ce capital appartiendra aux personnes qui auront acquitté les

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taxes ; et le récépissé donnera à chaque payeur de taxes, droit à un certificat qui sera transférable par délivrance de la corporation qui aura fait la souscription, pour une somme égale au montant des taxes payées. Toutefois ledit Juri de Police ou ladite corporation municipale aura le pouvoir de requérir des Shérifs ou Collecteurs de Taxes telle sécurité qu'ils jugeront nécessaire.

Les payeurs de taxes qui ont déjà payé, ont droit à un nombre d'actions proportionné aux sommes qu'ils ont versées Par le bill, le droit à ces actions doit être limité à la ville seulement. J'aimerais à être renseigné sur ce point, et il ne faudra que peu de mots pour me satisfaire.

Mr Macmurdo—Les personnes dont parle Mr Palfrey continueront à garder le titre qui leur aura été donné. La ville prendra le reste comme il est réglé par le bill. La 6me section décide la manière dont les actions déjà acquises peuvent être rachetées. Cette section est ainsi conçue :

Sec. 6. Il est de plus décrété, &c ; Que tous les bons qui peuvent avoir été émis par l'une ou l'autre desdites compagnies de chemins de fer et garantis par la taxe des chemins de fer, pour les années 1854, 1855, 1856, 1857 ou 1858, imposés en vertu de l'ordonnance du Conseil, mentionnée dans la seconde section de cet acte, et approuvée les 13 et 17 mai 1852, seront cancellés par la compagnie qui les aura émis, avant que ladite compagnie ne puisse recevoir de la ville aucun des bons qui doivent, en vertu de cet acte, lui être délivrés pour la souscription au fonds capital de ladite compagnie ; et si la compagnie le préfère, elle pourra déposer dans la Banque de l'Etat de la Louisiane, le montant en argent nécessaire pour payer lesdits bons ainsi garantis par la taxe de chemins de fer, et les intérêts sur lesdits bons jusqu'a leur échéance ; et lorsque les bons garantis par la taxe de chemins de fer, cancellés par la compagnie, et un certificat du caissier de ladite banque faisant voir le montant de l'argent spécialement déposé pour le rachat des bons avec les intérêts sur iceux jusqu'à leur échéance, garantis par la taxe des chemins de fer, et non encore cancellés, seront exhibés au Maire, celui-ci, s'il est satisfait que tous les bons de la compagnie, garantis par la taxe du chemin de fer, ont été cancellés et qu'un dépôt a été fait de la manière prévue par cet acte, pour le rachat de ceux qui n'ont pas encore été cancellés, délivrera les bons de la ville à ladite compagnie qui y aura droit, pour le montant de la souscription de la ville.

Mr Moore—Si j'entends bien le sens de cette section, il s'en suivrait que la ville aurait le droit de reprendre à tous individus les actions qui leur sont déja acquises.

Mr Macmurdo—Pas du tout. Ils continuent à conserver leurs actions, s'ils le préfèrent.

Mr Wickliffe — Je demanderai qu'on insère une disposition ordonnant que les livres des compagnies soient ouverts en tout temps à l'inspection du Conseil Commun de la ville de la Nelle-Orléans.

Mr Moore—Par les chartes des compagnies, tout propriétaire d'actions a ce droit dès à present.

Mr Macmurdo—Je dois dire que je n'aime pas à me trouver en opposition avec le membre de West Féliciana (Mr Wickliffe) ; mais je me sens obligé de prendre l'avis du Sénat pour lui demander si la motion ne doit pas être déposée sur la table Par les chartes des compagnies, comme l'a Sénateur de St. Martin (Mr Moore) l'a fait justement observer, chaque possesseur d'actions à ce droit dès à présent.

Mr Wickliffe—J'ai lu dans les journaux de la ville qu'il y a longtemps déja, le Conseil de la Nouvelle-Orléans a nommé un comité pour remplir un devoir de cette nature, mais que la compagnie a refusé de donner au comité la permission d'examiner les livres, disant que la ville n'était pas propriétaire d'actions et n'avait pas d'intérêt dans l'affaire. Par ce bill, la ville devient propriétaire d'actions, mais la compagnie peut encore chercher ici une autre fin de non recevoir, en alleguant que ce n'est là que la substitution d'une forme à une autre, et que, par conséquent, la ville, considé ée dans son ensemble, n'a pas d'intérêt La compagnie peut ainsi tourner autour de la question et se refuser à nos désirs.

Mr Macmurdo—Chacun sait, pour peu qu'il ait suivi les faits à cette epoque, pourquoi cette demande a été refusée par la compagnie. La ville n'était pas dutout souscripteur, et par conséquent n'avait pas le droit de faire une semblable demande. La compagnie a admis, dans les termes les plus larges, le droit de tout propriétaire d'actions a examiner les livres. Pas un citoyen ayant payé la taxe, et par conséquent devenu propriétaire d'actions, n'a été refusé s'il s'était présenté.

Mr Moore—Comme je l'ai dit déjà, tout propriétaire d'actions, dans la compagnie, a le droit d'examiner les livres. Par l'effet de ce bill, la ville elle-même devient propriétaire d'actions ; et certainement elle aurait le droit de faire, par l'intermédiaire du Conseil, procéder à un examen de ce genre.

Mr Wickliffe—Qui représente les individus détenteurs d'actions ? On a dit que le Conseil les représente. S'ils ont le droit, individuellement, d'examiner les livres, pourquoi n'auraient-ils pas le pouvoir de déléguer ce droit au Conseil qui les représente, et quelle raison valable peut-on donner du refus de la compagnie ? Je crois que si le peuple s'était réuni et avait nommé une délégation pour faire cet examen, la compagnie aurait de même refusé. Je veux que le peuple, en toute occasion, ait le droit de contrôle, de manière qu'il puisse s'assurer si les choses se passent bien. Si le peuple souscrit une somme considérable, il doit au moins avoir le privilege de s'assurer si son argent est bien dépensé.

Mr King—Il me semble que l'amendement du Sénateur de West Féliciana (Mr Wickliffe) n'aura d'autre effet que celui produit par la loi déjà existante. L'honorable membre a certainement raison en principe. Ce qu'il demande est d'accord avec la justice. Il est équitable que tous les propriétaires d'actions aient le droit d'examiner les livres de la compagnie. Mais est-il nécessaire d'encombrer le bill d'amendements qui ne font que reproduire la loi déjà existante ? L'honorable membre ne voit pas que si un amendement est adopté, le bill peut en éprouver du retard et même être en péril On doit se rappeler que si le bill est amendé, il faudra qu'il retourne à l'autre Chambre, et comme la session est avancée, ce délai pourrait mettre la passation du bill en danger. La compagnie est obligée de montrer en tout temps ses livres à ceux qui prouvent leur qualité de détenteurs d'actions. Si elle refuse, il est aisé de la forcer à s'exécuter.

Le bill est adopté sans l'amendement.

Colonisation.

L'ordre du jour appelle la discussion sur le bill dont la teneur suit :

ACTE

Pour aider à la colonisation en Afrique, des personnes de couleur de cet Etat.

Section 1. Il décrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane, réunis en Assemblée Générale ; Que Son Excellence le Gouverneur de cet Etat, le Secrétaire d'E-

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tat et l'Auditeur des Comptes Publics et leurs successeurs, sont et demeurent constitués sous le nom de "Bureau de Colonisation," deux desquels formeront un quorum.

Que ledit Bureau est par le présent autorisé à recevoir des donations et des legs, et le montant de toutes les taxes qui pourront être imposées dans cet Etat pour cette colonisation, et à affecter les fonds ainsi reçus au transport sur la côte d'Afrique, des nègres libres qui doivent, en vertu de la loi, être transportés, et des autres qui voudront être transportés.

Que ledit Bureau pourra poursuivre et être poursuivi devant toute Cour de cet Etat. Il devra faire un rapport de toutes ses délibérations à chaque réunion de l'Assemblée Générale, faisant savoir le montant des sommes reçues et dépensées, ainsi que les noms, la résidence, l'âge, le sexe de chacune des personnes de couleur qui auront été transportées en Afrique, en vertu de cet acte.

Sec 2. Il est de plus décrété, &c.; Qu'une taxe annuelle d'une piastres est et demeure par le présent imposée à chaque personne de couleur âgée de vingt-un ans et plus, qui se trouve dans cet Etat; cette taxe sera assise, perçue et versée dans le trésor par les mêmes officiers, et de la même manière que le sont les autres taxes d'Etat; et il sera du devoir des Collecteurs de Taxes de percevoir ladite taxe, et ils recevront pour ce service une commission de cinq pour cent sur le montant total perçu. Il sera tenu un compte dans les livres du Trésorier et de l'Auditeur des Comptes Publics, de toutes les sommes d'argent imposées et reçues en vertu de cet acte; lesquelles formeront pour toujours un fonds distinct.

Et tout nègre libre qui refusera de payer ladite taxe sera poursuivi, par le Collecteur, de la même manière que le sont les autres contribuables délinquants; et si le délinquant n'a pas de propriété, il sera légal, après que le jugement aura été rendu, de lancer un ordre pour arrêter et emprisonner ledit délinquant; et il sera mis à l'enchère au rabais, pour être loué, au dehors, à celui qui aura payé ladite taxe et les frais, et qui aura offert de louer les services dudit nègre pour le temps le plus court.

Sec. 3. Il est de plus decrété, &c.; Que toutes les fois que ledit Bureau, sur la production du reçu de l'armateur ou autrement, sera convaincu qu'un nègre libre a été transporté de cet Etat en Afrique, ou a été embarqué pour cette destination, par la Société de Colonisation, ledit Bureau devra émettre un mandat de cent piastres sur le Tresorier, payable à l'agent reconnu de la Société de Colonisation, pour chaque nègre libre ainsi transporté et pour pourvoir à la subsistance dudit nègre libre durant un temps limité en Afrique; lequel mandat sera payé sur demande par le Trésorier; bien entendu que le montant total payé ne devra jamais excéder le montant alloué par cet acte

Sec. 4. Il est de plus décrété, &c.; Que la somme de dix mille piastres du fonds créé par cet acte, est et demeure affectée à l'exécution du projet ci-dessus mentionné

Sec. 5. Il est de plus décrété, &c.; Que cet acte sera en force à dater de sa passation.

Mr Martel—Je demande que le bill entier soit déposé sur la table.

Je voudrais constater que je m'oppose à ce bill par le motif que je le considère comme inconstitutionnel. Je demanderai l'inscription au journal des oui et des non, dans le but de mettre en évidence le sentiment du Sénat au sujet de cette question de constitutionnalité. Je m'appuie sur l'article 30 de notre loi fondamentale, lequel article dit:

"Tous bills pour imposer des taxes seront votés d'abord par la Chambre; mais le Sénat pourra y proposer des amendements comme aux autres bills, pourvu toutefois qu'il n'introduise rien de nouveau sous forme d'amendement."

Mr King—Je demande qu'on efface toute cette partie de la seconde section qui existe après les mots "payeurs de taxes," à la 7me ligne. Je fais cette motion afin de sauver le bill, car je crois qu'il pourrait ne pas être adopté par l'autre Chambre dans la présente forme.

Mr Kenner—Nous ne devons pas agir sous l'influence de pareilles considérations. Votons pour ce que nous croyons raisonnable, sans nous préoccuper de ce que pourra faire ou ne pas faire la Chambre. Courons la chance de trouver cette seconde assemblée dans les mêmes dispositions que nous. Je crois que c'est là le meilleur plan de conduite.—Agissons selon nos propres convictions du juste et de l'injuste, de ce qui est convenable et de ce qui ne l'est pas.

Mr Ryan—Je voudrais informer l'honorable membre que, pour ma part, je ne me laisse influencer par aucun motif de ce genre, et que je suis personnellement en faveur de cette suppression. Un exemple expliquera mes motifs pour agir ainsi. Supposons le cas d'un nègre libre, trop vieux peut-être ou trop infirme pour travailler pour gagner sa vie, et par conséquent obligé de vivre de charité. Le vendra-t-on ou le louera-t-on, au cas où il ne pourrait pas payer la taxe? Je crois qu'il faudrait dans ce cas faire une exception.

Mr Moore—Je donnerai mes raisons pour désirer de conserver cette partie du bill dont on demande la suppression. On sait parfaitement bien qu'il y a deux classes de nègres libres parmi nous: les résidents et les immigrants. Les derniers sont ceux que nous devons atteindre; ceux qui viennent ici seulement dans l'hiver, et n'y restent que quelques mois, durant lesquels ils répandent les plus fatales et les plus pernicieuses doctrines, non-seulement chez les nègres de leur classe, mais encore parmi nos propres esclaves. Ce sont eux que la loi doit atteindre, et que nous ne pouvons atteindre d'aucune autre façon que celle indiquée par le bill.

Mr Rivers—Il est très vrai, comme l'a dit l'honorable membre, que la classe immigrante est celle que nous devons atteindre, car les doctrines qu'ils répandent autour de nous sont on ne peut plus dangereuses et ne sont pas même inférieures en atrocité à celles que renferme l'infâme livre de Mme Stowe. Il faut absolument mettre la main sur ces gens indignes, et les vendre ou les louer, s'ils ne paient pas la taxe.

L'amendement est rejeté et le bill est adopté à la 3me lecture.

Education Littéraire.

La discussion porte sur le bill dont la teneur suit:

Acte pour l'avancement de l'éducation littéraire.

Section 1 Résolu par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane, réunis en Assemblée Générale; Que si les citoyens d'une paroisse quelconque de l'Etat parviennent à réunir par voie de souscription ou autrement, la somme de $8,000 ou plus, en argent comptant, dans le but de construire et de doter un collège soit pour garçons soit pour filles, et s'ils produisent à l'Auditeur des Comptes Publics le certificat du Juri de Police, constatant le fait, alors l'Auditeur émettra son warrant en faveur d'un tel établissement, jusqu'à concurrence d'un tiers de la somme ainsi recueillie par souscription, lequel tiers sera ajouté à la somme principale et destiné au même but. Toutefois, l'Etat ne contribuera à ces frais d'établissement que pour un seul collège par chaque paroisse.

Sec. 2. Résolu de plus, &c.; Que, dans le cas

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où plusieurs emplacements seraient proposés pour l'établissement d'un collège de ce genre, et où les citoyens de la paroisse ne pourraient pas s'entendre, le Juri de Police donnera son certificat, et l'Auditeur des Comptes Publics donnera son warrant en faveur de celui des deux emplacements proposés, pour lequel aura été donné le plus d'argent.

Si chaque paroisse de l'Etat veut profiter de ce bill, cela prendra au moins cent mille piastres du Fonds des Ecoles Publiques.

Mr Defreese—Je ne pense pas que cette somme doive être prise sur le Fonds des Ecoles.

Mr Marmurdo—Cela serait plus fâcheux encore, car alors elle serait prise sur le Fonds Général.

Mr Evans—Je pense que l'Etat ne pourrait employer son argent à un meilleur usage. C'est une somme en vérité très minime, si on la compare aux immenses bienfaits qu'il est raisonnable d'en attendre. Les Chambres votent l'argent par centaines de mille piastres pour canaux, chemins de fer et entreprises de ce genre, et elles hésiteraient à voter une somme aussi insignifiante pour un but aussi désirable et aussi important pour l'avenir du pays. Je crois, pour ma part, que la cause de l'éducation publique a au moins autant d'importance que celle des railroads et des travaux publics. Je crois que le peuple de la Louisiane a autant besoin d'éducation que de constructions.

M. Defreese.—Je suis tout autant que le sénateur de Claiborne, en faveur de l'éducation publique, et je ne verrais pas avec moins de plaisir que lui-même se multiplier les établissemens tendant à répandre la haute instruction dans notre pays. Mais je crois que nous devrions commencer par augmenter le nombre de nos écoles communales. Ce dernier système doit d'abord ne laisser rien à désirer avant que nous songions à des établissements pour des études plus élevées. Très peu de paroisses, j'en suis convaincu à l'avance, voudront profiter des avantages offerts par ce bill. Ensuite, il y aura cet inconvénient que les paroisses pauvres seront taxées aussi lourdement que celles qui pourront profiter du bill. Je préférerai qu'on fit une loi qui profitât à toutes les paroisses. C'est la raison pour laquelle je viens de proposer l'amendement. Si les deniers publics sont dépensés pour l'éducation du peuple, il est, à mon avis, préférable que des écoles soient établies avec une modique allocation de mille piastres. Cela vaudra toujours mieux que de n'en pas avoir du tout.

Le sénateur de Claiborne pense que le présent bill mérite autant la faveur populaire que les entreprises de canaux, chemins de fer, &c. &c. Je pense, moi, qu'il se trompe grandement. L'éducation du peuple est sans doute d'une haute importance, mais seulement dans les degrés élémentaires. Passé la limite du besoin pour l'intelligence des affaires ordinaires de la vie, il n'en est plus ainsi. Je soutiens que les chemins de fer vaudront plus de bien à l'Etat que toute la science du grec et du latin. Il ne faut pas oublier que les canaux et les chemins de fer portent la richesse dans le pays en élevant la valeur des propriétés à une distance de 30 milles de chaque côté de la ligne où ils passent.

Le mérite du bill proposé est loin, comme on le voit, d'atteindre à de semblables proportions.

Loin de moi la pensée de déprécier l'éducation J'en sens autant que qui que ce soit ici, le besoin et l'importance. J'aimerais à voir un collége dans chaque paroisse, si toutes pouvaient en fonder et en entretenir un Mais, qu'on remarque bien une chose, il y a fort peu de paroisses qui puissent recueillir une somme de $8000, dans ce but. D'abord, il en est qui sont tellement pauvres ou déjà tellement surchargées de taxes de toutes sortes et sous toutes les formes, qu'elles ne pourraient plus guère se saigner encore plus en souffrir. D'autres plus riches, sont livrées à des troubles intérieurs, à des querelles de prééminence pour telle ou telle ville. Ces rivalités entraînent d'inévitables désordres et empêchent le bien qu'on pourrait attendre d'efforts communs et dirigés vers un même but. Mais, en supposant même qu'elles parviennent à réunir les $8000, nécessaires pour obtenir l'assistance de l'Etat, qui profiterait de ces hautes écoles d'éducation ? Est ce tout le monde ? Non, ce seraient seulement les classes assez riches pour pouvoir y envoyer leurs enfans. Et, je vous le demande, est ce juste ? Devons-nous détourner les deniers des fonds des écoles publiques pour l'appliquer à des institutions particulières. Vous comprenez tous que non. Le fonds commun appartient à tous. Il ne doit donc être employé que dans l'intérêt de tous. Eh bien ! vous faites précisément le contraire sans en avoir sans doute aperçu les conséquences, vous prenez des fonds des pauvres pour augmenter le bien-être des riches. Ainsi peut se résumer la loi que vous voulez faire L'Etat, c'est tout le monde. Quand l'Etat encourage un établissement quelconque, ce ne peut être qu'un établissement d'intérêt général et dont tout le peuple profite. Autrement ce ne serait plus que la création d'un privilège, et cela ne saurait s'harmoniser avec nos principes républicains. L'éducation élevée est sans doute digne d'attention, mais moins cependant que l'éducation élémentaire, car celle-ci est pour tous, tandis que la première n'est que pour quelques uns. Il y aura toujours assez de familles riches pour que la haute éducation se perpétue parmi nous, et que nous ayons assez d'enfants instruits pour emplir plus tard les cadres des professions appelées libérales

Je suis désolé de faire opposition à une mesure émanant de mon honoré ami, mais les raisons que je viens d'exposer me font un devoir de cette opposition. Pour me résumer, je dirai donc: Il ne suffit pas qu'une mesure soit utile, pour que nous la votions. Il faut encore que son utilité soit plus grande que celle des autres mesures qui réclament aussi notre sollicitude.

Comme nos moyens d'exécution ne nous permettent pas d'exécuter tout ce qui est utile, nous sommes donc obligés à un choix, et les plus indispensables doivent passer les premiers. En second lieu, l'argent public ne doit être employé qu'à des œuvres d'intérêt général. Tout emploi des deniers de l'Etat au profit d'institutions particulières n'est que la constitution d'un privilège.

Par ces motifs, je voterai contre le bill.

M. Evans.—L'argumentation de l'honorable membre tend à rejeter à un plan secondaire la grande question de l'éducation publique De ses raisons de détail qu'il nous a données, je remarque celles-ci: L'honorable membre prétend qu'il y aura beaucoup de paroisses ou trop pauvres pour pouvoir réunir les fonds, ou trop troublées par les rivalités intestines pour s'entendre sur le choix d'un emplacement. Je réponds en deux mots à ces deux objections. Les paroisses trop pauvres auront la ressource d'envoyer leurs enfants au collége de la paroisse voisine, si celle ci est plus riche et a pu en fonder un. Quand aux querelles d'emplacement, le bill a prévu le cas, et a donné à l'Auditeur des Comptes Publics, le pouvoir de trancher la question d'après une base certaine.

M. McCay.—Le raisonnement de l'honorable M. Defreese, quoique juste en principe, n'est cependant pas rigoureusement vrai en pratique. S'il est vrai que les fonds publics ne doivent être employés

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qu'à des œuvres d'utilité générale, il n'est pas toujours vrai que ce principe ne soit susceptible d'aucune exception. Il n'a jamais existé de peuples qui n'aient eu des institutions destinées à faire fleurir les lettres et les arts Paris possède un Conservatoire de Musique, une Ecole des Beaux Arts, où se forment les grands musiciens et les grands peintres ; des Universités d'où sortent les savants qui répandent ensuite l'instruction autour d'eux. Il en est de même en Angleterre, en Allemagne, et dans le monde entier. Je ne crois pas qu'on puisse nous citer une époque de l'histoire où ces institutions toutes spéciales n'aient pas existé chez les nations florissantes. Il n'est pas nécessaire que le peuple entier devienne savant dans le sens le plus étendu du mot; l'institution peut ne servir en apparence qu'à quelques uns et cependant être d'une utilité générale au fond. Ainsi, de même qu'un professeur suffit à l'enseignement de cent enfans, de même ainsi il suffit que dans un état un certain nombre de citoyens possèdent une haute éducation. C'est par eux que se font nos livres, nos journaux, nos lois, ce sont eux qui éclairent la masse, épurent le goût et entretiennent parmi nous le sens du beau et du juste. Le reflet de la science d'un seul suffit quelquefois, pour éclairer tout un peuple. Créons des écoles élémentaires en aussi grand nombre que nous pourrons ; mais ne négligeons pas ces grandes institutions qui ont existé en tout temps et dans tous les pays et ont été la cause de leur gloire et de leur prospérité.

M. Palfrey propose un amendement qui, dit l'honorable membre, doit rendre la section un peu plus claire sans en altérer en rien le sens.

L'amendement est adopté.

M. Defreese —Je demanderai qu'au lieu de $8000, on mette le chiffre $3,000. Je ne voudrais pas faire une opposition déraisonnable à ce bill, mais je voudrais qu'au moins toutes les paroisses puissent tirer avantage du bill.

M. Moore.—Je voterai contre le bill. Voici pourquoi: Nos taxes sont aujourd'hui tellement élevées que nous payons à l'heure qu'il est trois fois autant qu'en 1845, et nos propriétés sont bien loin d'avoir augmenté de valeur dans la même proportion. Ce n'est pourtant pas que je sois opposé à l'encouragement de l'instruction publique. Tout au contraire. Mais je remarque que nos écoles sont fort mal dirigées, pour la plupart. Il est des paroisses qui n'en ont pas du tout, et dans d'autres les deniers publics sont distribués à des institutions qui n'instruisent nullement les enfants. Il y a gaspillage partout, et il n'y a surveillance nulle part. Tantôt ce sont de bons instituteurs qui, après avoir laborieusement accompli leur tâche, ne peuvent parvenir à se faire régler leurs comptes; et tantôt ce sont des instituteurs négligents, paresseux ou ignorants, qui reçoivent des avances et disparaissent ensuite. Toute votre attention, Messieurs, doit se porter sur les écoles primaires. C'est là vraiment ce qu'il y a d'urgent et d'important. Les destinées du pays, son bonheur, sa liberté en dépendent. Chaque citoyen étant appelé par son vote a décider du sort du pays, il importe que tous soient suffisamment éclairés pour ne pas compromettre son avenir. L'ignorance pourrait avoir des résultats funestes dans les élections. Quant aux institutions dont on a parlé, eh bien nous n'en sommes pas totalement privés. Il ne manque pas d'établissements de haute éducation dans l'Etat. Certaines villes même en regorgent, et en vérité, il serait presque ridicule, de vouloir fonder un collége dans chacune de nos paroisses. Elles ne sont pas assez populeuses pour que cela soit nécessaire. Il y a des collèges privés dans tous les principaux points de la Louisiane. C'est là que les familles riches doivent envoyer leurs enfants. Il n'est pas besoin pour cela de rien distraire du trésor public qui est, comme on l'a dit, le fonds des pauvres. C'est à leur profit que les deniers de l'Etat doivent être dépensés. Messieurs, je suis un de ceux qui ont souffert de l'absence d'écoles primaires. Je suis arrivé dans cet Etat à l'âge de 13 ans, et faute d'écoles, j'ai été privé de toute éducation depuis cette époque. J'ai dû m'instruire moi-même. Je ne verrai donc qu'avec peine employer à des institutions privilegiées e. d'une utilité contestable, les deniers du pauvre.

Je voterai contre le bill.

M. Rivers —Pour moi, je n'ai pas d'objection à faire à ce bill, pourvu qu'il ne puisse suivre en rien aux écoles primaires. Je proposerai un amendement pour faire suite à l'autre amendement déjà proposé. Par cet amendement, l'Etat ne pourrait pas être obligé de contribuer au-delà du tiers de $8000 Je demande en outre que le sujet entier soit renvoyé au Comité de l'Education Publique.

M. Martel.—Je demande que l'amendement du sénateur de St. Martin, soit déposé sur la table.

M. Rivers.—Je demande de nouveau le renvoi au comité.

Le nouveau renvoi du bill avec ces amendemens est prononcé.

Motions en arrêt de jugement.

On met en discussion le bill pour prévenir les motions en arrêt de jugement, après le prononcé d'un verdict.

M. Wickliffe.—Je suis opposé à ce bill. Je suis opposé à ce qu'on prive le criminel de la loi commune.

M King.—Ceci, messieurs, n'est pas un sujet de vulgaire importance, mais bien un de ceux qui réclament notre plus sérieuse attention. Nous savons tous que l'un des expédients auquels recourt le plus communément le criminel, pour échapper au châtiment qui est prononcé contre lui, c'est un arrêt de jugement après sa condamnation, basé sur quelque erreur ou omission qui se serait glissée dans l'indictment. Dès que le verdict est rendu, l'avocat jette un coup-d'œil sur l indictment, trouve quelque lacune ; et dit: "mon client ne peut pas être condamné en vertu de cet indictment." Il fait alors une motion en arrêt de jugement; et il en résulte que le criminel échappe à la justice, qui demeure ainsi impuissante. Dans plusieurs des Etats de l'Union, il n'en est pas ainsi. L'accusé est forcé de faire ses objections à l'indictment avant le procès. L'hon. M. Wickliffe dit qu'il ne veut pas qu'on enlève au criminel aucune de ses prérogatives Je demande, moi, tout au contraire, que nous fassions tout ce qu'il faut pour prévenir le crime, et pour le punir. Je veux que le criminel reçoive le juste châtiment de sa violation de la loi. En Angleterre même, le pays où est né la loi commune, cet absurde système a été aboli. Je voudrais constater ici ce qui, sans aucun doute, est à la connaissance de tous, c'est-à-dire que notre Constitution s'oppose à ce qu'une même personne soit traduite deux fois en jugement pour la même affaire, *non bis in idem*, de façon que si après un verdict rendu, le criminel parvient à s'échapper, il n'y a plus aucun moyen de le traduire en justice. Une fois déchargé sur une motion en arrêt de jugement, il est libre et aucune poursuite ne peut être menée contre lui. Cette absurde anomalie doit disparaître de notre jurisprudence, comme elle a déjà disparu de la jurisprudence de l'Angleterre. Nos lois ne doivent pas être conçues de façon à protéger le criminel, mais au contraire de manière

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à prévenir le crime ou à le châtier. Si la doctrine opposée est vraie, nous ferons mieux d'abolir de suite notre loi criminelle, et de permettre de commettre le crime avec impunité. J'ai souvent entendu des personnes exprimer leurs sympathies pour les criminels. Pour moi, messieurs, je porte mes sympathies ailleurs. C'est un sentiment faux, anormal, dangereux, etc., que la raison réprouve, aussi bien que la justice. Si vos sympathies sont pour le criminel, qu'éprouverez-vous donc pour la victime? Tout crime ne sert qu'à encourager le crime. Je ne vois jamais qu'avec regret un criminel échapper à la justice; et je ne comprends les prétendus dangers qu'on nous signale et dont on nous menace si nous abolissons ces prérogatives du criminel, dans lesquelles je ne vois, moi, que de frivoles prétextes qui seront aux ennemis de la société comme un rempart contre les atteintes de la justice. J'oserai dire que dans notre pays, où tant de criminels échappent au glaive de la loi, il n'est peut-être pas un cas sur mille où un accusé soit condamné injustement.

Et voudrait-on persister à soutenir que parce que dans l'indictment un t ou un i aura été oublié, il faudra annuler le procès et renvoyer le criminel? En vérité, il faut en finir avec ces absurdes fictions. Lorsque l'identité est constatée par les faits, cessons de soumettre notre conduite à l'influence de pareilles futilités.

M. Wickliffe.—L'honorable membre semble croire que je désire voir le crime impuni. Il est dans une grande erreur. Il a mal compris ma pensée. Je désire autant que lui-même voir le criminel recevoir son châtiment; mais en même temps je ne veux pas qu'un homme soit mis hors la loi commune. Cette loi est une loi d'humanité et de justice. En même temps que nous devons être très sévère sur le fond, nous devons être très attentif sur la forme. Qu'on n'oublie pas ce principe sacré en matière criminelle. "Qu'une erreur doit profiter à l'accusé." C'est qu'en effet le prévenu n'est un criminel qu'après la condamnation; jusque là, il a droit à toute la protection de la loi, et s'il y a une erreur il vaut mieux cent fois qu'elle tourne contre l'Etat que contre l'accusé. C'est à l'avocat de district à ne pas se tromper. S'il est ignorant ou négligent, qui doit en souffrir? L'Etat, non le prévenu. Telle est la loi. Elle est claire, positive, intelligible. Que l'avocat de district, que l'officier de l'Etat accomplisse son devoir, conformément à la loi, et alors le criminel ne pourra pas échapper sous un pareil prétexte.

M. King.—Ou je ne comprends pas bien l'honorable Mr. Wickliffe, ou bien il n'attaque pas le bill avec toute la franchise, et qu'il me permette de le dire, toute la bonne foi que nous devons apporter dans la discussion des lois. De deux choses l'une, ou le crime doit être puni ou il doit être commis avec impunité. S'il doit être puni, prenez des mesures pour que le criminel ne vienne pas après la condamnation, insulter à la loi, et se moquer d'elle. Bien loin de vouloir enlever à l'accusé une seule des garanties que la loi commune de l'humanité lui accorde, je ne veux pas le moins du monde qu'on touche à une seule de ces prérogatives. Seulement, je veux introduire de la logique dans le procès des criminels. Je ne veux pas qu'on en fasse une moquerie. Je veux que tout le monde soit forcé de les prendre au sérieux. En conséquence, je désire qu'on mette de l'ordre dans ce désordre. Je ne veux pas que douze jurés soient dérangés de leurs travaux ordinaires pour qu'après un procès qui aura duré quelquefois plusieurs jours, un misérable criminel vienne dire en riant, à ses juges: "An! on a oublié un i dans l'indictment, je ne puis pas être condamné." Je veux ou qu'on cesse de rendre la justice, ou qu'on ne la rende pas en vain. Je ne demande donc qu'à intervertir l'ordre qui, bien à tort, est actuellement observée. Ainsi, au lieu de permettre au condamné de faire ses observations sur l'indictment, après le jugement, je demande qu'on l'oblige à les faire avant le procès. Ai-je tort? N'est-ce pas manquer de franchise, ou se mal rendre compte des choses que de prétendre le contraire? Est-il nécessaire que treize personnes soient ainsi dérangées de leurs travaux sans avoir s'ils font une chose utile et valable? Est-ce lorsqu'on est en mer qu'on s'assure si le navire est solide? Messieurs, je ne demande ici que l'application d'une loi que chaque homme observe dans la conduite de ses propres affaires. Il y aurait folie à s'en écarter. Et je m'arrête ici, car j'ai honte en quelque sorte de plaider aussi longtemps une cause si évidente, de prouver une vérité si banale. De deux choses l'une, je le répète, ou punissons le crime, ou abrogeons la loi pénale.

M. McCay.—Je crois qu'il serait à propos de ne pas nous presser de voter le bill, et d'en remettre la discussion à un autre temps. Il s'agit ici de l'une de ces questions de haute importance qui, comme on l'a fait observer, réclament notre plus sérieuse attention. Pour ma part, je ne vois jamais sans inquiétude, apporter des changements à la loi commune. Et dans le cas qui nous occupe, je crois que mon collègue n'a pas donné le sens précis de la loi. Il semble imaginer que l'omission d'un i ou d'un t suffit pour vicier un indictment. C'est une erreur. La procédure est la même dans les affaires civiles. Dans la ville de la Nouvelle-Orléans, les trois quarts des criminels sont jugés sans avoir même un conseil, et ce n'est que par l'intervention de quelque ami qu'un petit nombre de témoins à décharge sont entendus en sa faveur. La Cour, il est vrai, dans ces cas, nomme un avocat d'office, pour les défendre; et quoique ce soit souvent un aspirant avocat, désireux de profiter de la première occasion de se distinguer, comme il est complètement ignorant de toutes les circonstances de la cause, il ne peut absolument rien faire en faveur de son client; et on conçoit parfaitement qu'on ne puisse pas l'obliger à parcourir à la hâte, l'indictment sans avoir sous la main aucun des moyens de confrontation, et de lui demander instantanément s'il n'a pas quelques observations à faire sur cet indictment. N'ayant absolument pas le temps d'examiner ce papier avant le jugement, il le lit avec attention après le jugement. C'est son droit, et rien n'est plus naturel. Toucher à ce droit, c'est en realité changer la position de l'accusé, déjà souvent assez malheureux de n'avoir pas le moyen de payer une défense. On dira que très fréquemment, le criminel échappe à la justice, les mains pleines de sang. Je n'en disconviens pas; mais ne vaut-il pas mieux voir acquitter un coupable que punir un innocent?

M. King.—La motion en arrêt de jugement n'est jamais faite qu'après la lecture du verdict. Maintenant, messieurs, je le répète, il n'arrive pas une fois sur mille qu'un innocent soit condamné par un jury, tandis qu'au contraire il n'arrive que trop souvent que des misérables échappent à la justice. Je soutiens que la loi accorde déjà trop de latitude, et que nous ne devons pas souffrir que les criminels échappent pour quelqu'insignifiante formalité omise par la négligence d'un avocat de district. Ce qu'on a à dire sur l'indictment on peut tout aussi bien le dire après. Ce que j'ai dit de l'omission d'un t ou d'un i semble avoir été pris à la lettre par mes collègues, tandis que je le disais

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taphoriquement ; mais j'ai la confiance que la Sénat m'aura mieux compris.

Quant aux erreurs réelles qui peuvent s'être glissées dans l'indictment, c'est avant le procès qu'on doit les signaler, et non après.

L'impression du bill est ordonnée par le Sénat.

ORDRE SPECIAL DU JOUR.

Le Sénat continue à prendre la considération du bill intitulé :

Acte pour aider à la colonization en Afrique des gens de couleur libres de cet Etat.

Sur motion de M. King, le Sénat considère de nouveau le dit bill.

M. Martel fait la motion de déposer le dit bill indéfiniment sur le bureau, et à cette fin réclame l'appel nominal.

L'hon. W. W. Farmer, Président du Sénat, occupe le fauteuil.

Messrs. Martel, Lacoste et Richardson—3 sénateurs, votent dans l'affirmative.

Messrs Chilton, Defreese, Evans, King, Kenner, Key, Kittridge, Lawes, Macmurdo, Munday, Moore, Palfrey, Ryan, Rivers, Scott, Taylor et Wickliffe—17 sénateurs, votent dans la négative.

En conséquence, la motion de déposer le bill est rejetée.

M King fait la motion d'amender la seconde section en effaçant à la 4me ligne les mots " au dessus", et d'insérer les mots " au dessous de soixante ans", et d'insérer à la 10me ligne après les mots "collecté" les mots "les assesseurs recevront une égale compensation pour assesser.

M. Defreese propose d'amender le dit bill en insérant à la fin de la 13me ligne après les mots "fonds', les mots "porté au crédit des dits fonds'.

M. King fait la motion d'effacer à la 17me ligne après le mot "contribuable", tout le reste de la section.

Sur motion de M. Rivers, la motion de M. King est déposée sur le bureau.

M. Wickliffe propose d'insérer à la fin de la section sous considération les mots:

" Bien entendu que les dispositions de ce bill ne seront pas applicables à tout homme de couleur qui a été employé au service des Etats-Unis à la guerre de 1814 et 1815 et à leurs veuves.

BILLS PRESENTES.

M. Rivers obtient la permission de présenter un bill intitulé :

Acte pour amender la première et la septième sections d'un acte pour incorporer la compagnie du chemin planchayé de St. Joseph

Sur motion et après dispense des règles, ce bill subit ses différentes lectures et il passe.

M Ryan demande et obtient l'autorisation de présenter un bill intitulé :

Acte pour déterminer la forme et la qualité des barrieres dans tout l'Etat.

M Munday demande et obtient l'autorisation de présenter un bill intitulé :

Acte pour punir les personnes qui sous de faux prétextes cherchent à obtenir de l'argent.

M Taylor obtient la permission de présenter un bill intitulé :

Acte pour la construction des barrières qui séparent les propriétés.

Sur motion, et après dispense des règles, ce bill est lu deux fois et est référé à un comité spécial ; et le Président nomme pour faire partie de ce comité. Messrs. Ryan, Trudeau et Perlerin.

M McCay obtient la permission de présenter un bill intitulé :

Acte pour amender la charte de la compagnie du gaz de la Nile-Orléans.

Sur motion, et après dispense des règles, ce bill est lu deux fois et est référé au comité judiciaire.

M Macmurdo obtient la permission de présenter un bill intitulé :

Acte pour établir un fonds permanent pour le soutient des écoles publiques gratuites de l'Etat de la Louisiane.

Sur motion, et après dispense des règles, ce bill est lu deux fois et est référé au comité de finances.

M Evans présente une pétition du Président et des Administrateurs de l'Université du Mont Lebanon.

RAPPORTS DES COMITES.

M Macmurdo, au nom du comité de finances, auquel avait été référé un bill intitulé :

Acte pour accorder une extension de temps au hérif de la paroisse de St. Landry, à l'effet de faire son réglement définitif avec l'auditeur des comptes publics pour la collection des taxes pour les années 1851, 1852 et 1853,

Fait un rapport favorable du dit bill avec amendement.

Sur motion de M Martel, et après dispense des règles, ce bill subit ses différentes lectures et passe.

M Wickliffe, au nom du comité de l'éducation publique, auquel a été référée la

Résolution à l'effet d'acheter l'Histoire de la Politique des Etats-Unis, par Bernard Marigny,

Rapporte la résolution pour que le Sénat s'en occupe.

MESSAGE A LA CHAMBRE.

Le secrétaire adjoint va demander le concours de la Chambre aux bills suivants:

Acte pour autoriser le juge de paix, dans et pour cette portion de la paroisse d'Orléans, sise sur la rive droite du fleuve Mississippi, à agir comme Coroner dans certains cas.

Acte pour changer le nom de James Roach en celui de James Huie.

Acte pour autoriser Robert Huie, de la paroisse des Rapides, à adopter un orphelin nommé James Roach.

Acte pour émanciper Offrey F. Hornsby.

Acte pour venir au secours de Ivy F. Thompson.

Acte pour émanciper Fletcher Wyche, jr.

Acte pour émanciper John McWillie, jr., et Annie McWillie.

MESSAGE DE LA CHAMBRE.

Le messager spécial de la Chambre informe le Sénat que l'Orateur a signé les actes suivans:

Acte pour émanciper George E Gilmer.

Acte pour venir au secours de Lewis F. Steele, shérif et collecteur de taxes de la paroisse de Rapides.

Acte pour émanciper le mineur George S. Packwood.

Acte pour pourvoir d'une manière permanente à l'établissement du siége de la justice dans et pour la paroisse de Vermillion.

Acte relativement au bond No 128 de l'Etat de la Louisiane en faveur de la Compagnie du Chemin de Fer de la Nouvelle-Orléans et de Nashville.

Acte pour autoriser Louis Bonnemer à adopter Charles Louis et Henriette Orilly.

Acte pour venir au secours d'Asa E. Emmanuel, collecteur de taxe de la paroisse de Winn.

Acte pour venir au secours de H. A Drew.

Acte pour autoriser Joseph E. Vallée, à adopter Elisabeth Brunet

Résolution relative à l'établissement d'une malle hebdomadaire entre la Nouvelle-Orléans et Baton Rouge.

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MARDI, 28 Février, 1854.

CHEMIN DE FER DE LA MOBILE.

M. MACMURDO.—M. le Président, je désirerais que le bill rapporté par le comité des améliorations intérieures, et qui autorise la ville de la Nouvelle-Orléans à souscrire au fonds capital de la compagnie du chemin de fer de Pontchartrain, soit mis à l'ordre spécial du jour pour vendredi prochain.

Cette motion est adoptée.

M Rivers présente une résolution requérant le comité sur les élections de prendre des informations et de présenter un rapport sur la question de savoir si M Martel, sénateur de St. Landry et de Calcasieu, avait à l'époque de son élection, ou s'il a maintenant, une commission de notaire public.

Cette résolution est adoptée.

CAUTIONS DE LECKIE.

M Macmurdo, du comité de finances, présente un rapport et dit :

Je vais dire quelques mots d'explication au sujet de ce bill. Il paraît que M Leckie, autrefois shérif de la paroisse des Rapides, était concussionnaire d'une somme de $9,000 et qu'il s'est sauvé en Californie. Il en résulta naturellement que les personnes qui avaient signé son bon comme endosseurs, devinrent responsables pour le montant de la somme soustraite par lui Un de ces messieurs, qui est aujourd'hui membre du Sénat, présenta une résolution requérant que l'on s'enquît au juste de la somme soustraite par Leckie.

Il paraît que celui-ci avait payé en argent au bureau de l'auditeur une somme dont il n'avait pas été crédité. Le montant se trouvait contenu dans une lettre à M. J E Layet, alors commis de l'auditeur et qui est mort depuis. Il doit être tenu compte de cela aux cautions.

Le comité résolut de déduire ce montant et de présenter un bill pour la différence que les cautions sont prêtes à payer. Peut-il y avoir à cela la moindre objection? Je ne le crois pas;—le rapport du comité a été unanime.

Le bill est adopté.

ASILE DES MARINS (*Seamen's Home*).

M. Macmurdo—

Je tiens à la main un mémoire dont la forme est quelque peu en dehors des règles et que je demande l'autorisation de lire au Sénat. C'est comme une lettre qui m'est adressée et qui demande que l'Association de l'Asile des Marins (Seamen's Home Association) de la ville de la Nouvelle-Orléans, soit exemptée de taxes.

Ce mémoire est référé au comité de finances.

Fonds des Ecoles Publiques dans les paroisses Union et DeSoto.

Un bill déterminant l'emploi du fonds des écoles publiques dans les paroisses Union et DeSoto est pris en considération.

M. Wickliffe—Avant que le bill ne passe je désirerais obtenir quelques informations.

M Defreese—Le bill a été présenté par le représentant de la paroisse Union à la Chambre. Je ne saurais donner moi-même des informations très précises, ce représentant m'ayant seulement demandé de le présenter. Autant que je crois comprendre, il est destiné à déterminer l'emploi du fonds des écoles publiques dans ce district.

M Wickliffe—Je ne désire pas intervenir dans les questions de législation spéciale, surtout lorsqu'aucun principe général de loi ne se trouve violé. Mais le bill proposé serait je crois une violation du genre de celle dont je viens de parler, violation faite à l'avantage d'une seule paroisse.

Sous le régime de la loi générale de l'Etat, le recensement est fait sous la surveillance du surintendant ou par son ordre. (je veux dire ici surintendant de l'éducation publique). L'Etat est divisé en districts d'écoles et le surintendant répartit les sommes conformément au montant qui est dû à chacun. Ce bill dépouille le surintendant du pouvoir qu'il a maintenant de partager l'argent, et le confère au juri de police d'une certaine paroisse. Si nous établissons un système d'éducation publique, c'est incontestablement celui que nous considérons le meilleur, le mieux adapté aux besoins du peuple. Restons-y fidèles alors S'il est défectueux, amendons-le; si nous ne pouvons le conserver, amendons la Constitution et abolissons-le entièrement; mais ne faisons pas cette exception spéciale en faveur d'une paroisse en particulier. Je suis opposé à toute législation de cette nature; en conséquence, je suis opposé au bill.

M Defreese—J'ai examiné ce bill et je n'y vois rien à quoi on puisse faire objection. Sa nature est purement locale, et il n'affecte en aucune manière aucune autre partie de l'Etat.

Le bill est référé au comité sur l'éducation.

Bill amendant l'article 1546 du Code Civil.

Le bill amendant l'article 1546 du Code Civil est pris en considération.

M King—Je demanderai un seul instant d'attention de la part du Sénat dans le but d'expliquer la nature et le but de ce bill. C'est au sujet des donations entre vifs. Sous la loi actuelle la naissance d'un enfant au donateur révoque *ipsofacto* toutes donations qu'il aurait pu faire antérieurement. Il est facile de comprendre combien cela doit être non seulement injuste mais préjudiciable aux personnes qui ont accepté de bonne foi les donations qui leur étaient faites, et l'on ne peut s'expliquer ni comprendre les raisons pour lesquelles cette disposition de la loi a été établie et pourquoi elle serait maintenue. Je connais particulièrement moi-même des exemples de cas dans lesquels il est résulté de cette loi un tort considérable aux personnes qui avaient ainsi accepté des donations. J'en citerai un:

Un homme riche avait une sœur à laquelle, avant son mariage, il fit une donation de $30,000. Plus tard cet homme se maria; sa femme eut un enfant, et conséquemment la donation qu'il avait faite antérieurement à sa sœur fut révoquée sans qu'il eût même connaissance de cet article du code qui rendait nulle sa donation. Que l'on consulte cet article; que chacun le lise lui-même. Il dit:

"Article 1546. Les donations entre vifs sont sujettes à être révoquées par les causes suivantes:

1o. Par l'ingratitude du donataire.

2o. Par le non accomplissement des conditions casuelles qui en suspendaient la consommation.

3o. Par la non exécution des conditions imposées au donataire.

4o. Par la survenance d'enfants du donateur.

5o. Par le retour conventionnel ou légal."

On voit donc que la révocation résulte du simple fait de survenance d'enfants du donateur. Cette révocation a lieu quoique les biens se trouvent entre les mains des tierces personnes, Il en résulte que les titres à ces propriétés-là sont tellement peu sûrs, du moins autant qu'il existe quelque possibilité que le donateur ait des héritiers, que l'on peut à peine compter dessus. Il y a bien des cas dans lesquels l'effet de cette loi peut être désastreux. Je connais un homme qui a donné de fortes sommes d'argent à différentes institutions charitables. Supposons qu'il se marie et qu'il devienne père, ces institutions peuvent avoir à souffrir beaucoup, si elles ne sont pas tout à fait détruites. Cette loi est

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absurde ; elle empêche qu'un homme puisse disposer ainsi qu'il l'entend de sa propriété, lorsqu'il n'a pas d'heritiers. C'est là un jeu d'enfants, en vérité, et nous devrions le faire disparaître de notre code. Lorsqu'un homme donne une chose, cette chose ne devrait plus lui revenir pour une raison ou pour une autre. Mais notre loi dit que dans certains cas éventuels, ce qu'un homme a donné doit lui revenir, soit qu'il le veuille, soit qu'il ne le veuille pas, *nolens volens*.

M Moore—Je n'ai pas d'objection à l'amendement. J'ai toujours pensé que cette loi était peu sage.

Ce bill est adopté.

Collége de la Nlle-Orléans.

Le bill pour incorporer le collége de la Nlle-Orléans est mis en discussion.

M King—Comme c'est le premier bill de cette nature qui ait paru devant la Chambre cette session, je saisirai cette occasion d'exprimer mes vues sur ce sujet. Et d'abord, je dirai qu'en principe je suis opposé à ces sortes de bills, d'autant plus qu'il existe déja une loi générale qui a régle cette matière et en vertu de laquelle une corporation peut être formée Pour deux piastres et demie, les parties qui s'adressent à nous peuvent obtenir chez un notaire une charte tout aussi bonne que celle que nous pouvons leur donner. Je demanderai donc de quelle utilité il est que nous passions cet acte d'incorporation, quand la chose peut être faite aussi bien par un notaire, sans que la Chambre ait besoin de se détourner de ses travaux pour cela. Il n'y a pas la moindre nécessité d'encombrer de décrets de ce genre notre livre de lois. C'est non-seulement inutile, mais encore très dispendieux Avec ce que coûtera à l'Etat le temps employé à cela par la Législature et l'impression du décret, on pourrait payer cent chartes de ce genre par les moyens indiqués par la loi.

Si je fais ces remarques, ce n'est pas, d'ailleurs, que je sois animé du moindre sentiment hostile à ces sortes d'institutions. Tout au contraire, je trouve les noms de beaucoup de mes amis personnels, et ceux d'autres hommes très recommandables et que je considère hautement, au bas de la demande qui nous est soumise. Mais quelque disposé que je puisse être à accueillir avec faveur tout ce qui peut venir de ces personnes respectables, je ne puis m'empêcher d'exprimer ici mon opinion à ce sujet. Je crois, en cela, ne faire que mon devoir.

M Lacey—Messieurs, je ne partage pas l'opinion de l'hon. M King. Je suis au contraire tout à fait en faveur du bill qu'on nous propose. Il s'agit d'incorporer un etablissement d'instruction dans la ville de la Nouvelle-Orléans Je suis étonné de l'opposition que M King fait au bill, surtout à raison du mot qu'il met en avant. Vous avez entendu l'hon. membre alléguer la dépense que causera le vote et l'impression du bill. Mettrons-nous, Messieurs, une aussi faible consideration en balance avec les avantages inappreciables que donnera au pays une maison d'éducation? En vérité, Messieurs, je ne comprends guère qu'on parle d'une dépense aussi minime. Pour ma part, je suis plein de respect pour les noms honorables que je vois au bas de la demande, et je suis tout prêt à voter favorablement.

M Moore—Je ne comprends pas bien ce qu'vient de dire l'hon M Lacey. Comme président du comité judiciaire, il doit savoir mieux que personne que nous avons une loi générale sur la matière. En prenant la parole apres M King, il n'a nullement répondu à ses observations. M King n'a pas dit qu'il fallût se priver d'une maison d'éducation. Il s'est borné à faire remarquer que l'incorporation pouvait être faite par un notaire public aussi bien que par nous, et que c'est même là la voie indiquée par la loi. En répondant d'une manière générale, et en nous parlant de l'utilité de l'éducation, M Lacey n'a nullement réfuté l'objection. Elle subsiste donc dans son entier. C'est pourquoi, partageant l'avis de M King, je voterai contre le bill.

Le bill est adopté.

Améliorations Intérieures

Sur motion de M King, le Sénat passe à la discussion du bill suivant, concernant les améliorations intérieures :

ACTE

Pour pourvoir aux améliorations intérieures de l'Etat et pour faire les levées nécessaires et le dessèchement, et pour améliorer les terres marécageuses et inondées de l'Etat.

Section 1. Il est décrété par le Sénat et la Chambre des Représentants de l'Etat de la Louisiane, réunis en Assemblée Générale, Que les améliorations publiques de l'Etat de la Louisiane seront sous le contrôle d'un ingénieur qui sera designé par le titre d'Ingénieur Civil de l'Etat de la Louisiane. Il sera élu par le peuple de l'Etat le premier lundi de Novembre 1854 et restera en fonctions jusqu'au premier lundi de Novembre 1857, et jusqu'à ce que son successeur entre dans l'exercice de ses fonctions.

Le dit premier lundi de Novembre 1857 il y aura une nouvelle élection pour la place d'ingénieur civil, et le même jour de quatre en quatre ans

Sec. 2. Il est de plus décrété, &c, Que le dit ingénieur civil, avant d'entrer dans l'exercice de ses fonctions, prêtera le serment prescrit par la Constitution de l'Etat et jurera de plus qu'il n'est pas prevaricateur comme officier public, quels que soient les emplois qu'il ait pu remplir précédemment. De plus il fournira un bond à l'Etat répondant de la fidèle exécution des devoirs de sa place, lequel bond devra être approuvé par l'auditeur des comptes publics et conservé par lui, avec une ou plusieurs cautions solvables de la somme de cinquante mille piastres. Les cautions pourront s'engager séparément pour certaines sommes spécifiées ; pourvu que le nombre n'excede pas vingt, auquel cas ils peuvent être poursuivis, ou procés peut leur être intenté séparément, mais privilége leur sera laissé de poursuivre ensuite les autres cautions pour obtenir qu'ils contribuent pour leur *pro rata*, étant exclus néanmoins ceux qui sont devenus insolvables et ne peuvent par conséquent payer leur quote-part du montant payé sur le dit bond.

Sec. 3 Il est de plus décrété, &c, Que si aucun ingénieur civil, élu en vertu de cet acte, manquait de se conformer aux formalités requises par cet acte pour entrer en fonctions, pendant l'espace de quarante jours après qu'il a été dûment déclaré qu'il est légalement élu le Gouverneur pourra regarder ce fait comme négligence ou refus de remplir la place, et pourra procéder à en nommer un autre pour remplir la dite place comme dans un cas de vacance. Toute vacance dans le dit emploi sera remplie, pour le terme non achevé, par une nomination du Gouverneur, avec l'avis et le consentement du Sénat, si ce corps est en session. Si le Sénat n'est pas en session, alors le Gouverneur pourra nommer une personne pour remplir la place jusqu'à la prochaine session du Sénat.

Sec. 4 Il est de plus décrété, &c, Que nul ne sera éligible à la place d'Ingénieur Civil de l'Etat,

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s'il n'est, à l'époque de son élection, votant légal dans les elections des officiers de l'Etat, s'il ne possède pas la théorie et la pratique comme ingénieur civil, et s'il est prévaricateur.

Sec 5 Il est de plus décrété, &c, Que le salaire du dit ingénieur civil sera de quatre mil piastres par an, payable par quartiers, sur son mandat approuvé par l'auditeur des comptes publics. De plus, il recevra la somme de six cents piastres pour faire les frais des dépenses casuelles de son bureau, desquelles il fera à la Législature un rapport annuel accompagné de pièces à l'appui.

Sec. 6 Il est de plus décrété, &c, Que l'ingénieur civil remplira tous les devoirs maintenant imposés à l'ingénieur d'Etat. Il aura la charge, la surintendance et le contrôle de tous les travaux publics d'améliorations intérieures faits par l'Etat; il aura la charge de tous les livres, cartes, papiers, documents, plans, relevés appartenant au dit bureau ou qui jusqu'à ce jour ont appartenu au bureau de l'ingenieur de l'Etat; il aura la charge et le contrôle de tous les bateaux, navires, machines, instruments et autres choses appartenant aux travaux des améliorations intérieures faits jusqu'à ce jour ou à faire à l'avenir. Il aura la charge, la surintendance et le contrôle des esclaves appartenant à l'Etat ou qui à l'avenir pourront lui appartenir, qui sont, ont été, ou pourront être employés aux travaux d'améliorations intérieures. Il les pourvoiera de ce qui leur est necessaire, comme nourriture, vêtements, soins médicaux, et telles autres choses qui pourront être jugées nécessaires ou utiles. Toutes les dépenses faites pour es dits esclaves seront payées des appropriations du fonds des améliorations intérieures, sur son mandat, certifiant leur exactitude, et approuvé par l'auditeur des comptes publics. Il sera aussi du devoir de l'ingénieur civil de l'Etat de surveiller et d'examiner le progrès, la condition, &c, de tous les travaux publics auxquels l'Etat peut être intéressé et auxquels il n'est pas pourvu autrement, et de faire annuellement à ce sujet un rapport à la Législature avec telles suggestions ou recommandations qu'il pourra juger nécessaires Il sera de plus de son devoir d employer dans l'intérêt de l'Etat toutes les ressources mises sous son contrôle pour les travaux publics de l'Etat.

Sec. 7. Il est de plus décrété, &c, Qu'il nommera et démettra de leurs fonctions les officiers et les personnes que la loi autorise à être employés aux travaux d'améliorations intérieures faits par l'Etat.

Il emploiera, à la charge du fonds approprié aux améliorations intérieures, des capitaines et des équipages de navires, des surintendants d'ouvrages spéciaux, des ouvriers toutes les fois que, dans son opinion, ce sera necessaire. Le salaire des dits employés devra être au plus bas prix possible, mais il ne conservera jamais en fonctions les dites personnes plus longtemps qu'il ne faudra pour l'achevement des dits travaux publics. Le salaire des dits employés devra être payé sur le mandat de l'ingénieur civil et sur un certificat de lui déclarant ue les travaux ont été faits et que la somme est bien et justement due, le tout approuvé par l'auditeur des comptes publics.

Sec. 8. Il est de plus decrété, &c, Que le bureau de l'ingenieur civil sera tenu au siége du gouvernement et que des appartements convenables à cette fin lui seront assignés dans la maison d'Etat, et que le bureau de l'ingénieur de l'Etat, tel qu'il existait antérieurement, sera aboli et remplacé par celui de l'Ingénieur Civil, dès que celui-ci entrera dans l'exercice de ses fonctions.

Sec. 9. Il est de plus decrete, &c, Qu'afin que l'ingénieur civil puisse tenir son bureau toujours ouvert, il sera autorisé à employer un ingénieur pour l'assister dans l'exercice de ses fonctions, lequel ingénieur recevra un salaire de dix-huit cents piastres par an pendant le temps qu'il est employé, payable par quartier sur mandat et certificat le l'ingénieur civil, approuvé par l'auditeur des comptes publics.

Il sera de plus du devoir du dit ingénieur, de tenir dans son bureau des livres sujets en tout temps à l'examen des autorités publiques de l'Etat, le Gouverneur, le trésorier, l'auditeur des comptes publics et l'avocat-général, lesquels livres devront présenter, dans la forme la plus simple possible, les transactions pécuniaires du bureau et un tableau détaillé des recettes et dépenses. Les dits livres et tous autres documents et archives du bureau devront être transmis à son successeur. Il gardera aussi dans son bureau une liasse des plans, relevés, tracés, &c, de travaux publics d'améliorations intérieures construits par l'Etat.

Sec. 10. Il est de plus décrété &c, Que l'ingénieur civil de l'Etat consacrera tout son temps aux devoirs de sa place; qu'il n'aura pas le droit de toucher d'autres appointements de sa place que ceux que la loi lui accorde, et qu'il ne lui sera pas également permis d'intenter procès pour ou de recevoir aucune compensation pour services professionels ou autres exécutés par lui pendant la durée de ses fonctions.

Sec. 11. Il est de plus décrété, &c., Que le dit Ingenieur Civil de l'Etat aura sous sa surveillance et son contrô e tous les travaux exécutés par l'Etat, dans le but d'améliorer les terres inondées et marécageuses, pour les préserver de l'inondation, et qu'il appliquera les fonds provenant de la vente des terres concédées dans le but ci-dessus, de la manière et aux lieux qu'il jugera le plus utiles et le plus convenables.

Sec. 12. Il est de plus décrété &c, Que pour l'accomplissement du but que proposent les actes du Congrès concédant des terres à l'Etat pour aider au dessèchement des terres marécageuses qui s'y trouvent et pour les préserver de l'inondation, l'Etat sera divisé en quatre (4) districts de terres et de dessèchement comme suit :

Le premier district comprendra toute cette partie de l'Etat située au sud du trente-unième degré de latitude nord et à l'est du fleuve Mississippi.

Le second district comprendra toute cette partie de l'Etat située au sud du trente-unième degré de latitude nord et à l'ouest du fleuve Mississippi.

Le troisième district comprendra toute cette partie de l'Etat située entre la frontière occidentale des paroisses de Catahoula, Caldwell, Washita et Union, et le fleuve Mississippi.

Le quatrième district comprendra tout le reste de l'Etat non compris dans les autres districts.

Sec. 13. Il est de plus décrété, &c, Que les fonds provenant de la vente des dites terres marécageuses ou inondées seront affectés et divisés entre les différents districts créés par la section précédente, comme suit :

Au premier district
Au second district
Au troisième district
Au quatrième district

Il sera du devoir de l'Ingénieur Civil de spécifier dans tous ses mandats sur le fonds des terres marécageuses, le district pour le compte duquel le mandat est tiré, et de proportionner les dépenses qui, à proprement parler, ne peuvent être chargées à aucun district en particulier, entre les districts

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conformément à la proportion du fonds alloué à chacun.

Sec. 14. Il est de plus décrété, &c, Qu'afin que le dit Ingénieur Civil puisse pousser avec vigueur les travaux de dessèchement et de construction de levées, il sera autorisé à employer un assistant-ingénieur pour chacun des districts ci-dessus toutes les fois que dans son opinion cette assistance sera nécessaire; les dits assistant ingénieurs seront payés mensuellement ou par quartiers, au taux de trois mille piastres par an pendant le temps qu'ils seront en service actif, sur le mandat de l'Ingénieur Civil de l'Etat et sur un certificat de lui attestant que le dit assistant-ingénieur a été réellement occupé aux dits travaux et qu'il a bien et dûment gagné l'argent demandé pour le paiement de son salaire. Il aura le pouvoir de renvoyer les dits assistants-ingénieurs toutes les fois qu'il le jugera convenable, et il sera de son devoir de les renvoyer toutes les fois qu'ils ne seront pas réellement et activement employés aux travaux publics ci-dessus décrits. Les dits assistants-ingénieurs pendant le temps qu'ils seront ainsi employés, ne s'occuperont d'aucune autre chose; mais ils consacreront tout leur temps et toute leur attention aux devoirs de la place qu'ils remplissent. Ils n'auront pas le droit de demander ou de recevoir des appointements pour aucuns autres services personnels ou professionnels rendus par eux pendant leur terme d'office.

Sec. 15. Il est de plus décrété &c, Que le dit Ingénieur Civil de l'Etat aura le pouvoir d'employer, toutes les fois qu'il pensera que l'intérêt public l'exige, telle autre assistance qu'il jugera nécessaire. En agissant ainsi il sera de son devoir de chercher à obtenir la dite assistance au plus bas prix possible. Cette dite assistance devra être payée sur le mandat du dit Ingénieur Civil, certifiant que ces personnes ont réellement rendu les services sur lesquels est basée la réclamation et qui leur donne justement droit à la compensation demandée. L'Ingénieur Civil ne continuera personne au service si ce n'est lorsque les services sont absolument nécessaires.

Sec. 16. Il est de plus décrété, &c, Que les deux fonds savoir: le fonds des améliorations intérieures et le fonds provenant de la vente des terres marécageuses et inondées concédées par le Congrès à l'Etat, seront toujours tenus séparés et distincts L'ingénieur civil mettra toujours les services rendus au débit du fonds pour lequel ils ont été faits, et spécifiera toujours dans ses mandats de quels fonds ils doivent être payés.

Sec. 17. Il est de plus décrété, &c, Que tous travaux entrepris pour la réalisation du but cité dans les sections précédentes, seront donnés par l'ingénieur civil de l'Etat au plus bas offrant après trente jours d'annonce dans le journal de l'Etat et dans un ou plusieurs journaux publiés dans la paroisse dans laquelle les travaux se font, où s'il ne se publie pas de journaux dans la dite paroisse, par des avis imprimés affichés au siége de la justice dans la dite paroisse et dans au moins trois autres lieux publics dans ladite paroisse. Ces travaux devront être donnés à un prix stipulé par varde cubique. Les soumissions devront être faites par écrit et sous enveloppe cachetée, laquelle ne devra être ouverte qu'en présence d'un juge de paix ou de trois autres personnes, propriétaires de terres dans la paroisse, et après que le temps prescrit se sera écoulé. Les avis doivent indiquer aux soumissionnaires la forme et la manière dans laquelle les soumissions doivent être faites, spécifier les travaux à faire, le temps après lequel ils doivent être achevés, et le temps et le lieu de l'ouverture des lettres de soumissions; bien entendu que l'ingénieur civil peut rejeter toutes les soumissions s'il ne les croit pas raisonnables.

Sec. 18. Il est de plus décrété, &c, Que l'ingénieur civil exigera de toute personne, raison sociale, corporation ou corps politique qui entreprendrait aucun des travaux proposés dans cet acte pour le dessèchement des terres ou pour les mettre à l'abri de l'inondation, un bond avec bonne garantie, payable à l'Etat de la Louisiane, répondant de la fidèle exécution des travaux et suffisant en valeur pour assurer l'achèvement des dits travaux. Le dit bond, s'il est forfait, devra être mis en cour et l'affaire poursuivie par l'avocat de district ou par tout autre officier compétent de l'Etat, lequel recevra dix pour cent sur la somme collectée sur le bond qui, après qu'il aura été payé au trésor, devra être mis au crédit du fonds des terres marécageuses.

Sec. 19. Il est de plus décrété, &c, Que si la personne ou les personnes, la corporation ou le corps politique auxquels l'ouvrage aura été adjugé ne se conforment pas aux dispositions de la section précédente, le contrat sera de nouveau annoncé par avis public par l'ingénieur civil dans la paroisse dans laquelle l'ouvrage doit être fait, pendant dix jours ou plus, s'il pense qu'un temps plus long peut être alloué, et après qu'il aura reçu de nouvelles soumissions il pourra adjuger le contrat au plus bas offrant, refusant toute soumission du soumissionnaire qui s'est refusé la première fois, mais comprenant toutes les autres soumissions faites à la première vente, et il continuera de la sorte à redonner avis public jusqu'à ce que quelqu'un prenne le contrat et se conforme à la loi. Après l'adjudication d'un contrat, l'ingénieur civil notifiera immédiatement le contractant, si celui-ci se trouve au lieu désigné par lui dans son avertissement, (ou à l'agent nommé par le contractant) que le contrat est accepté. Chaque contractant doit se trouver soit personnellement, soit par un agent, au temps et au lieu désignés pour l'ouverture des soumissions, à moins que l'ingénieur ne pense pouvoir l'en dispenser. L'ingénieur civil peut, s'il pense que les offres ne sont pas raisonnables ou exorbitantes, les rejeter toutes et refuser d'adjuger le contrat.

Sec. 20. Il est de plus décrété, &c, Que tous les contrats pour la construction de levées ou autres travaux qui peuvent se subdiviser seront adjugés par sections n'excédant pas la valeur de $5000, de telle sorte que les planteurs ou autres puissent prendre une portion des dits travaux. Mais si après que toutes les soumissions ont été reçues l'ingénieur civil juge convenable d'accepter une soumission pour l'ouvrage entier, ou une soumission embrassant plus d'une section, il pourra le faire quoique le prix puisse être plus élevé que la moindre soumission faite pour une section séparée. Si le montant des offres pour les différentes sections séparées du contrat est moindre que le montant d'aucune des offres soit pour l'ouvrage entier soit pour plusieurs sections de l'ouvrage, et si les soumissionnaires sont tous prêts à se conformer à la loi en fournissant les sécurités suffisantes pour l'accomplissement du contrat, alors l'ingénieur civil adjugera les contrats aux soumissionnaires pour les sections séparées.

Sec. 21. Il est de plus décrété, &c, Que les dispositions des sections précédentes relativement à la vente des contrats, ne seront pas considérées comme applicables dans les cas soudains ou urgents, tels que crevasses ou autres accidents de cette sorte. Dans ces cas, l'ingénieur civil peut contracter, selon qu'il le juge nécessaire, pour tel ou tel montant; bien entendu qu'il considère que ces frais

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sont de nécessité indispensable et peuvent ou doivent être portés au débit du fonds des terres marécageuses.

Sec. 22 Il est de plus décrété, &c, Qu'il sera du devoir du dit ingénieur civil de déterminer la localité, l'étendue, les dimensions des levées ou desséchements nécessaires pour protéger et dessécher les terres marécageuses ou inondées appartenant à l'Etat; pourvu que, lorsque objection sera faite par le propriétaire de la terre où la levée doit être faite quant au lieu où la dite levée devra être construite, la dite localité devra être déterminée par le dit ingénieur civil, conjointement avec quatre des propriétaires les plus proches résidants, ou en l'absence ou incapacité d'aucun des dits propriétaires par le fait qu'ils sont soit mineurs, soit femmes, ou pour toute autre raison, avec quatre propriétaires les plus proches résidants et qui seront consentants à agir lorsque le lieu, la localité de la dite levée ou autre ouvrage public aura été une fois déterminé de cette manière, le propriétaire de la terre sur laquelle elle doit être faite ne pourra pas arrêter ou entraver en aucune manière tous travaux ainsi entrepris après qu'ils auront été commencés.

Sec. 23. Il est de plus décrété, &c, Que toutes les fois que l'ingénieur civil aura résolu de faire ou de réparer aucune levée conformément aux dispositions de ce bill, la personne ou les personnes, la corporation ou le corps politique tenu par la loi de faire ou de réparer la dite levée sera tenu de payer la moitié des frais, lesquels, quand ils auront été collectés, seront versés au trésor de l'Etat et portés au crédit du fonds des terres marécageuses En cas de poursuite judiciaire, l'avocat de district ou tout autre officier de l'Etat chargé de la dite poursuite, aura droit à dix pour cent sur le montant collecté. Toute personne ou corps ainsi tenu d payer une moitié du prix de la construction de la dite levée, aura le droit de payer cette dite quotité en travaux, lesquels seront appreciés en pieds cubes au même taux auquel le contrat aura été adjugé; mais cette option ne doit être facultative qu'avant que le contrat soit adjugé ou avant que l'entrepreneur ait fourni son bond. La personne ou le corps qui voudra se prévaloir de ce droit devra accomplir le travail aux époques et lieux désignés par l'ingénieur civil, et, faute de se conformer à cette prescription, le privilége dont il est question ci-dessus sera perdu, et la partie qui aura ainsi été trouvée en défaut sera responsable envers l Etat et les particuliers de tous dommages qui résulteraient de leur fait. Toute personne ou personnes et toute corporation pourra s'exempter du paiement d'une moitié du prix de la levée, ainsi qu'il est spécifié ci-dessus, en abandonnant à l'Etat, par acte notarié, ou par toute autre déclaration écrite, la totalité de la pièce de terre qu'il ou qu'ils possède ou possèdent et sur laquelle la levée devra être construite. Il sera fait de la terre ainsi abandonnée telle disposition que la loi pourra prescrire par la suite au bénéfice et au crédit du fonds des terres marécageuses.

Sec. 24. Il est de plus décrété, &c, Que l'ingénieur civil pourra être destitué par *impeachment* ou par adresse, sur conviction de malversation, fraude ou corruption; pour lesquelles il pourra être poursuivi par acte d'accusation, il sera passible d'amende à la discrétion de la Cour et de prison simple ou au pénitentiaire pour au moins un an. Il devra être *ipso facto* destitué de ses fonctions, et le Gouverneur devra lui nommer un remplaçant.

Sec. 25. Il est de plus décrété, &c, Que l'ingénieur civil devra présenter annuellement, dans la première semaine de chaque session législative, un rapport complet de ses recettes et dépenses et de ses faits et gestes relativement aux affaires de son bureau; le tout accompagné des suggestions et recommendations qu'il croira utiles ou importantes pour le peuple de l'Etat.

Sec. 26. Il est de plus décrété, &c, Que cet acte restera en vigueur jusqu'à ce que le bureau des Travaux Publics décrété par la Constitution de l'Etat entre en fonctions.

Sec. 27. Il est de plus décrété, &c, Que l'acte approuvé le 30 avril 1853, intitulé "acte pour utiliser et dessécher les terres marécageuses ou inondées concédées à l'Etat de la Louisiane par l'acte du Congrès intitulé acte pour aider l'Etat de la Louisiane à dessécher les terres marécageuses qui s'y trouvent, approuvé le 2 mars, 1849", devra être considéré comme révoqué et remplacé par le présent acte aussitôt que l'ingénieur civil de l'Etat, désigné par cet acte, sera entré en fonctions.

M King—Afin que mes collègues puissent bien comprendre le but et la portée de ce bill et comme nous n'étions pas tous présents quand il a été introduit pour la première fois, et que par conséquent quelques uns d'entre nous n'ont pas encore examiné la question, je demande à donner quelques mots d'explication au sujet du but que le bill se propose d'atteindre, et à indiquer les raisons qui ont déterminé sa forme actuelle.

En premier lieu, le bill a eu vue d'établir un système d'améliorations intérieures, qui soit tout à la fois économique et efficace. Ce double but est hautement désirable. Jusqu'à ce jour, on l'a remarqué, les dépenses ont été très grandes, en même temps que faute d'une combinaison bien entendue, ces dépenses n'ont produit aucun avantage marqué. Toutefois, quand je dis que les dépenses ont été élevées, je ne parle qu'en comparaison des résultats.

Car je m'empresserai de corriger ici une erreur qui tend à se propager dans l'esprit public. On s'exagère généralement beaucoup le montant des fonds des terres marécageuses et aussi de celui des améliorations intérieures, ainsi que les revenus qu'on en peut raisonnablement attendre. On s'est fait beaucoup d'illusions à cet égard, illusions qui seront nécessairement déçues.

Les retours contenus dans le rapport du trésorier à la Législature, démontrent que la totalité du revenu du fonds des améliorations intérieures pour cette année n'a été que de $15,000.

On avait aussi beaucoup compté sur le fonds des terres marécageuses, et sur les millions que devrait produire la vente de ces terres. Mais on a été désappointé également de ce côté. Le plus grand revenu annuel que l'on puisse raisonnablement attendre de ce fonds, suivant les meilleures autorités, ne dépasse pas $75,000. Les citoyens, trompés par les évaluations extravagantes faites à ce sujet, attendent nécessairement que nous ferons construire partout des levées et réparer celles existant déjà, avec cette faible somme de $75,000 par an. Il importe de désabuser le public. Nos ressources sont beaucoup trop minimes pour que nous puissions accomplir de grands travaux. C'est pourquoi il faut nous mettre à l'œuvre, accomplir des réformes devenues évidemment nécessaires, et faire de l'argent dont nous pouvons disposer le meilleur emploi possible. Pour cela, il faut commencer par diminuer les innombrables salaires que nous payons à des officiers dont un grand nombre sont parfaitement inutiles. C'est ce que propose le bill.

Le revenu des deux fonds s'élève, comme je viens de l'établir, à $70,000. Pour l'administration du fonds des améliorations intérieures nous avons un ingénieur qui reçoit $3,500 par an, un assistant à qui nous donnons $3,500. Ajoutez à cela les dépenses imprévues qui s'élèvent à environ

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$1,000 chaque année, et vous aurez une dépense de $8,000 pour l'administration d'un revenu de $75,000. En addition à cela nous avons encore à payer le salaire des capitaines de nos bateaux, les dépenses occasionnées par les voyages et courses de ces bateaux et les frais d'écritures. On se rappellera aussi que tous ces employés sont payés pour l'année, tandis qu'effectivement ils ne travaillent qu'une très petite portion de l'année. On comprendra par ce simple exposé à combien d'inutiles dépenses est soumis le fonds déjà si minime des améliorations intérieures, et après cette énumération on se demande en vérité quelle est la somme qui reste pour être appliquée en travaux réels. Par ce bill nous proposons de réduire ces dépenses de manière à réaliser une économie d'environ 6 à 8000 piastres par an.

J'arrive maintenant au fonds des terres marécageuses. Par le système établi en vertu de l'acte de l'année passée, nous avons trois commissaires pour ce fonds. Si nous continuons ce système, nous en aurons quatre, car il deviendra nécessaire de diviser le 3me district. Ainsi nous aurons quatre commissaires à $1,500 chacun, ce qui fait un total de $6 000 pour les quatre, et quatre ingénieurs à $3,000 chacun, ce qui donne $12,000; de sorte que, si on ajoute au salaire des commissaires le salaire des ingénieurs, on trouve un total de $18,000. Remarquez qu'il ne s'agit encore ici que de salaires. Maintenant, nous avons quantité d'autres dépenses accessoires, comme frais de voyages, dépenses d'hôtel, toutes choses qui sont enregistrées avec soin et portées au compte comme dépenses accidentelles. Ces sortes de dépenses ne s'élèvent pas à moins de $5,000 par an. Nous sommes donc à $23,000. Ainsi, voilà une somme de $23,000 dépensée en salaires seulement, pour l'administration d'un fonds de $75,000. Mais ces salaires sont-ils au moins pour quelque travail fait? Pas de tout. Ce n'est encore là que le commencement. Vous payez $23.000, non pas pour l'accomplissement de certains travaux faits, mais seulement pour savoir comment vous dépenserez les 52,000 autres.

Ainsi, avant qu'on ait remué une pelletée de terre, fait un pouce de levée, nettoyé un pied de bayou, ou desséché un acre de terre, avant qu'rien n'ait été commencé, vous avez déjà dépensé $23,000 sur vos $75,000.

Est-ce là, Messieurs, le système que vous encouragerez par vos votes? Vous avez $15,000 à dépenser d'une part, et 75,000 de l'autre; sur le premier fonds vous dépensez $12.000 pour savoir comment seront employés les 3,000 autres, et sur le second vous commencez par donner $25.000 pour qu'on vous dise quel devra être l'emploi des 50,000 autres.

L'esprit se révolte à la vue de pareilles dilapidations, et en vérité on se demande comment un régime aussi détestable a pu prendre naissance au sein d'une assemblée délibérante. N'est-il pas évident pour tous que le premier venu, pour peu que ce fût un homme d'un bon sens ordinaire, pourrait dire l'emploi à faire des fonds dont il s'agit, et cela sans consacrer à ce travail plus d'un dixième de son temps. Je propose donc, Messieurs, par ce bill, de réunir les deux fonds à administrer, et de les placer sous la même direction, afin de réduire les frais d'administration qui menacent de dévorer le peu qui a échappé jusqu'ici. Je propose qu'un seul homme responsable soit placé à la tête du système, et ait le contrôle de toutes ses opérations. De tous les systèmes d'administration, celui qui, à mon sens, est le meilleur, c'est celui où un seul homme a la haute main sur toutes les affaires. Je ne suis pas partisan des bureaux de travaux publics. Je crois que cette réunion d'hommes est plutôt nuisible qu'utile. La divergence d'opinions, la rivalité, l'indolence de quelques uns, tout cela ne produit que des embarras, et peu de travail effectif. Pour rendre un système fort, que faut-il? la responsabilité. Eh bien, la responsabilité disparaît quand elle se divise. Elle n'a réellement d'effet que lorsqu'elle porte sur un seul individu. Ceci est évident et n'a pas besoin de grands développements pour être compris de tous. Quand plusieurs personnes sont chargées d'un même travail, tout le monde sait avec quelle lenteur ce travail s'accomplit. Les réunions sont difficiles. Il manque toujours quelqu'un; à une seconde réunion, il arrivera que les membres qui auront préparé le travail la première fois seront justement absents, et que ceux qui auront été la seconde fois fidèles au rendez-vous, ignorant ce qui s'est passé à la précédente réunion, ne sauront que faire, ou détruiront ce qui avait été fait. D'un autre côté, on compte les uns sur les autres, et rien ne se termine. Si quelque faute grave a été commise, chacun prétend s'en laver les mains et y être resté complétement étranger. Le public ne sachant réellement à qui s'en prendre, ne peut pas punir, et on peut ainsi braver l'opinion. Il n'en est pas de même quand une seule personne est à la tête d'une opération. Chacun sait où prendre le coupable, en cas de malversation, et l'attention de la personne responsable est d'autant plus grande qu'elle sait parfaitement qu'il lui sera impossible d'échapper à la vindicte publique, s'il manque à son devoir. De tous les systèmes proposés, celui des comités ou bureaux est le plus détestable par les raisons que je viens de donner, et par beaucoup d'autres encore, qu'il serait trop long d'énumérer.

Par le bill que j'ai introduit, je propose de réunir les deux fonds sous la même direction, et de donner la responsabilité du tout à un seul homme. Je crois que ce plan est à la fois le plus fort et le plus économique. C'est celui qui donnera le plus de travail et le moins de dépenses. Il est d'une grande simplicité, et nous procurera une économie annuelle de 25,000 à $30,000, ce qui n'est pas à dédaigner. Je pense que cette économie, dûe seulement à un simple changement de mécanisme, doit mériter l'attention de l'Assemblée. Nous ne sommes pas ici pour gaspiller les deniers publics, mais bien pour en diriger l'emploi de la manière la plus profitable à tous. Qu'avons-nous besoin de dissiper tout cet argent à salarier des officiers inutiles et dont la présence ne fait qu'embarrasser l'administration? Si nos fonds étaient bien administrés, la Louisiane pourrait en tirer un grand avantage. La navigation, rendue plus facile, accroîtrait la prospérité du pays; les levées, mieux entretenues, mettraient les propriétaires à l'abri de l'inondation; les desséchements des marais amélioreraient l'état sanitaire du pays et rendraient à l'agriculture une quantité considérable de terres aujourd'hui perdues pour le pays. Rappelons nous que le fonds des terres marécageuses n'est entre nos mains qu'un dépôt sacré que nous a confié le Gouvernement des Etats-Unis pour un meilleur emploi que celui que nous en faisons. En vérité, si ce Gouvernement savait l'usage que nous faisons de ce dépôt; s'il savait que nous dépensons $25,000 pour savoir comment en dépenser 50,000, il rougirait certainement de nous avoir confié une telle administration; car un enfant s'en tirerait mieux que nous. Ne violons pas plus longtemps notre mandat en permettant qu'une pareille dilapidation soit continuée. Effaçons de notre budget tous ces salaires inutiles, et avec l'argent que nous y économiserons,

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construisons des levées, desséchons des marais, faisons enfin un travail utile.

Je crois avoir expliqué au Sénat l'objet de ce bill, de manière à le rendre intelligible pour tous et à en faire comprendre la haute importance. Je ne prétends pas que ce bill soit parfait, mais je crois qu'il réalisera l'économie dont j'ai parlé, et donnera plus de vigueur au travail. Il est possible qu'il prête à des objections dans quelques uns de ses détails. S'il en est ainsi, il sera facile de les amender.

M. DeRussy—En prenant la parole pour faire quelques remarques en réponse aux observations qui ont été présentées par le sénateur de la Nouvelle-Orléans, je dois commencer par dire que je n'ai pas encore eu le temps d'examiner attentivement le bill qui a été introduit par notre honorable collègue, et pour lequel il invoque si chaleureusement l'appui du Sénat. Je dois dire premièrement que mon impression est défavorable au bill. M. King a commencé son discours par la critique la plus amère du système existant, et il l'a terminé de la même manière, de façon, sans doute, à rendre le sien plus acceptable. En examinant le bill présenté par M King, je trouve qu'il propose la nomination d'un ingénieur civil et d'un assistant-ingénieur. De quelle utilité, s'il vous plaît, peut être cet assistant-ingénieur? N'est-il là que pour assister l'ingénieur dans la dépense de l'argent, c'est-à-dire pour la doubler? Car enfin, si ce n'est pas là son utilité, qu'on nous la montre. On a dit qu'un homme suffirait et n'aurait même à travailler que la moitié du temps. Comment un homme qui n'est occupé que la moitié de son temps, a-t-il besoin d'être aidé dans son travail? Nous avons maintenant des ingénieurs et des commissaires. Si l'hon membre a réellement le désir d'économiser, c'est ici le lieu d'économiser en fondant les deux emplois en un seul. Que le commissaire et l'ingénieur ne soient qu'un seul et même officier; que l'ingénieur soit le commissaire, et le commissaire, l'ingénieur. C'est là un point d'économie. Par cette réunion des deux fonctions, nous pouvons économiser une bonne somme d'argent. Le bill propose un ingénieur civil, à l'election du peuple. Maintenant, Messieurs, je demande si un ingénieur électif ne serait pas un homme à esprit de localité. Il y aurait certainement plusieurs candidats favoris dans chaque localité. La Nlle Orléans en présenterait certainement un ou deux, et il en serait de même des autres parties de l'Etat Mais on ne pourrait prendre l'ingénieur que dans un endroit seulement. Et quels seraient ses sentiments? Il serait certainement porté à favoriser ceux qui l'auraient appuyé et élu, et, selon toute probabilité, s'il agissait sous l'influence de ces causes qui font mouvoir les hommes en général, il ferait tout son possible pour les satisfaire, et peut être au détriment des autres Ainsi, il pourrait favoriser une portion de l'Etat et négliger le reste. Je regarde ce système comme inadmissible.

Le bill propose ensuite de joindre deux départements qui existent maintenant, c'est à dire le département des améliorations intérieures et celui des terres marécageuses, et l'hon. membre nous informe que cette reunion produira une centralisation de comptes qui donnera au système encore plus de force et de sécurité. Je dois dire que je diffère d'opinion avec lui sur ce point. Je pense que rien ne pourrait, au contraire, produire plus d'incertitude et donner moins de garantie que la combinaison qui consiste à réunir dans la même personne les fonctions de receveur et celles de payeur. Il serait impossible à l'hon. M King de nous citer l'exemple d'un seul système dans lequel ces fonctions soient unies, qui ait produit de bons effets. Tout au contraire, l'expérience nous enseigne qu'il faut bien se garder de confondre ces deux qualités dans une même personne.

Le bill dit encore que l'ingénieur à être élu par le peuple devra être un citoyen résidant dans l'Etat, et qu'il devra donner une caution de $50-000.

Il y a Messieurs, un grand nombre d'hommes pauvres qui peuvent être d'excellents ingénieurs, et qui seraient ainsi mis hors d'état d'occuper ces fonctions. parce qu'ils ne pourraient pas fournir la caution demandée.

Ensuite, je ne vois pas non plus pourquoi nous nous priverions des services des hommes éclairés des autres pays. Qui donc souffrira de cette restriction, si ce n'est nous? Je comprendrais, à la rigueur, qu'un étranger nous refusât ses services; mais que nous les refusions, nous, quand c'est à nous qu'ils doivent profiter, c'est ce que je ne puis comprendre.

Enfin, je contesterai le principe émis par l'hon. M King au sujet de la responsabilité. Je dirai que pour ma part, j'ai été accoutumé à penser d'une manière tout opposée Les paiements sont généralement faits sur des mandats, et un compte mensuel est rendu pour montrer quelle balance reste en main, et quelle somme a été dépensée.

L'année dernière, j'eus un mandat à tirer pour le reglement de la direction de nos améliorations intérieures, mais il ne fut pas accepté par la Législature. Je n'ai pas insisté pour faire accepter mes vues par des esprits mal disposés, et je n'ai pas reproduit mon bill cette année. Mais d'un autre côté, je ne puis me joindre à l'hon. membre contre le système actuellement en vigueur Je ne vois pas du tout pourquoi nous rougirions d'un système qui jusqu'à ce jour a donné tous les résultats qu'on devait raisonnablement attendre d'une bonne administration, et que, dans tous les cas, on peut amender dans quelques unes de ses parties, si besoin est Et à tout prendre, ce système est de beaucoup préferable, selon moi, à celui que nous propose l'hon. M King. Je crois que si je voulais prendre à tâche de le critiquer dans tous ses détails, il ne me serait pas difficile de démontrer qu'il est vicieux dans chacune de ses sections. Il est loin d'abord de réaliser cette grande economie que nous a tant vantée le sénateur de la Nlle-Orléans. L'économie consiste à atteindre le but au meilleur marché possible. C'est ce que ne fait pas le bill.

L'hon. membre prétend que nous sommes sur le point d'établir un quatrième district. Il est certain que nous le ferons, si nous en trouvons l'occasion ; et c'est ce que fait M King lui-même dans son bill. Si nous avons assez de terre pour demander une nouvelle division en quatre districts, nous devons nous résigner à la dépense que cette division rendra nécessaire.

En concluant, je demanderai que le bill soit déposé sur la table, et qu'le sujet ne soit repris que quand un autre bill aura été présenté.

M Ryan—Est-ce qu'un autre bill a été proposé?

M D. Russy—Oui, un autre bill a été présenté au comité, et je declare que je le trouve bien préférable à celui-ci. C'est le système actuel modifié.

M Ryan,—Je demande que ce bill soit mis à l'ordre du jour de demain.

M King—Je demanderai à l'hon. M Ryan de vouloir bien retirer sa motion pour un moment. Je désirerais prendre l'avis du Sénat au sujet du mérite du présent système et de celui proposé par M King. Il s'agirait pour le Sénat de se prononcer simplement entre le système d'administration

par un seul homme ou par un bureau de commissaires.

Le meilleur moyen d'arriver au but que se propose l'hon. membre, c'est d'attendre le vote du Sénat sur le bill. De cette façon, il saura quel système préfère cette Assemblée. Le bill est d'une nature trop importante pour être ainsi renvoyé de délai en délai. Ces lenteurs et ces renvois ne peuvent produire rien de bon. Si le Sénat veut enterrer ce bill, qu'il le fasse ouvertement et non pas sous le voile des délais. La remise perpétuelle est l'instrument le plus traître au moyen duquel on puisse assassiner un bill. Je ne dirai que peu de mots à l'égard des objections soulevées par le sénateur de Natchitoches. Une des principales, si je ne me trompe, est basée sur l'existence et l'introduction prochaine d'un nouveau bill que ce sénateur préfère au mien.

M DeRussy—Oui, il sera présenté incessamment un autre bill de la même nature.

M King—Ce n'est pas une raison pour attendre.

M Moore—Je suppose que le sénateur de Natchitoches a fait allusion à un bill que j'ai introduit dans le comité, et qui est resté devant lui pendant longtemps.

M King—Cela est vrai. Le bill dont parle l'honorable membre a été pendant quelque temps devant le comité. Mais j'entends dire à M Moore qu'il ne désirait pas qu'on fît un rapport à ce sujet, attendu qu'il avait l'intention de voter sur le présent bill. Celui dont on parle avait, je crois, été rédigé en toute hâte et ne portait remède qu'à l'un des inconvénients du système actuel des terres marécageuses, sans amender ce système dans toutes ses parties.

Mais je dois dire que je n'aurais qu'avec beaucoup de répugnance entrepris un pareil travail, si je n'avais pas cru qu'on pût découvrir un meilleur système que celui actuellement en activité. Si donc, il est possible de trouver quelque chose de mieux que ce qui existe, je crois n'avoir pas besoin d'exprimer cette vérité banale "que pour trouver il faut chercher", et que pour avoir un bon bill, il faut commencer par en introduire un. Dans celui qui est en discussion devant le Sénat, j'ai essayé de combiner l'économie avec la rigueur d'action, et d'introduire ces deux changements dans le système des améliorations intérieures. Ayant ainsi accompli ce que j'ai regardé comme mon devoir, je crois qu'il n'est pas déraisonnable de demander qu'un vote soit pris sur ce sujet aussi promptement que possible.

Une autre objection a été faite à mon bill par M DeRussy contre cette disposition qui veut que l'ingénieur soit citoyen de l'Etat. M DeRussy nous a parlé des services dont l'Etat se prive volontairement et gratuitement. Il nous a dit qu'un étranger pouvait être plus éclairé, plus habile, plus compétent; cela peut être en effet. Mais l'hon. membre a oublié qu'il ne s'agit pas seulement d'habileté. Il s'agit de fonctions extrêmement délicates sous tous les rapports. Cet ingénieur est l'homme chargé du maniement des fonds. C'est lui qui ordonne et qui paye. C'est par ses mains que passera tout l'argent. Voilà pourquoi j'ai désiré que cet ingénieur fût un citoyen de l'Etat.

L'objection faite par le sénateur à propos de l'ingénieur devrait selon moi s'appliquer aussi bien, à une seule exception près, à tous les autres officiers de l'Etat. Pourquoi chercher ailleurs que dans votre Etat un Ingénieur? N'en avons-nous pas un bon nombre intelligents, experimentés et capables, qui accepteraient la place? Mais non, il faut chercher un ingénieur dans un autre Etat, peut-être dans un autre monde. Le sénateur fait aussi objection à ce que l'on demande des sécurités. Cela me semble fort en contradiction avec la déclaration qu'a faite déjà le sénateur, que le bill n'exigeait pas des garanties pécuniaires suffisantes. Laissez-moi le demander encore: pouvons-nous confier de si vastes, de si immenses intérêts à un étranger qui ne connaît pas nos lois, qui ne connaît pas nos intérêts, et peut-être même ne s'en soucie aucunement? Nous avons assez d'hommes de talent dans notre Etat pour être dispensés d'en aller chercher ailleurs.

Une autre objection faite par le Sénateur est, que l'ingénieur, lorsqu'il sera élu, sera choisi dans telle ou telle localité. Mais quel système peut obvier à cela? S'il est nommé au lieu d'être élu, ne sera-t-il pas aussi bien de telle ou telle localité? Et celui qui le nommera ne sera-t-il pas lui-même de telle ou telle localité? Donc, s'il est soumis à des influences sectionnelles, à des partialités dans un cas, il le sera aussi bien dans l'autre. Le sénateur est lui-même un ingénieur de grand talent; il est du nord de l'Etat; s'il était nommé, le fait qu'il est du nord, au lieu d'être du sud, de l'est ou de l'ouest de l'Etat diminuerait-il en aucune manière son talent, son aptitude à remplir les devoirs de la place?

Je n'ignore pas, M le Président, que beaucoup de personnes sont opposées à ce qu'on laisse au peuple l'élection des officiers publics; mais jamais je n'aurais soupçonné que l'opposition vînt du lieu d'où elle sort aujourd'hui; qu'elle vînt de membres d'un parti dont un des articles de foi est la confiance dans l'intelligence du peuple. Le Président des Etats-Unis est élu par le peuple; il en est de même du Gouverneur de l'Etat et de ses principaux officiers, des juges de nos cours et de l'officier qui préside avec tant de dignité à nos délibérations. Nous mêmes, ne sommes-nous pas élus par le peuple? Et l'on veut nous dire que le peuple ne peut pas élire un ingénieur civil. Mais quelles qualifications extraordinaires, quels rares talents sont donc nécessaires pour cet emploi, que le peuple ne puisse pas faire l'élection? Faut-il qu'une auréole à son front le désigne aux suffrages, et faut-il que les mages venus de l'Orient viennent brûler à ses pieds l'encens et la myrrhe.

Pour moi, M le Président, je suis d'avis que le peuple peut faire un choix très judiciaire, et je crois qu'il a tout autant le droit d'élire l'ingénieur qu'aucun autre des officiers de l'Etat. Je ne crois pas que nous devions continuer un système qui est impraticable et qui n'amène pas d'autre résultat que des dépenses énormes, un système sous lequel tout le mal fait n'est attribuable à personne en particulier.

M DeRussy—Je réclamerai encore pour quelques instants seulement l'attention du Sénat pendant que je réponds à quelques unes des observations du préopinant, le sénateur de la Nlle-Orléans. Le bill présenté par lui décrète que l'ingénieur fournira un bond, et il semble croire que cela est un point très important, quoiqu'il dise lui-même que ce bond a été réduit de $50,000 à $25,000. Il ne faut pas perdre de vue que l'ingénieur aura le contrôle de tous les fonds des terres marécageuses et des améliorations intérieures; qu'il aura le droit et le pouvoir de payer toutes les sommes dues pour quelques travaux que ce soit. Le bond requis semble être de que que importance; mais si nous considérons qu'il n'est que de $25,000, nous voyons qu'il est bien loin d'être satisfaisant. Cet officier aura le contrôle peut-être de $1,000,000, et son

cautionnement ne sera que de $25,000. Que signifie un cautionnement de cette valeur?

Autre chose encore, la manière dont l'ingénieur devra être choisi. Le sénateur insiste pour qu'il soit élu par le peuple, et à ce sujet il a fait un long discours sur le droit du peuple de choisir ses propres officiers. Ces discours-là font de l'effet aux polls un jour d'élection; mais au Sénat ils ne signifient et ne prouvent rien; ces discours-là n'ont aucune portée sur les esprits raisonnables. Pour moi je ne crains pas de prendre cette position. Je dis et je répète que le peuple n'a pas encore le droit d'élire un ingénieur; il ne l'aura que si ce bill passe. Bien plus, je crois que le peuple n'attachera pas très grande importance à l'exercice de ce droit dont le sénateur fait tant de bruit; je pense bien, au contraire, qu'il n'a et n'aura jamais aucun désir de se mêler de choses auxquelles il n'entend rien. Je suis persuadé que dans la partie de l'Etat que je représente, le peuple n'a pas le moindre désir de faire cette élection, ou s'il l'a, c'est que je suis grandement dans l'erreur. Si cet officier est élu par le peuple, il sera, sans le moindre doute, exposé à des préjugés, à des influences sectionnelles. Il n'aura pas les mêmes attentions, les mêmes prévenances pour ceux qui ont fait opposition à son élection que pour ceux qui l'auront favorisée. Ce résultat est infaillible, inévitable.

M. le Président, si des considérations d'économie ont présidé à la rédaction de ce bill, je pense, moi, que l'économie peut être obtenue d'une manière beaucoup plus simple en abolissant tout simplement quelques uns des emplois publics inutiles ou superflus. Le sénateur nous dit que le revenu du fonds des améliorations intérieures est de $75,000. Je demanderai s'il est nécessaire que deux officiers dépensent conjointement ce revenu. Si nous avons un bon ingénieur et qu'il soit bien payé, qu'avons-nous besoin d'un assistant ingénieur? Lorsque j'étais ici l'année dernière nous n'avions pas d'assistant-ingénieur, et je ne vois pas du tout que la loi nous autorise à en nommer un. En organisant les quatre districts de terres, ce qui, selon moi, sera nécessaire, je regrette de voir qu'il en résultera une augmentation du salaire du commissaire et de l'ingénieur; car aussi bien que le sénateur de la Nile-Orléans, je suis en faveur de l'économie. Quant aux frais de voyage auxquels le sénateur a fait allusion, je suppose qu'il admettra que les voyages sont nécessaires et qu'ils nécessiteront des frais. L'ingénieur ne sera-t-il pas, d'après ce bill, forcé de faire des voyages? et ces voyages n'occasionneront-ils pas des frais? S'il ne le fait pas, il ne pourra remplir son devoir. Si l'on tient tant à l'économie, un moyen bien facile d'y arriver serait, comme je l'ai déja dit, de fondre en une seule place les places du commissaire et de l'ingénieur.

Le sénateur a jugé convenable d'attaquer violemment le système actuel et de le dénoncer comme impraticable. Je ne partage pas son opinion sur ce point; je crois qu'en somme ce système est très bon; qu'il n'a besoin que de quelques légers amendements. L'année dernière il a fait beaucoup plus de bien que je ne pensais. Bien des travaux ont été faits déjà, et une besogne suffisante a été tracée pour toute l'année prochaine. Pourquoi en changer alors? Où est la nécessité de le faire? Si nous voulons à toute force faire un changement, eh bien, prenons notre temps, consultons-nous bien, sauvegardons surtout l'intérêt public, ne mettons pas ainsi tout d'abord le feu aux poudres; établissons un système qui puisse être permanent, et non un système qu'il faudra amender, refondre peut-être à la prochaine session. Dans tous les cas, je dois le dire, je préfère de beaucoup le système actuel à celui qu'on voudrait lui substituer.

M. Moore—Je crois devoir donner quelques explications sur la position que j'occupe relativement à ce bill. Je n'ai cependant pas l'intention de prononcer un long discours, ni de prendre une part bien active à la discussion. Je le crois d'autant plus nécessaire, qu'il a été fait allusion au bill que j'ai présenté au commencement de la session. Je réclame donc pour quelques instants seulement l'indulgence du Sénat. Comme le sénateur de la Nile Orléans, M. King, avait préparé avec le plus grand soin son bill, je consentis, par courtoisie envers lui, à mettre de côté le mien jusqu'à ce que le sien fût présenté. Je crois qu'on accordait généralement que le bill de la dernière session avait besoin d'amendements. Il était à certains égards impraticable, inintelligible même. Convaincu de ces défectuosités, j'entrepris de préparer un bill qui pût y porter remède. Je dois déclarer ici que selon moi le système actuel ne veut pas le Bureau des Travaux Publics ainsi que l'avait en vue la Constitution. Je crois que l'Etat devrait être divisé en districts et que les commissaires devraient être nommés par le peuple ainsi que le voulait la Constitution; que ces commissaires devraient recevoir, non pas un salaire annuel, mais un *per diem* pour le temps pendant lequel ils seraient en service actif; que sous leur surveillance un ingénieur et des ingénieurs devraient diriger les travaux. Mais ce qu'a décidé l'autre Chambre me convainquit qu'il serait inutile de rédiger un bill conformément à ces données et aux vues de la Constitution. Alors je me posai cette question: fallait-il laisser subsister le système actuel tel qu'il est avec toutes ses imperfections, tous ses défauts, ou l'amender de telle sorte qu'il répondît mieux à ce qu'on en attend? Il me semblait évident que le fonds des améliorations intérieures ne pourrait durer que peu de temps encore; que ce fonds serait bientôt épuisé. Il faudrait donc alors attribuer aux commissaires les fonctions de l'ingénieur ou à l'ingénieur celles des commissaires. Pour cette raison je considérai ce bill comme très économique. Le département de l'ingénieur des améliorations intérieures coûte en salaires &c, &c, $15,000. Les dépenses des Terres Marécageuses, au taux de l'année dernière, s'élèveraient à $16,000, ce qui ferait un total de dépense annuelle de $31,000. Sous l'empire de ce bill, le total des salaires, dépenses courantes &c, &c, est porté à $20,000. Mais les $21,000 du système actuel seront probablement augmentées d'environ $5,000, rendues nécessaires par la création d'un nouveau district additionnel qui, nous dit-on, est absolument indispensable. Ces dépenses se trouveraient donc portées à environ $36,000, ce qui certes établit un contraste frappant avec l'autre bill.

Maintenant, M. le Président, mon opinion est que si notre intention est bien arrêtée de détruire, ou du moins de mettre de côté cet article de la Constitution qui décrète l'établissement d'un Bureau de Travaux Publics, nous devons adopter à sa place le système le plus économique, sans qui joint à l'efficacité l'économie si désirée. Je partage l'opinion émise par le sénateur de la Nile-Orléans relativement à l'inopportunité de dépenser de fortes sommes d'argent en salaires inutiles, et je crois que le système actuel coûtera, rien que de cette manière $36,000 par an.

Ainsi que je l'ai dit déjà, je préfère le Bureau des Travaux Publics ainsi qu'il est décrété par la Constitution. Sous ce système, l'ancien bureau des travaux publics a coûté seulement $1,600 par an, et il était composé de neuf membres. Le

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tait alloué qu'environ $100 de dépenses casuelles; c'est tout ce qui était jugé nécessaire, et cependant, ce bureau a exécuté de grands travaux. Si nous révoquions l'article de la Constitution auquel j'ai fait allusion, adoptons du moins un système qui présente des avantages réels, Le bill qui est maintenant devant le Sénat offre sans contredit le plan le plus économique et en même temps le plus efficace pour l'emploi du fonds des améliorations intérieures, quoique néanmoins il peut y être fait plus d'une objection.

M Wickliffe—La proposition du sénateur de Concordia (M Rivers) a toute mon approbation. Si je la comprends bien, elle est comme suit: il propose de présenter une résolution ayant pour but d'éprouver le sentiment du Sénat quant aux mérites relatifs du système actuel et du système proposé par le bill du sénateur de la Nlle Orléans, (M King).

Maintenant, M le Président, quant à la question d'économie, à laquelle le sénateur de la Nouvelle-Orléans attache tant d'importance, je crois que ce projet est bien plus acceptable que celui qui est contenu dans sa proposition.

Qu'on examine attentivement ce bill et l'on verra que mis en pratique il donnera lieu à plus de frais, à plus de dépenses que le système actuel, qu'il a tant attaqué pour des raisons d'économie, disait-il. Prenons pour exemple un seul article, une seule section: n'y a-t-il pas une qui alloue $4,000 aux dépenses casuelles?

M King—Cette section a été effacée.

M Wickliffe—Je prends le bill tel qu'il est. J'ignore entièrement quels amendements le comité y a faits. Le bill dont je parle est celui qui nous a été soumis. D'après ce bill, l'assistant-ingénieur doit toucher un salaire de $1,800 et les autres un salaire de $2.500. Ainsi les salaires réunis s'élèveraient tout d'abord a $7,000; puis, les vêtements nécessaires aux travailleurs, la nourriture, tout cela doit être fourni, et sont ce des frais nuls? De plus, ne faudra-t-il pas des ouvriers additionnels? Du reste, je n'approuve pas qu'on donne tant de pouvoirs à un seul homme. Le Sénateur objecte que la responsabilité étant plus grande, sera mieux sentie. Une responsabilité! mais envers qui? Envers personne. Le sénateur sait très bien que cette responsabilité sur laquelle il insiste avec tant d'emphase n'est rien qu'une chimère.

Mais passons à d'autres sections du bill; par exemple à la 14me. Que dit-elle? Je vais en donner lecture:

Section 14. Il est de plus décrété &c, Qu'afin que le dit ingénieur civil puisse pousser avec vigueur les travaux de desséchement et de construction de levées, il sera autorisé à employer un assistant-ingénieur pour chacun des districts ci-dessus désignés toutes les fois que, dans son opinion, cette assistance sera nécessaire; les dits assistants-ingénieurs seront payés mensuellement ou par quartiers au taux de $3,000 par an pendant le temps qu'ils seront en service actif, sur le mandat de l'ingénieur civil de l'Etat et sur un certificat de lui, attestant que le dit assistant-ingénieur a réellement été occupé aux dits travaux et qu'il a bien et dûment gagné l'argent demandé pour le paiement de son salaire. Il aura le pouvoir de renvoyer les dits assistants-ingénieurs toutes les fois qu'il le jugera convenable, et il sera de son devoir de les renvoyer toutes les fois qu'ils ne sont pas réellement et activement employés aux travaux publics ci dessus décrits. Les dits assistants-ingénieurs, pendant le temps qu'ils seront ainsi employés, ne s'occuperont d'aucune autre chose, mais ils consacreront tout leur temps et toute leur attention aux devoirs de la place qu'ils remplissent. Ils n'auront pas le droit de demander ou de recevoir des appointements pour aucun autre service personnel ou professionnel rendu par eux pendant leur terme d'office.

Par cette section, les assistants-ingénieurs de chaque district peuvent être nommés pour chacun d'eux; mais ils ne seront payés que pour le temps pendant lequel ils auront réellement été en activité, au taux de $3 000 par an. Nous savons tous, M. le Président, qu'on ne peut obtenir les services d'un ingénieur compétent à moins de $3,000 par an, et même ce prix est très minime. La raison en est évidente. D'abord, un ingénieur doit être un homme d éducation; de plus, il doit avoir une longue expérience de sa profession. Il y a déjà bien des demandes sans doute; mais les appliquants demandent bien plus que la somme stipulée, plus de $3,000

La section dont nous nous occupons dit aussi que les ingénieurs doivent donner tout leur temps à l'exercice de leurs fonctions comme officiers de l'Etat; cela donnera lieu, en moyenne, à une dépense additionnelle d'au moins $12,000; car, je le répète, il est moralement impossible d'obtenir un bon ingénieur à moins de $3,000 par an.

Puis vient la 15me section. Si le Sénat le permet, je la soumettrai fragment par fragment à sa considération, et j'appellerai son attention sur ce qui, selon moi, est en opposition avec les idées d'économie sur lesquelles on a tant appuyé, sur les idées de parsimonie même, si nous nous arrêtons à la signification précise des articles sur lesquels le sénateur a longuement et fréquemment insisté.

Le secrétaire donne lecture de la 15me section.

Y a-t-il là rien qui commande l'attention? ne faut-il pas seulement une minute, une seconde de réflexion pour se convaincre que c'est toujours le même cercle vicieux dans lequel on se meut? que c'est la même arène autour de laquelle on tourne, le même *corral* dans lequel le *vacchero* s'agite et se fatigue son *lasso* à la main?

M le Président, je termine ici en déclarant que, quoiqu'il puisse être dit, et quoiqu'on ait pu dire, ce bill ne réalise aucune des conditions que nous cherchons, que nous demandons.

M Moore—Ma pensée n'est pas bien interprêtée et les chiffres que j'ai cités sont mal représentés.

M King—Je n'ai cité que le chiffre exact que le sénateur avait dit: $21,000.

M Wickliffe—Tout cela est oiseux. Il y a déjà trop longtemps que le Sénat est occupé de cette interminable question. Arrivons à une solution.

On parle de responsabilité! Mais voyons donc ce que dit le bill dans les sections 7 et 8:

Sec 7. Il est de plus décrété, &c. Qu'il nommera et démettra de leurs fonctions les officiers et les personnes que la loi autorise à être employés aux travaux d'améliorations intérieures faits par l'Etat.

Il emploiera, à la charge du fonds appropriés aux améliorations intérieures, des capitaines et des équipages de navires, des surintendants d'ouvrages speciaux, des ouvriers, toutes les fois que, dans son opinion, ce sera nécessaire. Le salaire des dits employés devra être au plus bas prix possible, mais il ne conservera jamais en fonctions les dites personnes plus longtemps qu'il ne faudra pour l'achèvement des dits travaux publics. Le salaire des dits employés devra être payé sur le mandat de l'ingénieur civil, et sur un certificat de lui déclarant que les travaux ont été faits et que la somme est bien et justement due, le tout approuvé par l'auditeur des comptes publics.

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Sec. 8. Il est de plus décrété, &c., Que le bureau de l'ingénieur civil sera tenu au siege du gouvernement et que des appartements convenables à cette fin lui seront assignés dans la maison d'Etat, et que le bureau de l'Ingénieur de l'Etat, tel qu'il existait antérieurement, sera aboli et remplacé par celui de l'Ingénieur Civil, dès que celui-ci entrera dans l'exercice de ses fonctions.

Ne sont-elles pas en opposition directe avec tout ce que l'on demande avec tant d'insistance? Ne sont elles pas en opposition directe avec les idées émises par tous ceux qui insistent tant et tant sur l'économie, la simplicité, la clarté, la facilité du système d'améliorations intérieures?

M. Ryan.—Ce bill me paraît avoir une grande importance pour le bien général de l'Etat, et je représente une section qui est aussi profondément intéressée à cette question que toute autre section de la Louisiane. En donnant mon vote, je m'efforcerai de bannir tout sentiment qui ne serait pas celui du bien public. Je ne me laisserai pas aller à parler des fautes des autres, et je ne chercherai pas non plus à fortifier une cause en accusant d'autres personnes ou d'autres bills; car ce n'est pas, à mes yeux, un argument contre ce bill ni contre tout autre. Je ne sais pas un mot de l'histoire de l'expédition Ricker. Mais je crois qu'il est indigne d'un sénateur de citer ce qui a été fait pour ou contre cette mesure comme un argument pour ou contre ce bill. Quand bien même un sénateur se serait trompé sur cette question, quand bien même il aurait été coupable d'inconséquence, ce ne serait pas une raison pour que nous ayons à nous reporter à l'attitude particulière de tel ou tel membre, dans telle ou telle question, lorsque cette question n'a aucun rapport avec celle qui se débat devant nous. Pour ma part, messieurs, je veux rester étranger à de telles considérations et ne voir que les mérites intrinsèques du bill. Parceque le sénateur de la Nouvelle-Orléans peut avoir eu tort dans une circonstance donnée, il ne s'en suit pas qu'il doive nécessairement se tromper maintenant. Cela ne fait pas question pour moi, et il en doit être de même pour tous mes collègues. La discussion doit porter, et porter uniquement sur l'administration d'un certain fonds et sur les pouvoirs administratifs confiés à certains officiers

Maintenant, messieurs, je crois que la législation de la dernière session était radicalement erronnée. Je respecte les sénateurs qui ont participé au passage du bill, et je crois qu'ils ont été poussés a ce vote par les meilleurs motifs ; mais je suis obligé de déclarer que leur travail est défectueux et peu en harmonie avec les exigences de la situation. C'est pourquoi je suis d'avis qu'un changement radical doit être opéré. L'intention du Congrès en passant la loi en vertu de laquelle les terres marécageuses ont été données à l'Etat, était de faire profiter toute la population de la Louisiane aux bienfaits de cette donation. Si, à l'époque on eût passé une loi défendant la vente de ces terres jusqu'à ce qu'elles eussent été améliorées et par là rendues cultivables et par conséquent d'une plus grande valeur, nous en aurions vu les excellents effets Si nous avions adopté le plan de réclamer les terres, et qu'ensuite nous les eussions mises en vente, nous aurions reçu des sommes énormes en retour, notre trésor se serait empli et nous aurions pu payer les dettes de l'Etat. Alors, les intentions du donateur seraient remplies. Mais la dernière législature a cru à propos d'adopter une marche différente, une marche qui est tout à fait en désaccord avec les désirs et les intentions des donateurs. Je suis opposé à la motion qui a été faite par le sénateur de Concordia. Je préférerais que le bill fût renvoyé à demain, et qu'on prît une décision définitive.

C'est là un sujet assez important pour ne pas être mis aux voix avant que nous soyons assez nombreux pour décider ; et aussi pour ne pas être précipité. Il est nécessaire que les esprits se calment et se concilient, afin qu'il y ait de l'harmonie dans le vote. C'est un devoir confié à notre honneur, de faire exécuter les volontés du Congrès et les conditions sous lesquelles il a fait la donation à l'Etat. Pour arriver à ce but, nous devons nous entendre à l'amiable, et éviter toute aigreur dans la discussion.

Un juge impartial trouverait certainement qu'il y a de bonnes raisons des deux côtés ; et que ni l'un ni l'autre des deux camps n'a entièrement tort ni complètement raison. Laissons-nous donc conduire à une conclusion par les chemins que nous a ouverts la discussion. Prenons aux deux parties ce que chacun peut avoir de bon. Ni l'un ni l'autre système n'est parfait, car la perfection n'appartient pas à la nature de l'homme. Bornons-nous à faire le meilleur bill qu'il nous sera possible ; et laissez-moi vous dire ici que personne n'est plus antipathique que moi aux semblants de démagogie, qui n'est qu'une flatterie hypocrite adressée aux plus basses passions de la multitude. Sans doute, je désire de voir le peuple en pleine possession de ses droits légitimes ; mais je n'abaisserai jamais ma dignité jusqu'à flatter la populace. Je n'ai pas à me reprocher d'avoir jamais dérogé à cette règle de conduite. J'espère donc que dans cette auguste assemblée de sénateurs réunie ici pour donner au pays des lois qui assurent sa gloire et sa prospérité, je n'entendrai plus cette accusation de flatterie de la populace. Si le bill introduit par le sénateur de la Nouvelle Orléans est bon, adoptons le. Je ne suppose pas qu'il puisse y avoir aucune objection de quelque valeur à l'élection d'un Ingénieur par le peuple. On peut bien parler d'influences locales et de partialités ; mais le pouvoir exécutif, si on lui laisse le pouvoir de faire lui-même cette nomination, n'est-il donc pas également susceptible de céder aussi à des influences du même genre, ne peut-il pas aussi céder aux sollicitations de ses amis et de ses favoris; et ne vaut-il pas mieux que l'élection soit faite par le peuple, qui, lui, est moins sujet à se tromper? Laissons donc l'élection au peuple, c'est-à-dire à ceux dont cet officier doit protéger les intérêts; et ne vous en remettez pas à un Gouverneur qui, rarement, est en état de connaître par lui-même, la personne qu'il nomme, mais s'abandonne aux influences des conseillers secrets et irresponsables qui l'entourent.

M. Moore.—Je désire rectifier une erreur qui s'est glissée dans les calculs présentés dans cette discussion. En faisant mon estimation des dépenses, j'avais raisonné dans la pensée qu'il y aurait quatre districts, et par conséquent deux assistants ingénieurs. Il se trouve que je me suis trompé, et que j'ai fait conséquemment une erreur de $4,000.

En examinant le rapport de l'Ingénieur de l'Etat, je remarque que durant l'année dernière il a dépensé $10,600. Cependant dans les deux cas, les frais relatifs seraient les mêmes. Les dépenses se trouvant réduites des deux parts, la comparaison en faveur du bill serait de $13,000 au lieu de $15 000.

M. Defreese.—Je pense, messieurs, qu'il faut en finir avec ce bill. Si on a des objections à y faire sur quelques points, examinons le section par section, et amendons le là où il a besoin d'être amendé, au lieu de l'abandonner dans les cartons. Pour ma part, je ne m'oppose pas à l'élection de l'Ingénieur par le peuple. Appelez comme vous

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voudrez cette mesure, je la crois juste. Je pense qu'il faut qu'on doit s'en rapporter au peuple. Le fondement de nos institutions est précisément cette doctrine qui consiste à placer dans le peuple toute capacité pour élire ses officiers. C'est lui qui profite de l'élection ou qui en souffre S'il choisit des agents indignes ou incapables, c'est sur lui que le dommage retombe.

C'est donc lui qui est le meilleur arbitre. On peut donner à ces principes le nom de doctrines démagogiques, je veux bien m'exposer aux risques de cette accusation, ce ne sera pas sur une semblable objection que je me départirai d'une conviction raisonnée. Le principe de l'élection populaire a toujours été contesté par ceux qui se méfient du peuple et qui en ont peur. On n'a pas craint de dire dans l'origine que si le peuple était libre de choisir ses propres officiers, il serait les plus mauvais choix. L'innovation fut cependant faite, et l'expérience a donné tort à ces esprits méfiants et timides. Le peuple a-t-il perdu à ce changement? Tout au contraire, le résultat n'a-t-il pas pleinement justifié les espérances des amis des droits du peuple? Et pourquoi adopterions-nous une marche différente en ce qui regarde l'Ingénieur? Il est vrai qu'un Ingénieur doit posséder certaines qualités spéciales; mais le bill n'est pas muet à cet égard Il s'explique et déclare que l'officier à élire par le peuple, devra être un Ingénieur praticien.

Personne ne serait éligible s'il n'avait cette qualité. Personne ne pourrait se porter candidat à cette fonction, avec quelque espoir de succès Mais si un homme compétent se met sur les rangs est-ce que par hasard ce serait lui faire perdre quelque chose de sa capacité que d'ajouter à ses qualités celle de l'élection par le peuple Si le peuple est toujours dirigé par des motifs impurs, si le peuple est ce qu'on essaie de nous le faire voir, alors il faut aller droit au but; il faut le priver de ce droit d'élire ses officiers; car dans les mains d'un être déraisonnable ou malfaisant, ce droit est une arme dangereuse. Mais, si au contraire, nous nous rappelons que l'honnêteté est le principe qui domine la communauté, nous ne pouvons pas douter de l'attitude du peuple à choisir des officiers compétents. L'honorable sénateur des Rapides avait raison de dire que le peuple n'est pas seul susceptible d'agir sous de mauvaises influences. Ces mêmes influences peuvent agir sur toutes les autres personnes à qui vous confierez le pouvoir de nommer à ces fonctions. Si le pouvoir exécutif est investi du droit de nommer l'Ingénieur, nous dira-t-on que sa haute position le met à l'abri des faiblesses inhérentes à la nature humaine; que seul dans tout l'Etat il n'a pas d'amis qu'il veuille favoriser, ou d'ennemis dont il veuille tirer vengeance? Si les officiers publics sont seuls exempts des faiblesses humaines, alors je suis d'accord avec mes opposants, il faut s'en remettre à eux de la nomination des fonctionnaires. Mais si ce n'est là qu'une vaine déclamation, s'il est vrai, au contraire, qu'un homme soit plus facile à émouvoir que des masses, et qu'il s'abandonne plus facilement qu'elles à des sentiments égoïstes, alors comment hésiter entre lui et le peuple? On a dit que l'Ingénieur devait être un homme d'une éducation distinguée et d'une grande habileté; qu'il ne fallait pas qu'il fût inférieur à la position qu'il aspirait à occuper. Messieurs, je ne désire pas de voir en fonctions un homme si fort élevé au-dessus de ses concitoyens, dans la crainte qu'il ne voulût plus se mêler familièrement avec eux sur le pied d'égalité; et d'un autre côté, je ne pense pas non plus que le peuple se respecte assez peu pour exiger d'un homme, avant de lui donner son appui, qu'il descende de sa dignité au point de le flatter bassement; je crois même que si un candidat s'abaissait ainsi devant lui, loin de savourer un indigne encens, le peuple le rejetterait dans les bas-fonds de l'obscurité. Peu m'importe à présent que l'expression d'une telle opinion vous paraisse démagogique; peu m'importe que vous l'appeliez "flatterie de la populace," ou que vous la stigmatisiez de tel nom que vous jugerez à propos de choisir.

Il est une autre face de la discussion, à laquelle je désirerais faire allusion. On a dit beaucoup de choses à propos de la responsabilité. Maintenant, messieurs, je ne crois pas que la responsabilité soit diminuée par la concentration. Je ne crois pas que la responsabilité soit plus grande quand elle tombe sur un seul que quand elle repose sur un grand nombre. Les mêmes arguments employés contre le favoritisme local peuvent s'appliquer aussi bien à une personne qu'à quatre personnes. Je ne pense pas que l'Ingénieur, parce qu'il serait élu par le peuple, se laissât influencer par l'esprit de favoritisme local plus que ne le ferait un Ingénieur nommé par l'Exécutif. Je suis convaincu, au contraire, qu'aussitôt après son élection, il oublierait qu'il a résidé dans une section particulière de l'Etat, et agirait avec impartialité. Et s'il désirait conserver ses fonctions, ce serait en effet la seule conduite qu'il aurait à tenir. Car, comment pourrait-il espérer de conserver sa position s'il favorisait ses voisins immédiats? Il ne le pourrait, vous le savez fort bien, qu'en conciliant les intérêts de l'Etat entier S'il arrivait qu'en effet il déployât quelque partialité, ce serait alors une partialité éclairée, une partialité commandée par la nécessité.

Le bill, messieurs, a de plus, l'avantage d'apporter une notable économie dans l'administration de nos travaux d'améliorations intérieures On a dit qu'il conférait un pouvoir trop grand à un homme en plaçant dans ses mains la libre disposition d'une somme immense; qu'il n'y a pas une responsabilité suffisante; que l'Ingénieur n'est pas assez entouré de moyens de restriction, qu'il peut dissiper l'argent, ou être influencé, dans l'usage qu'il en fera, par d'indignes sentiments s'il n'est pas un honnête homme. Je répète que je ne comprends pas pourquoi un homme serait plus exposé à de pareilles influences que quatre. On oublie, d'ailleurs, qu'il devra fournir une caution, et je suis d'avis, pour ma part, que cette caution soit plutôt augmentée que diminuée.

Tel qu'il est, le bill est bien préférable au système actuel ou à tout autre système requérant un plus grand nombre de fonctionnaires. Et quand à ce qui est de la prétendue partialité causée par l'esprit local, je ne veux l'attribuer qu'à la chaleur de la polémique. Cet argument est tombé sous la main, et on l'a prise sans en examiner la valeur. L'Ingénieur doit être élu par le peuple, et le serment qu'il aura à prêter est prescrit par le bill. Le peuple louisianais voudrait-il élire un homme qui serait disposé à violer son serment solennel? Je ne le crois pas.

Il est un autre point qu'on a encore attaqué dans le bill, et que je suis prêt à défendre. C'est cette disposition qui déclare que l'Ingénieur doit être citoyen de l'Etat. Remarquez que le bill ne demande pas d'où il vient, ni où il est né. Peu nous importe qu'il ait reçu le jour sur ce sol républicain ou sur la terre opprimée de l'Europe: Non, ce n'est pas là ce que nous demandons Il peut être né en Chine, cela nous est bien indifférent. S'il est capable, il sera éligible. Mais ce que nous voulons, c'est que le Gouverneur ou le peuple ne puis-

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se pas choisir, pour l'élever à cette fonction, un homme dont les sentiments, les vues, les tendances, les sympathies, les intérêts, ne soient pas identiques avec les intérêts de l'Etat. Je ne m'arrêterai pas plus longtemps sur ce sujet ; je craindrai de fatiguer le Sénat par de plus longs développements. Je réitère seulement au Sénat le désir que j'aurais de le voir passer à l'examen du bill section par section, afin qu'il puisse être amendé, puis adopté, s'il y a lieu ; car, pour moi, je considère que le système apporté par le bill est beaucoup plus conforme aux intérêts de l'Etat que celui qui nous régit.

M. De Russy.—Messieurs, afin d'élairer le Sénat sur un point de quelque importance, et qui paraît être resté entouré d'une certaine obscurité; je demanderai la permission de relire ici la quatrième section du bill. Elle est ainsi conçue:

Sec. 4. Il est de plus décrété, &c., Que nul ne sera éligible à la place d'Ingénieur Civil de l'Etat, s'il n'est, à l'époque de son élection, votant légal dans les élections des officiers de l'Etat, s'il ne possède pas la théorie et la pratique comme ingénieur civil, et s'il est prévaricateur

On voit par l'examen de ce texte que le bill oblige l'Ingénieur à être pourvu de certaines qualités qui y sont spécifiées.

Ces qualités sont essentiellement nécessaires ; mais qui donc, je vous le demande, sera le juge de la question de savoir s'il les a ou ne les a pas? Qui décidera s'il est ou non bon ingénieur? C'est fort bien de nous dire que le bill exige que l'Ingénieur soit versé dans sa profession ; mais tout le monde comprend que ce n'est là qu'une vaine exigence quand il n'y a personne qui soit juge du fait jusqu'à ce que l'officier en fonctions ait fait voir son incapacité par ses actions, et alors quel remède y aurait-il si on démontrait qu'il n'a pas les qualités voulues par la loi? J'admets que le département de l'Ingénieur demande une reforme. Personne ne peut nier cela, et je suis le premier à le reconnaître. Le rapport de l'Ingénieur d'Etat montre qu'il a maintenant en mains autant de travaux qu'il en pourra executer en dix ans. Mais pouvez vous remédier à ce mal en le chargeant, en addition à ses propres devoirs, des travaux incidents qui appartiennent à l'administration du fonds des terres marécageuses? Chacun reconnaîtra l'absurdité d'une telle proposition. Je crois que l'Ingénieur d'Etat a fait de son mieux et selon les circonstances. Je ne désire pas l'accuser d'avoir manqué d'énergie. Mais il est impossible, avec un revenu de $15,000 seulement, et les faibles ressources dont il dispose, il est impossible, dis-je, qu'il fasse beaucoup de travaux. Il est donc évident pour moi, que ce département a besoin d'une réorganisation. Nous avons ici devant nous des propositions pour l'appropriation de différentes sommes qu'on voudrait employer à l'exécution de travaux à faire par l'Ingénieur de l'Etat. Cependant on vient nous dire que nous avons diminué ses embarras en faisant reposer sur lui tous les travaux du fonds des terres marécageuses. Mais une réorganisation complète et praticable ne peut pas se faire en un jour. C'est là un sujet trop important pour être traité légèrement. Passons encore cette année comme cela, et l'année prochaine avec un peu plus d'expérience acquise nous ferons quelque chose de plus avantageux et de plus certain. Ce bill, je regrette de le dire, ne remplit pas l'objet qu'il se propose. Si nous l'adoptons, les résultats n'en pourront être que malheureux. Le présent système n'est pas en lui-même un mauvais système, quoiqu'il ait besoin d'être amendé ou modifié. Nous l'avons expérimenté pendant un an, et jusqu'à ce que nous trouvions que que chose d'evidemment supérieur, nous devons le conserver, car, en somme, il a passablement fonctionné Bornons-nous donc à des amendements et modifications et nous agirons plus prudemment qu en le démolissant tout d'un coup pour faire une expérience nouvelle. Je demande donc que le bill soit déposé sur la table, pour être appelé plus tard.

M. King.—Je dois dire que j'espère que la motion de l'honorable membre ne prévaudra pas J'ai donné tous mes soins a la rédaction de ce bill, et il a été mal compris sur plusieurs points particuliers par les opposants Rien donc de plus franc et de plus loyal que de vouloir bien accorder un moment d'attention aux défenseurs du bill, afin qu'ils puissent en rétablir le véritable sens, et le faire voir sous son vrai jour. Le sénateur de Natchitoches, a fait un appel en faveur du présent système, en disant que nous ne l'avons pas encore assez expérimenté, et que nous devons le laisser fonctionner encore pendant un an. Si le système est bon, il faut le continuer, mais s'il est mauvais, changeons-le. Je ne connais pas de moyen terme. Si nous devons l'abolir à la fin de l'année prochaine, abolissons le plutôt tout de suite Les raisons pour lesquelles vous répudierez le système l'année prochaine, existent dès à present. On a objecté qu'en vertu de ce bill l'Ingénieur serait pris dans quelque localité particulière et que par conséquent il serait exposé à se laisser aller à des influences locales. Mais, messieurs, quand bien même votre objection serait fondée avez vous donc oublié ou omis de mentionner que le bill divise en même temps l'Etat en quatre districts, et que l'argent approprié pour chaque district devra être dépensé dans l'intérêt exclusif de ce district. Ainsi, il y aura moins d'influences à craindre sous l'empire de ce bill que dans le système actuel, et que dans aucun des systèmes qui ont été proposés Evidemment chacun des commissaires sera désireux de favoriser son propre district. Cela est tout naturel, mais n'offrira aucun danger par suite de la sage émotion introduite par le bill

On a aussi prétendu que le bill donne trop de pouvoir à l'Ingénieur. Ce pouvoir, si redoutable, qui a éveillé tant de sombres inquiétudes dans l'âme de certains sénateurs, consiste à régler la dépense de l'appropriation faite par la Législature, et conséquemment sous la surveillance de celle-ci, d'une somme d'environ soixante mille piastres par an.

On a représenté cette simple mission comme la dernière limite d'un pouvoir despotique, et à la seule pensée du bill, les opposants semblent avoir tremblé pour leurs fortunes. Le bill ne fait l'appropriation d'un *cent* ; il se borne à définir les devoirs inhérents à la fonction Quand une loi crée une fonction, il faut bien qu'elle dise en quoi consistera le devoir du fonctionnaire. C'est ce que fait le bill, et cependant cette simple définition est représentée comme l'établissement d'une monstrueuse tyrannie. Une accusation est d'abord faite sans preuves, puis d'autres s'en emparent et la répètent avec emphase sans s'en rendre compte, absolument comme on fait d'une monnaie qu'on accepte et qu'on remet dans la circulation sans s'être aperçu qu'elle est fausse. Cela n'arrive que trop fréquemment. Le poète satirique de l'ancienne Rome a dit ces paroles mémorables, que nous traduisons librement.

"Dis blanc, ton ennemi te fera dire noir."

Il est aisé de crier au chien enragé ; mais alors malheur à l'infortunée victime. On nous dit que le bill occasionnerait plus de dépenses que le présent système, quoiqu'il ne veuille qu'un officier au

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lieu de cinq. On nous dit encore que cinq coûteront moins qu'un. Par le bill, messieurs, il n'y aura plus que deux officiers salariés, l'Ingénieur et un assistant pour tenir les livres. Le bill est très rigide et s'explique très clairement sur la manière dont les travaux seront faits. Ils ne pourront plus être faits qu'à la tâche, et quand le travail sera terminé, alors seulement l'employé pourra être déchargé. Cette précaution, à elle seule, sauvera une somme considérable, et le Trésor n'aura plus à payer une bande de fonctionnaires.

Laissez-moi vous lire la section du bill qui renferme cette disposition.

Sect. 7. Il est de plus décrété, etc., Qu'il nommera et démettra de leurs fonctions les officiers et les personnes que la loi autorise à être employés aux travaux d'améliorations intérieures faits par l'Etat.

Il emploiera, à la charge du fonds approprié aux améliorations intérieures, des capitaines et des équipages de navires, des surintendants d'ouvrages spéciaux, des ouvriers toutes les fois que, dans son opinion, ce sera nécessaire. Le salaire des dits employés devra être au plus bas prix possible, mais il ne conservera jamais en fonctions lesdites personnes plus longtemps qu'il ne faudra pour l'achèvement des dits travaux publics. Le salaire des dits employés devra être payé sur le mandat de l'ingénieur civil et sur un certificat de lui déclarant que les travaux ont été faits et que la somme est bien et justement due, le tout approuvé par l'Auditeur des Comptes Publics.

Quand un ingénieur est employé, on exige de lui un certificat du même genre, et quand son travail est fait, on lui donne décharge. Nous payons pour le travail qui est fait, et quand il est fait De cette manière, nous n'avons plus cette foule de parasites qui mangent et sucent notre substance.

Je crois avoir répondu à toutes les objections faites contre le bill. Je crois les avoir complètement détruites. Le bill est aussi économique que possible. Le sénateur de St. Martin, vous a démontré que sous l'empire du système actuel $30,000 sur $90,000 étaient dépensées en frais d'administration. Il serait donc inutile et superflu de rien ajouter pour vous convaincre de la nécessité où nous sommes d'apporter une réforme économique dans ce département. Qui aura soin des deniers de l'Etat et de leur bon emploi, si ce n'est nous! Nous ne sommes pas venus ici pour faire de vains discours, mais pour réformer les abus. Où pouvez vous trouver un abus plus criant que celui-ci? Un tiers de la somme à dépenser dans un département si important pour l'Etat, est employé en frais d'administration. Cela ne saurait se tolérer plus longtemps. L'Etat perd annuellement $25,000 uniquement pour savoir comment il en dépensera $50,000. A-t on vu chose plus ridicule et plus pitoyable? Je ne fatiguerai donc pas le Sénat par de plus longs développements. La question doit être jugée dans son esprit

Mais il est une disposition du bill, qui n'a pas satisfait le sénateur de Ouest Féliciana, c'est celle qui exige que l'Ingénieur soit un officier de l'Etat Mais, messieurs, je ne vois rien là que de très naturel Est-ce que ce n'est pas la loi commune? Est-ce que cette condition n'est pas exigée pour tous les officiers de l'Etat. Pourquoi faisons nous une exception pour ce cas particulier?

Je rappellerai en finissant l'importance du bill, la necessité de le voter sans délai, afin qu'il puisse être adopté par la Chambre basse avant l'ajournement de la Législature. Je crois que le Senat est en faveur du bill, et je serais heureux qu'on votât immédiatement.

Le Sénat décide que le bill ne sera pas déposé, et en conséquence la discussion continue :

Lecture est ensuite donnée de la résolution du sénateur de la paroisse de Concordia.

M Kenner.—Je demande qu'on insère les mots "conformément aux prescriptions de la Constitution."

M. Rivers.—J'accepte l'amendement.

M. Lacey —Si j'entends bien la résolution, elle a en vue d'établir un Bureau des Travaux Publics, conforme à celui dont parle la Constitution. Je voterai contre la proposition, ou plutôt j'en demanderai le dépôt provisoire. Je ne suis pas d'avis qu'on établisse un bureau de cette nature.

M. King.—L'effet de la proposition serait, par une voie indirecte, de tuer le bill. L'honorable membre veut charger au comité de faire un travail que jamais il ne fera, et qu'il lui est impossible de faire. La Chambre basse a, par un vote de 64 sur 65, abolir le bureau dont il s'agit ici. Maintenant, la proposition de rétablir ce bureau n'a d'autre but que de tuer indirectement le bill. L'effet serait pire à cette session qu'à la dernière. Nous devons agir sur ce bill immédiatement. Il est impossible qu'on le renvoie de nouveau à un comité, quel comité serait, je le répète, incapable de faire le travail qu'on réclamerait de lui. Quand je songe à la majorité qui a aboli ce bureau dans la Chambre, je ne puis voir dans la proposition d'autre intention que celle de tuer le bill.

M Wickliffe.—Je demande qu'on rejette l'amendement du sénateur de Concordia.

M. Kenner.—En offrant cet amendement, je veux simplement détruire le présent système qui est tout à la fois inefficace et inconstitutionnel, et que j'ai, d'ailleurs, combattu l'année dernière aussi vigoureusement que cette année. Je suis satisfait de penser que si j'avais pu ramener à mon opinion, la majorité du Sénat, il n'aurait jamais passé. Je suis heureux aussi de voir que le sénateur de la Nouvelle Orléans a fini par se ranger à mon opinion. Si le Sénat n'adopte pas la résolution, je voterai les principaux passages du bill introduit par le sénateur de la Nouvelle Orléans. Je considère le système actuel comme inefficace, et si je ne craignai d'abuser des moments du Sénat, j'entreprendrais de le prouver. Mais je n'ai pas le désir de tuer le bill: Au contraire, je compte le soutenir de mon vote.

Bills Présentés.

M. Rivers présente la résolution suivante:

Résolu que ce bill soit référé de nouveau au Comité des Améliorations à l'Intérieur, avec instruction de rapporter un acte pour amender un acte pour dessécher les terres marécageuses et inondées de manière à le rendre plus efficace et pour pourvoir à la formation d'un quatrième district de terre et un commissaire indépendant des autres.

M. Martel, sans en avoir donné avis au préalable, obtient la permission de présenter un bill intitulé :

Acte pour ratifier le cautionnement fourni par le shérif de la paroisse de St. Landry dans sa capacité officielle

M. Lacey présente la pétition de John Rowe, pour affranchir certains esclaves, et la pétition de Frances Marion, veuve de Francis Marion, g. c. l. pour l'affranchissement de son esclave Jerry.

Sur motion et après dispense des règles, le Sénat se dispense de la lecture de ces pétitions, et elles sont référées au Comité Judiciaire.

Sur motion de M. McCay, le Sénat s'occupe des bills suivants de la Chambre.

Acte pour amender et décréter de nouveau la 3e et la 30e sections d'un acte intitulé:

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Acte pour pourvoir à l'assessement et la collection des taxes de cet Etat.

Et un acte pour amender la 10me section d'un acte pour organiser les Cours de District à la Nlle.-Orléans.

Sur motion de M. Lacey, le Sénat s'occupe du bill intitulé :

Acte pour pourvoir à la révision des lois de l'Etat, d'une nature générale.

M. Lawes obtient la permission de présenter un bill intitulé :

Acte pour déterminer les devoirs de notaires publics.

Message de la Chambre.

Le messager spécial de la Chambre vient demander le concours du Sénat aux bills suivants:

Acte pour le déboursé du fonds des écoles publiques dans les paroisses de l'Union et DeSoto.

Acte requérant un relevé des terres affectées aux écoles avant d'être vendues, et d'en régler la vente.

Acte pour amender un acte relatif aux avocats de district, approuvé le 29 mai 1846.

Acte pour établir les limites de la paroisse de Sabine et pour légaliser certains actes faits dans l'incertitude de la limite.

Acte pour protéger les marchands ou les vendeurs des produits de l'agriculture de la Nouvelle-Orléans.

Rapports des Comités.

M. Macmurdo, au nom du Comité de Finance, auquel a été référé un bill intitulé :

Acte pour venir au secours de Charles S. Leckie, Collecteur des Taxes d'Etat de la paroisse des Rapides pour l'année de 1850, fait un rapport favorable.

M. King, au nom du Comité des Améliorations à l'Intérieur, des terres marécageuses et des levées, présente le rapport suivant:

A l'Hon. W. W. Farmer, Lieutenant-Gouverneur et Président du Sénat

Le Comité des Améliorations à l'Intérieur, des terres innondées et des levées, auquel a été référé l'acte pour autoriser la ville de la Nouvelle-Orléans à souscrire au fonds capital de la compagnie du Chemin de fer de Pontchartrain, à l'effet d'aider la dite compagnie à construire un chemin de fer de la Nouvelle-Orléans à la Mobile, à l'honneur de rapporter:

Le comité accepte les amendements suivants: à la 2de section, au second paragraphe, à la 19me ligne, d'effacer les mots "taxe spéiale sur propriétés et esclaves", et d'insérer au lieu et place les mots "taxe spéciale"; dans la 3me section, à la 9me ligne, d'effacer le mot "résolution" et d'insérer au lieu et place "ordonnance"; dans la 5me section, à la 32me ligne, d'effacer les mots "et aussi souvent qu'ils le jugeront convenable" et d'insérer au lieu et place les mots "dans les deux ans qui suivront la passation de ce bill"; dans la 5me section, à la 33me ligne, d'effacer le mot "deux" et d'insérer le mot "six"; dans la 6me section, à la 6me ligne, d'ajouter immédiatement après le mot "compagnie" les mots "après avoir été dûment autorisé par le vote des actionnaires pris conformément aux dispositions de la charte"; dans la 7me section, d'effacer la phrase qui commence par le mot "trois" à la 5me ligne, jusqu'au mot "compagnie" dans la 7me ligne, "trois citoyens de la Nouvelle-Orléans en qualité de directeurs de la dite compagnie du chemin de fer de Pontchartrain" et d'insérer "trois des sept directeurs accordés par la loi à la dite compagnie du chemin de fer de Pontchartrain, qui seront citoyens de la Nlle-Orléans."

Le comité a l'honneur de rapporter, par l'entremise de leur rapporteur, en faveur du dit bill.

W. W. KING.

Sur motion de M. Macmurdo, ce bill est mis à l'ordre spéciale du jour pour vendredi, le 3 mars, 1854.

Mr. Lawes, au nom du Comité Spécial, auquel a été référé un bill intitulé acte pour établir un bureau médical d'examen et pour empêcher l'empirisme dans la profession médicale, fait un rapport favorable au dit bill.

Sur motion du même membre, le Sénat ordonne l'impression du dit bill, et il est mis à l'ordre spécial du jour pour jeudi le 2 mars 1854.

M. Boatner, au nom bu comité des réclamations, auquel avait été référé un bill intitulé :

Acte pour venir au secours de Stephen Van Wickle,

Fait le rapport suivant:

A l'Honorable W. W. Farmer, Lieutenant-Gouverneur et Président du Sénat.

Le comité auquel a été référé un acte intitulé: Acte pour venir au secours de Stephen Van Wickle, de la paroisse de la Pointe Coupée, ainsi qu'une pétition du dit Van Wickle,

A l'honneur de rapporter qu'après avoir examiné l'affaire, et d'après les témoignages qui nous ont été donnés par le pétitionnaire, ainsi que ceux obtenus par le comité. il ne peut voir aucune raison pour soutenir la réclamation du pétitionnaire. Il est vrai que l'ouverture du Raccourci fait en 1848 a été bien injurieuse à beaucoup de nos concitoyens néanmoins, le comité est d'opinion que la loi en vertu de laquelle ce travail a été fait, a été passée dans la ferme croyance qu'elle serait bien avantageuse à une grande partie des habitants de la basse Louisiane, entr'autres le pétitionnaire, et si le résultat proposé par cette loi avait été avantageux, Stephen Van Wickle en aurait recueilli les bénéfices sans payer un sous à l'Etat. Contrairement aux dispositions de la Législature et à l'opinion de nos meilleurs ingénieurs, l'ouverture du Raccourci a été prouvé injurieuse aux habitants pour l'avantage de quels elle avait été faite, et sous l'empire de telles circonstances, votre comité croit qu'il est de leur devoir, en bons citoyens, de ce soumettre à la perte.

Le cas actuel devant le comité n'est fondé ni par la loi ni par l'équite. Il a été prouvé au comité que la terre decrite dans la pétition et dont la perte est alléguée éboulait même avant l'année 1848.

Et pour se servir du langage de plusieurs personnes qui sont bien informées des faits de ce cas, "un bateau a vapeur ne pouvait pas atterer deux fois dans le même endroit dans deux occasions différentes"; que la terre n'a jamais été considérée d'aucune valeur; qu'elle avait été abandonnée par le propriétaire, et qu'elle aurait éboulé tout aussi bien si le Raccourci n'eût jamais été fait.

Votre comité considère que l'admission de cette réclamation n'aurait d'autre but que d'établir un précédent légal qui ouvrirait la porte à des réclamations probablement plus justes que la présente, et dessecherait le Trésor de l'Etat pour plusieurs années, et prenant l'affaire de quelque côté qu'elle se présente, le comité se voit obligé de rapporter contre la réclamation du pétitionnaire.

Votre comité ne peut terminer ce rapport sans remercier les personnes qui les ont aidé dans l'examen de cette question ennuyeuse et embarrassante.

(Signé) M. BOATNER,
Rapporteur du Comité des Réclamations.

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MERCREDI 1er mars 1854.

Acte concernant le recouvrement des amendes prononcées en matière criminelle dans tout l'Etat (excepté dans les paroisses d'Orléans et de Jefferson)

L'ordre du jour appelle la discussion du bill dont l'intitulé précède, et dont suit la teneur.

Le Sénat et la Chambre des Représentans de l'Etat de la Louisiane, réunis en Assemblée Générale, ont décrété ce qui suit :

Section 1. Les différents Avocats de District, dans tout l'Etat, (excepté dans les paroisses d'Orléans et de Jefferson,) auront qualité pour demander et recevoir un tiers de toutes les sommes qui pourront être collectées sur les amendes et confiscations prononcées en matière criminelle par toute Cour de justice de cet Etat, et les deux autres tiers seront payés au trésor de la paroisse pour être employés à venir en aide à cette paroisse dans les frais de poursuites criminelles et pour les autres dépenses ordinaires, déduction faite, toutefois, du taut pour cent accordé par la loi au Shérif pour l'encaissement et la remise desdites sommes.

Sec 2 Tou es lois ou parties de lois contraires aux dispositions précédentes sont et demeurent abrogées.

Mr Palfrey—Je demande qu'on efface tout ce qui suit le mot " paroisse," à la 13me ligne de la 1re section, et qu'on insère apres le mot "sommes," les mots ainsi retranchés.

Les deux amendements sont adoptés.

Mr Moore—Je fais opposition à ce bill.

Mr Ryan—Il y a déjà une loi qui donne aux Avocats de Districts certaines remises pour la poursuite de certaines affaires. Je ne trouve pas qu'il soit bon d'exciter la cupidité de nos Avocats de District. La Chambre a passé un bill qui augmente leurs salaires, et je ne vois pas pourquoi nous leur donnerions davantage, par la voie des amendes

Mr Munday—Le bénéfice du bill n'est pas là assurément; mais il est dans l'activité que cette mesure donnera aux Avocats de District, qui mettront plus de diligence à poursuivre le recouvrement des amendes qu'ils ne le font maintenant. Je ne puis pas dire, si un individu viole la loi, et si je vois l'Avocat de District poursuivre le délinquant conformément au serment qu'il en a fait, je ne puis pas dire que celui-ci fait acte de cupidité.

Mr Ryan—Ils ont maintenant dix pour cent.

Mr Munday—Peu importe. Ce qu'il y a de certain, c'est qu'ils sont très-mal payés. L'effet du bill sera d'augmenter leur vigilance avec leur paie. Quand des jeunes gens de bonne famille et de talent remplissent ces fonctions, ils ont droit à être payés suffisamment, et il importe qu'ils le soient

Mr Trudeau—Voici ce que dit le bill: " Excepté dans les paroisse d'Orléans et de Jefferson." Je voudrais savoir pourquoi la paroisse Jefferson est exceptée

Mr Munday—J'ai cru que la paroisse Jefferson comprenait la ville de Lafayette.

Mr Trudeau—Non, monsieur. Je demanderai au Comite Judiciaire pourquoi la paroisse Jefferson a été laissée de côté. Lafayette fait maintenant partie de la paroisse d'Orleans, et il n'y a pas de raison pour que la paroisse Jefferson soit traitée autrement que les autres paroisses de la campagne.

Mr Munday—Je n'ai pas d'objection à faire à la proposition de mettre la paroisse Jefferson au rang des autres paroisses.

L'amendement est adopté, et le bill ainsi modifié est ensuite voté par le Sénat

Réclamation de J. H. Maddox.

Mr Lacey, du Comité Judiciaire, évoque le bill dont la teneur suit :

Résolu, Que le Comité des Reclamations s'assurera du chiffre exact que Joseph H. Maddox a droit de réclamer de l'Etat, et vérifiera aussi si la somme de $3,000, reçue par lui en vertu d'une allocation faite par la dernière Législature, ne lui a pas été payée pour solde de toutes créances contre l'Etat, ayant pour cause l'impression des debats législatifs et leur publication dans le journal quotidien et hebdomadaire.

Mr Taylor—Le sujet a déjà été porté devant le Comité des Réclamations, dont les membres n'ont pas pu parvenir à s'entendre pour le réglement de cette affaire. Il n'y a pas de probabilité qu'ils soient plus à même de s'entendre aujourd'hui Je crois qu'il serait plus simple de porter directement la question devant le Sénat une bonne fois.

Mr Lacey—Je dirai qu'il s'agit ici d'une question nouvelle, celle de savoir si l'imprimeur a reçu ou non une certaine somme d'argent, l'année dernière, pour solde de toutes réclamations. L'opinion de quelques Sénateurs est que ce paiement a été fait de cette manière, c'est une simple question de vérification C'est un fait dont l'investigation appartient nécessairement au Comité.

Mr Taylor—L'investigation a été faite sur le tout par le comité. Mr Maddox n'a pas reçu cette somme pour solde de tous comptes mais seulement pour le prix d'un certain travail déjà fait. Le comité n'a pu s'accorder sur aucun chiffre.

Mr King—Je désirerais appeler l'attention du Sénat sur la portée de la résolution. Elle dit que le Comité des Réclamations sera requis de s'assurer du chiffre qui peut être dû par l'Etat à Joseph H. Maddox, et à vérifier si une certaine somme à lui payée l'an passé, n'a pas été reçue par lui pour solde de tous comptes avec l'Etat. On voit par là que le Sénat est saisi de la question tout entière. La resolution semble poser en principe et accepter comme chose certaine qu'il est dû une certaine somme à Mr Maddox; de sorte que si nous adoptons cette résolution, nous serons déchus du droit de faire ensuite aucune opposition. Je dirais tout d'abord que la réclamation ne me paraît pas fondée. Je ne crois pas qu'il soit rien dû par l'Etat à Mr Maddox, pour les causes qu'il énonce. Et si nous passons cette résolution, nous ferons acte de reconnaissance d'une dette quelconque, et nous serons, comme je le disais tout à l'heure, déchus du droit de faire ensuite aucune opposition.

Mr Rivers—J'avoue que j'ignorais que la resolution pût avoir un semblable effet Elle contient deux propositions, la première, que le comité s'enquière de ce qui est dû à Mr Maddox, la seconde, s'il n'a pas déjà été payé. S'il n'est rien dû, le comité le dira dans son rapport. Mais quelque soit l'avis du comité, il n'en faudra pas moins que le Sénat prononce.

Mr King—Je demande qu'on rédige ainsi le commencement de la résolution : " Résolu que le Comité des Réclamations s'assurera du chiffre exact que, *dans son opinion*, Joseph, &c "

Mr Rivers—Je ne m'oppose certainement pas à l'amendement, quoique cela veuille dire absolument la même chose. Je demanderais à Mr King s'il pense que le comité voudrait faire un rapport qui fût en désaccord avec son opinion.

Mr Moore—Le comité pourrait recueillir les témoignages sur ce point, tandis qu'il serait fort peu convenable que le Sénat tout entier perdît son temps à cette enquête Le comité fera son rapport sur le résultat de cette investigation. Quant à présent, je ne sais absolument rien au sujet de cette réclamation, et je serais fort embarrassé de savoir comment voter jusqu'à plus ample informé.

Mr Trudeau—Je ne vois pas de raison pour ren-

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voyer cette affaire au Comité des Réclamations. Le Sénateur de St. Charles (Mr Taylor) nous a déjà dit que le comité n'avait pas pu s'accorder sur un chiffre, et qu'il y avait probabilité qu'il ne le pourrait pas davantage maintenant.

M. Taylor—Après m'être consulté avec plusieurs membres du Comité des Réclamations, je suis décidé à retirer mon opposition au renvoi.

L'amendement de Mr King est adopté, et la résolution est ensuite votée.

Déplacement du Siège du Gouvernement.

Mr Ryan introduit un bill pour prendre le vote du peuple de l'Etat sur la question de savoir s'il y a lieu de déplacer le siège du Gouvernement, pour le transporter de Baton Rouge à la Nouvelle Orléans.

Mr Trudeau—Je demande que le bill soit renvoyé à un comité spécial composé de cinq membres

Mr Kenner—C'est un bill local ; j'en demande le renvoi au Comité Judiciaire.

Mr Ryan—Ce n'est pas du tout une question locale, ni un amendement à la Constitution. Il s'agit tout simplement dans ce bill de prendre le sens du peuple à la prochaine élection générale, alors qu'il ne coûterait pas un sou de le faire. Il est des personnes qui pensent que le siège du Gouvernement doit être déplacé ; il en est qui pensent le contraire. Je désire qu'on prenne l'avis du peuple sur cette matière.

Mr Kenner—Je puis me tromper en considérant cette question comme purement locale ; mais c'est certainement une question constitutionnelle. Elle tend à faire indirectement ce que notre collègue ne peut pas faire directement ; c'est-à-dire qu'elle aura pour effet d'amender la Constitution. Je crois que ma motion de renvoyer l'affaire à l'un des comités existants, doit avoir la préférence.

M. King.—Je ne connais pas de règle qui autorise cette preference.

M. Moore.—Ce toujours été la règle des assemblées parlementaires dont j'ai fait partie, et j'ai été membre d'un grand nombre de ces assemblées.

M. Trudeau.—Il n'y a pas de doute que nous nous trouverions très bien d'avoir un rapport du comité, mais pour entendre l'opinion de chacun de ses membres quand le bill viendra devant le Sénat.

Je demande le dépôt de la motion sur la table.

M. Ryan.—Il n'est pas ici question d'opinion constitutionnelle. Le bill dont il s'agit n'a rien à faire avec la Constitution.

La motion de déposer sur la table est rejetée.

Le bill est ensuite renvoyée au Comité Judiciaire.

M Ryan.—Je demande que le comité soit invité à faire son rapport lundi prochain.

M Lacey —Je ferai remarquer que le Comité Judiciaire a environ vingt-cinq bills devant lui, dont quelques-uns sont beaucoup plus importants que celui-ci et demandent aussi à être promptement examinés.

M. Ryan.—M. Lacey a voté le renvoi au comité, et comme il en est le Président, il aurait dû savoir avant de voter, si ce comité avait ou non le temps de faire son rapport.

Cependant, je retire ma motion.

ORDRE DU JOUR.

Bill des Améliorations Intérieures.

La résolution de M. Rivers est appelée.

M Kenner.—Je crois qu'il y a à l'ordre du jour spécial pour aujourd'hui, le bill ayant pour objet d'abroger l'article de la Constitution, qui ordonne l'établissement d'un Bureau des Travaux Publics Comme c'est l'opinion de certains membres que cet article doit être abrogé, je demande que nous délibérions sur ce bill, afin que le Sénat ne soit pas arrêté dans le vote du bill principal, par des objections constitutionnelles.

M. King.—J'appuie la motion.

M. Lacoste.—Je demande que M. Shaw, le dernier sénateur de Carroll, soit invité à prendre un siège dans cette enceinte pendant les débats sur ce bill.

La motion est adoptée à l'unanimité.

Le Bureau des Travaux Publics.

M Moore.—Je demande à donner quelques explications au sujet de l'opposition que je fais au rappel de l'article de la Constitution ordonnant la création d'un Bureau des Travaux Publics Je ferai d'abord la motion que ce bill soit déposé sur la table. Je ne partage pas l'avis de quelques-uns de nos collègues sur les mérites originels du bill. Je regarde le plan proposé par la Constitution comme étant le meilleur que nous puissions adopter. Le système adopté par la dernière Législature, laissant intact le département des améliorations intérieures et requérant la nomination de commissaires des terres marécageuses, n'était qu'une imitation du texte de la Constitution. En premier lieu, il n'y a, dans ce système, que trois districts, au lieu de quatre que veut la loi organique. C'est maintenant l'opinion générale qu'il doit y avoir quatre districts Il y a quelque différence d'opinion sur la question de savoir si nous avons en ce moment, le pouvoir de faire la reforme proposée par le bill.

La Constitution dit explicitement qu'il y aura un Bureau des Travaux Publics et indique la manière dont les membres seront choisis, c'est-à-dire par le vote populaire de chaque district. Puis on, elle dit que ce Bureau peut être aboli par un vote des trois cinquièmes des membres élus à la Législature. Maintenant, messieurs, je demanderai comment nous pouvons abolir un Bureau qui n'a pas d'existence ; car la Législature n'a pas encore, en établissant le Bureau, rempli les ordres de la Constitution. Nous ne pouvons pas davantage, par acte de la Législature, réviser ou altérer la Constitution. Nous n'avons ni le droit ni le pouvoir de le faire sans un vote du peuple. Il ne doit y avoir aucune différence entre les Commissaires du Bureau des Terres Marécageuses et le Bureau Constitutionnel. Il y a maintenant deux départements; mais si on se conformait à la Constitution, le tout devrait être placé sous la surveillance des dits commissaires. Je considère que l'économie est essentiellement nécessaire pour régler cette affaire. Il faut que nous arrivions là ou bien que nous échouions complètement

Le capital à employer aux travaux n'est pas assez important pour qu'on le divise en deux départements séparés. Il faut absolument réunir les deux fonds en un seul. Alors, qui nous empêche d'obéir à la Constitution? La dernière Législature a pensé qu'il était nécessaire d'avoir des commissaires pour les terres marécageuses ou un Bureau de Travaux Publics. La question paraît être simplement de savoir si les membres de ce Bureau seront nommés par le Gouverneur ou élus par le peuple.

Pour ma part, j'ai pleine confiance au peuple. Je pense qu'il est aussi capable d'élire ses propres officiers que tel ou tel personnage en fonction. Nous avons élu nos juges, ceux qui doivent rendre la justice et appliquer nos lois Le peuple s'en trouve-t-il plus mal? Vous exigez que le commissaire soit un citoyen résidant dans le district pour lequel il sera choisi, mais vous ne voulez pas laisser au peuple le pouvoir de l'élire. Mais pourquoi le

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peuple n'aurait-il pas son contrôle dans cette affaire? Ceci n'est pas notre affaire. La Législature n'a rien à faire là. Nous avons été élus pour faire des lois, non pour administrer ce fonds. J'ai pleine confiance dans le Gouvernement et dans le Sénat; mais je pense que nous devons donner au peuple le droit d'être ses propres officiers.

Dans le cours de ma vie, j'ai été souvent battu dans les élections populaires, mais je n'ai jamais perdu pour cela confiance dans l'intelligence du peuple. Les démagogues peuvent parfois le corrompre dans les grandes villes, mais je crois que l'expérience et la réflexion les ramènent toujours au droit chemin. Dans la campagne, et je le dis avec plaisir, le peuple ne veut jamais rien que d'honnête. La passion peut bien pour un moment l'emporter, mais la raison l'éclaire bien vite, et redresse son premier jugement.

Ces fonds, qui nous ont été donnés par la munificence du Congrès, peuvent; avec une bonne administration, faire beaucoup de bien; mais s'ils sont mal administrées, il n'en faut attendre aucun avantage sérieux. En 1842, le Congrès a donné à l'Etat, 500,000 acres de terre à prendre où nous voudrions dans l'Etat. De cette donation, l'Etat a déjà tiré quelque profit, mais non pas un profit en rapport avec celui qu'on en devait attendre. Et pourquoi cela? La réponse est facile. Le revenu a été, en grande partie, gaspillé en salaires, au lieu d'être employé en travaux utiles. Il est manifeste que le système est mauvais. Et quel meilleur plan peut-on adopter que le système des districts constitutionnels Chaque membre connaîtra les besoins de son propre district. Quand ils se réuniront chacun dira quels sont les endroits où les travaux d'améliorations sont le plus urgents. Il faut construire telle levée, creuser tel canal, débarrasser tel bayou, et alors on pourra vraiment obtenir de bons résultats, à très peu de frais. Y a-t-il quelqu'un qui dise qu'il ne s'en rapportera pas pour ces travaux à un homme élu par le peuple à cet effet? Y a-t-il un membre du parti démocrate qui proclame qu'il ne veut pas se fier au peuple? Pour moi, messieurs, je suis un démocrate de la vieille école, non pas de la nouvelle. J'ai été l'un des membres du vieux parti républicain, et je n'ai jamais abandonné ses doctrines. Je me suis rangé sous le drapeau whig en 1832, parce que j'ai vu dans ce parti le successeur légitime du parti républicain. Les soi-disant démocrates, au contraire, ont pris les doctrines des anciens fédéralistes. En fait, leurs tendances ont une grande ressemblance entr'elles, si elles ne sont pas tout à fait identiques. La grande différence entre les fédéralistes et les républicains, était que les fédéralistes désiraient augmenter le pouvoir de l'Exécutif, tandis que les républicains s'opposaient à cet accroissement de prérogatives. Trouvant les opinions des démocrates plus conformes à leurs goûts, à la dissolution de la vieille organisation, un grand nombre de fédéralistes se joignirent au parti démocrate. Je n'ai rien à dire contre la masse des démocrates. Je les crois honnêtes et sincères dans leurs opinions; mais ils sont abusés par un nom. Depuis 1832, je n'ai pas cessé d'être un bon whig, et je crois que le parti whig est le vrai parti démocrate.

Telles sont, messieurs, les raisons qui me portent à croire que ces commissaires doivent être élus par le peuple. Je pense que chacun d'eux doit refléter les désirs et les opinions du peuple qui l'a élu. Si l'article de la Constitution, actuellement en discussion, est rappelé, je m'unirai de tout cœur à ceux qui veulent amender le présent système. Je donnerai mon appui à toute mesure qui tendra à utiliser d'une manière plus avantageuse le grand fonds qui a été donné à l'Etat par le Congrès.

Si vous trouvez le système de l'ingénieur, tel que le propose le sénateur de la Nouvelle-Orléans, le meilleur de tous, adoptez le. Si, au contraire, vous pensez que le système constitutionnel des quatre districts soit meilleurs, donnez lui la préférence. Mais je dirai que, pour moi, je ne suis pas en faveur du rappel de ces articles Je crois qu'on peut faire un bill convenable en les maintenant et en les respectant. Je crois que nous ne pouvons pas abolir un système qui n'existe pas. Quand il existera, nous pourrons l'abolir, mais comment pourrions nous le renverser s'il n'est pas encore debout.

Je demande le dépôt du bill jusqu'à nouvel ordre.

M. Kenner.—Je dirai, pour l'édification de quelques membres, qu'un bill abolissant le Bureau des Travaux Publics a été adopté par la Chambre basse. Il y a quelques doutes sur la question de savoir si nous possédons en ce moment le pouvoir constitutionnel de prononcer cette abolition. Pour connaître l'opinion du Sénat sur ce point, le sénateur de St. Martin a demandé le dépôt sur la table. Ceux d'entre nous qui sont en faveur de l'abolition de ces articles voteront "non." Ceux qui sont contre la proposition voteront "oui" Nous pouvons alors, par le compte des votes, voir si la majorité est en faveur de l'abolition du Bureau.

La motion de dépôt est rejetée.

M. King.—Je demande maintenant l'adoption du bill ; mais en premier lieu, je vais lire les articles de la Constitution.

En voici la teneur:

ART. 130. Il sera créé un Bureau des Travaux Publics, lequel sera composé de quatre commissaires. L'Etat sera divisé par la Législature en quatre districts, contenant autant que possible un nombre égal de votants, et il sera élu un commissaire dans chaque district pour le terme de quatre ans ; mais des premiers élus, deux qui seront désignés par le sort, ne resteront en fonctions que deux ans.

ART 131. L'Assemblée Générale à la première session après l'adoption de cette constitution, réglera l'élection des commissaires, fixera le montant de leurs indemnités, et organisera le Bureau. Les premiers commissaires élus s'assembleront à un certain jour déterminé par la loi et décideront, par la voie du sort, lesquels resteront en fonctions pendant deux ans seulement.

ART 132. Les commissaires exerceront une surveillance attentive et fidèle sur tous les travaux publics dans lesquels l'Etat peut être intéressé, à l'exception de ceux faits par les compagnies par action. Ils communiqueront, de temps en temps, à l'Assemblée Générale leurs vues concernant les dits travaux, et recommanderont les mesures qui leur paraîtront nécessaires, afin d'assurer le meilleur emploi possible des terres marécageuses concédées à l'Etat par le Gouvernement Fédéral. Ils nommeront tous les officiers engagés dans les travaux publics, et rempliront tous les autres devoirs prescrits par la loi

ART. 133 Les commissaires pourront être destitués par le vote concurrent de la majorité de tous les membres élus aux deux chambres ; mais la cause de cette destitution sera constatée au journal de chaque chambre.

ART 134. L'Assemblée Générale aura le pouvoir d'abolir ledit bureau, si, dans son opinion, ce bureau est inutile. Mais elle ne pourra prononcer cette abolition que par un vote des trois cinquièmes de tous les Membres élus de chaque chambre.

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M. Boatner.—Avant de voter, je désire savoir si nous abolissons un Bureau de Travaux Publics qui n'existe pas. Cet article de la Constitution dit seulement qu'on pourra abolir un bureau déjà existant. Mais nous ne pouvons pas abolir un bureau qui n'existe pas.

M. Kenner—Il y a un bureau. Les membres n'en ont pas été élus; mais cela n'empêche pas le bureau d'exister. La Constitution dit qu'il y aura un Gouverneur, un Secrétaire d'Etat, &c. Ceci est simplement le langage constitutionnel. Il n'a pas une signification future, mais une signification actuelle. Il établit ces offices. La constitution elle-même établit le bureau en disant qu'il y en aura un Quant à nous, notre fonction n'est pas de le créer, mais simplement d'en élire les membres.

M. Rivers.—Par ce bill, prenez garde que nous amendons la Constitution. Si nous organisions le bureau, notre décision ne serait plus qu'une loi ordinaire, qu'une simple majorité pourrait rappeler.

M. Wickliff.—Dire que la Législature doit d'abord établir le bureau avant de l'abolir, est une absurdité. Il est ridicule de prétendre que nous devons établir le bureau uniquement pour avoir le plaisir de l'abolir. Si nous passons ce bill, nous ne prenons pas le chemin que nous indique la Constitution. Ce serait une singulière prétention que de soutenir que nous devons établir le bureau pour le détruire ensuite, lorsque par un simple vote des trois cinquièmes, nous pouvons arriver constitutionnellement au but en effaçant ces articles de la loi organique.

M McCay—La question a été discutée à fond l'année dernière, et je persévère dans l'opinion que j'ay is alors. Il est evident pour moi que les auteurs de la Constitution ont voulu que le bureau fut essayé Le langage de cet instrument est explicite. Il dit :

"Il y aura un Bureau des Travaux Publics," et ensuite il s'explique sur la manière dont le bureau sera élu et impose à la Législature le devoir de l'organiser. Nous avons le pouvoir de l'abolir par un vote des trois cinquièmes, alors seulement que l'experience nous aura démontré qu'il n'est plus necessaire. Mais pour savoir s'il est nécessaire ou non, il faut d'abord l'essayer, et c'est ce que nous ne pouvons pas sans l'avoir établi et organisé Cela me parait tres clair. Quand nous trouverons qu'il n'est plus utile, alors nous pourrons l'abolir Il existe une distinction sur laquelle le sénateur de Concordia, (M Rivers) a appelé l'attention. Le langage du bill abroge ces articles de la Constitution. Maintenant, messieurs, je n'ai appris l'art de faire ou d'amender des constitutions ; mais je ne crois pas qu'un vote de la Législature puisse abolir une partie de la Constitution.

La manière dont on peut l'amender est indiquée dans la loi organique elle-même. On a prétendu que nous pouvons abolir le Bureau par un vote des trois cinquièmes. Mais avant tout, il nous est ordonné de faire l'experience de la chose. L'année dernière, nous eûmes la pensée de ne pas tenir compte des ordres de la Constitution, et moi-même je vota. pour ce que je considérais comme le meilleur système, je veux parler de l'acte des terres marécageuses, aujourd'hui en vigueur, et que déjà nous nous efforçons d'amender. Mais je repète que je considère qu'il est de notre devoir d'obéir aux injonctions de la Constitution, en organisant le Bureau des Travaux Publics. Alors, si nous ne sommes pas contents de la manière dont il aura opéré, nous pourrons l'abolir. Mais nous ne le pouvons pas maintenant, parce qu'il n'a pas d'existence, et qu'alors il nous faudrait rappeler l'article de la Constitution, ce qui n'est pas en notre pouvoir.

M Rivers—Je demande à dire un mot.

Si la Législature établit le bureau maintenant, à la prochaine session, elle peut rappeler la loi par une simple majorité. Mais la Constitution parle d'un vote des trois cinquièmes, c'est donc qu'elle a eu en vue le rappel d'un des articles constitutionels. Sans cela, cette précaution de la Constitution serait sans objet, et ne se comprendrait pas. Ces articles, au contraire, ont voulu faire une exception à la règle commune des amendements à la Constitution. C'est pourquoi ils donnent à vingt membres du Sénat et à un nombre proportionnel de membres de la Chambre, le droit de faire l'amendement.

M Boatner.—Je ne veux pas abuser des moments du Sénat, mais je ne puis m'empêcher d'exprimer mon étonnement de la distinction faite par le sénateur de l'Ascension, (M. Kenner.) On veut faire dire à la Constitution, "il y a," au lieu de "il y aura." Je dirai avec M. McCay que je ne suis pas familier avec l'art de faire ou d'amender des Constitutions. C'est pourquoi je ne fais pas profession d'être versé dans les mystères de l'langage constitutionnel. Si les mots "il y aura" signifient reellement" il y a," alors le bureau existe. Mais qui sait rien de ce bureau idéal? La Constitution dit : que nous devons l'établir, et nous n'avons pas le pouvoir d'abroger la Constitution, ni la moindre partie de cet instrument. Nous avons seulement le pouvoir de l'amender, en observant certaines formes. Que le sénateur qui a introduit le bill établisse d'abord le bureau, au désir des articles 130, 131, 132 et 133 de la Constitution, et alors je voterai pour le bill. Mais je pense que nous n'avons pas le droit d'abolir un bureau avant qu'il existe. Chacun sait qu'à l'heure qu'il est il n'y a pas de bureau existant. Le Gouverneur n'est pas Gouverneur tant qu'il n'a pas été élu. Il en est de même du Secrétaire d'Etat. Jusqu'à leur élection, ils n'ont qu'une existence idéale. Un membre a fait remarquer qu'établir le bureau avant de l'abolir, ce serait bâtir un monument sur le sable pour le renverser ensuite. Je répète que nous ne pouvons pas détruire avant d'avoir construit. Cependant, si le bill a simplement pour but d'abolir le bureau, sans affecter la Constitution, je voterai en sa faveur.

M. Rivers.—Je ferai à notre collègue une question. Pour organiser le bureau, faut-il une majorité des trois cinquièmes ou une "simple majorité."

M. Boatner.—Une simple majorité.

M. Rivers.—Alors il suffirait de même d'une simple majorité pour rappeler la loi.

M. Boatner.—Pas du tout. La Constitution dit trois cinquièmes.

M. Rivers—Mais c'est une simple loi.

M. Boatner.—La Constitution est au-dessus de la loi.

M Wickliffe.—Si nous abolissons simplement le bureau, que deviendront les articles 130, 131, 132 et 133 de la Constitution?

M. Boatner—Le bureau est aboli, mais les articles restent.

M. Wickliffe.—Pas du tout. Si les articles restent debout, il y aura donc une continuelle violation de la Constitution. Aussi longtemps que nous n'établirons pas le bureau, nous serons constamment en révolte contre la Constitution.

M. King.—Afin de lever les scrupules du sénateur de Caldwell, et afin de le rassurer sur son vote, je demande que le bill de la Chambre soit déposé sur la table, et que nous mettions en dé-

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adopté le bill du Sénat, qui a été rédigé d'après ses délibérations.

M. Boatner.—Je voterai pour ce bill, par suite de la définition qu'a faite de la Constitution le sénateur de l'Ascension.

M. Kenner.—Je n'ai pas seulement le désir d'avoir le vote de M. Boatner, mais je désire aussi qu'il ne lui reste aucun doute dans l'esprit. La Constitution dit que le Gouvernement de la Louisiane sera divisé en trois départements, l'Exécutif, le Législatif et le Judiciaire. Cela diffère-t-il de la signification qu'aurait cette phrase si elle était ainsi conçue : Le Gouvernement de la Louisiane est divisé en trois départements. Nullement. Le sens est exactement le même. On voit par là, que quand la Constitution a été votée, la forme du futur avait la signification du présent. C'est là le langage dont se servent toutes les constitutions.

M. Lacey.—Je crois qu'il y a une distinction à faire entre "abolir le bureau" et "rappeler les articles de la Constitution." Nous n'avons pas le pouvoir de rappeler ces articles, et d'un autre côté nous avons le pouvoir d'abolir le bureau. Ce pouvoir nous a été distinctement conféré. C'est pourquoi je préférerais prendre le bill du Sénat et déposer sur la table le bill de la Chambre jusqu'à nouvel ordre.

M. Palfrey.—Je ferai une question au sénateur de l'Ascension, (M. Kenner.) Il présidait les délibérations de la Convention qui a fait la Constitution, et comme c'est un homme d'une grande capacité, en même temps que doué d'un grand esprit d'observation, je pense qu'il pourrait nous dire au juste quelle était la véritable pensée de la Convention à cette époque? Je demanderai donc à cet honorable membre quel aurait été l'effet de l'article, si la Constitution avait dit que la Législature, par un vote des trois cinquièmes, aurait le pouvoir de rappeler ces articles? Quel en aurait été l'effet, alors? Je le demande à notre collègue.

M. Kenner.—Je répondrai de mon mieux à l'honorable membre. L'effet serait précisément le même qu'aujourd'hui. Il n'y aurait pas la moindre différence. Si M. Palfrey est satisfait de cette explication, j'espère du moins qu'il votera avec nous et que nous aurons ainsi un vote de plus.

M. Palfrey.—Je suis fâché de le dire, mais je ne partage pas l'opinion de M. Kenner. J'étais aussi membre de la Convention, et de plus membre du comité qui a fait le rapport sur cet article, et mon impression est directement inverse.

M. Trudeau.—Cette question paraît être plus compliquée que nous ne l'avions supposé d'abord. Je crois qu'il est difficile d'abolir un bureau qui n'existe pas et que nous n'avons pas encore établi. Nous n'en avons pas encore fait l'essai, nous ne savons pas s'il fonctionnera bien ou mal. Je ne suis pas satisfait de la définition du sénateur de l'Ascension, qui consiste à dire que le futur a été employé pour le présent. Je crois que la Constitution a entendu que nous étions obligés d'organiser le bureau.

Le bill de la Chambre est déposé sur la table, pour être évoqué par qui de droit.

M. Kenner.—Maintenant, que ferez-vous? Si vous ne rappelez pas ces articles, que va-t-il en advenir? Nous sommes forcés ou d'organiser le bureau ou de rappeler ces articles. C'est un fait digne de remarque, que le sénateur qui refuse maintenant de rappeler ces articles était, l'année dernière, l'un de ceux qui ont combattu le plus vivement la proposition d'établir le bureau dont la création est ordonnée par la Constitution. Le sénateur de Morehouse, à cette époque, (M. Todd) introduisit un bill établissant le bureau au désir de la Constitution, et presque tous les membres de l'autre côté de la Chambre ont voté contre.

M. Lacey.—Le sénateur de l'Ascension, a parfaitement raison. Nous devons faire l'une des deux choses dont il parle, et nous ne pouvons pas rester, comme Mahomet dans son cercueil, suspendu entre le ciel et la terre.

M. Trudeau.—Nous ne pouvons nier que la Constitution exige que la chose soit faite. Si la dernière Législature a refusé d'obéir au mandat de la Constitution, ce n'est pas une raison pour que nous retombions dans la même erreur maintenant. Ce n'est pas une raison pour que les nouveaux législateurs passent par le même chemin où se sont perdus leurs devanciers. Je n'ai pas assez longtemps vécu de la vie politique, pour être en état de me hasarder à donner aux mots une signification autre que celle qu'on m'a appris à leur donner.

Le bill est adopté après la 3me lecture.

Sur motion de Mr. King, le bill des Améliorations Intérieures est mis en discussion.

La question est de savoir s'il faut effacer l'amendement de M. Kenner à la résolution de M. Rivers.

L'amendement est déposé sur la table.

Il est fait une motion pour le dépôt de la résolution elle-même.

M. Lacey.—Je suis sous l'impression que la réclamation faite est juste. Il est bon, selon moi, de placer l'administration de fonds des terres marécageuses dans le département des améliorations intérieures. Je pense que ce nouveau plan est sage et économique. Cependant comme je n'aime pas cette tendance des législatures de remanier sans cesse l'ouvrage des législatures antérieures, souvent même avant que l'expérience ait eu le temps de se faire, je désire donner au système actuel une dernière chance de salut. J'en demande le renvoi à un comité. De cette manière, au moins, nous montrerons quelque respect pour l'œuvre de nos devanciers.

M. King.—L'hon. M. Lacey admet que le bill est ajusté en principe.

M. Lacey.—Non pas le bill, mais le plan.

M. King.—Très bien. Alors M. Lacey admet que le plan est juste. Mais parce que la Législature, l'année dernière, a passé un mauvais bill, nous devons le garder jusqu'à ce que nous ayons vu comment il fonctionne. Si le système est mauvais maintenant, il continuera à être mauvais. Je pense que nous traitons les commissaires avec assez de courtoisie quand nous les laissons en fonctions pendant un an. Ils ont le temps de dépenser tout l'argent disponible, et j'espère qu'ils le dépenseraient bien. L'an prochain, il n'y aura que $50 000 à $60,000, tandisque, cette année, il y en a $200,000. Les maintenir plus longtemps en place, ce serait nous exposer à de justes reproches, parcequ'alors les salaires seraient pris sur une somme déjà trop minime. Je voudrai qu'on prît enfin un parti. Il ne me semble pas convenable que, par une fausse délicatesse envers des officiers que nous avons déjà traités avec assez de courtoisie, nous nous privions volontairement des avantages d'une réforme nécessaire.

Une motion de dépôt sur la table est faite et rejetée

M. King.—Je demande à ce qu'on efface tout ce qui suit les mots "le bill sera de nouveau renvoyée au Comité des Améliorations Intérieures.

M. Wickliffe.—Je m'oppose à l'amendement.

M. King. Je ne comprends pas cette opposition.

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M. Wickliffe.—Si je comprends bien Mr. King. il ne veut pas que la lumière se fasse.

M. King.—Je m'oppose à ce qu'on perde un temps précieux.

M. Wickliffe—Fort bien. Mais le Sénat aimera mieux entendre un rapport éclairé, qui empêch la discussion de s'égarer, et par conséquent épargne au contraire, les moments du Sénat.

M. King.—Je vais dire pourquoi je ne voudrai pas que le bill fût renvoyé encore au comité. Je pense que chaque membre du Sénat doit être responsable, et non pas laisser le travail et presque la responsabilité à quelques membres en particulier. Pour ma part, je puis dire que je n'ai pas l'intention de préparer des bills qu'on remaniera avant leur présentation au Sénat. Si quelques sénateurs entendent la rédaction du bill autrement, qu'ils en fassent un eux-mêmes et le présentent. Je n'y fais aucune objection. Maintenant, messieurs, quel est le sens de cette résolution? Veut elle dire qu'il faut faire un nouveau rapport? La meilleure marche à suivre, selon moi, est de faire venir les deux bills à la fois devant le Sénat. Mais de cette manière, on fait échouer un bill d'une façon indirecte ; on ne vote pas, et nous ne pouvons arriver à connaître l'opinion du Sénat. Je veux parfaitement bien que les deux bills viennent à la fois devant le Sénat. Tout ce que je demande, c'est un vote franc et loyal. Je ne désire rien de plus. Mais je ne puis pas être forcé à rédiger des bills pour l'usage d'autres sénateurs.

M. Wickliffe—Je suis étonné de la position que prend l'honorable M. King, en prétendant que le Sénat n'a pas le droit de renvoyer ses bills à un comité. Comme président du Comité des Améliorations Intérieures, il n'est qu'une créature du Sénat, et s'il refuse d'obéir aux instructions de l'Assemblée, le Sénat peut prendre des mesures en conséquence. L'honorable membre dit qu'il n'a pas voté sur les mérites du bill. On a voté franchement sur la résolution, et je pense que c'est là un vote sur les mérites du bill. Si M King refuse de se rendre à l'invitation du Sénat, je suis sûr que d'autres membres du comité rempliront la tâche desirée. La résolution enjoint au comité d'organiser le Bureau des Travaux Publics. Maintenant, quelle est la position prise par M. King? Pourquoi le Sénat n'aurait-il plus le droit de lui dicter ses volontés? C'est là de sa part une erreur profonde Aussi longtemps qu'il sera président du comité, nous avons le droit de lui donner des instructions. Je regrette que l'honorable membre ait pris une pareille position. Comme président du Comité des Améliorations Intérieures, il devrait se faire une plus juste idée des droits du Sénat.

M. Rivers.—Mon objet, en offrant cette résolution, était d'éprouver si le Sénat préfère le système d'un seul homme ou celui de la division par districts. Le Sénat s'est prononcé distinctement pour le système des districts. Notre collègue nous demande ce que, par suite de ce vote, il adviendra de son bill. Il ne peut pas être renvoyé une seconde fois au comité, et si, revenant sur sa première pensée, le Sénat veut le reprendre, il le peut. La seule nécessité serait, pour le comité, de présenter, dans un nouveau rapport, un bill qui fût d'accord avec la résolution. Je dirai ici que le droit d'instruction a, jusqu'à présent, été reconnu sans difficulté, et j'espère que l'honorable M King, ne refusera de le reconnaître encore aujourd'hui.

M. King.—Pour me faire bien comprendre, je dirai que je suis consentant à prendre la résolution dans la forme suivante, savoir: "Que le comité sera requis de présenter un bill."

M. Wickliffe.—Quand le rapport aura été fait, et que le bill aura été mis d'accord avec [illegible] tion du Sénat, l'honorable membre pourra [illegible] dre son bill et le présenter comme substitut. Il n'y a pas d'objection à faire à cela; car ce sera parfaitement régulier.

M. Moore.—En ma qualité de membre du comité, je me rendrai à l'invitation du Sénat. Le Sénat a incontestablement le droit d'enjoindre à tel ou tel comité de faire un rapport sur les questions qu'il lui désigne, et je respecterai toujours ce droit. Je n'essaierai jamais de mettre mon opinion en travers de celle du Sénat.

M King.—Je suis parfaitement de l'avis de M. Moore. Aussi ai-je été mal compris. Ce que je soutiens, c'est qu'il n'appartient à aucun sénateur de m'obliger à rédiger des bills pour lui. Je puis le faire à titre de service; mais le Sénat n'a pas le droit de me faire faire ce travail.

L'amendement est adopté.

Le Sénat adopte ensuite la résolution.

SEANCE DE JEUDI 2 Mars 1854.

AUGMENTATION DU SALAIRE DU GREFFIER DE LA PREMIERE COUR DE DISTRICT.

Mr McCay appelle le bill augmentant le salaire du Greffier de la Première Cour de District.

Mr King,

Il y a plusieurs objections à ce bill, et je ne puis qu'exprimer l'espoir que j'ai qu'il ne sera pas adopté. Un candidat à une place, on doit bien le présumer, doit en connaître la valeur et les émoluments ; il a les yeux tout grands ouverts. Il n'y a pas pour lui à s'y méprendre. C'est de son propre gré qu'il devient candidat ; s'il se trouve désappointé, qu'il donne sa démission, mais qu'il ne demande pas une augmentation de salaire. Il ne doit pas se présenter devant la Législature en vue d'obtenir des secours auxquels il n'a par droit. S'il occupe cette place c'est qu'il a été plus heureux que beaucoup d'autres candidats. Je sais bien aussi qu'il ait obtenu la place quoique je ne doute pas que si ce n'avait pas été lui c'aurait été un autre non moins capable de l'occuper. Je le répète, si la place ne lui convient pas qu'il la laisse, mais qu'il ne vienne pas demander que l'on augmente son salaire. Il savait ce qu'était ce salaire lorsqu'il s'est porté candidat ; il n'a donc pas le droit de se plaindre. Sa réussite a empêché celle d'autres candidats qui, maintenant s'estimeraient fort heureux d'avoir la place au salaire qu'elle donne aujourd'hui. Si nous augmentons les appointements de l'un des greffiers, nous devons augmenter ceux de tous les autres.

Mr McCay,

Ce bill a passé à la Chambre à une forte majorité ; et la son indispensable nécessité a été prouvée. Je ne partage pas l'opinion du sénateur que nous devrions augmenter les salaires de tous les greffiers sans distinction aucune ; mais je crois, que dans tous les cas, nous devrions donner des salaires correspondants aux devoirs de la place et à la responsabilité qu'elle crée. Le salaire du Greffier de la Première Cour de District, tel qu'il est maintenant fixé par la loi, est de $4000, et j'apprends que quelques uns des autres greffiers ont beaucoup plus, quoique leur tâche ne soit ni plus ardue, ni plus difficile. Les dépenses du bureau pour papiers, encre, plumes, encre, etc etc., sont de $[illegible] et il paye à ses députés $2800, ce qui lui laisse $1200 pour lui, ce qui est à peine suffisant pour soutenir une famille en ville, et est, dans tous les cas, est fort peu en proportion avec les devoirs de la place. La responsabilité qu'entraîne cette place

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est aussi grande que celle d'aucun autre de l'Etat; car, outre les dépenses dont j'ai déjà parlé, il y a un grand nombre de bons forfaits qui restent à sa charge. Ainsi que je l'ai dit déjà, je ne suis pas disposé à augmenter sans raison, sans discernement, les salaires des officiers publics, mais je crois que nous devons proportionner les salaires au travail des places.

Mr Rivers,

Comment le salaire est-il payé maintenant?

Mr McCay,

Des amendes et forfaitures.

Mr Munday,

Il m'est toujours désagréable de m'opposer à un bill qui vient à nous avec l'approbation préalable de l'autre Chambre. Mais mon respect pour les opinions et les décisions de cette assemblée ne peut cependant passer sur ce que je crois être l'intérêt de l'Etat. Je ne vois pas la raison pour laquelle on paierait ainsi des salaires aussi élevés aux officiers publics qui ont leur bureau à la Nouvelle-Orléans, lorsque ceux des campagnes ne reçoivent qu'une maigre, qu'une chétive pitance en comparaison. Ce ne peut pas être parce que la vie est beaucoup plus cher à la Nouvelle-Orléans que dans les campagnes. Ce qui est nécessaire en ville ne l'est pas moins à la compagne, et cette grande différence dont on parle tant est toute imaginaire. A la Nouvelle-Orléans, la vie est presque aussi bon marché qu'à Bâton Rouge; et cependant un greffier vient nous demander un salaire plus élevé que s'il était juge Pourquoi paierions-nous tant nos greffiers à la Nouvelle-Orléans? Dans les campagnes, chacun suit les préceptes de l'Evangile, ce livre divin où il est dit: que chacun doit vivre à la sueur de son front; et là, chacun se tient pour satisfait, d'obtenir un salaire proportionné à son travail.

A la Nouvelle-Orléans, au contraire, on a l'habitude de puiser ferme dans les coffres du trésor public. Un planteur possédant vingt nègres ne ferait pas autant dans une année que de que recevrait le Greffier de la Première Cour de District. Il y a quelques semaines, le Capitol était encombré d'une foule de jeunes gens venus de la Nouvelle-Orléans comme pour une corée, au lieu de chercher à s'employer dans la ville où ils résident. Le sénateur qui vient de se faire entendre sur cette question, nous dit que le Greffier de la Première Cour paie à ses députés $1800 par an. C'est là beaucoup trop. A la campagne, nous trouvons des greffiers qui consentent à être toujours au bureau, moyennant qu'ils soient payés; et j'ose le dire, il y a bien des districts dans les campagnes où le travail est presque aussi lourd, presque aussi difficile que dans les Cours de la Nouvelle-Orléans.

En ville, il n'y a pas autant d'appels qu'à la campagne, et cela réduit de beaucoup la besogne. Je ne doute pas que les Greffiers n'y aient beaucoup à faire, mais aussi les Greffiers sont bien payés.

Mr King,

Je vais lire de la page 282, des actes de la dernière législature:

No. 326 Il est décrété, etc. etc., Que les sommes suivantes sont et demeurent par le présent, affectées aux objets suivants pour l'année commençant le 1er avril 1853 et finissant le 31 mars 1854.

Pour le salaire du Greffier de la Première Cour de District de la Nouvelle-Orléans, la somme de $4000.

On verra par là, que le salaire du Greffier de la Première Cour de District de la Nouvelle-Orléans, est fixé à $4000. Quoique la loi dise que cette somme doit être payée du montant des amendes et forfaitures, lorsque nous voyons que la Législature a affecté la somme nécessaire, nous devons supposer, nous devons être persuadés que le Greffier n'a pas à se préoccuper ou à souffrir des bons. Il est probable qu'il a touché le montant entier de son salaire du fonds approprié du trésor de l'Etat. La présomption naturelle est que lorsqu'un officier public peut obtenir le paiement de son salaire du trésor de l'Etat, il ne se donnera pas très grande peine pour percevoir les amendes et forfaitures.

Mais $4000 ne sont pas le seul montant que ce Greffier puisse recevoir. Il est investi du privilège de percevoir des émoluments pour les papiers de naturalisation qu'il délivre, et cela constitue un privilége important. Si je ne me trompe pas il a droit aussi à un pour cent sur les bons forfaits, sur les bons d'appel et sur les licences de mariage. Il y a aussi, je crois, d'autres privilèges que je ne me rappelle pas maintenant.

Maintenant, pour revenir aux dépenses que mon collègue de la Nouvelle-Orléans a dit être nécessaires, je ne vois pas comment on peut dépenser $1000 par an en papèteries et fournitures de bureau. Le journal peut être acheté pour dix ou douze piastres; le livre des sub-pœna pour environ autant, et une rame de papier par mois peut suffire amplement à tout le reste. Je crois que $75 par an seraient très suffisantes. Le titulaire actuel détruit beaucoup la place avant de l'obtenir, d'autres aussi la désireraient; mais il a eu l'avantage sur eux. Il aurait probablement été très satisfait du salaire attaché à la place. Dans ce bienheureux pays c'est un privilège qu'a tout citoyen de ne pas rester en place s'il désire. S'il s'en fatigue, si elle l'ennuie, si elle ne lui convient plus, il peut donner sa démission. Rien ne peut l'empêcher de le faire; et nous, nous trouverons facilement des hommes capables pour lui succéder.

Mr Rivers,

Que paie-t-on sur une licence de mariage?

Mr King,

La loi n'établit pas de prix fixe.

Mr Ryan,

Quelques mots suffiront pour expliquer les raisons pour lesquelles je voterai le bill. Le sénateur de la Nouvelle Orléans nous a dit qu'il y a beaucoup d'hommes compétents qui accepteraient la place avec le salaire qu'elle donne maintenant. Cela peut être; mais là n'est pas la question. Il a parlé aussi des dépenses de fournitures de bureau. Quoique des personnes bien informées m'assurent et me prouvent que ces dépenses là sont très fortes, je ne désire pas discuter ce point maintenant. Il me semble qu'on a entièrement laissé de côté la question principale. Elle est toute comme suit:

La somme proposée serait-elle judicieusement dépensée pour se procurer les services d'un homme ordinaire, de capacités ordinaires, pour remplir les devoirs de la place? Le sénateur d'Est Feliciana, Mr Munday, nous a dit qu'il ne peut comprendre pourquoi on donnerait de si forts salaires à la Nouvelle-Orléans, puisque les frais de nourriture, logement, etc. etc., y sont à peu près les mêmes qu'à la campagne—que les prix y sont les mêmes. Il a établi ensuite tout au long, la différence entre les besoins réels et les besoins imaginaires. J'admets que la différence soit très grande, immense, mais en quoi cela touche-t-il à la question que nous occupe? On doit, de toute nécessité et en toute justice établir une proportion convenable entre les appointements d'une place et le travail qu'elle occasionne, la responsabilité qu'elle entraîne. C'est surtout pour la place de Greffier de la Première Cour de District que cela devrait être fait. Il ne suffi pas que nous lui donnions assez pour payer sa nourriture et son logement, nous lui devons encore

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quelque chose de plus pour son talent. J'admets aussi qu'un homme doit se tenir satisfait d'une place qu'il a obtenue quand elle était demandée par d'autres également capables de la remplir et qui se seraient contentés du salaire actuel. Mais si la somme payée n'est pas proportionnelle aux services rendus, à la responsabilité encourue, nous devons donner plus. Le salaire de ce Greffier est maintenant limité par la loi, à la somme de $4000 De cette somme il doit payer deux greffiers à $900 par an, ce qui fait un total de $1800, il doit faire d'autres dépenses qui s'élèvent en tout à environ $1000. Il lui reste donc $1200. Ce n'est pas assez et la somme que le bill propose n'est pas du tout exorbitante.

Le sénateur a essayé de tracer un parallèle ou plutôt d'établir une comparaison peu impartiale entre les salaires de la ville et ceux des campagnes. Il n'y a pas la moindre analogie entre les deux choses. En ville, les Cours restent ouvertes toute l'année et les employés sont par conséquent, occupés continuellement. Dans les campagnes au contraire, ils ne sont occupés qu'une partie du temps

Voyons maintenant ce que reçoit réellement le Greffier de la Première Cour de District. Mettons de côté les $1800 payées à des députés; prenons une moyenne entre $75, montant estimatif des dépenses nécessaires, selon le sénateur de la Nlle.-Orléans, et $1000, montant estimatif des mêmes dépenses, d'après Mr Scully, laquelle moyenne est de $537 50c, ce qui fait un total de $2,337 50c et déduisons ce montant de $4000, il reste $1,662 50c. Il y a bien certainement une foule de gens incapables, de nullités, de loafers, qui voudraient accepter cette place à ce prix Mais nous ne voulons pas de ces gens-là. Il nous faut des hommes intelligents et capables, des hommes qui nous feraient honneur et pas honte. Je ne suis pas du tout disposé à dépenser d'une manière extravagante l'argent du trésor; mais je ne saurais non plus consentir à ce que les salaires soient réduits si bas, que personne ne veuille plus accepter nos emplois, personne si ce n'est des hommes complètement intelligents et incapables. Réduire ainsi les salaires des places c'est en réduire le caractere. Il n'y aura plus de différence alors entre l'homme de talent et de mérite et la plus fieffée nullité. Nous devons cependant l'établir, cette différence ; elle est la seule qui devrait exister pour nous. Ce n'est pas tant du salaire qu'il s'agit, mais bien du moyen de se procurer des hommes capables pour remplir nos emplois.

C'est à cause de ce que je viens de dire, que je voterai en faveur de ce bill. Je crois que le Greffier ne reçoit pas assez. Que l'on n'oublie pas que cette Cour n'a pas juridiction civile comme toutes les autres, ce qui est un tres grand désavantage pour le Greffier; et cependant sa place est la plus difficile, la plus ardue, celle qui entraîne le plus de responsabilité. Pour ces raisons, je le répète, je voterai en faveur du bill.

Mr Munday,

Je demanderai au sénateur de la Nouvelle-Orléans, Mr King, si celui qui occupait la place avant Mr Scully était une nullité, un loafer, et cependant il aurait désiré conserver la place.

Mr King,

Sans doute, il désirait conserver la place, puisqu'il a été candidat devant le peuple et qu'il n'a pas été élu. Il s'est retiré alors, emportant l'estime et la considération de tous ceux qui s'étaient trouvés en rapports avec lui.

Mr Munday.

Il y a des hommes qui parfois, se donnent comme tellement idolâtres du peuple qu'ils l'appellent "cher peuple," "très cher peuple;" qu'ils voudraient tout lui confier; mais quand il s'agit de salaires ils disent que ce très cher peuple n'élira que des canailles ou des loafers.

Mr Ryan,

Le peuple n'y peut rien. Les hommes capables ne courraient pas et il faut que quelqu'un soit nommé.

Mr Munday,

Le sénateur ne dira pas, je l'espère, que le titulaire actuel est un loafer. Il savait ce que donnait la place lorsqu'il l'a demandée. Il vient à nous maintenant et nous demande d'augmenter ses appointements. S'il n'obtient pas cela de nous, il est loafer d'après l'argument du sénateur. Est-ce raisonnable cela? Y a-t-il quelque logique dans cette manière d'argumenter? Mon opinion est, que nous devons être très prudents en fait de salaires. Les devoirs de cette place ont toujours été bien remplis à la Nouvelle Orléans, et c'est la première fois que nous entendons formuler des plaintes au sujet de l'insuffisance du salaire. Il semble que les hommes en place à la Nouvelle-Orléans, aient pris depuis quelque temps de la manie de se faire donner des salaires exorbitants. Ils viennent à nous sans cesse nous disant: donnez! donnez! donnez! Je le répète, nous devrions être économes des fonds de l'Etat, et nous ne devrions pas le prodiguer en salaires si déraisonnablement élevés.

Mr Lacey,

Je ne tiens pas à honneur de me faire surnommer le Cerbère du trésor public, et en conséquence je ne voterai pas sur cette question seulement parce qu'il est question d'argent que nous devons donner ou refuser sans considérer si la demande est juste ou si elle ne l'est pas. Je prends pour base de ma détermination les faits et les chiffres qui nous sont presentés, et pour ces faits et chiffres je prendrai pour autorité, le sénateur lui-même, car je ne vois pas que nous en puissions trouver une meilleure.

Le salaire maintenant accordé par la loi au Greffier de la Première Cour de District est de $4000 par an; de ces $4000 les dépenses du bureau doivent être payées. Ces dépenses, *d'après ce qu'on* vient de nous dire, s'élèvent à $1800 *par an* pour deux députés et $1000 pour *fournitures de* bureau, etc. etc., ce qui laisse $1200 pour le Greffier et sa famille. Ainsi que le sénateur des Rapides l'a dit avec raison, c'est là une bien faible somme, une bien maigre pitance comme rémunération des devoirs rudes et désagréables qu'impose cette place dont la responsabilité est si grande. Le titulaire doit être un homme capable et non une nullité pouvant à peine remplir les fonctions exigées de lui. Je considère ce bill comme juste en lui-même et même si j'étais le Cerbère du tresor, je voterais pour son adoption. Je vote en faveur des salaires que je crois justes et convenables sans m'inquiéter si la somme est forte ou faible. Ma conduite au sujet d'une question de cette nature, est guidée par la justice et non par des considérations de parcimonie. Je n'ai pas d'objection non plus à ce qu'on taxe le peuple pour le paiement de ce que je juge être des dépenses justes et nécessaires, et je suis persuadé que mes constituants ne feront jamais objection à cela. Leur opinion, je n'en doute pas, est la même que la mienne.

Pour ces raisons, je voterai en faveur du bill.

Mr King,

Il y a la principalement il semble, une question de faits. L'ex titulaire, Mr Rousseau, a longtemps occupé la place depuis l'organisation des Cours en vertu de la Constitution de 1845. Il n'avait qu'un seul député, et cependant tous les devoirs de la place étaient fidèlement remplis. Si nous augmen-

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tous le salaire de la place, le Greffier pourra employer un autre député à $900 par an et ne plus rien faire lui-même.

Mr Moore,

Il y a deux bonnes raisons qui militent contre ce bill. La première est que cet officier savait ce que pouvait donner la place lorsqu'il l'a demandée et obtenue ; il le savait lorsqu'il a prêté le serment; il a donc formellement accepté le salaire. Il est officier de l'Etat, élu par le peuple; il a un contrat avec l'Etat pour l'exécution d'une certaine obligation à un salaire convenu. Si ce bill avait pour but de diminuer au lieu d'augmenter le salaire de cet officier je m'y opposerais comme je m'oppose maintenant à celui qui nous est présenté.

Cet officier a passé un contrat avec l'Etat, et les deux parties doivent en remplir scrupuleusement les conditions. Accéder à cette demande, serait tout simplement accorder une gratification—et avons-nous ce droit ? pouvons-nous gratifier un officier qui a accepté une place à un salaire fixé? Quel droit avons-nous de taxer le peuple dans un tel but. Je le répète il y a un contrat, contrat aussi obligatoire que s'il avait été écrit et signé par les deux parties. Je m'oppose à tout amendement à ce contrat soit qu'il ait pour but d'augmenter, soit de diminuer le salaire aussi longtemps que le greffier sera en place. Si un nouvel officier devait être élu, nous pourrions convenablement augmenter ou diminuer le salaire ; mais nous ne pouvons le faire lorsque celui qui a accepté la place alors qu'il savait très bien le salaire qui y était attaché, continue dans l'exercice de ses fonctions.

A la dernière session de la Législature, nous avons emprunté $75,000, et tout doit nous porter à croire qu'avant la fin de l'année, nous serons à court. Si nous ne pouvons pas nous procurer un officier compétent au salaire actuel augmentons le alors ; mais adhérons du moins autant que possible aux termes du contrat qui a été passé.

Mr McCay,

Mon collègue de la Nouvelle Orléans, Mr King, est dans l'erreur sur une des allégations qu'il a faites. Il a dit que l'ex greffier, Mr Rousseau, n'avait qu'un seul député. C'est une erreur; Mr Rousseau avait deux députés, Mr Serré et Mr Trépagnier.

Mr King,

Il n'a eu deux députés que plus tard. Pendant quelque temps il n'en a eu qu'un.

Le vote est pris sur la première section du bill et et elle est rejetée.

Mr King,

Je fais la motion de reconsidérer le vote qui vient d'être pris.

Mr Rivers,

Je demande que cette motion soit déposée sur le bureau.

Cette dernière motion est perdue.

La motion de reconsidération est adoptée, et le bill est mis à l'ordre du jour pour mercredi prochain.

Bill pour le paiement du Conservateur des Hypothèques de Jefferson.

Le bill pour rémunérer le Conservateur des Hypothèques de Jefferson, de certain travail exécuté par lui, est pris en considération.

Mr Trudeau,

J'ai quelques observations à présenter relativement à ce bill.

Durant cette session, le Conservateur des Hypothèques de la paroisse de Jefferson, me pria de présenter pour lui, un bill ayant pour but et devant avoir pour résultat de lui faire avoir une somme considérable d'argent.

Je refusai de le faire.

Par l'entremise de quelques-uns de ses amis de la Chambre des Représentants, il parvint à l'y faire présenter et adopter. Je ne crois pas que ce soit là une juste réclamation. Il est cependant du devoir de la ville de la Nouvelle-Orléans de pourvoir au paiement demandé. Je désirerais savoir si elle est disposée à payer $1 25 pour chaque transcript d'hypothèque. Cette somme me semble exorbitante. La loi fait un devoir, une obligation au Conservateur des Hypothèques, de fournir des transcripts de toutes les hypothèques de l'ancienne ville de Lafayette, consignées ou enregistrées depuis dix ans. Le nombre en est considérable. Les sénateurs de la Nouvelle-Orléans sont-ils disposés à imposer à la ville qu'ils représentent, l'énorme somme que nécessiterait le paiement de ces réclamations au prix proposé dans le bill?

Je fais la motion de déposer indéfiniment le bill sur le bureau.

Mr McCay,

Le sénateur de Jefferson adopte, il me semble, une ligne étrange de conduite. S'il désire que les sénateurs de la Nouvelle Orléans examinent et étendent le bill, il devrait du moins leur laisser la même chance qu'il a eue. Je suis opposé au bill tel qu'il me semble être à une première lecture rapide, mais cela n'est pas une raison pour que nous ne l'examinions pas et n'épargnions de le réduire si la somme semble trop forte. Avant aujourd'hui, je n'ai jamais entendu parler de ce bill ; il en est de même de mon collègue.

Mr King,

Je demande du temps pour l'examiner à loisir.

Mr Trudeau,

Le sénateur devrait l'avoir compris rien qu'en l'entendant lire. Il pourvoit au paiement de $1 00 au petitionnaire pour chaque hypothèque, et 25c. pour le transcript de chaque transfert d'hypotheque.

Mr McCay,

Je crois cette somme trop forte; nous devons cependant donner quelque chose.

La motion de déposer sur le bureau est perdue.

Le bill est référé au Comité Judiciaire.

Enrôlements des Assesseurs.

Le bill pourvoyant à la compensation des assesseurs de la ville de la Nouvelle-Orléans, est pris en considération.

Mr Trudeau,

Je désirerais avoir quelques détails au sujet de ce bill.

Mr McCay,

Je puis satisfaire au désir du sénateur.

La loi établit un bureau d'assesseurs dans la ville de la Nouvelle-Orleans Lorsque la ville de Lafayette a été annexée à la Nouvelle-Orleans, la loi n'a pas pourvu à l'adjonction de l'assesseur de cette ville au bureau des assesseurs de la Nelle Orléans. Il n'est pas, comme les autres, assesseur de la ville de la Nouvelle Orléans; il n'est assesseur que du Quatrième District et est élu séparément. Le bill a pour but de remedier à cet oubli et de classer cet assesseur dans le bureau des assesseurs de la Nlle.-Orléans. Le bill a encore un autre but ; la ville ne paie rien maintenant pour les tableaux d'assessement Cette tâche est cependant lourde et difficile. Le bill décrète qu'ils recevront le même salaire pour les tableaux d'assessement de la ville que pour ceux de l'Etat.

Le bill passe.

ORDRE SPECIAL DU JOUR.

Ce jour étant celui fixé pour la prise en considération du mémoire de J. H Maddox, lecture est donné du rapport de Mr Lacey, Président du Co-

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mité, parlant au nom de la majorité, ainsi que de celui de la minorité présenté par Mr. King.

Mr Boatner,

Les rapports qui viennent d'être lus ont été présentés hier. Le rapport de la majorité était accompagné d'une résolution qui m'a été présentée comme Président du Comité des Réclamations. Le Comité a eu une réunion ce matin ; mais n'a pu arriver à une conclusion, à cause de l'absence du sénateur de la Nouvelle-Orléans, Mr Macmurdo, Président du Comité par lequel, l'année dernière, la somme de $3,000 avait été allouée. A cause de cela, la prise en considération de cette question a été unanimement ajournée.

Mr Ryan,

Il me semble qu'il y a déjà assez longtemps que cette question occupe le Sénat sans que rien de décisif ait encore été fait. Le mémoire de Mr Maddox, lorsqu'il a été présenté pour la première fois, a été référée au Comité des Réclamations; il a été ensuite référé au Comité Judiciaire, puis référé de nouveau au Comité des Réclamations, afin que celui-ci s'assurât du montant exact dû. Je désire savoir maintenant ce que l'on fera si l'absence de Mr Macmurdo se prolonge.

Mr McCay,

Je suggérerai de mettre cette question à l'ordre spécial du jour pour lundi prochain.

Mr King,

Je désirerais entendre lecture du bill—je le crois de la plus grande importance.

Le secrétaire en donne lecture.

Je fais la motion de le référer au Comité des Réclamations attendu que je considère que cela est de la plus grande importance.

Mr Lacey,

Je crois préférable de le mettre à l'ordre spécial du jour pour lundi prochain.

Cette dernière motion est adoptée.

Bill pour étendre le privilège du vendeur.

Mr Hodge évoque le bill suivant:

Acte pour protéger les négociants ou vendeurs de produits agricoles dans la ville de la Nouvelle-Orléans.

Mr Lacey,

Si c'est le désir du Sénat de prendre maintenant en considération ce bill je n'ai pas d'objection; mais je dois dire que j'y suis opposé. Je crois qu'il gênera et embarrassera le commerce dans la ville de la Nouvelle-Orléans. Accorder un privilége sur la marchandise vendable sera, selon moi, jeter des obstacles sérieux sur le chemin des opérations commerciales.

Une discussion s'élève, mais le Président y met fin en déclarant qu'elle n'est pas à l'ordre.

Le bill est pris et subit une lecture.

Mr McCay,

Je pense que le bill pourrait très bien être déposé provisoirement sur le bureau. Il n'est pas besoin de l'adopter si à la hâte. Peut-être le soutiendrai-je moi-même si j'avais le temps de l'examiner attentivement.

Mr Kenner,

Je pense qu'aucun sénateur ne niera que le principe de ce bill ne soit parfaitement correct.

Mr McCay,

Pour moi, je considère que ces priviléges sont une chose odieuse. Je consentirais volontiers à ce qu'on les abolisse tous.

Je ne désire faire aucun obstacle à l'adoption de ce bill. C'est pourquoi je ne m'occuperai ni de la suspension des règles, ni de la discussion ; en un mot je ne ferai aucune espèce d'opposition. Je voterai seulement contre le bill et demanderai l'appel nominal sur son adoption.

Mr Kenner,

Je suis bien aise que notre honorable collègue ait demandé la consultation des oui et des non. Je suis heureux que mon vote en faveur de la mesure soit enregistré. Je veux essayer de donner un historique du bill. Toute personne tant soit peu familière avec la manière dont sont conduites les affaires commerciales à la Nouvelle-Orléans, comprendra la nécessité de ce bill. Au moment même où un article, coton ou sucre, est pesé, il est considéré comme délivré, et le vendeur perd aussitôt son privilége. Il a à peine le temps de faire saisir la propriété, que déjà elle est hors de la portée de sa main. Tout ce que nous voulons, c'est que l'objet vendu reste cinq à six jours, sous la protection de ce privilège. Il ne saurait y avoir rien d'injuste à cela, rien qui puisse arrêter les transactions commerciales. Cette mesure est réclamée par les cultivateurs comme un simple acte de justice; et quoiqu'il semble que lorsqu'un planteur demande quelque chose, il doive avoir toujours tort, cette même mesure serait un bienfait pour le commerce de la Nouvelle-Orléans. C'est la première proposition qui ait été introduite à cette session dans l'intérêt des planteurs. Elle est juste et nécessaire, et j'espère qu'elle sera prise en considération par le Sénat.

La dispense des règles est accordée, et le bill est adopté.

L'ordre du jour appelle la lecture et la discussion du bill dont la teneur suit :

Acte pour établir un Bureau Médical d'Examinateurs dans l'Etat et pour l'étendue de la Louisiane, dans le but de faire disparaître les empiriques de la profession médicale.

Le Sénat et la Chambre des Représentants de l'Etat de la Louisiane, réunis en Assemblée Générale, ont décrété ce qui suit :

Section 1re. A dater du 1er avril 1854, nul n'aura le droit de pratiquer la médecine ni d'exercer la profession d'apothicaire dans aucune partie de la Louisiane, sans avoir préalablement subi un examen dans la ville de la Nouvelle Orléans, et avoir obtenu un certificat, qui lui sera délivré par le Bureau Médical dont il sera ci-après parlé, et dans les formes ci-dessous prescrites.

Sect. 2me. La Faculté de Médecine de la Louisiane est et demeure constituée en Bureau d'Examinateurs, dont le devoir sera d'examiner les personnes qui demanderont une licence pour exercer la profession de médecin ou d'apothicaire.

Sect. 3me. Tout individu qui entendra pratiquer la médecine ou exercer la profession d'apothicaire dans cet Etat, présentera au doyen de la Faculté de Médecine, une pétition dans laquelle il exposera son intention, et le désir qu'il a d'accomplir les formalités prescrites par la loi. Le doyen devra soumettre la demande au Bureau, lequel, dans les trois jours de l'application, ou à toute autre époque précisée par le requérant, sera tenu de l'examiner ; et si ledit Bureau est satisfait des réponses des candidats, il donnera à celui-ci un certificat d'admission, signé des membres du Bureau ou de la majorité d'entr'eux, et contresigné par le doyen de la Faculté. Ce certificat portera le sceau de la Faculté. Les individus ainsi admis feront enregister leurs certificats à l'office du clerc de la paroisse dans laquelle il entend pratiquer, afin d'y référer si besoin est ; et il sera du devoir du clerc de chaque Cour de District, à la fin de chaque session, de dresser une liste des noms de tous les médecins dont les licences auront été enregistrées dans son office, et de la présenter au juge, lequel sera tenu de la remettre au Grand Jury, en le chargeant de vérifier s'il n'y a pas dans ce-

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roisse quelque individu pratiquant la médecine en contravention à la présente loi, et dont le nom ne serait pas sur la liste.

Sect. 4me. Le Bureau présentement constitué se réunira à une époque rapprochée du passage de cette loi, sous la présidence du doyen, et prendra les mesures nécessaires pour en faciliter l'exécution, et en appliquer toutes les dispositions.

Sect. 5me. Tout candidat qui aura été gradué ou aura obtenu un diplôme de médecin dans l'une des Facultés ou Universités reconnues par la Faculté de la Louisiane, sera, sur la production de ses pièces, et si d'ailleurs sa moralité est reconnue, en droit de réclamer le certificat ou la licence susmentionnés.

Sect. 6me. Si un individu pratique la médecine ou exerce la profession d'apothicaire en contravention à cet acte, ledit individu encourra une amende qui n'excèdera pas cent piastres pour la première contravention, et en cas de récidive, il sera condamné à une amende dont le montant est laissé à la discrétion de la Cour, mais sans excéder cependant deux cents piastres, et à un emprisonnement aussi à la discrétion du juge, mais qui ne pourra pas excéder un an. Il sera du devoir des avocats généraux et des avocats de district dans toute l'étendue de l'Etat, de poursuivre les contraventions de cette nature, dans les formes usitées pour les autres procédures criminelles, et toutes les amendes collectées en vertu du présent acte seront versées au Trésor de la Paroisse, où la collection en aura été faite, pour être employées par lesdites paroisses à des œuvres de bienfaisance.

Il est entendu que rien de ce qui est prescrit par le présent acte ne pourra s'appliquer aux habitants ou planteurs de la campagne, qui, sur la demande de quelques voisins malades, leur donneraient quelques secours ou leur administreraient quelque médecine.

Il est entendu encore que rien, dans le présent acte, ne pourra empêcher une personne résidant hors de la paroisse et de la ville de la Nouvelle-Orléans, de vendre des médecines qui auraient été achetées chez un apothicaire légal, et auraient été préparées par ledit apothicaire.

Enfin, il est expliqué que rien, dans cet acte, ne pourra s'appliquer aux médecins et apothicaires exerçant actuellement leurs professions sous le bénéfice des lois existant avant l'acte du 10 mars 1852.

Sect. 7me. Le Bureau des Examinateurs aura droit d'exiger de chaque candidat la somme de vingt piastres, pour être employée selon que le Bureau jugera convenable. Ceux des candidats qui demanderont un certificat en vertu de la section 5 du présent acte, ne seront soumis qu'à un droit de dix piastres.

Sect. 8me. Toutes lois ou portions de lois contraires au présent acte, sont et demeurent abrogées.

Mr Lawes,

Il ne serait pas convenable qu'après avoir introduit ce bill, je le visse arriver devant le Sénat pour y être approuvé ou rejeté, sans expliquer sa nature et les vues dans lesquelles je l'ai conçu et présenté. Je remplirai donc ce devoir aussi brièvement que possible. Il est bien notoire que la Faculté Médicale, telle qu'elle est constituée, est un corps organisé, établi par l'acte de 1853. Elle a été instituée dans le but d'instruire les jeunes gens qui se destinent à la médecine. Plusieurs des autres Etats ont adopté le même système et en ont reconnu les avantages. La loi requérait tout individu pratiquant la médecine ou exerçant la profession de pharmacien, d'avoir un certificat du Bureau établi à la Nouvelle-Orléans. Ce Bureau était présidé par le Maire de la ville, et se réunissait chaque fois qu'une demande d'admission était faite.

Depuis lors, le Bureau s'est dissous par la mort de presque tous les membres qui le composaient originairement. Un bureau composé d'un petit nombre de membres fut établi aux Opélousas, et la même cause amena la même dissolution de ce dernier bureau. Une personne qui désirait pratiquer la médecine était positivement obligée de se rendre à la Nouvelle-Orléans, et de parcourir toutes les rues de la ville pour parvenir à trouver deux ou trois des membres de l'ancien bureau, afin d'obtenir d'eux un certificat.

Le Bill soumis au Sénat a pour objet, entr'autres, de remédier aux maux résultant de l'établissement de ces bureaux. Il donne ce pouvoir à la Faculté Médicale, qui en doit être en effet la dépositaire légitime ; à la Faculté qui est à la tête de l'Université. Par ces moyens la réputation et l'utilité de l'institution ne pourraient que s'accroître, et il est de la plus haute importance que la réputation de notre Faculté Médicale soit égale à celle de tout autre corps de cette nature dans les Etats-Unis.

Ce bill transfère le pouvoir d'accorder les certificats, d'un corps idéal et intangible, qui n'est jamais au complet quand on a besoin de ses services, à un corps organisé, composé d'hommes distingués parmi les membres de la profession, et présidé par un doyen. De cette manière, il sera facile à l'aspirant de se procurer ce qu'auparavant il ne pouvait obtenir qu'en voyageant à travers tout l'Etat, et encore en courant le risque d'être désappointé, enfin de compte.

La première section a pour objet de remédier à ce mal. J'appellerai maintenant l'attention sur les autres sections.

La seconde transporte tous les pouvoirs de l'ancien Bureau à la Faculté de Médecine de la Louisiane. La troisième indique la manière dont l'aspirant s'y prendra. Il devra s'adresser au doyen, qui, alors assemblera la Faculté, dans le but d'examiner l'aspirant. S'il est trouvé capable, il recevra un certificat ou diplôme qui lui donnera le droit d'exercer la médecine dans toute l'étendue de la Louisiane. Je voudrais appeler l'attention du Sénat sur cette partie du bill, attendu qu'elle doit être très efficace contre le mal dont nous nous plaignons. Par la négligence des membres du dernier Bureau, ou l'impossibilité de les réunir, il est souvent arrivé que des aspirants ont vu retarder leur examen de plusieurs mois, ce qui les entraînait à des dépenses considérables en même temps qu'à une grande perte de temps. Quelquefois même, ils ont dû revenir deux ou trois fois dans une année, et cela sans avoir pu obtenir ce qu'ils demandaient.

Le bill impose à la Faculté, l'obligation d'examiner l'aspirant dans les trois jours de son application. C'est là, comme on le voit, un remède aux abus du passé.

La cinquième section est conçue dans un esprit libéral à l'égard des Universités comme celle de la Nouvelle-Orléans. La charte de cette institution donne aux gradués le droit de pratiquer par toute la Louisiane. Cette section donne le même privilège aux applicants qui peuvent produire un certificat émanant d'un autre Etat. La Faculté est obligée de donner un diplôme à ces sectes d'aspirants, sur la simple présentation de son certificat.

Les pénalités édictées par le bill sont sévères. Mais elles sont considérées comme nécessaires pour atteindre le but que se propose le bill et lui donner plus de force et de pouvoir.

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Il y a dans le bill une clause qui donne à tous les médecins et apothicaires, aujourd'hui exerçant légalement, le droit de continuer à exercer sans nouvelle application. On voit par là que le bill ne touche pas aux droits acquis, et qu'il n'y est nullement question, comme quelques personnes l'ont insinué dans des conversations particulières, d'obliger tous les médecins de cet Etat, à se rendre à la Nouvelle-Orléans, pour s'y procurer un nouveau diplôme. Il ne s'agit de rien de tout cela, et pour s'en convaincre il suffit de lire le bill. Jamais son auteur n'a eu cette pensée, et il est impossible que le texte, si torturé qu'il soit, puisse se prêter à une pareille interprétation.

Le droit à payer, comme on le verra, n'est pas une taxe, mais bien la juste compensation des dépenses qu'entraîneraient nécessairement l'examen et la délivrance du diplôme, etc. Ce droit, au surplus, est tellement minime, que pour un homme qui se destine à une profession quelconque, il serait à peine digne d'attention. Le bill est d'une importance vitale. Il tend à retirer la profession médicale dans l'Etat de la Louisiane, de la condition dégradée où elle se trouve à présent rabaissée, au point que c'est à peine si aujourd'hui on doit lui donner le nom de profession. En ce qui regarde la profession de légiste, le cas est différent. Nous l'entourons de toute la surveillance qui peut l'élever et la protéger, et nous requérons du candidat une éducation sérieuse et un examen devant la Cour Suprême ou la Faculté de l'Université. Je suis fier de pouvoir dire que j'appartiens à cette noble profession; cependant l'amour de la vérité m'oblige de reconnaître que la profession de légiste n'est pas aussi importante que la profession de médecin.

Cependant, nous faisons tout pour la loi, et nous laissons la médecine ouverte à tous les charlatans de l'Etat et du dehors. Il n'y a pas un Etat dans l'Union, où la profession de médecin ne soit mieux protégée. Je ne suis même pas si dans les codes des autres Etats il serait possible de découvrir une loi pareille à celle passée par la Législature de la Louisiane en 1852.

Tout, dans les lois de nos voisins, montre la sollicitude du législateur à protéger la profession de médecin contre l'envahissement des empiriques. Elles exigent un examen sévère, qui ne peut être soutenu qu'après des études sérieuses. Nous faisons précisément le contraire; aussi la conséquence est que nous sommes inondés de charlatans. Comme dans les autres Etats, il y a des lois contraires, ils se réfugient tous ici, en vue d'arracher quelques piastres à la misère du peuple.

Mr Lacey,

Le principe du bill a ma pleine approbation. Il est en effet de la plus haute nécessité de relever la Faculté Médicale de notre Etat. Mais je m'oppose au monopole que le bill propose d'établir. Il y a dans l'Etat beaucoup de gens qui croient au système homéopathique, tandis que d'autres au contraire, ont foi dans l'hydropathie. Il en est qui regardent le Thomsonianisme comme une panacée universelle, pendant qu'il est au contraire, des esprits entêtés qui ne veulent croire à rien de tout cela. Cependant, toute personne désirant pratiquer est requise de se procurer un certificat de la Faculté de la Nouvelle-Orléans, qui est composée exclusivement de médecins appartenant à cette école appelée allopathique.

Maintenant, Messieurs, si je désire prendre les petits grains que renferment les bouteilles microscopiques de l'homœpathe, pourquoi n'aurais-je pas le droit de le faire?

Si j'ai la conviction que cette dose infinitésimale ne possède plus de vertu curative que de plus fortes potions, pourquoi me forcerait-on à avaler ces dernières? De quel droit soumettre à une amende et un emprisonnement le pauvre docteur qui aurait eu le malheur de se conformer à mes désirs? Pourquoi, messieurs, si c'est ma fantaisie, ne pourrais je pas prendre ces petites pilules de mon collègue et ami de Concordia, et pourquoi aurait-il par là le glorieux, mais injuste privilège d'être seul à pouvoir les prendre. Je ne voterai pas pour un pareil bill, et le sénateur qui l'a introduit, n'en a pas, je présume, compris la portée.

Mr Trudeau,

Je demanderai à l'honorable membre qui vient de parler le dernier, s'il veut laisser les portes de la profession médicale ouvertes à l'envahissement de toutes les espèces de charlatans. Est-ce qu'il leur demandera la preuve de leurs études, de leurs connaissances médicales, avant de leur confier le droit de remplir un ministère aussi important dans la société. Est-ce qu'il voudra laisser le peuple, généralement ignorant de tout cela, dans les ténèbres à cet égard, exposé à la plus cruelle incertitude, et le mettre dans l'impossibilité absolue, quand il appelle un médecin, de savoir s'il a à faire à un homme sérieux ou à un empirique?

Mr Lacey,

La loi actuelle exige un certificat. Et je demanderai à mon tour, au sénateur qui m'a interpellé, s'il entend réellement me priver du droit d'employer un homme capable pour médecin, si c'est mon plaisir de le choisir. Assurément, il ne peut pas avoir une pareille prétention.

Mr Rivers,

Quelques observations suffiront, je pense, pour faire voir la défectuosité du bill. La première section requérant toute personne qui désire pratiquer la médecine, d'aller à la Nouvelle-Orléans, et de se procurer un certificat du Bureau des Examinateurs; lequel Bureau, nous dit *la première section*, sera composé des membres de *l'Université* de la Louisiane. Quel peut être l'objet de cette disposition, si ce n'est de réduire tous les systèmes médicaux à celui établi par cette *Faculté*? La loi de 1852, qui, je crois, a été combattue par le sénateur des Rapides, lequel était alors membre de la Chambre, est ainsi conçue:

(Il lit la loi.)

Cela comprend tout ce qu'il faut. L'aspirant doit être gradué, et avoir un diplôme de quelque institution médicale. Cela est certainement suffisant pour arrêter l'impulsion. Pourquoi l'honorable membre n'en est-il pas satisfait? D'où vient qu'il ne trouve pas la protection suffisante? Je vais lui dire pourquoi il ne s'en accommode pas. La raison s'en trouve clairement indiquée dans la section 5me, laquelle est ainsi conçue:

"Tout aspirant, qui serait gradué et aurait obtenu le diplôme de docteur en médecine dans une autre Faculté ou Université reconnue par la Faculté de l'Etat, sur la simple production de ses pièces justificatives, accompagnée d'ailleurs de la preuve d'un caractère moral, aura droit à un certificat ou licence de la Faculté de l'Etat."

Quel sera, messieurs, l'effet de cette clause? Pourquoi empêcher un homme d'obtenir un certificat s'il ne vient pas de quelqu'une de ces vieilles facultés décrépites? Parce que la Faculté Médicale de la Nouvelle-Orléans, ne veut pas reconnaître d'autres médecins ou d'autres universités que ceux qui appartiennent à la secte particulière.

Mr Ryan,

Peut être ne suis-je aussi avancé dans mes idées que quelques-uns de mes collègues, et je suis peut-être, par conséquent, en arrière de mon siècle.

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(excepté dans la paroisse d'Orléans) approuvé le 2 mars 1833.

Acte relatif aux cautionnements et reconnaissances en matières criminelles dans l'Etat, (excepté dans la paroisse d'Orléans.)

Et il est chargé d'informer la Chambre que le Sénat a donné son concours aux bills suivants.

Acte pour venir au secours du Shérif de la paroisse de Lafourche.

Acte pour amender un acte intitulé un acte pour venir au secours de James Upshaw, Shérif de la paroisse de Bienville, approuvé le 11 février 1854.

Acte relatif au changement du siege de la Justice dans la paroisse de Concordia.

Acte pour autoriser Eugène Tastet et son épouse à adopter Louisa Anuette Hermann.

Acte requérant un relevé des terres allouées aux écoles avant d'être vendues et d'en régler la vente.

Mr Lacey, au nom du Comité Judiciaire, fait un rapport favorable aux bills suivants :

Acte pour amender et décréter de nouveau la 3me et la 32e section d'un acte intitulé :

Acte pour pourvoir à l'assiette et à la collection des taxes dans l'Etat, approuvé le 21 mars 1852, et pour la creation d'un bureau d'assesseur et à la compensation du dit bureau

Acte pour pourvoir à la révision des lois de l'Etat d'une nature générale.

Acte pour amender la charte de la Compagnie du Gas de la Nouvelle-Orléans.

Et il fait un rapport contre le bill suivant :

Acte pour régler plus efficacement les devoirs des notaires publics.

Vendredi, 3 Mars 1854.

ACTE RELATIF AUX JURES.

Mr Evans évoque le bill suivant :

Acte pour amender la 11e section de l'acte intitulé Acte pourvoyant à la mise à exécution du système judiciaire, approuvé le 29 mai 1846, relativement aux jurés, la paroisse d'Orléans exceptée.

Section 1ère. Il est décrété par le Sénat et par la Chambre des Représentants de l'Etat de la Louisiane, réunis en Assemblée Générale ;

Que la section 11me de l'acte approuvé le 29 mars 1846 et intitulé :

Acte pourvoyant à la mise à exécution du système judiciaire soit et est par la présente, amendé et décrété de nouveau de telle sorte que la teneur en soit comme suit, savoir :

Que pas moins de trente jours avant la première séance de chaque terme de juri des Cours de District des différentes paroisses, après que cet acte aura été mis en vigueur, la paroisse d'Orléans exceptée, le Shérif, les Greffiers de la Cour de District et le Recorder de paroisse ainsi que trois propriétaires s'assembleront à la maison de cour de leurs paroisses respectives et choisiront des tableaux d'assesseurs, les noms de chaque personne qui, conformément aux lois de cet Etat, sont tenues de servir comme jurés et en dresseront une liste laquelle sera enregistrée dans le bureau du Greffier de la Cour de District. Lesdits officiers et propriétaires de terres feront écrire sur bulletins séparés, de papier de dimensions uniformes, le nom de chacune des personnes ainsi choisies et placés sur la liste ci des us, lesquels bulletins se ont déposés dans une boîte destinée à cet usage, et après qu'ils auront été bien agités, bien mêlés, un des dits officiers sous la surveillance des autres et des propriétaires fonciers qui se trouveront présents, tireront pas moins de quarante huit bulletins et le Greffier de la Cour de District, à mesure que les bulletins seront tirés et les noms lus, enregistreront ces derniers sur une liste pour recours et déposeront les bulletins ainsi tirés dans une boîte séparée.

Le Greffier de la Cour de District, en rédigeant le *venire facias* des noms ainsi tirés, désignera les dix huit premiers pour le Grand Jury et les autres pour le petit juri, et le Shérif les sommera d'avoir à servir pendant le terme suivant de la Cour :

En composant les juris pour les termes suivants de la Cour, des bulletins seront tirés de la même manière de la boîte contenant le reste de la liste jusqu'à ce que les noms soient épuisés, alors une nouvelle liste sera formée de la manière prévue par cet acte, laquelle liste contiendra additionnellement les noms des personnes qui auront pu devenir citoyens et peuvent servir comme jurés et mettra de côté les noms de ceux qui, pour une cause quelconque, peuvent être devenus inéligibles.

Après chaque tirage, les boîtes contenant les bulletins seront fermées à clé, scellées et gardées par les greffiers et ne seront ouvertes que sur l'ordre de ceux qui devront présider au prochain tirage, lorsqu'ils se seront assemblés à cet effet.

Dans le cas où aucun des dits officiers qui, en vertu du présent acte, sont tenus de se trouver présents au tirage des noms des jurés, serait absent, ou pour une cause quelconque ne pourrait assister ou servir comme tel, la place ou les places de toutes personnes ainsi absentes ou incapables, sera remplie par un ou plusieurs juges de paix de la paroisse.

Dans les paroisses où, d'après la loi, les sessions de la Cour s'étendent au-delà d'une semaine, un nombre additionnel de vingt-quatre jurés sera tiré, lesquels jurés seront sommés de comparaître et de servir dans le petit jury pendant la seconde semaine, un nombre égal pour la troisième ou la quatrième semaine ; mais lorsque la durée du terme n'est pas prescrite par la loi, le juri sommé pour la quatrième semaine sera tenu d'être en disponibilité à la Cour pour remplir leurs devoirs de jurés, jusqu'à ce qu'ils aient été congédiés par la Cour, pourvu que nul ne soit requis de servir comme juré régulier à deux sessions consécutives de la Cour. Lorsqu'un juré, choisi d'après les dispositions de cet acte aura été mis de côté par la Cour pour une cause quelconque ; il sera du devoir du Greffier de la Cour de District d'en donner immédiatement avis aux autres officiers compétents qui, avec le nombre requis de propriétaires fonciers, procèderont au tirage d'une nouvelle liste de jurés conformément aux dispositions et avec toutes les formalités ci après requises; lesquels dits jurés seront tenus de se présenter dans les trente jours requis et accordés en ce cas; et ladite Cour ne pourra ajourner que de jour en jour jusqu'à ce que ledit jury soit assemblé, pourvu que ladite session ne soit pas prolongée de telle sorte qu'elle intervienne dans les sessions régulières de cette Cour dans une autre paroisse. Toutes objections faites pour cause de défaut ou informalité qui peut s'être glissé soit dans la formation, soit dans le tirage, soit dans la convocation des dits jurés conformément aux dispositions de cet acte ou pour toute autre défaut ou informalité quelconques dans la composition des dits jurys devront être presentée le premier jour de la session des Cours de District et pas après.

Sect 3 Il est de plus décrété, &c., Que cette loi entrera en vigueur à partir du second lundi de juillet 1854.

Différents amendements sont proposés.

Mr Hodge,

Je fais la motion d'insérer deux jours au lieu de trente. Il est possible qu'une session extraordinaire soit convoquée dans cet intervalle.

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Mr Palfrey,

Je fais la motion de déposer sur le bureau, tous les amendements.

Mr Trudeau,

Je fais la motion d'excepter la paroisse de Jefferson

Je fais cette motion parce que, d'ordinaire, la même législation s'applique à Jefferson et à la Nouvelle-Orléans.

Mr Hodge,

Je fais la motion d'excepter aussi la paroisse de Caddo.

Mr King,

La raison pour laquelle on excepterait la paroisse de Jefferson avec la Nouvelle-Orléans, ne se présente plus maintenant. Cela se faisait parce que la ville de Lafayette, aujourd'hui Quatrième District de la Nouvelle-Orléans, formait la plus grande partie de la paroisse. Depuis l'annexion de Lafayette à la Nouvelle-Orléans, la raison de semblable exception n'existe plus.

Mr Trudeau,

La population de Jefferson, je veux dire la population urbaine est plus grande aujourd'hui qu'elle ne l'était lorsque Lafayette a été annexée. Elle couvre Jefferson City, Carrollton et Gretna qui sont des villes en voie rapide de prospérité.

Mr Hodge,

Je vais dire les raisons pour lesquelles je désire que la paroisse de Caddo soit exceptée. Sans vouloir me montrer discourtois envers le sénateur de Jefferson, je dois dire que je ne vois pas de raison pour excepter sa paroisse comme la mienne. Un acte a été passé en 1852, et ses dispositions sont à peu près les mêmes que celles de ce bill qui est donc parfaitement inutile, du moins en ce qui concerne la paroisse de Caddo.

Mr King,

La raison que donne le sénateur n'est pas bonne. Il est bien préférable d'avoir une législation uniforme, que différents systèmes pour les différentes paroisses.

Mr Hodge,

Le sénateur comprend quelquefois et défend les intérêts de la Nouvelle-Orléans; qu'il me permette à mon tour de comprendre et de défendre ceux de ma paroisse. J'ai dit que nous avions dans la paroisse de Caddo, un système parfaitement satisfaisant et qui ne diffère que très peu du bill qui nous est maintenant présenté. Je n'ai pas encore eu le loisir de l'étudier assez bien pour pouvoir affirmer qu'il est exactement le même. Je ne puis même pas dire si aucune des parties du bill est exactement la même chose que l'acte de 1852, et par conséquent je ne saurais dire si ce bill conviendrait aussi bien au peuple de Caddo. Il est parfaitement satisfait maintenant de l'acte qui est en vigueur.

Pourquoi changer alors? Je rappellerai au sénateur de la Nouvelle-Orléans, que le système du tirage n'est pas uniforme dans tout l'Etat. Des actes spéciaux ont été passés pour différentes paroisses. Il y en a un pour la paroisse de Caddo, un je crois pour la paroisse d'Ouest Féliciana. Ces actes ont été passés pour répondre aux besoins et aux désirs des habitants de ces paroisses. Il serait injuste de faire maintenant un changement lorsqu'il n'est pas nécessaire, de les priver d'un système auquel ils sont habitués pour leur en imposer un autre qui pourrait ne pas convenir.

Mr King,

Je ne dirai que peu de mots en réponse au sénateur. Je n'ai pas l'habitude d'intervenir dans la législation désignée pour les campagnes seulement, mais je suis forcé de voter. J'ai présenté les observations que j'ai faites et contre lesquelles s'élève le sénateur, à la requête d'un sénateur de la campagne. J'apprends que le juge lui-même de la paroisse Caddo, est en faveur de ce bill. Je crois qu'il est nécessaire que nous adoptions un système uniforme surtout sur ce point; et c'est cette nécessité qui devrait décider le sénateur à accepter ce bill.

Mr Hodge,

Je vais lire une section de l'acte qui est maintenant en vigueur. (Il lit) Cela me semble bien meilleur que le système proposé dans le bill. La 3me section décrète: (Il lit la section.) "Que le tirage pour le grand jury se fait d'abord; les quinze premiers noms tirés composent le grand jury, et le reste est partagé en trois catégories égales, dont les membres doivent servir pendant les trois sessions.

Mr Martel,

Je partage l'opinion émise sur ce sujet par le sénateur de Caddo, et pour les mêmes raisons que lui, je demanderai une exception en faveur des paroisses de St. Landry et Calcasieu. Mon devoir envers mes constituants me commande de le faire. Dans ces paroisses, le Shérif a de longues courses à faire pour convoquer les jurés. Il a à parcourir plus de cent milles S'il doit recommencer cette tâche à chaque session de la Cour, il n'y pourra vraiment pas tenir, ou bien il aurait à sommer de comparaître plus de cent jurés à la fois. Je me vois donc forcé de faire la motion que le sénateur de Caddo et de voter dans le même sens que lui.

Mr Munday,

Pour la même raison je voterai dans le même sens que mes collègues. Lorsque nous avons des actes spéciaux qui répondent pleinement à ce que nous demandons, pourquoi nous imposer un changement inutile? En temps opportun, je ferai la motion d'excepter les paroisses d'Est et Ouest Féliciana. Ces paroisses ont été les premières à diviser les devoirs des jurés. Leur système est excellent et le peuple en est satisfait. J'espère que le Sénat ne les contraindra pas à accepter un système qui peut ne pas les convenir aussi bien.

Les devoirs sont maintenant répartis. Les fermiers, les planteurs, les ouvriers ne sont pas arrachés à leurs occupations plus de temps qu'il n'est absolument nécessaire.

Mr Hodge,

Je fais la motion de déposer le bill sur le bureau, sujet à l'appel.

Cette motion est adoptée.

Le bill pour venir au secours de———est pris en considération.

Mr McCay,

Ce bill a été ajourné quelque temps parce que l'on pensait que le sénateur de Natchitoches, Mr. de Russy, en savait quelque chose. Mais il s'est trouvé cependant qu'il n'en savait que peu de chose ou même qu'il n'en savait rien. Je me rendis donc auprès du Trésorier d'Etat, (Mr. Greneaux) qui me dit qu'il connaissait tous les faits relatifs à ce bill.

Il paraît que le docteur MacManus, après avoir tué un homme s'enfuit au Missouri. Une proclamation fut lancée contre lui par le Gouverneur de la Louisiane. Il fut arrêté, ramené en Louisiane et livré aux autorités. Son procès se fit et il fut acquitté. Il revint à Ste. Geneviève, où il fut tué plus tard dans une émeute. Celui qui est allé à Ste. Geneviève, qui l'a arrêté et l'a ramené en Louisiane, a certainement droit à une rémunération de la peine qu'il s'est donnée.

Mr Munday,

Je désirerais savoir si le pétitionnaire a un agent chargé de sa réclamation. On me dit que le Dr.

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Mais j'ai été élevé dans la croyance que l'éducation était la première condition pour l'exercice d'une profession libérale. J'ai été instruit à croire qu'il était de la plus haute importance qu'un homme se destinant à une profession aussi délicate et aussi élevée, se pénétrât de la grandeur et de l'austérité de ses devoirs En 1852, le sénateur de Concordia, qui était alors un des membres influents et distingués de la Chambre Représentative, comme il est aujourd'hui l'un des plus marquants de celle-ci, contribua au passage de l'acte qui est la loi d'aujourd'hui. Je l'ai combattu, comme il l'a très bien remarqué ; mais mon opposition fut sans effet devant son influence. Je serais parfaitement consentant à ouvrir les portes des professions se rattachant à la pratique des lois, à tous ceux qui le désireraient. Car il n'en pourrait résulter aucun mal. Un pauvre avocat n'aurait pas de clientelle, et personne ne souffrirait de son ignorance. Mais je ne veux pas permettre au premier charlatan venu, de prendre le titre de médecin, sous le prétexte qu'il serait homœpathe, hydropathe, Thompsonien, ou quelqu'autre chose encore. Il faut nécessairement qu'il y ait un moyen de juger le degré de capacité d'un homme qui a la prétention d'exercer la médecine. Il peut se faire qu'il ait une excellente manière de se présenter, un caractère insinuant, et même qu'il ait beaucoup de connaissances en d'autres matières, et qu'avec tout cela il soit parfaitement ignorant de la science médicale. Il peut faire beaucoup de mal dans la société et mettre en danger la vie de ceux qui seront assez aveugles pour se fier à sa prétendue habileté. Prenez pour exemple le cas d'un homme qui s'en irait trouver les habitants éloignés, qui vivent dans l'isolement et retirés de tout centr de population, et qui dirait à ces gens simples : Je suis docteur, j'ai découvert une méthode infaillible pour guérir toutes les maladies? Que diriez-vous si, trompés par la parole séduisante et mensongère de cet imposteur, ils se livraient à lui, et se faisaient bel et bien envoyer dans la tombe? Eh mon Dieu ! Ce cas, ce n'est pas dans mon imanigation que je le trouve. Il n'est malheureusement que trop fréquent. Et il se représentera aussi longtemps que nous ne ferons pas sentinelle autour de la profession médicale.

La science et la médecine ne peut être que le résultat d'études sérieuses et profondes. La spéculation commerciale n'a rien à y voir, et toutes les panacées que nous annoncent les trompettes de la presse ne constituent pas la vraie science médicale. Pour ma part, je désire appuyer l'ancien système, car il est le produit de tout ce que la patience, l'étude et l'expérience des savants de tous les âges a amassé de trésors. Je pense, en un mot, qu'un aspirant à la profession de médecin, doit être forcé d'une manière quelconque de passer par ces études du passé. Quand je serai sur mon lit de mort, j'ai besoin de savoir, d'être certain que je n'ai pas été envoyé dans l'autre monde par quelqu'ivrogne charlatan. J'étais opposé à ce système actuel, quand il a été présenté en 1852, et habilement défendu par le sénateur de Concordia. Il peut être vrai que les nouveaux systèmes vaillent mieux que les miens, mais jusqu'à ce soit parfaitement établi, je préférerai les anciens. Nous ne devons patroner ni encourager ces nouvelles et dangereuses théories qui tendent à ébranler la dignité de la profession médicale et à la faire tomber dans un complet discrédit.

Mr Tradeau,

Je partage l'opinion du sénateur de Concordia. Un diplôme entre les mains d'un médecin n'est rien autre chose qu'une preuve qu'il a suivi un certain cours d'éducation médical. Une fois cela fait, il peut adopter et suivre le système qui lui convient. Plusieurs, après avoir suivi les leçons d'un professeur dans un certain système en adoptent un autre dans leur pratique. Il ne saurait y avoir d'objection à cela; mais il est nécessaire qu'ils sachent quelque peu d'anatomie, quelque peu de chirurgie. Ils doivent être versés dans la chimie et les sciences qui en découlent. Un médecin accompli doit du reste, posseder toutes ces sciences. Pour cette raison, il est donc necessaire que nous ayions la garantie qu'il les a étudiées, la preuve qu'il s'y est appliqué et qu'il les possède.

Mr. Rivers,

La loi telle qu'elle existe dit : que le médecin doit avoir un certificat de quelque collège médical bien connu.

Mr Lawes,

Mais il n'y a pas de preuves de la validité du certificat. Il peut être faux. Le bill pourvoit à ce cas.

Mr Rivers,

Le bill dit que le médecin doit être reconnu par la Faculté du Collége Médical. Mais si je désire moi, être traité par un médecin homœpathe, hydropate, allopathe ou autre?

Il y a des gens qui croient que les pilules Hahnemanniènes ne valent rien parce qu'elles sont trop petites. J'en ai fait l'essai et je sais à quoi m'en tenir à leur sujet Je puis dire que quelque soit l'effet qu'elles produisent, du moins elles ne tuent pas ; et c'est là plus que les allopathes ne peuvent dire de leurs médecines.

Mr Wickliffe,

J'étais membre du Sénat en 1852, lorsque la loi actuelle a été adoptée et je ne regrette pas de l'avoir soutenue de tout mon pouvoir. Dans le cours de ma vie j'ai fait l'expérience de différents systèmes de médecine et je puis dire sincèrement que je suis un témoignage vivant de l'excellence du système Thompsonnien. J'ai essayé de tous les anciens systèmes sans en obtenir aucun soulagement et j'ai eu enfin, en dernière cause, recours au Thompsonianisme, après aboir ingurgité des gallons de médecines et avoir parcouru des vingtaines de milles pour chercher la santé.

Quel droit à la Législature de dire que je ne devrai pas employer tel ou tel médecin en qui j'ai confiance? Le bill ne dit pas que la Législature aura ce pouvoir ; mais implicitement il le donne à entendre.

Il me semble Mr le Président, qu'il importe peu que je meure entre les mains d'un excellent médecin ou entre les mains de celles d'un charlatan. L'effet est le même. Mais, je le demande, y a-t-il plus de charlatans aujourd'hui en Louisiane qu'il n'y en avait avant 1852? Mon opinion est que non. Je crois qu'il y a tout autant de charlatanisme dans le *secundum artem*. Une anecdote expliquera ma pensée.

J'ai connu dans le Kentucky, un médecin distingué du nom de Caldwell. C'était ce qu'on appelle un homme de science; il jouissait d'une tres grande réputation dans cette partie du pays. Une de ces particularités était de trouver une raison scientifique à tout. Un des beaux esprits de l'endroit voulut s'amuser de lui à ce sujet. Rencontrant le docteur dans la rue, il lui dit qu'un phénomène extraordinaire avait eu lieu et qu'il désirait en avoir l'explication scientifique ; ce phénomène, disait-il, était la naissance d'un enfant tout noir d'un côté. Le docteur promit de s'occuper de cela et quelques jours après, il publia dans un des journaux, un article dans lequel il démontrait par des raisons scientifiques que ce phénomène était possible et en ex-

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pliquait les causes et le principe Cet article était remarquablement bien fait, comme style et comme fonds.

Le bel esprit en question avait omis de lui dire que l'autre côte de l'enfant était noir aussi.

Voilà un specimen de ce que font les médecins à diplômes sans nombre.

Le bill devrait être intitulé :

Bill pour venir au secours de Faculté Médicale de la ville de la Nouvelle-Orléans Que n'avons nous pas fait pour cette Faculté? Nous avons fait, je crois, tout ce qu'elle mérite, plus même, beaucoup plus. Nous avons fait des appropriations de milliers de piastres, au soutien du Collége Medical et pour l'achat de figurines de cire et autres futilités de ce genre. Et malgré tout cela il y a, je crois, plus de humbugs, plus de charlatans dans le corps des médecins reguliers qu'il n'y en a peut-être ailleurs. Nous nous souvenons tous que pendant la désastreuse épidémie de l'année dernière, les médecins ordinaires ont échoué partout complètement. Ils n'ont réussi nulle part à arrêter le fléau Le docteur Stone lui-même, qui compte parmi les meilleurs, parut de la Nile. Orléans, en déclarant que sa science et son talent s'y perdaient. Si un homme emploie un médecin, c'est à lui qu'appartient le blame s'il arrive quelque malheur et s'il meurt entre les mains d'un charlatan, la faute n'en est à personne qu'à lui. On ne doit pas forcer un homme à employer un médecin qu'il n'aime pas ; nous ne devons pas non plus le forcer à employer un médecin recommandé par la Faculte Médicale de la Nouvelle-Orléans. Que chacun ait toute latitude d'employer un homeopathe, ou un hydropathe ou un allopathe, selon qu'il lui convient.

Le bill est déposé sur le bureau.

Les Chûtes de la Rivière Rouge.

Mr King fait la motion que l'on s'occupe du bill intitulé :

Acte pour compléter les améliorations aux chûtes de la rivière Rouge à Alexandrie, lequel, ainsi que le rapport des commissaires, rapporté par Mr DeRussy, au nom du Comité des Améliorations à l'Intérieur, sont lus.

Sur motion, le susdit bill est mis à l'ordre du jour pour lundi, le 3 mars, 1854.

Aux honorables membres du Sénat et de la Chambre des Representants de l'Etat de la Louisiane, réunis en Assemblée Générale à Bâton Rouge.

Les soussignés en leur qualité de commissaires, nommés en vertu d'un acte de la Législature de l'Etat de la Louisiane, intitulé :

Acte pour améliorer la navigation de la rivière Rouge aux chûtes d'Alexandrie, approuvé le 22 mars 1852, et chargés de la direction et de la surveillance de ces travaux, ont l'honneur de vous exposer que la somme de vingt mille piastres, allouée par ledit acte est insuffisante pour achever ces travaux qu'on a en vue, et qu'il est nécessaire que vous affectiez à cet effet une somme additionnelle de quinze mille piastres.

Les raisons qui nous portent à vous faire cette demande sont tirées du rapport du Col. L. G. De Russy, l'ingenieur de la direction, dans lequel il est dit que les travaux à faire afin d'avoir un chenal parfaitement navigable, tant sous le rapport de la largeur que de la profondeur, a été, après mûr examen, reconnu beaucoup plus considerable et difficile qu'on l'avait d'abord cru d'après un plan de Geo. T. Dunbar, ci-devant ingénieur de l'Etat, le seul document auquel on a pu avoir recours et dans lequel il est dit que les opérations de Messrs. Maillefort et Radcloff, avec lesquels vos commissaires avaient fait des arrangements nécessaires pour l'exécution des dites améliorations, quoique couronnés de succès en ce sens qu'ils démontrent, au delà du doute, la possibilité de la mise en opération de ces améliorations ont été entravées et retardées par la dernière épidémie, la désorganisation temporaire de la direction, par suite de la mort lamentable de notre rapporteur Thomas J. Hickman, des Rapides, l'état continuel des eaux basses et plusieurs autres circonstances que nous nous abstiendrons de mentionner, mais dont le concours tendait à retarder leurs opérations à exercer la limite des dépenses que l'on s'était proposé de faire.

Le tout vous est respectueusement soumis.

[Signé] P. S HICKMAN, J. W. BUTLER. } Commissaires.

ORDRE SPECIAL DU JOUR.

Ce jour étant celui fixé pour la prise en considération de la pétition de Mr Maddox pour secours.

On fait la lecture du rapport de Mr Lacey, au nom de la majorité du Comité Judiciaire, ainsi que celui de Mr King, au nom de la minorité du dit comité

Mr Ryan obtient la permission de présenter un bill intitulé :

Acte pour venir au secours de J. M. Maddox

Sur motion et après dispense des règles, ce bill est lu deux fois, et sur motion de Mr Hodge, il est référé au Comité des Réclamations, et est mis à l'ordre spécial du jour pour mardi prochain.

MESSAGE DE LA CHAMBRE.

Le messager spécial de la Chambre vient informer le Sénat que la Chambre a donné son concours aux bills et la résolution du Sénat qui suivent.

Acte pour abroger un acte relatif à la récusation des Juges de la Cour Suprême.

Résolution à l'effet de mettre à exécution la 33e section d'un acte intitulé :

Acte pour établir un système général de banques libres dans l'Etat de la Louisiane.

Et que la Chambre a adopté le rapport du Comité de Conference à l'amendement de la Chambre au bill du Sénat, intitulé :

Acte pour amender et décréter de nouveau l'article 116 du Code Civil

Et il demande le concours du Sénat au bill et aux résolutions de la Chambre.

Acte pour imposer un devoir aux autorités de la ville et des paroisses de creer tel nombre de juges de paix et de constables additionnels, que l'intérêt public peut exiger, (excepté dans la paroisse d'Orléans.)

Résolution relative à un chemin de fer du fleuve Mississipi jusqu'à l'Océan Pacifique.

Résolution requérant nos sénateurs et nos représentants au Congrès d'obtenir une concession du domaine public dans la paroisse de St. Martin, à l'usage des écoles.

MESSAGE A LA CHAMBRE.

Le secrétaire-adjoint est chargé de demander le concours de la Chambre aux bills suivants :

Acte pour émanciper John Lanier de la paroisse de l'Union.

Acte relativement à la prise des témoignages dans certaines affaires criminelles.

Acte pour autoriser Mathilde Olivier à hypothéquer sa propriété.

Acte pour amender la 3me section d'un acte intitulé :

Acte pour régler les sessions des cours de district

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à construire et à entretenir un chemin de fer aboutissant à la Mobile, dans l'Etat de l'Alabama, après autorisation obtenue des Etats de l'Alabama et du Mississippi ; et attendu que ladite Compagnie du Chemin de Fer de Pontchartrain, pour la mise à exécution de cette entreprise, d'après une convention et conformément aux chartes de la Compagnie du Chemin de Fer de la Nouvelle-Orléans et de la Mobile, compagnie qui a reçu des chartes des législatures des Etats de l'Alabama et du Mississippi, dans le but de construire un chemin de fer de la Mobile aux limites de la Louisiane, dans la direction de la Nouvelle-Orléans, est pleinement autorisée et a tout pouvoir de construire et d'entretenir un chemin de fer à travers les états du Mississippi et de de l'Alabama jusqu'à la Mobile, et attendu que la ville de la Mobile a, en prêtant son crédit à la Compagnie du Chemin de Fer de Mobile et Girard, assuré le prolongement d'un Chemin de Fer de la Mobile à Columbus en Géorgie, complétant de la sorte, par voie ferrée, les communications entre la ville de Mobile et l'Etat du Maine et les Canadas ; et attendu que le chemin de fer projeté entre la Nouvelle Orléans et la Mobile, une fois achevé, se reliera au moyen du Chemin de Fer de Pontchartrain au Grand Chemin de Fer de la Nouvelle-Orléans, des Opélousas et de l'Ouest, lequel cherche à s'étendre à travers l'Etat du Texas et à se prolonger jusqu'aux rivages de l'Océan Pacifique, ce qui établirait une grande route longeant la mer et s'étendant de l'Océan Atlantique a l'Océan Pacifique, en passant par la ville de la Nouvelle Orléans ; et attendu que les Etats de l'Alabama, du Mississippi et de la Louisiane ont, en vue de l'immense importance de ce projet, adopté des résolutions requérant leurs sénateurs et représentants au Congrès d'obtenir des donations de terres publiques pour aider à la construction du dit chemin de fer de la Nouvelle-Orléans et de la Mobile; et attendu que, en considération des faits sus-relatés et en considération de l'importance spéciale pour l'Etat de la Louisiane et la ville de la Nouvelle Orléans, que ledit Chemin de Fer entre la Nouvelle-Orléans et la Mobile soit achevé sans delai; et attendu qu'il est à désirer que la ville de la Nouvelle Orléans rivalise avec les autres en aidant à la construction de ce chemin qui confondrait ses intérêts avec ceux des extrémités de l'Union, en conséquence

Section 1. Il est décrété par le Sénat et la Chambre des Représentants de l'Etat de la Louisiane, réunis en Assemblée Générale ; que le Conseil de la ville de la Nouvelle-Orléans aura le droit de souscrire au fonds capital de la Compagnie du Chemin de Fer de Pontchartrain, pour un million cinq cent mille piastres, pourvu que le dépôt de la dite Compagnie du Chemin de Fer ne soit pas établi au-dessus de la rue du Canal.

Sec 2. Il est de plus décrété, &c.; Que toute ordonnance autorisant cette souscription, devra contenir les dispositions suivantes:

1o. Que la souscription de la ville au fonds capital de la Compagnie du Chemin de Fer de Pontchartrain, sera faite par le Maire et dans trente ans de leur date, portant intérêt à raison de six pour cent par an, avec des coupons d'intérêt y attachés, payables semi-annuellement à la Nouvelle-Orléans ou a New York : lesquels bons pourront être transférés par l'endossement du Président et du Secrétaire de ladite Compagnie, et pourront être convertis en actions de ladite Compagnie, à toute époque, dans les cinq ans de leur date, conformément aux réglements que le Président et les Directeurs jugeront nécessaires d'adopter, et qui seront approuvés par les parties intéressées.

2o. Qu'une taxe sur toute espèce de propriété, d'occupations, de métiers ou de professions taxables, maintenant dans ladite ville, sera prélevée en janvier de chaque année, pour payer les intérêts annuels sur lesdits bons, spécifiant le taux de ladite taxe, laquelle sera perçue en même temps et de la même manière que la taxe de la dette consolidée de ladite ville.

3o. Que les bons de la ville émis en paiement de la souscription de la ville au fonds capital de ladite Compagnie, seront émis et reçus au pair; à l'effet de garantir le paiement intégral desdits bons à leur échéance, les actions de ladite Compagnie resteront pour toujours engagées pour le rachat desdits bons dans la proportion de dix actions, pour chaque bon de la somme de mille piastres.

Sec 3. Il est de plus décrété, &c.: Que toutes les ordonnances, les résolutions ou tous autres actes passés par ledit Conseil, après le premier janvier de chaque année, excepté l'ordonnance pour imposer ladite taxe de la dette consolidée et l'ordonnance pour imposer une taxe spéciale pour le paiement des intérêts annuels sur les bons émis par la ville de la Nouvelle-Orléans pour la souscription au fonds capital des autres Compagnies de chemin de fer dans l'Etat, seront nuls et de nul effet si ledit Conseil de Ville n'a pas adopté, au préalable, une résolution prélevant une taxe spéciale pour payer les intérêts sur lesdits bons ; bien entendu qu'il ne sera prélevé aucune taxe pour le paiement des intérêts sur lesdits bons, après que les dividendes de six pour cent par an auront été payés sur les actions de la ville dans la Compagnie du Chemin de Fer de Pontchartrain, comme il est dit ci-après; lesquels dividendes devront être affectés par la ville au paiement des intérêts ; et bien entendu de plus, que toutes les fois que les dividendes sur les actions de la ville dans ladite Compagnie, s'élèveront à plus de six pour cent par an, l'excédant, après que les intérêts auront été payés comme il est dit ci-dessus, sera affecté par ladite Compagnie du Chemin de Fer de Pontchartrain, au rachat des bons de la ville, émis en vertu de cet acte; il est bien entendu que toutes les fois que la ville recevra sur ses actions dans la Compagnie du Chemin de Fer de Pontchartrain, un dividende moindre de six pour cent, une taxe sera prélevée pour la différence seulement qui existera entre le montant dudit dividende annuel et le montant de l'intérêt annuel ; bien entendu aussi que les revenus nets de la Compagnie du Chemin de Fer actuel seront divisés, comme précédemment, parmi les actionnaires actuels, jusqu'a ce que le Chemin de Fer de la Nouvelle Orléans a Mobile soit achevé.

Sec 4. Il est de plus decrété, &c ; Qu'aussitôt que l'ordonnance autorisant la souscription pour les actions susdites, sera adoptée et approuvée par les électeurs de la ville de la Nouvelle-Orléans, comme il est dit ci-après, le Maire ordonnera l'émission des bons en faveur de la Compagnie du Chemin de Fer de Pontchartrain, pour le montant de ladite souscription, après qu'il aura reçu de ladite Compagnie des certificats pour quinze mille actions au fonds capital de la Compagnie du Chemin de Fer de Pontchartrain, de cent piastres chaque, payés en plein ; et sur ce, le Maire de la ville sera autorisé, et il devra signer devant le Secrétaire de ladite Compagnie, lequel est autorisé à recevoir et exécuter ledit acte, un acte donnant un gage desdites actions, dans la proportion de dix actions pour chaque bon de mille piastres.

Sec 5 Il est de plus décrété, &c.; qu'aucune ordonnance passée par le Conseil de Ville en vertu de cet acte, ne sera valide ni ne pourra être mise en vigueur avant d'avoir été approuvée et ratifiée, à

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une élection qui sera tenue a cet effet, en vertu d'un ordre du Conseil de Ville, par la majorité des citoyens de ladite ville, ayant le droit de voter; laquelle élection devra être tenue dans les quinze jours qui suivront l'adoption de l'ordonnance, sera précédée d'un avis donné par le Maire et publié dans la gazette choisie par le Conseil de Ville, et sera sous tous les rapports, excepté dans les cas prévus dans cet acte, conduite de la même manière que sont conduites les élections de ville en vertu de la loi; et à ladite élection, les votes seront donnés comme suit: Ceux qui approuveront l'ordonnance, inscriront ou feront inscrire sur leurs bulletins les mots suivants: "En faveur de la taxe pour aider à la construction d'un chemin de fer jusqu'à la Mobile," et ceux qui désapprouveront ladite ordonnance inscriront ou feront inscrire sur leurs bulletins les mots: "Contre la taxe pour aider à la construction d'un chemin de fer jusqu'à Mobile;" bien entendu que si le Conseil de Ville refuse de souscrire au fonds capital de la Compagnie du Chemin de Fer y nommé de la manière prescrite dans cet acte, ledit Conseil pourra, à toute époque subséquente, aussi souvent que ledit Conseil le jugera convenable, à des intervalles de deux mois au moins, reprendre en considération la question; et si l'ordonnance, après qu'elle aura adoptée définitivement par le Conseil, est rejetée par la majorité des citoyens de ladite ville, ayant le droit de voter, la première fois qu'elle sera soumise à leur approbation, le Conseil pourra, à toute époque, durant les deux années qui suivront le décret de cet acte, et à des intervalles de six mois au moins, soumettre la question aux votants de ladite ville de la même manière qu'à la première élection.

Sec 6. Il est de plus décrété, &c., Qu'aucune ordonnance adoptée par le Conseil de Ville, en vertu de cet acte, ne sera soumise à l'approbation des citoyens qui ont le droit de voter aux élections de ville, en vertu de la loi, avant que le Bureau des Directeurs de ladite Compagnie du Chemin de Fer de Pontchartrain, qui devra en être dûment autorisé à une assemblée des actionnaires tenue conformément aux dispositions de la Charte, ait donné avis par écrit au Maire, de leur acceptation de ladite ordonnance; bien entendu que leur acceptation de ladite ordonnance, avant son approbation par les votants de la ville, sera nulle et de nul effet, si ladite ordonnance est rejetée par lesdits votants.

Sec 7. Il est de plus décrété, &c.; Que dans le mois de Janvier de chaque année, ou à telle époque que les autres actionnaires de ladite Compagnie du Chemin de Fer, éliront leurs Directeurs, ledit Conseil de Ville élira collectivement, pour représenter la ville, trois Directeurs sur les sept qui sont alloués, en vertu de la loi, à ladite Compagnie du Chemin de Fer de Pontchartrain; lesquels devront être citoyens de la ville de la Nlle-Orléans, et resteront en fonctions pendant un an et jusqu'à ce que leurs successeurs aient été élus. Bien entendu qu'aucun membre de l'un ou l'autre Conseil, ou officier de la corporation, ne sera éligible comme Directeur; et bien entendu de plus, qu'après que des bons pour une somme de cinq cent mille piastres auront été convertis en actions par les porteurs d'iceux, la ville ne pourra élire que deux; et qu'après que des bons pour cinq cent mille piastres de plus auront été convertis en actions, la ville ne pourra élire qu'un Directeur; et qu'après que, tous les bons auront été convertis en actions, la ville n'élira aucun Directeur.

Sec. 8. Il est de plus décrété, &c.; Que ladite Compagnie du Chemin de Fer de Pontchartrain aura le droit, en tout temps, en rendant au Trésorier de la Ville tout bon ou bons émis en vertu de cet acte, d'exiger de la ville un transfert d'actions de ladite Compagnie de Chemin de Fer, pour un montant égal; lesquelles actions, après que les bons auront été émis, comme il est dit ci-dessus, seront transférées par le Maire de la ville de la Nouvelle-Orléans, à ladite Compagnie, qui pourra les vendre ou en disposer autrement, et lesdits bons ainsi rendus à la ville, seront immédiatement cancellés en présence du Maire et du Président ou Secrétaire de ladite Compagnie.

Sec. 9. Il est de plus décrété, &c.; Que cet acte aura force de loi à dater de sa passation.

Mr Moore,

Je fais la motion d'effacer le préambule. Il n'est personne qui ne sache quels bienfaits résulteront de la construction de ce chemin.

Mr Macmurdo,

La Compagnie a cru qu'il était de quelque importance; cependant je n'ai pas d'objection à ce qu'il soit supprimé.

La motion est adoptée.

Mr Macmurdo,

Je fais la motion d'adopter la première section.

Mr Trudeau,

Je désirerais entendre quelques observations favorables au bill.

Mr Macmurdo,

C'est un bill présenté au nom des citoyens de la Nouvelle-Orléans. Il a été référé au Comité Judiciaire et examiné par lui. Il y a certains amendements qui sont nécessaires et qui seront présentés en temps et lieu. Le bill ne demande rien à l'Etat; il autorise simplement la ville de la Nlle-Orléans à souscrire au fonds capital de la Compagnie du Chemin de Fer de Pontchartrain, afin de l'aider dans la construction d'un chemin de fer allant à la Mobile, aux mêmes conditions que les souscriptions faites aux autres compagnies de chemins de fer. Il n'est pas nécessaire de s'arrêter longuement à expliquer l'urgence de cette entreprise et sa grande utilité pour ceux qui voyagent. C'est à la ville de la Nouvelle-Orléans à juger de cela par elle-même. Tout ce que je dirai c'est que ce chemin paiera et au-delà ces frais, lorsqu'une fois il sera achevé. Le peuple de la Nouvelle-Orléans a le plus grand intérêt à ce qu'il soit achevé le plus tôt possible. Jusqu'aujourd'hui les communications n'ont eu lieu qu'au moyen de bateaux à vapeur qui ont réalisé une immense fortune. Ce chemin de fer quadruplerait au moins les affaires et le voyage se ferait en quelques heures au lieu d'une journée entière.

Mr Hodge,

Je ne désire pas faire obstacle à l'adoption de ce bill; mais je dois faire remarquer qu'il vient d'être mis sur le bureau des membres et qu'ils n'ont pu avoir le temps de l'examiner, de l'étudier. Jusqu'aujourd'hui, il n'a été qu'entre les mains de l'imprimeur.

Mr Moore,

Le bill a été entre les mains du Comité Judiciaire qui l'a examiné. On l'a trouvé semblable en tout aux autres bills rédigés dans le même but.

Lorsque j'ai fait la motion de supprimer le préambule ce n'était pas par hostilité envers le bill, mais parce que je considérais toute cette partie comme inutile.

Mr Trudeau,

Ma seule objection était que je n'avais pas lu le bill et que, par conséquent, je ne savais rien à son sujet. S'il en doit être décidé maintenant, je m'abstiendrai de voter. Je désire entendre lecture du bill et avoir le temps de l'étudier. Cela n'est que très juste. Si je ne me trompe ce bill pourvoit

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MacManus est revenu tranquillement, et qu'il n'a pas fallu lui mettre des fers.

Mr Lacey,

Mr Lacroix est l'agent, il m'a confié la réclamation.

Mr DeRussy,

Je crois pouvoir dire les faits qui se rattachent au retour de cet homme, (le Dr. McManus) du Missouri. Il n'est pas revenu avec des fers. Il est revenu paisiblement et on ne le considérait pas du tout comme dangereux.

Mr Hodge,

Je pensais d'abord voter en faveur de ce bill; puis j'ai réfléchi que le réclamant pouvait avoir été payé de ce service par quelque parent ou ami du défunt qui aurait eu quelque p que ou quelque haine contre le Dr. McManus. Si réellement le Dr. avait été coupable du crime hideux dont il était accusé, le Gouverneur aurait offert une récompense pour son appréhension. Puis, j'ai réfléchi que peut-être de la sorte nous paierions un homme qui a commis une injustice, car le Dr. a été acquitté ensuite. Si je pensais que cet homme a agi dans un but désintéressé et pour que la loi fut exécutée, je voterais peut-être en faveur du bill, quoique à tout bien considérer, le fait que le Dr. a été acquitté, me ferait hésiter longtemps. Mais je n'ai pas de raison de croire que les motifs aient été tels et par conséquent, je ne pense pas, que l'Etat lui ait aucune obligation.

Mr Boatner raconte les faits.

Mr Hodge,

Cela ne prouve pas l'intention. Les parents du défunt se sont sans doute rendus auprès du Gouverneur et ont obtenu de lui, qu'il fit une réquisition. Le Gouverneur du Missouri était donc tenu de lancer une proclamation pour l'arrestation de l'accusé. Mais cela n'avait rien à faire avec la culpabilité ou l'innocence du prévenu, ni avec l'intention de celui qui a fait l'arrestation.

Mr Boatner,

Le Sénateur voudrait que nous prouvions ce qui n'est pas susceptible de preuves. Cet homme a agi par autorité; c'est là tout ce que nous avons besoin de savoir.

Mr Moore,

Y a-t-il aucune loi relative aux cas de cette nature?

Mr Boatner,

Tout dernièrement, nous avons payé $500 pour l'arrestation d'un meurtrier à Louisville, à celui qui l'a ramené dans cet Etat.

Mr Hodge,

Le sénateur commet une erreur en n'établissant pas de différence par le fait que dans le cas qui nous occupe, le prévenu a été acquitté. Il a été décidé qu'il n'avait pas violé les lois.

J'apprends du sénateur de Natchitoches, que la raison pour laquelle il a été ramené dans l'Etat est qu'il avait des ennemis dans le Missouri, lesquels voulaient se débarrasser de lui, non parce qu'il avait des ennemis dans le Missouri, lesquels voulaient se débarrasser de lui, mais parce qu'ils ne l'aimaient pas.

Mr Lacey,

Le sénateur de Natchitoches, sait-il donc quelque chose au sujet de cette affaire?

Mr DeRussy,

Cet homme avait eu des querelles dans le Missouri, il en était résulté des inimitiés de la part de personnes qui, nécessairement, désiraient se débarrasser de lui. Ils avaient entendu parler du mandat d'arrêt décerné contre lui; ils jugèrent que l'occasion était bonne pour mettre à exécution leur projet. Je ne crois pas que le pétitionnaire eut aucune animosité contre lui, mais son caractère ferme et énergique l'a fait choisir pour remplir cette mission. En partant du Missouri, il dit à l'accusé que s'il promettait de ne rien tenter, il ne le garotterait pas, qu'il n'userait envers lui d'aucune violence. Ils descendirent le fleuve comme deux amis.

Tels sont les faits qui sont à ma connaissance. Ils débarquèrent à environ cinquante yardes de ma demeure. Je ne puis donc pas me tromper à cet égard.

Mr Palfrey,

Selon moi, lorsque le Gouverneur lance une proclamation contre quelqu'un, l'Etat doit payer les frais faits par celui qui a opéré l'arrestation.

Mr Munday,

Je me rappelle l'affaire d'un meurtrier qui s'était enfui au Texas. Il fut suivi par une troupe d'hommes qui eurent à faire bien du chemin, à éprouver bien des fatigues avant de parvenir à leur but. L'Etat leur donna $500 à partager entre eux. Je trouve que la somme proposée dans le bill est trop considérable.

Mr Richardson,

Je fais la motion d'effacer le chiffre $500.

Adopté.

Mr Martel,

Afin d'expliquer mon vote sur ce bill, je me verrai dans la nécessité de raconter des faits connus de tous les Louisianais qui ont résidé sur les frontières du Texas. Plusieurs personnes accusées de meurtre et arrêtées comme telles se sont sauvées en traversant la rivière Sabine qui devenait ainsi comme une barrière derrière laquelle ils défiaient la justice. J'ai été au Texas et rencontrant un de ces criminels j'ai demandé à différentes personnes: "Savez-vous que cet homme est un meurtrier? et ils m'ont répondu "oui." Quand je leur ai demandé pourquoi ils ne l'arrêtaient pas et ne le livraient pas au juste châtiment qu'il méritait, ajoutant qu'ils seraient récompensés, ils m'ont répondu en riant: "Croyez-vous que nous prendrions cette peine et que nous nous exposerions à ces risques là pour quelques centaines de piastres C'est pour cette raison que dans quelques parties de notre Etat, sur les frontières du Texas, il n'y a pas eu de sécurité pour la vie des habitants puisque les criminels n'avaient qu'à passer sur les frontières pour être à l'abri de toutes poursuites, de toute arrestation. Pour moi, je ne vois pas qu'il y ait lieu à tant de discussions sur cette question. Dans ce cas, deux gouverneurs ont lancé des proclamations, l'accusé a été arrêté et amené devant la justice, et cependant nous chicanons et ne pouvons nous décider à payer à celui qui l'a arrêté, les frais qu'il a dû faire pour opérer l'arrestation. C'est faire de la justice une question de piastres et de sous. Si nous persistons à agir ainsi, ce sera presque commettre un déni de justice. Les crimes seraient commis avec impunité et l'on se rirait des officiers de justice. Combien de criminels ont ainsi échappé à la loi en passant la rivière Sabine et sont restés là en liberté; tranquilles, heureux, seulement parce que nul ne pouvait avoir intérêt à les arrêter. Quand vous le voudrez, vous pourrez les voir sur la frontière. Demandez aux voisins: "Savez-vous que cet homme est un assassin, un meurtrier, un voleur, un faussaire? Ils vous répondent: "Oui, nous le savons. Demandez-leur pourquoi ils ne les livrent pas à la justice, ils vous diront qu'ils n'ont aucun intérêt à le faire. Ils ne brillent pas par le désintéressement, comme bien vous devez penser. Ils ne se donneraient pas la peine de poursuivre et d'arrêter un homme; ils ne perdraient pas leur temps et n'encourraient pas des dépenses

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et des fatigues seulement par amour de la justice et des lois.

Je me souviens d'un criminel du nom de Mitchell, qui fut poursuivi à travers plusieurs Etats et arrêté enfin après bien de la peine et bien des fatigues. On paya à celui qui l'avait arrêté $300 seulement. C'est honteux. Dans un pareil cas, je consentirais à accorder mille piastres. L'argent ainsi appliqué n'est pas de l'argent perdu.

Oui, dans des cas pareils, je voudrais qu'on payât grandement, libéralement, et alors nous verrions les criminels arrêtés. Mais, comment ira-t-on se mettre à la poursuite d'un homme qui a violé les lois, si après qu'on aura rempli son devoir, si l'on demande à être récompensé on vous répond : L'accusé que vous avez arrêté, a-t-il été condamné?

L'argent ainsi placé, je le dis encore, n'est pas de l'argent perdu ; il assure le règne des lois et de la justice.

Je fais la motion d'insérer le chiffre $100 au lieu de $500.

Sur motion, l'amendement est déposé sur le bureau.

Mr Hodge,

Je fais la motion de déposer indéfiniment le tout sur le bureau.

Cette motion est rejetée.

Mr Ryan,

Le Gouverneur n'a-t-il pas à sa disposition un fonds spécial destiné à cet usage?

Mr Hodge,

La coutume établie est comme suit :

Le Gouverneur a à sa disposition un fonds spécial considérable. Lorsqu'une arrestation est faite celui qui l'a opérée s'adresse au Gouverneur qui le paie. La probabilité est que la réclamation a été déjà présentée au Gouverneur alors en fonctions, et lui qui connaissait les faits, a refusé de la payer. Je ne suis pas opposé au paiement de ces dépenses. Je partage l'opinion du sénateur de St. Landry, que des considérations de haute politique requièrent ce paiement. Ce service est important pour l'Etat et doit être rémunéré ; mais en même temps nous devons être justes et conséquents avec nous mêmes. Si le Gouverneur déclare que cette réclamation est bonne et qu'elle n'a pas été payée parce que le fonds spécial était épuisé, je voterai volontiers pour qu'elle soit accordée.

Mr de Russy,

Le fonds n'est-il pas spécialement destiné aux récompenses?

Mr King,

Je crois qu'il n'existe pas de semblables restrictions.

Mr Lacey,

Le fonds n'est pas destiné à cet usage. Le président pro temp., (Mr Wickliffe) qui a une grande expérience de ces choses-là, n'a, je suis sûr, jamais vu ce fonds appliqué de la sorte.

Mr Munday,

Il se peut qu'il soit affecté aux récompenses de ceux qui ont appréhendé des criminels &c. &c. Mais cela est bien différent, cet homme n'a jamais espéré recevoir une récompense. Il a tout simplement voulu emmener un homme que ses ennemis regardaient comme dangereux ; et ils avaient imaginé ce moyen de s'en débarrasser.

Mr Boatner,

Cet homme, quoiqu'il ne fut pas citoyen de la Louisiane, agissait dans l'intérêt de cet Etat et de ses lois. On nous dit qu'il ne doit rien recevoir parce que le prévenu a été acquitté. Il n'en a pas moins cependant rendu le service : il n'en a pas moins rempli le devoir. Il n'a pas à se préoccuper si le prévenu a été condamné ou acquitté ; cela ne le regarde pas. Il ne tenait pas à lui qu'il en fut autrement. J'espère que le Sénat envisagera cette question au même point de vue que moi.

Je fais la motion d'insérer $475 au lieu de $500.

Mr Trudeau,

Nous devrions ou payer $500 ou ne rien payer du tout. Je présenterai une résolution autorisant le Gouverneur à payer $500 si, dans son opinion, cette réclamation est due. C'est ainsi que cette question doit être résolue.

Mr Hodge,

Je renouvelle ma motion de déposer le tout indéfiniment sur le bureau.

Cette motion est rejetée.

Mr Clifton,

Je fais la motion d'insérer $300.

Mr Trudeau renouvelle aussi la motion.

Elle est rejetée.

Mr Hodge,

Je vais dire comment j'ai cru comprendre toute cette affaire. Le sénateur de Natchitoches dit qu'il sait que cet homme a été ramené paisiblement; qu'il n'a fait aucune résistance. Celui qui l'a arrêté n'a donc eu d'autre peine que d'aller au Missouri et d'en revenir.

Il paraît que ce Dr. McManus avait des ennemis qui le persécutaient. Ils désiraient se débarrasser de lui et employèrent dans ce but le réclamant actuel. Cette tâche n'était pas lourde ainsi que je l'ai dit plus haut ; le prisonnier ne fit aucune résistance, il vint paisiblement avec la conscience, sans doute, de son innocence du crime dont on l'accusait. Il fut jugé et acquitté. Un jury composé de ses concitoyens, déclara qu'il n'avait pas violé les lois de la Louisiane.

On voit donc que ce n'était qu'un homme persécuté. Si les sénateurs veulent faire gratuitement un présent à celui qui l'a arrêté, qu'ils le fassent. Pour moi, je ne saurais prêter les mains à cela.

Mr Pabrey,

Je ne demande pas à revenir sur ce qui a été fait; je ne demande pas d'explications. S'il a été persécuté il ne paraît pas qui l'ait été par ces hommes.

L'amendement insérant $300 est *adopté, et le* bill subit sa troisième lecture.

Bill pour venir au secours de —— Toy.

Mr Clifton évoque le bill pour venir au secours de —— Toy.

Mr Hodge,

Je fais la motion que le bill soit référé.

Mr Clifton,

Je ne vois pas pour qu'elle raison le bill serait référé. C'est la main de Dieu seule qui a empêché cet homme de remplir son devoir. Il est ici maintenant, il a besoin d'un règlement de compte et les commissaires désirent terminer avec lui.

Après quelques autres remarques de Mr Clifton, le bill passe.

ORDRE SPECIAL DU JOUR.

Souscription par la ville au Chemin de Fer de Pontchartrain.

Sur motion de Mr Macmurdo, le bill suivant est pris en considération.

Acte pour autoriser la ville de la Nouvelle Orléans à souscrire au fonds capital de la Compagnie du Chemin de Fer de Potchartrain, à l'effet d'aider ladite Compagnie du Chemin de Fer de Pontchartrain, à construire un Chemin de Fer de la Nelle.-Orléans à la Mobile.

PREAMBULE.

Attendu que la Compagnie du Chemin de Fer de Pontchartrain a, en vertu d'un acte de la Législature, approuvé le 28 avril 1853, été autorisée

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à la souscription par la ville de la Nouvelle-Orléans au fonds capital de la Compagnie du Chemin de Fer de Pontchartrain, pour une somme d'un million cinq cents mille piastres Il peut être avantageux à la ville de même qu'il peut ne l'être pas du tout. Mais, je veux m'en assurer par moi-même, et ne pas voter les yeux fermés.

Mr Hodge,

Si je ne me trompe, il y est question de soumettre cette question à la décision du peuple. Je ne suis pas prêt maintenant à voter sur ce point ; je désire exprimer mes vues, car, je considère que la discussion est encore ouverte et que l'importance de ce bill est telle qu'il exige une étude réfléchie.

Ce point n'est pas encore décidé malgré que la Cour Suprême ait donné des décisions à cet égard.

Je crois donc n'être pas déraisonnable en demandant un peu de temps avant que ce bill ne soit adopté ou rejeté. Du temps, un peu de temps, c'est tout ce que je demande. Si je suis forcé de voter maintenant, peut-être le ferai-je dans un sens que plus tard je regretterais.

Mr King,

Le bill n'est qu'à la seconde lecture. Depuis quelques jours il a été à l'ordre du jour, depuis une semaine je crois. Je regrette que mon collègue n'en ait pas pris lecture. Cependant, je dois dire, que s'il l'avait essayé, je crois qu'il l'aurait pu. Je sais pertinemment qu'il ne contient aucune clause à laquelle on puisse faire de sérieuses objections. Il permet seulement au peuple de la Nelle-Orléans d'en décider ainsi qu'il jugera le plus convenable, le plus favorable à ses intérêts.

Mr Hodge,

Les remarques du sénateur me semblent injustes. Il est vrai que je pourrais être plus diligent, plus actif que je ne le suis dans certaines circonstances; mais dans celle-ci, je ne crois pas avoir été coupable de la moindre négligence. Je ne connais pas un seul sénateur qui l'ait lu. Il a été présenté lundi et référé immédiatement au comité, dont le sénateur est membre. Il a donc eu une occasion qui ne s'est pas présentée pour les autres sénateurs moins heureux que lui. Tous, nous le voyons maintenant pour la première fois, nous ne le connaissons pas, nous ne l'avons pas étudié ; nous n'avons jamais eu de copies imprimées du bill. S'il subit sa troisième lecture, il ne sera plus possible d'y introduire des amendements à moins qu'il ne soit référé de nouveau.

Je regrette que le sénateur ait ramené un principe que je croyais désormais banni de cette assemblée.

Du reste, ce bill n'est pas tellement local que mon collègue se l'imagine et semble vouloir nous le donner à entendre. Il s'y trouve des questions importantes, des principes graves à discuter. La question de savoir si une partie de la population peut imposer à l'autre, des charges pour la souscription à une entreprise qui a été désavouée par cette seconde partie est grave, sérieuse, importante, et demande à être discutée avec patience, avec attention. avec réflexion.

J'espère qu'on ne passera pas ce bill de la sorte, qu'on ne nous l'imposera pas sur l'heure et sans nous laisser une seconde de réflexion. Je le répète, je ne suis pas opposé au bill ; je désire seulement l'examiner, l'étudier Je demande le temps de me préparer pour exprimer ensuite mon opinion et mes idées. Cette demande me semble bien juste et bien raisonnable.

Les Chûtes à Alexandrie.

Le bill allouant $15,000 pour faire disparaître les chûtes d'Alexandrie, est prise en considération.

Mr Hodge,

Si je considérais cette mesure comme un don gratuit, je n'hésiterais pas à y refuser mon vote Mais ce n'est pas une allocation de cette espèce elle est au contraire de la plus stricte nécessité, L'acte de 1852, a approprié $20,000 à cet objet. Un contrat a été fait avec deux messieurs de New-York, qui sont arrivés sur les lieux et ont commencé leurs travaux. J'apprends de bonne source qu'ils ont réussi à faire disparaître la chûte supérieure, ce qui facilite déja beaucoup la navigation de la rivière. Une nouvelle allocation est nécessaire pour compléter cet ouvrage. Pour prouver que je suis conséquent avec moi-même en défendant ce bill, je ferai observer que cet acte et le bill de 1852, n'ont aucune analogie avec l'appropriation pour le bayou Manchac, que j'ai considéré comme très injuste, à l'époque où elle a été adoptée. L'Ingénieur de l'Etat ne pouvait pas exécuter ce travail, il n'a jamais eu à sa disposition, les moyens et les appareils nécessaires pour les conduire à bonne fin. Cette affaire n'a donc aucun rapport avec celle qui nous occupe. La rivière Rouge est d'ailleurs, après le Mississippi, la riviere la plus importante de notre Etat.

Mr Macmurdo,

Et d'où l'honorable membre compte-t-il tirer la somme requise?

Mr Hodge,

Du fonds général

Mr Macmurdo,

Le fonds général ne peut pas la payer. Elle n'est pas comprise dans le devis proposé pour le bureau de l'Auditeur. Comme représentant les finances de l'Etat, je crois qu'il est de mon devoir de donner ce renseignement à mes collègues afin qu'on puisse voter en toute connaissance de cause.

Une allocation a été faite à cet effet, il y a deux ans et le montant n'en a été payé qu'il y a quelques semaines, alors que le temps était sur le point d'expirer.

Mr DeRussy,

Je demande à établir en peu de mots le véritable état de la question. Les ingénieurs qui sont chargés de ces travaux sont arrivés de New York à une époque où l'état de la rivière ne permettait pas de faire les relevés nécessaires. Il y avait pourtant un relevé fait par Mr Dunbar et les ingénieurs de New York l'ont pris pour base de leur contrat Ils se sont mis à l'œuvre et ils ont déjà enlevé une partie considérable du banc inférieur, opération qui a été très dispendieuse, beaucoup plus coûteuse du moins que l'on ne l'avait cru. Le roc sur lequel il fallait agir est très dur et très difficile à faire sauter, ce qui a rendu les opérations fort difficiles. La conséquence est que l'allocation se trouve épuisée. Si les fonds manquent pour achever cet ouvrage, l'allocation précédente aura été tout à fait inutile et l'argent qu'on a dépensé aura été littéralement jeté à l'eau. Les frais de transport sont maintenant énormes et je crois que tout le monde conviendra de l'utilité, de la nécessité même de cette allocation additionnelle.

L'importance qu'on attache à cette entreprise n'est nullement exagérée et l'avantage qui en résultera pour le commerce de la Nouvelle-Orléans est incalculable. Lorsque les eaux sont basses, ces chûtes interrompent toutes les communications. Les négociants de la Nouvelle-Orléans attendent en ce moment, des produits qui, depuis longtemps, sont prêts à être expédiés et sur lesquels ils ont, depuis longtemps, fait des avances

Les frais de transport atteignent un chiffre qui équivaut presque à une prohibition de commerce.

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Le coton coûte $7 par balle avant d'avoir franchi les chûtes, et même dans ce sens, il est exposé à être détruit ou au moins fortement endommagé. L'état ne peut pas s'occuper d'une entreprise plus avantageuse, plus nécessaire, plus utile que celle qui nous est soumise en ce moment. Elle a une importance toute particulière pour la Nouvelle-Orléans, et l'intérêt de cette ville réclame hautement qu'elle soit menée à bonne fin.

Mr Macmurdo,

Je ferai observer à l'honorable préopinant que si le bill est adopté, nous devrons imposer une nouvelle taxe pour les améliorations intérieures. Les contributions sont déjà fort élevées et elles suffisent à peine à nos besoins.

Mr DeRussy,

L'honorable membre n'est pas juste. Le fonds des améliorations intérieures a été aboli. A la dernière session, j'ai demandé à mes collègues, de conserver ce fonds, mais il a été aboli et gaspillé pour des fins auxquelles il n'était pas destiné. Il a été gaspillé de la façon la plus honteuse, mais ce n'est pas une raison pour que l'entreprise qui nous occupe en souffre.

Le bill est adopté.

LUNDI, 6 Mars 1854.

L'ordre du jour rappelle la lecture du bill suivant.

Acte pour autoriser la ville de la Nouvelle-Orléans à souscrire au fonds capital de la Compagnie du Chemin de Fer de Pontchartrain, afin de mettre cette Compagnie à même de construire un chemin de fer d'Orléans à Mobile.

PREAMBULE.

Attendu que la Compagnie du Chemin de Fer de Pontchartrain, en vertu d'un acte de la Législature, approuvé le 28 avril 1853, a été autorisée à construire et à entretenir un chemin de fer allant à la Mobile, dans l'Alabama, sous la condition d'obtenir l'autorisation des états de l'Alabama et du Mississipi ; et attendu que ladite Compagnie, en poursuivant son entreprise, a été conformément aux chartes de la Compagnie du Chemin de Fer de Mobile et de la Nouvelle Orléans, compagnie autorisée par les législatures des états de l'Alabama et du Mississippi, à construire un chemin de fer allant de Mobile à la ligne de la Louisiane, dans la direction de la Nouvelle-Orléans, est autorisée à construire et à entretenir un chemin de fer passant à travers les états du Mississipi et de l'Alabama ; et attendu encore que la ville de la Mobile a, en prêtant son crédit à la Compagnie de la Mobile et de Girard, assuré l'entretien d'un rail-road de la Mobile à Columbus, (Georgie) lequel par conséquent, complètera la voie de communication par rail-roads entre la ville de Mobile et l'Etat du Maine et le Canada; et attendu que le chemin de fer désigné d'Orléans à Mobile, quand il sera achevé, formera, en venant se relier au chemin de fer de Pontchartrain, le complément d'une ligne de fer entre la Mobile, la Nouvelle Orléans, les Opélousas, et le Grand Chemin de Fer de l'Ouest, lequel doit un jour pénétrer jusqu'aux rives du Pacifique en passant par le Texas; et que par ce moyen les deux océans se trouveront reliés l'un à l'autre par une ligne de chemins de fer qui traversera la Nouvelle Orléans.

Attendu que les différents états de l'Alabama, du Mississipi et de la Louisiane ont, en vue de l'importance générale de ce chemin, passé des résolutions conjointes, enjoignant à leurs sénateurs et représentants au Congrès de faire tous leurs efforts pour obtenir des concessions de terres publiques pour aider à la construction des chemins de fer dont il s'agit.

Attendu qu'en considération des actes ci-dessus, et en considération de l'importance particulière qu'il y a pour l'Etat de la Louisiane et pour la ville de la Nouvelle-Orléans, à ce que ce chemin soit achevé sans délai.

Attendu enfin qu'il est désirable que la ville de la Nouvelle-Orléans se montre digne des villes voisines en aidant, comme elles, à la construction de cette ligne, qui doit la mettre en rapport direct avec les diverses extrémités de l'Union.

Par ces motifs, le Sénat et la Chambre des Représentants de l'Etat de la Louisiane en Assemblée Générale, ont décrété ce qui suit:

Section 1ère. Le conseil communal de la ville de la Nouvelle Orléans est autorisé à souscrire au fonds de la Compagnie du Chemin de Fer Pontchartrain, pour la somme de un million cinq cent mille piastres.

Sec. 2me. Toute ordonnance qui autorisera une pareille souscription contiendra les dispositions suivantes:

1o. Cette souscription de la ville sera faite par le Maire, et sera payable en bons de la ville de mille piastres chacun, lesquels auront trente ans à courir et porteront intérêt à six pour cent par an, avec coupon détaillé pour ledit intérêt. Cet intérêt sera payable par semestre à la Nelle-Orléans ou à New York. Ces bons seront transmissibles par l'endossement du Président et du Secrétaire de ladite Compagnie, et ils pourront être convertis en actions de ladite Compagnie, à quelque époque que ce soit, pourvu que ce ne soit pas avant quinze ans de la date de leur création, et sous les règles que peuvent établir le Président et la Direction, avec l'agrément des parties intéressées.

2o. Une taxe spéciale sera levée en janvier de chaque année, et le montant en sera calculé de manière à suffire à payer l'intérêt annuel des dits bons. Elle sera collectée à la même époque et de la même manière que la taxe du prêt consolidé de adite ville.

3o. Les bons de la ville émis pour le fonds de la Compagnie, seront mis en circulation et reçus au pair contre des actions de la Compagnie ; et afin d'assurer le plein et entier remboursement, à l'échéance des dits bons, les actions de ladite Compagnie seront affectées à la garantie du rachat des dits bons.

Sec. 3me. Toutes ordonnances, résolutions ou autres actes, passés par ledit Conseil, après le premier janvier de chaque année, seront nulles et sans avenues, à l'exception d'une ordonnance pour imposer la taxe du prêt consolidé, et d'une ordonnance pour imposer une taxe pour le paiement de l'intérêt général des bons créés par la ville de la Nlle-Orléans, pour faire face à sa souscription aux actions des autres compagnies de chemins de fer dans l'Etat ; et ce à moins qu'une résolution n'ait été passée auparavant, laquelle ordonnât la levée d'une taxe spéciale pour le paiement de l'intérêt des dits bons.

Il est entendu qu'il ne sera levé aucune taxe pour le paiement des intérêts des dits bons après le paiement du dividende de six pour cent par an, sur les actions de la Compagnie du Chemin de Fer Pontchartrain, déposés entre les mains de la ville, comme il sera ci-après réglé, lequel dividende sera appliqué par la ville au paiement de l'intérêt ; et il est entendu en outre que s'il arrive que les dividendes des actions du dit chemin de fer, possédés par la ville s'élèvent à plus de six pour cent par an, l'excédant sera, après le paiement de l'intérêt dont il vient d'être parlé, appliqué par la Compagnie du

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Chemin de Fer de Pontchartrain au rachat des bons de la ville créés en vertu du présent acte, étant expliqué que quand les dividendes seront de moins de six pour cent, il sera levé une taxe pour la différence seulement entre le montant du dividende annuel et le montant de l'intérêt annuel.

Il est entendu enfin que le net produit du Chemin de Pontchartrain actuellement existant, sera partagé entre les présents actionnaires du dit chemin, jusqu'à l'achèvement du chemin de Mobile.

Sec. 4me Immédiatement après le passage de l'ordonnance autorisant la souscription au fonds susdit, et son approbation par les votans de la Nlle-Orléans, comme il sera dit ci-après, le Maire fera créer des bons pour la Compagnie du Chemin de Fer de Pontchartrain pour le montant de ladite souscription, sur le reçu des certificats que lui fournira cette Compagnie pour quinze mille parts du dit fonds capital de la Compagnie du Chemin de Fer Pontchartrain, de cent piastres chaque, entièrement libérée; et dès lors le Maire est autorisé à exécuter devant le Secretaire de ladite Compagnie, qui est par-illement autorisé à le recevoir et à l'exécuter, un gage du dit fonds dans le montant de dix parts pour chaque bon de mille piastres.

Sec. 5me. Aucune ordonnance passée par le Conseil Communal en conformité avec cet acte, ne sera valide et n'aura d'effet, à moins d'avoir été approuvée et ratifiée, à une élection qui se tiendra dans ce but sur l'ordre du dit Conseil, par le vote de la majorité des électeurs de la ville.

Ladite élection aura lieu dans les quinze jours qui suivront la date de l'ordonnance. Elle sera précédée d'un avertissement rendu public pendant dix jours, au moyen de l'insertion que le Maire en fera faire dans le journal choisi par le Conseil, et elle sera, sous tous les rapports, à moins qu'il ne soit autrement réglé par les présentes, tenue et conduite dans les formes prescrites par la loi pour les élections de la ville, et à ladite élection, le vote sera pris de la manière suivante: Ceux qui approuvent l'ordonnance inscriront ou feront inscrire sur leurs bulletins de vote, les mots ci après: "Pour aider à la construction d'un chemin de fer allant à la Mobile" ; et ceux qui désapprouveront ladite ordonnance, inscriront sur leur bulletin: "Contre l'aide demandée pour la construction d'un chemin de fer allant à la Mobile"; il est entendu que si le Conseil Communal refuse de souscrire au Fonds de la Compagnie ci-dessus nommée, de la manière indiquée au présent acte, il lui sera facultatif, à toute époque qui suivra, et aussi souvent qu'il le jugera à propos, mais toutefois à des intervalles qui ne pourront être de moins de deux mois, de prendre de nouveau la question en considération; et s'il arrivait qu'après avoir été finalement adoptée par le Conseil, la mesure fût repoussée par le peuple, à une première épreuve, le Conseil pourra, à toute époque subséquente, mais toutefois à des intervalles qui ne pourront être de moins de deux mois, consulter de nouveau la volonté du peuple en provoquant une nouvelle élection dans les mêmes formes que pour la première.

Sec. 6me. Aucune ordonnance du Conseil Communal en conformité au présent acte, ne sera soumise à la ratification du peuple de la Nouvelle-Orléans, avant que le Bureau des Directeurs de la Compagnie du Chemin de Fer de Pontchartrain n'ait notifié au Maire, et par écrit, son consentement à l'exécution de ladite ordonnance, et son acceptation.

Il est entendu que l'acceptation de cette ordonnance par le Bureau avant qu'elle ait été ratifiée par le peuple de la ville, sera nulle et non avenue, en cas de rejet par le vote public.

Sec. 7me. Dans le mois de janvier de chaque année ou à l'époque à laquelle les autres actionnaires du Chemin de Fer de Pontchartrain éliront leurs directeurs, le Conseil Communal élira, au scrutin de ballotage, trois directeurs de ladite Compagnie du Chemin de Fer Pontchartrain, pour représenter les actions de la ville. Ces directeurs seront en fonctions pendant un an, ou jusqu'à l'élection de leurs successeurs.

Il est entendu qu'aucun membre de l'un des bureaux du Conseil, comme aucun officier de la corporation ne sera éligible aux fonctions de directeur; il est entendu en outre, que lors de la conversion des bons en actions jusqu'à concurrence de cinq cent mille piastres, la ville n'élira plus que deux directeurs ; que lors de la conversion du surplus des dits bons, la ville n'en élira plus aucun.

Sec. 8. Il sera facultatif à la Compagnie du Chemin de Fer Pontchartrain, à telle époque que bon lui semblera, en remettant au Trésorier de la Ville, un ou plusieurs des bons émis en vertu du présent acte, de demander en échange l'équivalent en actions de la Compagnie du Chemin de Fer Pontchartrain ; lesquelles actions, sur la remise des bons, comme on vient de le dire, seront transférées par le Maire de la Nouvelle-Orléans à ladite Compagnie, pour par elle en disposer comme bon lui semblera ; et les bons ainsi rendus à la ville seront immédiatement cancellés en présence du Maire et du Président ou Secrétaire de ladite Compagnie.

Sec. 9. Le présent acte aura force de loi à compter de la date de son adoption par la Législature.

Motion est faite d'adopter la première section.

Mr. Hodge,

Je désire que mes remarques sur cette question soient rapportées correctement. Cette question est grave et compliquée et elle mérite que nous y consacrions toute notre attention.

La disposition de ce bill qui me semble soulever le plus d'objections est que le pouvoir d'imposer la taxe est soumis au peuple de la Nouvelle-Orléans.

C'est la première fois que je suis appelé à exprimer une opinion sur ce principe législatif. J'étais absent lorsque la même question fut débattue à propos d'un autre bill. C'est une question très grave que de savoir si la Législature peut accorder des pouvoirs législatifs au peuple de la Nlle.-Orléans. Je trouve dans la Constitution que le pouvoir législatif est donné à l'Exécutif, au Sénat et à la Chambre des Représentants, et je n'y vois pas que la Législature soit autorisée à partager ou transférer ses pouvoirs législatifs. Je crois que le principe qui propose de soumettre la question de la taxe au peuple de la Nouvelle-Orléans, est anti-républicain. La doctrine démocratique veut que le peuple exerce son autorité par ses représentants et non par lui-même; il ne peut-être représenté que lorsque les représentants reçoivent un mandat à cet effet, et je regarde comme inconstitutionnel d'accorder au peuple, ainsi que le fait ce bill, le devoir de taxer, qui est un pouvoir législatif. Quel sera le résultat de l'adoption de ce principe évasif que rien n'autorise. Il suffira pour faire triompher une mesure, que ceux qui la présentent la fassent soumettre. Mais en admettant même qu'il soit juste et convenable d'accorder ces pouvoirs au peuple de la Nouvelle-Orléans, je doute fort qu'aucune autorité constitutionnelle nous y autorise. L'article 109 de la Constitution dit :

"La Législature aura le pouvoir de venir en aide aux compagnies ou aux associations d'individus, formées dans le but unique d'exécuter des travaux d'améliorations intérieures, situés en tout ou en partie dans l'Etat, mais seulement jusqu'à concur-

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rence d'un cinquième du capital de ces compagnies, soit en souscrivant au capital, soit en leur faisant un prêt ou en émettant des bons, etc.

Je crois que la Législature a parfaitement le droit de décréter que la ville de la Nelle-Orléans sera actionnaire, dans les limites de la Constitution et quiconque le nie, nie la doctrine qu'il défend. Si la Législature n'a pas le droit d'agir dans cette question, elle ne peut pas accorder ce droit au peuple. Il serait absurde et inconséquent de rendre au peuple un droit que nous ne posséderions pas nous-mêmes Je n'ai pas l'intention de discuter ce bill en détail. Je veux seulement appeler l'attention du Senat sur la clause de la Constitution qui déclare que la taxe sera uniforme. Ce bill contient une disposition tout à fait contraire et porte atteinte à un des premiers principes du gouvernement répvblicain.

Mr. Macmurdo,

Cette question constitutionnelle a été discutée mille et mille fois. Il a été décidé par les plus hautes cours du pays, que le peuple a le pouvoir de se taxer lui-même.

Mr. Wickliffe,

Avant de donner mon vote, je désirerais examiner les votes des sénateurs sur cette question, en de précédentes occasions. Je regrette que le sénateur de Caddo,ne se soit pas levé pour voter avec moi, quand j'ai soutenu la même question avec les mêmes arguments. Je ne crois pas que la Législature ait le pouvoir de déléguer à une portion du peuple, le pouvoir de s'imposer elle-même.

Le sénateur de la Nouvelle-Orléans a dit que la question a été décidee par les plus hautes cours du pays. S'il en est ainsi, je ne me considère pas comme lié par leurs décisions. Mais, messieurs, j'ai examiné les opinions qui ont été émises dans la Pennsylvanie et partout ailleurs, et dans aucun pays la question constitutionnelle n'a été examinée.

Mr. Rivers,

Je vous demanderai de différer votre décision, parce que je n'ai pas eu le bill sous les yeux, et je ne suis pas préparé à voter en connaissance de cause.

Mr. Macmurdo,

Le bill a été mis à l'ordre spécial du jour pour vendredi dernier. Ce jour-là, on l'a renvoyée à l'ordre du jour d'aujourd'hui, et je ne puis pas consentir à un nouveau délai pour des raisons qui, à mes yeux, ne sont pas valables.

Mr. Rivers,

Très bien. Alors, je voterai contre le bill, si je suis forcé d'agir avant d'être prêt.

Mr. Trudeau,

J'ai lu le bill, mais je ne le comprends pas. Je ne sache pas que j'aie l'entendement plus difficile qu'un autre ; mais j'ai été considérablement étonné à la vue de certaines caractères du bill Il renferme différentes clauses que je désire lire, et dont je demanderai l'explication. (Ici, l'honorable membre lit diverses parties du bill.) Il semble que le bill ait en vue d'exclure la Nouvelle Orléans de toute participation au bénéfice de cette entreprise. Quand j'ai lu le bill pour la première fois, j'ai pensé qu'il avait été conçu et rédigé par quelque personne très ordinaire ; mais de ce que j'ai vu, je suis satisfait d'apprendre qu'il est l'ouvrage d'une personne très habile, qui a jugé à propos de le rendre très obscur.

Ce qui a tout d'abord attiré mon attention, c'est la proposition anti-démocratique de donner au Conseil de la Ville le pouvoir de provoquer des élections populaires tous les soixante jours.

Mr King,

Cette clause a été amendée dans le comité.

Mr Trudeau,

Je n'ai pas vu cela, et si c'est là une doctrine démocratique, alors je déclare que je ne suis pas du même bord; si c'est une doctrine whig, je ne l'en aimerais pas davantage, car un verdict du peuple ne doit pas être traité avec un tel mépris.

Mr. Macmurdo,

La question a été pleinement discutée à la Chambre, et les amendements nécessaires seront ajoutés au fur et à mesure de la discussion. Je n'essaierai pas de répondre aux objections faites par le sénateur, car les amendements seront la meilleure réponse.

Mr. Kenner,

Messieurs, comme aucun des sénateurs de la Nouvelle-Orléans n'a prétendu répondre aux sénateurs de Caddo et d'Est Féliciana, je crois de mon devoir d'exprimer mon opinion sur la question constitutionnelle avant de voter.

Je ne me considère pas comme engagé par les décisions des cours dans l'expression de mon opinion. Il y a une différence très marquée entre la Constitution des Etats Unis et le Congrès, et entre notre Constitution et le corps qui agit en vertu de cette Constitution. Les pouvoirs sont grandement différents dans leur nature et dans leur étendue. Je voterai pour la première section du bill, mais je réserverai mon droit d'insister sur certains amendements avant de voter sur le reste.

Mr. Hodge,

On m'accordera le droit de répondre. Je nie que le plus éminent de nos jurisconsultes, le juge Martin, a décidé sur la différence entre les deux corps. Mais l'honorable sénateur n'a pas abordé la question de savoir si ce sera la loi, ou si on donnera au peuple le pouvoir de faire la loi. L'honorable membre n'a pas répondu à cela. Supposons qu'un citoyen refuse de payer la taxe, faudra-t-il qu'il soit poursuivi et dépouillé de son droit de propriété, en violation de la constitution? Je ne crois pas qu'on ait jamais entendu donner à la Législature un pouvoir suprême, et je ne puis pas donner ma sanction à une mesure qui tendrait à déléguer inconstitutionnellement les pouvoirs immenses dont il est question dans le bill.

Mr. King,

Je dirai un ou deux mots en réponse. Un bill absolument semblable à celui-ci, a passé l'autre jour. Où étaient alors les scrupules de l'honorable membre?

Mr. Wickliffe,

Je trouve neuf votes contre le bill dont vous parlez.

Mr. Evans,

J'ai voté contre.

Mr. King,

La question qui s'élève est trop connue. Il a été décidé dans un grand nombre des Etats de l'Union et par la Cour Suprême, que la Législature a le droit de donner au peuple le pouvoir de se taxer lui-même. Il n'y a pas de question constitutionnelle dans l'espèce.

Mr. Wickliffe,

L'honorable membre parle des décisions des Cours Suprêmes. La question a seulement été décidée par quatre cours, je crois. Cela peut-être suffisant pour notre collègue, mais sommes nous obligés de nous en rapporter aux décisions judiciaires pour nous former une opinion et l'exprimer ici?

Mr Lacey,

Je ne vois pas en quoi ce bill est en opposition avec le texte de la Constitution des Etats-Unis ou avec celle de la Louisiane.

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La première section est mise aux voix et adoptée.

Sur la seconde section.

Mr. Macmurdo fait une motion tendant à supprimer à la 19me ligne du bill les mots "sur la propriété et les esclaves."

Mr. Palfrey,

J'offre un substitut qui consisterait à supprimer ces mots et insérer à leur place "sur toute espèce de propriété et de profession."

Mr. Macmurdo,

Je n'ai pas d'objection à l'amendement.

Mr. Kenner,

Je demande la suppression seulement des mots "et sur les esclaves." Je ne consentirai jamais à accorder à tout homme qui prend part aux élections municipales, le droit de voter une taxe sur la propriété dans le but de construire des chemins de fer.

Mr Palfrey,

C'est pour la prospérité générale de la Nelle.-Orléans, et si la prospérité s'accroît, toutes les classes de la société s'en ressentiront, et conséquemment toutes doivent être taxées.

Mr. King,

Je consens pleinement à ce que demande le sénateur de Ste. Marie, (Mr. Palfrey.)

Mr. Martel,

Je ne vois pas comment il peut y avoir de l'opposition à l'amendement de Mr. Palfrey. Le railroad sera avantageux même au simple drayman, et alors pourquoi ne serait-il pas taxé comme les autres citoyens ?

Mr. Kenner,

Je demande qu'on insère, au lieu de l'amendement de Mr. Palfrey "sur les propriétés territoriales."

Mr King,

Je demande qu'on dépose le bill sur la table.

Mr. Moore prononce quelques mots en faveur de l'amendement de Mr. Palfrey.

L'amendement de Mr. Kenner est déposé sur la table.

Mr. Hodge,

Je demande qu'on ajoute à l'amendement "occupation, commerce et profession."

Mr. Palfrey,

J'accepte cette addition.

L'amendement ainsi modifié est adopté.

Mr. Moore,

Je demande à ajouter à la fin de la section, ce qui suit :

Il demeure entendu que toute la ligne du chemin de fer dont il s'agit et toutes les propriétés en dépendant seront spécialement affectées et engagées à la garantie du paiement des bons de la ville.

Mr. Macmurdo,

Je ne vois pas quel bénéfice la ville doit retirer de ce gage. Il se peut que la Compagnie ait besoin d'engager le chemin pour d'autres motifs.

Mr. Trudeau,

Le bill est-il pour l'avantage de la Nouvelle-Orléans ou pour le bénéfice de la Compagnie? expliquez-vous.

Si le chemin est fait pour le bien de la ville, pourquoi s'opposer aux amendements qui ont pour but de la garantir de toute perte?

Mr. Macmurdo,

Les sénateurs de la Nouvelle-Orléans sont tout aussi capables de défendre ses intérêts que le sénateur de Jefferson.

Mr. Moore,

Je retire mon amendement, faites comme il vous plaira.

Mr. Hodge,

Je reprends l'amendement pour mon compte. Je m'inquiète fort peu de savoir si tel ou tel membre opposé à ma manière de voir est de tel pays ou de tel autre. Je suis ici pour défendre les intérêts de la Louisiane, et je prétends dénoncer toute les mesures de ce genre.

Mr. Macmurdo,

Je demande le dépôt de l'amendement sur la table.

Cette motion est rejetée.

Mr Ryan,

Je donnerai les raisons de mon vote sur l'amendement.

Je crois qu'il est de l'intérêt véritable du pays que la Législature pousse à la construction des chemins de fer. Je voterai contre l'amendement, parce que tout cela n'a pour but que d'entraver le bill.

L'amendement et la section sont adoptés.

La troisième section est adoptée avec la suppression du mot "spécial" à la troisième ligne, et avec l'insertion du mot "spécialement" après le mot "taxe" dans la même ligne.

La quatrième section est adoptée.

Sur motion faite d'adopter la cinquième section:

Mr. Macmurdo,

Je propose d'amender au moyen de la suppression des mots : "et aussi souvent que le Conseil le jugera à propos" dans la 32me ligne, et de l'insertion des mots "dans les deux ans de passage du présent acte" ; et encore au moyen de la suppression du mot "deux" et l'insertion du mot "six" à la 33me ligne.

Les deux amendements sont adoptés.

Mr. Trudeau,

Je demande qu'on supprime tout ce qui suit la 27me ligne.

Le dépôt de la motion est ordonné.

Mr. Macmurdo,

Je demande à ce que l'élection ait lieu à un jour différent de celui des élections pour les autres chemins de fer.

Adopté.

Mr. Rivers,

Je demande qu'à la septième ligne, après les mots "votants de la ville," on ajoute "qui paieront des taxes."

Déposé.

Mr. Hodge,

Je demande qu'à la 7me ligne on ajoute les mots "et chaque votant aura droit à une voix pour chaque cent piastres qu'il pourra posséder.

Déposé.

Mr. Wickliffe,

Je propose que la Compagnie du Chemin de Fer paie les dépenses nécessitées par les élections.

Déposé.

La section est alors adoptée.

Sur motion d'adopter la 6me section.

Mr. Macmurdo,

Je propose d'ajouter, après le mot "compagnie" à la 6me ligne, les mots "après avoir été dûment autorisés par un vote des actionnaires, recueilli conformément aux prescriptions de la charte.

Amendement et section sont adoptés.

Sur motion d'adopter la première section.

Mr. Macmurdo,

Je propose après le mot "alors," à la la septième ligne, les mots "en dehors des sept directeurs," et de supprimer à la sixième ligne les mots "citoyens de la Nouvelle-Orléans seront directeurs," et d'insérer après le mot "compagnie,"

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à la septième ligne, les mots "qui seront citoyens de la Nouvelle-Orléans.

Adopté.

Mr. Trudeau,

Je propose d'amender de supprimer tout ce qui suit le mot "directeur," à la douzième ligne.

Mr. King,

J'ai un substitut à proposer, qui remplira les vues de l'honorable membre, c'est d'insérer, à la 13me ligne, après le mot "fonds" par les actionnaires.

Mr. Trudeau,

Je n'ai pas d'objection.

L'amendement est adopté.

Mr. King,

Je propose d'ajouter à la fin de la section ce qui suit : "Il est entendu en outre que si une partie des dits bons est payée par la ville ou sur le dividende revenant à la ville, la ville sera actionnaire jusqu'à dûe concurrence, et aura droit de voter à l'élection des directeurs."

La section est adoptée avec l'amendement.

Sur motion d'adopter la huitième section.

Mr. Hodge.

Je propose d'ajouter à la fin de la section les mots suivants : "La ville pourra payer les bons et rester actionnaire si bon lui semble.

L'amendement est adopté, ainsi que les 8me et 9me sections.

Les règles sont suspendus et le bill passe, avec suppression du preambule.

ACTE

POUR REGLER L'ENREGISTREMENT DES VOTANS DANS LA VILLE DE LA NOUVELLE ORLEANS EN EXECUTION DE L'ART. 11 DE LA CONSTITUTION.

Section 1ère Résolu par le Sénat et la Chambre des Représentants, réunis en Assemblée Générale ; Que le Bureau des Aldermen de la ville de la Nouvelle-Orléans, au plus tard, le second lundi de décembre de chaque année, auparavant, nommera trois personnes aptes et sûres, pour chacun des quatre districts qui divisent maintenant la Nouvelle-Orléans Les trois personnes devront être résidentes dans le district pour lequel elles seront élues. La réunion de ces trois personnes se nommera "Bureau pour l'examen de la qualité du votant.

Sec 2. Les bureaux ci-dessus dans chacun des différents districts de la ville, seront immédiatement après leur nomination, tenus de donner avertissement public dans le journal de l'Etat, et dans les autres gazettes importantes de la ville, qu'ils se réuniront, chacun dans leur district respectif, le second lundi de janvier qui suivra leur nomination. dans le but d'examiner la qualité des personnes résidant dans la ville et de décider sur ce point, afin de fixer l'enregistrement de leurs noms comme votans, dans la ville de la Nouvelle-Orléans, et dans la paroisse, les mêmes bureaux désigneront le lieu et leur reunion respective

Sec. 3. Les différens membres des bureaux à élire comme il est régle par la 1ère section du présent acte, seront, avant d'entrer en fonctions, et après avoir donné l'avertissement public ci-dessus prescrit, tenus de prêter le serment ordonné par l'art 90 de la Constitution; lequel serment sera reçu par un juge ou même un juge de paix de la ville de la Nouvelle-Orléans; et le serment une fois signé par les membres dudit bureau et contresigné par le juge devant lequel le serment aura été prêté, sera retourné par le Bureau d'Examen, au Bureau des Aldermen de la ville de la Nouvelle-Orléans.

Sec. 4. Il sera du devoir des différents bureaux, pour l'examen de la qualité des votants, de se réunir au jour et dans le lieu indiqués dans l'avertissement public ; et quand ils seront ainsi réunis, lesdits bureaux, ainsi assermentés, examineront toutes les demandes et réclamations des personnes résidant à la Nouvelle Orléans, et décideront sur leur qualité électorale, et lesdits bureaux tiendront session dans ce but et aussi pour les autres fins ci-après déterminées, depuis dix du matin jusqu'à six heures de relevée du même jour, s'il est nécessaire ; et ils pourront ajourner leur réunions de jour en jour, (le dimanche non compris), jusqu'à ce que l'objet de la réunion ait été rempli.

Sec. 5. Dans le cas où une personne résidant à la Nouvelle-Orléans, réclamera son droit de vote, et requerra l'inscription de son nom sur la liste des votants, s'il arrive que cette personne ne soit pas connue du bureau devant lequel elle comparaît, pour être un légal votant, ou que son droit à être reconnu pour légal votant soit contesté par une personne quelconque, il sera du devoir du dit bureau, par l'entremise de l'un de ses membres, de faire prêter à la personne réclamante et dont le droit serait ainsi contesté, le serment suivant qui sera préparé à cet effet, et envoyé, avec la liste des votants, comme il sera réglé ci-après, à la Première Cour de District de la Nouvelle-Orléans, pour y être conservée avec soin.

"Je, (A. B.) jure et affirme solennellement que je suis citoyen des Etats-Unis, (et s'il est citoyen naturalisé, il constatera dans son serment, le lieu où il a été naturalisé) ; que je suis agé de plus de 21 ans ; que j'ai résidé dans cet Etat douze mois avant l'élection, et les six derniers mois dans la paroisse, et que je suis en ce moment résidant dans la Nouvelle Orléans ; et j'affirme et jure encore solennellement que depuis l'adoption de la présente Constitution, je n'ai, comme étant citoyen de cet Etat, jamais eu de duel à armes mortelles, soit dans l'intérieur de l'Etat, soit en dehors, avec un citoyen de ce Etat, et que je n'ai ni envoyé ni accepté de cartel de ce genre à un citoyen de ces Etats ou de sa part, enfin que je n'ai pas non plus servi de second dans le duel d'un autre, et que je n'ai assisté, aidé ou conseillé personne dans de semblables affaires Dieu me soit en aide."

Sec. 6. S'il arrive qu'une personne ne soit pas naturalisé au temps de sa prétention à être enregistrée comme votant, et que son droit à être naturalisée est acquis, accroissant par la suite, elle se trouve en même de pouvoir être naturalisée dans l'année du jour où le bureau aura commencé à siéger, alors, dans ce cas, le serment prescrit dans la section précédente sera varié conformément aux faits, et sera, une fois reçu, envoyé de la manière et dans les formes prescrites par ladite section qui précède ; étant expliqué cependant que, dans tous les cas où la partie peut faire affidavit, comme il est dit dans cette section, il sera du devoir des commissaires de l'élection, au temps où la partie offrira son vote, de requerir de lui, le serment usuel ordonné par la loi, que doivent prêter les votans dont le droit peut-être contesté.

Sec. 7. Les bureaux respectifs dont il vient d'être parlé, quand ils seront une fois réunis dans le but de décider sur la qualité des votants, comme aussi pour juger les contestations qui pourront s'élever au sujet du droit de tel ou tel, non seulement écoutant les réclamations, dans les formes ci-dessus prescrites, mais aussi ils pourront, par l'un de leurs membres, examiner les témoignages donnés sous serment ; et le réclamant, assermenté comme dessus, ou tout témoin ainsi interrogé, qui le sera reconnu coupable de faux serment, sera soumis aux peines du parjure.

Sec. 8. La ville de la Nouvelle-Orléans devra,

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au moment de la réunion des bureaux, et avant la clôture de leurs sessions, dresser une liste parfaite et complète des noms de toutes les personnes qui résident dans la ville, et qui auront été reconnues avoir droit de vote par les différents bureaux, ainsi que de tous ceux qui doivent requérir droit de vote dans l'année, ainsi qu'il a été dit dans la section 6 du présent acte, et indiquant le lieu de résidence de ces personnes ; elle devra faire figurer également sur cette liste, l'indication de toutes les personnes dont le droit a été contesté, les motifs de cette contestation, et la décision du bureau avec les motifs sommaires ; et comme cet état de faits servira aux vérifications qui suivront comme on va le dire dans la section ci après, les bureaux devront faire dresser deux copies des dites listes, lesquelles copies, dûment signées et certifiées par les membres des Bureaux, seront envoyées par eux, l'une à l'office du clerc de la Cour de District de la Nouvelle-Orléans, et l'autre au Bureau des Aldermen de la ville, pour être par les clercs de la Cour de District ou ceux du Bureau des Aldermen conservés avec soin dans les archives.

Sec. 9 Si une personne inconnue aux bureaux dont il s'agit, vient à être reconnue comme ayant droit de vote, ou si les qualités d'une personne demandant à être reconnue comme légal votant, viennent à être contestées, et si par suite le nom de cette personne est porté sur la liste des votants ou est rejeté, tout individu qui désirera qu'un enquête soit faite à l'égard de tel ou tel nom, aura le droit, quand bon lui semblera, pourvu que ce soit avant la dissolution du bureau, de la décision duquel il sera fait appel, de provoquer une nouvelle décision devant une cour compétente ; laquelle cour procèdera, aussitôt que possible, et par préférence à l'examen de la décision du bureau, et prononcera sur cette affaire avec toute la diligence possible, en ayant égard aux mérites de la question à elle soumise; et le jugement de la Cour, une fois rendu, quoique sujet à l'appel comme il pourra être déterminé par la loi, le jugement sera la règle qui gouvernera les commissaires en cette matière ; et les listes retournées à la Commission, seront amendées sur ce point conformément à la décision de la Cour.

Sec. 10. Le Bureau des Aldermen de la ville de la Nouvelle-Orléans, sera dans les trois jours après le retour de la liste des votants, tenue de dresser ou faire dresser une liste alphabétique de tous les votants indiqués sur les listes envoyées par les différents bureaux d'examen, au Bureau des Aldermen, avec les notes et remarques des dits bureaux d'examen, accompagnant lesdites listes ; laquelle liste alphabétique devra être conservée par ledit Bureau des Aldermen ; et il sera aussi du devoir de ce bureau de fournir au commissaire de l'élection pour chaque circonscription électorale, aussi souvent qu'il y aura élections, et au moment de l'ouverture des polls, une copie certifiée des listes alphabétiques ci-dessus indiquées, et de plus il sera tenu de déposer une copie certifiée de cette liste alphabétique dans l'office du clerc à qui auront déjà été adressées les listes par les bureaux d'examen, aux termes de la section et du présent acte; et quand le Bureau des Aldermen de la Nouvelle-Orléans aura ainsi déposé dans l'office du clerc cette liste alphabétique, il n'y sera fait aucune addition ou suppression de nom, à moins que ce ne soit par l'ordre d'une Cour, et personne ne sera, pendant l'espace d'une année à compter du premier jour de la session d'examen, admis à voter à une election quelconque, si les commissaires de l'élection ne sont pas satisfaits de l'identité de la personne demandant à voter, et s'ils ne trouvent pas son nom sur la liste alphabétique qui leur aura été adressée comme il a été dit plus haut.

Sec. 11. Si l'un des membres du Bureau des Aldermen de la Nouvelle-Orléans, ou l'une des personnes mentionnées dans cet acte, et qui sont chargées d'accomplir certains devoirs, néglige volontairement ou refuse d'accomplir tout ou partie des devoirs à elles imposées, ou autorise ou permet sciemment qu'il soit fait quelqu'acte en opposition au texte et à l'esprit du présent acte, les membres du dit bureau et toutes autres personnes quelconques mentionnées ci-dessus, encourront pour chaque offense une amende qui ne pourra être moindre de piastres et ne pourra excéder cinq cents piastres ; dont moitié de cette amende sera versée au Trésor de l'Etat, et moitié sera donnée au poursuivant. Le contrevenant sera moitié condamné aux frais de la poursuite, et la partie qui se sera rendu coupable de la contravention, sera aussi condamnée à un emprisonnement de trente jours dans la prison de paroisse.

Sec. 12. Les différents membres du bureau d'examen, recevront pour prix de leurs services, l'indemnité suivante, qui leur sera payée sur le Trésor de la Nouvelle-Orléans.

AUTRE ACTE

POUR REGLER L'ENREGISTREMENT DES NOMS ET DU LIEU DE RESIDENCE DE TOUS LES ELECTEURS QUALIFIES DE LA VILLE DE LA NOUVELLE ORLEANS.

Résolu par le Sénat et la Chambre des Représentants de l'Etat de la Louisiane, réunis en Assemblée Générale, ce qui suit :

Section 1. Il y aura un enregistreur dans la ville de la Nouvelle-Orléans, nommé par les Recorders de la ville, dont les fonctions dureront deux ans, et qui sera chargé de tenir sur un registre destiné à cet usage, la liste des noms et du lieu de résidence de tous les électeurs qualifiés de la Nlle.-Orleans.

Sec. 2 Il y aura dans chaque district représentatif de la Nouvelle-Orléans, un assistant-enregistreur aussi nommé par les Recorders de la ville et pour également deux ans, dont les fonctions seront de dresser annuellement une liste exacte des noms et lieux de résidence de tous les electeurs qualifiées du district représentatif dans lequel il aura été nommé, et de faire parvenir cette liste à l'office de l'enregistreur jours avant l'élection générale.

Lesdits enregistreur et assistant-enregistreur prêteront le serment prescrit par l'art. 90 de la Constitution.

Sec. 3. S'il y avait quelque doute dans l'esprit de l'Assistant-Enregistreur, au sujet de la qualité d'une personne, il pourra lui administrer le serment qui est maintenant administré par les commissaires d'élection en pareil cas.

Sec. 4 Aussitôt que toutes les listes seront parvenues à l'office de l'Enregistreur, celui-ci les fera immédiatement publier dans les journaux officiels de la ville, et si le nom et le lieu de résidence de quelqu'électeur a été omis, il fera remplir la lacune, d'après le témoignage de deux témoins dignes de foi, qui attesteront que ladite personne a droit de vote.

Sec. 5. Dans les dix jours qui précèderont l'élection générale, l'Enregistreur devra fournir une liste exacte et certifiée du nom et lieu de résidence de tous les électeurs ayant qualité telle qu'elle aura été envoyée à son office, aux commissaires des élections dans les différentes circonscriptions électorales, laquelle liste sera considérée jusqu'à preuve du contraire, comme l'évidence du droit des personnes dont les noms y figureront : étant expliqué que toute personne qui aura acquis le droit de vote après la clôture de la liste, aura la faculté de pou-

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voir voter en faisant un affidavit, tel que le veut la loi actuelle pour les cas semblables.

Sec 6 Si le vote d'une personne demandant à voter vient à être contesté, et que son nom ne figure pas sur la liste fournie par l'Enregistreur, dans ce cas, les commissaires des élections peuvent administrer le serment prescrit par la loi actuelle en pareil cas.

Sec. 7· S'il se présente un cas semblable à celui mentionné dans la 6me section du présent acte, il sera du devoir du clerc de l'élection d'écrire en face du nom de la personne dont le droit est contesté, le mot "asserménté", et de dresser une liste certifiée des noms des personnes ainsi assermentées, et de la remettre à l'avocat public, qui s'en servira comme de pièces de conviction dans les procès qui pourront s'élever à ce sujet.

Sec. 8. L'assistant-avocat public de la ville aura droit, comme compensation de ses services, à la moitié de l'amende imposée par la Cour, et il est par ces présentes autorisé à poursuivre le recouvrement des amendes par les mêmes moyens que ceux actuellement autorisés par la loi.

Sec. 9. Si l'Enregistreur ou son Assistant agissent traîtrement dans l'exercice de leurs fonctions, aux dispositions du présent acte, le contrevenant sera, sur conviction faite devant une cour compétente, condamné à une amende qui ne pourra être moindre de cinq piastres ni excéder cinquante piastres pour chaque contravention.

Sec. 10. L'enregistreur en compensation de ses services, aura droit à un demi cent par chaque nom porté sur la liste par lui fournie aux commissaires des élections, laquelle compensation lui sera payée annuellement sur le Trésor de l'Etat, sur le warrant de l'Auditeur des Comptes Publics.

Sec. 11. Chaque assistant-enregistreur a droit en compensation de ses services, à un cent par chaque nom fourni par lui à l'Enregistreur ; laquelle somme lui sera payée annuellement sur le Trésor de l'Etat, sur le warrant de l'Auditeur des Comptes Publics.

Sec. 12. L'esprit et les vues du présent acte sont d'exécuter les prescriptions de l'art. 11 de la Constitution

Mr. Hodge,

Je demande l'adoption de la première section du premier acte.

Mr. Boatner,

Je demande à substituer la première section du second acte.

Mr. Rivers,

Je demande qu'on dépose le substitut sur la table.

La motion est rejetée.

Mr. Kenner,

Je pense que le Bureau des Aldermen, et non pas les Recorders, doit nommer les enregistreurs, et je demande qu'on remplace le mot "Recorders," par les mots "Bureau des Aldermen."

Déposé sur la table.

Mr. Kenner,

Je propose de supprimer le mot "Recorders" et d'y substituer les mots "Bureaux des Aldermen et Assistants-Aldermen." Quelques personnes peuvent croire que j'avais l'intention de laisser de côté les Assistants-Aldermen. Les Recorders ont la nomination des officiers de police. Je ne veux pas que les citoyens votans se trouvent sous le contrôle de la police.

Mr. McCay,

Cela est pourtant ainsi maintenant.

Mr. Kenner,

Oui cela est vrai, à la honte du pays, j'ai le regret de le dire.

Mr. McCay,

Les Recorders ont le droit de nommer tous les officiers et quelques autres officiers encore.

L'amendement est rejeté.

Mr. McCay,

Je propose l'insertion des mots "Maire, etc." à la 5me ligne.

Mr. Hodge,

Je propose qu'il y ait deux enregistreurs. Il est bien connu que la Constitution a eu l'intention de prévenir les votes frauduleux, et j'espère que la majorité ne voudra pas étudier l'intention des auteurs de la Constitution. Je suis orgueilleux d'appartenir au parti qui a fait insérer cette clause dans le pacte fondamental ; et j'espère que la Législature agira carrément et honnêtement en empêchant le retour de fraudes électorales qui ont déshonoré les élections de la Louisiane. J'insiste sur l'amendement.

Mr. Boatner,

Un officier peut remplir cette mission, et je demande le dépôt de l'amendement sur la table.

Mr. Kenner,

Je voudrais présenter encore un autre amendement. Je demanderai qu'on supprime les mots "Maire et Recorders de la ville", et qu'on y substitue ceux-ci "le peuple" Si le peuple élit un mauvais officier, eh bien, libre à lui. La boîte au scrutin a été envahie par la corruption, au point que les choses ne peuvent plus continuer à rester dans le même état. La pureté des élections a cessé d'être inviolable et sacrée. Réformons ces intrigues abus de notre mieux, sans regarder mot à mot le texte de la Constitution, mais en nous conformant de bonne foi à son esprit et à ses vues.

Mr. Wickliffe,

Je vois avec peine mon ami s'échauffer à ce point. Je me rappelle qu'à une précédente session lui et plusieurs autres ont demandé qu'on nommât ces commissaires. Il s'effraie aujourd'hui de la corruption qui résulte de ces nominations, et voudrait que l'élection fût faite par le peuple. Je n'ai pas d'objection à ce que ce soit en effet le peuple qui nomme les officiers.

Mr. Defreese,

Je vois avec regret que l'affaire tourne à une querelle de parti. Si l'honorable membre de l'Ascension, (Mr. Kenner) veut bien nous donner quelque raison valable pour laquelle le Maire et les Recorders ne nommeraient pas ces officiers, je voterai alors pour l'élection par le peuple.

Mr. Boatner,

Le sénateur de l'Ascension, (Mr. Kenner) a proposé un amendement pour laisser l'élection au Bureau des Aldermen. Alors il demandait qu'on eût l'Assistant-Alderman. Les deux mesures furent adoptées. Jusqu'à ce jour, il les a regardés comme compétents pour faire ces nominations, et aujourd'hui il pense que c'est le peuple qui doit élire.

Mr. Kenner,

Il est dur pour la pauvre minorité d'avoir à souffrir de ses propres fautes et en même temps de celles des autres. Qui a voté mes amendements ? Je ne puis pas les défendre et ensuite recevoir reproche par le peuple. J'ai cru qu'avec les aldermen il y aurait déjà quelque baume appliqué sur la plaie. Je demande à notre collègue de nous rendre justice en toute sincérité.

Mr. Boatner,

L'hon. membre a attaqué la population de la Nouvelle-Orléans tout entière de corruption et fraude électorale, et c'est après une telle accusation qui entache de suspicion toutes les élections

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de la ville, qu'il vient nous demander de faire élire ces officiers par le peuple.

Mr. Kenner,

J'ai dit qu'il y avait des votes frauduleux, et je crois qu'il y aura en effet, et le pire sarcotère de ces débats, c'est que personne n'a nié la vérité de cette assertion. On le laisse passer de cette chambre aux journaux, par le moyen desquels il fera le tour du monde.

Mr. King,

Si l'honorable membre veut bien indiquer l'heure et le lieu de l'élection, je m'y rendrai avec lui.

L'amendement est adopté, et conséquemment les mots "nommés par les Recorders" sont supprimés et remplacés par ceux-ci "élus par la majorité des votants."

La motion est adoptée.

Mr. Hodge,

Je demande l'adoption de la 2de section du premier bill.

Mr. Beatner présente pour substitut, la 3me section du second bill, laquelle est adoptée.

Sur motion d'adopter la 4me section du second bill.

Mr. McCay,

Je suis d'accord avec le sénateur de l'Ascension sur le point, qu'il y a de la fraude. Mais, je ne puis reconnaître avec lui que cette fraude appartienne à l'un des deux partis à l'exclusion de l'autre.

Mr. Kenner,

Je n'ai pas dit cela. J'ai dit que je n'acceptais pas le dire du partisan comme une autorité pour moi.

Mr. McCay,

Très bien. Je veux prévenir la fraude par mes amendements, de quelque part qu'elle vienne, et pour cela je propose par mon amendement qu'on ajoute à la section "étant expliqué que ledit registre sera fermé vingt jours avant la prochaine élection qui suivra."

Mr. Beatner,

Je m'oppose à l'amendement. Beaucoup de personnes peuvent ne pas être en mesure de se faire enregistrer en temps, et il s'en suivrait qu'un grand nombre de votants seraient par là privés du droit de vote.

Mr. Ryan,

Je suis en faveur d'un enregistreur, mais je ne veux voter pour aucune loi qui priverait de leur droit électoral les personnes qui n'auraient pas été enregistrées et qui cependant auraient droit de vote.

Mr. McCay,

Je vois que mon amendement ne passera pas, et pour connaître la volonté du Sénat, je propose "cinq jours."

Cela serait assez bien. La Constitution dit :

"La Législature réglera, par une loi pour l'enregistrement des noms et lieu de résidence des électeurs qualifiés de la ville, et leur droit de vote résultera de cet enregistrement."

Mr. McCay a raison. L'inscription du nom au registre doit être faite pour donner aux citoyens le droit de voter. Il arrive que des hommes dans la chaleur de l'enthousiasme électoral feront de faux serments. La Mr. Ryan se fait une fausse idée de la situation, quand il propose de permettre à un homme du jour, au moment même de l'élection, qu'il a droit de vote, et de le laisser voter sur ce simple serment.

Il faut se rendre mieux compte de l'état des esprits dans ces moments d'excitation publique, où presque tout est oublié, pourvu que le but soit atteint et que le parti triomphe.

Mr. Munday,

L'amendement pour atteindre des votans ayant un droit réel,) le bill est bon par lui même sans l'amendement du sénateur de la Nouvelle-Orléans.

La question est ajournée.

SEANCE du 7 mars, 1854.

M. McCay introduit un bill donnant aux gardiens du port de la Nouvelle-Orléans la faculté de nommer des députés et clercs, et demande la suspension des règles pour le passage de ce bill.

M. King,

Je m'opposerai au passage du bill pour le moment, et j'en demanderai le renvoi. J'aimerais tout autant qu'on accordat aux juges de la Cour Suprême le pouvoir de nommer des députés. Le bill est on ne peut plus odieux. Personne que ceux qui sont versés dans le service maritime, ne peut remplir de semblables fonctions. En vertu du bill qu'on nous propose, ils pourraient nommer des députés et en quelque façon tirer un fermage de leurs officiers. J'ai souvent fait appel au Sénat, et maintenant je demanderai à cette assemblée si elle veut permettre qu'on afferme les officiers, de manière que le principal titulaire aille se prélasser dans le nord, et abandonne ses importantes fonctions à des députés irresponsables.

M. McCay,

Ma demande est basée sur de bonnes raisons et sur de fréquentes éventualités. Il arrive souvent que les titulaires sont ou malades ou absents. En pareil cas, ils ont besoin de députés qui les remplacent.

M. Wickliffe,

Messieurs,—La position prise par le sénateur de la Nouvelle-Orléans (M. King) est très singulière. Nous nommons des députés pour les clercs et les shérifs, et nous ne permettrions pas que les gardiens du port nommassent des députés aussi. Le bill ne leur donne aucunement le pouvoir d'affermer leurs offices, et ce n'est certes pas la véritable raison de l'opposition que M. King fait au bill.

M. King,

Je vous demande pardon, ce serait la conséquence du bill. Relisez-le. (Il en donne lecture.)

Mr Ryan,

Je demanderai à M. King s'il ne croit pas que les personnes nommées par le gouverneur sont trop pures pour se comporter de la sorte.

M. King,

Je n'ai pas pour habitude de croire à la pureté angélique d'un homme, quel qu'il soit, quand il s'agit de législation. Mes principes sont tout opposés. Je pense tout au contraire que lorsque nous faisons des lois, c'est contre les méchants. S'il n'y avait que de bons fonctionnaires, pourquoi y aurait-il des lois contre les fonctionnaires prévaricateurs? Il est très vrai que nous avons des députés pour les clercs et pour les shérifs. Mais malgré cela, les députés-clercs sont limités. On dit que les gardiens peuvent être malades ou absents, et qu'en conséquence ils ont parfois besoin d'être remplacés. Renvoyons le bill pour qu'il y soit fait part au Comité des amendements explicites.

M Kenner,

La première question à poser est celle-ci: Y a-t il intérêt pour le public à cette nomination? Il faut répondre affirmativement. La seconde question est la suivante: Les dépenses en seront-elles augmentées? Il faut répondre non. C'est pourquoi je voterai pour le bill.

M. King,

Le bill a pour objet l'avantage du fonctionnaire

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et non celui du public. Je voudrais bien savoir quel bien le public peut en retirer.

Mr Kenner,

Supposons que le gardien soit malade, et que plusieurs navires arrivent à la fois. C'est là une circonstance où l'intérêt public exigerait qu'il y eût un remplaçant.

Mr King,

L'honorable membre nous parle là d'éventualités, et ne veut rien régler à cet égard dans le bill. Pendant 20 ans, la maladie des gardiens n'a porté aucun préjudice au public. Je considère l'affaire comme très importante ; et c'est là une grande responsabilité que l'on propose d'abandonner à des mains irresponsables. Les capitaines de navires ont du fromage, du brandy, des vins et toutes ces autres petites choses qui accommodent assez généralement nos officiers, et qui feraient que les députés négligeraient trop facilement leurs devoirs. Je vois autour de moi les marques du résultat de l'action du sénat, et je sais que je parle à des oreilles qui ne veulent pas entendre.

Mr McMurdo,

Je me range aux objections de mon collégue (Mr King). En cas de maladie, il doit y avoir des députés, mais alors, que ce soit le bill qui règle cette affaire.

Mr Munday,

Je suis opposé au renvoi de ce bill. Je ne mets pas en doute l'honnêteté des gardiens ou de ceux qu'ils choisiraient pour leurs députés. Je ne crois pas que les jeunes hommes de ce pays peuvent être corrompus avec du fromage, du vin et du brandy.

Mr King,

Je n'ai accusé personne de corruption. J'ai seulement dit qu'ils étaient exposés à des tentations de corruption.

Le sénat, consulté, refuse de renvoyer le bill dont il s'agit.

Mr King,

Je demande que les députés ne puissent agir qu'en cas de maladie ou d'absence du titulaire.

L'amendement est déposé.

Mr King,

Je propose un autre amendement. Je demande que ces députés soient payés pour leurs services.

Ce nouvel amendement subit le même sort que le premier.

Mr King,

Je demande la suppression du mot "clercs" c'est déjà bien assez de leur permettre de nommer des députés.

Cette motion est également déposée.

Mr Wickliffe,

Je demande l'adoption de la section, et je demande le vote par oui et par non, pour empêcher que Mr King ne nous propose d'autres amendements.

Mr King,

Je n'en ai pas d'autres à présenter.

Mr Wickliffe,

Alors, je retire ma demande.

Les règles sont déclarées suspendues, et le bill est adopté.

Mr King,

Je donne avis au sénat que je demanderai demain au sénat un nouvel examen de cette affaire.

Mr Wickliffe,

Vous avez voté contre.

Mr. King,

Non, je n'ai pas voté contre.

Mr Wickliffe,

L'honorable membre était-il à la barre?

Mr King,

J'y étais.

ORDRES DU JOUR—AFFAIRES NON-TERMINEES.

1° Acte pour régler l'enrégistrement des votans de la ville de la Nouvelle-Orléans en éxécution de l'article 11 de la Constitution.

2° Et un Acte pour l'enrégistrement des noms et lieux de résidence de tous les électeurs qualifiés de la Nouvelle-Orléans.

Mr Boatner,

Avant que le sénat aille plus loin, je propose de reprendre le vote de la 2de section, et je vais en donner les raisons. La section crée deux assistans-enrégistreurs. Il est inutile d'en avoir plus d'un. Il pourrait y avoir une grande différence entre les rapports des deux assistants, et cela donnerait naturellement lieu à une grande confusion dans les retours, outre que cela occasionnerait une dépense additionnelle.

Mr Hodge,

J'ai offert hier, par l'amendement, d'insérer deux assistans. Mon objet était de donner à l'enrégistreur principal le pouvoir de nommer deux députés, qui seraient pris l'un dans un parti politique, et l'autre dans l'autre. Je demande au sénat de tacher de faire que le bill arrive à réaliser l'intention de la Constitution. L'année dernière, j'ai demandé au sénat d'exécuter la Constitution, et son refus a été la cause que nous avons assisté à la plus corrompue de toutes les élections. Hier personne n'a nié les fraudes indignes qui ont été commises, mais vous avez dit qu'elles avaient été commises par les deux partis également. Eh bien, puisque vous reconnaissez que le scrutin est faussé, puisque vous convenez que l'abus, la fraude, le mensonge, l'impureté existent là où devrait pardessus tout régner la plus pure sincérité, aidez moi donc à reconstruire l'autel qui a été renversé par des mains égarées. De quelque part que vienne la corruption, chassons la du temple de l'élection. Qu'importe qu'il en coûte quelque argent à l'Etat ? Le but n'en vaut-il pas la peine ?

La meilleure preuve que les retours seront corrects, nous la trouverons dans l'effet qu'ils produiront sur le pays. Nous sommes d'un pays où un homme serait fort mal venu, s'il ne devait sa nomination qu'à la corruption électorale. Je m'oppose à une ré-considération.

Mr Boatner,

Messieurs—L'honorable membre m'a fort mal compris Je conviens avec lui que des fraudes ont été commises à la Nouvelle-Orléans par les deux partis. Il n'y a pas dans le bill de clause qui ordonne que les deux députés enrégistreurs feront un rapport exactement semblable. Si donc l'un a compté 800 électeurs, et l'autre seulement 600, comment l'enrégistreur s'y prendra-t-il pour décider entre les deux? Si l'enrégistreur est un démocrate, il acceptera comme bonne la liste la plus nombreuse, et s'il est whig, il en fera autant; c'est pourquoi je pense qu'il serait mieux qu'il n'y eût qu'un assistant au lieu de deux.

Mr Wickliffe,

Je ne suis pas de l'avis du sénateur de Catahoula (Mr Boatner). Je suis en faveur de deux assistans. S'il y a des fraudes, je l'ignore. Je n'ai jamais été à la Nouvelle-Orléans au moment d'une élection. Mais s'il y en a, ce sont les whigs qui ont commencé, et ils ont été battus à leur propre jeu.

Mr King,

Le sénateur de Caddo (Mr Hodge) semble croire que s'il y a deux assistans, ils seront pris dans l'un et l'autre parti. C'est là une grande erreur.

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Ils seront tous deux ou démocrates ou whigs. Déposé sur la table.

La motion pendante au moment de l'ajournement d'hier, étant d'adopter l'amendement de Mr McCay à la 4me section, requérant que l'enrégistrement soit fait dans les cinq jours avant la première élection qui suivra.

Mr Moore,

Je vais lire mon amendement pour répondre à l'objection que les mineurs pourront être privés de leurs franchises électorales par ce terme de cinq jours.

"Dans le cas où une personne qui n'aurait pas encore acquis la pleine franchise électorale, faute d'âge ou par insuffisance de temps exigé pour la résidence, demanderait à être cependant portée sur la liste électorale, s'il est prouvé par des témoignages suffisants et par serment que la personne aurait acquis le droit de voter avant la prochaine élection, l'enrégistreur devra faire figurer son nom sur la liste électorale, avec une note en marge indiquant que ladite personne n'est pas encore électeur, mais qu'elle le deviendra à l'expiration du temps voulu."

Je présente cette disposition en lieu et place de la 5me section.

Mr Boatner,

Je crois que l'amendement ouvrira les portes toutes grandes à la fraude, encore plus qu'elles ne le sont aujourd'hui. Messieurs, ne portons sur la liste que ceux qui sont électeurs, et non pas ceux qui le deviendront un jour.

Mr Moore,

Je ne puis pas prêter le flanc à la fraude plus que ne le fait le bill dans sa forme actuelle. Il offre le serment dans ce cas-ci, comme dans les autres, et en definitive, il faut plus ou moins que vous dépendiez du serment.

Je propose d'ajouter mon amendement à la fin de la 5me section.

Mr Hodge se déclare en faveur du délai de 20 jours.

Mr Wickliffe,

Je suis, moi, en faveur du temps le plus court. Rappelez-vous l'article 10 de la Constitution. Je voudrais que le registre ne fût clos que la veille ou le jour même de l'élection.

Mr Hodge,

Je suis on ne peut plus éloigné de la pensée de vouloir enlever à qui que ce soit sa franchise électorale. Mais la Constitution a déclaré que les noms et lieux de résidence de tous les votans qualifiés de la Nouvelle-Orléans seraient inscrits sur un registre spécial. Il faudrait que pour avoir droit de voter, tout électeur soit inscrit. Cela n'est pas pour lui, en vertu de la loi fondamentale, moins indispensable, que d'être mâle, blanc et majeur Si donc il n'est pas inscrit, il ne peut pas voter. Je dis au parti opposé qu'il ne peut pas montrer des mains aussi pures que le parti auquel j'appartiens. Nous nous appuyons sur la loi organique de l'Etat La Constitution nous commande, et nous devons lui obéir. Quels sont les actes du parti démocratique qui prouvent son respect pour la Constitution? Je n'en vois aucun. Je puis dire en toute assurance qu'on en chercherait en vain un exemple dans nos codes. Les sénateurs sont venus ici pour remplir un devoir solennel et j'espère qu'ils ne voudront pas quitter leurs sièges sans l'avoir rempli.

Mr Wickliffe,

J'ai dit qu'il y avait un article 10 de la Constitution, et que nous ne devons passer aucune loi pour priver aucun citoyen du droit de vote qui lui est reconnu par cet article. J'ai dit qu'il ne fallait pas oublier l'article 10 pour l'article 11.

L'honorable membre a dit qu'il avait été commis de grands abus et qu'on avait eu à regretter de grands scandales. J'en accuse le parti whig, et la notoriété publique est d'accord avec moi. Je suis fatigué d'entendre sans cesse cet éternel cri de corruptions. J'entends faire ici mon devoir constitutionnel, sans avoir égard aux qualifications ou accusations dirigées contre le parti auquel j'appartiens. L'honorable membre a appelé l'article 11 de la Constitution l'œuvre du parti whig, qu'il nous démontre donc que le parti démocratique n'a pas donné son concours et n'a pas appuyé un bill qui était conforme à nos principes, lequel bill a triomphé. N'avons-nous pas au contraire pris toute la chose sur nous? J'espère que le sénateur votera l'amendement.

Mr Palfrey,

Mr Wickliffe ou entend mal ou reproduit mal ce qui a été dit. Il est charitable de supposer qu'il a mal entendu.

Mr Kenner,

Je ne me fache jamais contre le vent. J'espère que les membres du parti démocrate se retireront de la discussion et voudront bien nous présenter un bill qui satisfasse leurs fantaisies sous tous les rapports.

Je voudrais seulement redresser un point dans ce qu'a dit le sénateur d'Est Feliciana. Il a dit que la fraude avait pris naissance dans le parti whig, et que le parti démocrate avait voté pour l'insertion de la clause d'enrégistrement dans la Constitution.

Mr Wickliffe,

Non, monsieur.

Mr Kenner,

Je laisse nos sénateurs à dire si l'honorable Mr Wickliffe n'a pas eu l'intention de nous donner cela a penser. (Il lit le journal de la Convention.) Il y avait 40 démocrates sur 36 qui ont voté contre la clause.

Notre collégue dit que nous ne pouvons pas prétendre que ce soit là une mesure whig, or j'ai voulu lui montrer que c'est au contraire une mesure entièrement whig.

Mr Wickliffe,

On pourrait induire de ceci que j'avais lu le journal, et que j'avais voulu dire que le parti démocrate n'avait pas fait d'opposition. Je ferai observer que le vote rapporté par le sénateur n'est pas le vote sur la clause telle qu'elle existe aujourd'hui dans la Constitution.

Mais on a dit quelques mots encore au sujet de la fraude electorale. J'ai en ce moment dans la main quelques récits concernant certaines fraudes commises à la Nouvelle-Orléans, et aussi concernant le juge Elliot.

Mr Lacey,

Je ne connais pas personnellement tous les membres de la Convention qui ont voté pour la clause d'enrégistrement, et je me lève seulement pour demander à l'honorable sénateur de l'Ascension (Mr Kenner) si ce vote auquel on fait allusion a été rapporté dans le but de montrer que le parti whig a défendu et endossé la clause de la Constitution relative à la loi d'enrégistrement, et si le parti démocrate y a fait opposition?

Mr Kenner,

Oui, monsieur, c'est dans ce but.

Mr Ryan,

Messieurs, nous pouvons rester ici pendant des semaines entières et sans cesse parler et reparler de fraudes, sans arriver à rien qu'à des provocations sans preuves Messieurs, je suis las d'entendre toujours redire les mêmes choses. Laissons donc de côté les fraudes de 1841 et celles de 1852

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Ce sont là des hontes qu'il faut cacher dans l'intérêt du pays, au lieu de les étaler complaisamment au grand jour, comme on le fait. En somme, où voulons-nous en venir? Il s'agit simplement de savoir si nous passerons une loi d'enrégistrement, ou non. Eh bien, pour ma part, je ne voterai pour aucune loi d'enrégistrement qui ravira aux électeurs: "Vous ne voterez pas, si votre nom n'est pas inscrit au régistre trente jours avant l'élection. Une telle doctrine est opposée au génie de nos institutions et aux principes républicains. Je ne voterai pour aucun bill qui soit exclusivement une affaire de parti. On prétend que des fraudes immenses ont été commises, et alors pourquoi ces hommes n'ont-ils pas été traduits en justice? J'espère qu'on votera directement sur la question, et que les sénateurs ne voudront pas rappeler les fraudes de 1841 et de 1853.

Mr Wickliffe lit le journal de la Convention pour démontrer que Mr Kenner n'a pas bien lu, et demande à expliquer l'affaire en la plaçant sous les yeux du sénat.

Mr Kenner,

Je m'offre à venir en aide à l'honorable membre, et de lui montrer l'endroit où il trouvera ce que j'ai lu.

L'amendement est déposé sur la table.

La 4me section est adoptée.

Sur motion d'adopter la 5me section,

Mr McCay propose de supprimer tout ce qui suit le mot "vote" à la 9me ligne.

Mr Moore,

Je suis en faveur de cette suppression, car la clause est clairement inconstitutionnelle.

Mr Boatner,

Je demande que la motion soit déposée sur la table.

Mr Trudeau,

Je n'ai pas dit un mot sur le bill, parce que j'ai pensé que le parti démocrate le voterait quand même, et j'avais espéré que les whigs les laisseraient voter sans mot dire.

Mr Moore lit le substitut suivant pour la 6me section:

"S'il arrive qu'une personne fasse un faux serment ou produise de fausses preuves à l'appui de son droit électoral, ou si une personne vote plus d'une fois à la même élection, elle sera poursuivie par l'avocat de district, et, après conviction, condamnée aux peines portées par la loi pour le crime de parjure ou de double vote, suivant le cas."

Mr Boatner,

Je propose d'amender la 5me section en ajoutant après les mots "aura droit", les mots suivants: d'avoir son nom inscrit sur le régistre, etc.

L'amendement est adopté, et ensuite la section.

Sur motion de Mr Boatner, les mots suivants sont ajoutés à la 6me section "et s'il paraît qu'il ait droit de vote, son nom sera porté au régistre; et la section est adoptée avec cette modification.

Sur motion d'adopter la 7me section:

Mr King demande la suppression des mots "Assistant-avocat de la ville", à la 7me ligne, et l'insertion des mots "Avocat de district". Adopté.

Mr King,

Je propose d'amender en ajoutant: Le mot "contesté" sera mis en marge de chaque nom, pour servir à l'avocat de district de commencement de preuve dans les procès sur ces matières." Adopté.

Mr Martel,

Je propose l'amendement suivant; "Toute personne qui sera atteinte et convaincue d'avoir fait un faux serment relativement aux dispositions du présent acte, sera réputée parjure, et sur conviction, sera condamnée à la peine de l'emprisonnement pour deux ans au moins et cinq ans au plus". Adopté.

Toute la section est ensuite votée.

Sur motion d'adopter la 8me section:

Mr Boatner propose de supprimer les mots "Assistant-avocat de la ville" à la 1re et à la 2de ligne, et d'y insérer le mot "district" et d'ajouter après le mot "Cour" à la 14me ligne, les mots suivants: "et l'autre moitié au trésor de la ville".

Cet amendement et ensuite la section entière ainsi modifiés sont successivement adoptés.

Sur motion d'adopter la 9me section:

Mr McCay demande la suppression du mot "cinq" et l'insertion du mot "cinquante" et aussi la substitution du mot "mille" au mot "cinquante" à la 7me ligne.

Mr Hodge,

Je demande aussi qu'on ajoute après le mot "piastres" les mots suivants: "et sera condamné à un emprisonnement qui ne pourra être de moins d'un an".

L'amendement et la section sont successivement adoptés.

Sur motion d'adopter la 10me section:

Mr Palfrey propose la suppression du mot "Etat" à la 5me ligne, et la substitution des mots "Trésorier de la ville".

Déposé sur la table.

Sur motion de Mr Boatner "un demi cent" est supprimé à la 3me ligne, et remplacé par les mots "cinq cents".

Et la section est adoptée avec cette modification.

Sur motion d'adopter la 11me section,

Mr Boatner,

Je propose un amendement qui consisterait à substituer aux mots "un cent" à la 3me ligne, les mots "deux cents".

Mr Moore,

Je vote contre les deux.

Mr Kenner,

Faites-le, c'est votre droit.

Mr King,

Je constaterai qu'il y a treize *mille votans et dix* districts représentatifs dans la Nouvelle-Orléans, et que si vous divisez $1300 entre vingt personnes, leur rémunération sera très minime, et assurément aussi mince qu'il est permis de l'espérer.

M. Hodge,

Je voterai non, parce que je ne crois pas que le bill soit parfaitement conforme au vœu de la Constitution.

L'amendement est adopté.

Mr Hodge,

Avant que la section soit adoptée, je voudrais demander au sénateur de Catahoula (Mr Boatner) qui semble avoir le contrôle de ce bill, si l'objet de la Convention qui a créé la Convention n'a pas été de prévenir la fraude, et si le bill proposé rendra le vote frauduleux plus difficile et moins fréquent qu'il ne l'est sous le système actuel?

Mr Boatner,

Le bill ordonne la création d'un régistre spécial, et c'est tout ce que requiert la Constitution.

La section est adoptée.

Sur motion d'adopter la 12me section:

Mr Rivers,

Je propose de supprimer, à la 2de ligne, les mots "pour exécuter le vœu de la Constitution" et qu'ils les remplace par ceux-ci: "pour éluder le vœu de la Constitution".

M. Trudeau,

La section semble inspirer quelque doute à certains membres du sénat.

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Mr Ryan,

Je demande qu'on mette "afin d'accomplir le vœu et d'exécuter la lettre de la Constitution."

Mr Trudeau,

Ils ont fait leur devoir, et sont contents de leur bill. C'est une chose superbe, en vérité. Laissons-le passer tel qu'il est.

Mr Rivers,

Laissons-le. C'est une fiction. Ce bill est une peinture qui nous représente une vache, quand c'est un cheval qui est en effet sur la toile.

Mr Wickliffe,

Je serai l'introducteur et le parrain de Mr Trudeau, le sénateur de Jefferson, auprès du parti démocrate. Il a avoué que les démocrates ont exécuté la prescription de la Constitution, et je lui répéterai ces vers du poète religieux :

"Allons, pécheur, la lampe brûle encore,
"Repentez-vous, pendant qu'il en est temps."

Mr McCay,

Je propose de déposer la section et l'amendement sur la table.

Mr Moore,

Je voterai pour le dépôt, parce que je crois que l'acte ne remplit pas le vœu de la Constitution.

Mr King,

Je voterai "oui", parce que la question est purement emphatique.

Mr Kenner,

Je voterai "non" pour la même raison.

Mr McCay,

Je voterai "oui" parce que quel que soit l'intérêt des amis du bill, la signification est évidemment de ne pas exécuter la volonté de la Constitution.

La motion est rejetée.

L'amendement est déposé sur la table, et la section est adoptée.

MESSAGE DE LA CHAMBRE.

Le messager spécial de la Chambre vient demander le concours aux bills suivants :

Acte pour incorporer la Compagnie d'Arbita.

Acte pour diminuer le nombre de jurés de la paroisse de la Pointe Coupée, et pour pourvoir au service des jurés de ladite paroisse.

MESSAGE A LA CHAMBRE.

Le secrétaire-adjoint vient demander le concours de la Chambre au bill intitulé :

Acte pour autoriser la ville de la Nelle-Orléans à souscrire au fonds capital de la Compagnie du Chemin de Fer de Pontchartrain, à l'effet d'aider ladite Compagnie du Chemin de Fer de Pontchartrain à construire un chemin de fer de la Nelle-Orléans à la Mobile.

Et une résolution pour l'achat de l'Histoire politique des Etats-Unis, par Bernard Marigny.

RAPPORTS DES COMITES.

Mr Boatner, au nom de la majorité du Comité de Réclamations, présente le rapport suivant :

A l'Hon. W. W. Farmer, Lieutenant Gouverneur et Président du Sénat:

Le Comité de Réclamations auquel avait été envoyé une certaine résolution requérant de s'assurer du montant que Joseph H. Maddox a droit de réclamer de l'Etat, et si la somme de $3,000 reçue par lui, en vertu d'un acte de la dernière Législature, n'a pas été reçue comme paiement définitif de toutes ses réclamations contre l'Etat pour l'impression et la publication des débats dans sa gazette quotidienne et hebdomadaire,—rapporte que le Comité n'a pu s'assurer du montant qui peut être réclamé par ledit Maddox. Et quand à la seconde partie des instructions contenues dans la résolution, votre Comité a appris que le montant payé par la dernière Législature à J. H. Maddox, a été alloué par le Comité comme paiement en plein de ce qui était dû au dit Maddox ; cependant, il n'y a pas de preuves que ledit Maddox ait consenti à cet arrangement ou qu'il ait reçu ce montant comme compensation pleine et entière de sa réclamation contre l'Etat.

[Signé] M. BOATNER.

Mr. Dupré, au nom de la minorité du même Comité, présente le rapport suivant :

A l'Hon. W W Farmer, Président du Sénat.

Le soussigné, membre du Comité auquel avait été référé la réclamation de J. H. Maddox, a l'honneur de rapporter en faveur de cette réclamation, attendu qu'il n'y a aucune preuve que ledit Maddox ait reçu les $3,000 comme compensation pleine et entière pour toutes ses réclamations contre l'Etat, mais que cette somme a été reçue en paiement de certains services rendus par lui

[Signé] A. DUPRE.

Mr. Macmerdo, au nom du Comité de Finances, fait un rapport favorable à un acte pour établir un fonds permanent à l'usage des écoles publiques gratuites de l'Etat de la Louisiane, et à un autre pour exempter de la taxe l'Association de l'Asile des Marins.

Et il fait un rapport favorable à un bill pour venir au secours des vétérans de 1814 et 1815, avec amendement au titre de ce bill, de manière à ce qu'il soit ainsi conçu :

Acte pour pourvoir au déficit dans l'allocation affectée aux pensions d'après les dispositions d'un acte intitulé :

Acte accordant des pensions aux vétérans de 1814 et 1815, approuvé le 30 avril 1853.

Et il rapporte la communication du Trésorier de l'Etat, avec la résolution suivante, laquelle est lue et adoptée.

Résolution demandant des informations à l'Avocat Général.

Résolu par le Sénat de l'Etat de la Louisiane, que l'Avocat-Général soit requis d'informer le Sénat quelles procédures il a faites à l'effet de poursuivre les officiers publics délinquants dans la ville de la Nouvelle Orléans, qui ont négligé de payer au Trésorier de l'Etat, et qui ont manqué de payer le montant requis par l'acte No. 98 de l'Assemblée Générale pour l'année 1843.

Et il rapporte un acte pour approuver le cautionnement fourni par le Shérif de la paroisse de St. Landry, en sa capacité officielle, recommandant au Sénat de renvoyer ce bill au Comité Judiciaire, attendu que ce sujet embrasse une question légale.

Sur motion, ce bill est référé au Comité Judiciaire.

Et il présente aussi une communication de l'Auditeur des Comptes Publics, relativement à un réglement fait avec A. C. Bickham, et il recommande au Sénat l'approbation de ce réglement.

Et il fait aussi les rapports suivants :

A l'Hon. W W Farmer, Président du Sénat

Le Comité de Finances auquel avait été référée la pétition des exécuteurs testamentaires d'Alexandre Gordon, décédé, présente le rapport suivant :

Que bien qu'il soit convaincu que Mr. Alexandre Gordon a fait de grands services d'argent pour maintenir la Compagnie du Chemin de Fer du Golfe du Mexique, il ne croit pas que l'Etat doive accorder la demande des pétitionnaires, en les déchargeant de leur dette envers l'Etat ; mais étant d'opinion que le Chemin de Fer du Golfe du Mexique est utile et avantageux pour cette partie de l'Etat à travers laquelle il passe, et que ce serait nuire aux intérêts des habitants que de ne pas

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maintenir ce chemin ; et pour faire voir que l'Etat est bien disposé envers ses propriétaires, le Comité recommande qu'on accorde du temps aux exécuteurs testamentaires dudit Alexandre Gordon, décédé, pour payer le montant qu'ils doivent à l'Etat, en conséquence le Comite soumet au Sénat le bill qui accompagne ce rapport.

A l'Hon. W W Farmer, Président du Sénat.

Le Comité de Finances, auquel avait été référée la pétition d'Antoine Cambré et autres, demandant une rétribution pour avoir servi comme jurés dans la Cour du Premier District de la ville de la Nouvelle-Orléans, dans des affaires criminelles, a l'honneur de rapporter :

Qu'il a examiné cette réclamation, et que dans le cours de son examen, il a trouvé que dans toutes les autres paroisses de l'Etat, excepté la Nouvelle-Orléans, les services de même nature sont payés des fonds appartenant aux paroisses respectivement, et que jamais aucune réclamation de ce genre n'a été faite contre l'Etat par aucune paroisse autre que celle de la Nouvelle-Orléans. Les dépenses de cette nature sont considérées comme étant de celles qui doivant être fixées par le gouvernement municipal, et que si le Conseil de Ville de la Nlle.-Orléans n'a pas adopté d'ordonnances pour pourvoir au paiement des jurés dans les affaires criminelles dans ses limites, c'est une preuve que les autorités de cette ville ont considéré ce service comme un devoir public réciproque que chaque citoyen doit rendre à son tour, sans exiger de paiement, comme lorsqu'il est appelé à servir dans la milice.

Cependant, votre comité est d'opinion que la ville de la Nouvelle-Orléans est tenue, en vertu de la section de l'acte du 27 mai 1846, intitulé:

Acte pour abolir le Juri de Police dans la ville de la Nouvelle-Orléans, de pourvoir au paiement de semblables réclamations.

De toutes les manières, le Comité étant d'opinion que l'Etat n'est pas tenu, soit légalement ou équitablement, de pourvoir au paiement de ces services, rapporte contre la pétition.

[Signé] J. R. MAC MURDO, Rapporteur.

Le Sénat s'ajourne ensuite.

MERCREDI, 8 mars, 1854.

Mr McCay, du Comité des relations fédérales, lit le rapport suivant:

RAPPORT DU COMITE DES RELATIONS FEDERALES RELATIVEMENT AUX MESURES DE POLITIQUE INTERIEURE PRISES PAR LE GOUVERNEMENT DE L'ILE DE CUBE, ETC.

A l'honorable W. W. Farmer, Président du Sénat :

Depuis quelques mois, le gouvernement de l'Ile de Cube a institué un nouveau système de politique intérieure au sujet de la question du travail, et de l'organisation sociale de l'île, avec l'intention avouée de substituer le travail libre à l'esclavage domestique actuellement existant, et d'émanciper à un jour donné les nègres qui sont là en si grande quantité, et provenant des continuelles importations qui se font de l'Afrique, de connivence avec le gouvernement et en violation directe avec les propres lois de ce pays et avec les stipulations des traités. Pour mener mieux à fin ses projets ténébreux, le gouvernement espagnol a évidemment arrêté le dessein de procéder par affranchissements, isolés, au lieu d'émanciper en masse, dans le but d'éloigner, autant que possible, les soupçons, et de ne pas donner l'alarme. Mais le principe n'en est pas moins pernicieux, et le but que se propose le gouvernement de Cube n'en est pas moins évident, car chaque libération individuelle est un pas fait vers ce but qu'on n'ose pas avouer ostensiblement.

Pour défendre ces mesures, l'organe du gouvernement espagnol à Cube, a ouvertement annoncé et soutenu de son appui l'idée fallacieuse que le travail libre serait plus avantageux au pays et hâterait d'avantage son développement que le système actuel ; et que la mère patrie, étant une des grandes familles de nations européennes, se croyait engagée, dans l'intérêt de sa prospérité et de sa gloire, à entrer dans la voie suivie par toutes les autres puissances d'Europe, et d'en faire mettre les principes en application dans tous ses domaines.

En exécution de cette pensée, le gouvernement d'Espagne a ordonné l'émancipation immédiate d'un grand nombre de nègres connus comme 'émancipados', qui avaient pendant longtemps été privés de leur liberté, le gouvernement de Cube ayant mis en pratique le système de l'apprentissage et de réapprentissage, au lieu de leur donner leurs papiers d'émancipation en petit nombre, et de temps en temps, à mesure qu'ils y avaient droit.

Comme conséquence de cet acte, et sous le prétexte qu'il est nécessaire d'augmenter le nombre des travailleurs de Cube, le gouvernement de l'Espagne a institué un nouveau code de lois pour cette île, et ce même gouvernement stimule ses sujets à importer des travailleurs-apprentis de différentes races afin de les faire travailler à ses champs à côté de l'esclave.

Si, d'une part, il n'appartient pas au Comité des Relations Fédérales nommé par le Sénat, de discuter le droit abstrait de l'Espagne, à instituer de semblables lois dans l'étendue de ses domaines, lorsqu'elle semble croire qu'elles sont avantageuses à tout son peuple ; d'autre part, ce comité ne peut s'empêcher de dire que sa croyance est que la libération soudaine d'un grand nombre de noirs au milieu d'une population esclave, doit nécessairement éveiller de sourdes passions et produire un grand effet funeste sur la condition morale des esclaves ; et que l'institution dans la même communauté d'une classe de travailleurs-apprentis qui, pendant un certain nombre d'années, travailleront côte à côte avec les esclaves, dans un contact perpétuel, et presque dans une position égale, laquelle classe, à la fin d'une certaine période déterminée, aura droit à la liberté et même s'élèvera jusqu'aux fonctions du citoyen, que cette institution, disons nous, minera sourdement les fondements de présent système social de Cube, et arrivera enfin à détruire complètement les ressources et la richesse de cette portion des domaines de l'Espagne, et le bien-être des habitans blancs de l'île de Cube.

La proximité immédiate où se trouve cette île par rapport à nous, sa position géographique, et nos rapports avec le grand commerce extérieur qui va sans cesse en augmentant, non seulement de notre Etat, mais encore de toutes les rivières et ports des Etats du sud et du sud-ouest de la grande vallée de l'ouest, et de cette vaste région au delà du Mississippi, qui s'ouvre si rapidement à une mesure productive ; l'effet qu'un changement radical dans ses institutions sociales peut avoir sur notre esclavage domestique, et sa connexion désastreuse avec la sécurité de nos relations avec les Etats Fédéraques, par l'intermédiaire des rivers qui arrosent l'île, et de l'isthme de Panama; tous ces motifs induisent le comité à présenter au sénat quelques réflexions à propos de l'effet des mesures nouvellement prises par le gouvernement de Cube sur notre prospérité intérieure.

Son Excellence, le Gouverneur Hébert, dans son dernier message à la Législature, a fait allusion à

ces faits d'une manière très nette et très éloquente.

L'abolition de l'esclavage dans l'île de Cube sera certainement la cause d'une grande émigration de la race blanche de cette île, et par suite accroîtra encore la disproportion qui existe actuellement entre les noirs et les blancs. Elle détruira toutes les sources de prospérité existant dans l'organisation morale de sa société, et en appauvrissant le reste des habitans blancs, les réduira à une condition politique, sociale et morale d'égalité avec la race demi-barbare des Africains, qui compose en ce moment une si large partie de sa population. La garantie du pouvoir social et la représentation politique qui leur serait accordées y amèneraient à cause de leur prépondérance numérique, un gouvernement faible dans tous ses éléments physiques et moraux, principalement composé de l'élément nègre, et ayant une sympathie naturelle pour les influences européennes qui l'auront créé, et par contre, une antipathie positive contre nos intérêts politiques et sociaux qui seront opposés à sa création.

Un tel événement serait un grand danger pour le sud, et même pour toute l'Union. Les eaux qui baignent nos rivages du sud seraient converties en un théâtre de guerre perpétuelle, où les intérêts en conflit de l'Amérique et de l'Europe se trouveraient en constante collision. Et la présence dans ces eaux, de cette espèce de comité européen, directement opposé dans son essence à notre développement et à notre influence, obligerait notre gouvernement national à maintenir continuellement sur ce point une force maritime considérable pour veiller à la défense de ces grandes routes de notre commerce.

Il y aurait danger pour nous dans le voisinage d'un peuple mal gouverné, ayant une organisation sociale grandement différente de la nôtre, pour ne pas dire diamétralement opposée. Cela amènerait la la création d'un gouvernement anti-américain, présentant de grands points de difficulté et de désagrément, plus encore qu'il ne peut s'en présenter avec le gouvernement actuel et plus qu'il ne pourrait s'en élever avec un gouvernement différent du nôtre dans ses principes et dans ses tendances. Cela peut nous conduire à la nécessité de prendre possession de l'île, dans l'intérêt de notre sûreté, afin de défendre notre pays contre le danger du voisinage d'un pays désorganisé dans sa condition sociale, dont les ressources productives auront été détruites, et qui sera lui-même, sous tous les rapports, dans des conditions qui rendront impossible son admission dans l'Union.

Des raisons physiques de la nature la plus forte concourent à rendre désirable, sous tous les rapports, que cette île soit en notre possession, ou en la possession d'une puissance amie et vraiment américaine. La pauvreté de nos côtes du sud en ports maritimes pour abriter ces escadrons navals dans ces mers, force, en ce moment, le gouvernement fédéral à fortifier à grands frais les roches des Tortugas, à l'entrée du Golfe du Mexique. La nécessité de cette marche est plus apparente quand nous contemplons les vastes échanges de produits qui, à une époque rapprochée, doivent avoir lieu entre les anciens peuples qui habitent les bords de l'Océan Atlantique, et les empires nouveau-nés qui se développent si rapidement sur le déclin des montagnes Rocheuses et sur les bords dorés de l'Océan Pacifique. Une grande partie de ces richesses traversent les eaux et les routes favorables que présente la configuration naturelle du continent, est obligée de passer à travers l'étroit canal qui se trouve placé à la rive septentrionale de Cube. Pendant que les nécessités de notre position particulière nous obligent à fortifier les roches Tortugas, insignifiantes sous tous les rapports, excepté sous le rapport de leur position géographique, Cube, au contraire, abonde en ports maritimes qui sont l'admiration du monde entier, en bois de construction et en ressources navales de toutes sortes. et elle possède un territoire étendu, et un sol fertile capable de fournir des millions d'amis ou d'ennemis Le commerce illimité du Mississipi et de ses affluents, et des nouveaux chemins de fer qui conduisent aux bords du Pacifique, sont forcés d'aller chercher un débouché sur les marchés du vieux monde, en passant à quelques milles des rivages de Cube. Les lois des nations peuvent s'opposer à ce que nous troublions une puissance amie dans la jouissance légale de ses domaines; mais lorsqu'une puissance dont le territoire est contigu au nôtre, abuse du privilege que lui donnent ces mêmes lois, en instituant un système de politique intérieure et en organisant des institutions sociales qui doivent inévitablement se trouver en conflit avec les nôtres, et menacer même notre sécurité et notre fortune dans l'avenir; et quand, par dessus tout, ces mesures sont prises avec l'intention évidente et presque avouée de s'interférer dans les lois de notre progrès naturel, et du développement de nos interêts et de notre influence, alors la nécessité de notre propre conservation devient la seule loi qui doive régler notre conduite.

Par ces motifs, le comité propose qu'il soit résolu et décrété:

Que nous voyons avec alarme le changement récent et avoué qui a lieu dans la politique intérieure du gouvernement espagnol à Cube, dont les tendances et le résultat manifestes seront l'abolition de l'esclavage et la destruction de la race blanche dans ce pays;

Que nous croyons qu'un tel événement produira le plus pernicieux effet sur les mêmes institutions et les mêmes intérêts dans ce qu'il détruira l'existence sociale et politique de l'île, et portera un coup matériel à la loi du progrès américain, en empêchant pour toujours l'annexion de Cube à l'Union; qu'il créera dans notre vicinité immédiate, et presque en vue de nos rivages, un gouvernement administré par une race africaine inférieure et barbare, sous l'influence immédiate des idées et des intérêts européens, et par conséquent contraire à l'influence américaine pure qui doit prédominer sur ce continent et ses îles adjacentes; que cet événement est un danger pour la sûreté de l'avenir de nos voisins et du sud ouest et des hâvres du Golfe du Mexique, de la Méditerranée américaine, et des nouvelles grandes routes du commerce à travers ses mers en passant par l'isthme de Panama; et qu'il menace matériellement les relations entre nos Etats de l'Atlantique et nos Etats du Pacifique.

Que nous approuvons les sentiments exprimés dans le message d'inauguration du général Pierce, relativement à l'extension de nos limites et à la nécessité de prevenir l'envahissement d'influences préjudiciables sur nos rivages du Sud, ainsi que les sentiments exprimés par le gouverneur Hébert dans son dernier message annuel.

Enfin, que nous pensons que le temps est arrivé où le peuple américain et le gouvernement fédéral doivent avoir les yeux sur l'attitude de Cube et des puissances européennes à Cube, dans le but d'empêcher qu'il soit pris des mesures et créé des intentions préjudiciables à notre propre sûreté et à notre fortune à venir.

THOS. S. McCAY, Président.

Mr. Moore évoque la prise en considération d'un

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bill pour venir au secours de Mr. Fuselier, traducteur des rapports de la Convention.

Mr Moore,

Le Comité des Réclamations a fait son rapport sur ce bill, en y laissant un blanc Je propose de remplir le blanc par la somme de $125 Mr. Fuselier ne demande pas un paiement complet. Il réclame seulement le remboursement de ses dépenses. Mais il est allé à la Nouvelle-Orléans et y est resté quarante jours pour y faire la traduction de ces rapports. et il est à présumer que ses dépenses ont pu être de $3 par jour, plus cinq piastres pour s'y rendre. Il est de toute évidence qu'il a droit au remboursement de cette somme. C'était un rapporteur habile et de plus un galant homme, et il aurait fait le travail, si on lui avait fourni les rapports.

Il s'était engagé sur l'honneur à rester quarante jours, et il doit être payé.

Mr Boatner,

Je vais lire un certificat de l'auditeur des comptes publics, montrant que Mr Fuselier a reçu une autre paye, pour vingt jours, à raison de huit piastres par jour, faisant 160 piastres.

Le bill est adopté.

ORDRE SPECIAL DU JOUR.

Acte pour venir au secours de J. H. Maddox, imprimeur public, auquel on n'a pas fourni les rapports de la Convention constitutionnelle.

Mr Boatner,

Messieurs—Comme l'affaire a donné lieu à une foule de remarques en dehors de cette enceinte, et que ma conduite a été examinée de près, j'exposerai brièvement les raisons qui me décident à voter contre le bill.

M. Maddox réclame de l'Etat la somme de $15,000, et cette réclamation a attiré l'attention la plus sérieuse de la part du Comité, auquel j'appartiens. Nous avons examiné l'affaire avec soin Nous avons pris l'avis de personnes plus versées que nous dans ces matieres, et tout le monde est tombé d'accord que lorsqu'à la dernière session, M. Maddox a reçu $3,000, c'était pour solde de compte. Il y a plusieurs sénateurs qui peuvent témoigner de la vérité de cette affirmation. Le Comité n'a pas pu admettre que M. Maddox eût un droit acquis; et il serait en effet dangereux d'établir un pareil précédent.

En 1852, M. Weisse, du journal l'Abeille, fût élu imprimeur Public pour deux ans, et s'était associé M. Mann. En 1843, la Législature élut M. LaSère, du Courrier, à la place de MM. Weisse et Mann. Il n'a pas été fait d'objection à ce mode de procéder, et MM. Weisse et Mann furent laissés de côté et se virent retirer des impressions publiques selon la volonté de la Législature, avant l'expiration des deux ans.

Mr Rivers,

Je vous demande pardon, le fait n'a pas eu lieu sans objections.

Mr Boatner,

Mais je ne vois rien de semblable dans les rapports. MM. Weisse et Mann n'ont porté aucune plainte. Les amis du bill disent que le rapporteur n'a pas fourni les rapports à l'imprimeur. Si l'imprimeur doit être payé quand le rapporteur ne fait pas ses rapports, c'est là un dangereux précédent.

Mr Hodge,

Je désire redresser une erreur commise par le président du Comité des réclamations au sujet de l'énonciation d'un fait.

La question est celle-ci: Mr Maddox, en recevant la somme de 3,000 a-t-il du recevoir le solde de ce que lui était dû? Je n'ai pas entendu dire au président du Comité que Mr Maddox l'ait compris ainsi

Mr Boatner,

Moi, je ne l'ai pas dit.

Mr Hodge,

Quand les $3,000 furent appropriées, on fit la proposition que les débats fussent discontinués, et je tiens à la main une lettre de l'Orateur de la Chambre des Représentants (Mr Saudidge), qui constate que la proposition n'a pas été sérieusement examinée et a été adoptée à-peu-près les yeux fermés.

Quant aux mérites de la réclamation, je suis autorisé par la plus haute autorité démocratique à la défendre et à l'appuyer. Nous savons de plusieurs personnes d'une irréprochable intégrité, que Mr Maddox n'a pas dépensé moins de $5,000 à $6,000 pour se mettre en mesure de faire le travail. Les preuves conservées aux archives démontrent d'ailleurs qu'il a fait dans ce but une dépense considérable. Je désirais appeler l'attention du Sénateur ce fait, qu'en vertu d'une résolution de la Convention, Mr Maddox a acheté pour $4,000 à $5,000 petits caractères d'imprimerie, par ce que la Convention avait déterminé la nature du caractère qui devait être employé pour l'impression, et il est prouvé qu'il n'avait pas de caractères de ce genre à son imprimerie. Maintenant, les plus hautes autorités soutiennent que dans tous les contrats synallagmatiques, lorsqu'une partie manque de remplir ses engagements, elle devient immédiatement responsable envers l'autre partie contractante.

(Mr Hodge se réfère ici à l'espèce de Blair et Rives contre le gouvernement, et en donne lecture au Sénat, ainsi que de l'opinion de Mr Buchanan, les deux officiers étant, selon l'honorable membre, complètement identiques.

Serait-il juste de permettre que l'Etat pût violer un contrat? L'Etat n'est-il pas tenu, aussi bien qu'un particulier, de remplir ses engagements? J'affirme que Mr. Maddox s'est toujours tenu en mesure de remplir sa part des obligations du contrat. On n'a pas à lui reprocher la moindre négligence. Il a imprimé les rapports aussitôt qu'on lui en a fourni. Conséquemment, si l'Etat, par l'entremise de son agent, refuse d'exécuter sa part du contrat, Mr. Maddox doit-il en souffrir? Les rapporteurs du Sénat et de la Chambre ont examiné l'affaire, et ils disent que si l'ouvrage avait été fait, Mr. Maddox aurait réalisé plus de $20,000. Le rapporteur n'a pas fourni les rapports, et la faute en retomberait sur Mr. Maddox, parfaitement innocent des fautes de l'Etat? On comprend que cela est impossible.

(Mr. Hodge cite ici l'affaire de l'Intendant Général des Travaux Publics ayant refusé d'employer un entrepreneur qui avait contracté avec l'Etat, et rappelle que le Congrès a ordonné subséquemment le paiement de ce contracteur.)

J'affirme, messieurs, que les précédents dans ce sens ont déjà eu lieu aux Etats-Unis, veuillez que cette réclamation soit accueillie et qu'il y soit fait droit par le paiement. Il y a là cela équité et justice. La question n'est pas de savoir si l'Etat a profité du contrat ou s'il en a souffert, mais bien de savoir si Mr. Maddox a fait son devoir, et si l'Etat n'a pas rempli sa part du contrat. S'il est ainsi, Mr. Maddox a le même droit de réclamation contre l'Etat, qu'il aurait contre un particulier.

Mr. Macmurdo,

Comme on a fait allusion à ce qui a transpiré à la session dernière, je constaterai que Mr. Maddox est venu me trouver au sujet de l'appropriation de $3,000. Je lui dis que s'il pouvait amener M. Kenner à la soutenir, je ferais un rapport favo-

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rable. Mr. Kenner et moi, nous eûmes ensuite une conversation sur ce sujet, hors la présence de Mr. Maddox. Mais certainement, Mr. Kenner et moi, nous considérâmes qu'il s'agissait d'un réglement de comptes.

Mr. King,

Nous avons entendu une longue dissertation sur l'obligation morale d'un contrat. Mais précisément nous nions qu'il y ait eu contrat. Où est-il donc, ce contrat dont vous parlez? Montrez-nous donc l'engagement de l'Etat. Pour rendre cette affaire plus claire, laissez-moi chercher quelles seraient les conséquences du principe que l'on invoque. Mr. Maddox aurait-il pu résigner ses fonctions d'imprimeur de l'Etat? Assurément, il aurait pu, et rien ne pouvait l'obliger, s'il lui avait convenu de ne pas le faire. Et maintenant, où est votre contrat, puisque vous parlez de contrat, par lequel il aurait pu être responsable envers l'Etat? L'argument, si je ne me trompe, est celui-ci, à savoir qu'il y avait engagement réciproque. Eh bien, montrez-nous l'engagement qu'a pris Mr. Maddox? Etait-il obligé d'imprimer? Evidemment non; personne ne voudrait soutenir une telle proposition. Il eût certainement pu ne pas imprimer, sans être aucunement responsable envers l'Etat.

Je crois qu'il a été fait une appropriation de $16,000, sans impression de bills. Il n'y avait que quelques rapports. A la dernière session, Mr Maddox est venu ici et a reçu $3,010 pour imprimer 60 pages de rapports, c'est-à dire autant qu'il en avait été fourni, et je dis, moi, que la totalité des rapports aurait pu être imprimée pour cette somme de $3,010. Les statuts révisés contenaient environ 600 pages, et n'ont coûté que $3,500. L'appropriation donnée fut regardée par tout le monde comme un paiement final. Si deux parties font un règlement, et qu'ensuite l'une d'elle vienne faire de nouvelles réclamations, y a-t-il une Cour qui voudra les écouter? Mr. Maddox avait tout autant de droits à faire cette réclamation; pourquoi donc ne l'a-t-il pas faite alors? c'était cependant le nommer. On eut réglé le tout à la fois.

Mais une autre objection à faire a ce bill, c'est l'incertitude de la base sur laquelle il repose. Ou sont les éléments qui constituent le bénéfice de $15,000? Je voudrais qu'on me dit au moins sur quoi l'imprimeur devait faire de pareils bénéfices. Il a fait pour $3,010 soixante pages, et peut-on nous dire combien il aurait demandé pour imprimer tous les débats? Je ne puis pas me rendre compte de cette prétention vraiment extraordinaire. Faudra-t-il maintenant que nous fassions de nos imprimeurs des hommes riches comme les Nababs de l'Asie? Sans doute, ce sont des hommes utiles et méritants, mais ils n'ont aucun droit à cette espèce de monopole.

Mr. Hodge,

J'ai généralement observé que lorsque Mr. King a quelques doutes sur la validité des arguments d'un de ses collègues, il a recours à une certaine façon de répliquer. L'honorable membre affirme qu'il n'a pas cru qu'il pût y avoir un homme au monde qui doutât des arguments de son rapport. Je dirai à notre collègue que je prétends avoir le droit de me former moi-même, et avec les éléments qui me conviennent, ma propre opinion sur un sujet quelconque, et quand je me la forme, j'ai autant de respect pour mon opinion que celle de Mr. King. Je vais lire l'opinion de James Buchanan, laquelle non seulement a droit au respect du Sénat, mais encore à celui du monde entier.

J'espère que l'honorable membre ne la traitera pas avec la même indifférence, ni avec le même dédain que les autres. (Ici, Mr. Hodge donne lecture de l'opinion de Mr. Buchanan, dans une espèce semblable.)

Maintenant, je vais répondre à Mr. King, au sujet de ce qu'il a dit sur les contrats. Nous sommes, l'un et l'autre, avocats, et il est à présumer que nous savons, l'un et l'autre, quelque chose des lois. Eh bien, je dirai à l'honorable membre qu'il n'est pas nécessaire qu'il y ait un écrit pour qu'il y ait contrat. Il me demande triomphalement: "Où est votre contrat; où est votre engagement?" Mais il n'est pas nécessaire, pour qu'ils existent, que je puisse vous les faire toucher au doigt. Un contrat peut exister et être parfaitement obligatoire sans qu'il y ait le moindre écrit. Je vais lire la loi. (Il lit la loi.)

En ce qui regarde la somme à laquelle Mr. Maddox a droit en vertu de ce contrat, la seule enquête que nous ayons à faire est celle-ci: Quels auraient été ses profits? Mr. Martin et Mr. DaPonte, tous les deux pratiquement versés dans ces matières, affirment que Mr. Maddox aurait gagné à cette affaire au-delà de $20,000.

Mr King,

Quand j'ai pris la parole, j'ai commencé mon argumentation par cette question: Mr. Maddox pouvait-il résigner? S'il le pouvait, j'en induis qu'il n'y avait pas de contrat.

Mr. Hodge,

Avez-vous connu un imprimeur qui ait résigné? S'il avait résigné, il n'y a pas de doute qu'il eût été responsable envers l'Etat.

Mr. Ryan,

Mr. King prétendrait-il dire que Mr. Maddox n'aurait pas été responsable s'il avait résigné?

Mr. King,

Oui, je le prétends, et il n'est pas un avocat dans tout l'Etat qui voulût se charger de soutenir un pareil procès.

Je vais démontrer maintenant que si même c'est un contrat, l'Etat n'est cependant pas davantage responsable.

(Ici, Mr. King lit l'art. 1927 du Code Civil, pour prouver que lorsqu'un contrat vient à manquer par suite d'un événement fortuit, la partie n'est pas liée.)

Mr. Boatner,

Comme il a été fait quelqu'allusion à moi par le sénateur de Caddo, (Mr. Hodge), je désire dire pourquoi je ne peux pas être influencé par ses arguments.

En ce qui regarde l'affaire de Blair et Rives, qui étaient des imprimeurs publics, et qui avaient fourni caution, ils ont été congédiés par une tierce partie et non par une personne ayant été partie au contrat, et il n'y a aucune ressemblance entre cette espèce et la nôtre.

Je conviens avec Mr. King, et je crois comme lui que la loi qu'il a lue est juste et bonne, et qu'il n'y a pas de précédent pour le paiement de cette réclamation. Nous avons le droit de remplacer notre rapporteur; et supposons que nous le fassions aujourd'hui, au dire de Mr. Hodge, et pour appliquer son principe, nous serions exposés à voir arriver ici Mr. LaSère, qui demanderait à imprimer les rapports.

Mr. Moore,

Permettez-moi une simple question: N'a-t-il pas été fourni aux deux comités la preuve que Mr. Maddox avait dépensé quatre ou cinq mille piastres pour se préparer à faire l'ouvrage?

Mr. Boatner,

Je crois en effet qu'il a pu être prouvé qu'il avait dépensé quelques milles piastres, mais il a été également prouvé que Mr. Maddox avait déjà reçu $20,000.

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Je ne crois pas que les rapports de la Convention de 1845, doivent servir de base à la fixation des compensations, parce que la Convention de 1845 était une assemblée extrêmement parlante, et la Convention de 1852 ne l'était pas, si on en croit le discours de clôture de son digne président, Mr Kenner.

Mr. Hodge,

Il a été dit que Mr. Maddox n'a pas présenté sa réclamation l'hiver dernier, et qu'une Cour pour cela, présumerait que sa réclamation n'est pas valable. Le rapporteur n'a été malade que pendant quelques mois. Il n'était pas encore mort à la dernière session, et Mr. Maddox a supposé qu'il fournirait les rapports.

Mr. Kenner,

Je voudrais demander au Président du Comité des Réclamations, Mr. Boatner, à quelle somme le Comité a pensé que Mr. Maddox avait droit.

Mr. Boatner,

Le Comité n'a pas pensé qu'il lui fût rien dû.

Mr. Rivers. Fort bien. Je demanderai alors s'il n'était pas évident et prouvé que l'imprimeur avait fait des dépenses pour se préparer à faire l'ouvrage.

Mr. Boatner,

Je crois qu'en effet cela a été prouvé.

Mr Moore,

Il est prouvé que Mr. Maddox a dépensé quatre ou cinq mille piastres, et je voterai pour qu'on l'indemnise de cette perte.

Mr. King,

Si nous payons le prix des caractères l'Etat a droit de les prendre. Ils sont à lui.

Mr. Martel,

Je ne sais pas comment voter, car je n'ai pas de renseignemens précis au sujet de la somme qui a déjà été payée à Mr Maddox. Je serai heureux que quelqu'un voulût me renseigner à cet égard.

Mr. Macmurdo,

Je vais répondre au senateur. Mr. Maddox a reçu $16,000 pour les impressions de la Convention, les procédures, etc., etc., et $3,000 pour l'impression de la portion des débats qui lui a été fournie.

Mr McCay,

Il n'y a eu que $3,000 payées sur la réclamation

Mr. King,

Je demande le dépôt sur la table, du bill entier.

La motion est rejetée.

Le bill est adopté avec l'insertion des mots six mille piastres" à titre d'amendement.

ORDRE DU JOUR.

ACTE

POUR AUGMENTER LE SALAIRE DU CLERC DE LA PREMIERE COUR DE DISTRICT.

Mr. Rivers,

Je demande que cette augmentation de salaire soit prise sur les amendes et les condamnations. Le bill était auparavant conçu de cette manière, et je vois qu'aujourd'hui il s'agit de prendre ce salaire sur le Trésor de l'Etat.

Mr. King,

Je ne comprends pas cette action du Sénat. J'ai demandé qu'on reprît la délibération sur ce bill, et l'évoquer dans cette forme, c'est me traiter avec une discourtoisie peu parlementaire. Pas un sénateur n'avait le droit de faire une motion sur ce bill en mon absence.

Mr. McCay,

Un mot d'explication.

Le sénateur a demandé une reconsidération, mais cette reconsidération a été renvoyée à aujourd'hui, et le bill était en la possession du Sénat et conséquemment il appartenait à cette Assemblée. Je n'ai pas évoqué le bill. Il a été annoncé par le Président. Je n'ai certainement pas eu l'intention de manquer de courtoisie. Si les sénateurs ne sont pas à leurs bancs, ils n'ont pas pour cela le droit de penser que les affaires du Sénat doivent souffrir de leur absence.

Mr. King persiste dans son droit, et le Président décide que le bill était en la possession du Sénat.

Sur motion d'adopter la première section.

Mr. King,

Je demande qu'on dépose la section sur le bureau.

Mr. McCay,

J'espère que les sénateurs voient maintenant les éclaircissements que nous devons attendre de la présence des sénateurs.

Mr. King,

Je retire le bill.

Mr Palfrey,

Il a été constaté, l'autre jour, que deux députés étaient employés à raison de neuf cents piastres chacun, ce qui me paraît un salaire très élevé. Nous n'avons pas de preuve de ce fait. Et ensuite, comment se fait-il que le papier, la lumière et le charbon puissent coûter mille piastres, c'est ce que je ne puis concevoir.

Mr Lacey,

Je crois que je puis satisfaire le sénateur de Ste. Marie. Je lui demanderai s'il peut se procurer deux hommes compétents à la Nouvelle Orléans, pour $1,800 par an. Le clerc a maintenant un salaire de $4.000, sur lesquels il doit payer $1800 pour ses sous employés, plus 1,000 pour dépense de bureau. Maintenant, que reste-t-il au clerc pour vivre avec sa famille? La misère somme de $1200. Le Sénat de l'Etat de la Louisiane voudra certainement maintenir et voter la section.

Mr Rivers,

Je ne me sens aucune disposition à répondre à l'appel patriotique de l'honorable membre. Je propose que le clerc résigne, et si la place n'est pas occupée par un homme compétent, s'il n'en peut pas être trouvé au prix de $4,000 je voterai pour une augmentation, l'année prochaine.

Mr King,

Je vais ajouter un fait qui n'est pas connu. Le clerc a droit à être remboursé de ses frais pour les procès criminels quand l'accusé est condamné.

Chaque cas peut lui rapporter de cent à huit piastres.

Il touche aussi un droit pour les délits de forfaiture. Le tout peut s'élever à deux ou trois mille piastres. Nous savons aussi qu'il touche des droits sur les naturalisations. Admettons que deux clercs soient nécessaires, deux cents piastres pourraient couvrir toutes les autres dépenses, laissant ainsi au clerc $2,000 à ajouter à son salaire fixe, ce qui lui fait, suivant mon estimation, plus de $4,000, et cependant on ne craint pas de nous demander d'augmenter encore ses émoluments. Il faut donc que nous ayons la manie de dépenser à tout propos l'argent de l'Etat. J'ai déjà constaté, l'autre jour, qu'il y avait des centaines de personnes compétentes qui ne demanderaient pas mieux que de remplir les fonctions de clerc moyennant le salaire actuel.

Mr Moore,

Si vous voulez supprimer les mots "à prendre sur le Trésor," je voterai pour l'augmentation de salaire; autrement, je voterai contre le bill entier.

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Mr McCay,

Je vais lire le bill, par lequel le sénateur verra que l'excédant de salaire ne devait être payé que sur le contre-seing du juge.

Les première, seconde et troisième sections sont adoptées par le Sénat.

Message de la Chambre.

Le secretaire adjoint est chargé d'informer la Chambre que le Président du Sénat a signé lesdits bills.

Acte pour autoriser le Bureau des Commissaires des Terres Marécageuses à recevoir et adopter comme partie du système général de levées, telles levées qui ont pu être construites par les paroisses de Carroll, Madison et Catahoula, d'après les dispositions d'un acte intitulé :

Acte pour former un district de levées, qui sera composé des paroisses de Carroll, Madison et Catahoula, et qui devra d'une manière plus efficace, mettre lesdites paroisses à l'abri de l'inondation, approuvé le 18 mars 1852, et pour affecter la somme de cinquante mille piastres du fonds destiné aux terres marécageuses, à l'effet de payer le coût des dites levées.

Acte pour venir au secours de Samuel Smith, vétéran de 1814 et 1815.

Acte pour fixer l'époque des sessions du Juri de Police dans la paroisse de Tensas.

Acte intitulé acte pour autoriser et requérir l'ingénieur de l'Etat de faire un examen minutieux et un relevé de la rivière Ouachita et de la Petite Rivière.

Acte pour diviser de nouveau la paroisse de St. Bernard.

Acte pour autoriser un relevé du bayou Bœuf par l'ingénieur de l'Etat, dans le but de pourvoir à la navigation du dit bayou

Acte pour réviser et amender un acte intitulé:

Acte pour réviser un acte pour incorporer la Congrégation de l'Eglise Catholique et Romaine de St. François, dans la paroisse de Natchitoches

Acte pour amender la 35me section d'un acte intitulé :

Acte pour consolider la ville de la Nouvelle-Orléans et pour pourvoir au gouvernement et à l'administration de ses affaires, approuvé le 23 février 1852.

Acte pour amender un acte intitulé acte pour incorporer la ville de Vermillion, dans la paroisse de Lafayette, approuvé le 11 mars 1836.

Acte pour changer le nom de Jean Baptiste P. Rabelais en celui d'Onesime Rabelais.

Acte pour autoriser le Juri de Police de la paroisse de Pointe Coupée à émettre des bons pour un montant suffisant afin de couvrir la dette de la paroisse.

Acte pour incorporer la compagnie des pompiers de la ville de Shreveport.

Acte pour créer la place d'inspecteur des poids et mesures pour le quatrieme district de la ville de la Nouvelle-Orléans.

Acte pour créer un gardien du port pour le quatrième district de la Nouvelle-Orléans.

Acte pour abroger un acte intitulé acte pour exempter la paroisse de Lafayette du paiement des frais en matières criminelles, dans les limites de la paroisse de Vermillionville, approuvé le 13 février 1852.

Résolution à l'effet d'ouvrir un chemin du fleuve Mississipi aux Opélousas.

Résolution à l'effet d'améliorer la rivière Sabine.

Et un acte requérant le commissaire des terres marécageuses du premier district de faire certains travaux dans la paroisse de St. Bernard.

Et il demande la signature du Président aux bills suivants :

Acte requérant un relevé des terres publiques affectées aux écoles avant d'être vendues, et d'en régler la vente.

Acte pour protéger les marchands et les vendeurs de produits d'agriculture dans la ville de la Nlle.-Orléans.

Acte pour amender et decréter de nouveau la 3me et la 4me section d'un acte intitulé acte pour pourvoir à l'assiette et à la collecte des taxes dans l'Etat, approuvé le 21 mars 1850, et pour pourvoir à la création du bureau d'assesseurs et pour en régler la compensation.

Résolution relative à un chemin de fer du fleuve Mississipi à l'Océan Pacifique.

Message à la Chambre.

Le secrétaire adjoint est chargé d'aller demander l'adhésion de la Chambre aux bills suivants :

Acte pour pourvoir à l'enregistrement des noms et des résidences de tous les électeurs qualifiés de la ville de la Nouvelle-Orléans.

Acte pour venir au secours de Willis P. McGuire, de la paroisse de St. Tammany

Acte pour autoriser les gardiens du port de la Nouvelle Orléans, à employer des députés et des commis.

Acte pour venir au secours de la succession de feu Alexandre Gordon.

Et que le Sénat a donné son adhésion aux actes suivants :

Acte pour amender un acte intitulé acte pour amender un acte intitulé acte pour accorder à Louis Ambroise Aucoin, le privilége de tenir un ferri à travers la coupe du bayou Bœuf,, et pour d'autres objets, approuvé le 16 mars 1848.

Acte pour émanciper Robert H. Ward, de la paroisse de Morehouse.

Et que le Sénat a donné son concours avec amendement à un acte pour fixer l'époque des sessions de la Cour du Cinquième District Judiciaire

Et avec amendement au titre du bill intitulé acte pour venir au secours des vétérans de 1814 et 1815.

Rapports des Comités.

Mr Boatner, au nom du Comité des Réclamations, fait un rapport favorable à la pétition de Benjamin Borel, et présente un bill intitulé:

Acte pour venir au secours de Benjamin Borel, de la paroisse de Ste. Marie

Et il fait un rapport favorable à un bill intitulé :

Acte pour venir au secours de P. K. Wagner, imprimeur d'Etat en 1847, 1838 et 1849.

Sur motion de Mr. Pulfrey, et après dispense des règles, le Sénat s'occupe du bill intitulé :

Acte pour venir au secours de Benjamin Borel, et ce bill subit ses différentes lectures et passe.

Mr Boatner, au nom du Président du Comité Judiciaire, fait un rapport favorable à un bill intitulé :

Acte pour amender la 2me section d'un acte intitulé acte pour régler les sessions des Cours de District, (excepté dans la paroisse d'Orléans), fait le rapport suivant :

A l'Hon. W. W. Farmer, Lieutenant Gouverneur et Président du Sénat.

Le Comité Judiciaire de votre honorable corps, auquel a été référée la considération du bill intitulé:

Acte pour abolir les sessions de fevrier, et d'août de la Cour de District pour la paroisse de St. Landry, a l'honneur de rapporter:

Que dans l'opinion du Comité, ce bill devrait être amendé de manière à inclure les sessions de

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la Cour des Preuves des différentes paroisses qui forment le 15me district judiciaire, savoir : les paroisses de Lafayette, St. Landry et Calcasieu, et avec cet amendement le Comité recommande la passation du bill.

[Signé] G. S. LACEY,
Président.

Mr Hodge, au nom du Comité Judiciaire, fait un rapport favorable à un bill intitulé :

Acte pour pourvoir au jugement des affaires dans lesquelles les juges de la Cour de District pourront se récuser, excepté dans la paroisse d'Orléans.

Mr Macmurdo, au nom du Comité de Finances, rapporte au Sénat la résolution suivante, ainsi que la lettre du Secrétaire privé du Gouverneur qui l'accompagne.

Résolu que le Comité de Finances est requis de s'enquérir et de rapporter jusqu'à quel point l'Etat s'est engagé, d'après les pouvoirs confiés à la Législature en vertu des articles 109, 110 et 111 de la Constitution, et si aucun aide accordé par l'Etat aux travaux des améliorations à l'intérieur, a été donné à aucune compagnie au-delà de la proportion prescrite par l'article 109.

BUREAU DE L'EXECUTIF,
Bâton Rouge, 7 Mars 1854.

A l'Hon. J. R. Macmurdo, Président du Comité de Finances du Sénat:

Monsieur,

Conformément à votre requête, je vous envoie un exposé du montant pour lequel l'Etat s'est rendu responsable jusqu'à ce jour, d'après les pouvoirs accordés à la Législature par les articles 109, 110 et 111 de la Constitution.

Les seules dettes de l'Etat a jusqu'à présent encourues ont été contractées à l'usage des chemins de fer, savoir :

Le 27 mai 1854—76 bons, de $1000 chaque, ont été émis en faveur du Grand Chemin de Fer de la Nouvelle-Orléans, des Opélousas et de l'Ouest.

Le 30 juillet 1853—Une autre série de 45 bons de $1000 chaque, émis en faveur de la même compagnie.

Le 31 octobre 1853—Une autre série de seize bons de $1000 chaque, émis en faveur de la même compagnie.

Le 18 août 1853—153 bons de $1000 chaque, en faveur de la Compagnie du Chemin de Fer de la Nlle-Orléans, de Jackson et du Nord.

Le 31 janvier 1854—16 bons de $1000 chaque, en faveur de la Compagnie du Chemin de Fer de la Nouvelle-Orleans, des Opélousas et de l'Ouest.

Lesdits bons ont été émis en vertu des dispositions d'un acte de la Législature accordant l'aide de l'Etat aux chemins de fer ci-dessus mentionnés, approuvé le 28 avril 1853, et sur application, sous serment des parties légalement constituées, des dites compagnies de chemin de fer.

J'ai l'honneur d'être respectueusement,
votre obéissant serviteur.
T. B. R. HATCH,
Secrétaire privé du Gouverneur.

Mr. King, au nom du comité spécial, fait le rapport suivant :

A l'Hon. W. W. Farmer, Président du Sénat:

Une majorité du comité spécial auquel a été référé un acte pour régler les ventes judiciaires dans la paroisse d'Orléans, a requis son président de rapporter ce bill au Sénat, sans exprimer aucune opinion sur les mérites du bill.

[Signé] W. W. KING, Président.

Mr. Macmurdo, au nom du Comité de Finances, présente le rapport suivant :

Le Comité de Finances du Sénat s'est occupé de la question relative aux pensions accordées par l'Etat, et vous présente le résultat de son examen.

Avant le décret de l'acte intitulé acte pour accorder des pensions aux vétérans de 1814 et 1815, approuvé le 17 mars 1852, les allocations faites pour payer ces pensions n'avaient jamais excédé la somme de six mille piastres par an ; un Bureau des Pensions fut créé avec pouvoir d'agir sur ces réclamations, en vertu de certaines dispositions de la loi; et la même Législature fit une allocation de quinze mille piastres à cet effet; ce montant fut entièrement absorbé, et cependant des réclamations nombreuses, reconnues en vertu de *cette loi*, n'ont pu être payées, à cause de la non-équivalence de la somme allouée. Plusieurs de ces réclamations, tant parmi celles qui ont été payées que parmi celles qui sont encore dues, ont été considérées comme fausses, mais les preuves sur lesquelles elles étaient basées ont forcé le Bureau de Pensions de les admettre. Le chairman du Comité de Finances de la Chambre a appelé l'attention de la Législature de 1853 sur ce fait, en présentant un bill pour abroger l'acte de l'année précédente ; après beaucoup de discussions, on passa un acte sous le même titre, approuvé le 30 avril 1853, abrogeant l'acte de l'année précédente ; mais l'abrogation faite dans cet acte, comme dans l'autre, était trop faible pour payer toutes les réclamations qui ont été présentées; le Comité a pris en considération un bill de la Chambre allouant la somme de *quinze* mille piastres pour faire face aux réclamations de 1853, qui n'ont pas encore été payées, sur lequel le comité a fait un rapport favorable.

Le Comité est convaincu que l'acte de 1853, n'a pas atteint le but que se proposaient ceux qui l'ont fait décréter, et qu'aucune loi générale ne pourra empêcher la fraude de se glisser parmi ces réclamations ; et il croit que le moyen le plus sûr de protéger le trésor, serait de présenter chaque réclamation directement à la Législature, et d'en ordonner le paiement si l'individu le mérite. En conséquence, il vous présente avec ce rapport un bill à cet effet.

[Signé] J R MACMURDO.

JEUDI, 9 mars, 1854.

ORDRE SPECIAL DU JOUR.

Le comité des élections ayant constaté, dans son rapport, que le sénateur Martel était, au temps de son élection, et est encore aujourd'hui notaire public dans la paroisse de St Landry, Mr Rivers présente la résolution suivante :

Résolu qu'il y a incompatibilité constitutionnelle entre les fonctions de sénateur et celles de toutes autres fonctions salariées.

Mr Moore,

J'ai compris que l'honorable membre de St Landry avait résigné ses fonctions de notaire le premier de ce mois, et conséquemment il ne peut y avoir doute sur son droit à son siège au Sénat. S'il était encore à l'heure qu'il est notaire public il y aurait incompatibilité ; mais ce n'est pas le cas. Je demande donc qu'on ajoute à la résolution de la majorité, qui le déclare en légitime possession de son

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siège au sénat, les mots "attendu qu'il a résigné ses fonctions de notaire.

Mr. Wickliffe,

Messieurs, je soutiens que quand Mr Martel a prêté le serment constitutionnel, il a "ipso facto" résigné ses fonctions de notaire. (Il lit quelques autorités à l'appui de son opinion.)

Mr Ryan,

Comme c'est moi qui ai rédigé le rapport sur cette affaire, je demande à dire que s'il s'est glissé quelqu'erreur, c'est par la faute de Mr Martel, car c'est auprès de lui que nous nous sommes renseignes. Je lui ai demandé quand il avait résigné, et il m'a répondu qu'il avait envoyé sa résignation le 1er mars, c'est à dire justement le jour où j'ai fait mon rapport, et j'ai dû rapporter qu'il était alors notaire.

Mr Wickliffe,

Je pense que l'honorable membre ne pense pas que nous ayons l'intention de jeter quelque soupçon sur son intégrité. Je demande le dépôt du bill sur le bureau.

Mr Rivers,

Un moment. On peut supposer que je tiens beaucoup à faire un discours parce que j'ai introduit le bill Il n'en est pas ainsi. Pas un sénateur ne doute que Mr Martel n'ait droit en ce moment à son siège. Mais quand j'ai introduit la résolution, l'honorable sénateur était effectivement à son banc en violation à l'article 122 de la Constitution. Tout ce que je demande, c'est l'adoption de l'amendement de Mr Moore à la résolution de la majorité, pour montrer que l'action du Sénat était basée sur la résignation. (Il lit les articles 10 et 27 de la Constitution.) Je demande que le Sénat vote sur la question de principe, à savoir: si les fonctions de notaire sont incompatibles avec celles de sénateur. Personne ne conteste le siège de Mr Martel; il n'a pas de rivaux qui le lui disputent, et quand même il y aurait incompatibilité, j'aurais de la répugnance à le voir privé de son siège.

Mr Wickliffe,

Je suis pleinement de l'avis de Mr Rivers. Mr Martel ne pourrait pas conserver son siège, s'il était encore aujourd'hui notaire public, mais il ne l'est pas.

Mr Hodge,

Je demande au sénateur de Feliciana si sa pensee est que l'article 122 de la Constitution déclare l'incompatibilité des fonctions de sénateur avec toutes espèces de fonctions.

Mr Wickliffe,

Je ne puis empêcher l'honorable membre de penser comme il lui plait. Mes paroles sont assez claires. Il n'avait plus de fonctions publiques, quand Mr Martel a eu prêté serment comme sénateur.

Mr Rivers.

Je propose l'amendement suivant: "L'office de notaire étant devenu vacant par l'effet même de la loi.

Cet amendement est adopté, et la résolution est ensuite votée en conservant son siège à Mr Martel.

Le sénat prend ensuite en considération

Un acte pour régler les ventes judiciaires dans la paroisse d'Orléans,

Et un substitut portant le même tite.

Mr Kenner,

Je demande le renvoi indéfini des deux bills.

Mr Lacey,

Messieurs, je n'ai pas l'intention de faire un discours. Je donnerai seulement les raisons qui me portent à voter en faveur du substitut. J'avais d'abord l'intention de voter pour le bill originaire, parce que c'était le meilleur moyen d'avertir les parties. Dans ce bill, si les personnes sont en âge, elles peuvent choisir qui bon leur semble pour vendre leur proprieté, une autre disposition du bill donne aux mineurs la garantie de la surveillance de la Cour. Ce principe est né avec nous, et nous demandons de donner aux mineurs la même protection pour les ventes que pour les autres cas. Si le bill originaire ne protège pas plus efficacement les droits des mineurs, où est l'objection à faire contre le substitut?

Mr Trudeau,

Je voudrais savoir si le substitut a été introduit par la majorité ou par la minorité du comité.

Mr McCay,

Les faits sont ceci: Le bill originaire a été référé au comité judiciaire qui a fait un rapport favorable. Sur motion du sénateur de l'Ascension [Mr Kenner], il a été référé de nouveau à un comité special. Trois membres de ce comité ont rapporté favorablement, en l'absence du sénateur de l'Ascension, qui était l'un des membres du comité spécial. A sa sollicitation, je demandai moi-même que le bill fût encore une fois référé au même comité; ce qui fut fait, et sur ce dernier rapport, l'affaire est enfin venue devant le Sénat.

Mr Trudeau,

J'ai compris que le substitut avait été voté par le comité, et je croyais que celui-ci n'était pas le même. Mais je trouve que c'est bien le même en effet, et je suis surpris de cette explication.

Mr Lang a dit que les mineurs étaient protégés par le bill. Il s'en suit, alors, que s'il y a un mineur dans une succession, tous les autres héritiers doivent être soumis à cette règle arbitraire. Le bill n'est pas une amélioration. Il repose sur le même principe que l'autre. On a fait une tentative pour faire de ceci une mesure démocratique. Mais je suis heureux de voir que le parti démocrate ne donnera pas son appui à l'odieuse doctrine des monopoles. Il me semble que c'est aller un peu loin, que de priver les citoyens de la Nouvelle-Orléans du droit de choisir qui bon leur semble pour faire leurs ventes.

Mr Munday,

Il paraît que ces messieurs ne peuvent pas s'entendre, et je vais essayer de verser un peu d'huile sur les eaux trop troublés de la discussion en offrant un substitut au substitut.

Mr Kenner,

Le substitut n'est pas à l'ordre du jour. (Il lit l'article 11 des réglements du Sénat.)

Mr McCay,

Je demanderai la division de la question.

Mr le Président décide que la question est divisible.

Mr McCay,

Sur quel bill voterons-nous d'abord?

Mr Kenner,

Vous avez demandé la division; faites vous-même votre choix; nous n'entendons pas faire ce choix.

Mr McCay,

Fort bien, votons d'abord sur le bill originaire.

Le premier bill est alors remis indéfiniment.

Le Président décide que le substitut reste devant le Sénat, malgré le sort du bill originaire.

Mr McCay,

Messieurs, comme j'étais l'introducteur de ce bill, et qu'il a existé de vives discussions dans la presse et parmi le public, qui se sont montrés très hostiles à son égard, on me permettra sans doute d'exposer les motifs qui m'ont conduit à l'introduire. Je n'ai été porté a cela par aucune considération de parti.

Le premier objet du bill est de protéger les droits de toutes les parties ayant des ventes judiciaires à

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faire. Je parle du bill originaire. Par nos lois, les mineurs et les interdits ne peuvent pas être parties agissantes dans un contrat; il faut qu'elles agissent par l'entremise de leurs représentants. Je crois que le bill permet de faire tout ce que permet le substitut, excepté dans le cas où il y a des mineurs, et dans un petit nombre d'autres cas. Toute la force de l'argument du sénateur de l'Ascension, c'est que le bill aurait pour effet de nous priver de nos droits, de nos droits naturels, comme on s'est plu à les appeler. Messieurs, telle n'a pas été mon intention.

Mais, messieurs, les mineurs et les interdits ne peuvent pas choisir par eux-mêmes. Le sénateur de Jefferson, Mr Trudeau, a dit que lorsqu'il y avait un mineur, son intérêt contrôlerait le choix. Le bill n'empêche pas le majeur de choisir; il l'empêche seulement de choisir pour le mineur.

Les lois de notre Etat ont entouré de beaucoup de garanties la propriété. Nous avons des hypothèques de toutes sortes, hypothèques légales, hypothèques tacites, etc, et cependant la personne qui vend la propriété est la seule qui ne soit pas assermentée, parmi celles qui sont chargées de ces sortes d'affaires. Les encanteurs, avec lesquels vous pouvez vous entendre pour tromper,—car je dis que c'est là ouvrir la porte à la fraude,—les encanteurs, dis-je, font souvent ainsi et les intérêts des parties sans défense sont sacrifés, et ils ne possèdent pas une seule des garanties que donne la responsabilité légale d'un officier assermenté. Dans quatre-vingt-dix cas sur cent, les biens des successions sont vendus par l'officier légalement constitué de la Cour qui ordonne la vente.

La Constitution dit que tout officier devra recevoir sa commission du Gouverneur. Personne ne prétendra qu'un encanteur est un officier. Il n'est pas responsable comme le serait l'officier de la Cour. Vous ne pouvez pas intenter un procès sommaire contre lui, comme vous le pouvez contre un officier de la Cour, et vous n'arriverez jamais à trouver en lui la même responsabilité que vous rencontrez dans le serment et la caution du Shérif.

Le sénateur de l'Ascension a beaucoup parlé des dépenses qu'entraînerait ce mode de procédure, on a dit et beaucoup de journaux ont répété cette assertion. On a dit que le shérif gagne maintenant $20,000 par an. J'ai une copie certifiée de toutes les ventes de successions de la Nouvelle-Orléans, extraite des livres du shérif, depuis le premier décembre 1851, jusqu'au 1er décembre 1853. J'ai aussi à offrir au Sénat une liste des souscriptions ouvertes depuis le 1er janvier 1853 jusqu'au 31 décembre de la même année, dans laquelle se trouve compris la saison de l'épidémie.

La voici:

Liste et montants des successions ouvertes dans le ressort de la Seconde Cour de District depuis le 1er janvier jusqu'au 31 décembre 1853:

Manette Aubry,	$5,649 50
Joseph Albraches,	503 75
Baptiste Antomé,	697 00
J B Baljakq,	661 00
J Barcis,	815 75
F Bernoudy,	16615 51
J E T Beauregard,	34,836 56
P & J Bromon,	1,389 25
G Blois,	2,936 85
H Bonman,	1,560 00
John Buddy,	1,000 00
F Claude Barrelle,	2,633 47
Gaspard Baune,	9,532 43
C T Beasleys,	12,602 64
A Beall,	30,277 44
Phebe Black,	1,503 85
Baron Boisfontain Veillon, sa femme,	4,134 00
J E Blois,	3,254 30
F H Bornot,	660 00
J G Brower,	4,687 31
Adam Beltz,	4,283 87
W G Brown,	19 50
Jos Blackburn,	3,090 98
Sinal Jane Brown,	652 00
Marie Jeanne Blanc,	1,600 00
Pierre Bukman,	882 66
F H Brunet	425 00
John Ball,	840 00
William W Burton,	510 00
James Curley,	9,479 28
Veuve Joseph Châlon.	4,412 75
Richard Crockett,	10,994 24
Horace C Cammack,	101,184 18
Madame E Cassard,	8,615 00
Dudley Chase,	1,884 62
James H Coliman,	3,300 00
E Carcano,	3,281 50
Alex Clarkson,	1,967 00
Agnès Campbell,	1,400 00
Jos Grégoire Coustault,	1,210 40
Marie Lafrance, veuve A Curé,	7,138 50
Augustin Christophe,	300 00
John Cline,	250 00
J Cronan,	2,467 50
Mme Elisabeth Clément,	6,500 00
Patrick Carmocly,	7,382 00
F Cassagne,	2,746 87
Jules de Journière,	114 00
Françoise Decoudrot,	7,900 00
John Dearing,	604 44
Mme A D Doriocourt.	7,692 00
Jean Baptiste Dupuy,	900 00
Clara Duliepse,	1,572 50
Druham,	1,794 00
Veuve Duval,	218 50
F Duclo,	972 80
J Dillingham,	750 00
Veuve J B Degruy,	8,350 00
P Dunn,	450 00
A C Depass,	3,696 46
E Demance,	4,344 00
J Dunn,	6,667 53
M Dauchamor,	914 25
J D Daley,	400 00
Catherine Dinet,	1,900 00
H J Drez,	10,978 10
J B Dambrun,	1,875 00
B Duffy,	10,841 70
H Dinkel,	561 50
E W Digges,	23,604 01
Jas Dunn,	22,015 69
H Dunning,	8,170 00
Armstrong Dewing,	3,000 00
L Dufour,	4,900 00
John Duncan,	13,488 58
A C Delino,	2,929 00
P H Duffy,	1,585 00
J Emmanuel,	37 10
Escoreca J B,	5,299 95
B Elliott,	809 75
N G Friend;	481 00
J V Fondin,	529 60
M Flockin,	583 95
Fletcher,	9,905 10
J B Ferat,	120 10
U Fisher,	1,021 00
W H Filkins,	12,284 95
J P Foltz,	2.125 35
Mineurs Foulks,	8,594 95

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Françoise Jeanne,	2,074 00
Mme J Fillon,	1,049 00
Henry Filtmayer,	538 50
Mme C Fagot,	6,000 00
John Flinn,	2,042 88
G Foulkes,	9,701 04
Mme Gobet,	936 00
Mme Grandpré,	1,400 00
Thomas Gulliver,	4,182 70
M C Glover,	3,642 25
Jean Gillons,	633 50
B Gill,	600 00
N Grandjean,	1,755 52
Pierre Grau,	882 50
J Gonel	1,083 50
J G Guyot,	1,180 00
Andrew Gray,	5,050 00
Faustin Gautran,	429 00
J Goetz,	312 80
J Glaises,	100,493 93
L Garner,	3,000 00
Peter Glasser,	2,456 80
W H Ginn,	300 00
F D Gay et Jeanne, sa femme,	2,137 50
Joseph Gully,	1,500 00
J Gross,	39,513 95
J Hedinrich,	532 30
A Hennerich,	30 00
F X Hienning,	1,396 50
Mme Hasting,	11,037 15
E N Hatchett,	2,723 88
Mme Hankin,	4,000 00
H Hersey,	468 00
N Holmes,	48,889 50
M Herold,	773 50
E A Henry	17,670 36
F Huber,	2,070 00
H R W Hill,	277,781 00
do do	172,576 00
H Hazeur,	10,064 20
John Hahn,	1,358 65
J B Johanneau,	12,760 00
Anne Jenkins,	4,832 00
Julie E Jones,	14,650 00
E Jouet,	907 50
J Junck,	1,285 00
J Kennedy,	1,318 00
P C Johnson,	1,576 00
Thomas H Kidder,	14,862 57
H B Jenks,	3,625 00
L Kienne,	193 93
F Krupp,	816 75
Louis Lesage,	696 00
Veuve C Labarre,	40 00
J B Lesprit,	1,660 50
A Lyon,	9,803 20
Jean Lacaze,	7.679 50
F Lassière,	3,951 25
Veuve Lambert,	12,570 25
Louisa Lebreton,	200 00
N C. Laurent,	395 00
Mineurs Lambert,	4,775 42
Suzanne Lambeth	331 00
W. Lambeth,	416,128 60
Do,	171.378 82
Do,	61,974 42
Marcel Landry,	7,172 25
Veuve Joseph Lajoye,	366 00
J. Liggatt,	849 50
L. Lecarpentier,	2,083 97
A. Leitch,	4,598 31
B. McConnell,	494 00
M. Moore,	137 00
D. J. Maurice,	5,960 75
Thomas McCormick,	6,600 00
H. Mossy,	31,810 00
Madame L. M. Maupuy,	3,559 73
E. W. Morgan,	4,001 00
W. W. Maltby,	170 60
F. Meyer,	783 22
K. Merian,	1,722 04
J. Miles,	635 00
McDermont,	388 58
N. Magerus,	3,444 40
F. A. Miotou,	5,792 00
M. Moss,	208 00
Joseph Massot,	2,625 60
P. Murphy,	4,931 69
J. M. Gowan,	210 80
J. Menvell,	181 35
J. B Montplaisir,	1,000 00
C. Myers,	3,000 00
A. McKeever,	58,088 77
J. B. Marks,	20 00
W. L. F. McKair,	281 35
A. B. Mandion,	19,306 89
Thos. McCormick,	6,760 20
J. N. Martin,	2,620 90
N. B, Martin,	200 00
A. S. Mariona,	42,289 73
M. Montreuil,	2,912 00
O. Sanghnessey,	6,372 00
Veuve Neba,	2,152 20
W. Newenhagen,	355 00
N. Nichols,	4,280 50
P. A. Owen,	32,499 00
Allen Orton,	4,658 25
R. O'Conner,	1,456 10
F. Newlove,	2,493 00
A. O'Donnell,	1,064 25
D. Revoil,	7,072 55
R: R. Robinson,	33,172 72
Madame P. Billieux,	3,567 00
Benjamin Roach,	10,000 00
Jos. Rebattu,	1,089 02
Z. Reynolds,	675 00
J. J. Robain,	181,666 00
W. E. Riddoy,	2,066 95
T. Raicanetch,	4,066 27
A. B. Rumick,	3,115 00
G. Robin,	4,750 00
G. W. Bowand,	3,888 00
E. G. Salomon,	7,376 00
D. & M. Shaw,	22,346 97
C. W. Summer,	2,376 00
T. Shungh,	1,414 75
E. Segum,	2,632 85
J. Steinbach,	1,436 25
H. D. Schulter,	11,406 13
J. P. Smith,	1,269 75
F. J. Steinmetz,	422 50
W. K. Slone,	7,646 10
Veuve M. Smith,	6,306 62
F. A. Schauman,	1,000 00
James Seger,	24,746 00
J. Seelig,	727 68
Jacob Schaffer,	552 80
John Stroud,	52,452 76
E. Sidle,	5,482 00
J. M. Thompson,	3,333 75
Gaspard Tigges,	1,140 00
E. Troxer,	18,251 00
Tronn,	499 25
H Tricou,	296 00
Veuve Tala,	6,450 00
E. Trenwith,	1,925 00
E. Tourneay,	708 63
J. T. Thompson,	435 00
J. Urlage,	240 50
P. Van Burin,	503 00

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J. B D Voisin,	19,168 00
C. C. Villains,	17,053 50
J. Wagrable,	1,786 20
H. Weber,	8,242 00
Dl. Warfield,	10,950 00
C. A. Weber,	3,567 50
J. Wolf,	120 00
H. H. Winter,	2.347 00
W. H. Wright,	29,961 12
	$2,803,591 08

Je soussigné, Alexandre Derbès, clerc de la Seconde Cour de District de la Nouvelle-Orléans, certifie par ces présentes, que le tableau qui précède renferme la liste exacte des successions ouvertes dans le ressort de cette Cour depuis le 1er janvier 1853 jusqu'au 31 décembre de la même année.

Signé, A. DERBES, Clerc.

Voici maintenant le relevé des livres de James P. Freret, shérif:

Reçu comptant pour salaires, droits de commission de ventes, garde des prisonniers, etc., du 3 décembre 1551 au 31 décembre 1853,	$91,935 47
Payé pour salaires des officiers, achats de livres, papier, fournitures de bureaux, et frais de tous genres, pendant le même espace de temps,	$83,365 94
Net profit, du 3 décembre 1851 au 31 décembre 1853,	$8,569 53
Montant approximatif des sommes portées aux livres comme dûes, et non recouvrées.	$8,000 00

Je soussigné, certifie que le tableau ci-dessus est le relevé exact de mes livres.

A la Nouvelle-Orléans, le 20 janvier 1854.

Signé, A. K. LEGETT,
Teneur de livres
de Jas. P. Freret, Shérif,

Je certifie que le relevé ci-dessus, fait par mon teneur de livres, est sincère et correct.

Nouvelle-Orléans, le 20 janvier 1854.

De la copie certifiée de toutes les successions ouvertes dans les douze derniers mois à la Nouvelle-Orléans, il résulte que le montant des ventes porterait la compensation du Shérif un peu au-delà de $10,000. Par l'autre document, vous apercevez que la somme probable et collectée sur les $8,000 restant dûe, s'élèvera environ à $2,000, ce qui, dépenses payées, ne laisse en réalité qu'une somme nette de $10,000 en deux ans.

C'est là ce grand monopole dont on a fait tant de bruit. Les bénéfices de la place de shérif pourront peut-être s'élever par la suite, si le bill est adopté, à une somme de $12,000 ou $15,000, laquelle somme est, à tout prendre, une paie très minime pour une charge qui entraîne une aussi grande responsabilité. Il est nécessaire que l'homme chargé d'affaires aussi importantes ne soit pas un individu inconnu à la loi. J'ai été témoin de fraudes et de collusions commises par l'intermédiaire des encanteurs, lesquelles n'auraient pas eu lieu, si les affaires avaient été dans les mains du shérif.

Le sénateur de Jefferson, [M. Trudeau,] a parlé de l'obligation où l'ont placé les propriétaires, comme d'une chose tout-à-fait nouvelle en législation. L'hon. membre ignore-t-il que trente des Etats de l'Union sont régis par le même système?

Cessez donc de parler de ce bill comme d'une chose étrange et anormale. Il n'y a rien là que de juste et de très ordinaire. C'est la loi de tous les pays.

Mr. KENNER,

Monsieur,

S'il y a quelque chose de fait pour abattre le courage d'un homme peu habitué aux luttes oratoires, c'est assurément la certitude où il serait d'avoir à défendre une cause perdue d'avance dans l'esprit de ceux à qui il s'adresse.

Cette position est la mienne. Je m'adresse à des hommes qui ont un parti pris sur la question et qui condamneront mes idées sans se donner la peine d'écouter mes arguments. Toutefois, quelque je sente parfaitement, d'après tout ce qui se passe autour de moi, que les esprits des sénateurs ont un parti pris de voter en faveur du bill, je ne m'en efforcerai pas moins de faire quelques remarques contre ce bill, par la raison qu'à la suite des observations que j'ai faites en une précédente occasion, les amis du bill ont été contraints de changer leurs bases et d'introduire un substitut à la place de leur mesure originaire. Comme mes adversaires ont été déjà obligés d'abandonner leur première position, quelques-uns d'entre eux pourront peut-être encore prêter l'oreille aux accents de la vérité, et voter contre le substitut, comme ils ont voté contre le bill. C'est là, messieurs, mon espérance et c'est ce qui m'encourage à discuter au sénat quelques instants encore.

On se rappellera que, dans une précédente occasion, je me suis appuyé sur ce principe si généralement admis, que chaque homme doit avoir le droit plein et entier de choisir son propre agent, quand il veut disposer de sa propriété. Que le droit de chaque homme à vendre le fruit de son industrie et de ses économies, quand, comment et pour combien il lui plaît, était le droit naturel de tout citoyen américain, aussi inviolable que celui de respirer l'air.

Il n'y a pas dans Euclide de proposition mathématique plus susceptible de démonstration que celle-ci. On peut dire que cette proposition est évidente par elle-même, Le droit qu'a tout homme de disposer de sa propriété est aussi positif que le droit qu'il a de la conserver, et ce dernier point est la base des sociétés civilisées, et de tout gouvernement social. Avais-je tort, messieurs, quand je disais que celui qui prétendait pouvoir dépouiller les citoyens de la Louisiane de ce droit inviolable, était disposé à exercer une autorité plus despotique même que celle de l'autocrate de toutes les Russies, ou des successeurs de Mahomet. On peut dire que cette violation ne serait pas plus despotique que ne le sont le knout, le bannissement en Sibérie, &c. Si ce principe est admis, nous ne sommes pas des hommes libres, nous sommes en réalité des esclaves,

Oui, messieurs, le bill qui est sur le bureau, propose purement et simplement de nous mettre en esclavage. Il ne le fait pas directement, mais il ne l'en fait pas moins, quoiqu'indirectement. La loi actuelle ordonne qu'un administrateur ou exécuteur de succession, aura le privilège de choisir l'encanteur qui doit en vendre les biens. Le bill en discussion propose de rappeler ce privilège et de forcer tout homme chargé de la liquidation d'une succession à la Nouvelle-Orléans, à la faire vendre par le shérif de la ville.

Peu importe que le shérif soit ou ne soit pas capable d'être encanteur, peu importe qu'il n'en ait aucune des qualités, c'est lui, ou ses députés, qui auront le droit exclusif de vendre tous les biens des successions vendus par ordre des cours. Et, messieurs, quelles raisons nous donne-t-on pour dépouiller ainsi de leurs droits les citoyens de la Nlle Orléans. Pourquoi nous demande-t-on d'augmenter encore les embarras

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et l'influence d'une charge déjà trop importantes, et qui est considérée comme le plus profitable de l'Etat. Voyons un peu ce qu'il y a au fond de cette affaire, messieurs, et nous trouvons que loin d'être entraînés vers ce bill par quelque bonne raison, nous n'aurons à combattre que des arguments vicieux au plus haut point, et nous reconnaîtrons que toutes les considérations d'intérêt public doivent nous le faire rejeter immédiatement.

Y a-t-il dans cette assemblée un seul sénateur qui prétende dire que l'Etat de la Louisiane est meilleur juge de la valeur et de l'aptitude de l'agent qui vendra les propriétés, que les parties intéressées elles-mêmes ?— Je ne le pense pas.—Alors, de quel droit empêcher les parties intéressées de choisir elles-mêmes leur agent ? Comment se fait-il, messieurs, que la loi de 1852, dont on demande le rappel, se trouve dans notre code ? Y a-t-elle été placée accidentellement, ou bien l'y a-t-on insérée dans le but d'être utile à quelques intérêts privés, ou bien parce que les intérêts généraux de la grande ville de la Nouvelle-Orléans, exigeaient l'adoption d'une loi semblable ? Pour répondre convenablement a cette question, je vais être obligé de prier le Sénat de vouloir bien écouter pendant quelques instants, l'historique que je vais lui retracer de la loi de 1852.

Vous vous rappelerez, messieurs, qu'avant l'adoption de la Constitution de 1845, alors qu'on était encore sous l'empire de la Constitution de 1812, toutes les ventes de successions faites par ordre des cours, se faisaient à la Nouvelle-Orléans par l'enrégistreur du testament, &c., dans les paroisses de la campagne, par les juges des paroisses. —Vous n'avez pas non plus oublié combien ce système fut considéré comme oppressif par la masse des citoyens de la Louisiane Que de plaintes s'élevèrent de toutes parts, au sujet de ce cumul de fonctions diverses par une seule personne ; car le même homme agissait sur les pétitions pour ouvrir les successions, et provoquait les conseils de famille, les présidait, donnait l'ordre de la vente, vendait ensuite lui-même la propriété comme encanteur, passait les titres comme notaire et enfin enregistrait les décès. On disait même alors que souvent ce même fonctionnaire multiple percevait des honoraires pour chaque formalité qu'il remplissait. C'était en un mot l'homme universel. Le peuple s'en plaignit avec raison, messieurs, car il ne pouvait supporter qu'un seul homme pût agir ; qu'il ne pût pas avoir de compétiteurs, et conséquemment que chacun dût-être soumis a ses exactions, s'il en commettait ; qu'on eût consulté l'intérêt du fonctionnaire et non pas celui du public. Tel était l'état des choses quand la Convention de 1845 se réunit, fit une nouvelle constitution, et laissa la législature libre de prendre à l'egard du sujet qui nous occupe telles mesures qu'elle croirait à propos. La première législature qui se réunit sous la Constitution de 1845, sur la Législature de 1846-47. Qu'a fait la Législature ? A-t-elle proposé de revenir à l'ancien système de 1812, c'est-à-dire d'exiger que tous les biens des successions fussent vendus par ordre des cours et en passant par les mains d'un seul homme ? A-t-elle voulu continuer ce monopole exclusif, sans avoir égard à l'habitude des affaires et aux qualités de l'*homme en place*, non plus qu'aux intérêts et aux vœux du public ? Non, messieurs; cette Législature a vu les choses sous un meilleur point de vue, et laissez moi vous dire que cette Législature de 1846-47 était en grande majorité democratique. La ville de la Nouvelle-Orléans comptait au nombre de ses représentants au Sénat, MM. Pierre Soulé et L. P. Durant, et parmi ses représentants à la Chambre, des hommes d'une égale distinction. Que fit donc cette Législature pour satisfaire aux désirs et aux besoins du public ? Elle a voté l'acte suivant, que j'appellerai l'acte de 1847. (Ici Mr Kenner donne lecture de l'acte de 1847, ayant pour objet de régler les ventes judiciaires, lequel acte donne pouvoir à l'encanteur, à l'administrateur ou au syndic de choisir l'encanteur ou de faire la vente lui-même, (pourvu que dans ce dernier cas il ne reclamât aucun salaire.) Voila, messieurs, ce qu'a fait cette Législature, non pas pour retrancher les honoraires de qui que ce fût, mais bien pour donner une juste satisfaction aux besoins et aux vœux du public. Ce fut en 1852 qu'on s'occupa de nouveau du même sujet. Une autre Législature venait d'être élue. Des représentants fraichement sortis du peuple venaient d'être choisis pour faire les lois qu'exigeaient les besoins du moment, et, cette fois, la Législature était whig. La Nouvelle-Orléans comptait au nombre de ses représentants et sénateurs, MM. Benjamin, James Robb, Campbell, Ranney et autres également dignes de confiance. Eh bien, messieurs, qu'a proposé cette Législature? A-t-elle essayé de rappeler l'acte de 1847, que je viens de lire au Sénat ? A-t-elle tenté de retourner à l'ancien système de 1812 ? —non, messieurs. Voici ce qu'elle a fait : la loi de 1847 ayant été faussement interprété par quelques-uns des juges de la Nouvelle-Orléans, qui se croyaient autorisés à nommer le shérif encanteur, contrairement aux vœux des administrateurs, etc., la Législature dont je vous parle passa l'acte de 1852, lequel non seulement fit revivre le principe du bill de 1849, mais encore impose aux juges l'obligation de nommer pour encanteur la personne choisie par l'administrateur. En rendant ainsi toute mauvaise interprétation impossible d'une chose qui était deja claire par elle-même, la Législature de 1852 a enfoncé le clou qu'avait seulement posé celle de 1852.

J'ai fait seulement une allusion passagère à la compléxion politique des Législatures qui ont passé ces actes, et je n'ai fait cette allusion que parce que les sénateurs du bord opposé avaient jugé convenable de faire un appel au parti pour l'engager a soutenir cette mesure, comme si une Législature démocrate devait rappeler la bonne loi pour l'avantage des hommes en place, élus dans le sein des démocrates. En 1847, la Législature était démocrate, et J. Lewis était shérif. Cependant la loi de 1847 passa. En 1852, la Législature etait whig, J. P. Freret, un whig, était shérif, et l'acte de 1852 passa également, corroborant encore l'acte de 1847.

C'est en vain que je demande une seule bonne raison, pour justifier ce besoin de rappeler la loi de 1852. A-t-on trouvé qu'elle fonctionnait mal ? sur quels faits s'appuie-t-on pour nous prouver qu'elle est contraire à l'intérêt public ? Avons-nous un seul mémoire, une seule pétition sur ce sujet, qui nous en demande le rappel ? non, messieurs, mais il y a au contraire un mémoire dans le sens inverse, une longue liste de nos concitoyens les plus influents, qui nous adjurent de ne pas rappeler la loi de 1852. La voix publique dans notre grande cité, s'élève toute entière contre cette mesure. Une loi comme celle-ci qui peut affecter la propriété de chaque homme qui meurt dans la Nouvelle-Orléans, ne doit pas être rappelée sans qu'on ait égard à l'opinion publique. Et comme preuve des sentiments du peuple à ce sujet, je vous réfère à l'expérience que le public a faite de la loi; Par la loi actuellement en vigueur, tout homme qui, en qualité d'administrateur, obtient d'une cour un or-

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dre de vente relativement à des biens de successions à la Nouvelle-Orléans, est autorisé à choisir soit un encanteur, soit le *shériff* pour les vendre. Il vous est donc facile de voir par la préférence des particuliers, quel est le sentiment public. Qu'a fait le public sous l'empire de cette loi? on a-t-il porté ses préférences? voyons un peu. Consultons les journaux, et voyons quel est l'usage du peuple de la ville. Je tiens à la main cinq des journaux de la Nouvelle-Orléans, tous publiés le jour même où ce bill fut mis en discussion devant le Sénat. Je trouve dans ces feuilles dix-neuf avertissements de ventes à l'encan. Dix-huit de ces ventes devaient être faites par des escanteurs, pendant qu'*une* seule devait l'être par le shérif. Ainsi dix-huit d'une part, et un de l'autre, telle est la proportion. Rien n'empêchait les parties intéressées à choisir le shérif. Vous voyez donc dans cette proportion la juste mesure des sentiments de la masse. Qu'on vienne dire maintenant que le peuple demande le rappel de la loi de 1852, et l'adoption de cette loi de contrainte que vous entendez établir. Encore une fois, messieurs, vous devez maintenant savoir à quoi vous en tenir. Et tenez, quelque chose de plus fort encore. Consultez les statistiques, et faites la comparaison entre la valeur des biens de successions à vendre par les encanteur, et celle des biens à vendre par le shérif, vous trouverez une différence beaucoup plus grande encore Les biens à vendre par les encanteurs s'élèvent à des centaines de mille piastres, tandis que ceux a vendre par le shérif consistent à peine dans la valeur d'*un* nègre. Je pense, messieurs, que les quelques remarques que je vais faire, ne seront pas regardées comme des personnalités, si je fais allusion à ce que font en pareil cas, deux des avocats distingués de cette loi de violence. Je veux parler de MM. King et McCay. On sait parfaitement que ces deux messieurs sont des avocats de distinction, et qu'ils sont très souvent appelés à régler des successions Maintenant, messieurs, ces deux sénateurs nous disent ici que chaque administrateur doit être forcé d'employer comme encanteur le shérif. Cependant, quelle est leur pratique constante? Je prie le Sénat de ne pas rire, si je lui dis que, chaque fois que MM. King et McCay ont été appelés pour demander à la Cour un ordre de vendre des biens de successions, ces biens ont été vendus, non pas par le shérif, mais bien par l'un des encanteurs de la Nouvelle-Orléans Je voudrais savoir maintenant, messieurs, comment ces deux sénateurs peuvent nous demander aujourd'hui de passer une loi qui force le public à aller au shérif, lorsqu'eux-mêmes, ayant le choix de l'encanteur ou du shérif, conseillent à leurs clients de donner la préference à l'encanteur? Ai-je donc tort de demander au Sénat de suivre, dans cette affaire, la pratique constante de MM. McCay et King, et non pas leurs avis?

Messieurs, il est naturel que l'administrateur qui a des propriétés à vendre, aime mieux employer pour faire la vente un homme qui a vieilli dans le métier, que de s'adresser au shérif, qui a été choisi par le peuple, non pas a cause de sa capacité comme vendeur public, mais bien a cause de sa qualité de whig ou de démocrate, ou encore a raison de ses éminentes qualités sociales et de sa popularité. Que ces messieurs me permettent de leur dire que ce n'est pas chose facile que de devenir bon encanteur. J'ai entendu une fois un homme dire que le premier imbécile venu pouvait faire un excellent plaideur, eh bien, que le premier cerveau creux essaye, et on verra que le résultat de son administration sera de ne pouvoir rien tirer d'un sol pourtant fertile, et de trouver un déficit dans sa caisse à la fin de l'année.

On se tromperait de la même manière si l'on pensait que le premier venu pût-être un bon encanteur. Il n'est pas suffisant pour cela de monter sur une table et de crier à pleins poumons: " une fois, deux fois, trois fois." (*going, going, gone!*) Il faut quelque chose de plus. Il faut une grande promptitude de coup-d'œil, qui le mette à même de juger immédiatement dans un regard, dans un froncement de sourcil, dans un mouvement des muscles du visage, de la disposition de l'enchérisseur, même avant qu'il ait mis son enchère, et d'aller ainsi par anticipation au devant de la secrète pensée de l'amateur. Il est nécessaire aussi pour être un bon encanteur, d'avoir une connaissance parfaite de la nature des objets mis en vente, de leur qualité et de leurs défauts. Autrement, comment s'y prendrait il pour vanter les uns et passer légèrement sur les autres? Il faut à l'encanteur un tact exquis et une longue pratique des affaires. Et encore faut-il un homme spécial pour chaque genre d'articles. Il est en effet impossible de trouver un homme qui se connaisse à vendre des objets de toutes sortes. Parmi les encanteurs, les uns excellent à vendre les propriétés foncieres, d'autres des marchandises seches, &c. Comment donc imaginer qu'un homme, uniquement parce qu'il est shérif, ait tout à coup en lui la science universelle, et qu'il puisse connaître pratiquement toutes les sortes de marchandises, de biens et de valeur qui peuvent se trouver dans les successions.

L'Angleterre, messieurs, compte deux grands encanteurs, Mr Robins et le célèbre Tatersall, et ils n'excellent pas tous les deux dans la même spécialité. Quelle est la personne, un peu soucieuse de ses interêts, qui voudrait employer Mr *Robins* pour vendre un cheval, lorsque c'est à la *spécialité* où se distingue Mr Tatersall? Personne, messieurs.

Permettez-moi, messieurs, de vous raconter un incident dont j'ai été témoin à la *Nouvelle Orléans*, afin de vous faire voir quelle *folie il y aurait* à supposer qu'un homme puisse *vendre* toutes sortes de propriétés également bien. La plupart des sénateurs qui connaissent la Nouvelle Orléans, connaissent Mr Beard, ou en ont entendu parler. Mr Beard est l'un des premiers encanteurs de cette ville, s'il n'en est pas le premier. Un de nos amis désirait faire vendre plusieurs chevaux à l'encan, et on lui conseillait d'employer Mr Beard. Ces chevaux étaient tous des animaux de race, et quelques-uns avaient acquis une grande réputation dans les courses. Le jour de la vente arriva. Le premier cheval qui fut amené, était le fameux cheval Bees Wing (Ailes d'Abeille), un animal dont la beauté exterieure n'était égalée que par la richesse de son sang et la puissance de ses muscles. Le poitrail, la croupe, la tête, les jambes fines comme celles d'un cerf, tout était admirable. L'œil était vif, les nazeaux fumants, le pied *fouillait* impatiemment le sol et faisait jaillir des étincelles; le poil était lisse et lustré comme le satin. Toutes ces beautés, toutes ces richesses, toutes ces perfections furent signalées à l'encanteur par le propriétaire du cheval. Ce fut en vain. Le major Beard ne les vit pas. Il ignorait la difference des races. Pour lui, ce n'était qu'un cheval. Tout au plus se fût-il aperçu s'il était boiteux ou non. En tout cas, c'est là seulement ce qu'il eût regardé. Un cheval de l'espèce la plus ordinaire eût eu à ses yeux tout autant de valeur que ce noble animal. Eh bien, messieurs, quand cet encanteur, pourtant célèbre à juste titre, voulut assayer de

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tracer devant le public la généalogie de cet intrépide courseur, généalogie qui remontait à une époque très reculée en lui faisant une série d ancêtres aussi illustres que celle de la race royale des Plantagenet eux-mêmes, généalogie qui prouvait la noblesse du sang qui coulait dans ses veines, et attestait une origine aussi élevée que celle de tous les Howards, eh bien, dis-je, messieurs, les noms furent estropiés, les sexes furent confondus. Il fit de la mère un étalon et du père une jument. Enfin ce fut à ce point que le propriétaire lui-même se perdit dans la généalogie qu'il possédait si bien. Et tout cela, messieurs, quelle en était la cause? L'incompétence de l'encanteur Beard, son défaut de connaissance en cette matière spéciale. Mais, messieurs, si vous veniez maintenant à voir Mr B-ard dans un encan d'objets qui lui sont familiers, ce sera tout l'inverse. Voyez-le, par exemple, vendre un bloc de bâtiments ou un lot de terrains, alors vous assisterez à un spectacle qui vous étonnera. Quelle différence! vous sentez qu'il est chez lui, sur son terrain favori, et vous comprenez que personne ne pourrait faire mieux que lui valoir les avantages de la propriété.

Il est inutile, messieurs, que j'insiste d'avantage sur ce sujet. J'aurais beaucoup à dire en réponse aux arguments de Mr McCay, mais je suis averti par le doigt de l'horloge que trois heures vont sonner. Je demanderai au Sénat de vouloir bien permettre que je termine demain ce discours. C'est pourquoi, je le prie de vouloir bien accepter ma motion d'ajournement.

RAPPORT DES COMITES.

Mr Defrees, au nom de comité des dépenses casuelles, auquel avait été référée la pétition en faveur de Horatio Davis, ex-secrétaire du Senat, présente le rapport suivant:

A l'Honorable W W Farmer, Président du Sénat.

Le comité des dépenses casuelles auquel avait été référée la résolution pour payer au général Horatio Davis, ex-secrétaire du Sénat, la somme de cinq cents piastres, comme compensation pour ses services à l'ouverture de la présente session, présente le rapport suivant:

Le secrétaire du Sénat, en vertu de la loi, recevait quatorze piastres par jour, comme rétribution pleine et entière pour les services qu'il est appelé à rendre comme tel. Votre comité est d'opinion, qu'avec cette somme on peut se procurer les services d'hommes capables sous tous les rapports, de remplir les devoirs difficiles de cette place: et il ne croit pas que ceux qui ont rédigé cette loi aient eu l'intention d'allouer aux officiers du Sénat durant l'existence de cette loi, d'autres salaires que ceux qui y ont été fixés d'une manière si précise, ceci est, nous croyons, la vraie interprétation de la loi, et la seule qui puisse être donnée, et de laquelle il ne peut rien résulter de préjudiciable à l'une ou à l'autre partie. Mr Davis s'est présenté comme candidat et a été élu Secrétaire avec la connaissance de la loi qui fixe le montant de la compensation, et bien qu'il soit admis par tous, qu'il a rempli les devoirs de cette place à la satisfaction du Sénat, cependant votre comité ne croit pas que pour cela il ait droit à une augmentation de salaire ou de tout autre salaire que celui qui est fixé par la loi, si ce n'est la satisfaction d'avoir rempli les devoirs si difficile d'une place importante de manière à mériter l'approbation de ses concitoyens.

En se référant au journal du Sénat, votre comité a vu que le dernier jour de la session, ce corps a passé une résolution allouant au général Davis, la somme de sept cent cinquante piastres comme compensation additionnelle. Il n'y a rien dans le journal du sénat qui fasse voir que cette compensation a été allouée pour des services extraordinaires rendus. Ce qui fait croire à votre comité que cette somme n'a été allouée que comme un don fait à Mr Davis,—puisqu'il avait déjà reçu le 'per diem' voté par la loi. Les services qu'il a rendus durant la présente session, et pour lesquels d'après la rétribution qui a été référée à votre comité, on doit lui payer la somme de cinq cents piastres consistent, à s'être présenté et d'avoir assisté à l'ouverture de la session et avoir rempli les devoirs de Secrétaire pendant quelques minutes, jusqu'au moment où son successeur a été élu et a pris sa place. Ses services auraient pu être rendus par tout autre nommé par le Président, sans occasionner aucune dépense. De toutes manières, le général Davis n'avait pas le droit de réclamer plus de quatorze piastres, ce que votre comité considère comme une rétribution équitable pour les services rendus par lui; et cependant la résolution lui alloue cinq cents piastres pour ce service. Dans cette circonstance, votre comité ne peut pas considérer la compensation qu'on veut allouer comme une compensation gratuite, attendu qu'elle n'est basée sur aucun fait établissant les services extraordinaires ou équivalents

Votre comité déclare sans hésitation que les représentants du peuple n'ont pas le droit de faire des largesses avec l'argent du peuple, Les fonds qui se trouvent dans le trésor viennent du peuple qui paie des taxes pour faire face aux dépenses nécessaires du gouvernement—et il a droit d'exiger qu'ils soient dépensés avec économie et non pas gaspillés en faisant des largesses inutiles.

Pour ces raisons, votre comité est d'opinion que cette résolution doit être rejetée par le Sénat.

Pour terminer, le comité appellera l'attention du Sénat sur le montant énorme qui est annuellement alloué par les deux branches de la Législature comme compensation extra en faveur des officiers des deux Chambres; il considère ces compensations comme un mal qui augmente rapidement, et qui, si on n'y met pas un terme, absorbera inévitablement, en grande partie, le trésor public.

(Signé) B L DEFREES,
Chairman.

JEUDI, 9 mars 1854.

SEANCE DU SOIR.

Affaires Recusées.

M. Hodge fait la motion de prendre en considération le bill pour le règlement des affaires récusées.

M. Hodge,

Je fais la motion d'effacer l'exception qui exclue la paroisse d'Orléans de la première section et d'ajouter la 2de section.

Cette motion est adoptée.

Sur motion de M. Hodge les règles sont suspendues et le bill est adopté.

BILL POUR VENIR AU SECOURS DE M. GILL.

Le bill pour venir au secours de W. Gill, de la ville de Baton-Rouge, est pris en considération.

M. Rivers,

Je désirerais que quelqu'un nous dise ce que M Gill a fait pour avoir droit à du secours et si tous les officiers occupant le même emploi que lui auront droit au même secours. Je désire savoir si nous aurons à payer $300 dans chaque paroisse.

M. Lacey,

Je vais lire la loi en vertu de laquelle ce secours est demaudé. (Il lit la loi.)

Ce service lui a été imposé par la loi de 1838.

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Pour ce service le comité des réclamations a cru devoir rapporter cette somme. Je ne crois pas que ce soit trop. $300 pour citer tous ceux qui manquent aux revues de la milice, ce n'est pas extraordinaire. Je demande la suspension des règles.

Le Sénat refuse d'accéder à cette motion.

MAITRES DU PORT A LA NLLE-ORLEANS

Le bill déterminant les devoirs des maitres du port à la Nlle-Orléans est pris en considération.

La section exigeant que les maitres du port aient été matelots au moins douze mois avant leur nomination étant sous considération.

M. Lacoste objecte à cette section.

Mr McCay,

Je crois qu'il y a de bonnes raisons pour quer cette section soit conservée et je ne doute pas que le Sénat ne me soutienne dans mon opinion La suggestion a été faite par un des partisans du bill. Il arrive quelquefois qu'on nomme à ces places des personnes qui n'ont pas la moindre idée des devoirs qui y sont attachés. Ces devoirs sont précisément de la nature de ceux que doit connaitre et comprendre le premier marin venu. De là la nécessité de cette section.

M Hodge,

Il me semble que cette section n'est pas marquée au coin de la sagesse. J'ai entendu discuter ce même point hier, dans l'autre Chambre. Sans doute le principe émis par le Sénateur de la Nouvelle-Orléans est correct; mais ces raisons devraient influencer le Gouverneur dans ses nominations. Le Gouverneur s'enquiert sans doute avec soin des qualifications de ceux qu'il nomme à cette place si importante et si pleine de responsabilité.

Mr McCay,

S'il y a aucune objection à ma motion je la retirerai.

La section est effacée et le bill est adopté.

VENTE DE SPIRITUEUX.

Le bill relatif à la vente des liqueurs spiritueuses est pris en considération.

Mr King,

Je fais la motiou d'effacer le mot "ward."

Mr Munday,

Je demande que la motion soit déposée sur le bureau.

M. King,

Vouloir intervenir dans le droit de propriété c'est entreprendre une chose bien dangereuse. Si je ne me méprends pas au sujet de ce bill, il propose d'autoriser les uotants de chaque ward à décider eux-mêmes si des licences seront accordées dans les limites du dit ward. Je suis tout à fait opposé à cela; ce serait un empire dans un autre empire, *imperium in imperio*; cela donnerait lieu à une confusion, à des irrégularités intolérables. Au lieu d'avoir un effet salutaire cette mesure ne fera qu'empirer le mal. Il est de toute nécessité que nos lois soient uniformes et régulières. Nous ne devons pas avoir des systèmes différents dans les différentes parties de l'Etat, encore moins dans les différentes parties de la même ville.

Pourrait-on faire exécuter cette loi ? Le peuple la répudierait et il ne serait pas possible de la mettre en vigueur.

Ces propriétés seraient améliorées dans certains wards, grâce à ce système et elles perdraient de leur valeur dans d'autres. Si j'étais en faveur du principe de ce bill, je ne saurais du moins l'accepter dans ses détails. Voulons-nous soumettre la question ? eh bien ! que ce soit au peuple de tout l'Etat et non à celui des wards ou des districts en particulier.

Je considère cette proposition comme étant tellement monstrueuse que je ne crois pas devoir m'y arrêter plus longtemps.

Mr Munday,

Le Sénateur n'est pas le seul qui ait le droit de parler. Il a des droits, mais nous aussi nous en avons Lorsque j'ai demandé que sa motion fut déposée sur le bureau il a persisté à vouloir parler quoiqu'il ne fut pas à l'ordre, Mr le président.

J'ai des droits également et j'insiste pour qu'ils soient respectés quoique je ne représente ici qu'une humble paroisse.

paroisse.

Mr Hodge,

L'amendement entrainerait la défaite du bill Son but est de faire que les amis de la tempérance puissent prendre le vote par wards sur la question de la vente des liqueurs et si la population d'un ward quelconque veut l'abolir, leur permettre de le faire. Il n'y a pas longtemps que le vote a été pris à ce sujet à la Nouvelle-Orléans; une élection générale a eu lieu. La partie de la ville située au dessus de la rue du Canal a voté, je crois, contre les licences et cependant d'après la loi actuelle elle n'a pu obtenir ce qu'évidemment elle désirait. Ce bill donne pouvoir aux résidants de chaque ward de disposer de cette question à leur gré conformément au vœu de la majorité. C'est ainsi que cela se fait dans les campagnes.

Mr King,

Je ne fais pas objection à ce que le vote des citoyens soit pris; je désire seulement que ce soit celui de tous les citoyens en général et non par fractions.

Il y a encore une autre objection. Nous n'avons pas d'organisation qui permette la mise à exécution de cette mesure. Supposons que l'on divise Shreveport et que les citoyens de chaque ilet décident cette question,—cela reviendrait au même.

Le peuple de la Nouvelle-Orléans doit *décider* en corps sur cette question. Si j'insistais pour qu'on adoptat une legislation locale dans une paroisse quelconque on me dirait que cela *ne me regarde pas*, que je n'y ai aucun intérêt. *Le peuple* de la Nouvelle-Orleans s'opposerait du reste lui-même à ce bill et je suis convaincu qu'il serait presque unanimement répudié.

Je ne cesserai donc pas de m'y opposer.

M. Hodge,

J'insiste sur la motion de déposer sur le bureau.

M King,

Je demande alors l'appel nominal.

Le Sénat refuse de déposer sur le bureau et l'amendement est adopté.

M. Hodge,

Je demande une réconsidération; je désire que mon vote soit enrégistré. Si seulement le Sénat veut réfléchir à cette question je ne doute pas qu'il ne sente et ne comprenne combien est peu judicieuse cette mesure. Je ne crois pas que réellement il y ait une majorité en faveur de cet amendement. Ces dispositions faites dans le bill pour la Nouvelle-Orléans sont les mêmes que veut la campagne. A Shreveport le vote a été pris et les cabarets ont été abolis; mais il s'en trouve encore tout autour de la ville. A quoi servirait-il de les abolir dans un ward s'ils sont tolérés dans le ward voisin. Je crois cependant que si cette question était soumise au peuple en général que partout les cafés seraient abolis parce qu'il sont réellement une nuisance L'autre jour le Sénateur a éloquemment défendu le principe que le peuple de la Nouvelle-Orléans a le droit de voter pour lever des taxes et émettre des bons en faveur de corporations particu-

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lières. Ce principe est le même et le peuple a autant le droit de voter sur une question de cette nature.

Le Sénateur dit que cela donnerait lieu à de la confusion. Il serait en donc alors de même dans les campagnes. Si les licences sont abolies dans un ward et pas dans l'autre n'y aura-t-il pas confusion ? Pourquoi alors faire une exception pour la ville seulement ?

Mr King,

Je fais la motion de déposer sur le bureau la motion de réconsidération.—Adoptée,

Mr Rivers,

L'amendement du Sénateur tue le bill entier; il lèse autant la campagne que la ville. Il n'établit aucune distinction. N'était cela je n'aurais pas fait d'objection.

Je demande que le bill soit repris de nouveau.

Cette motion est adoptée.

VENDREDI, 10 Mars 1854.

Mr. Lacoste,

Je demande l'autorisation d'évoquer le bill de la Chambre qui accorde des pouvoirs additionnels au Juri de Police de la paroisse d'Orléans, rive droite du Mississipi.

Le bill est pris considération et lecture en est donnée par le Secrétaire.

Mr. Moore,

N'y a-t-il pas déjà des actes de la Législature qui accordent des privilèges exclusifs à quelques personnes.

Mr Lacoste,

Je ne crois pas.

Mr. King,

Les ferries sont adjugés par contrat. Ils sont sous le contrôle de la ville. Je ne crois pas qu'il y ait des privilèges exclusifs accordés à qui que ce soit. Il est possible que quelques personnes ayant des contrats de ferries aient concédé de certains droits dans lesquels nous ne pouvons pas intervenir.

Je ferai la motion d'amender le bill en insérant une clause portant qu'il n'interviendra aucunement dans les droits acquis.

Le bill est adopté.

BANQUES LIBRES.

Mr. McMurdo évoque le bill supplémentaire à l'acte qui etablit le système de banques libres.

Mr McMurdo,

Je demanderai que ce bill soit mis à l'ordre du jour pour après-demain.

Cette motion est adoptée.

NAVIGATION DE LA RIVIERE ROUGE.

Mr. Hodge évoque le bill pour l'amélioration de la navigation de la rivière Rouge.

Mr. Hodge,

En se référant au rapport de l'ingénieur de l'Etat, on verra que la navigation de la rivière Rouge est sur le point de devenir tout à fait impossible à cause des obstacles qui s'y accumulent. Dans tous les cas, une chose du moins est très probable: c'est que pendant les eaux basses, elle ne soit tout à fait impraticable A la dernière session, l'Ingénieur de l'Etat a appelé sur ce fait, l'attention de la Législature.

Je ne crois pas nécessaire d'expliquer longuement ici de quelle manière ces obstacles se forment ni comment ils entravent la navigation. L'effet produit est déjà considérable. Lorsque les eaux ne baissent pas excessivement, il y en a assez dans la rivière; mais lorsque les eaux sont basses, c'est à peine même si le fond est couvert. Tel est le cas à présent. Il y a maintenant à Shreveport 40,000 balles de coton qu'on ne peut en faire sortir. La rivière Rouge est un cours d'eau d'une très grande étendue ; elle arrose un pays immense. Il y a maintenant le long de ses rives, au moins 100,000 balles de coton qui auraient dû depuis longtemps être rendues sur le marché. Les planteurs ont eu beaucoup à souffrir de cet obstacle et de ces délais. Mais ce ne sont pas seulement les intérêts agricoles du nord de la Louisiane, de l'Arkansas et du Texas qui en souffrent; les intérêts commerciaux en sont également affectés. L'absence d'eau à l'embouchure de la rivière est préjudiciable non seulement aux planteurs dont les produits ne peuvent s'écouler, mais encore aux négociants qui ont fait des avances sur les récoltes.

Je demande que $5000 soient mises à la disposition de l'ingénieur de l'Etat, afin qu'il puisse faire les améliorations qu'il jugera nécessaires. Je ne demande pas que ces améliorations soient faites par un autre que l'officier de l'Etat, ni que cette somme soit mise sous aucun autre contrôle que le sien. Je ne désire pas non plus intervenir dans l'exécution de ses travaux ; il ne fera que ce qu'il jugera lui-même nécessaire. Le Président du Comité de Finances nous a dit que l'argent ne devrait pas être retiré du fonds général ;—qu'il devrait y avoir un fonds spécial résultant d'une taxe. Le sénateur oublie que des bills de revenu ne peuvent pas émaner du Sénat. Lorsque cette question sera régulièrement posée, je suis prêt à voter en faveur de tout bill rédigé dans ce but.

Le bill est adopté.

ORDRE DU JOUR.

Le Sénat prend en considération l'acte de consolidation de la ville de la Nouvelle-Orléans.

Mr. King,

Je fais la motion que le bill soit référé à un comité spécial composé de la délégation d'Orléans.

Cette motion est adoptée.

SALAIRE DU GREFFIER DE LA PREMIERE COUR DE DISTRICT.

Le bill augmentant le salaire du greffier de la Première Cour de District est pris en considération.

Mr. Rivers,

Je fais la motion de déposer indéfiniment le bill sur le bureau, et je demande l'appel nominal.

Mr. Rivers retire ensuite sa motion et demande l'appel nominal sur l'adoption du bill.

L'appel nominal constate 13 oui, 14 non.

Mr. Wickliffe,

Je préviens que je demanderai demain une reconsidération du vote. Je désire que les partisans de ce bill aient une chance de voter en sa faveur. Je ne crois pas qu'il soit convenable de profiter de leur absence.

RECLAMATION DE J. H. MADDOX.

Le bill pour venir au secours de J. H. Maddox, est pris en considération.

Mr. Evans,

Voici comment je comprends cette réclamation. L'Etat a failli dit-on, à remplir sa part d'un contrat passé entre lui et Mr. J. H Maddox, comme imprimeur de la Convention. On choisit un rapporteur qui fut chargé de rapporter les débats. Ce rapporteur mourut peu de temps après sans avoir donné la copie à l'imprimeur.

Mais je ne vois pas du tout qu'il y ait là violation de contrat de la part de l'Etat. Il a payé à Mr Maddox tout l'ouvrage exécuté par lui et n'est pas responsable de ce qu'il n'a pas fait. Le rapporteur est mort; mais l'Etat pouvait-il l'empêcher?

Le bill est adopté.

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BILL POUR REGLER LES VENTES JUDICIAIRES DAN LA PAROISSE D'ORLEANS.

Les affaires non-terminées de la veille étant à l'ordre du jour, la discussion du bill pour régler les ventes judiciares dans la paroisse d'Orléans, est reprise

Mr. Kenner,

Comme les usages parlementaires m'accordent la parole, après avoir remercié mes collègues de la courtoisie dont ils ont fait preuve à mon égard en s'ajournant pour ma convenance, j'achèverai les observations que j'ai commencées, hier, sur le sujet qui nous occupe. Je prouverai ma reconnaissance au Sénat en les abrégeant autant qu'il me sera possible. Afin d'éclairer quelques côtés de la question, je commencerai par donner un bref aperçu de l'histoire de la loi de 1852. Cette loi n'avait en vue aucun objet spécial ou partiel. Elle n'était pas faite pour la convenance d'un individu ou de quelques individus en particulier. Elle a été adoptée dans l'intérêt et pour les besoins du commerce de la Nouvelle-Orléans en général. Ces intérêts et ces besoins demandaient l'adoption de la loi actuelle et ils ont été satisfaits par la passation de cette loi par la Législature.

Je donne cette explication afin qu'on comprenne bien d'où émanait la loi et afin qu'avant de la rappeler, nous puissions nous demander si les intérêts des commercants et des propriétaires de cette ville demandent un changement. Dans les remarques que j'avais préparées en réponse aux chiffres présentés par l'honorable membre de la Nouvelle-Orléans, j'ai été obligé de prendre en considération la question des honoraires, bien que quelques personnes, fort à tort, selon moi, la regardent comme peu importante, attendu que les honoraires sont tout simplement, d'après notre législation, pris dans la poche d'un individu et mis dans celle d'un autre. Dans le courant de ses remarques, l'honorable préopinant dit que d'après un certificat fourni par Mr. Leggett, teneur de livres de confiance de Mr. Freret, les recettes brutes du bureau du shérif, du 31 décembre 1851 au 1er janvier 1853, pendant une période de 2 ans, se sont élevées à $91,429 Il y a en outre certaines sommes dues et non encore touchées qu'il croit pouvoir évaluer à $8,000 Je reproduirai mot à mot les paroles de l'auteur de ce certificat. (Il lit le certificat.)

On voit donc qu'en deux ans, le Shérif de la paroisse d'Orléans a reçu $100,000, soit en chiffres ronds $92,000 comptant, et $8,000 à toucher. Le certificat dit que pendant ce temps, les dépenses du bureau, telles qu'appointements des commis, imprimes, papeterie et dépenses incidentesse sont élevées à $83,365. La somme réalisée en deux ans, a donc été de $16,000, soit le chiffre assez rond de 8,000 par an. Il me semble que ce sont là des appointements fort respectables. Un observateur superficiel ou une personne peu au courant des affaires praiques de la place de shérif,ne saurait, d'après ces données, se former qu'une idée fort incomplète du résultat. Il regarderait cette somme comme une compensation fort modérée. Mais je demande la permission d'appeler l'attention de mes collègues sur un point Qu'entend-on par dépenses incidendentes? Que gagne-t-on par les appointements? Ce sont là des questions qu'il faut se faire pour bien comprendre le sujet qui nous occupe. Que chaque sénateur réfléchisse et la réponse se présentera d'elle-même. Eh bien ! d'après l'exposé que je viens de lire au Sénat, dans l'espace de deux ans les recettes du bureau du Shérif ont été de $16,000, et les dépenses se sont élevées à $83,000. Je donne des chiffres ronds ; ils se rapprochent assez du chiffre exact pour ce que je prétends prouver.

Je demande à toute personne qui veut se donner la peine de réfléchir, comment une somme aussi considérable peut avoir été dépensée en deux ans. Que ceux de mes collègues qui ont une connaissance pratique des affaires répondent à cette question. Y a-t-il aux Etats-Unis un établissement manufacturier qui, après avoir payé les gages de ses ouvriers, les appointements de ses employés, les dépenses de toute espèce et l'intérêt du capital, puisse présenter un bilan aussi peu satisfaisant que celui-là? Est-il donc dans cette enceinte un planteur dont l'etat de comptes soit aussi déplorable? Le fait que la presque totalité des revenus de la place a été absorbée par les dépenses, doit surprendre tout le monde.

Je le demande à mes honorables collègues : quel est la cause de ce singulier résultat? D'après l'exposé que je viens de lire, une partie très considérable de la somme dépensée, a été consacrée à payer les appointements des employés. Le shérif en a sans doute un grand nombre ; mais encore, à combien se monte ce chiffre de leurs appointements? Et puis, une somme fort élevée est portée en compte comme ayant été dépensée en papeterie. On se rappellera que lorsque le bill pour augmenter les appointements des greffiers de la Première Cour de District fut soumis au Sénat, ce fonctionnaire déclara qu'il était obligé de faire une dépense de mille piastres pour papeterie et frais de bureau.

L'honorable membre de la Nouvelle-Orléans (Mr. King) rit de ce chiffre et tourna en ridicule l'idée qu'une telle somme pût être dépensée pour un tel objet. Il alla jusqu'à avancer que pour $70, il pouvait acheter tout ce qu'il fallait. Et comment se fait-il que les dépenses au bureau du shérif aient atteint ce chiffre énorme? Je crois pouvoir donner l'explication de cette anomalie D'après les lois existantes, tout fonctionnaire de l'Etat, dont les honoraires s'élèvent à plus de $4,000, doit en verser une partie dans le trésor de l'Etat ; c'est-à-dire, que l'Etat reçoit un tiers et le fonctionnaire deux tiers de toute somme excédant le chiffre de $4,000.

Lorsque le shérif voit les recettes considérables que produit sa place : $100,000 en deux ans, il songe naturellement à trouver un moyen qui le dispense de verser dans les coffres de l'Etat, le tiers de la partie de ses revenus qui dépasse $4,000 par an. Dans ce but, il s'efforce d'accroître le chiffre de ses dépenses, il augmente le nombre de ses députés. Il nomme à ces places ses amis et des hommes de son parti, et, en prétendant leur donner de forts appointements, il parvient à établir un compte de dépenses considérables. Mais l'Etat n'en est pas responsable. Il ne doit pas permettre qu'on présente un bilan fait de cette sorte, dans le but de grossir des appointements dont le chiffre est déjà énorme. Le shérif de la paroisse d'Orléans a la meilleure place que le peuple puisse donner. A mon avis, elle est non-seulement bien rétribuée, mais payé deux fois ce qu'elle vaut. Il n'y a pas de pays au monde, pas même l'aristocratique Angleterre, tout accablée de taxes qu'elle est, où les employés publics soient mieux rétribués qu'en Louisiane. Et même ici, les émoluments de cette place sont deux fois aussi élevés que ceux de quelque autre place que ce soit dans l'Etat.

Examinons maintenant l'histoire de la législation sur la place de shérif. A une certaine époque la place de shérif de la paroisse d'Orléans était considérée comme ayant une si grande valeur qu'on adopta une loi qui la partageait en six, c'est-à-dire qu'on créa six shérifs pour la paroisse d'Orléans.

Et pourquoi cela? La raison en est fort simple.

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Les émoluments de cette place étaient tellement élevés qu'on les regardaient comme beaucoup trop considérables pour un seul homme. On vit qu'une si forte rétribution ne pouvait pas être accordée à une seule personne ; on considera, et non sans raison, que la possession et l'usage d'une si forte somme par un employé public, pouvait avoir des conséquences fâcheuses ; que c'était encourager la corruption et placer trop d'influence et de pouvoir entre les mains de celui qui occuperait une telle place. On crut qu'il n'était pas convenable qu'un homme devint riche en deux ans, plus riche qu'un autre ne peut le devenir après de longues années de peines assidues et d'honnête travail. On regardait cela comme anti-républicain et contraire à l'esprit de nos institutions. C'est pourquoi on divisa la place eton fit six shérifs Cette mesure ne suscita pas alors les clameurs que nous entendons aujourd'hui; on ne s'écria pas que les places ne valaient plus la peine qu'on les recherchât. Au contraire, on s'efforça d'obtenir ces places, et soyez persuadés qu'on ne les eût pas briguées avec tant d'avidité si elles n'eussent été d'aucun rapport. Loin de là, on les regardait, même alors, comme les meilleures places de l'Etat. Que doit donc valoir la place actuelle qui les réunit toutes les six. Pouvons nous croire qu'elle rapporte moins maintenant, malgré l'accroissement du commerce et de la population et l'augmentation d'affaires qui en est la conséquence. Je maintiens que si cet emploi valait $30,000 en 1830, il doit rapporter $50,000 en 1853. Le commerce de la ville a doublé, la population et les affaires ont plus que doublé; comment sup oser que les revenus du shérif n'aient pas suivi la même proportion? Je maintiens que le certificat que vient de nous lire l'honorable membre de la Nouvelle-Orléans, ne montre pas clairement ce qui se passe dans ce bureau. Il porte en lui sa propre réfutation. Je ne connais pas Mr. Leggett, mais je ne doute pas qu'il ne soit un homme d'honneur et de probité. Il éta t, je crois, le teneur de livres de confiance de Mr. Frèret, et depuis lors il a été employé par Mr. Marigny dans la même capacité Il est en ce moment un des députés du shérif. Je le crois donc honnête homme; le fait seul qu'il occupe une position qui l'astreint à une si grande responsabilité, est une preuve évidente de son intégrité. Je ne prétends donc nullement mettre en doute la véracité de Mr. Leggett; un honnête homme seul doit occuper la place qu'il remplit. Je ne fais que répéter des asse.tions que j'ai entendues. On m'affirme qu'apres que ce certificat fut rédigé, Mr. Marigny demanda à Mr. Fréret de le signer. Eh bien! Mr. Fréret refusa de le signer, il dit qu'il ne pouvait se porter garant de son exactitude.

Mr. McCay,

L'honorable préopinant prétend-il dire que Mr. Fréret a refusé de signer le certificat parce qu'il ne le croyait pas correct!

Mr Kenner,

Voici ce que je lis sur ce certificat. (Il lit.)

Je sais positivement que lorsque le certificat a été envoyé ici, je demandai si Mr. Freret avait signé ce certificat, on me répondit qu'il ne l'avait pas fait parce qu'il ignorait s'il était on non correct et que par conséquent il ne pouvait pas le signer. C'est la ce que j'ai dit et ce que je répete maintenant.

Mais je ne m'inquiète guère que le certificat soit correct ou qu'il ne le soit pas. Il est évident, rien qu'à le voir, que, dans tous les cas, il ne présente pas le tab eau entier et correct ; il ne dit pas qu'elle partie de la somme portée au compte des dépenses entre dans la poche du shérif, ni quelle somme est payée aux employés. Je dis cela sous ma propre responsabilité. Me comprend-on maintenant? J'ai, moi aussi, quelques chiffres à soumettre au Sénat. C'est le montant des propriétés foncieres qui ont été vendues et des émoluments, touchés par les encanteurs dans la ville de la Nouvelle-Orleans, en vertu d'ordres de cour. Il est probable que je ne me suis pas fait très bien comprendre sur ce point. Outre les $100,0 0 touchées par le shérif dans deux ans, il était question d'augmenter son salaire et de le porter à une somme vraiment fabuleuse.

Lorsque le bill fut pris en considération, je fis la motion de le refèrer de nouveau en recommandant au Comité de faire un rapport sur le montant des appointements, touchés maintenant par le shérif et de ceux qu'il toucherait si ce bill devenait loi. Le Comité ne s'est pas réuni et ne s'est pas procuré les informations que j'avais espéré qu'il se procurerait et qui, on doit l'avouer, sont indispensables pour qu'on puisse bien apprécier les conséquences qui résulteraient de l'adoption de ce bill. Je m'adressai donc à quelques amis qui me dirent combien de propriétés ont été vendues l'année derniere par quelques-uns des principaux encanteurs de la ville de la Nouvelle-Orleans.

Voici un certificat de S. Guinault. Il dit que le montant des ventes faites par lui en vertu d'ordres de cour a eté, pendant l'année 1853, de $125,854 39 c. En voici un autre de N. Vignie, déclarant que le montant des ventes faites par lui, pendant la même année, a été de p us de $275,000. En voici un autre des encanteurs les plus populaires de la Nouvelle-Orléans, Messrs. Beard et May. Ils ont vendu par ordre de Cour pour $823,436 49c.

Ainsi donc trois encanteurs de la Nouvelle-Orléans ont vendu l'année dernière en vertu d'ordres de Cour, des propriétés pour une valeur de $1,224,290 88 c Il y a, je crois, vingt-cinq encanteurs à la Nouvelle-Orléans. Si je me trompe, j'espère que quelque sénateur voudra bien me faire voir mon erreur. Nous avons des certificats de trois de ces vingt-cinq encanteurs et nous voyons, ainsi que je l'ai indiqué plus haut, qu'ils ont vendu pour plus d'un million deux cent mille piastres. On peut raisonnablement supposer que tous les autres encanteurs réunis ont dû vendre pour au moins $400,000 00. Cette estimation n'est pas exagerée. Elle serait plutôt trop faible que trop forte.

Voyons maintenant ce qui a dû revenir au shérif de ce million six cent mille piastres, pour ne prendre que des chiffres ronds. Je consens à prendre pour base de mon estimation celle qu'il a prise pour la sienne. Il dit que la moyenne de ce que touche le shérif est de 3¼ pour cent. A ce taux, c'est-à-dire calculant les 3¼ pour cent d'un million six cent vingt-quatre mille piastres, nous avons plus de $12,000 comme montant provenant de la vente de propriétés vendues en vertu d'ordres de cour. Je crois le calcul juste. Donc, outre les $50,000 que le shérif reçoit deja, vous voulez encore lui donner $12,000 de plus par an. Certaines considérations doivent faire supposer que cette année, par suite de l'augmentation de valeur des propriétes, le montant de ces appointements sera également augmenté considérablement. Je ne dois pas éveiller des souvenirs de deuil et de mort en rappelant la terrible épidémie qui, l'année dernière, a decimé notre population et l'angoisse, la profonde terreur à laquelle notre Etat était en proie ; mais du moins, je puis dire, comme argument en faveur de ce que j'avance, que l'année dernière, la mortalité a été effrayante. Un grand nombre de personnes sont mortes à la Nouvelle-Orléans et sans doute il y a eu beaucoup plus de successions ouvertes qu'il n'arrive d'ordinaire. Les ventes de

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propriétés en vertu d'ordres de cour, excèderont probablement celles de 1853, d'une somme au moins suffisante pour rapporter au moins $15,000 de plus comme appointements. Et c'est cette somme additionnelle que les partisans du bill voudraient placer entre les mains du shérif. La Législature pourra-t-elle consentir à cela? Le Sénat voudra t-il accorder cette immense augmentation des appointements du shérif qui, déjà, sont si extraordinairement élevés? Je ne le crois pas. Je ne puis pas le croire, l'injustice serait trop palpable; le danger trop manifeste.

Mr. le président, je le dis ici formellement, positivement cette question de salaires est de la plus grande importance. Mais quelque importante qu'elle soit, elle n'est pas la base principale de mon objection au ce bill qu'on nous propose. Si je ne pensais que l'intérêt public en souffrira, si je ne pensais que ce fût contraire et nuisible aux intérêts que nous représentons, je ne ferais pas une opposition aussi vive. Je ne connais personnellement aucun encanteur, si ce n'est Mr. Sykes. Je n'ai de rapports avec ceux qui font le plus d'affaires qu'à titre de connaissance. Avant la semaine dernière, je n'avais conversé avec Mr. Sykes que d'affaires. La manière dont le bill affectera le shérif on les encanteurs n'est pas du tout ce qui motive mon opposition ; je me préoccupe seulement de la manière dont il affectera l'intérêt public. Bénéficiera-t-il? ou bien, au contraire,aura-t-il à souffrir? C'est à ce point de vue que la question doit être envisagée.

Mr. le président, il est nécessaire maintenant que je corrige deux erreurs dans lesquelles semble être tombé le sénateur de la Nouvelle-Orléans. Des remarques faites par les partisans du bill, sont de nature à faire croire que les encanteurs pourraient commettre des fraudes dans des affaires de cette nature. Je comprends très bien qu'on n'a pas dit que des fraudes eussent jamais été commises par un encanteur ou par un autre; on a seulement voulu donner à entendre que cela pouvait se présenter. Lorsqu'il s'agit d'un mineur, une assemblée de famille est convoquée et un administrateur est nommé. Mais comment? Quelques personnes demandent l'administration des biens de la succession, et puis que fait on? Un avis est publié dans les journaux annonçant que telle ou telle personne a fait application. S'il n'y est pas fait opposition, les lettres d'administration sont données par le Greffier.

Mr. McCay. Par le juge.

Mr. Kenner,

Je m'adresse à certains sénateurs qui se sont occupés spécialement de ce côté de la question. D'après la loi, qui doit désigner la cour? L'héritier légal, et s'il n'en existe pas, le plus proche parent, s'il n'en existe pas, elle doit alors nommer la personne le plus directement, le plus immédiatement intéressée. Lorsque la propriété doit être vendue, l'administrateur convoque une assemblée de famille. Les intéressés dans les affaires des mineurs désignent l'encanteur qui doit faire la vente.

Que fait alors l'encanteur? Il crie la propriété en vente publique et essaie d'en obtenir le plus haut prix possible. Et alors où va l'argent? entre les mains de l'encanteur? nullement. Il est d'abord payé au notaire devant lequel les actes de vente sont faits et sont transférés par le notaire à l'administrateur. Où donc et quand la fraude peut-elle être commise? On nous dit que l'encanteur peut empocher l'argent et disparaître. Sans doute quelques sénateurs ont cru à cela ; mais je pense avoir prouvé qu'il n'y a pas la moindre possibilité que ce soit fait. On a cité un exemple dans lequel disait-on il y avait eu collusion entre l'administrateur et l'encanteur. Mais la friponnerie venait de l'administrateur et non de l'encanteur. L'encanteur ne pouvait rien faire sans lui. Si un étranger entre dans mon champ et qu'il remarque un épi maigre lorsque tous les autres sont beaux et riches, pourra-t-il dire avec quelque raison que mon système de culture est mauvais, défectueux? La Bible dit : "Qu'il est aussi naturel à l'homme d'être méchant et trompeur qu'à l'épervier de voler, au poisson de nager." Nous sommes tous mortels et si, parmi nous, il se trouve un coquin, y a-t-il à cela rien d'étonnant?

Il y a plusieurs autres points sur lesquels je désirais m'arrêter dans le cours de mes remarques, mais je ne voudrais pas monopoliser la tribune, et garder la parole si longtemps qu'aucun autre sénateur ne puisse se faire entendre. Il y a, cependant, un point sur lequel j'insisterai. On a dit que, à une certaine époque toutes les ventes de succession étaient faites par le shérif. Il arriva alors, tout simplement, que plusieurs grandes successions furent ouvertes. Le général Lewis était *alors shérif*. Les parties intéressées allèrent à lui et lui payèrent les commissions auxquelles il avait droit. Elles se rendirent ensuite auprès d'un encanteur et le payèrent aussi pour qu'il vendit les propriétés sachant bien que par ce moyen, elles en obtiendraient un prix beaucoup plus élevé. Ils voulaient que justice fût faite et ils savaient qu'elle ne pouvait l'être par le shérif, quelque bien disposé que pût être d'ailleurs cet officier. Je sais positivement que dans plus d'une circonstance, les commissions ont été aussi payées deux fois.

Mr. McCay,

Le sénateur a-t-il dit que le certificat fut présenté à Mr. Fréret, qui refusa de le signer parce qu'il était incorrect?

Mr Kenner,

J'ai dit que Mr. Freret a refusé de signer ce certificat parce qu'il ignorait absolument ce quoi il y était question.

Mr. McCay,

Les faits sont comme suit: *Mr. Marigny* alla trouver Mr Freret relativement à *cette affaire*, et celui-ci le référa à Mr. *Leggett, qui* écrivit le certificat qui a été présenté ici. *Mr.* Marigny porta ce certificat à Mr. Fréret, qui ne l'examina pas, disant qu'il ne savait rien à ce sujet, que ce certificat était sans doute correct, car Mr. Leggett connaissait bien toutes les affaires du bureau.

Le sénateur est tombé dans une autre erreur. Il dit que le shérif a reçu, pendant son terme de deux ans, la somme de $100,000, dont $8,000 sont encore dues. Dans ce calcul, il n'a pas fait entrer les frais. Il ne faut pas oublier que le shérif a trente deputés auxquels il paie $36,000 par an. Il y a toujours à la prison de paroisse, une moyenne de deux cents prisonniers aux besoins desquels il faut fournir. Supposez qu'ils coûtent l'un dans l'autre vingt-cinq cents, c'est donc $50 par jour ou environ $20,000 par an. Les frais du bureau du shérif s'élèvent à $56,000 par an, rien que par ces deux dépenses. Puis, le shérif est souvent forcé de dépenser de l'argent pour la protection des propriétés et il n'obtient jamais que cet argent lui soit rendu. Il a des frais indispensables au moins de $83,000 par an, et les dépenses contingentes élèvent cette somme à un chiffre considérable.

Mr. Kenner,

Je dirai que ma conviction est que le shérif gagne plutôt qu'il ne perd sur les frais de nourriture des prisonniers.

Mr. McCay,

Cela est très vrai, mais ce qui provient de cette source est comprise dans les $100,000.

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Mr. Ryan,

Lorsque le bill primitif, auquel celui qui nous occupe en ce moment a été substitué, fut présenté par l'honorable membre de la Nouvelle-Orléans, (Mr. McCay) ce fut peut-être un malheur pour moi de devoir différer d'opinion, sur ce point, avec une grande majorité de ceux de mes collègues avec lesquels j'agis ordinairement de concert sur les questions qui sont soumises à l'attention du Sénat. Quand ce premier bill fut présenté à cette assemblée, je fis à ce sujet quelques remarques qui me vinrent à l'esprit dans ce moment, mais qui n'étaient nullement le résultat de réflexions antérieures. Dès le commencement, j'avais eu quelques doutes sur la justice du bill et je les exprimai dans les observations que je présentai alors dans cette enceinte. Ces doutes avaient pris naissance chez moi en entendant la lecture du bill; j'avais entendu les argumentations pour et contre, et je dois dire ici, que l'opinion que je m'étais formée ne fut pas ébranlée. Tout en déplorant de n'avoir pas partagé, sur ce point, l'avis de mes amis politiques, j'éprouve un certain sentiment d'orgueil en songeant que quelques-uns des honorables membres qui, alors, prêtèrent un chaleureux appui à cette mesure, ont déclaré, hier, en votant pour le déposer sur le bureau, que mon opinion était fondée.

Lor que le bill fut présenté au Sénat, le rapporteur du Comité Judiciaire, déploya en faveur du bill, toutes les splendeurs de sa parole vive et éloquente. Il l'éleva aux nues et nous assura qu'il était parfait, qu'aucun défaut n'en gâtait les admirables proportions.

Le sénateur de la Nouvelle-Orléans qui avait présenté le bill s'arma pour le soutenir de toutes les ressources de son esprit subtil et rigoureux, de toute la force de sa puissante intelligence Le bras puissant et la logique serrée du rapporteur du Comité des Améliorations Intérieures furent également mis à contribution pour défendre cette mesure. Mais malgré la grande somme de talent, d'éloquence et de logique que mes savants collègues apportèrent à la discussion de la question, je sentis en lisant le bill qu'il contenait certaines dispositions que je ne pouvais pas sanctionner de mon vote, quelque chose d'anti-démocratique et qui, selon moi, établissait un odieux monopole. Mon devoir, comme sénateur démocrate, dont les principes dictent la conduite, me forçaient d'élever la voix contre le bill. C'est ce que je fis et je m'efforçai, autant qu'il était en moi, d'en faire ressortir les défauts et de mettre en évidence les raisons qui me portaient à le combattre. Plusieurs semaines se sont écoulées depuis la présentation du bill. Il a été référé à un comité spécial, et hier, il a de nouveau été soumis au Sénat. Ceux de mes collègues qui, d'abord, avaient fait tant d'éloges du bill, qui avaient déclaré que l'adoption de cette mesure était nécessaire aux intérêts de leurs commettants, ont témoigné, par leurs votes, de la justice de mon opposition Hier, le bill a été rejeté. Après mure délibération, après de longs débats, il a été déposé sur le bureau par le vote de ces mêmes sénateurs. Après cela, comment croire à leur infaillibilité? quel importance pouvons-nous attacher à leurs vues, quel poids pouvons-nous donner à leur opinion, lorsqu'ils viennent aujourd'hui proclamer que ce substitut est une œuvre parfaite?

En présence du fait que le bill primitif qu'ils déclaraient être parfait sous tous les rapports, a été mis de côté par leur propre vote, comment pouvons-nous les croire lorsqu'ils accordent les mêmes éloges au substitut qui est maintenant présenté par l'honorable membre de la Nouvelle-Orléans, (Mr. McCay) le même sénateur qui a introduit le bill primitif? Il se peut que le substitut soit bon; il se peut que les mesures qu'il propose soient de nature à recevoir l'approbation du Sénat, mais il faut, pour nous en convaincre, d'autres preuves que l'assurance que nous en donnent ces messieurs et d'autres garanties que leur recommendation. Ils nous ont dit que le bill primitif était parfait, et par leurs votes ils ont avoué le contraire. Il n'y a rien de plus beau que d'être toujours d'accord avec soi-même. Si j'avais été en faveur du bill primitif, si j'en avais fait l'éloge pompeux qu'en a fait l'honorable membre de la Nouvelle Orléans, je ne l'aurais jamais abandonné; je n'aurais jamais, par mon vote, démenti mes propres paroles, j'aurais été vainqueur ou vaincu avec le bill. Il résulte donc de ces faits, de deux choses l'une: ou que ces messieurs se sont trompés dans l'opinion qu'ils ont exprimée d'abord, et dans ce cas ils seraient mal venus, à prétendre maintenant à l'infaillibilité, ou bien ils ont voulu, en changeant seulement les expressions du bill, faire revenir de leur opposition, les sénateurs qui n'approuvaient pas la mesure primitive. Je maintiens qu'il n'y a pas de différence essentielle entre les deux bills, ou tout au moins elle n'est pas assez importante pour motiver un changement d'opinion sur les merites de la question. Je voterais pour l'un aussi bien que pour l'autre, et pour justifier ce que j'avance, je demande la lecture du substitut.

Le Secrétaire lit le substitut.

Je disais, lorsque j'ai demandé la lecture du substitut, qu'il n'y avait aucune différence entre ce projet et le bill primitif. Examinons la question et voyons si les faits viennent à l'appui de mon assertion. Le premier projet de loi qui a été présenté, donnait au shérif le droit de faire toutes les ventes de successions. On prétend que le substitut offre sur ce point, une différence essentielle. Mais quel exception établit il? Y en a-t il réellement une? Quoiqu'il en soit, je crois qu'elle existe plutôt dans l'imagination de quelques uns de mes collègues que dans le substitut. La seule exception qui y soit établie a trait aux propriétés des majeurs, mais pour les mineurs et les absents, les dispositions du projet primitif ne sont pas changées, et le shérif est chargé de toutes les ventes où ils sont intéressés. Où donc est l'application de cette exception? Mes honorables collegues n'ignorent pas que les majeurs n'ont pas besoin de faire vendre les propriétes qui leur échoient en héritage, et qu'un article de notre Code Civil dit qu'ils pourront effectuer entre eux le partage de la succession. C'est ce qui constitue en jurisprudence la différence entre un partage volontaire et un partage judiciaire. Il n'y a donc entre le bill primitif et le substitut aucune différence, la seule exception qui soit reconnue dans le dernier est pour un cas ou elle est déjé établie par la loi. S'il est dans cette enceinte un sénateur qui ait cru devoir refuser son appui au projet primitif, il ne peut sans se mettre en contradiction avec lui-même, élever la voix en faveur du substitut. Je le répète, messieurs, j'ai clairement prouvé qu'il n'y a aucune différence entre les deux bills. Comme je l'ai dit, le seul cas qui soit excepté est un cas où on n'a pas besoin d'avoir recours à des mesures judiciaires; un cas où le Code a pourvu à un partage volontaire; je le répète donc, il n'y a pas la moindre différence entre les deux projets.

Je m'étonne qu'avec les profondes connaissances légales que nous leur savons, certains sénateurs qui défendent ce bill cherchent à nous persuader qu'il y a entre les deux projets une différence assez grande pour pouvoir influer sur les objections que nous présentons à cette mesure. Ils parvien

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drout peut-être, à entraîner quelques esprits irréfléchis, mais leurs arguments ne soutiennent pas l'examen. A quoi bon nous dire qu'il y a une différence quand tout homme qui a la moindre connaissance des lois voit de prime abord, qu'elle n'existe pas.

Comme par votre vote d'hier vous vous êtes prononcés contre le bill, comme par ce fait vous avez retracté tout ce que vous aviez dit antérieurement en faveur de cette mesure ; comme vous avez avoué qu'il ne méritait pas votre appui, comme enfin je vous ai prouvé qu'il n'y a aucune différence entre les deux projets, je demande que vous votiez contre le substitut. Il faut que vous le fassiez si vous voulez être conséquents avec vous-mêmes. Si le bill primitif était mauvais, le substitut ne vaut pas mieux puisqu'il n'y a aucune différence entre les deux. Laissez-vous guider dans cette circonstance, par cet esprit de suite qui doit dicter les actions des hommes sérieux. Vous avez par vos votes, rejeté le bill primitif, repoussez également par vos votes, le substitut. Je vais maintenant tâcher de répondre à quelques-uns des arguments que l'honorable membre de la Nouvelle-Orléans, (Mr. McCay) a mis en avant dans le discours qu'il a prononcé hier. Je ferai remarquer d'abord que les raisons qu'il a alléguées ne peuvent avoir aucune influence sur mon esprit, et si je ne me trompe elles ne sont pas de nature à ébranler les convictions d'un seul de mes collègues. Quelle est en effet la position qu'il occupe? Il nous dit que l'affaire qui nous occupe n'est nullement une question de parti; et sur ce point nous sommes tout à fait d'accord.

A Dieu ne plaise que nous fassions de cette mesure une question politique ; la politique n'est pour rien dans cette affaire et je suis bien aise que l'honorable membre le reconnaisse comme moi. C'est tout simplement une question de droit et de justice, et le seul point sur lequel nous ayons à nous prononcer est de savoir si la mesure qui nous est soumise est bonne ou mauvaise, et c'est sous ce seul point de vue qu'un sénateur de la Louisiane doit envisager la question. Je suis libre de toute préoccupation politique et j'aime à croire que tous mes collègues en sont exempts. Examinons maintenant si les arguments que le sénateur de la Nouvelle-Orléans s'est efforcé de faire valoir sont basés sur la loi ou sur une saine logique. Permettez-moi d'abord, de vous faire remarquer que je n'avais pas l'intention de présenter des observations sur le sujet qui nous occupe, beaucoup moins de faire un discours, et je n'aurais pas pris la parole si l'honorable membre de la Nouvelle Orléans ne s'était adressé, hier, à plusieurs reprises au sénateur des Rapides et des Avoyelles. Il nous disait que le substitut ne s'appliquait qu'à des enfants, à ces êtres faibles et sans protection, qui sont incapables de faire valoir eurs droits, et dont la loi doit sauvegarder les intérêts. Qu'il me soit permis de rappeler à l'honorable membre que les enfants n'ont pas le droit de former un contrat ; qu'ils sont mineurs et ne peuvent accomplir aucun acte légal. Mair, si je puis me servir de cette expression, les majeurs mettent les pieds dans leurs souliers. Par une fiction de la loi, les mineurs deviennent majeurs par la représentation. Ils sont majeurs en tant que représentés par leurs tuteurs. Mes honorables collègues souriront s'ils veulent, mais tout avocat reconnaîtra la vérité de ce que j'avance, et je le dis sans crainte d'être contredit.

Je dis que les mineurs deviennent majeurs par la représentation. L'acte du tuteur, alors qu'il se conforme à la loi, est regardé comme étant exercé par le mineur. Dans ces cas, les mineurs sont donc, à toutes fins, majeurs. L'honorable membre dit encore que les encanteurs ne sont pas des officiers assermentés et que ce sont les seuls officiers non-assermentés par les mains desquelles passent les propriétés. J'appelle l'attention des sénateurs sur la réponse à cette proposition. Je crois inutile de leur rappeler que le terme officier vient du mot latin *officium* qui veut dire devoir. L'honorable membre dit que l'encanteur n'est officier d'aucune cour Je conteste la vérité de cette proposition. Du moment où il reçoit l'ordre de faire une vente, il devient officier *ad hoc negotium*, pour cette affaire, il devient fonctionnaire de cette Cour. Il doit se conformer aux lois de cette Cour, et il est tenu responsable par elle pour le fidèle accomplissement de son devoir.

Permettez-moi, de citer un exemple à l'appui de ce principe. Supposez que je demande à une Cour une commission pour prendre des témoignages dans un autre Etat—le Kentucky, le Texas et l'Ohio. Si je nomme l'individu et que ce soit un magistrat autorisé à prendre des dépositions, il devient, du moment que l'ordre est émis, un officier de cette Cour sans avoir besoin pour cela, ni d'un certificat du gouverneur ni même de son sceau. Mais si je nomme pas cet individu il faut que le gouverneur de l'Etat certifie qu'il était Juge de Paix à cette époque. Ainsi, nous voyons qu'un citoyen du Kentucky ou d'un autre Etat peut, pour un objet spécial, devenir officier d'une Cour.

Permettez-moi maintenant de vous demander si le shérif est l'officier d'une Cour pour faire les ventes judiciaires, à moins qu'il ne soit nommé à cet effet comme un encanteur. Les parties intéressées peuvent demander que le shérif fasse leurs ventes, si elles veulent, mais avant d'en recevoir l'ordre, il n'est pas plus un officier de la Cour que ne l'est un encanteur. Respectez les intelligences ordinaires ! Ne vous figurez pas que le pays ait envoyé sur ces bancs des sénateurs incapables de porter un jugement dans les questions les plus simples ou de découvrir une fausseté évidente. Ne vous faites pas cette illusion. Nous ne prétendons pas à l'éloquence, au talent et à l'instruction qui caractérisent certains sénateurs, mais nous demandons le respect qui est dû aux intelligences même les plus faibles et les plus modestes. Nous ne nous vantons pas de l'éclat de notre rhétorique, de l'éloquence de notre élocution, de la profondeur de notre logique ; il se peut que nous soyons rudes dans nos expressions et peu poétiques dans nos discours, mais nous prétendons avoir du moins le sens commun et un jugement droit. Ne proposez donc pas un bill qui, comme celui-ci, doit choquer l'intelligence ordinaire des hommes ordinaires. Je passerai maintenant à l'examen de quelques autres objections présentées par l'honorable membre, du système qui régit aujourd'hui les ventes judiciaires. Il y a à ma connaissance un cas qu'il nous a cité et où des propriétés ont été vendues vendues à une perte énorme. Il a donné à entendre que les encanteurs, en s'entendant avec des administrateurs qui ne seraient pas honnêtes, peuvent suivre tel marché que bon leur semble.

Je ne veux pas admettre, pas même pour les besoins de la cause, que tous les administrateurs soient nécessairement gens de mauvaise foi. Je crois que généralement ils ont à cœur, les intérêts qui leur sont confiés. Mais, permettez-moi de vous rappeler que les encanteurs ne peuvent pas, dans les ventes judiciaires, disposer des propriétés dans la manière et au prix que bon leur semble. On nomme toujours des commissaires-priseurs assermentés, chargés d'estimer la valeur de la propriété de manière à prévenir toute fraude. Une propriété qui vaudrait mille piastres ne peut pas être adjugée

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pour cinquante ou pour cent piastres comme l'honorable membre voudrait nous le faire croire. Dans tous les cas, il y a des commissaires-priseurs qui ont prêté serment de remplir fidèlement leur devoir. Pour ma part, je ne me laisserai jamais séduire par ces arguments, *ad captandum vulgus*. Ils peuvent embarrasser certaines gens, mais ils ne sauraient égarer un esprit qui réfléchit et qui raisonne. Cette objection tombe donc à plat: touchée par le glaive de la raison et de la vérité, elle s'évanouit dans l'air.

Dans le courant de la discussion, on a parlé des honoraires. Pour ma part, je n'ai jamais attaché une grande importance à ce côté de la question. Il ne s'agit pas de savoir ce que telle ou telle personne reçoit ou voudrait recevoir. Nous n'avons à nous occuper que de savoir si la loi qui nous est soumise est bonne ou non. Améliorerait-elle le système qui est maintenant en vigueur? ou ne serait-elle, au contraire, qu'injuste dans son application et nuisible dans ses effets?

Peu m'importe que le shérif actuel de la Nlle-Orléans, soit millionnaire; peu m'importe qu'il soit riche ou pauvre, ce sont là des choses dont je ne me préoccupe pas. Mr. Marigny a récemment été élu shérif. Il a trouvé la place telle qu'il la briguait. S'il n'a pas trouvé la place aussi lucrative qu'il se l'imaginait, j'en suis désolé pour lui, mais je ne puis faire une injustice pour le servir. Revenons maintenant à la question. Quel avantage résultera-t-il de cette loi? Est-ce une panacée destinée à guérir tous les maux que l'honorable membre entrevoit dans le système actuel? Rendra t-elle les tuteurs, les curateurs et les administrateurs, fidèles et honnêtes? Je ne le crois pas. Les administrateurs prévaricateurs resteront prévaricateurs, et les tuteurs malhonnêtes ne deviendront pas intègres.

Je vois au contraire, que cette mesure créera une odieuse tyrannie, un monopole insupportable. Nous pourrions tout aussi bien adopter une loi qui forcerait les planteurs à consigner tout leur coton et tout leur sucre à une seule maison que de les priver de vendre leurs propriétés comme ils l'entendent. Cette proposition renferme pour moi, quelque chose de si radicalement anti-républicain, que je ne peux et ne veux pas y donner mon concours. Je ne me sers pas du mot démocratique dans le sens qu'on y attache dans nos distinctions de parti, mais j'entends justice et droit républicain. Je l'emploie dans l'acception qui a fait de ce pays, ce grand et puissant état qui est l'admiration du monde, cet édifice élevé par la sagesse et la valeur des philosophes, des héros et des patriotes; dans cet esprit qui a fait de notre pays un arbre majestueux qui, arrosé par le sang de nos pères, croît vigoureusement, projette au loin ses rameaux protecteurs et couvre de son ombre bienfaisante les enfants de leurs climats. C'est le chêne gigantesque qui protège et abrite sous son épais feuillage les mille plantes qui se groupent autour de lui. Voilà dans quel sens je me suis servi de ce mot et non dans l'acception moderne qui ne contient que la moitié de la véritable signification.

Je répète que dans ce sens, le bill contient un principe anti démocratique, un principe qui répugne à nos idées de justice républicaine. J'aime à voir que mon honorable collègue n'ait pas voulu faire de cette affaire une question politique, et si on avait voulu l'envisager sous ce point de vue, moi au moins, je me serais certainement élevé au-dessus de telles considérations. Je suis également charmé que les sénateurs mêmes qui avaient présenté cette mesure aient témoigné par leurs votes, la justice de mon opposition. Je suis aussi aise qu'ils aient ainsi approuvé la position que j'avais prise et qu'ils aient virtuellement déclaré que j'avais eu raison de me prononcer contre le bill primitif. Je m'y suis opposé dès le commencement et je continuerai à le combattre aussi longtemps que le droit et la justice seront de mon côté.

Mr. Lacey,

Ce serait faire violence à mes sentiments, je l'avoue, que de ne pas exprimer mon admiration pour la candeur et l'évidente sincérité de l'honorable sénateur des Rapides. Je consens à accorder à ceux qui sont opposés au bill autant d'honnêteté au moins qu'à ceux qui le défendent. Si le sénateur doit apprendre avec plaisir qu'il a renversé le bill originel, je consens à le lui laisser goûter à son aise. Je ne désirerais pas le troubler dans la jouissance de ce plaisir qu'il savoure avec tant de volupté.

Je n'ai pas besoin, je crois de rappeler ici cette vérité banale, que l'homme est faillible même alors qu'il est sénateur. Dieu seul est infaillible. Si le sénateur doit apprendre avec plaisir que mon opinion a changé et que je me suis rangé à la sienne, mon Dieu ! qu'il le croie. Je ne m'y oppose pas. Je dois dire pourtant que tel n'est pas le cas ; que je n'ai pas du tout changé d'opinion. Seulement afin d'arriver enfin à un résultat après tant de débats et de discussions longues et fatiguantes, je me suis résigné à un compromis qui put rallier toutes les opinions; c'est là tout ce que j'ai fait, tout ce que j'ai voulu faire. J'espère que mes collègues ne s'arrêteront plus à des futilités, qu'ils ne s'armeront plus de technicalités et qu'ils laisseront enfin arriver le substitut. Je n'ai pas l'intention de faire un discours sur cette question, car déjà il n'en a été que trop souvent et trop longuement question; je désire seulement que l'on sache que ma conduite n'est influencée par rien que je ne puisse avouer. Qu'était le bill originel? Il avait pour but d'accorder au shérif, le droit de faire toutes les ventes judiciaires? Et qu'elle a été ma position relativement à ce bill? Vous la connaissez tous et l'expliquer de nouveau ici, serait fort inutile.

Mr. Trudeau,

J'appelle à l'ordre le sénateur. Il n'y a qu'un substitut devant le Sénat, et c'est celui qui a été présenté par le sénateur de la Nouvelle-Orléans. Parler d'un ordre est manquer au règlement.

Mr. Lacey,

Je désire tout exposer devant le Sénat. Mes idées n'ont aucunement changé. Je suis disposé à concourir avec vous pour que le substitut du sénateur d'Est Féliciana, soit pris en considération. Quelques personnes ont cru que voter contre, la motion du sénateur de l'Ascension, serait s'engager en faveur du substitut présenté par le sénateur de la Nouvelle-Orléans. C'est là une grande erreur. Seulement, nous pourrons évoquer à son tour celui du sénateur d'Est Féliciana. Le sénateur de l'Ascension qui a si bien, si longuement discuté les mérites de la question au point de vue qu'il favorise ne persistera pas, je l'espère, à s'opposer à la prise en considération, du substitut additionnel. Je demande au Sénat de se joindre à moi, pour obtenir ce que je cherche. Que tout soit mis devant le Sénat; considérons tous les projets, tous les plans soumis.

Je vote contre la motion du sénateur de l'Ascension, non dans le but de faire rejeter le substitut du sénateur de la Nouvelle-Orléans, mais pour faire prendre en considération l'autre substitut.

Je le répète, en cela, je ne suis pas influencé par des considérations de parti. Je crois que le changement proposé est juste, parfaitement juste ; mais comme je ne pense pas que le bill qui est maintenant devant le Sénat, obtienne une majorité des

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votes, je n'insisterai pas là dessus. Seulement, je désire que l'autre bill ne soit pas détruit lorsqu'il n'est encore qu'à l'état d'embryon, sans qu'il ait vu le jour, sans qu'on ait pu le lire, l'examiner, en étudier les dispositions, en apprécier les mérites, en discuter les principes.

Mr Trudeau,

Après les paroles éloquentes qu'ont prononcées le sénateur de l'Ascension, (Mr Kenner) et le sénateur de la Nouvelle-Orléans, (Mr. McCay) il peut sembler présomptueux de ma part de prendre la parole sur une question qui a été si bien, si longuement, si profondément discutée Je me bornerai donc dans les remarques que je vais faire à quelques points qui sont d'un intérêt tout local.

J'ai essayé de prendre note de quelques uns des arguments du dernier orateur qui vient de prendre la parole et je crois qu'il ne serait pas difficile d'y répondre, si j'en avais le loisir maintenant ; mais cette question me semble décidée ou à peu près, et je n'y insisterai plus.

MESSAGE A LA CHAMBRE.

Le secrétaire-adjoint du Sénat va informer la Chambre que le Sénat a donné son adhésion aux bill suivants de la Chambre.

Acte pour autoriser Louis Auguste Leonold Bernard à faire certaines dispositions de ses propriétés.

Acte pour venir au secours de Peter K. Wagner, imprimeur de l'Etat en 1847, 1848 et 1849.

Et avec amendement au bill intitulé acte pour créer un gardien du port pour le 4me district de la Nouvelle Orléans.

Et il demande le concours de la Chambre aux bills suivants du Sénat.

Acte pour autoriser l'affranchissement de l'esclave Angela.

Acte pour pourvoir au jugement des procès. dans lesquels le juge de la Cour de District où ils sont pendants ou peuvent être institués, peuvent se récuser, (la paroisse d'Orléans exceptée.)

RAPPORTS DES COMITES.

Mr. Boatner, du Comité des Réclamatiions, présente un rapport favorable à un bill pour venir au secours d'Antoine Marrero, de la paroisse St. Bernard.

Mr. Lacey, au nom du Comite Judiciaire, fait un rapport en faveur du bill intitulé acte pour amender la 30e section de l'acte intitulé acte pour établir un système uniforme d'élection dans l'Etat de la Louisiane. (la paroisse d'Orléans exceptée.)

Il rapporte contre le bill intitulé acte relatif à la nomination des administrateurs dans certains cas.

Il rapporte avec amendement en faveur du bill intitulé acte pour ratifier le cautionnement fourni par le shérif de la paroisse de St. Landry, dans sa capacité officielle.

Il rapporte contre le bill intitulé acte pour prendre le vote du peuple de l'Etat sur la nécessité de changer le siège du Gouvernement de la ville de Baton Rouge à la ville de la Nouvelle Orléans.

Il rapporte en faveur du bill intitulé acte pour amender l'acte intitulé acte pour pourvoir au transfert de certains documents publics du 4me district de la ville de la Nouvelle-Orléans à la paroisse de Jefferson.

SEANCE DU SOIR.

VENDREDI 10 mars 1853.

BILL POUR VENIR AU SECOURS DE WILLIAM GILL.

Mr Martel,

Le comité de la milice a examiné cette question et il est venu à la conclusion que cette réclamation est juste. Il a en conséquence rédigé le bill dont lecture vient d'être donnée. Je vais lire la loi d'après laquelle ces services ont été rendus. (Il lit la loi.)

La loi que je viens de lire s'explique d'elle-même. Elle imposait au pétitionnaire qui était alors Juge de Paix le devoir qu'il a rempli : elle dit de plus que ce service doit être fait aux frais de l'Etat.

Mr De Russy,

Que les frais d'emprisonnement soient payés simplement par l'Etat, il n'importe. Ce n'est qu'une question d'équité et de justice. Ce Mr Gill a été appelé à juger ces personnes qui étaient absentes de leurs devoirs. Plusieurs ne voulurent pas payer et conséquemment il fut forcé de les envoyer en prison. Il présenta pour cela un compte de $700 qui est réduit à trois cents quinze piastres. Il présente des listes de noms montrant le nombre d'affaires portées devant lui et le nombre de personnes envoyées en prison.

Si jamais réclamation fut juste c'est bien celle-ci. La loi dirait distinctement que si quelqu'un refusait de payer il devait être emprisonné aux frais de l'Etat. La rémunération du juge devait également être payée par l'Etat. Cette demande est bien insignifiante, bien faible. Le pétitionnaire a rempli les devoirs que la loi lui imposait, il les a remplis fidèlement, consciencieusement, il doit être payé.

Mr King,

Les nombreux coups de lancette donnés au trésor public sont de nature à causer de justes alarmes. Ce peuvent être de petites saignées, mais plusieurs petites saignées, dit-on en style vulgaire, en font une bonne. Il se peut que l'on considère cette réclamation comme bonne et juste; pour moi je ne pense pas ainsi. L'intention de la loi était que les prisonniers payassent eux-mêmes les frais, et en cas de refus de leur part, le dernier recours devait être l'emprisonnement. (*Il lit la loi*) On voit donc que ces personnes-là doivent être retenues en prison aux frais de l'Etat; mais ne doit pas payer tous les frais y compris ceux de la rémunération du juge.

Mr le Président,

Si l'Etat était tenu de payer toutes les réclamations de ce genre il ne faudrait pas moins de cent mille piastres pour satisfaire à toutes les demandes. A la Nouvelle Orléans il y a un très grand nombre de cas de cette nature et il pourrait être présenté à ce sujet un compte très considérable. Nous donnerons lieu à de grands mécontentements si nous commençons à payer des réclamations résultant d'une loi qui dans tous les cas a été répudiée par le peuple. On se rappelle qu'il y a quelques années on voulut essayer de rendre obligatoires les devoirs de la milice à peu près de la même manière qu'à présent. Nous savons tous comment cette mesure a été reçue et quel succès elle a obtenu.

Mr Munday,

Le Sénateur de Natchitoches nous a dit que cette réclamation est très peu de chose. Je ne vois pas en quoi cela se rapporte à la question qui nous occupe. Une faible réclamation doit être soumise à la même investigation sévère qu'une réclamation importante. Dire qu'elle est peu importante n'est pas du tout pour moi un argument en sa faveur. Cependant quelque faible quelle soit, si nous l'acceptons, nous nous condamnerons à nous accepter des centaines d'autres qui réunies formeront une somme considérable. Il y a huit de ces magistrats dans chacune des paroisses de l'Etat. Puis nous devons compter les commandants de divisions, de brigades et de régiments, les officiers et-

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balternes, etc., etc., et en total nous verrons qu'il n'y a pas moins de plusieurs centaines de cas parfaitement semblables à celui qui nous occupe. Je ne puis croire que l'intention de la loi fut que la rémunération des juges instructeurs fut payée par l'Etat.

On dit que ces frais n'ont pas été calculés. Lorsqu'un homme est mis en prison pour un motif de cette nature, on suppose qu'il est insolvable et alors l'Etat paye les frais. Cette somme peut être très faible et comme nous touchons au terme de la session actuelle, il est possible qu'on ne nous présente pas immédiatement les centaines de reclamations de la nature dont j'ai parlé déja. Mais à la prochaine session elles fondront sur nous comme une grêle, comme une avalauche et comment pourrons-nous refuser de les payer si nous établis sons une fois au président ? La Législature de 1834 était, je n'en doute pas, aussi bien composée, aussi intelligente que celle-ci et cependant je suis bien convaincu que la Législature actuelle ne passerait jamais une semblable loi. Je donne en fait que ces personnes n'étaient pas insolvables et on aurait dû les contraindre à payer. Il n'est pas prouvé qu'il y ait eu un seul cas d'emprisonnement.

Mr Martel,

Je ne suis pas disposé à fatiguer, sur ce sujet plus que sur aucun autre, le Sénat de longs discours, mais j'ai entendu discuter des réclamations de quinze mille et de cinquante mille piastres et j'ai vu à ce propos des Sénateurs se lever de leurs siéges pour soutenir que des individus auraient droit non seulement à leurs salaires réguliers et au payement du prix du travail exécuté réellement mais aussi à celui d'un travail qui aurait pu être accompli, et des profits qui auraient pu être réalisés. Lorsque je revis des Sénateurs soutenir la demande pour des milliers de piastres présentée pour l'impression d'une douzaine de feuilles de papier, et s'opposer ensuite à la juste réclamation d'une personne qui se présente ici les mains nettes et qui demande payement pour des travaux réellement exécutés, je dois le dire, cela m'étonne. Le comité a examiné tous les documents présentés, et a trouvé la réclamation raisonnable et correcte. Comment donc des Sénateurs peuvent-ils s'opposer à une réclamation juste, en se basant sur ce motif que l'accepter serait nous exposer à voir arriver devant nous de pareilles réclamations. Je répète que le comité a axaminé attentivement cette affaire, et est satisfait de la justesse de la réclamation. Personne n'est plus que moi dans le Sénat opposé à des réclamations mensongères, mais quand j'en rencontre une basée sur la loi et la justesse, je n'hésite pas à l'appuyer. Je demande au Sénat de ne pas réjeter ce bill sans mûrement examiner le sujet. La loi n'entend pas que les juges à la Nouvelle-Orléans puissent emprisonner, mais elle ne s'est pas occupée des cas où des juges de paix pourraient avoir à le faire. Quant à moi, je vote pour le bill persuadé, que je suis, que la demande est juste et doit être satisfaite.

Mr De Russy,

Je ne désire pas fatiguer le Sénat de nouvelles remarques sur ce sujet; mais lorsque je suis convaincu de la justesse d'une réclamation, comme je le suis dans ce cas particulier, je ne puis rester les bras croisés, et permettre sans venir à leur secours, qu'on essaye de priver un honnête homme de recevoir ce qui lui est dû. Nous avons devant nous l'affidavit de Mr Gill, citoyen âgé et respectable, établissant ce qu'il a fait. Ce témoignage est fortifié par le témoignage de Mr Dufrocq, maire de cette ville. Des Sénateurs disent que ce n'est pas une réclamation fondée. Examinons combien Mr Gill a versé au trésor de l'Etat avant de produire sa demande pour trois cents quinze piastres. En nous rapportant aux documents nous voyons qu'il a commencé par l'affaire No 1115 Qu'a-t-on fait des autres? Parce que les amendes collectées ont été versées au trésor. Est-ce la façon convenable de traiter un honnête homme qui a bien et loyalement rempli ses devoirs envers l'Etat? Non certes Les mêmes Sénateurs qui s'opposent à cette réclamation savent en soutenir d'autres qui sont moins bien fondées. J'espère que le bill sera adopté

Mr Kittridge présente un amendement portant que toutes réclamations semblables soient payées par l'Etat

Mr Trudeau,

Je crois l'amendement convenable et je voterai pour. Le comité trouve la réclamation juste, certainement nous devons payer, toutes celles de la même nature.

Mr King,

Je pense qu'au moins cinquante mille piastres seront nécessaires pour payer toutes celles qui peuvent être présentées—Je demande par conséquent une allocation de cinquante mille piastres pour les couvrir.

Mr Martel,

Je fais la motion que les amendemens soient déposés sur le bureau.

Mr Munday,

Le Sénateur des Natchitoches dit que Mr Gill a commencé au No 1115—C'est seulement là le numéro de l'affaire—Tous les juges de paix numérotent les affaires sur leurs régistres. C'est là son numéro d'ordre et non le numéro qui se rapporte à ces affaires de l'année.

Mr Martel,

Mr Gill réclame seulement 71 affaires.

Mr Hodge,

Je n'ai pas examiné la question et je demande par conséquent à être dispensé de voter.

Le bill et les amendemens sont déposés sur le bureau.

LE S. W. M.

Mr Mac Murdo,

Je demande la prise en considération du bill incorporant les s.w. m. de l'Etat de la Louisiane.

Mr Wickliffe,

Je désire avoir quelques renseignements avant de voter sur ce bill. Je crois que le Sénateur est membre de cet ordre et il pourra probablement nous en dire quelque chose.

Mr Mac Murdo,

J'ai été élu membre il est vrai mais on ne ma jamais initié aux mystères de l'ordre—Je suis informé par un individu qui malheureusement ne fait pas partie du Sénat que le but est la charité, etc.

Mr Wickliffe,

Je n'ai pas d'objection au bill.

Mr Trudeau,

Je désire savoir ce que s. w. m. veut dire.

Mr Wickliffe,

Je suppose que cela signifie seven wise men (les sept hommes sages).

Mr Evans,

Je désire connaitre quelque chose de l'objet de cette société avant de donner mon vote pour l'incorporer. Elle pourrait avoir pour but de renverser le gouvernement, de prendre l'Ile de Cube ou d'accomplir quelqu'acte tout aussi désespéré.

Mr Wickliffe,

Je suis étonné de l'objection que fait le Sénateur de Claiborne. J'ai déjà dit que l'honorable président du comité de finances est un membre de cette

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société et que par conséquent il n'a pas à craindre que le gouvernement soit renversé par les actes de cette société. C'est un ordre secret comme les Odd Fellows, les Maçons et d'autres, et comme eux il a pour but la charité. On m'assure que pendant la dernière épidémie, ses membres ont secouru beaucoup de malades et ont accompli beaucoup de bien.

Le bill est adopté.

DISCUSSION DE LA COUR SUPREME.

La discussion s'engage sur le bill des salaires du rapporteur de la Cour Suprême.

Mr Hodge,

Je désire savoir de quel travail parle le bill. Si je ne suis pas dans l'erreur le salaire de 1852 est le 6e tableau Il n'est pas encore imprimé. La condition du bill est que l'argent ne sera compté qu'après le travail achevé. Est-ce un procédé usuel? Cela semble donner à entendre que le rapporteur avait le dessein de prendre son salaire sans faire le travail. Le rapporteur est un des officiers de l'Etat C'est son devoir que de faire l'arrenage avant que de venir demander payement, et je ne doute pas qu'il ne remplisse son devoir.

Mr Wickliffe,

Je fais la motion de retrancher le proviso.

Le proviso est supprimé et le bill est adopté.

LA RIVIERE OUACHITA.

Le bill pour allouer mille cinq cents piastres pour le relevé de la rivière Ouachita est pris en considération.

Mr Wickliffe,

Je ne comprends pas qu'on donne 1,500 piastres à un officier pour faire un travail qui fait partie de ses devoirs. Je n'approuve pas un pareil système. Je pense que ce bill doit être renvoyé au comité convenable.

Mr Boatner,

Je félicite le Sénateur de l'Est Féliciana de son zèle dans cette affaire. Mais s'il connaissait cette section du pays comme je la connais il ne s'opposerait pas à ce bill comme il le fait. Si ses dispositions sont adoptées le résultat sera l'ouverture de la navigation du Ouachita sur une grande étendue et le bénéfice de la population agricole de la vallée du Ouachita et du commerce et des relations de toute cette section. L'ingénieur a instruit le comité de l'autre Chambre que par suite des affaires qui sont maintenant en train dans son bureau il lui sera impossible de veiller lui-même à ce travail. Ce fait a engagé le comité à rapporter en faveur d'une allocation qui permette d'envoyer un député. Il n'y avait pas d'autre manière d'arriver au résultat. L'Etat ne nous a jamais accordé une grande attention dans cette section et je pense qu'il nous est dû quelque chose. Je m'oppose au renvoi.

Mr Wickliffe,

Je pense que c'est un mauvais système de législation que celui qui consiste à charger un officier de s'occuper de toutes les choses de ce genre. Le bill propose mille cinq cents piastres pour faire ce qui rentre dans ses devoirs—Je suis opposé à donner d'une part à un ingénieur trois mille cinq cents piastres pour faire le travail en général et de lui en donner mille cinq cents pour faire un travail en particulier. Si c'est une chose vraiment nécessaire et s'il est indispensable qu'elle soit faite ainsi, le comité rapportera sans doute un bill favorable. Le fait que pareil rapport a déjà eu lieu dans l'autre Chambre n'est point une règle pour nous. Beaucoup de bills sont ici rejetés après avoir été rapportés unanimement dans l'autre Chambre. L'endossement du comité de l'autre chambre n'est point assez pour nous. Je crois que le bill doit être référé—Si je suis forcé de voter à présent j'enregistrerai mon vote contre le système qui consiste à accorder à un hommes des salaires extras pour faire son devoir.

Mr Lacey,

Si ce bill est référé ce délai peut lui être fatal—Il est vrai de dire comme l'a fait remarquer le Sénateur de Caldwell que cette section a reçu peu d'attention de la part de l'Etat. Il est temps de faire quelque chose pour elle et nous ne pourrions mieux commencer qu'en procédant à ce travail nécessaire. L'ingénieur ne peut le faire en conséquence des affaires multipliées qui se sont accumulées dans son bureau Un député est par conséquent nécessaire. Ce bill a déjà été examiné par un comité dans l'autre chambre et j'espère qu'on ne mettra pas en danger son existence par le renvoi proposé.

Mr Wickliffe,

L'ingénieur a déjà un député payé par l'Etat.

Mr McCay,

C'est là une allocation extra ordinaire ayant eu but un seul objet et presqu'égal à la *moitié du* salaire payé à l'ingénieur d'Etat. C'est une somme assez ronde pour six mois de travail. La chose me dit-on a déjà été faite par l'Etat dans d'autres cas, mais on a mal fait suivant moi. Si le comité rapporte que la somme demandée est nécessaire, je voterai pour le bill.

Mr King,

Je crois que cette allocation est convenable. Il y a dans la rivière Ouachita deux ou trois chûtes qui, dans les eaux basses, la rendent innavigable presqu'autant que la rivière Rouge. L'intérêt commercial de la Nouvelle-Orléans en a souffert immensément. Mille cinq cents piastres sont peut-être trop, mais je ne désire pas allouer toute la somme pour le même cours d'eau. Nous avons consacré de fortes sommes d'argent à la Rivière Rouge. Il est bon de donner maintenant quelque chose au Ouachita.

Mr Moore,

Plutôt que d'adopter l'amendement proposé il vaut mieux retrancher entièrement *le section*—L'ingénieur m'a dit que si nous *lui donnons assez* dans le bill des allocations *générales pour* qu'il puisse payer les dépenses il ne demandera rien de plus.

Mr Boatner,

On a dit que ce travail avait déjà été fait une fois—Je dirai comment l'ingénieur, Mr Wooldridge vint s'embarquer sur la rivière à Monroe et la descendit en skiff—Il s'arrêta pour dîner chez le major King et continua ensuite jusqu'à Harrisonburg. Il ne fit pas d'autre examen que celui qu'il pouvait faire en descendant en skiff comme je l'ai dit—L'ingénieur a reçu une fois déjà l'ordre de faire ce travail, mais il ne s'est jamais rendu jusqu'à l'endroit et je pense qu'il ne ferait rien aujourd'hui à moins d'y être forcé.

Mr Hodge,

Je désire savoir si la Législature n'a pas ordonné l'enlèvement de certaines roches? Je crois qu'oui—L'ingénieur donna pour raison de la non-exécution de cet ordre qu'il n'avait pas de bateau convenable pour le faire, mais qu'il y en avait un en construction.

Mr Boatner,

Je ne me rappelle pas les circonstances dont parle le Sénateur—Je me rappelle que le relevé a été ordonné et qu'on s'est excusé de ne pas le faire par l'existence de la fièvre jaune—Je répète que cet ouvrage est indispensable, une fois achevé il accroîtra la navigation d'aumoins 125 milles—Ce n'est que récemment qu'un bateau a pu cette année

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remonté la rivière. Il avait été donné aussi des instructions à propos de la Petite Riviere, cours d'eau très important et qui augmente en importance chaque annee—L'ingénieur a répondu au colonel Campbell, président du comité dans l'autre Chambre, qu'il était important que l'ingénieur donnat à ces matières son attention personnelle. Le bill porte écrit de la main du colonel Campbell un rapport unanime en sa faveur. Je suis certain qu'il a subi un examen approfondi.

Mr Wickliffe,

Je désire qu'il soit entendu que je ne suis pas opposé à ce bill et que je ne veux pas priver le peuple de cette section du bénéfice de la navigation, mais je suis, en termes généraux, opposé à ce système de législation—Je ne veux pas payer à l'ingénieur des sommes supplémentaires pour faire ce qu'il doit faire. Si un assistant est nécessaire, on le lui donnera—Je suis en faveur de la suggestion faite par le Sénateur de St. Martin (Mr Moore) Adoptons tout le bill hormis cette section et comprenons dans le bill des allocations générales suffisamment pour payer ce travail extra.

Mr Lacey,

Il me semble que c'est là un travail très important, actuellement nécessaire pour cette section de l'Etat et en même temps d'un grand intérêt pour la population commerciale de la Nouvelle-Orléans —Il serait étrange qu'après avoir ce matin alloué cinq mille piastres pour une rivière nous refusions mille cinq cents piastres pour une autre.

Mr Hodge,

L'allocation dont parle le Sénateur était pour la Rivière Rouge et, comme je l'ai demandée, je profite de l'occasion pour expliquer de nouveau les circonstances de ce cas special—L'allocation était pour un travail spécial—Si le Séanteur veut me montrer que cette allocation est indispensable pour poursuivre le travail commencé, je voterai pour le bill—J'ai dit que le relevé avait déjà été fait parce que j'ai rencontré à Monroe Mr Wooldridge alors ingénieur d'Etat pendant qu'il était occupé à le faire et qu'il me dit être en train d'y procéder. Je ne ne suis rien de la descente dans un skiff bien que sans doute elle ait eu lieu comme l'a dit le Sénateur. Ce que je sais c'est qu'il m'a dit qu'il était alors en train de procéder à un travail, et s'il a été fait, je ne vois pas de nécessité à le recommencer. Je ne nie pas que ce ne soit là un ouvrage important. Au contraire je suis d'accord sur tout ce qui a été dit à ce sujet. Pour ma part, je désire le voir achevé—Je ne suis pas en faveur d'un système de lésinérie à propos de nos améliorations intérieures —Je désire que l'argent soit réellement dépensé dans ce but et ne soit pas gaspillé. Chaque piastre dépensée pour des améliorations intérieures nous reviendra quadruplée—Je suis également en faveur des élections des officiers par le peuple que je crois être parfaitement compétent pour cela—J'espère que nous n'aurons jamais des officiers assez négligents pour qu'il soit nécessaire de faire faire leur travail par un autre. Je répète que j'ai rencontré à Monroe Mr Wooldrige lors qu'il procédait à cette même opération. Il me dit alors qu'il était en train de faire le relevé et je présume qu'il l'a fait. Est-il possible qu'il ait été assez négligent pour qu'il faille aujourd'hui recommencer ce travail ? Je ne fais pas de réflexions sur notre présent Ingénieur, je crois qu'il veut agir aussi bien qu'il le peut. Si l'on peut me convaincre que ce montant est nécessaire pour exécuter l'objet proposé, je voterai pour le bill avec empressement. Il vaut donc mieux attendre le bill des allocations générales.

Mr Boatner,

Je ne puis pas dire *ex-cathedra* que le travail coutera exactement la somme spécifiée dans ce bill.

Mr Hodge,

Si l'ingénieur veut employer los fonds économique ou ne point employer un assistant hautement retribué parce que les fonds ont été alloués, je suis prêt à lui donner ce qu'on demande.

Mr Boatner,

Je n'ai pas d'objection à ce que la dépense de la somme soit entourée de toutes les restrictions convenables—Je ne désire pas certainement voir cet argent gaspillé—Le président ingénieur, Mr Wooldridge, homme estimable, visita la rivière en conséquence de l'ordre de la Législature. Les faits que j'ai signalés sont malheureusement notoires—Il parcourut plus de 150 milles en deux jours—Certainement qu'un relevé fait avec soin ne pourrait être fais dans un pareil temps—Il fit un rapport dans lequel il fut établi qu'il y avait des barres là où dans le fait il n'en a jamais existé—Ce sont là des faits de notoriété publique et connus de tous les habitans du pays. Je répète que je suis prêt à approuver toute restriction raisonnable qui sera imposée—Non pour empêcher l'ingénieur de faire son travail mais pour prévenir le gaspillage de l'argent, il serait convenable que dans ce but un rapport fut ordonné pour être présenté à la Législature prochaine.

Mr Munday,

Quand ce bill a été pris en considération, je l'ai pris pour un autre. Le bill a été adopté par l'autre Chambre allouant mille piastres pour le relevé du Bayou Bœuf—Dans ce cas aussi l'ingenieur dit qu'il n'a pas le temps de faire le travail lui-même mais qu'il peut le faire faire pour mille piastres. C'est un travail très important. Il y a sur le Bayou un grand nombre de sucreries qui n'ont pas d'autre voie de transporter leurs produits sur le marché. Il y a dans ce moment une grande quantité de sucre et de mélasse accumulées sur ses bords et qui ne peut être expédiés. L'ingénieur reconnait l'importance du travail; pour mille piastres il peut s'assurer les services d'un assistant ingénieur et faire exécuter l'ouvrage. C'est à dire un relevé sur lequel on puisse opérer. Ma section ne me demande rien semblable à l'Etat, mais je crois toujours avec plaisir que les autres sections sont aidées proportionnellement à nos moyens. Le peuple de ce Bayou a gravement souffert par l'absence de voies de communications convenables et permanentes avec le marché de la Nlle-Orléans et avec la communauté commerciale de cette ville—Il en est résulté pour lui de grands inconvéniens. Ces deux relevés peuvent être faits par la même personne et donner ainsi lieu à une économie. Le Sénateur des Natchitoches verra mieux que moi s'il doit en résulter quelque différence. Je pense qu'une seule personne pourrait faire les deux pour moins de deux milie cinq cents—On pourrait encore en en inclure d'autres de même nature qui peuvent exister. Je crois que nous devons tendre à faire le plus de bien avec le moins d'argent possible et ménager, autant que cela se peut nos ressources.

Mr Wickliffe,

Je pense que la suggestion du Sénateur de St. Martin doit être adoptée. Ordonnons à l'ingénieur de faire le travail et incluons la somme qu'il faut pour cela dans le bill des allocations générales—Je presente moi même une motion à cet effet et j'ajoute un proviso ajoutant que l'allocation ne fera pas partie de l'allocation générale, si un ingénieur assistant est nommé.

Mr Hodge,

J'offrirai un autre proviso afin que si un ingé-

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nieur assistant est nommé ce soit le premier travail auquel il procède.

Mr Munday,

Je désire que les deux travaux soient faits. Référons les bill au comite des améliorations intérieures qui peut demain présenter son rapport.

Mr Boatner,

J'ai une objection à l'amendement mais nous sommes si rapprochés du moment de la clôture que d'un retard peut dépendre l'existence du bill.

Mr Wickliffe,

Le Sénateur veut-il lui dire qu'il ne peut pas en résulter plus d'un quart d'heure de retard. Le bill sera envoyé demain à la Chambre qui sans aucun doute le considérera et lui donnera son concours. La Chambre ne peut pas avoir d'objection à allouer l'argent du trésor lorsque l'allocation ne peut être exécutée que dans certaines conditions. En tous cas ce bill doit retourner à la Chambre—Il faut qu'il y aille pour être signé par l'Orateur et y subir certaines formalités. Cet amendement ne peut retarder le bill et il lui sera au contraire favorable.

Mr Boatner,

Le Sénateur se trompe. La Chambre a adopté une règle dont elle ne se départ pas. C'est de ne donner aucun tour de faveur à un bill. Un comité a été ce matin désigné pour choisir les bills nécessaires à adopter et pour mettre les autres de côté. Ce bill ne pourrait pas être appele avant vendredi prochain et il faudrait qu'il passât par toutes les formalités dont le Sénateur a parlé. Le priviso me convient. Je crois moi même qu'il rend le bill meilleur mais je crois qu'il empêchera le bill de pouvoir être adopté par suite de retard.

Mr de Russy,

Ce bill est très important et doit être adopté.

JEUDI, 11 mars 1854.

ENTREE DES TERRES PUBLIQUES.

Bill pour autoriser Brebaran La Branche à enregistrer certaines terres.

Mr Kenner,

Ces personnes font partie d'une nombreuse et riche famille dont la respectabilité est incontestable. Je suis certain qu'elles ne songeraient à rien de mal et ne prépareraient rien de pareil.—Elles possèdent des terres de façade sur un certain point de l'Etat. Les terres en arrière de ces points sont nécessairement de valeur pour eux, elle desirent en faire l'entrée; mais en se livrant aux démarches nécessaires elles ont trouvé que ces terres n'étaient point arpentées. L'ingénieur peut avoir des amis intéressés auxquels il peut communiquer les informations nécessaires et qui, lorsque l'arpentage sera achevé, peuvent s'empresser d'aller au bureau des terres pour faire l'entrée de celles dont je parle, dans un but spéculatif, et se mettre ainsi à même de réclamer un prix élevé du propriétaire de la façade. Et parce que les messieurs La Branche désirent agir avec droiture, faire ce qu'ils ont le droit de faire et ce qui doit profiter à l'Etat, entendons nous dire que leur but est d'agioter dans les terres marecageuses? Les repousserons-nous uniquement parce que ce sont des hommes riches et respectables? Je ne désire point soutenir une mesure qui serait blamable et je préférerais voir le bill dispersé en mille morceaux. La seule objection de quelque poids consiste à dire que les limites ne sont pas suffisamment définies. L'objection du sénateur prétendant que ces terres sont reservées pour des railroads ne s'applique point à l'espèce. Je n'ai cependant aucune objection à inserer une clause décrétant que rien dans ce bill ne pourra être interprété de manière à priver de leurs droits les compagnies de railroads.

Mr King,

Je ne me suis pas trompé quand je disais que les individus arpenteraient eux-mêmes les terres qu'ils devaient entrer. Ceci ne fait point partie des devoirs de l'arpenteur des Etats-Unis. Ceux qui le mettent à l'ouvrage doivent le payer et quant au titre d'arpenteur général c'est purement un nom de guerre. Le sénateur vient de dire que ce n'est pas là une opération d'agiotage sur les terres marécageuses. Je crois pouvoir démontrer qu'il en est ainsi. Ces personnes nous ont remis un mémoire concluant pour une demande à la Legislature pour le passage d'un bill leur accordant certains privilèges. Si elles ne doivent retirer de cette mesure aucun profit pourquoi désirent-elles son accomplissement? S'il y a profit pour elles, il y a donc une faveur à faire en disposant d'une façon particulière d'une portion des terres marecageuses. C'est ce que j'appelle agioter sur ces terres. Pour ma part je ne vois pas comment on en ferait usage pour de pareils buts. Je ne vois pas pourquoi tout notre système de terres marécageuses serait mis en désordre par exception spéciale en faveur de cette famille. Si nous adoptons ce bill nous aurons l'hiver prochain cent demandes d'une nature semblable, sur lesquelles nous ne pourrons refuser d'agir de la même manière, après avoir etabli un précedent. Les consequences seront l'irrégularité et la confusion introduites dans le système de terres marécageuses. Je fais la motion que le bill soit déposé sur le bureau.

Mr Kenner,

Je prendrai la liberté de proposer une question au Senateur. Il vient de dire que l'expression d'arpenteur général est simplement un nom de guerre. Mais le bill avait d'abord pourvu à l'accomplissement du travail par l'arpenteur général des Etats-Unis. Le sénateur y a objecté. J'en fais en conséquence le devoir de l'arpenteur général de l'Etat et j'entends objecter que ce titre n'est qu'un nom de guerre. Comment le senateur entendrait-il resoudre la question?

Mr King,

J'ai étudié les lois de l'Etat avec autant de soin probablement qu'aucun de nos concitoyens et je n'ai vu nulle part les devoirs de cet officier definis. Je sais que cette charge existe, mais la question est de savoir quelles obligations y sont attachées.

Mr Kenner,

Je dis que cette fonction est d'une grande importance; et si le sénateur a étudié les lois de l'Etat aussi profondément qu'aucun de nos concitoyens, il l'a fait sans résultat. La loi dit que l'arpenteur doit procéder à ces opérations lorsqu'il en est requis. Telle est la loi, et certainement le sénateur l'ignore en tant qu'elle s'applique à ce sujet spécial. C'est là, je le répète une fonction importante et qui implique des devoirs importants à remplir.

Le bill est déposé sur le bureau.

Levées dans les paroisses de Carroll, Madison et Catahoula.

Le sénat prend en considération le bill pourvoyant à une compensation à accorder aux paroisses de Carroll, Madison et Catahoula, pour des levées construites en conformité de l'acte de 1832.

Mr Clifton offre un amendement statuant que le montant devra être prélevé des fonds à l'usage de ce district.

Mr Rivers,

Je demanderai la permission d'appeler l'attention du sénat sur la loi. Le district des levées est com-

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posé des paroisses de Catahoula, Carroll et Tensas, et il a à sa disposition un fonds destiné à la construction des levées. Avant la nomination des commissaires des terres marécageuses une somme importante a été employée à construire des levées sur la garantie de la foi de l'Etat donnée pour les recevoir. Cette somme s'est montée la première année à environ $80,000. Le bill propose d'en accorder seulement $30,000 pour couvrir la somme entière dépensée et maintenant le senateur veut l'amender en demandant que le montant soit prélevé sur les fonds appartenant à ce district. Le sénateur est il partisan de la répudiation? Le sénateur désire-t-il lever les objections de la loi? Cet amendement consacrerait une injustice flagrante pour le district que je représente. En vertu de la loi, l'Etat s'est obligé à recevoir ces levées une fois terminées et sans cette promesse elles n'auraient probablement point été construites. Le sénateur veut prélever la somme nécessaire des faibles moyens qui appartiennent à ce district. Que les sénateurs veuillent lire la loi et ils verront que l'Etat est obligé de recevoir ces levées Je suis étonné que le sénateur ait présenté un semblable amendement lorsqu'il a obtenu une si large part d'allocation pour construire la grande levée dont l'importance comparative par rapport à celles qui nous occupent, est celle d'une utopie en présence d'une montagne. Dans ces paroisses la taxe pour levées s'est élevée dans certains cas à cinq pour cent par an.

Mr Clifton,

Mon seul but en offrant cet amendement est de prélever la somme à payer sur les fonds déjà appropriés à cet objet. Dans ma paroisse nous construisons nos levées au moyen du travail des esclaves. Le district en question a préféré le faire autrement. En fait il n'a point payé une somme plus forte et n'a droit à recevoir rien de plus que tout autre district En recevant des sommes sous divers prétextes du fonds général, il aura finalement réussi à recevoir beaucoup plus que sa part.

Mr Boatner.

Si le sénateur de la Pointe Coupée comprenait bien le sujet, il retirerait son amendement et je suis certain que son sentiment de justice l'engagera à le faire après mûre réflexion. Je dois me rappeler que la totalité de cette section était exposée à l'inondation et aurait peut-être complétement été détruite si rien n'avait été fait Le danger était imminent et le fonds des terres marécageuses mettait une telle lenteur à grandir, qu'il était inutile d'attendre aucun secours de ce côté. La population résolut en conséquence de faire elle-même ce travail, Elle s'adressa à la Législature de 1852 et demanda que les deux paroisses fussent érigées en district de levées. Il a été fait droit à sa demande. Se fondant sur cette loi et sur la ferme conviction que l Etat remplissait les obligations qui en étaient la conséquence, le peuple des trois paroisses a levé des taxes appplicables à la construction des levées jusqu'à concurrence de $80,000 ou $90,000. Il importe peu de savoir si le travail a été fait par des esclaves ou si on a eu recours à des taxes pour l'accomplir. Le fait est que des levées ons été construites et que l'Etat devait les faire Aujourd'hui le peuple vient à nous et nous demande de nous conformer aux dispositions de la loi. Il est impossible qu'on ait pu penser que le montant payé dût être remboursé sur les fonds appartenant à tel district particulier, attendu qu'à cette époque les districts n'étaient point formés. Ces paroisses ont dépensé de fortes sommes et ont sauvé de l'inondation des milliers d'acres de terre. Mais les principes de justice s'accordent pour exiger de nous que nous nous conformions aux dispositions de l'acte approuvé par la précédente Législature. Je reste convaincu qu'après réflexion, le sénateur retirera son amendement.

Mr Moore,

Je vais donner les raisons de mon vote contraire à l'amendement et favorable au bill. La Législature, en 1852, a adopté une loi stipulant que si les paroisses construisaient des levées de manière à utiliser les terres marécageuses, l'Etat recevrait ces levées et rembourserait aux paroisses la totalité de leurs dépenses. Le peuple des paroisses en question a prélevé en conséquence $80,000 ou $90,000 par voie de taxation pour construire des levées qui permettent de mettre en valeur des terrés marécageuses appartenant à l'Etat. Ce fait ne sera démenti par aucune personne connaissant ces paroisses. Des levées ont été construites; pour quelle raison n'en rembourserait-on pas le le prix? La loi qui a divisé le fonds général ne date que du mois d'avril 1853. Nous n'avons pas le droit d'appliquer les conséquences de cette division à des travaux précédemment accomplis. Nous devons rembourser ces paroisses. Dans d'autres les mêmes faits n'ont point eu lieu et je voterai contre de semblables allocations. Mais la loi que nous avons nous-mêmes votée exige que ces levées soient acceptées par l'Etat et que le prix en soit remboursé. Ces paroisses ont construit les levées, elles ont rempli leurs parts d'obligations, notre devoir est d'en faire autant de notre côté.

Mr King,

J'ai à présenter quelques remarques sur le sujet qui nous occupe ; et en donnant un vote contraire au bill, je me crois obligé d'exprimer quelques-uns des motifs qui m'obligent à le faire, afin qu'il ne soit pas mal interprété. La demande qui nous est faite de la part de ces paroisses n'a point pour but de faire construire des levées pour leur usage, mais de payer le prix des levées déjà construites. Aussi longtemps qu'il reste d'importantes lacunes à remplir dans l'ensemble de nos levées, il me parait d'une mauvaise politique de payer aux paroisses celles qu'elles ont construites pour leur propre protection. Il existe un endroit qui porte nom Diamond Island, où la levée n'est pas construite et où la riviere submerge le sol à une profondeur de huit a dix pieds. L'ingénieur dit que lorsque cette echancrure sera fermée nous aurons une chaine non interrompue de levées depuis l'Arkansas jusqu'au Golfe. Aussi longtemps qu'un anneau de cette importance n'est pas exécuté dans cette chaine nous ne devons pas dépenser d'argent dans d'autre but. C'est sans aucune comparaison l'ouvrage le plus nécessaire et le plus important que nous ayons à faire, et je suis certain qu'aucun membre du sénat ne me contradira sur ce point. Les sénateurs qui ont pris la parole ont cité la loi, je ne reculerai pas devant la discussion; il faut qu'elle soit notre pierre de touche. Lorsque la loi a été votée, j'étais sous l'impression que les terres marécageuses constitueraient un magnifique domaine donnant des revenus suffisants pour permettre à l'Etat de devenir un grand constructeur de levées. En conséquence l'Etat devait tout faire. Telle était l'impression de la Législature l'année dernière, telle est encore aujourd'hui l'impression d'un grand nombre de ses membres; mais jetons les yeux sur les retours du bureau des terres, les recettes provenant des terres marécageuses sont estimées à 75'000 piastres par an. Aucun homme sensé n'entreprendrait même de commencer la construction d'un système général de levées avec d'aussi faibles moyens. Nous avons compté sur des ressources qui ne pourront jamais exister. L'idée reposait sur une erreur gi-

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gantesque. Examinons la loi et voyons si elle ne justifie pas ma maniere de voir. (Ici monsieur King donne lecture de la loi.) Il ressort de là qu'on a eu en vue l'entreprise par l'Etat d'un système général de levées; et aussi longtemps que ce système général ne peut s'exécuter, quel droit avons nous d'écouter des demandes comme celles qui nous sont faites? Il est évident que lorsque cette loi a été adoptée on s'est basé avec confiance sur la possibilité de construire un système général de levées pour tout l'Etat, mais jamais il n'en pourra être ainsi. Pourquoi donc permettrions-nous à ces trois paroisses de prélever une somme aussi importante sur ce fonds? Leurs levées coûtent-elles plus que celles d'autres paroisses? Demandent-elles plus de soin ou plus d'argent? Je ne puis par croire qu'il en soit ainsi. Sont-elles plus nécessaires, plus difficiles à construire que celles de la Pointe Coupée? J'ai la conviction qu'il n'en est rien Dans la paroisse de Concordia les conséquences sont-elles plus fatales en l'absence des levées? Il faut se rappeler qu'il est question ici, non d'une allocation générale, mais spéciale au contraire et pour l'usage de trois paroisses. Je ne pense pas qu'en recourant à la loi, les sénateurs qui me sont opposés renforcent leur position. La loi, comme je l'ai dit, a été votée en vue de l'établissement d'un système général de levées, d'après lequel les fonds devaient être distribués au 'pro rata' non point entre les paroisses, mais parmi les personnes construisant les levées suivant les dispositions de la loi. Il en résulte que si quelqu'un a droit de nous adresser une demande, ce ne sont pas les paroisses, mais bien les personnes qui ont payé les taxes pour aider à la construction des levées. Un droit acquis existe dans les contribuables au moins contre les paroisses. Si nous adoptons le bill et si nous reconnaissons ainsi que nous sommes obligés de rembourser les prix de ces levées, nous reconnaissons ainsi aux contribuables le droit de venir nous demander le remboursement de tous leurs débours, et en admettant que nous ayons déjà payé les paroisses, ça ne serait pas contre eux une défense légale ni même équitable. Nous devons recourir à quelque moyen pour nous décharger de cette responsabilité, sans quoi nous sommes exposés à une demande de remboursement de la part de ceux qui ont payé les taxes pour un pareil objet. J'ai la plus grande confiance dans les sénateurs, mais peuvent-ils insister sur cette allocation de soixante mille piastres. Je pense avoir démontré que cette réclamation ne repose sur aucune base de justice; mais en admettant la justesse de la position prise par les sénateurs qui nous sont opposés, il resterait encore à dire qu'ils n'ont rien spécifié. Ils ne nous ont pas fait connaître les levées qui ont été construites, leur hauteur ni leur largeur, tous ces éléments essentiels pour apprécier leur valeur. Je me suis laissé dire qu'une partie importante de ce travail a été accomplie dès avant le passage de la loi Nous devons au moins exiger la preuve que ces levées ont été construites recemment et des témoignages sur lesquels nous puissions nous reposer pour établir leur valeur. Je demande que les preuves nécessaires soient faites. Si elles existent, qu'on les produise; si elles n'existent pas, il faut mettre un terme à ce te législation irrefléchie qui fait approprier des milliers de piastres sans savoir souvent comment et pourquoi. Au moins devons-nous faire attentivement examiner par un officier compétent ces levées dont on nous réclame le paiement.

Quelles preuves avons-nous aujourd'hui qu'elles aient même été construites? Je ne doute pas un instant de rien de ce que les sénateurs nous ont dit, mais en même temps je dois répéter que rien d'officiel, rien qui soit de nature à nous permettre d'agir, n'est devant le Sénat. On a appelé ce bill un compromis; nous n'avons pas le droit d'en faire avec les parties qui s'adressent à nous. S'il existe un droit acquis, il reste dans les contribuables et non dans les paroisses. Pour ces motifs, je vote contre le bill.

Mr Moore,

Le sénateur qu'on vient d'entendre demande la preuve que trois levées ont été construites, et croit que nous procédons en aveugles Si le sénateur veut examiner la loi, il trouvera que l'arpenteur doit d'abord examiner les levées et que si il les trouve construites conformément à ce que la loi exige, les paroisses doivent recevoir ce qui leur est dû d'après les dispositions de cette même loi.

Mr King,

Supposons que l'arpenteur ne trouve de levée que pour une valeur de cinq mille piastres.

Mr Moore,

Alors les paroisses ne reçoivent que cinq mille piastres.

Mr King,

J'en demande pardon au sénateur, mais elles recevront le montant total.

Mr Moore,

Je vais citer la loi. (Mr Moore donne lecture du texte.) Elle doit être considérée dans son ensemble. Nous n'avons pas à payer jusqu'à ce que les levées soient acceptées par les commissaires des terres marécageuses. Aucun des sénateurs qui connaissent les paroisses de Madison et de Tensas et qui savent que chaque mille de levée permet de mettre en valeur plus que le montant stipulé de terres marécageuses, n'objectera à ce bill. Je renouvelle ma motion de déposer l'amendement sur le bureau.

Mr Lacey,

Je vote pour déposer l'amendement sur le bureau. Je pense que tout amendement est de nature à tuer le bill, et en conséquence, je suis opposé à tous ceux qui peuvent être présentés; sans cette raison je serais probablement en faveur de celui qui est offert.

L'amendement est déposé sur le bureau.

Mr King offre un autre amendement.

Motion est faite de le déposer sur le bureau.

Mr Martel,

La première partie de la loi fait un devoir aux commissaires des terres marécageuses de recevoir les levées, qu'elles soient construites ou non conformément à la loi. Voici ce qu'on y lit. (Mr Martel donne lecture du texte.) J'établis une grande différence entre une chose optionnelle et une chose impérative. Cette loi impose aux commissaires le devoir impératif de recevoir ces levées soit qu'elles permettent ou non de mettre en valeur des terres marécageuses. Si nous recourons à l'acte de 1852, nous voyons que dans le cas où ces levées rendent utilisables des terres marécageuses, alors la Législature s'engage à allouer les fonds nécessaires pour en rembourser le prix. Je suis opposé à un pareil gaspillage des fonds de l'Etat. Il y a une immense distinction à établir entre les dispositions de cette loi et celles de l'acte de 1852. En vertu de ce dernier si les commissaires trouvent que des levées permettent de mettre en valeur des terres marécageuses, ils peuvent les comprendre comme faisant partie du système général et alors l'Etat doit nécessairement en payer la valeur. Mais jusqu'à ce qu'elles soient ainsi adoptées par les commissaires, nous n'avons point à nous en occuper. L'acte est sans ambiguité. Il permet à la population des diverses paroisses de se taxer dans le but de faire des levées, il prévoit aussi le mode

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à suivre pour prélever cette taxe, la nomination des commissaires, etc, et dans la dernière section il dit que l'attention de commissaires sera appelée sur ces levées. Si les officiers de l'Etat trouvent qu'elles lui profiteront un bénéfice et qu'elles permettent réellement de mettre en valeur des terres marécageuses lui appartenant, alors je n'aurai aucune objection à voter pour le montant total demandé; mais jusqu'à ce que cela soit fait, je dois m'y opposer. Je ne puis soutenir un bill qui ordonne aux commissaires d'accepter toutes ces levées en partant de la supposition qu'elles rendent utilisables les terres marécageuses. L'application de la mesure proposée devrait au moins être laissée à l'adoption des commissaires ou dépendre de cette considération. Qu'on ajoute une disposition de cette nature et alors je n'aurai aucune objection à voter les cinquante mille piastres. Mais je dois le dire, c'est une somme bien importante. La Constitution nous oblige à ne point voter au-dela de cent mille piastres d'allocation sans pourvoir aux moyens de faire face à la dépense, et dans cette occasion nous disposons de la moitié du montant pour une seule allocation. Je vous le dis, ce n'est pas là une chose de peu d'importance. J'engage les membres du Sénat à lire attentivement l'acte de 1852 et à le comparer avec les dispositions du bill soumis à notre codsidération. Quand j'ai voté contre l'amendement précédent je n'avais pas encore lu l'acte; mais en m'apercevant que l'acte de 1852 laisse à l'option des commissaires la réception des levées, et que cette réception ne devient impérative qu'autant que ces levées permettent de mettre en valeur des terres marécageuses, j'ai considéré qu'il était injustifiable que ce bill en fit un devoir impérieux à ces commissaires. Bien loin que cet acte soit à conformité avec le précédent, il équivaudrait en son rappel: ce qui était laissé optionnel par celui là, devient impératif pour celui-ci, car les levées doivent être reçues, soit qu'elles permettent on non, de mettre en valeur des terres marécageuses. Je suis donc contraire au bill parce qu'il consacre une injustice et nullement par envie de faire une opposition systématique au paiement de réclamations légitimes. Je répète au Sénat qu'on se trompe sur cette partie de la loi, elle a trait à toutes levées 'qui peuvent être' et non 'qui doivent être' reçues. Si la Législature en fait une obligation, elle renverse l'esprit de cet acte Le bill dit que l'argent sera prélevé sur le produit de la vente des terres marécageuses Si le Sénat désire en agir ainsi j'enrégistrerai mon vote contraire, si même je suis tout seul de mon avis. Je désire agir conformément à la loi. Telle est la raison qui me fait agir et ce n'est nullement par esprit d'opposition a des allocations destinées à la portion du pays que représente mon honorable ami. Sur quelques questions de ce genre j'ai voté aveuglement parce que j'ai suivi l'exemple de sénateurs que j'avais lieu de supposer bien informés. Je suis en faveur des améliorations intérieures. J'ai dit à l'honorable sénateur de St. Martin que j'avais confiance en lui et que je voterais pour les bills qu'il présenterait; mais il ne s'agit point ici d'améliorations et ce bill n'est point de la nature de ceux auxquels je fais allusion. Je dois dans cette occasion demander la permission de différer d'opinion avec mon honorable ami. Je considère que la proposition faite n'a la sanction ni de la raison ni de la loi. J'ai lu le bill avec attention, j'ai formé un jugement en conséquence, j'ai voté contre le proviso, maintenant je voterai contre le bill.

Mr Boatner,

Je ne saurais me refuser à dire qu'on ne saurait trop reconnaître le zèle que le sénateur déploie dans son opposition à d'injustes allocations. Si cependant nous lisons l'acte nous trouverons que l'argumentation du Sénateur ne repose sur aucune fondation. Il pense que cet acte rend obligatoire aux commissaires la réception de ces levées et qu'il leur est commandé de payer $50,000 dans tous les cas Ce bill ne renferme rien de pareil. Le Sénateur doit l'avoir vu d'un œil égaré, s'il peut tirer cette conclusion de sa rédaction. Certainement ce bill est écrit en bon anglais et le Sénateur doit être capable de la comprendre (Mr Boatner donne lecture du texte) Je demanderai au Sénateur s'il considère que le pouvoir donné de faire une chose équivaut à un mandat impératif. Si tel est le fait la signification des mots diffère complètement de celle qu'ils avaient avant Si le mot *ordonné* était employé comme dans les lois obligatoires, il en serait autrement, mais il est fait usage du mot *autorisé* Le Sénateur prétend que la somme peut-être payé lors même que les levées ne vaudrutent que $5000. La présomption légale est que les officiers de l'Etat feront leur devoir. Les commissaires des terres marecageuses sont des hommes hautement placés dans la communauté et dignes de la confiance qui a été mise en eux. J'ai la conviction qu'ils ne recevraient pas les levées et n'autoriseraient aucun paiement avant d'être satisfaits que ces levées sont construites conformément aux dispositions de l'acte de 1852 Que le Sénateur nous prouve que l'intention des commissaires des terres marécageuses est de violer leurs devoirs envers l'Etat avant de faire de cette violation la base de son argument. Que les opposans prouvent d'abord que ces officiers sont indignes de la haute confiance dont ils sont investis, et alors moi même je voterai avec l'opposition.

Mr Martel,

Les remarques du Sénateur réclament de ma part un mot d'explication, Le bill *autorise* les commissaire à recevoir ces levées, mais comme il ne leur est pas optionnée de les recevoir ou non, il en résulte que la réception devient obligatoire. C'est la seule objection que j'ai contre le bill.

Mr Boatner,

Je ne crois pas que telle soit la signification du bill. Voici ce que le mot autorisé signifie suivant moi. En conséquence du pouvoir discrétionnaire que ce bill renferme, ils peuvent se refuser à recevoir et alors ce bill reste nécessairement sans effet. Si les intéressés recevaient réellement ce qui doit leur revenir d'après l'acte de 1852, ils auraient droit à quatre-vingt mille piastres au lieu des cinquante mille piastres portées dans le bill. Il a été adopté dans un esprit de conciliation et comme un compromis Un membre de l'autre chambre m'a informé que ceux qui y étaient opposés n'étaient point entièrement opposés au paiement, mais pensaient que leurs paroisses devaient être remboursées de la moitié de leurs dépenses. On nous a dit qu'il n'y avait pas de preuves que ces levées permettent de mettre en valeur des terres marécageuses. Il n'y a peut-être pas de preuves écrites ou officielles du fait, mais tout le monde sait que des milliers d'acres ont été par là rendus utilisables et que sans ces levées ils seraient aujourd'hui inondés et impropres à la culture. On a dit aussi qu'il n'y a pas de preuves que ces levées aient même été construites. S'il en était ainsi ce bill n'aurait point d'application, les commissaires manqueraient à leurs devoirs s'ils recevaient ou prétendaient recevoir un travail qui n'a point été fait. Le Sénateur de la Nouvelle-Orléans dit qu'il est contraire au système des remboursements d'ouvrages déjà faits et qu'il faut réserver nos moyens pour ce qui reste encore à faire. Je ne

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pense pas que ce principe puisse être approuvé. Lorsqu'un travail a été exécuté en conséquence d'un acte de la Législature, nous devons en payer le prix. Voilà la loi que nous avons sous les yeux Si on raisonnait sur les principes d'équité aucune réclamation ne serait mieux fondée.

L'amendement de Mr King est déposé sur le bureau et le bill est adopté.

Banques et opérations de Banques.

Mr Clifton,

Le comité des Banques présente un rapport sur le bill pour amender la loi des banques libres et aussi un rapport de la minorité du même comité.

Mr McMurdo,

Les raisons qui me portent à soutenir ce bill sont simples. D'après la loi qui existe aujourd'hui, les sécurités dont on peut faire usage pour se livrer à des opérations de banque sont limitées aux bons des Etats Unis, de l'Etat de la Louisiane et de la dette consolidée de la Nouvelle-Orléans. Le montant déjà absorbé, s'élève à $1 500,000. Le montant des bons à émettre pour les compagnies de rail roads et qui augmentera la dette de la ville se montera à $30,000. On ne peut pas dans mon opinion comprendre les bons des Etats-Unis parce qu'ils ne peuvent pas en réalité être considérés comme pouvant servir de base. D'après le rapport des commissaires de la dette consolidée de la Nouvelle-Orléans les bons de la ville s'élevaient à 6 millions de piastres. Ils sont réduits de cent quatre-vingt mille piastres chaque année par l'excédant de la somme prélevée annuellement pour prélever l'intérêt de l'année. Et par l'acte de consolidation il continuera à en être ainsi jusqu'à ce que la dette soit éteinte. La probabilité est qu'en conséquence de cette manière de procéder les huit cent mille piastres de bons émis à quarante ans, seront éteints en vingt-cinq ans ou pour mieux dire ils auront fait retour à la ville. La conséquence de la loi est évidente, Par suite de la réduction du capital l'intérêt à payer diminuera graduellement jusqu'a extinction finale de l'un et de l'autre, mais alors nous n'aurons plus de base pour notre circulation. —Les bons de l'Etat a émettre pour travaux d'améliorations intérieures s'élèvent à environ trente millions, et c'est là la seule valeur où la circulation peut prendre sa source. Par suite de la loi des banques libres, il sera requis dans peu de mois pour trente millions de bons. Qu'est devenu le reste ? Qu'on examine les marchés monétaires du monde, on trouvera que l'émission de pres de dix millions de bons n'a donné lieu à aucun mécontentement ni aucun malaise parce qu'ils ont été expédiés en dehors et sont employés dans les autres pays comme placement, surtout à Amsterdam, Londres et New-York. C'est là une sécurité de tout repos et la mesure proposée ne donne lieu à aucune plainte de la part de ceux qui sont détenteurs de bons originaires et je n'examine pas même s'ils auraient le droit de se plaindre. Je tiens a la main une lettre d'un habitant distingué de la Nouvelle-Orléans, traitant précisément sur ce sujet Il dit qu'il ne résulterait aucune injustice pour les porteurs des bons de la dette consolidée en faisant de ces nouveaux bons une base d'emission.—Quand les bons consolidés ont été vendus il est devenu un des acquéreurs et pense qu'il n'a aucun droit de se plaindre. On aurait peut-être quelque motif de le faire si la mesure devait affecter la valeur des bons aujourd'hui en existence. Je lisais il y a quelques jours dans le *Bulletin* le compte rendu de ventes récentes de bons créées en vertu de l'acte de consolidation. La ville a acheté pour $125,000 de bons avec l'excédant des sommes reçues par la caisse d'amortissement Comme je l'ai déjà dit le prélèvement annuel d'une certaine somme permettant de réduire le capital et l'intérêt le résultat sera que le montant total de la dette sera éteint dans vingt-huit ans et qu'alors aucune des series de bons ne sera plus en existence. En 1852 ces bons ont commandé une prime sur le marché de New York et sans la perturbation que les affaires ont subie en Europe cette prime s'éleverait aujourd'hui à cinq pour cent. Lorsque les affaires reprendront leur cours régulier, leur valeur haussera. A la dernière vente qui en a été opérée la cote la plus basse était à quatre-vingt seize et la plus élevée au pair. On les a plus à un taux moyen de 96¼ et certainement si ces bons n'avaient point été considérés comme une valeur de tout repos, ils auraient obtenus beaucoup moins à l'époque où l'argent commandait 18 0|0 par an. A mesure que l'abondance du capital augmentera, la valeur de ces bons s'accroîtera encore. L'addition propose est d'une valeur actuelle peu importante et n'augmentera pas la base d'émission dans une proportion notable. Elle sera cependant bientôt nécessaire pour les opérations des banques libres. Il n'y a pas à craindre que cette base devienne trop étendue et si nous avions vingt millons, il n'y aurait pas à redouter de dépréciation qui pourrait résulter de l'accroissement de ce montant. Si nous voulons donner des encouragements à notre système d'améliorations interieures nous devons placer les bons qui doivent être émis a propos de ces améliorations dans la meilleure condition, surtout en considérant que celle-ci ne peut point affecter la base adoptée. Si nous donnons à ces bons un marché plus étendu en en faisant une base de circulation, leur valeur s'accroîtera nécessairement, en conséquence de leur demande plus active, et plus alors on pourra en attendre de profits pour les améliorations intérieures.

Mr Wickliffe,

En 1853 quand on discutait la loi relative à l'établissement d'un système de banques libres, quelques uns d'entre nous, quoique *j'ai le regret de le* dire, le nombre en était très restreint, s'opposèrent à la mesure. Je faisais partie de cette minorité qui vota contre le bill sur les motifs que les bons de la ville de la Nouvelle-Orléans devaient servir de base à la circulation. Je ne pensais pas qu'ils présentaient de suffisantes garanties et je croyais par conséquent que leur adoption comme base de circulation devait déprécier la valeur des émissions, et en faire une cause de crise. J'ai insisté sur cette opinion alors, mais le Sénat la rejeta et vota en faveur de la proposition par une majorité bien tranchée. Je me suis alors appuyé sur le motif que bien que la proposition faite alors consistât à faire des bons consolidés la seule base des opérations de banques, on venait à la session suivante de faire surgir une proposition pour adopter les bons de la ville de la Nouvelle-Orleans et les appliquer au même but Mr King pendant la discussion du projet en a pris occasion pour dire que les bons de la ville étaient les valeurs les mieux garanties dans le monde et qu'ils valaient beaucoup mieux que les bons de l'Etat.

Mr King,

J ai dit que sous l'empire de cet acte on ne pouvait émettre davantage de bons.

Mr Wickliffe,

Ce qui était allégué en 1853 pendant la discussion de la loi sur les banques libres se vérifie aujourd'hui. On n'est pas satisfait d'avoir la cé ces bills de rail roads avec une précipitation presque inconvenante, d'avoir obtenu des bills qui autori-

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eut la ville de la Nouvelle Orléans à émettre trente cinq mille piastres de bons additionnels, on veut en faire aujourd'hui la base des opérations de banques. Si je ne puis les prévenir j'enrégisterai au moins mon vote opposé à la mesure. Mon consentement ne sera jamais donné à l'emploi de ces bons pour pareille usage. J'ai voté contre les bons consolidés en 1853 et cependant ils présentaient quelques garanties.—Je ne voterai pas pour ceux qui n'en présentent aucune—Quelle est la dette de la ville. Elle est immense et supérieure peut-être à ce qu'elle pourra jamais payer Lorsque l'année dernière nous proposâmes de faire du sol et des nègres une base pour les opérations de banques, la délégation de la ville vota contre cette proposition en s'appuyant sur le motif qu'il n'y avait pas là de sécurité. Permettez-moi de demander, monsieur le président, quelle est celle que présentent les bons de la ville? N'est ce point la taxe? La taxe n'est-elle point prélevée sur le sol et sur les nègres? Et en définitive la taxe n'est elle pas la même que celle qu'a rejetée la délégation de la ville en déclarant qu'elle ne présentait pas de sécurité. Je sais que mes efforts d'opposition seront sans résultat, je sais que la détermination est prise d'adopter ce bill en dépit de toutes les objections qui pourront être faites, mais quant à moi j'enrégistrerai mod vote contre.

Mr Kenner.

Il n'y a rien d'étonnant à ce que le Sénateur s'oppose à ce bill Son opposition aux bons consolidés de la ville de la Nouvelle-Orléans faisait prévoir cette manière d'agir mais qu'il me soit permis d'appeler l'attention du Sénat sur des faits.—Le Sénateur fait remarquer que son collègue de la Nouvelle-Orléans (Mr King), a cité les bons de cette ville comme étant les meilleures et les plus surs qu'on pût trouver Il n'a point discuté cette allégation ni même essayé de la combattre. Pour ma part je considère que cette assertion est prouvée et maintenant monsieur le président si nous avons un système de banques libres, nous devons pour être conséquents adopter comme base d'opération les bons que nous considérons les plus surs. Le Sénateur de West Féliciana n'a point essayé de contredire cette vérité et je pense pouvoir la démontrer sans difficulté. La ville de la Nouvelle-Orléans doit entre sept et 8 millions, elle possède un fonds d'amortissement qui s'accroît chaque année du surplus prélevé par voie de taxation sur la somme nécessaire pour payer annuellement l'intérêt courant. Le montant que la ville doit encaisser chaque année est de six cent mille piastres, sur lesquelles cent vingt cinq mille piastres sont appliquées à l'extinction de la dette. Le principal et l'intérêt sont de la sorte réduits annuellement, et dans vingt-cinq ans cette ville ne devra pas une piastre. La semaine dernière il a été fait un appel pour cent vingt cinq mille piastres de bons, et c'est avec grande difficulté qu'on a pu les obtenir. Les revenus d'une ville dont le capital foncier s'élève à cent millions et sert de gage à huit millions, peut-il exister une sécurité meilleure? Le Sénateur a voté contre les bons de la ville l'année dernière ; pour être conséquent avec lui-même il doit voter de même aujourd'hui. Je crois qu'il y a de bonnes raisons pour étendre la base adoptée et si je ne pensais pas ainsi, je voterais contre le bill. Tout ce qui peut tendre à augmenter la sureté de la base doit être adopté Si nous adoptons cette loi, nous augmenterons la valeur de la base déjà déterminée. Nous augmenterons en même temps de cinquante millions, probablement la valeur de la propriété, et nous accroîtrons en même temps celle de la base sur laquelle tout le système est fondé Si nous désirons augmenter la valeur de cette base nous devons donc adopter ce bill. Cette base est bonne déjà. Mais nous devons désirer augmenter la valeur qui sert de garantie hypothécaire à la dette. Le Sénateur a dit une chose qu'il est impossible de laisser passer sous silence. Il a dit que bien que nous ayons pris comme base les bons de la Nouvelle-Orléans qui reposent sur la propriété foncière de la ville, nous avons refusé d'accepter au même titre les terres et les nègres de la campagne en donnant pour motif que c'était des terres et des nègres. Le Sénateur n'a pas donné la raison véritable. Nous n'avons pas refusé de les accepter parce que c'était de la terre et des nègres, mais parceque on ne pourrait facilement les convertir en espèces, tandis que les bons de la ville peuvent avec la plus grande facilité subir cette conversion. Je demande au Sénateur de la Pointe-Coupée si ce n'était pas là la grande objection.

Mr Wickliffe,

Le Sénateur de la Nouvelle-Orléans a dit qu'il doutait que la dette de cette ville s'élevât à sept millions. Le montant véritable est de sept millions, sept cent mille piastres ; ajoutons-y trois millions, cinq cent mille piastres, et nous aurons la légère bagatelle de onze millions deux cents mille piastres Quel est l'intérêt sur cette somme? C'est aujourd'hui un peu plus de six millions, six cent mille piastres. Le Sénateur nous dit que ces bons seront éteints en 25 ans et qu'à cette époque la ville de la Nouvelle-Orleans ne devra plus une piastre. La somme que la ville est obligée de demander chaque année à la taxe s'élève à six cent mille piastres. A ce taux combien de temps faudra-t-il pour éteindre la dette? Des renseignements pris auprès de l'auditeur des comptes publics établissent que le montant des bons de la ville de la Nouvelle-Orléans, consacrés aux opérations de banques, s'élève à neuf cent vingt-un mille piastres. Qu'a t-on fait du reste? qu'est devenu la différence? Ces bons sont-ils choses si précieuses qu'on ne puisse se les procurer pour les besoins des banques? Personne ne le prétendra—ils sont sur le marché et on peut se les procurer à volonté Un accroissement est-il nécessaire lorsqu'il y a tant de bons sur le marché? Je suis opposé à cette augmentation de la dette de la ville dans le but d'en faire une base de circulation. Cela doit finalement conduire à la banqueroute et à la ruine Je ne vois pas de raison pour abandonner aujourd'hui la position contraire que j'ai prise en 1853 Je considère la loi faite et passée alors comme un fléau pour la communauté, comme une énormité. La proposition de rendre les bons de rail-roads une base de circulation, est une énormité plus grande encore Nous devons, monsieur le président, nous instruire à l'histoire du passé et écouter les leçons de l'expérience. Nous dira-t-on que cette mesure est nécessaire pour le succès de la loi des banques libres? S'il en est ainsi où sont les bons consolidés? Que sont ils devenus? Qui désire faire de ces trois millions cinq cent mile piastres additionneles une base pour les opérations de banques? le peuple le veut-il? non, certainement, monsieur le président. Ceux qui le désirent sont des spéculateurs qui, afin de mettre à exécution leur projet, se ruent sur l'Etat et sur la ville afin d'obtenir assistance de l'un d'eux on de tous deux à la fois.

Mr Clifton,

Je n'ai pas le désir de fournir une course dans l'arène oratoire même dans le cas particulier d'un si grave sujet en discussion. Ce n'est donc point un discours que j'essaierai de faire et je me conten-

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terai d'une ou deux remarques d'une nature purement pratique. Le Sénateur de la Nouvelle-Orléans et celui de l'Ascension nous ont dit que les bons de la ville constitueraient la meilleure sécurité qu'il était possible de rencontrer, et le Sénateur d'Ascension nous a défié de contredire cette proposition. Je crois, monsieur le président, qu'pareille allégation est insoutenable et je pense que les faits donneront raison à ma prétention, d'a peler l'attention du Sénat sur un article de l'Abeille qui traite de la vente récente d'un certain nombre de ces bons. Un avis a été d'abord publié pour faire appel aux commissionnaires. On peut voir les taux auxquels ces bons ont été vendus et la valeur qu'ils ont dans l'opinion publique. Le rapport des procédures du Conseil des Aldermen auquel je me suis référé s'exprime ainsi:

Conseil des Aldermen.

Le Conseil s'est réuni hier soir en assemblée spéciale. Communication est donnée d'un message du maire informant le Conseil du résultat de l'affaire McDonogh devant la Cour Suprême des Etats-Unis. Il recommande de faire une allocation convenable pour les avocats de la part de la ville de la Nouvelle Orléans.

Les pétitions des compagnies de pompiers Numéros 14 et 10 sont référées au comité des incendies,

Des propositions pour la vente des bons de la ville sont ensuite ouvertes et il en est donné lecture Les offres faites se tiennent entre 96¼ 0|0 et le pair Quelques-unes sont redigées en termes trop obscures pour être facilement comprises. Après une discussion animée la résolution suivante est présentée et référée au comité de finances.

Résolu, Que les offres pour la vente des bons consolidés de la ville reçues par suite de l'avis publié dans la direction du conseil de ville jusqu'à concurrence de cent vingt mille piastres sont acceptées comme suit:

Peschier et Forstall	$47.000	à	96 50
H. W. Pulfrey	10,000	à	97 00
Do	10,000	à	97 50
Do	6.000	à	98 00
Charles Laffitte	1,000	à	97 50
Thomas Layton	43,000	à	98 00
F H. Thayer	3.000	à	98 00

Il est bien entendu que les offres précédentes comprennent tous les intérêts devenus exigibles depuis le premier janvier 1854.

Ces bons non seulement sont vendus à quelques pour cent au-dessous du pair, mais ils comprennent une accumulation de deux mois d'intérêts. Comment en presence d'un pareil fait, ose-t-on dire que ce sont les meilleures sécurités possibles?

Mr King,

Cette discussion a pris une direction qui s'écarte entièrement du sujet principal qui nous occupe Nous ne discutons pas et nous ne devons pas discuter sur la convenance des banques libres. C'est une question réglée, c'est un *fait accompli* Il n'est pas question non plus de l'extension du système ou de la création d'une seule banque additionnelle, Il y a assez de bons sur le marché pour les besoins d'un beaucoup plus grand nombre que celles qui sont établies. Le Sénat ne doit pas craindre qu'aucune augmentation puisse être nuisible. Ces bons doivent être garantis de la même maniere que ceux de la dette consolidée. Les bons de la Nouvelle-Orléans sont les seuls dans le monde dont la garantie repose sur une taxe imposée lorsqu'ils sont emis, lorsqu'ils sont émis, taxes obligatoires par une loi sur laquelle la ville ne peut avoir jamais aucune action. Il y a beaucoup de bons qui reposent seulement sur la force d'une obligation morale. Ceux-là peuvent être répudiés si ceux qui les ont émis manquent de probité, mais il n'en est point ainsi des bons de la Nouvelle-Orléans. L'obligation morale de la ville est tout aussi bonne que celle de l'Etat ou des Etats-Unis. Mais il y a en outre cette obligation légale qui oblige à imposer une taxe pour le paiement de l'intérêt et pour l'extinction du capital. Le Sénateur d'Ascension a eu raison de dire que ces bons constituaient les meilleures valeurs qu'on pût trouver. Il y a là à la fois pour la ville une obligation morale et légale de payer Je n'en dirai pas d'avantage des bons eux-mêmes. Nous parlerons maintenant de l'objet que le bill se propose. Il n'a pas pour but d'étendre la base ou de créer des facilités additionnelles pour des opérations de Banques. Son objet est d'aider à compléter nos entreprises de railroads en plaçant les bons émis en leur faveur sur un pied d'égalitéaveclesautres. Ce ne sont pas seulement les intérêts de la ville, mais bien ceux du pays tout entier qui réclament l'adoption de ce bill. Si nous refusons à ces bons une position d'égalité avec les autres, nous les décréditerons et ils seront certainement moins bien reçus par les capitalistes. Les entreprises de railroads souffriront de cette position d'inégalité, s'opposant à ce que les compagnies puissent réaliser leur valeur entière sur le marché. Le but, je l'ai déjà dit, n'est point d'étendre le système des Banques libres ; ce n'est point non plus de conférer une faveur spéciale à la Nouvelle Orléans, excepté dans l'étendue de l'intérêt qu'elle a aux succès des railroads. Nous avons récemment adopté une loi pour venir au secours du peuple en lui permettant d'émettre des bons au lieu de payer directement la souscription de la ville. Nous ne devons pas aujourd'hui discréditer ces bons et diminuer ainsi l'étendue du secours accordé en refusant de les placer sur un pied d'égalité avec les autres. En agissant ainsi nous déprécierions la valeur de ces bons, nous imposerions un déficit pécunier à la ville et nous mettrions en péril le succès de ces grandes entreprises que nous désirons voir rapidement achevées.

Mr Moore,

Ces bons valent encore mieux que ceux de la dette consolidée, car indépendamment des mêmes sécurités qui les garantissent, ils reposent encore sur des actions de railroads.

Mr Trudeau,

Les observations du sénateur de la Nouvelle Orléans, Mr King, méritent mon entière approbation. Je pense qu'il n'a rien laissé à dire en faveur du sujet et je me considérerais comme obligé d'adopter ses vues quant cela ne serait que pour être conséquent avec moi-même. Si nous adoptons des lois, pour des entreprises de railroads, nous devons voter pour celles qui sont nécessaires pour les exécuter. Le sénateur de Ouest Feliciana était opposé à ces chemins de fer, il s'oppose encore au bill présenté, je ne vois rien que de logique à cela, car le but de ce bill est clairement une facilité à donner à la construction des chemins de fer. Si nous ne plaçons pas ces bons sur un pied de parité avec les autres, ils commanderont un prix moins élevé et les compagnies auront à supporter un escompte de peut-être vingt cinq pour cent lequel précisément en proportion de son chiffre augmentera le prix de revient de ces voies de communications. Comme sécurités appliquées aux opérations de Banques, les bons de la ville de la Nouvelle Orléans peuvent marcher de pair avec tous ceux qui existent dans le monde.

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Mr Clifton,

Le sénateur dit que ces bons seront dépréciés, s'ils ne reçoivent pas l'assistance qu'ils peuvent trouver dans la loi sur les banques libres, et que cette dépréciation pourra aller jusqu'a vingt cinq pour cent. S'il en est ainsi, et je ne prétends pas dire le contraire, il serait injuste envers le peuple de l'Etat de faire de ces bons une base pour les opérations de Banques. Notre objet doit être de rehausser la circulation en faisant usage comme base uniquement les meilleures sécurités et nous ne devons pas chercher à augmenter la valeur de certaines d'entr'elles pour les employer comme base. Je suis d'avis et j'ai la satisfaction de voir que cette opinion est partagée par les sénateurs mêmes qui me sont opposés. Je suis d'avis, dis-je, que ces bons tomberaient de vingt cinq pour cent au-dessous du pair s'ils n'étaient pas artificiellement soutenus par l'opération de la loi sur les Banques libres. Que doit-on penser de notre législation quand on voit que la base de notre circulation est formée en grande partie de sécurités qui, si elles n'étaient pas une base, ne commanderaient pas vingt cinq pour cent au-dessus du pair. Ce qu'il nous faut, monsieur le Président, c'est une bonne circulation, une circulation solide et non une circulation bâtie de sable prête à glisser entre nos doigts sous la moindre pression.

Mr Boatner,

Je suis un des rares sénateurs qui seront rangés du côté du membre de Ouest Feliciana dans son opposition à la loi sur les Banques libres. Je crois en conséquence pouvoir réclamer quelques instans l'indulgence du Sénat pour indiquer mes vues relativement au sujet qui nous occupe. A la dernière session de la Législature, un cri retentissant a circulé d'un bout à l'autre de l'Etat pour demander des railroads. On n'entendait que railroads ! railroads! Les Présidents de ces compagnies encombraient nos lieux d'assemblée en réclamant des chartes et l'aide de l'Etat. Lois sur lois ont été adoptées avec un brûlant empressement, sans débat, sans examen. On nous a d'abord demandé de souscrire pour un cinquième des actions de capital, nous l'avons fait. J'ai suivi le torrent et j'ai voté pour ces bills. Mais lorsque la loi des Banques libres s'est présentée, une autre question s'est élevée et j'ai voté contre elle. Plus récemment nous avons adopté un bill ayant pour but ostensible de venir au secours du peuple de la Nouvelle-Orléans en permettant à la ville de substituer des bons à la taxe directe. Je regrette que mon absence m'ait empêché d'enregistrer mon vote contraire à la mesure. Mais je le demande, quand cette loi a été adoptée a-t-on parlé de Banques, a-t-on parlé de faire de ces bons la base des opérations de ces établissements. On a eu soin de ne pas dire un mot à ce sujet car cela aurait pu entraîner l'écroulement de tout l'édifice. Après examen je trouve que la vente de ces bons n'est sujet à aucune restriction, les compagnies peuvent les réaliser au taux qui leur conviendra à 75 et même à 50 pour cent. On propose aujourd'hui d'en faire une partie de la base d'une autre circulation; bien entendu qu'une large proportion des bons de la ville n'ait point été encore employée à des opérations de Banque; on nous dit cependant qu'en augmentant cet excédant les bons acquerront plus de force. Je dois dire que pour ma part je ne comprends rien à ce raisonnement. Je crois que le seul but de la mesure proposée est d'aider à la réalisation d'un projet de spéculation chimérique et de donner du crédit à des idées sans valeur. Je préfère voir les choses rester comme elles sont. Pour moi les arguments donnés par le Sénateur de la Pointe Coupée (Mr Clifton) ont un grand poids, il peut se faire que l'argent comptant manque, qu'une crise soit imminente et que la dépréciation des bons de la ville soit son avant-coureur.

Mr Trudeau,

Le Sénateur de la Pointe Coupée semble avoir pris avantage de ce que j'ai dit relativement à la différence des valeurs des bons de la ville et de ceux de l'Etat. J'ai dit que la cause de cette différence venait de ce que ces derniers serviraient de base pour les opérations de Banque, et qu'il n'en est pas de même des premiers, et qu'en en faisant une base pour les opérations de Banque ils vaudraient tout autant que ceux de l'Etat.

Mr Lacey,

Ces bons sont-ils garantis par une taxe sur la propriété foncière et sur les propriétés de la ville ?

Mr Kenner,

Sans nul doute, ces bons sont les mieux garantis qu'on puisse rencontrer dans le monde.

Mr Lacey,

S'il en est ainsi, je vote pour le bill.

Le bill est adopté à sa seconde lecture.

Mr Boatner,

Je fais la motion d'imprimer le rapport de la minorité du comité.

Mr Kenner,

Si j'avais cru qu'on eut le projet de faire imprimer ce rapport et de le répandre dans la communauté, j'aurais répondu à quelques-unes des expressions qu'il renferme, et auxquelles j'objecte d'une façon toute spéciale, particulièrement l'allégation que la mesure est une tentative pour donner la vie à des spéculations imaginaires.

VENTE DE LA FERME MODELE.

Le bill pour la Ferme Modèle est pris en considération.

Mr Ryan demande l'ajournement.

Je demande l'ajournement parce que mon désir est de prendre la parole sur ce bill et que l'heure est trop avancée pour que je veuille retenir le Sénat aujourd'hui. J'ai étudié la question au double point de vue des faits et de la loi, et je désire les exposer au Sénat

Mr Boatner,

Ce bill est devant le Sénat depuis le commencement de la session, sa prise en considération a été retardée jusqu'à ce jour et de nouveaux délais sont tout à fait inutiles.

Mr Ryan,

Je retire ma motion d'ajournement, et je laisse le Sénateur de Caldwell ouvrir les débats.

Mr Boatner,

En 1838 la Législature incorpora une compagnie sous le nom de Compagnie Agricole de la Louisiane. Cette compagnie fit choix d'un certain Thompson pour faire choix de machines à Cincinnati et pour lesquelles il était autorisé à payer $2,500. Thompson acheta les machines, elles furent embarquées, apportées sur les lieux, et mises en opération sur la Ferme Modèle à St-Jacques. Peu après l'expérience fut abandonnée, les vendeurs des marchines présentèrent des réclamations qui furent repoussées sur le motif que Thompson avait excédé ses pouvoirs comme agent. Jugement par défaut fut obtenu à la Cour des Etats-Unis où un procès avait été intenté. La compagnie fut ensuite dissoute par la Législature, les propriétés furent vendues, les dettes payées et la balance fut versée dans le trésor public. Ce montant ainsi versé s'éleva à $20,000, mais la réclamation de C W. Caffin & Cie., qui avaient vendu les machines à Thompson n'a jamais été satis-

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faite, bien que le sujet soit revenu plusieurs fois devant les Chambres. Des témoignages ont été pris devant un comité, et le rapport a été favorable, mais n'a point été adopté par les deux Chambres à cause de l'époque avancée de la session à laquelle il a été pris en considération. Je suis disposé à entendre maintenant ce que le Sénateur peut avoir à dire contre son adoption.

Mr Ryan,

J'ai apporté à ce bill plus qu'une attention ordinaire, et je suis prêt à démontrer qu'en justice pas plus qu'en équité et légalement pas plus que moralement, l'Etat de la Louisiane n'est tenu à payer une piastre sur cette réclamation. J'affirme ce que je dois sur les documents que je possède, et si je ne réussis pas à prouver ce que j'avance, mon assertion sera sans valeur. Il est vrai qu'il existe un rapport favorable d'un comité; mais il repose sur le témoignage ex parté donné par des parties intéressées. Un rapport est connu, une décision rendue par un grand jury, le Sénat est le jury qui doit rendre un arrêt définitif. Ce rapport ne rend pas compte des faits tels qu'ils se sont passés. Il dit que Thompson fut autorisé à aller à Cincinnati pour faire des achats, et qu'il était revêtu des pouvoirs nécessaires, je nie le fait. Il n'avait aucune autorité. Le rapport dit encore qu'un procès fut intenté pour le recouvrement de cette réclamation. J'ai été par événement à même d'examiner cette affaire, et les faits que j'ai appris me mettent à même d'en donner sérieusement l'historique. En 1833 un acte de l'assemblée générale incorpora une compagnie pour l'établissement d'une Ferme Modèle. L'Etat de la Louisiane n'a jamais été souscripteur à cette association, mais pour l'encourager l'Etat a transféré certaines actions de la Banque de l'Etat, en se réservant le droit de dissoudre la compagnie s'il le croyait nécessaire pour garantir ces avances. La vente de ces actions a rapporté $48,000.

Cela fut donné à la compagnie et des commissaires furent désignés pour en prendre charge. La compagnie envoya Thompson à Cincinnati avec des lettres de crédit s'élevant à $2,000. Il s'y rendit, montra ses lettres de crédit et acheta les machines aux réclamants. Il dépassa de fait ses pouvoirs ainsi que cela fut établi par la Direction: l'essai ne dura pas longtemps. En 1841 la compagnie fut dissoute par la Législature et ses propriétés furent vendues au prix de $21,000. Par l'acte de 18.3 l'Etat devait recevoir ce qu'il avait déboursé, et les $21,000 furent encaissées en restitution de $48,000 sorties du trésor. L'Etat a donc clairement réalisé par l'opération une perte nette de $27,000. En 1339 poursuite fut intentée par devant la Cour de Commerce de la Nouvelle-Orléans. Un jour fut fixé pour entendre l'affaire, la compagnie étant comparue et avait enrégistré sa réponse, et demanda un jour pour l'audition de la cause. Quel fut le résultat? La compagnie disait que la réclamation n'était pas fondée, un jour fut fixé pour entendre la cause, mais l'avocat des demandeurs au lieu de venir en cour discuter ses droits, discontinua le procès. Cela se passait en 1839 lorsque la compagnie existait encore et pouvait être poursuivie. Après sa dissolution les mêmes parties commencèrent un procès devant la Cour des Etats-Unis. Le gouverneur Roman répondit en excipant à l'action sur le motif que la compagnie n'existait plus. Il ne fut pas fait d'autre réponse, ni aucune autre defense. Le jugement rendu fut une nullité et ne put être exécuté. Trois procès distincts furent alors intentés à des individus. On voit donc que les demandeurs après avoir reconnu qu'ils ne pouvaient soutenir, ont discontinué leur procès, pour en recommencer ensuite de nouveaux contre des défendeurs qui n'existaient pas. Je suppose que ces faits ne sont pas contredits par le Sénateur. Il serait inutile de le nier, la preuve s'en trouve enrégistrée. Je me suis moi-même procuré des copies des témoignages dans l'affaire et je les lirai pour l'information du Sénat. (Mr Ryan donne lecture d'un document qu'il tient à la main.) Après avoir intenté un procès, on le discontinua; cette conduite autorise le soupçon, pour ne rien dire de plus. Le 23 mai 1841, un autre procès recommence alors qu'il n'y avait plus de compagnie, et que personne ne pouvait recevoir de citation. Je vais lire la déposition assermentée du gouverneur Roman et d'autres personnes qu'on reconnaîtra sans doute comme hautement respectables. (Mr Ryan lit le témoignage du gouverneur Roman.)

RAPPORTS DES COMITES.

Mr Lacey, au nom du comité sur les édifices publics, présente le rapport suivant:

A l'Honorable W. W. Farmer, Lieutenant-Gouverneur et Président du Sénat.

Le comité des édifices publics auquel a été renvoyée la résolution conjointe du Sénat et de la Chambre des Représentans, a l'honneur de rapporter à votre honorable corps, qu'ils ont autorisé le comité de la Chambre à employer un ouvrier capable, James McVea, de Baton-Rouge, à l'effet de fournir un état du coût, avec les devis des travaux nécessaires à faire au Capital; et après un examen minutieux de l'édifice et après s'être consulté avec Mr McVea, le comité a l'honneur de rapporter que la somme de $4,500 est indispensable pour payer les dits travaux conformément aux devis et aux spécifications ainsi qu'il est rapporté à la Chambre des Représentans.

Le tout vous est respectueusement soumis,

[Signé] GEO. S. LACEY, Président.

Mr Moore, au nom du comité des améliorations à l'intérieur, auquel a été référé un bill intitulé:

Acte pour autoriser le bureau des terres marécageuses à recevoir et à adopter comme partie du système général des terres, les levées qui pourraient être construites par les paroisses de Carroll, Madison et Catahoula, d'après les dispositions de l'acte intitulé:

Acte pour former un district de levée des paroisses de Carroll, Madison et Catahoula, et pour les garantir de l'inondation, approuvé le 18 mars 1852, et pour allouer la somme de $50,000 au fonds général des terres marécageuses à l'effet d'en payer le coût, fait un rapport en faveur de ce bill.

Sur motion de Mr Moore, ce bill est pris en considération section par section.

Mr Macmurdo, au nom du Comité des Banques et des Affaires de Banques, auquel avait été renvoyé un bill intitulé:

Acte supplémentaire à un acte intitulé:

Acte pour établir un système général de banques libres dans l'Etat de la Louisiane, fait un rapport en faveur du dit bill.

Mr Clifton, au nom du même comité, présente le rapport suivant sur le même sujet au nom de la minorité.

Les soussignés, membres du Comité des Banques auquel avait été référé le bill intitulé:

Acte supplementaire à l'acte intitulé:

Acte pour établir un système général de banques libres dans l'Etat de la Louisiane, n'étant pas d'accord avec la majorité du dit comité, présente le rapport suivant:

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La base des opérations des banques libres étant maintenant assez forte pour satisfaire tout le commerce de la ville et de l'Etat, nous ne voyons pas la nécessité de l'augmenter. L'acte de consolidation de la ville de la Nouvelle-Orléans, a autorisé l'émission de bons pour huit millions de piastres à peu près, à l'effet de payer la dette consolidée de la ville et des municipalités. Ces bons, ainsi que les bons des Etats-Unis et de l'Etat de la Louisiane, ont été acceptés, en vertu de la loi des banques libres, décrétée en 1853, comme base des opérations de ces banques. En vertu de cette loi, et jusqu'à présent, les bons de la ville qui ont été déposés dans le Bureau de l'Auditeur, s'élèvent a $1,229,000, et ceux de l'Etat qui y ont été déposés, s'élèvent à $281,000. Sur ces garanties, l'Auditeur a émis des billets de banque pour $1,510,000 ; de sorte qu'il existe une balance de $6,800,000 de bons de la ville consolidée, qu'on peut encore se procurer pour servir de base à la circulation de toute autre banque qu'on voudrait établir ; cette somme qui égale presque le montant de la circulation de toutes les banques libres et autres incorporées dans la ville de la Nouvelle-Orléans ne sera probablement jamais nécessaire pour les besoins futurs des banques faisant des affaires en vertu de cette loi. Où donc est la nécessité d'augmenter cette base qui est déjà si forte? Ce bill cache un but qui n'est pas celui d'améliorer ou d'amender la loi des banques libres, mais de faire usage de cette loi, en y greffant ces bons à l'effet de les rendre plus vendables. Est-il juste, est-il prudent de changer indirectement une circulation établie en vertu d'un système de banque que nous essayons, à l'effet de maintenir la valeur des bons émis pour faire réussir un système ou un autre ? Et qui nous assure qu'on ne continuera pas à émettre des bons pour un montant illimité ? La ville a le droit d'émettre en tout temps des bons lorsque ses citoyens et ses conseils municipaux le jugent convenable ; et si l'on n'arrête pas cet état de choses, nos législatures seront constamment appelées à accepter de nouveaux bons comme garantie de nouvelles émissions de billets de banque.

Une personne distinguée de la Nouvelle-Orléans, qui a des rapports avec les banques et les chemins de fer, dans une lettre que nous sommes autorisés à publier, dit :

" Si l'on passe cet acte supplémentaire, je n'hésite pas à dire que ces banques établies en vertu de la loi des banques libres et les compagnies de chemins de fer pourront entr'elles faire un arrangement équitable par lequel on placerait de suite un million et demi ou deux millions de piastres de bons, dont elles—les banques—ont besoin pour servir de base à leur circulation ; cette somme serait payée mensuellement, par sommes égales, assez faibles pour chacune d'elles, et qui, réunies, suffiraient presque à tous les besoins immédiats des chemins ; ainsi, on veut déjà, en vertu de ce bill augmenter la circulation des banques de l'Etat, en greffant continuellement le crédit sur le crédit. Les bons qui ne sont pas par eux-mêmes qu'un crédit, doivent être achetés à crédit, et être immédiatement déposés dans le Bureau de l'Auditeur comme garanties des émissions nouvelles de billets de banque, avant même que ces bons soient payés.

Dans un pareil état de choses, donner une extension extraordinaire à la circulation serait non seulement, induire nos citoyens à contracter des dettes, à commettre des extravagances, qui les rendraient vicieux, pervertiraient leur moral et mettraient en danger leur fortune ; mais serait en même temps, soumettre l'industrie de l'Etat à une réaction qui suit toujours les spéculations folles et extravagantes.

Le tout vous est respectueusement soumis.

(Signé) C. W. CLIFTON,
" R. C. WICKLIFFE,

Mr Clifton, au nom du comité des Banques et des Affaires de Banque, présente le rapport suivant, et, sur sa motion, le Sénat ordonne l'impression de 500 exemplaires du dit rapport.

Le comité réuni des deux Chambres sur les Banques et Affaires de Banque, a rempli les devoirs qui lui étaient imposés, en examinant minutieusement toutes les affaires des banques de la Nouvelle-Orléans et vous soumet maintenant le résultat de son examen.

De toutes les banques qui aient été incorporées, la Banque des Citoyens est la seule qui ne soit pas sortie des limites qui sont tracées dans la seconde section de l'acte de 1842, " pour remettre en vigueur les chartes des Banques de la ville de la Nouvelle-Orléans. En vertu des saines dispositions de cette loi, la circulation de la Louisiane a toujours servi de modèle à l'Union, comme offrant un moyen sûr pour l'échange des valeurs, non interrompu par ces fluctuations qui caractérisent les opérations commerciales, conduites par une circulation d'argent qui n'offre pas toujours toutes les garanties désirables. Bien que le système qui a été adopté par la Législature de 1842, ait paru d'abord comme une restriction trop grande à l'égard des banques, cependant l'expérience, quelques années après, a prouvé d'une manière positive que la mesure était sage et utile, puisque le peuple avait une circulation sûre convertie en argent. C'est donc avec regret que nous avons vu franchir ces limites et établir un précédent si dangereux pour les intérêts les plus chers de l'Etat.

Votre comité s'étant informé de la cause qui avait induit les banques à augmenter leur circulation, les officiers de ces banques répondirent, [et leurs réponses et les questions qui leur ont été posées se trouvent à la suite de ce rapport] qu'on pouvait l'attribuer principalement à la situation embarrassante du commerce, dont les opérations étaient arrêtées par la baisse des eaux dans les rivières ; les produits de l'intérieur n'ayant pu être transportés à temps jusqu'au marché, pour faire face au paiements ; et aussi à cause du montant énorme d'espèces qui a été retiré des anciennes banques pour faire face aux exigences des nouvelles banques crées en vertu de la loi des banques libres. Bien que le comité respecte l'opinion de ces messieurs, il croit qu'on doit plutôt l'attribuer au refus de ces banques de supporter la perte qui serait résultée de l'importation d'une grande quantité d'espèces pour faire face aux exigences du commerce, et qui, en même temps, les auraient maintenus dans les limites établies par la loi de 1842. Ces banques pouvaient facilement se procurer le montant en espèces nécessaire, pour arriver à ce but. Des traites sur l'Angleterre et sur les autres Etats de l'Union, qui ont été offertes en grand nombre et vendues à un taux raisonnable, durant le mois de décembre et ont été achetées en grande partie par les banques. Si les banques avaient exigé du numéraire en retour de ces traites, cela ne leur aurait pas coûté plus de un pour cent y compris le fret, l'assurance et la différence de l'intérêt, [perte bien faible comparée aux intérêts de l'Etat,] et les auraient maintenues dans les limites de la loi, en même temps que le commerce de la ville aurait obtenu toutes les facilités nécessaires, Au lieu d'opérer ainsi, les banques ont vendu des primes très élevées. Quelquefois, lors-

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que le change était très bas, à cause des grandes demandes d'argent, les banques ont escompté le papier de ceux qui faisaient habituellement des affaires avec elles, à condition que le produit serait payable en traite sur New-York, à un escompte énorme comparé au taux de la place, forçant ainsi l'emprunteur de vendre sa traite à perte, afin de réaliser la somme nécessaire pour faire face à ses affaires. De pareilles opérations faites par des institutions créées par la Législature qui a défini dans leurs charte d'incorporation, le taux des escomptes ne sauraient être trop blamées. Dans l'appendice de ce rapport on trouvera les réponses des banques aux interrogatoires du comité sur ce sujet.

Il paraît que les banques ont récemment demandé de leur expédier $825,000 d'espèces ; et depuis l'investigation de ce comité, la banque a fait savoir qu'elle avait reçu $400,000 en espèces. Une autre lettre de la Banque de la Louisiane, en date du 20 février, informe le comité que cette banque a en caisse $142,000. Nous voyons avec plaisir que ces banques ont l'intention de se renfermer le plus tôt possible dans les limites de la loi.

Comme toute théorie ne peut être jugée que par la pratique, votre comité a voulu se procurer toutes les informations concernant les opérations de la loi concernant les banques libres, à l'effet de juger si les opérations de ces banques ont donné les résultats promis. Pour arriver à ce but, le comité a interrogé les officiers de ces banques et a obtenu des informations de plusieurs négociants les plus respectables de la ville. D'après ces informations et d'après ce que votre comité a vu par lui-même, il peut dire hardiment que ces banques jusqu'à présent, ont réalisé tous les avantages qu'on avait le droit d'attendre de ce système.

1o. Comme établissant une circulation saine et sûre, à l'abri de tout danger.

2o. Comme donnant au commerce, en proportion du capital employé, autant de facilités qu'ils pouvaient, sans affecter en aucune manière, la base de leurs circulations.

3o. Comme réalisant assez de profits pour inviter les capitalistes à y investir leurs capitaux. Et enfin comme un système établissant une concurrence pour tout le monde, libre de tout monopole qu'exercent les banques incorporées avec un privilège exclusif.

Votre comité recommande à votre honorable corps d'exempter la Banque Consolidée du contrôle du Bureau de Circulation. Cette institution qui, en vertu de la loi, est en liquidation, ne peut émettre de circulation, et les intérêts de l'Etat étant parfaitement protégés par le Bureau des Commissaires nommés par l'Exécutif, le Comité ne croit pas qu'il soit nécessaire pour le public, ni juste de forcer les nouveaux actionnaires de contribuer pour le maintien d'un bureau, dont les fonctions ne sont applicables qu'aux banques en opération.

Le tout vous est respectueusement soumis.

Message de la Chambre.

Le messager spécial de la Chambre vient demander la signature du président aux bills dûment enrôlés, savoir :

Acte pour venir au secours de P. K Wagner, imprimeur d'Etat en 1847, 1848 et 1849.

Acte intitulé acte pour amender l'acte intitulé :

Acte pour augmenter le salaire du greffier de la Première Cour de District de la Nouvelle-Orléans.

Et il demande le concours du Sénat au bill intitulé :

Acte pour requérir J. A. Bonneval, Collecteur de Taxe, à régler ses comptes avec l'Auditeur des Comptes Publics, dans un certain temps.

Le secrétaire adjoint du Sénat, informe la Chambre que le Sénat a donné son concours aux bills suivants:

Acte pour autoriser le Shérif à employer le Shérif ou les encanteurs pour vendre les sections seize.

Acte pour venir au secours de C. J. Manderville, Collecteur de taxe de la paroisse de Caldwell.

Acte pour accorder certains pouvoirs au Juri de Police dans et pour cette portion de la paroisse d'Orléans, située sur la rive droite du fleuve Mississippi.

Acte pour incorporer le Grand Conclave de l'Ordre des S. W. M. de l'Etat de la Louisiane.

Acte pour incorporer la compagnie des pompiers de l'Indépendance No. 2, de la ville de Baton Rouge.

Acte pour venir au secours de H. F. Voorhies.

Acte intitulé : Acte pour autoriser et requérir l'Ingénieur de l'Etat, à faire un examen et un relevé de la rivière Ouachita et de la Petite Rivière. Et :

Acte pour autoriser le Juri de Police de la Pointe Coupée à émettre des bons pour une somme suffisante à l'effet de payer la dette de la paroisse.

Et il demande en outre le concours de la Chambre aux bills du Sénat.

Acte pour autoriser Joseph H. Harrey, de la paroisse de Jefferson, à construire une écluse pour joindre le canal de Détréhan au fleuve Mississippi.

Acte pour incorporer l'Association Bienfaisante des Dames Catholiques Romaines d'Est Baton Rouge.

Acte pour pourvoir au paiement du salaire du Rapporteur des décisions de la Cour Suprême pour une partie de l'année 1852.

Message à la Chambre.

Le secrétaire adjoint est chargé d'informer la Chambre que le Sénat a donné son cours aux bills intitulés :

Acte pour autoriser le Bureau des Commissaires des terres marécageuses à recevoir et approuver comme partie du système général des levées, les levées qui ont été construites par les paroisses de Carroll, Madison et Catahoula, en vertu de l'acte intitulé :

Acte pour former un district de levée comprenant les paroisses de Carroll, de Madison et de Catahoula, à l'effet de protéger lesdites paroisses de l'inondation, approuvé le 18 mars 1853, et pour allouer la somme de $50,000 du fonds général des terres marécageuses pour payer lesdits travaux ; et à l'acte pour augmenter la rétribution des jurés de la paroisse Terrebonne.

Le secrétaire adjoint est chargé d'aller demander le concours de la Chambre aux bills suivants :

Acte pour autoriser Mme Veuve Melina Cardonna, à adopter Agathe Graw et Esperanza Graw.

Acte pour autoriser la nomination de Charles M. Sheppers, comme tuteur de ses frères et sœurs mineurs.

Acte pour amender la deuxième section d'un acte intitulé :

Acte pour régler l'époque des sessions des Cours de District, [excepté dans la paroisse d'Orléans.)

Acte pour émanciper le mineur John Fisher, de la paroisse de Bossier.

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LUNDI, 13 mars 1854.

LOI SUR LES TERRES MARECAGEUSES.

Le bill suivant est pris en considération.

ACTE

pour amender l'acte intitulé "Acte pour améliorer et dessécher les terres marécageuses et inondées de l'Etat de la Louisiane, &c," approuvé le 30 avril 1853 et pour allouer la somme de trois cents mille piastres pour mettre cet acte à exécution.

Section 1. Il est décrété par le Sénat et la Chambre des Représentants de l'Etat de la Louisiane, réunis en assemblée générale que la première section d'un acte intitulé Acte pour améliorer et dessécher les terres marcaégeuses et inondées qui ont été données à l'Etat de la Louisiane en vertu d'un acte du Congrès intitulé "Acte pour aider l'Etat de la Louisiane à dessécher les terres marécageuses qui s'y trouvent" approuvé le 30 avril 1853 est amendé de manière à se lire comme suit: Que l'Etat sera divisé en quatre districts de levées et de desséchement.

Section 2. Il est de plus décrété, &c, Que la seconde section du même acte est amendée de façon à se lire comme suit: Que toute la partie de l'Etat au Sud du trente neuvième degré de latitude Nord et à l'Ouest du fleuve Mississippi (à l'exception des paroisses des Rapides et des Avoyelles, constituera le second district. Les paroisses des Avoyelles, des Rapides, de Natchitoches, Bienville, Claiborne, Bossier, Caddo, De Soto, Sabine et Union constitueront le troisième district, et les paroisses de Concordia, Tensas, Madison, Carroll, Morehouse, Union, Ouachita, Jackson, Caldwell. Franklin et Catahoula constitueront le quatrième district.

Section 3. Il est de plus décrété, &c., Que la troisième section de l'acte ci-dessus est amendée de façon à se lire comme suit: Le gouverneur nommera un commissaire pour chaque district, lequel commissaire devra être résident du district pour lequel il sera nommé. Les quatre commissaires formeront les commissaires des terres marécageuses et seront désignés sous ce titre. Ils resteront en fonctions pendant deux ans à partir du 30 avril 1853 et jusqu'a ce que leurs successeurs soient qualifies, pourvu que ces commissaires ou un d'entre eux puissent être destitués par le gouverneur, quand il le jugera convenable.

Section 4. Il est de plus décrété, &c., Que le gouverneur aura le pouvoir de remplir toutes les vacances qui pourront subvenir dans le corps des commissaires par suite de mort, démission ou autrement.

Section 5. Et il est de plus décrété, &c., Que chacun de ces commissaires avant d'entrer en fonctions signera un bon en faveur de l'Etat de la Louisiane pour la somme de $100,000 avec deux cautions, lequel bon sera soumis à l'approbation du gouverneur de l'Etat et portera pour condition de fidèle accomplissement des devoirs imposés aux commissaires, et le secrétaire d'Etat lui administera le serment d'office prescrit par la Constitution de l'Etat.

Section 6. Et il est de plus décrété, &c., Que ledit corps des commissaires se réunira à la ville de Baton-Rouge le premier lundi de mai prochain et tous les trois mois ensuite et plus souvent s'il le juge convenable.

Section 7. Et il est de plus décrété, &c., Que les dits commissaires sont autorisés à faire tous les règlemens nécessaires pour leur organisation, choisiront un de leurs membres comme président nommeront un secrétaire qui tiendra un journal de leurs actes; et qu'ils fixeront la compensation au dit secretaire pourvu qu'elle ne dépasse pas $500 par an.

Section 8. Et il est de plus décrété, &c., Qu'il sera du devoir des dits commissaires à leur première réunion et chaque deux ans ensuite de nommer un ingénieur compétent pour chacun des districts. Cet ingénieur restera en fonctions pendant deux ans à partir du 30 avril 1853 mais pourra être destitué par la majorité des commissaires.

Section 9. Et il est de plus décrété, &c., Que chacun des dits ingénieurs recevra comme compensation de ses services deux mille cinq cents piastres par an payables par trimestre.

Section 10. Et il est de plus décrété, &c., Qu'il sera du devoir des dits ingénieurs de déterminer dans leurs district srespectifs l'emplacement, l'étendue et la dimension des levées des canaux d'égouts nécessaires pour dessécher et améliorer les terres marécageuses et inondées de l'Etat. Aucune partie de cet acte ne pourra être interprétée de manière à autoriser les dits commissaires à employer les fonds des terres marécageuses à la réparation ou à la réconstruction des levées établies sur le bord des rivières ou des bayous de l'Etat, l'esprit véritable de cet acte est de compléter l'effet partiel résultant du système des levées établies le long des cours d'eau principaux et d'aider par suite à la mise en valeur et au desséchement des terres marécageuses. Toutes les fois cependant qu'une levée éboulera ou sera détruite par l'action du courant, et toutes les fois que dans l'opinion de trois propriétaires voisins ou d'une majorité d'entr'eux, cette levée devra être renouvelée ou réparée par les commissaires des terres marécageuses, alors le propriétaire de la dite levée aura le droit de notifier le commissaire du district des terres marécageuses dont il relève et cet officier devra envoyer son ingénieur pour adjuger la dite levée et la faire construire d'après les dispositions de cet acte; pourvu toutefois que la moitié des frais de la dite levée soit collectée sur le propriétaire ou sur la paroisse avant que le commissaire ou l'ingénieur aient adjugé le contrat pour le travail; pourvu aussi que lorsqu'une paroisse est tenue a la construction de certaines levées la dite paroisse soit obligée de payer la moitié du prix dont il est question dans cette section; pourvu aussi que lorsque le propriétaire de la terre dont la levée devra être faite élévera quelque objection au sujet de la collation de la dite levée, elle soit déterminée par le dit ingénieur conjointement avec trois propriétaires pris parmi les plus proches voisins de l'interressé et choisis l'un par le propriétaire, l'autre par l'ingénieur et le troisième par les deux déja désignés.

Section 11. Et il est de plus décrété, &c., Qu'il sera du devoir de chacun des dits ingénieurs de diviser son district en autant d'arrondissemens, de levées et de districts de desséchement que les circonstances pourront l'exiger et de présenter un rapport détaillé à ce sujet aux commissaires à telles époques qu'ils pourront désigner.

Section 12. Et il est de plus décrété, &c., Que toutes levées construites ou réparées d'après les dispositions de cet acte, et pendant le temps où ces réparations en constructions auront lieu resteront sous le contrôle exclusif des autorités de paroisse à l'exception cependant des levées que les commissaires pourront recommander comme devant être entretenues et maintenues sur le fonds des terres marécageuses et adoptées comme telles par la Législature sur la récommandation de la majorité des commissaires des terres marécageuses.

Section 13. Et il est de plus décrété, &c, Qu'il sera du devoir de chaque commissaire dans son

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district aussitôt après la détermination des arrondissements de levées et des sections de dessèchement d'adjuger la construction ou la réparation de ces levées ou égouts au plus bas enchérisseur après trente jours d'avis donnés dans un journal publié dans la paroisse où le travail doit être exécuté. S'il n'y a pas de journal publié dans l'endroit les avis devront être affichés dans trois lieux publics, de la dite paroisse et l'un d'eux devra l'être à la maison de Cour. Le dit travail devra être adjugé à tant par yarde cube. Bien entendu que le commissaire pourra rejeter toute offre par lui considérée comme extravagante, comme aussi lorsque les parties seront incompétentes ou les sécurités très insuffisantes. Bien entendu aussi que les commissaires n'accepteront dans aucun cas un prix plus élevé que celui fixé précédemment par le corps des commissaires et supérieurs à dix cents par yarde cube pour toute levée jusqu'à quatre pieds de haut et un cent additionnel pour chaque pied supplémentaire.

Section 14. Et il est de plus décrété, &c., Qu'il sera du devoir de chacun des dits commissaires de réquérir de tout contracteur des ouvrages que cet acte a en vue un bon avec sécurité suffisante portant pour condition le fidele accomplissement du travail proposé. Le dit bon devra être pour une somme égale à la valeur supposée des services à rendre ou suffisante pour assurer l'exécution du travail. Il devra être fait payable aux commissaires, pourra être recouvré devant toute Cour compétente de l'Etat, et son montant une fois recouvré constituera une partie du fonds des terres marécageuses. Il sera aussi du devoir des commissaires de faire dresser aussitôt que possible dans leur district respectif des plans exacts en forme de townships indiquant par des couleurs spéciales les terres marécageuses ou appartenant à l'Etat, afin de mettre la Législature en possession de toutes les informations nécessaires relativement au domaine des terres marécageuses et afin de la mettre à même de juger de la fidelité des officiers employés à la création a la construction des levées qui y sont autorisées, bien entendu que les commissaires ne pourront en aucun cas demander au bureau des terres publiques des duplicatas des cartes de townships maintenant en possession du bureau des terres de l'Etat.

Section 15. Et il est de plus décrété, &c., Qu'il sera du devoir des dits commissaires d'exiger que touts contrats pour construction ou réparation de levées soient complétés le premier lundi de décembre de chaque année.

Section 16. Et il est de plus décrété, &c., Que les inspecteurs des routes et levées sont par les présentes autorisés dans les différentes paroisses, à réquérir pour travailler aux levées qui y sont comprises en cas de crevasses existantes ou probables tous les esclaves mâles entre quinze ans et soixante ou le nombre qui pourra en être jugé nécessaire parmi ceux appartenant à des maîtres résidant du côté du fleuve ou du bayou où le danger se fait sentir et à une distance de sept milles de ce point, —bien entendu que cette disposition ne s'applique point aux personnes habitant les terres hautes, c'est-à-dire les terres à l'abri de l'inondation. Et toutes les fois qu'un propriétaire d'esclaves, son agent ou son économe refusera de fournir les esclaves demandés par l'ingénieur ou l'inspecteur, le dit propriétaire devra payer cinq piastres par jour pour chaque esclave non envoyé sur cette réquisition; lequel montant sera dû aux dits commissaires, sera recouvrable en leur nom devant toute Cour compétente sera versé au trésor de l'Etat et constituera une partie du fonds des terres marécageuses. Toutes fois qu'un esclave sera fourni sur la réquisition dont cette section fait mention le propriétaire du dit esclave aura droit à demander et recevoir comme compensation de ses services une piastre et cinquante cents par jour pour chaque esclave, laquelle devra être prise sur le fonds des terres marécageuses; à l'exception cependant du propriétaire de la terre sur lequel la crevasse existe ou menace, lequel ne sera point considéré comme ayant droit à la compensation allouée par cette section. Pourvu en outre que dans tous les cas où les esclaves seront ainsi mis en réquisition l'inspecteur s'adressera à tous les propriétaires d'esclaves à la distance mentionnée et fera contribuer chacun d'eux en proportion du nombre total d'esclaves ci-dessus indiqués qu'ils possèdent, le dit propriétaire devant fournir les instrumens et les provisions nécessaires. Bien entendu que la dite compensation ne sera accordée que pour des travaux accomplis d'après les dispositions de cet acte. Bien entendu aussi que si dans l'opinion du dit inspecteur les esclaves mis en réquisition comme il est dit ci-dessus seront insuffisans pour fournir le travail nécessaire suivant l'exigence du cas, le dit inspecteur est autorisé à employer tels travailleurs additionnels qu'il jugera nécessaires; les travailleurs seront rénumérés sur le fonds des terres marécageuses et le paiement sera fait par les commissaires sur la présentation des pièces nécessaires pour l'inspecteur.

Section 17. Et il est de plus décrété, &c., Qu'il sera du devoir des ingénieurs de faire exécuter aussitôt que possible la construction et réparation de toutes levées et égouts dans leurs districts respectifs, suivant qu'elles seront ordonnées par le corps des commissaires, de dresser le compte de chacune d'elles à mesure qu'elles seront achevées, de déterminer à qui le prix en est dû en donnant les détails du compte et de donner un certificat du tout aux commissaires.

Section 18. Et il est de plus décrété, &c., Que le prix de tout ouvrage fait, et que toutes les dépenses encourues par suite de cet acte seront payées par les commissaires sur toutes sommes existant dans le trésor de l'Etat et provenant de la vente des terres marécageuses. Bien entendu que les fonds provenant de la vente des terres marécageuses et inondées seront répartis par l'Auditeur des Comptes Publics entre les différents districts dans la proportion suivante savoir:

Au premier district, 9|32;
Au second district, 11|32,
Au troisième district, 8|32.

Section 19. Et il est de plus décrété, &c., Que toute dépense qui sera faite en vertu de cet acte sera payee par l'Auditeur sur le mandat des commissaires, mais qu'aucun mandat ne sera payé s'il n'est signé par la majorité d'entr'eux.

Section 20. Et il est de plus décrété, &c. Que chacun des dits commissaires recevra pour compensation de ses services la somme de quinze cents piastres par an.

Section 21. Et il est de plus décrété, &c., Qu'il sera du devoir de chacun des dits commissaires de contrôler les actes des ingénieurs dans chaque district et d'examiner le travail fait ou à faire dans leurs districts respectifs suivant les dispositions de cet acte.

Section 22. Et il est de plus décrété, &c., Que les commissaires devront le premier janvier de chaque année faire au gouverneur de l'Etat un rapport de tous leurs actes officiels et recommander l'adoption des mesures nécessaires suivant eux pour protéger les terres basses contre l'inondation et pour leur desséchement et leur mise en valeur.

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Et le gouverneur devra transmettre ce rapport accompagnant son message à l'assemblée générale à chaque session.

Section 23. Et il est de plus décrété, &c., Que toutes les dettes contractées et tous les salaires dûs pour services rendus en exécution de cet acte, seront payés sur la vente des terres marécageuses, et qu'aucune dette contractée d'après les dispositions de cet acte ne sera jamais à la charge d'aucun autre fonds du trésor de l'Etat que de celui résultant de la vente des terres marécageuses.

Section 24. Et il est de plus décrété, &c., Qu'aucun des dits commissaires ou des ingénieurs ou des autres agents qu'ils pourront désigner ne devant d'aucune façon avoir aucun espèce d'intérêt dans les contrats faits en conséquence de cet acte, sous peine de destitution et de confiscation de ce qui pourra leur être dû.

Section 25. Et il est de plus décrété, &c., Qu'il sera du devoir des commissaires à leurs diverses réunions. d'ordonner que les travaux les plus importants parmi ceux que cet acte a en vue, soient exécutés de préférence à d'autres de moindre importance, et chacun des commissaires en cas de grande nécessité publique ou de danger d'inondation sur une partie de son district sera et est par les présentes autorisé à employer sur la recommandation de l'ingénieur de son district les moyens nécessaires pour détourner le danger et pour protéger et garantir les terres basses.

Section 26. Et il est de plus décrété,&c, Que le gouverneur est autorisé par les présentes à suspendre la vente de toute portion de terre marécageuse et inondée sur laquelle les commissaires des terres marécageuses auront projeté de faire des améliorations, et cela toutes les fois qu'il le jugera nécessaire à l'intérêt public.

Section 27. Et il est de plus décrété, &c., Qu'afin de mettre cet acte à exécution la somme de trois cents mille piastres est par les présentes appropriée sur les fonds qui ont été ou pourront être versés au trésor public sur la vente des terres marécageuses et inondées, laquelle somme sera déboursée sur un mandat signé de la majorité des commissaires des terres marécageuses et approuvé par l'Auditeur des comptes publics. Bien entendu qu'aucun des commissaires des dites terres marécageuses ne puisse contracter pour le payement de travaux dans son district ou tirer des mandats pour une somme plus forte que le montant auquel ce district aura droit en conséquence de la répartition du fonds des terres marécageuses ordonnée par cet acte. La première section est mise en discussion.

Mr Mooro,

Je proposerai un amendement. On me dit que le bill ne pourra passer à cette session s'il est amendé. Je ne le pense pas. Nous ne devons pas adopter ce qui est défectueux uniquement parce que l'autre Chambre l'a adopté. Le système proposé par le bill en discussion devant le Sénat ne serait pas mieux que celui qui existe, c'est simplement une reproduction de celui qui a été reconnu inefficatif au point de ne pouvoir opérer. Suivant le bill en discussion il y aurait quatre commissaires et quatre ingénieurs; il n'y a pas de nécessité à ces quatre ingénieurs se reunissant ici, à Baton Rouge. La conséquence de mon amendement s'il est adopté produira à l'Etat une économie annuelle de $10,000. Cette somme importante pourra être employée de manière à être un bienfait pour l'Etat, mais ne peut produire aucun effet utile si elle est gaspillée en payement de salaires extravagants. Ne pouvons-nous pas avoir des ingénieurs sans officiers interposés entre eux et le gouverneur. Je propose d'amender le bill en retranchant le mot *Commissaires*. Un amendement présenté au comité y a été reçu avec faveur. On a proposé de donner au peuple l'élection des commissaires je suis en faveur de cette mesure et j'ai reçu des instructions de faire amender le bill dans ce sens. Je vais essayer maintenant de montrer en quoi le bill de la Chambre ressemble à celui-ci et en quoi il en diffère. La première différence avec la dernière ou plutôt la loi actuelle est la nomination de quatre commissaires au lieu de trois. La troisième section renferme un proviso qui donne au gouverneur le droit de destitution, la dernière loi ne le contient pas. La quatrième section est la même, la 6me est la même, la huitième déroge quelque peu en limitant à deux ans la durée des fonctions de l'ingénieur. Il en est de même de la section 9 qui réduit de $3,000 à 2.500 par an le salaire de ces officiers, la dixième est la même à l'exception de la disposition finale qui est peut-être salutaire, la 11me est la même que celle de la loi actuelle; la 12me contient une disposition très sage, c'est celle qui donne aux autorités paroissiales le contrôle des levées quand elles sont achevées; la 13me est la même jusqu'à la seizième ligne excepté que le mot ingénieurs est employé au lieu de celui de commissaires. Par la dernière loi ces devoirs étaient imposés aux commissaires. Cette section contient une disposition qui peut être bonne mais elle contient aussi une clause qui empêchera de construire aucune levée sous l'empire de cette loi. On ne peut le faire à dix cents, le plus bas prix possible est quinze cents. La 14me section diffère, elle ordonne aux commissaires de faire des plans indiquant les terres marécageuses. Quelle nécessité y a-t-il à en agir ainsi en présence des plans du bureau des terres qui l'établissent Que les commissaires s'adressent à lui pour les avoir. Pourquoi gaspiiler l'argent de cette manière ? La 15me est la même à une légère différence près. La 16me ne varie que par la disposition finale. La 17me est la même à l'exception de deux ou trois mots. Elle dit que l'ingénieur veillera aux levées recommandées par le commissaire. C'est une très bonne mesure. On a eu raison de changer la 18me. La 19me section est la même que la 21me de la loi actuelle. La 21me est la même que la 22me; la 23me que la 24me, la 24me que la 25me; la 25me que la 26me et la 26e qui est d'une grande utilité a été ajoutée. Je voterai avec grand plaisir pour cette section. $300,000 sont allouées à la fin du bill, on aurait aussi bien pu les ajouter au bill des allocations générales La plus petite somme au moyen de laquelle le bill peut être mis en exécution augmentera nos dépenses de $8,000. Les commissaires ont certains privilèges de paiement pour des dépenses de voyage, &c. Par les rapports déjà soumis à la Législature $2,000 ont été dépensées cette année en frais de voyage. Si des commissaires ont le pouvoir de porter en compte leurs frais de visites pour chaque monticule et chaque trou, la dépense sera énorme. Le moyen convenable est de déterminer une somme fixe, juste et raisonnable. Dans mon bill j'alloue $200. Je n'ai point le dessein de parler beaucoup à ce sujet car j'ai déjà exprimé mes vues dans une occasion précédente. Notre loi actuelle est à peu près aussi mauvaise qu'elle peut l'être. Il ne faut pas tant d'argent à chaque personne pour ses dépenses de voyages et cependant nous leur permettons de prendre autant qu'il leur plait. Pour ma part je ne voterai jamais pour le bill tel qu'il est—je le considère comme une monstuosité, tout aussi mauvais que la loi présente qui t'est autant qu'on le

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peut imaginer. Chaque ingénieur et chaque commissaire donne à la loi la construction qu'il juge convenable. Il en pourra résulter confusion, ce qui est ridicule pour ne pas dire injurieux. Je serai la motion de retrancher les trois premières fections du bill et de les remplacer par la première section du mien—Sur cette motion je demanderai l'appel nominal.

Mr King,

Il serait parfaitement inutile d'expliquer mes vues sur le sujet qui nous occupe car chaque Sénateur doit aujourd'hui les connaitre. Je désire cependant dire quelques mots de plus sur un sujet assez important pour autoriser une discussion approfondie. L'amendement du Sénateur de St Martin aurait certainement pour effet d'éviter beaucoup de dépenses et il en résulterait par conséquent, que nous obéissions aux exigences de l'économie. Je dois dire que le bill adopté l'année dernière a fait son apparition devant le Sénat à la dernière heure de la session. Le dire général était qu'il n'y avait point le temps de rien faire de mieux ou de l'améliorer et il a été adopté à la course d'une façon indécente. On nous répète encore aujourd'hui que si nous n'adoptons pas ce bill il sera trop tard pour rien faire Je ne soumettrai pas ma manière de voir à de pareilles menaces. Je ne consentirai pas à abandonner ma conviction et à accepter ce que je crois mauvais parce qu'un Sénateur juge à propos de me dire qu'il est trop tard pour le faire. Je ne crois pas que ce bil doive du tout être adopté. Ce n'est point une amélioration sur le système actuel que chacun reconnait être complétement insuffisant. Le Sénateur de St Martin nous a montré qu'il contient une disposition qui empêchera qu'aucune levée puisse être construite par l'Etat. Ce bill propose dix cents par yarde pour construire des levées quand la grande levée coute vingt cents le pied—C'est là une objection fatale au projet sans parler du principe défectueux sur lequel il repose—Faudra-t-il donc adopter ce bill parce qu'on nous dit que l'autre Chambre n'en acceptera pas d'autre. Il se présente aussi une objection à la section qui traite des plans, arpentage, &c., mais je vais la lire. La disposition finale dit "pourvu que rien dans " le bill ne soit interprété de manière à autoriser " les commissaires à obtenir du bureau général " des terres des duplicatas des cartes de town- " ships maintenant en possession du bureau des " terres de l'Etat." On voit ici que non seulement les commissaires ont à faire une chose inutile mais qu'il leur faut procéder à des arpentages originaux sans avoir recours à ceux qui existent déja. Tous les Sénateurs savent qu'un travail de ce genre doit couter beaucoup d'argent. Et on nous dit cependant qu'il nous faut adopter ce bill tel qu'il est parce que la Chambre basse n'aura pas le temps de prendre en considération les amendemens. Si nous adoptons ce bill nous dépenserons notre argent sans aucun résultat. Nos terres marécageuses ne seront pas desséchées et nos levées ne seront pas construites. L'honorable Sénateur de St. Martin (Mr Moore) a convenablement caractérisé ce bill en l'appelant une monstruosité. Je ne voterai pas pour un bill pareil sous la pression des menaces qu'on a employées pour nous forcer à l'accepter, sans examiner s'il est convenable ou non. Il vaut beaucoup mieux pour nous exercer notre propre jugement sans égard à celui de la Chambre.

Mr Palfrey,

Je conserve aujourd'hui la position que j'ai prise l'année dernière sur cette question, j'objecte au bill en entier et je ne soutiendrai aucun bill qui ne satisfasse pas aux exigences de la Constitution. Ce qui s'est passé ces derniers jours rend plus nécessaire que jamais de nous conformer à notre pacte fondamental. Je répète que je ne voterai jamais pour aucun bill qui soit contraire aux articles 130 et 131 de la Constitution. Je voterai avec plaisir pour un bill ayant pour but l'objet qui nous occupe mais l'observation des clauses constitutionnelles est pour moi condition indispensable.

Mr de Russy,

Je suis prêt à reconnaître que quelques unes des sections de ce bill pourrait être utilement amendées mais les objections qu'on peut leur adresser ne sont pas assez importantes de leur nature pour en faire un mauvais bill. Il faut l'adopter maintenant car nous n'avons pas le temps de l'amender de manière qu'il puisse être renvoyé à l'autre Chambre et passer par les formalités nécessaires avant l'ajournement. Il vaudrait autant présenter un bil nouveau. Moins de quatre jours nous séparent de la cloture de la session et nous n'avons pas le temps de l'amender. Une nouvelle subdivision du territoire prendrait plus de temps que nous n'en avons à lui consacrer.

Mr Moore,

Ma subdivision est la même que celle présentée dans ce bill.

Mr de Russy,

A quoi cela sert-il alors.

Mr Moore,

Nous ne voulons que des ingénieurs et non pas deux corps d'officiers.

Mr de Russy,

Il est trop tard pour insister sur de pareilles objections, On a fait objection aussi au prix accordé pour la construction des levées. Je le croyais moi même trop bas, mais il a été fixé par les commissaires et ils doivent savoir à quel prix ils doivent faire faire l'ouvrage. On nous a dit que la grande levée coûte 20 cents le pied mais c'est là le prix maximun dépensé pour construire des levées de quatre pieds de haut et un cent par pied cube. La levée dont parle le Sénateur a huit ou dix pieds de haut. Il n'est donc point étonnant qu'elle coûte vingt cents. Le moyen dont j'ai parlé est plus convenable pour estimer la dépense. Les commissaires pensent qu'ils peuvent les faire faire aux prix stipulés dans le bill—Une autre objection est faite relativement aux plans de ces terres—La section se lit ainsi: Que sont ces plans? Les arpenteurs dans leurs courses passent devant chaque arbre marqué et connaissent chacun d'eux dans un township. Ils les reportent tous sur leur carnet de note pour lui servir ensuite car par une des sections du bill, le gouverneur est autorisé à recevoir de la vente des terres quand il le croit convenable. Comment peut il le faire s'il n'a aucun document pour se diriger. Le bill ne demande pas que des relevés exacts soient faits ainsi que les Sénateurs semblent le croire. Ces objections bien que peu importantes sont cependant suffisantes pour tuer le bill si on insiste. Je demanderai combien de temps il faut à la Chambre pour faire une nouvelle division, il y a là beaucoup de mécontents qui ne voudraient pas consentir à en faire un autre même pour sauver le bill. J'admets aussi qu'une clause est nécessaire pour le mettre en force, mais il est aisé de l'ajouter, Je répète que les objections qui ont été faites ne nous autorisent pas à courir le risque de perdre le bill. Je fais la motion de déposer sur la table l'amendement du Sénateur de St-Martin.

Mr Palfrey,

Je fais la motion de déposer sur le bureau le bill et l'amendement.

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Les amendements sont déposés sur le bureau.

Mr Palfrey,

Je fais maintenant la motion de déposer le bill sur le bureau.

Mr Hodge,

Je désirerais entendre un partisan du bill nous dire quel avantage il offre sur le système actuel.

Mr Wickliffe,

Il crée quatre district et divise le fonds en quatre parties.

Mr Hodge,

Cela ne fera qu'ajouter un suçoir de plus aux trois qui agissent déjà sur le trésor public.

Mr de Russy,

Je vais donner au Sénateur les informations qu'il demande. Le troisième district est trop grand, un commissaire ne peut le surveiller, et par ce motif on a cru nécessaire de diminuer l'étendue du 3me district et de le diviser en deux.

La motion de déposer le bill sur le bureau est perdue.

Mr Wickliffe,

Je demande l'adoption de la première section et la question préalable.

Le secrétaire fait l'appel, arrivé au nom de Mr Trudeau, celui-ci dit:

Je vote non, parce que ce bill n'est point conforme aux dispositions de la Constitution.

Mr Hodge présente certains amendements.

Mr Wickliffe,

Voici les motifs qui me font voter contre les amendements. Ce bill est un compromis de la Chambre et c'est avec grande difficulté qu'un bill a été voté par elle. Un changement quel qu'il soit nous empêchera d'arriver à un entendu avec la Chambre.

Mr Hodge,

Je demande à dire quelques mots à ce sujet. Par la section 18 il est procédé à une distribution de fonds. Cette distribution consacre une grande injustice pour les paroisses du 3me district. Je fais la motion de retrancher les Avoyelles et De Soto afin de diminuer le district d'autant, et d'augmenter en proportion le suivant, pour établir à peu près l'égalité entre eux. Le bill est loin de faire une distribution équitable. Le 2me district reçoit près de la moitié du fonds. La division du fonds est hors de toute proportion avec l'ouvrage à faire. Quelqu'un prétendra-t-il que le 2me district renferme autant de terres non améliorées et non protégée par des levées que le 3me? Ce dernier renferme tout le cours de la rivière Rouge dans les limites de l'Etat. Les deux rives ont besoin de recevoir des levées. C'est 900 milles à peu près à construire sur la rivière Rouge. La distribution des fonds n'est pas en rapport avec l'étendue de terres marécageuses de chaque district. Personne ne dira qu'il y a autant de terres marécageuses dans le 2me district que dans le 3me. Dans ce district il y a peu de terres entrées, et en conséquence il y en a d'autant plus d'impropres à la culture. Les fonds ne doivent pas être distribués au bénéfice des planteurs mais bien pour améliorer et dessécher les terres marécageuses appartenant à l'Etat. Le devoir de l'Etat est d'améliorer le terres publiques inondées. Telle a été l'usage. Quel sera l'effet du bill? C'est purement un système favorisant des individus, et comme tel je le dénonce. $50,000 sont allouées pour avantager les planteurs et non pour protéger par des levées et dessécher des terres marécageuses et inondées. C'est souverainement injuste. Je dois comme Sénateur du 3me district persister dans mon opposition au bill. Il est trop injuste envers la section que je représente. Je dois insister sur une distribution équitable. Le bill accorde la moindre somme au district le plus étendu. C'est manifestement injuste. Dans notre district est la rivière Rouge et a vaste étendue de terres inondées, sans compter beaucoup d'autres terres qu'il faut entourer de levées et dessécher. Et cependant nous ne recevons pas plus que le district où est située la Nouvelle-Orléans. Personne ne prétendra cependant qu'il y a autant à faire dans ce district que dans le nôtre. On donne à la rivière Rouge ce qu'on veut, et non ce qui lui revient. Dans le second district presque toutes les terres basses sont protégées et nécessairement il a besoin de moins d'argent. Et cependant ce district reçoit autant que le 3me. Le 2me district qui profite du bill le soutiendra sans doute. Il en sera de même de la Nouvelle-Orléans dont le district reçoit 7|32, bien qu'il renferme si peu de terres non protégées par des levées C'est plus, certainement, que cette ville n'a droit à prétendre, et sans doute elle soutiendra le bill. Quant à nous, habitants de la rivière Rouge, nous devons recevoir ce que l'on veut bien nous donner. J'ai été contre le bill de l'année dernière à cause de semblable injustice dans la distribution. Le 3me district renferme deux fois autant de terres marécageuses et inondées que le 2d et reçoit à peu près la même allocation, 7|32 pour le 2d et 7|32 pour le 3me. Je dis aux Sénateurs qui soutiennent ce bill que le seul motif qui les porte à le soutenir est le désir de voir leurs habitations protégées. Je désire les voir à l'abri de l'inondation, mais ce n'est pas là l'objet de la donation, faite par le Congrès.

Mr de Russy,

En ma qualité de résident du troisième district je dois certainement m'y intéresser tout autant que le Sénateur de Caddo et cependant je ne me joindrai pas à son opposition à ce bill; la division du fonds n'est pas proportionnée à la surface actuelle des districts, mais à l'ouvrage qu'il est nécessaire de faire et qui dépend en grande partie de la hauteur des levées à construire. Je crois que la répartition est aussi équitable qu'elle peut l'être. Le Sénateur dit que les terres faisant face au Mississippi dans le second district sont bien protégées. A-t-il pris les terres de derrière en considération? Je ne pense pas qu'il l'ait fait. Je répète que la division du fonds n'est pas basée sur l'étendue du sol, mais sur la hauteur des levées à construire. Si le Sénateur veut prendre en considération la hauteur de l'eau dans les deux districts pendant les inondations, il trouvera qu'elle a été beaucoup moins grande sur la rivière Rouge et que conséquemment les levées à y construire doivent être beaucoup moins élevées. J'ai profondément réfléchi à ce sujet l'année dernière. Le bill de l'année dernière répartissait le fonds comme suit: au 1er district 3|8, au 2e 2|8, au 3me 3|8. Le bill actuel donne au premier 11|32, au second 7|32, au troisième 8|32 et au quatrième 6|32. On voit donc que nous du troisième district nous gagnons réellement ce qu'il avait avant lorsqu'il était composé du troisième et du quatrième. Nous recevons actuellement 14|32 au lieu de 11|32 l'année dernière. Nous gagnons donc au lieu de perdre. Si nous n'adoptons pas le bill nous resterons comme nous sommes. L'objection du Sénateur n'est certainement pas fondée.

Mr Hodge,

Le troisième et le quatrième district s réunis ont 14|32 mais nous constituons maintenant le troisième.

Mr de Russy,

Le Senateur objecte donc à une division qui nous donne plus que nous n'avions. Je me suis

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fréquemment entretenu avec les membres du comité relativement à la distribution de ce fonds et je dois dire que comme partie intéressée je suis satisfait. Je soutiens par conséquent la proposition faite pour déposer la motion sur le bureau.

Mr Hodge,

Le Sénateur connait-il ce qui s'est passé dans la Chambre à propos de ce bill ?

Mr de Russy,

Oui.

Mr Hodge,

Le Sénateur sait-il que le premier et second districts ont donné au troisième juste ce qu'il leur a convenu ?

Mr de Russy,

Je n'en sais rien, mais il me parait peu probable qu'il en soit ainsi lorsque les deux districts qui composaient l'ancien troisième district reçoivent 14,32 au lieu de 11,32 qu'ils avaient l'année dernière

Mr Hodge,

Mais le troisième district ne reçoit pas autant. Je n'ai entendu jusqu'à présent aucun argument qui me prouve que la Nouvelle-Orléans ait droit à 7,32 et le troisième district seulement 8,32— Je ne vois pas pourquoi la Nouvelle-Orléans serait préférée à la rivière Rouge. Ce bill est injuste envers le district de la rivière Rouge et je suis étonné de le voir soutenir par un Sénateur qui représente cette portion de l'Etat.

Mr de Russy,

Le premier district ne reçoit que 7,32 ce qui est est moins que le quart de ce qu'il recevait l'année dernière—L'ancien troisième reçoit 14,32.

Mr Hodge,

Où vont les 6,10 qui restent ? Non à la rivière Rouge mais à l'autre district maintenant nommé le quatrième.

Mr de Russy,

J'ai montré que la rivière Rouge est bénéficiée de ,35

Mr Hodge,

Je ne vois pas comment.

Mr de Russy,

Je l'ai déja expliqué. Si le Sénateur désire le trouver qu'il veuille bien calculer et il reconnaitra que j'ai raison. Il est vrai que le nouveau troisième district ne reçoit pas tout ce qui est enlevé du premier et du second, mais il reçoit en proportion plus que l'année dernière en tenant compte des mêmes paroisses. Si nous changeons cette division nous n'aurons pas le temps d'en faire une nouvelle.

Mr Hodge,

Par l'ancienne loi le troisième district aurait reçu 12,32. Ce district contient plus de terres marécageuses que deux des autres pris ensemble.

Mr de Russy,

Il n'en est point ainsi.

Mr Hodge,

Je serai bien aise que le Sénateur voulut indiquer le rapport.

Mr de Russy,

Je suis redevable à une personne bien renseignée sur ce sujet d'un tableau des étendues comparatide terres marécageuses dans chaque district. Il vient de me le faire parvenir. Le premier district contient quatre cent mille acres.

Mr Hodge,

Je demande au Sénateur s'ils sont composés en entier de terres marécageuses et inondées ?

Mr de Russy,

Oui, et ce compte rendu vient du Bureau qui est au rez-de-chaussée.

Mr Evans,

Sont-ce des terres publiques ou appartiennent-elles à des particuliers ?

Mr de Russy,

Je n'en sais rien maintenant mais la quantité de terres marécageuses s'élève à 400,000 acres dans le premier district, à 5,000,000 dans le second à 1,700,000 dans le troisième, à 2,400,000 dans le quatrième et je répéterai encore que les dépenses de levées sont basées sur leur élévation.

Mr Hodge,

Le Sénateur ne sait-il pas qu'il y a autant de terres inondées en Louisiane sur la rivière Rouge que sur le Mississippi En 1849 il n'y avait pas un pouce de terre à sec sur tout le parcours de la rivière.

Mr de Russy,

1849 a été une année extraordinaire et je n'ai jamais vu un pareille inondation sur la rivière Rouge. Mais pour établir une juste comparaison, il faut prendre les deux sections dans la même position. Il faut considérer le montant relatif des dommages qui seraient éprouvés de part et d'autre si elles votaient également sans protection. La grande inondation de 1849 ne peut se comparer en fait de dommages à celle qui aurait eu lieu sur le Mississippi si on y avait été sans protégé.

La première section est adoptée.

Mr Palfrey,

Je demanderai au Sénat la permission de changer mon vote sur la première section du bill. Mon attention a été détournée au moment du vote, et j'ai peut-être agi légèrement. Je n'ai pas d'objection à la premiere section, et je désire plutôt paraître sur le journal du Sénat avoir voté pour que contre.

La seconde section est prise en considération.

Mr King,

Je désire offrir un amendement qui changera, s'il est adopté, tout le caractère du bill. Je propose de faire élire les commissaires par le peuple. J'ai déjà exprimé des vues favorables à ce principe. J'appartiens à cette classe d'hommes politiques qui pensent que le peuple est capable de prendre soin de lui-même et d'élire ses propres officiers. J'ai beaucoup entendu parler du pouvoir d'un seul homme et sur les dangers qui nous menaceraient si nous adoptions le système du bill soumis au Sénat. De terribles tableaux ont été faits des résultats horribles qui en seraient la conséquence. On a même prétendu que le peuple ne serait pas capable d'elire cette classe d'officiers Mais actuellement, sous un autre système, nous voyons le fonds des terres marécageuses tomber en ruines. Si le peuple avait à se mêler des élections de ces officiers, je pense qu'ils deviendraient plus vigilants.

Mr Lacoste,

Lorsque le peuple a élu un Gouverneur, il ne l'a pas fait avec le désir de lui enlever tout pouvoir. Je demande en conséquence que la motion soit déposée sur le bureau.

Mr Moore,

J'ai déjà fait part de mes vues à ce sujet. Je suis aussi en faveur d'une élection par le peuple. Ce n'est pas seulement une doctrine démocratique, mais une bonne doctrine whig qui, je l'ai déjà dit, est le véritable parti démocratique. En preuve de cette assertion, je puis citer la Constitution elle-même qui veut ces fonctions électives J'ai confiance dans le peuple, je crois qu'il choisira des officiers au moins aussi bons, s'ils ne sont pas meilleurs que ceux que le gouverneur pourra nommer. Si nous confions au peuple la nomination, le fonds ne sera pas gaspillé comme il l'a déjà été.

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Mr Wickliffe,

Un vieux proverbe dit que le temps change tout *Tempora mu antur est mutemur in i lis.*

Il est heureux que l'art de l'impression ait été inventé pour nous permettre de découvrir et d'exposer des contradictions qui pourraient autrement échapper à nos souvenirs ou à nos regards. Comme un exemple de cette vérité, nous n'avons qu'à invoquer les débats officiels du Sénat de la Louisiane pendant l'année 1853. Ils montrent que le Sénateur distingué qui professe maintenant un tel amour pour ce cher peuple, une telle confiance dans son jugement et dans sa capacité pour élire avec certitude les meilleurs officiers, était animé alors de sentiments bien différents. Je vais lire l'extrait d'un discours prononcé par le Sénateur à la dernière session. (Ici Mr Wickliffe donne lecture d'un extrait des débats de 1853.)

Mr le Président, si un bureau composé de quatre membres ne pouvait être alors élu par ce cher peuple, objet d'un amour sans limites de la part du Sénateur, un bureau de même nature n'est-il point impraticable aujourd'hui? Le Sénateur expliquera-t-il cette contradiction et mettra-t-il d'accord ses inconséquences? Dira-t-il que le principe est changé parce que nous avons aboli les articles de la Constitution qui établissaient un bureau des travaux publics? Ne sait-il pas que plusieurs entre nous ont voté contre, l'année dernière, dans le but d'organiser un système pour nos terres marécageuses? Ne sait-il pas que le Sénat est déterminé à donner son concours à tout ce que pourra faire l'autre Chambre?

(Ici Mr Wickliffe lit un autre extrait).

Voilà ce que le Sénateur a dit sur ce sujet. A quoi est dû ce changement prodigieux? Le Gouverneur est un ingénieur pratique supérieur dans sa profession. N'est-il pas capable de choisir cette classe d'officiers aussi bien que le peuple? Je crois qu'oui, et je ne pense pas que le peuple ait le moindre désir de s'en occuper. Il est parfaitement désireux de confier ce soin au gouverneur envers lequel il a déjà exprimé sa confiance.

Mr King,

Il est facile de produire des charges d'inconséquence, quoique toujours il ne soit pas facile de les prouver. Le Sénateur d'Ouest Féliciana qui vient de parler, a essayé de me convaincre d'inconséquence dans la conduite que j'ai suivie au sujet de nos améliorations intérieures. Je puis répondre à cette accusation par une dénégation formelle. Il n'y a point, par conséquent, de nécessité à donner les explications que le Sénateur a si hautement demandées. Il est vrai de dire que j'étais opposé au Bureau des travaux publics, et que je suis opposé à tout Bureau formé dans ce but. Je l'ai dit quarante fois et je le répète encore. Mais mon objection porte-t-elle sur le Bureau lui-même et non sur le mode de nomination de ses membres? Je ne désire point enlever au peuple son droit d'élire ses propres officiers; les hommes ne peuvent enlever un droit qui vient de Dieu. Mais si je puis aisément repousser l'accusation d'inconséquence que le Sénateur a portée contre moi, je ne pense pas qu'il puisse aussi facilement m'échapper à la conviction sur une pareille accusation que je porte. Le Sénateur a fréquemment insisté sur tous les tons devant le Sénat les périls du pouvoir d'un seul homme, ses résultats dangereux et son antagonisme avec nos institutions, et maintenant le Sénateur favorise, soutient même un but qui accroît le patronage déjà étendu de l'Exécutif en mettant entre ses mains la nomination d'un nombre d'officiers importants. Que le Sénateur explique ce changement, qu'il mette d'accord ses inconséquences. Celle ci, Mr. le Président, est réelle et non point imaginaire; c'est un cas où les batteries qu'un homme a pointées peuvent avec succès être retournées contre lui-même.

La Constitution ne donne pas ce pouvoir au Gouverneur; la Convention n'y a point songé. Quand mon bill donnait à l'Ingénieur le pouvoir de nommer ses aides, on a beaucoup dit à propos de la puissance d'un seul homme et du danger d'en confier autant aux mains d'une seule personne. Et maintenant, le Sénateur qui paraissait en proie à une si profonde inquiétude à l'idée de confier ce pouvoir à un seul homme, désire donner la nomination de tous les officiers au Gouverneur. Que le Sénateur explique donc cette contradiction. Quant à moi, je suis parfaitement satisfait que tout ce que prouvent les records sur mon compte dans tout ce que j'ai dit sur cette question, c'est qu'il n'existe rien que je voudrais n'avoir pas prononcé. Je crois qu'il y a beaucoup de personnes qui seraient bien aises d'avoir été d'accord avec moi et d'avoir adopté mes suggestions. Mes votes sont devant le Sénat et présentent, je crois, un compte-rendu aussi clair que celui d'aucun de ses membres.

Mr Wickliffe,

L'inconséquence a très peu à faire avec la question qui nous occupe. J'ai sciemment dit que les temps changent et les hommes avec. Je demanderai sérieusement au Sénateur comment il a voté sur la proposition du Représentant de Caddo pour rentrer les commissaires électifs? Par les débats imprimés il paraît avoir dit que le système ne serait pas rendu par la ineffectif en raison de l'élection par le peuple qui choisirait des hommes de différentes parties animés de préjugés différens et de différentes affections pour des localités. Le Sénateur dit maintenant qu'il est étrange que je me sois opposé à ce bill d'abomination qu'il a présenté, à ce bill qui plaçait tout le fonds des terres marécageuses sous le contrôle d'un seul homme. Le gouverneur pour lequel le Sénateur paraît concevoir tant d'humeur n'a pas un pouvoir semblable. Je ne puis pas plus admettre le pouvoir d'un seul homme que ce cri démagogique d'amour pour le cher peuple que proièrent souvent des Sénateurs qui devraient avoir plus de respect pour l'intelligence de leurs auditeurs.

Mr King,

Le Sénat jugera de quel côté est l'inconséquence. Je n'ai aucune objection à lui soumettre la question. Le Sénateur a essayé de lui prouver en contradiction en citant des passages de mes discours publiés mais il n'a pu réussir attendu qu'il n'y a point de contradictions à trouver. Je regrette que le Sénat ait été troublé par une discussion personnelle de ce genre et qui n'aurait jamais eu lieu de mon consentement; mes actes passés n'ont rien à faire avec la question qui occupe le Sénat qui doit être discutée sur ses propres mérites. Ce qu'a pu faire un Sénateur autrefois ne peut affecter aucune question. Les omissions ou les actes dont un membre de ce corps a pu se rendre coupable ne doivent point être portés devant lui. Ce ne sont pas là des sujets légitimes de discussion et bien moins encore des arguments de bon aloi.

Mr Lacey,

Je désire enrégistrer les raisons qui me font voter contre l'amendement.

Mr Ryan,

Je vote contre le pouvoir donné au gouverneur quelqu'en puisse être la conséquence.

Mr Renner,

Je désire savoir si la détermination de la majorité du Sénat est de permettre l'adoption d'aucun

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amendement sous le prétexte de la brièveté du temps. S'il en est ainsi je m'occuperai d'autres affaires et je quitterai cette salle. Ce bill est de la plus grande importance, de lui dépend en grande partie la prospérité de l'Etat mais c'est une expérience. Dira-t-on que nous n'avons pas le tems de l'amender ou de l'améliorer? Ce n'est point ainsi que le Sénat de la Louisiane doit légiférer. Nous devons considérer le bill d'après ses propres mérites et sans nous occuper de l'opinion que nous pouvons supposer exister dans la Chambre. Les intérêts dont ce bill dispose sont trop importants pour que nous les réglions d'une façon tellement sommaire qu'il nous soit interdit de l'amender et à peine de le discuter. J'invite le Sénat à ne pas se laisser influencer par un pareil motif.

Mr de Russy,

Les observations du Sénateur méritent un mot en reponse—Il n'est point fait à ce bill d'objections importantes. On l'a discuté et les objections qui sont faites sont tellement futiles qu'elles ne justifient pas la chance que l'on pourrait courir de perdre le bill. On a répondu à toutes et, je crois, à la satisfaction du Sénat. Si une objection principale était présentée je voterai certainement pour amender le bill. La section qui prête le plus à la discussion, celle qui se rapporte aux plans des terres a déjà été discutée. On a objecté qu'il faudrait faire des arpentages dispendieux,—j'ai montré que tel n'était pas le cas. Les arpenteurs doivent faire seulement des plans en minutes. Le bill autorise le gouvernement a retirer des terres du marché lorsqu'il le juge convenable. Ce sont des terres améliorées et a cet effet le gouvernement doit avoir quelques documents pour agir. Chaque ingénieur reconnait les points de repère.

Il y en a des centaines et il peut à leur aide marquer et placer pour l'avenir les points pour les levées et les autres travaux. Une autre raison pour l'adoption du bill est que si ce n'est pas fait aujourd'hui cela ne pourra pas être fait l'année prochaine. Ce bill a été soigneusement étudié. La disposition la plus importante est celle qui a trait a la disposition des fonds—elle a été justement faite et ne peut donner lieu à des plaintes de la part d'aucune section. La Législature est annuelle et si un changement devient nécessaire il sera facile à réaliser. Si nous amendons le bill en substituant la distribution des fonds suivant les divisions géographiques il ne reviendra pas jusqu'à nous. La Chambre ne consentira pas à changer l'ordre par elle adopté—Je crois corrects les calculs du Sénateur de St. Martin—J'ai eu lui une confiance implicite et je suis prêt a soumettre mon jugement au sien—J'ai la confiance que toutes les objections à ce bill peuvent être repoussées par des explications,—j'espère qu'il sera adopté par le Sénat, c'est une bonne loi qui doit être mise en force.

Mr Defreese—L'amendement que j'offre est un substitut à la section qui est sous considération—J'approuve complétement ce qui a été dit par le Sénateur de l'Ascension. Je considérerai comme le plus bel acte de ma vie d'avoir suivi son exemple en pareille circonstance.

Mr Wickliffe,

Je fais la motion d'amender en insérant que toutes personnes employées à construire des levées seront élues par le peuple.—(Cet amendement est ensuite retiré.)

Mr Martel,

La seule raison qui me fait voter pour ce bill est que je le crois utile, capable de faciliter nos améliorations intérieures et convenable aux intérêts de mes constituans.

L'amendement est rejeté.

Les section 2, 3, 4 et 5 sont adoptées.

La section 6 est prise en considération.

Mr Defreese,

Je crois qu'une objection peut être faite à cette section et je ne pense pas qu'on puisse faire un devoir impératif de ces réunions aux époques fixées.

La section est adoptée.

La section 7, 8 et 9 sont adoptées.

Le Sénat prend la 10me section.

Mr Kenner,

Cette section semble dire que le propriétaire ne pourrait pas construire une levée s'il le désirait à moins de payer la moitié en argent. C'est là le sens évident. Je fais la motion d'ajouter les mots suivans: (Mr Kenner donne lecture des mots qu'il désire insérer.) Mon objet est simple. Nous faisons supporter la moitié des frais aux propriétaires, c'est juste—chaque propriétaire qui cultive la terre désirera payer la contribution en travail.

Mr de Russy,

Je ne vois pas de nécessité à cela, supposons qu'une crevasse survienne à quelque distance de l'endroit où se fait le travail. Le Sénateur dit que l'habitant aura le droit de payer en fournissant des travailleurs au lieu de le faire en argent.

Mr Kenner,

Ce n'est pas ce que j'ai dit.

Mr Wickliffe,

La section est meilleure telle qu'elle est que comme on propose de l'amender. Cela aurait pour effet d'empêcher les habitants venant dans l'Etat non seulement de construire leurs levées mais encore d'employer leurs esclaves. Il doit y avoir quelque obstacle à cela. Un grand nombre d'habitant, si ce n'est tous, feraient construire ces levées par l'Etat en lui faisant payer l'argent comptant et en fournissant la main-d'œuvre.

Mr Rivers,

Le Sénateur ne saisit pas bien l'objet de l'amendement. Le paiement n'aura pas l'effet d'être un obstacle. L'effet réel sera d'empêcher le propriétaire de négliger ses levées. L'amendement permettrait au propriétaire de façade de faire son propre travail en fournissant son atelier, le bill l'empêche.

Mr King,

L'amendement n'obvierait pas à toute la difficulté; l'effet de la section est de placer toutes les levées sur le fleuve sous le contrôle de l'Etat—La simple lecture de la section suffira pour convaincre de ce fait le Sénateur (ici Mr King donne lecture de la section 10). On voit qu'il est obligatoire pour les officiers de l'Etat de construire les levées. Il y a dans la paroisse de Carroll une petite levée nommée levée du Diamond Island. Toute nouvelle levée rentre dans les dispositions de la loi—Les voisins seront nécessairement intéressés à avoir les levées dans son voisinage plus solidement construites. Dans mon bill, cette partie du sujet était soigneusement considérée et complétement prévue. Je n'ai pas confié ce soin important à des raisons et à des parties intéressées mais à des officiers assermentés de l'Etat. On en voit la nécessité En certains lieux les levées sont construites par les paroisses et quelque fois par une contribution sur la corporation. Suivant ces lieux les modes différent. Ce bill n'établit pas de compensation pour l'Etat s'il construit des levées à des particuliers. Je ne voudrais pas cela car nous construirons des levées pour le bénéfice des individus avec l'argent de l'Etat. (Ici Mr King donne lecture d'un extrait du bill des améliorations intérieures.) Le Sénat peut juger de l'importance de cette section. Il e

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compare avec celle du bill qui est devant lui. Examinons aussi une autre section de mon bill. (Ici Mr King lit cette section du bill des améliorations intérieures relative aux terres abandonnées à l'Etat.) C'est là une disposition qui a été omise dans le bill. Par une autre provision de mon bill les contrats pour ouvrages ne peuvent pas dépasser une certaine somme—C'est afin de permettre aux habitans d'en prendre partie. Ces exemples montrent au Sénat combien cette espèce de législation est impolitique. Il y a une section de mon bill qui, j'en suis sûr, sera reconnu par tout le monde beaucoup plus effective que le bill que nous discutons et cependant je ne puis le faire adopter parce que la majorité a décidé d'enlever ce bill à la hâte sans amendement sur le motif qu'il est trop tard.

Mr Moore,

Je désire offrir un amendement.

Cet amendement est rejetée.

L'amendement de Mr Kenner est adopté.

Les sections 11 et 12 sont adoptées.

La section 13 est prise en considération.

Mr Rivers,

Je fais la motion de retrancher tout ce qui se trouve après le mot commissaires. (Adoptée.)

Mr Moore,

J'ai un autre amendement à offrir. L'expérience a prouvé que le système par contrats est le pire de tous à adopter. Le gouvernement général y a renoncé et n'y reviendra jamais. Il nous faut des propositions cachetées, toutes les parties peuvent ainsi offrir dans les limites où elles peuvent agir.

Mr McKay,

Le proviso de la section ne satisfait-il point aux objections du Sénateur?

Mr Moore,

Non, monsieur.

Mr de Rusey,

Il n'y pas là d'objection, je pense que la section pourvoie au meilleur mode à suivre pour adjuger le travail.

Mr King,

Je donne notice que je ferai la motion de reconsidérer le vote de la 10me section.

Mr Rivers,

Le Sénateur veut-il tuer ce bill? Il voit que le Sénat est en faveur de l'adopter tel qu'il est. Je lui demande amicalement si son objet est d'enterrer une mesure qui a la faveur du Sénat;

Mr King,

Je répète que je ferai la motion de reconsider le vote et si le Sénateur désire discuter avec moi sur cette section je suis prêt à fournir mon nom au journal du Sénat.

Le Sénat prend la section 14.

Mr Moore,

Le comité a recommandé de retrancher tout ce qui suit le mot *fonds* dans cette section. J'approuve cette recommandation. On peut trouver ces plans au Bureau des terres et il est inutile de faire de nouvelles dépenses. Je demande par conséquent de retrancher tout ce qui suit le mot *fonds* jusqu'à la fin de la section.

L'amendement est adopté ainsi que la section.

La section 15 est adoptée.

La section 16 est prise en considération.

Mr Trudeau,

Je demande à retrancher tout le proviso qui établit que le bill ne s'appliquera pas aux propriétaires des terres hautes. Je ne vois pas pourquoi les propriétaires des terres basses supporteraient toutes ces dépenses.

Mr De Rusey,

Il y a une grande différence entre les deux. Il n'y a rien surtout à faire pour les terres hautes, et je ne vois pas pourquoi un résidant de terres hautes aurait à contribuer au bénéfice de ceux qui ont préféré s'établir sur les terres basses.

La section est adoptée.

La section 18 est adoptée.

La 19me section est prise en considération.

Mr King offre un amendement.

Mr De Rusey,

Je crois que ce changement produirait des délais et je ne crains pas de déficit pour cette année. Il vaut mieux attendre à la Législature prochaine pour adopter les moyens d'y faire face s'il existe.

L'amendement est déposé sur le Bureau.

La section est adoptée et aussi les sections 20, 21, 22, 23, 24 et 25.

La section 26 est devant le Sénat.

Mr Moore,

Je crois de mon devoir comme membre du Sénat, toutes les fois que je crois pouvoir rendre un bill meilleur, de proposer les amendemens que je peux considérer comme nécesssaires et utiles. Ce bill doit être changé en divers points considérés, par exemple, le compte rendu des énormes sommes dépensées pour frais de voyage pour la plupart non justifiés par les pièces à l'appui. Pour juger jusqu'à quel point cela était vraiment nécessaire, considérez que le commissaire du Troisième District pour une distance double à parcourir n'a pas dépensé plus de la moitié de la somme employée par le commissaire du Second et plus du quart de celle déboursée par le commissaire du premier district. Je demande que les commissaires reçoivent pour leurs dépenses de voyages une somme fixe qui ne pourra être dépassée dans aucun cas. D'après le rapport, $179 de fournitures de bureau ont été dépensées, et je ne crains pas de dire que si nous cherchons dans le bureau, nous n'en trouverons pas pour $5.

Mr De Rusey,

La seule manière de régler cela serait d'accorder un millage.—Je désire que tout soit fait aussi bon marché que possible; mais nous ne pouvons pas obliger les commissaires à se contenter d'une somme précise. Le Commissaire de mon District est j'en suis sûr économe, et il ne dépensera pas un cent sans nécessité absolue. Je vote pour une échelle de millage.

L'amendement est déposé sur le bureau.

Mr Wickliffe,

Je désire placer les commissaires des terres marécageuses dans une position convenable devant le public.—Le Sénateur faisait partie du comité chargé d'examiner les dépenses contingentes des commissaires. Je désire savoir s'il a trouvé quelque chose de blâmable.

Mr Moore,

Beaucoup de ces comptes n'étaient pas accompagnés de pièces à l'appui. Nécessairement je ne puis rien en dire Tout cela peut être correct, mais il m'est impossible d'en témoigner.

Mr Wickliffe,

Ont-ils trop dépensé?

Mr. Moore,

Les dépenses contingentes s'élèvent au-delà de deux mille piastres. Je crois que c'est trop.

Mr King,

En tant que la question peut m'être adressée, je dirai que la plupart des frais ne sont fondés ni légalement, ni raisonnablement.

Mr. De Rusey,

Il y a beaucoup de dépenses nécessaires pour lesquelles on n'a pu prendre de reçus, telles que transports de bagage, traversée des rivières, &c.

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Mr. Moore,

Je n'accuse pas les commissaires de fraudes ou de dépenses exagérées, je dis seulement que dans beaucoup de cas il n'y avait pas de pièces à l'appui.

Sur motion, l'amendement est rejeté.

Le bill est adopté.

NEBRASKA.

Mr. Kenner soumet les résolutions suivantes:

Il est résolu par le Sénat et la Chambre des Représentants de l'Etat de la Louisiane, réunis en Assemblée Générale; que le peuple de l'Etat de la Louisiane a toujours envisagé la question de l'esclavage comme étant de la plus haute importance, et considéré l'adoption des mesures de 1850, connues sous le nom de Bill de Compromis, comme mettant un terme à l'agitation soulevée par ce sujet.

Resolu, que dans l'opinion des membres de la Législature de la Louisiane, ces mesures avaient été prises pour produire un effet plus durable et plus permanent que la simple conciliation dans les difficultés survenues alors dans la récente acquisition du territoire mexicain; et qu'alors certains grands principes furent établis; qu'ils ont fourni non seulement un remède aux maux qui existaient, mais qui, dans l'avenir, pouvaient prévenir une nouvelle agitation, en retirant au Congrès la question d'esclavage, et en confiant sa décision à ceux qui y sont seuls intéressés et qui seuls en subissent les conséquences.

Il est par conséquent de plus résolu, que le bill du territoire de Nebraska, qui est maintenant devant le Congrès, en tant qu'il doit assurer de garantir le principe de non intervention, de même que l'institution de l'esclavage, nous ait donné notre approbation, et nous invitons nos sénateurs et représentans au Congrès à le maintenir.

Sur motion, ces résolutions sont référées au Comité des Relations Fédérales.

SOURDS-MUETS.

Mr Munday présente les résolutions suivantes qui sont lues et adoptées:

Attendu qu'en vertu de divers actes du Congrès, les institutions pour les sourds-muets des Etats de la Nouvelle Angleterre et du Kentucky, ont reçu comme dotations une grande étendue de terres publiques, à l'effet d'instruire les infortunés de cette classe, et

Attendu que le gouvernement a toujours accordé des terres publiques aux institutions créées pour l'éducation publique, et que les malheureux aveugles et les sourds-muets d'une majorité des Etats n'ont jamais participé aux avantages provenant de ces donations; et,

Attendu que l'Etat de la Louisiane, en vertu d'un acte approuvé le 18 mars 1852, a autorisé, sous certaines conditions raisonnables, l'admission dans son institution des sourds-muets et des aveugles venant des Etats voisins, ce qui rend cette institution intéressante pour toute la portion sud-ouest de l'Union—portion qui, par sa position géographique, ne peut jouir des avantages qui resultent des donations faites jusqu'à présent en faveur des sourds-muets; et,

Attendu que le Congrès fait des donations successives de ces terres pour divers objets à l'exclusion de ces infortunés muets et aveugles qui, si nous attendons encore, ne pourront jamais peut-être jouir des bienfaits du gouvernement, qui sont distribués si largement pour l'éducation de ceux qui jouissent de toutes leurs facultés;

Attendu qu'une institution pour les sourds-muets et les aveugles dans cet Etat coûte nécessairement plus que dans les autres Etats du Nord et de l'Est:

En conséquence, il est résolu par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane, réunis en Assemblée Générale; Que nos Sénateurs et Représentans au Congrès sont invités à faire tous leurs efforts pour faire passer un acte pour accorder à l'Etat de la Louisiane quatre townships de terre pour l'éducation des sourds-muets, et trois townships pour l'éducation des aveugles.

Résolu, Que la Louisiane ne demandant rien pour les malheureux qui se trouvent dans ses limites, qu'elle ne soit prête à accorder aux autres, invite ses Sénateurs et Représentans au Congrès à soutenir toutes les propositions justes et équitables qui seront faites pour des donations semblables en faveur des autres Etats pour un but si louable.

Mr King, au nom du comité des améliorations à l'intérieur, présente les rapports suivans:

A l'Hon. W W Farmer, Président du Sénat.

Le Comité des Améliorations à l'Intérieur, des Terres Marécageuses et des Levées, auquel avait été renvoyé le bill intitulé

Acte pour amender et décréter de nouveau l'acte intitulé acte pour améliorer et drainer les terres marécageuses et submergées de l'Etat de la Louisiane, &c, approuvé le 30 avril 1853, allouant la somme de trois cent mille piastres à l'effet de mettre à exécution les dispositions de cet acte;

A l'honneur de rapporter ce qui suit:

Le Comité adopte les amendemens suivans:

A la dix-septième ligne de la treizième section, d'insérer le mot "à" immédiatement après le mot "accepter"; et à la 19me ligne de la même section, d'effacer les mots "plus grand", et d'insérer les mots "plus haut"; et d'effacer après le mot "Commissaire", tout le reste de la section, à d'effacer tout ce qui suit le mot "fonds".

Le comité rapporte de plus que ses membres sont divisés dans leurs opinions sur les mérites du bill.

Signé, W. W KING, *Président.*

A l'Hon. W W Farmer, *Président du Sénat.*

Le Comité Spécial composé de Sénateurs de la Nouvelle-Orléans, rapporte unanimement contre le bill intitulé:

Acte pour amender l'acte pour consolider la ville de la Nouvelle-Orléans, et pour pourvoir au gouvernement et à l'administration de ses affaires, approuvé le 23 février 1852.

Signé, W. W. KING, *Président.*

Mr Munday, au nom du comité réuni des Institutions Charitables et Publiques, soumet le rapport suivant:

RAPPORT

Du Comité des deux Chambres sur les Institutions Charitables et Publiques.

Le Comité des deux Chambres sur les Institutions Charitables et publiques, après avoir mis tout le zèle possible dans l'accomplissement des devoirs qui lui étaient imposés, vous présente maintenant son rapport.

La terrible épidémie qui a régné l'année dernière, a beaucoup contribué à augmenter les charges de plusieurs des institutions charitables subventionnées par l'Etat; on ne saurait trop louer ces institutions pour les efforts extraordinaires qu'elles ont faits pour secourir les malheureux. Leurs portes étaient ouvertes pour tous. Etat répandu leurs dons charitables non seulement sur les malheureux qui étaient atteints de la fièvre

mais aussi elles ont adopté les infortunés enfants de ceux qui y ont succombé ; sentiment qui, Dieu merci, est inhérent à notre population ; et la Législature manquerait à un devoir sacré si elle ne le partageait pas. Aussi, convaincus que nous sommes des bons sentiments de la Législature envers ces institutions, nous lui recommandons d'accorder des subventions spéciales à quelques unes de celles que nous avons visitées. Et si votre Comité n'avait pas connaissance de la situation embarrassante du Trésor de l'Etat, il réclamerait en faveur de quelques unes de ces institutions des subventions beaucoup plus fortes que celles qu'il recommande de leur accorder aujourd'hui, connaissant leurs besoins et sachant combien elles le méritent.

La première de ces institutions que nous avons visitée, est l'Asile des Orphelins dans le 4me district de la Nouvelle-Orléans. Il s'y trouve maintenant cent dix-huit orphelins âgés de trois à treize ans. Elle est administrée par un Bureau de Directeurs, un Surintendant et une femme de charge ; les deux derniers s'occupent non seulement de l'administration générale de l'institution, mais aussi d'instruire les élèves. Le digne Président de la direction, Lucius C. Duncan, a fourni au comité un aperçu de la situation financière de l'institution, qui fait voir qu'elle a reçu en tout $13,739 97, laquelle somme, moins $4,025 97, a été dépensée. Le revenu fixe provenant de loyers, s'élevait l'année dernière à $1,348 32. Les enfants paraissent jouir d'une bonne santé. Douze de ces enfants ont été mis en apprentissage l'année dernière. La nourriture est abondante et saine ; mais nous avons suggéré aux Directeurs de faire des réparations pour améliorer l'édifice. Le dortoir est trop exposé au froid durant l'hiver.

La seconde que nous avons visitée, est l'Asile des Orphelines rue du Camp, sous la surveillance de Sœur Régis et de sept autres sœurs de la même religion. Cette institution fait la gloire de la religion chrétienne. Ces anges terrestres qui veillent constamment et silencieusement au bien-être moral et physique de ces malheureux petits orphelins, font plus que tous ces zélateurs dérégiés qui croient mieux servir Dieu en propageant les préjugés de leur secte, oubliant qu'ils sont que la charité émane du cœur, et qu'elle n'existe que dans les actions, et non en paroles.

Cette institution (l'Asile des Orphelines de la Nouvelle-Orléans) a admis depuis le mois de juin, cent vingt-huit orphelines, la plupart de l'âge le plus tendre. Le nombre total admis jusqu'aujourd'hui est de trois cent soixante. Nous ne pouvons que répéter ce que les comités des Législatures précédentes ont rapporté, que cet établissement ne pourrait être mieux administré en tout et partout. Cet asile n'a pas de subvention fixe, il dépend entièrement des allocations annuelles de la Législature et des legs et donations particulières. Cependant le bien qu'il fait ne saurait être calculé. On construit dans ce moment un édifice qui fera partie de l'asile et où les filles qui auront l'âge convenable pourront apprendre un état qui les mettra à même de gagner leur vie.

Nous avons visité ensuite l'Asile des Orphelines de Poydras, situé rue Julie, à la Nouvelle-Orléans. Cette institution a été libéralement dotée par Mr Julien Poydras. Elle est administrée par une Société de Bienfaisance des Dames de la Nouvelle-Orléans. Le nombre des orphelines qui y sont maintenant est de cent vingt-quatre. Le comité, pas plus que ceux qui ont été nommés précédemment, n'a pu obtenir un état de la situation financière de cette institution ; et il recommande à la Législature de n'accorder à l'avenir aucune allocation en faveur de ces institutions qui ne fourniront pas un état de leurs affaires financières.

Nous avons visité l'Asile des Orphelins de Ste-Marie, situé dans le 3me district de la ville de la Nouvelle-Orléans. Cet asile est sous le contrôle d'un Bureau de Directeurs, et est administré par six personnes d'une société religieuse, connue sous le nom de "Frères Chrétiens", qui se sont dévoués à l'éducation de la jeunesse ; et aussi par quelques dames religieuses qui surveillent les affaires domestiques.

Le nombre des enfants qui se trouvent dans cet asile est de 226, âgés de quatre mois à quatorze ans, parmi lesquels 62 ont été admis cette année. Quelques uns apprennent un état dans l'asile. On y construit maintenant une aile où ces enfants apprendront divers métiers. Votre comité approuve en entier l'administration de cet institution.

Votre comité a visité l'Asile des Orphelins, situé dans le 4me district de la Nouvelle Orléans. Cette institution a été créée sous les auspices de quelques dames charitables de la Nouvelle-Orléans, pour les enfants que l'épidémie de l'année dernière a rendus orphelins —Mme. Ross en est la Présidente. Le nombre d'enfants des deux sexes qui s'y trouvent, est de 67 ; leur âge varie. Tous ceux qui ont atteint l'âge convenable vont aux écoles publiques. On ne saurait trop louer celles qui ont établi cette institution, qui, selon nous, mérite d'être subventionnée par l'Etat.

Le comité a visité l'Asile Ste. Anne, pour les veuves et les orphelins dans l'indigence. Il recommande de lui allouer la même somme qui lui a été allouée l'année dernière.

Il a visité aussi l'Institution pour les Orphelins de Couleur Libres, située dans le 3me district de la Nouvelle Orléans. Votre comité ayant examiné avec soin cet établissement et la manière dont il est conduit, recommande de lui allouer la même somme que l'année dernière.

Votre comité recommande aussi de renouveler la donation faite par l'Etat, l'année dernière, en faveur de l'Association Charitable des Pompiers de la Nouvelle-Orléans, et aussi de renouveler celle faite l'année dernière en faveur de l'Asile des Veuves dans l'Indigence (les Dames de la Providence). Cette Institution qui est établie sous de pareils auspices, mérite sous tous les rapports, sa part dans les bienfaits de l'Etat envers les institutions charitables.

Votre comité a visité l'Hôpital de Charité de la Nouvelle Orléans. L'Etat est représenté dans cette institution. Les affaires de l'institution sont sous la direction et le contrôle de Sœur Régina, une des Sœurs de Charité. La situation financière de l'institution a déjà été soumise à la Législature. On sait généralement que pour ce qui concerne les médecins et les chirurgiens de l'établissement, les soins qu'on y donne aux malades, la propreté qui y règne, l'arrangement général et l'économie de l'intérieur de l'institution, elle n'est surpassée par aucune autre institution de cette nature, dans ce pays et peut-être même dans tout autre pays. La taxe imposée sur les émigrants étrangers, en vertu de la loi passée par la dernière Législature, en faveur de l'institution, et ce qu'elle reçoit d'autres sources, suffisent presque à ses dépenses courantes de l'année ; mais l'édifice principal, en grande partie, est tellement délabré, que si on ne le répare pas de suite, la vie de ceux qui s'y trouvent sera en danger, et les réparations qu'il

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faudra y faire plus tard coûteront une somme énorme. En conséquence, le comité recommande d'allouer une somme de $20,000 à l'hôpital pour y faire les travaux nécessaires, et une autre somme de $15,000 pour ses autres dépenses.

Quelques membres du comité ont visité l'Asile et l'Hôpital de St. Vincent, à Donaldsonville; leur rapport sur cette institution est des plus favorables. L'hôpital est pour les malades indigens, et l'asile pour élever et instruire les orphelins; les deux sont sous la surveillance de la Sœur Marie Austin et de sept autres dames de charité, et sont sous le contrôle d'une Direction. Le comité recommande de faire une allocation de $1,000 en faveur de l'hôpital et une autre de $1,000 en faveur de l'asile.

Conformément aux instructions données au comité, il a visité l'Asile des Aliénés, à Jackson—le réceptacle de la classe la plus affligée de la création, car qu'est-ce que l'homme sans raison?—il n'a pas même l'instinct de la brute. Cette institution est immédiatement sous le contrôle de l'Etat, et son existence dépend entièrement de l'Etat, qui pourvoit noblement à tous ses besoins. Le bon état des édifices, la propreté des malheureux qui s'y trouvent, et toute l'économie et l'administration de l'institution, font voir que la direction a bien dépensé les fonds placés à sa disposition, ainsi qu'on peut le voir dans son rapport pour l'année, déjà présenté à la Législature. Il est absolument nécessaire de construire une autre aile, et pour que cela soit fait, et pour subvenir aux dépenses inévitables de l'année courante, votre comité recommande d'allouer une somme de vingt mille piastres pour le premier objet, et celle de $15,000 pour le dernier. Votre comité croit devoir ajouter ici que le nombre de malades qui se trouvent maintenant dans l'institution est de 133.

Votre comité a visité l'Asile pour les Sourds-Muets, situé dans ce voisinage. Cette institution est encore une de celles qui n'existent que par les bienfaits de l'Etat, ce qui fait voir combien il veille avec sollicitude au bien-être de ses enfants les plus affligés. Le rapport des Directeurs de cette institution a déjà été présenté à la Législature, est garant de l'exactitude de son contenu. Les élèves des deux sexes maintenant dans cette institution, sont au nombre de 22. Les progrès de ces enfans dans les classes élémentaires pour la langue anglaise, sont des plus satisfaisans et font la louange du principal de l'institution, Mr Brown.

On construit dans ce moment un édifice plus convenable pour cette institution; cet édifice une fois achevé, permettra à l'institution de recevoir les aveugles. Le coût sera de $25,000. Le comité recommande d'allouer cette somme, plus $6,000 pour les dépenses courantes de l'année.

Enfin, votre comité a visité l'Asile de Bâton-Rouge. Bien qu'il n'y ait que 24 pensionnaires, l'édifice n'est pas encore assez vaste pour qu'elles s'y trouvent commodément. Les dames charitables qui en ont la direction, demandent une somme de $3,000, qui doit servir non seulement à payer les premières dépenses, mais leur permettre d'agrandir l'édifice de manière à le rendre plus convenable.

Votre comité, après avoir donné brièvement un aperçu de la condition des diverses institutions qu'il a cru de son devoir de visiter, termine ici son rapport en vous soumettant la résolution suivante:

Résolu que le Comité de Finance soit requis d'insérer dans la liste des allocations générales pour cette année, les suivantes:

A l'Asile des Orphelins, 4me district, Nouvelle Orléans	$ 3,000
Asile des Orphelines, Sœur Régis	6,000
Asile des Orphelines de Poydras	1,000
Asile des Orphelins Catholiques de Ste-Marie	6,000
Asile Ste. Anne pour les Veuves et Enfants indigens	2,000
Institution pour les Orphelins Indigens de Couleur Libres	2,000
Veuves Indigentes (les Dames de la Providence)	2,000
Asile des Orphelins	2,000
Hôpital de Charité	15,000
" "	20,000
Asile des Aliénés à Jackson	35,000
Asile des Sourds Muets	33,900
Asile, Est Bâton-Rouge	3,000

Le tout vous est respectueusement soumis.

Signé, G. W. MUNDAY, Rapporteur du Sénat.

Signé, D. CORCORAN, Rapporteur de la Chambre.

MESSAGE DU GOUVERNEUR.

Mr Hatch, secrétaire intime du Gouverneur, informe le Sénat que Son Excellence a signé et approuvé les bills suivants:

Acte pour venir au secours de J. J. Odom.

Acte pour venir au secours de H A Drew.

Acte pour venir au secours de Asa Emerson, collecteur des taxes de la paroisse de Wms.

Acte pour autoriser Robert Hure, de la paroisse des Rapides, à adopter l'orphelin nommé James Roach.

Acte relatif au bon No. 128 de l'Etat de la Louisiane, en faveur de la Compagnie du Chemin de Fer de la Nouvelle-Orléans et de Nashville.

MESSAGE DE LA CHAMBRE.

Le messager spécial de la Chambre informe le Sénat que la Chambre a donné son concours aux bills suivants:

Acte pour autoriser les gardiens du port de la Nouvelle-Orléans à employer des députés et des commis.

Résolutions ordonnant l'Ingénieur de l'Etat de se rendre à la Rivière Rouge, à l'effet d'enlever les obstructions qui y sont.

Acte pour incorporer l'Association Bienfaisante des Dames Catholiques Romaines de Bâton-Rouge.

Acte pour pourvoir au paiement du salaire du Rapporteur des Decisions de la Cour Suprême pour une partie de l'année 1852.

Acte pour émanciper le mineur John Pichet, de la paroisse de Bossier.

Acte pour autoriser la nomination de Chas M. Sheppers, tuteur de ses frères et sœur mineurs

Acte pour autoriser la veuve Mélisse Castanos à adopter Agathe Graw et Esperanza Graw.

Resolution pour autoriser l'achat de l'Histoire Politique des Etats-Unis, par Bernard Marguy.

Acte pour venir au secours de M Kohler.

Acte pour régler les sessions de la Cour de 1ere Di-trict Judiciaire.

Résolution pour autoriser l'Auditeur des Comptes Publics à donner quittance à A C Beckner shérif de la paroisse de Washington, pour l'année 1841.

Acte pour venir au secours de Benjamin Bond, de la paroisse de Ste. Marie.

Acte pour amender la 3me section de l'acte No. 59, intitulé acte supplémentaire à un acte intitulé acte pour incorporer la ville de Minden.

Et avec amendement aux bills suivants:

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Acte pour venir au secours de Fergus Fuselier.

Acte pour affranchir l'esclave Isaac Levy, appartenant à la succession de John Stagg, de la paroisse de Lafayette.

Par le même message, la Chambre demande l'adhésion duiSénat aux bills et aux resolutions suivants de la Chambre :

Acte pour régler l'affranchissement des esclaves dans l'Etat.

Acte pour établir un système d'échange mutuel des Juges pour juger les affaires récusées.

Acte pour venir au secours de B. Marigny.

Acte pour autoriser les compagnies des chemins de fer à hypothéquer leurs chemins.

Acte pour pourvoir à la construction d'un chemin de fer de la Nouvelle-Orléans à Bâton-Rouge.

Résolution pour étendre la ferme du Pénitentiaire jusqu'en mai 1852.

Résolution pour imposer certains devoirs aux institutions et aux associations charitables.

MESSAGE A LA CHAMBRE.

Le messager spécial du Sénat va demander le concours de la Chambre aux bills suivants:

Acte pour pourvoir à la souscription au fonds capital du Grand Chemin de Fer de la Nouvelle-Orléans, de Jackson et du Nord, par la Nouvelle-Orléans.

Acte pour pourvoir à la souscription au fonds capital du Grand Chemin de Fer de la Nouvelle-Orléans, des Opélousas et de l'Ouest, par la Nlle.-Orléans.

Acte pour exempter les commis, les ouvriers et les journaliers de la branche de l'Hôtel de la Monnaie de la Nouvelle Orléans, du service de Juri dans les Cours de District de la Nouvelle-Orléans.

Acte pour changer le nom d'Alfred Wharton Clifton en celui d'Alfred Clifton Wharton.

Acte relatif aux procédures sur jugements rendus par les Juges de Paix dans la paroisse d'Orléans.

Acte pour autoriser Louis Auguste Léopold Bernard, à faire certaines dispositions de ses propriétés.

Acte pour autoriser le Juri de Police de la paroisse de la Pointe Coupée, à émettre des bons d'une somme suffisante pour faire face aux dépenses de la paroisse.

Acte pour pourvoir à la révision des lois de l'Etat d'un intérêt général.

Acte pour faire une allocation à l'effet de rembourser au Bibliothécaire, des sommes dépensées par lui.

Acte pour autoriser les Gardiens du Port de la Nouvelle-Orléans à employer des députés et des commis.

Sur motion de Mr Moore, le Sénat prend en considération les amendements de la Chambre au bill en faveur de Fergus Fuselier; lesquels amendements sont lus, le Sénat y donne son adhésion, et, sur motion, le messager spécial en informe la Chambre.

Mr. Hébert, au nom du Comité d'Enrôlement, rapporte comme dûment enrôlés, le bill et la résolution du Sénat

Acte pour autoriser Judith Toutant, épouse d'Alexandre LeGendre, à vendre certains esclaves.

Résolution pour mettre à exécution la section 32 d'un acte intitulé : acte pour établir un système général de banques libres dans l'Etat de la Louisiane.

Et il rapporte aussi comme dûment enrôlés, les bills suivants de la Chambre.

Acte pour amender l'acte intitulé : acte pour accorder à Louis Ambroise Aucoin, le privilège de tenir un ferri à travers la coupe du bayou Bœuf, et pour d'autres objets, approuvé le 16 mars 1848.

Acte pour incorporer le Collége de la Nouvelle-Orléans.

Acte pour émanciper George H. Ward.

Le messager spécial du Sénat est chargé d'aller soumettre au concours de la Chambre, les bills suivants:

Acte pour pourvoir au jugement des procès dans lesquels les juges des Cours de District, pardevant lesquels lesdits procès sont pendants ou peuvent être institués, peuvent se récuser, (la paroisse d'Orléans exceptée.)

Et que le Sénat a donné son adhésion à l'amendement de la Chambre aux bills suivants :

Acte pour venir au secours de Fergus Fuselier.

Et avec amendement au bill intitulé :

Acte pour améliorer la navigation du bayou Lafourche.

Et que le Président pro. tem. du Sénat a signé les bills enrôlés de la Chambre.

Acte pour émanciper Robert H. Ward.

Acte pour incorporer le Collége de la Nouvelle-Orléans.

Acte pour amender l'acte intitulé : acte pour amender l'acte intitulé : acte pour accorder à Louis Ambroise Aucoin, le privilége de tenir un ferri à travers la coupe du bayou Bœuf, et pour d'autres objets, approuvé le 16 mars 1848.

Le messager spécial de la Chambre soumet à la signature de l'Orateur, les bills et la résolution suivants du Senat :

Acte pour autoriser Judith Toutant, épouse d'Alexandre LeGendre, à vendre certains esclaves.

Résolution pour mettre à exécution, la 32me section d'un acte intitulé : acte pour établir un système général de banques libres dans l'Etat de la Louisiane.

Acte pour autoriser les gardiens du port de la Nouvelle-Orléans, à employer des députés et des commis.

LUNDI, 13 Mars 1854.

SEANCE DU SOIR.

SALAIRE DES RECORDERS A LA NOUVELLE ORLEANS.

On prend en considération le bill pour augmenter le salaire des Recorders de la Nouvelle-Orléans.

Mr. McMurdo,

La délégation de la ville a rapporté contre ce bill parce que l'acte de consolidation donne au Conseil, le droit de fixer le salaire de leurs officiers, sous la seule condition que ces salaires n'excéderont pas $3000 Il vaut beaucoup mieux, par conséquent, pour eux, de s'adresser aux Conseils. Si ceux ci pensent que les Recorders doivent recevoir davantage, ils le donneront. Ce serait une mesure pour ainsi dire tyrannique, que d'intervenir dans une affaire de cette nature. Je fais la motion de déposer le bill sur le bureau.

Mr. Lacey,

Si ce bill avait pris sa source dans le Sénat et était combattu par la délégation de la ville toute entière composée de membres qui sont censés connaître les faits et les désirs de leurs constituants, je me joindrais à eux, sans hesitation, à l'opposition qu'ils font à ce bill ou plutôt j'hésiterai à le soutenir; mais il vient de la Chambre et je dois présumer dès lors, qu'il a été soumis là, à l'examen et à l'approbation de la délégation de la ville. Cette circonstance me fait considerer la mesure sous un aspect différent. Je ne vois pas comment cette mesure peut être considérée comme locale. La

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question est celle ci : Forcerons nous ces officiers à se contenter de $1500 comme compensation des devoirs pénibles qu'ils ont à remplir ? Les partisans du bill sont prêts à compromettre à $2000

Mr McCay,

Les Recorders sont en relations avec les Aldermen, et ceux ci sont au courant de la nature de leurs devoirs et de la valeur de leurs services. C'est à eux par conséquent, que la question doit être laissée, et l'argument qui consiste à dire que ce bill doit être adopté par nous, parce qu'il a été adopté par la Chambre, est sans poids pour moi. Lorsque ce bill est venu devant le Sénat, il a été référé à la délégation de la ville, sous l'impression qu'elle était mieux instruite du sujet. Le Comité a rapporté défavorablement, le Sénat doit adopter leur conclusion.

Mr Lacoste,

Il est inutile d'élire des sénateurs s'ils sont obligés d'approuver des rapports. Je ne le fais jamais lorsque je ne les considère pas comme corrects.

Mr. Trudeau,

Comment le sénateur considérerait-il la Législature entreprenant de régler le salaire d'officiers employés par le Juri de Police de la paroisse.

Mr. Rivers,

Je renouvelle la motion de déposer le bill sur le bure

Le bill est déposé sur le bureau.

VENTE DU COLLEGE FRANKLIN.

Le bill pour la vente du College Franklin, est pris en considération.

Mr. Martel,

Ce bill ne sera pas adopté sans m'avoir au moins pour adversaire. Il est préparé au profit de certains spéculateurs. Ce sont les seules personnes qui désirent la vente du Collége et je peux clairement le démontrer. Ce Collége qu'on essaye maintenant de détruire et d'enlever à la juridiction de son créateur, a été fondé en 1831—$5000 furent a louées pour l'acquisition de matériaux. En 1832, $1500 furent allouées encore pour les constructions, et en 1835, autres $1500; et enfin, en 1838, autres $25.000 furent accordées. A cette époque, les constructions se poursuivaient. En 1842, autre appropriation encore de $10,000 se montant ensemble à $75,000 pour bâtisses. D'après l'acte d'incorporation, soixante-et-dix et quelques directeurs furent choisis dans toutes les parties de l'Etat, et cependant l'institution n'a jamais été mise complètement en opération. En 1847, lors de l'établissement du système des écoles libres, une taxe fut imposée dans la paroisse de St. Landry, taxe qui a été prélevée par les mêmes personnes qui viennent ici pour obtenir que ce collége soit enlevé à la juridiction des écoles libres J'étais alors membre du Comité des Ecoles, et je donnai notice que je présenterais une résolution pour employer les bâtisses à l'usage d'un collége libre Cette annonce excita de grandes alarmes parmi les adversaires de l'éducation publique. Ils désiraient voir vendre les constructions dans un but de speculation, et c'est aujourd'hui leur objet. Mais si on les vend aujourd'hui, elles ne rapporteront pas au-delà de $5000 Quand le railroad sera complété, les constructions et le sol vaudront un demi million. Ce Collége est situé sur la limite de la corporation des Opélousas, où les propriétés auront une grande valeur et presque sur la ligne du railroad. On n'a jamais entretenu le public de cette question avant qu'on ait proposé d'adopter l'édifice à l'usage d'un collége libre. Je m'oppose à ce bill par la simple raison, que ceux qui veulent le faire vendre aujourd'ui, sont précisément les mêmes hommes qui ont manœuvré pour l'empêcher d'entrer en operation Ceux qui ont à répondre du succès de l'entreprise, veulent en tirer parti aujourd'hui et le faire tourner à leur profit. Je m'oppose et je continuerai à m'opposer à ce bill. Il limite à $60,000. le prix minimum de la vente. Qu'est-ce que $60,000? Qu'est cette somme en comparaison de celles qui ont été prodiguées pour cet établissement par l'Etat? La construction de l'édifice a duré depuis 1831 jusqu'en 1846, et $70 000 ont été dépensées. Quand le moment est venu de le couvertir en collége, ces hommes, les ennemis de l'éducation, veulent le faire vendre sur le champ au prix d'un immense sacrifice, et ces hommes ont eu à toute époque, les moyens d'élever leurs enfants, viennent aujourd'hui demander la vente de ce collége ; c'est outrageux ! Aujourd'hui surtout, qu'un railroad sera construit, sera probablement en opération dans deux ans, et ajoutera immensément à la valeur de la propriété.

La compagnie n'espère rien moins qu'obtenir ces constructions pour un dépôt ? Personne autre ne peut l'acheter, les vendre est littéralement couper le col à l'éducation. La propriété appartient au système des écoles publiques, qui a ce titre, un droit acquis. L'éducation de la jeunesse de mon district dépend en grande partie de cet établissement. Il est à désirer qu'on en fasse un collége comme on l'avait projeté, ou qu'au moins on conserve cette propriété jusqu'à l'époque où elle vaudra un million de piastres qu'on pourra appliquer à des objets d'éducation Aujourd'hui, ou la vendra et elle ne rapportera presque rien. Dans deux ans, elle vaudra un demi million de piastres Aucun motif personnel ne me dirige dans mes opinions, mais je respecte la cause de l'éducation, et veux la défendre contre ses ennemis Je n'ai point de mauvais vouloir pour mes adversaires, mais j'ai autant de foi dans le système d'education publique que dans le suffrage universel. Si on s'empare de cette propriété on ruine notre système d'éducation. Cette propriété était destinée à profiter à 14 paroisses, et je demande en grâce qu'on hésite, avant de la sacrifier au profit d'intérêts privés. Les personnes qui veulent l'acquérir si la vente a lieu aujourd'hui. Quelle concurrence peut se présenter! Il n'y aura pas d'autre acheteur que la Compagnie de Railroad? Je suis en faveur des railroads; mais ne suis pas d'avis de sacrifier notre système d'éducation à aucune de ces entreprises. L'institution est là depuis 1832 ; elle peut, je crois, y rester deux ou trois ans de plus, ou au moins jusqu'à ce qu'on puisse réaliser un prix qui approche de sa valeur.

Mr. Dupré,

Je reprendrai le sénateur quand il dit que c'est une école publique. Je ne pense pas qu'il en soit ainsi.

Mr. Martel,

En 1846, la Législature a établi le système des écoles publiques. En 1849, j'ai été élu directeur des écoles de ma paroisse Une taxe établie au profit de l'éducation a été contestée par ces mêmes sénateurs. Ils ont poussé la vigueur et l'énergie de leur opposition au point de porter la discussion devant les tribunaux et même à la Cour Suprême.

Mr. Ryan,

L'établissement a-t-il servi de collége pendant ces deux dernières années?

Mr. Martel,

Il n'a jamais été complété pour cet objet. Depuis deux ans, c'est une école.

Mr Ryan,

Mon désir n'est pas d'intervenir dans des questions locales, mais j'ai entendu le sénateur exprimer des sentiments que les faits ne semblent pas justifier. Il me dit que ce bill était présenté dans

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le but de sacrifier la propriété, et de bénéficier a des personnes intéressées dans le railroad. Je crois que cette opinion du sénateur est erronnée. J'ai moi-même, en 1852, rapporté un bill pour la vente de cette propriété, parce qu'elle tombait en ruine, et non pour les motifs que le sénateur suppose. On a pensé qu'il serait convenable de la vendre et d'en verser le produit au trésor. A cette époque, il n'y avait pas encore d'apparence de railroad aux Opélousas. Par conséquent, quels que puissent être les mérites du bill, les motifs imaginés par le sénateur ne sont pas corrects. Le bill a été proposé sous la ferme conviction que la vente de la propriété était avantageuse à l'Etat. Il n'y avait pas alors d'apparence d'un rail-road aux Opélousas, et par conséquent, toute l'accusation du sénateur est imaginaire. L'objet n'a point été de donner de l'argent ou d'autres avantages à des spéculateurs sur des railroads ou sur aucun autre objet. On a essayé d'élever là un Collège et on a échoué. Cette opération a fait perdre beaucoup d'argent à l'Etat, et la meilleure chose à faire est de vendre la propriété. Je serais le dernier à porter préjudice à l'éducation. C'est ce qui soutient le caractère de la République et donne de la dignité a ses citoyens. Mais quand j'entends un sénateur qui ne connait rien a l'histoire de ce bill, accuser ses partisans de motifs blamables, je ne puis rester à ma place et l'écouter en silence. Les représentants de la paroisse à laquelle appartient le sénateur ont toujours soutenu la proposition. La bâtisse se détériore rapidement, et bientôt ne sera plus bonne à rien. Il n'y aura bientôt plus une brique sur l'autre. Le sénateur dit que cette propriété appartient au système des ecoles et qu'une école y est tenue. Il semble confondre le système des écoles avec les maisons d'écoles. La bâtisse va bientôt tomber en ruines. Les matériaux de l'édifice ne sont pas de durée. Ils ne ressemblent pas aux roc qui durent autant que le monde. Ce n'est pas le granit du Nord, durant autant que les montagnes d'où il est extrait. Ces materiaux sont périssables. Quand une bâtisse de ce genre n'est point habitée elle devient le séjour des vautours et des chauve-souris. Je me suis laissé dire que ces constructions ont servi d'écuries. Si dans un an ou peut les vendre un demi million, elles doivent certainement rapporter plus de $6,000 aujourd'hui. Je pense que si elles peuvent rapporter une pareille somme dans un temps aussi court, le public ne laissera pas échapper l'occasion. Je repète, que le sénateur est dans l'erreur quant aux motifs par lui assignés aux partisans de la mesure. Le Comité Judiciaire de la Chambre l'a approuvé avant l'adoption du bill du railroad. La majorité du Sénat ne fera rien, j'en suis sûr, qui soit indigne de ce corps. Je suis certain qu'aucun sénateur ne se laisse guider autrement que par des motifs honorables, et qu'il n'en est point qui n'apprécie ses devoirs autrement qu'au point de vue de la justice et de la droiture.

Je suis certain, par conséquent, que des appels tels que ceux faits par le sénateur ne seront pas écoutés. On peut les adresser pour des questions purement politiques, mais quand nous agissons uniquement comme un sénateur, nous devons nous élever au-dessus d'eux.

Mr. Wickliffe,

Cet établissement coûte $100,000 à l'Etat; il serait absurde de le sacrifier aujourd'hui pour $6,000. Si le rail road est construit, il augmentera la valeur la propriété, alors on pourra l'offrir sur le marché et le vendre. Je demande que les prix minimum soit fixé à $60,000.

Mr. Moore,

Le sénateur de St. Landry, Mr. Martel, a eu raison de dire que le Collége de Franklin date de 1832, et qu'on y tient une école, mais il a négligé, d'ajouter que cette école est une école privée. On m'a dit qu'on s'en sert comme école de grammaire. La vente de cette propriété ne portera aucun tort à la cause de l'éducation. Il lui profitera au contraire, car le prix qu'elle rapportera doit aller au fonds des écoles. L'édifice est construit en effet de matériaux périssables et tombera bientôt en poussière. Je suis fâché que cette vente contrarie les projets du sénateur de faire donner cet édifice à sa paroisse pour en faire une école centrale. La valeur doit en être versée au trésor au profit de l'éducation dans l'Etat. C'est un rêve de croire que cela vaudra jamais $55,000, ou même $60,000. La terre a été donnée à l'Etat sans condition, que des bâtisses y seraient élevées. Je n'en donnerais pas $20,000 avec l'idée de la vendre au railroad. Je lui donne le prix d'un lot de terre destiné à un dépôt et qui vaut plus que cette propriété. Les motifs du sénateur sont louables. Il désire l'édifice pour une école centrale ; mais ce n'est pas là l'objet auquel il doit être employé. La valeur placée dans le trésor public sera bien plus profitable a l'éducation publique.

Mr. Martel,

Un mot ou deux de reponse au sénateur des Rapides, (Mr Ryan) seront à leur place. Le sénateur croit savoir que certains faits sont la vérité. Je suis sûr que ce que j'ai dit est l'état des faits existants. Je dis au Sénat que nous aurions une ecole tenue dans cet édifice, et que soixante-quinze écoliers la frequenteraient. Je sais ce que je dis. Le tiers de la terre est dans les limites de la corporation des Opélousas, et le railroad le traverse, elle vaut autant aujourd'hui que lorsque l'édifice a été élevé ; et cependant à cette époque la main-d'œuvre était bon marché, et elle est chère aujourd'hui.

Mr. Ryan,

Le sénateur prête-t-il dire qu'il existe là un collége aujourd'hui.

Mr. Martel,

Je dis qu'il s'y tient une école qui remplit les conditions de la loi, bien qu'elle ne soit pas sous le contrôle immediat de l'Etat. C'est une bonne et florissante école qui contient soixante-quinze élèves. La bâtisse est aussi bonne à présent que lorsqu'on l'a élevée. Ne vaut-il pas mieux conserver cette propriété telle qu'elle est que de la sacrifier a un intérêt privé. Ce bill a été proposé par les mêmes personnes qui ont toujours été contraires à l'éducation dans ma paroisse. Elles sont dans l'habitude d'envoyer leurs enfans faire leur éducation au Nord au lieu d'encourager les écoles dans le pays. Je le répète encore, j'ai connaissance de ce que je dis; je crois que ceux qui sont les instigateurs de cette mesure sont précisément les personnes que j'ai vu citer depuis la justice de paix jusqu'a la Cour Suprême, pour les forcer à payer leurs taxes d'écoles. Je leur ai tenu tête autre part, je suis prêt a leur tenir tête ici. Je serais très etonné si le Senat pense qu'un collége créé pour servir a l'éducation, doit être vendu pour aider a des speculations privées. Il vaut $10,000 aujourd'hui, s'il les valait quand il a été construit. Afin de montrer l'accroissement qu'a subie la valeur des propriétés aux Opélousas, il suffit de dire que des lots de terre vendus il y a deux ans pour $15, sont aujourd'hui estimés à $500. Cette propriété divisée en lots en vaudrait aujourd'hui $50,000. Lorsque personne n'en faisait usage, les législatures précédentes l'ont épargné, et aujourd'hui qu'il y a un espoir fondé d'y voir un collége florissant, verrons-nous triompher ces hommes qui

disent que les écoles libres sont un fléau pour la société et qui ont tenu les écoles fermées parce qu'ils ne voulaient pas payer de taxe? Me répondront-ils sur cette question? Je supplie le Sénat de ne pas consentir à la vente de cette propriété, et j'espère qu'on comprendra l'importance de la conserver pour l'objet auquel elle était destiné. Je répète que je ne suis pas animé de motifs personnels—ce n'est pas moi qui ai commencé le combat; il l'a été il y a longtemps. L'école qui s'y trouve a été colloquée dans cette construction parce quon ne pouvait s'en procurer d'autres. Le bill qu'on vous présente peut vous faire penser qu'il s'agit d'un édifice de peu d'importance ; mais c'est là une grave erreur, et si quelques difficultés ne s'étaient point élevées au sujet du surintendant de paroisse, cette école contiendrait maintenant cent cinquante élèves. Les bâtisses sont aujourd'hui en assez bonne condition ; les galeries ont besoin de quelques réparations: mais voilà tout. Comme situation pour un collége, il n'y en a pas de meilleure. On ne peut mettre en question sa salubrité. L'année dernière une épidémie désastreuse ravageait les plus belles portions de l'Etat, et notre village ne présentait pas un seul cas de maladie, il est resté parfaitement sain pendant tout le temps. La présence du railroad en fera la meilleure situation pour un collége dans tout l'Etat, car la route passe précisément entre les deux bâtisses et certainement il ne peut pas passer autre part. Je dis tout cela parce que je ne veux pas fournir à personne l'excuse de dire qu'on a été pris par surprise.

Mr. Wickliffe,

On a dit que la propriété serait probablement employée pour un dépôt du railroad. Je retire mon amendement de $60,000, et j'y substitue $80,000 comme prix minimum.

Mr. McCay,

Je demande la lecture du bill et j'admets que ces détails échappent à ma mémoire.

Le secrétaire donne lecture du bill.

Mr. Ryan,

Je n'avais pas l'intention de présenter aucune remarque à ce sujet, mais comme le sénateur de St. Landry attribue à de vils motifs.....

Mr. Wickliffe,

Suis-je à l'ordre si je propose de déposer le bill sur le bureau? Si le sénateur désire procéder à une explication personnelle, je retirerai ma motion pour un moment.

Mr. Ryan,

Si j'ai la parole je continuerai à m'en servir sur mes propres convictions.

Le Président,

Le sénateur des Rapides n'est pas à l'ordre.

Mr. Kenner,

C'est la même motion que celle que j'ai faite pour le bill du shérif, et cependant la discussion a duré deux jours.

Mr. Ryan,

J'en appellerai de la décision du fauteuil.

Mr. King,

J'appellerai l'attention du Président sur ce fait que lorsque le sénateur d'Ascension, Mr. Kenner, fit une motion pour déposer indéfiniment le bill du shérif sur le bureau, le fauteuil a décidé qu'on pouvait discuter.

Mr. Ryan,

Je désirerais seulement presenter des explications personnelles, et je ne pense pas que rien de ce que je puis dire puisse blesser aucun sénateur, spécialement lorsque je viens en collision avec le sénateur de St. Landry, dont les profondes connaissances et la logique inflexible me terrasseraient en un moment. Je sais certainent le caillou qui doit être mis en pièces par le torrent de son éloquence. Je n'ai jamais pensé non plus pouvoir attirer l'attention du brillant sénateur de Ouest Félicians; mais revenons à la question qui nous occupe—ce collége a été fondé par l'Etat. En 1852, une proposition a été faite de le vendre; il est tenu comme école privée par un homme qui peut le faire parce qu'il n'a pas de loyer à payer. Il y a là une école mais non point telle que la loi la contemplait. Le sénateur dit qu'il a suivi certaines personnes depuis le magistrat jusqu'à la Cour Suprême pour les forcer à payer leurs taxes. Cela importe peu à la question; le seul point à résoudre est celui-ci. Cette institution appartient-elle à l'Etat, et a-t-elle été employée au but proposé? En réalité qu'elle est l'école qui s'y tient? Un individu s'y loge par spéculation et attendu que cela ne lui coûte rien, il y établit une école. Ce n'est pas l'objet pour lequel cette entreprise a été conçue. Si la propriété appartient à l'Etat; si elle n'a pas été appliquée à sa destination ; si elle se détériore et si elle se compose de matériaux périssables, ce qui empêche nécessairement qu'elle soit d'aussi bonne condition que lorsqu'elle a été construite, il faut certainement la vendre. Et cependant le sénateur nous dit qu'elle est aussi bonne que neuve, ce qu'il faut probablement expliquer par la salubrité du climat. Qui a jamais entendu dire qu'ici une construction de cette sorte ait été aussi bonne vingt-cinq ans après la construction que lorsqu'elle a été construite? Comment se fait-il qu'on s'en soit servi comme une écurie? Comment une bâtisse destinée à la réception de la jeunesse peut-elle valoir autant après qu'elle a été abandonnée aux animaux des champs ? après qu'elle a servi de résidence aux vautours et aux chauve-souris? On ne peut l'expliquer qu'en la supposant invulnérable à des attaques de ce genre, tout autant que le village à la maladie. Je connais les motifs des personnes qui ont présenté ce bill, et je sais qu'il a pris naissance à une époque où ces motifs ne pouvaient être incriminés, alors le railroad passait pour un projet chimérique. Aujourd'hui, cependant, je me trouve seul pour venger la réputation, le but et les motifs de ceux qui ont présenté un rapport en faveur du projet. Je voterai pour le bill parce que j'ai originalement présenté un rapport favorable et parce que je le crois utile.

Mr. Dupré,

Je demanderai à mon collègue, qui a refusé le paiement de la taxe?

Mr. Martel,

Je n'attaque ici les motifs d'aucun sénateur. Je ne m'occupe que des personnes qui ont amené ce bill devant le Sénat.

MESSAGE DE LA CHAMBRE.

Le messager spécial de la Chambre amène à la signature du Président, les bills suivants dûment enrôlés.

Acte pour créer la place de Capitaine du Port du quatrième district de la Nouvelle-Orléans.

Acte pour venir au secours de C. J. Mandeville, ex collecteur des taxes d'Etat de la paroisse de Caldwell.

Acte intitulé acte pour autoriser et requérir l'ingénieur de l'Etat, à faire l'examen et le relevé de la rivière Ouachita et de la Petite Rivière.

Acte pour venir au secours des vétérans de 1814 et 1851.

Acte pour abolir les sessions de la Cour des Preuves dans le 15me district judiciaire composé des paroisses de St. Landry et de Calcasieu.

Acte pour autoriser les trésoriers de paroisse à employer le shérif ou l'encanteur pour vendre les sections scies.

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Acte pour augmenter la rétribution des jurés dans la paroisse de Terrebonne.

Acte pour autoriser le Conseil de ville de la Nouvelle-Orléans et le Juri de Police de cette portion de la paroisse d'Orléans, sise sur la rive droite du fleuve, à établir des ferries et à en régler les droits de péage.

Et il informe le Sénat que la Chambre a donné son concours aux bills suivants:

Acte pour venir au secours de John Toy.

Acte pour améliorer la navigation de la rivière Rouge.

Et il demande le concours du Sénat aux bills suivants:

Acte pour pourvoir à l'émancipation des mineurs âgés de plus de dix-huit ans.

Acte pour augmenter les pouvoirs des juris de police de l'Etat, relativement aux chemins, aux ponts et aux ferris.

MARDI, 14 mars 1854.

Quarantaine.

Mr Trudeau demande la prise en considération du bill suivant:

ACTE

Pour établir une quarantaine pour la protection de l'Etat.

Section 1ère. Il est décrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane réunis en assemblée générale, Qu'il sera établi une quarantaine sur le fleuve Mississippi, à un point qui ne sera pas en ligne droite à moins de vingt milles de cette ville; et aussi une autre aux rigolets; que les comités conjointes de santé sont par les présentes autorisés à choisir les lieux convenables pour cette quarantaine, à recevoir la terre nécessaire au nom de l'Etat, et à tirer sur le trésorier de l'Etat pour le montant nécessaire et sur les fonds appropriés par cet acte, pourvu, bien entendu, que le consentement du gouverneur soit donné à la dite vente.

Section 2. Et il est de plus décrété, &c., Qu'il y aura un bureau de santé composé du maire de la ville de la Nouvelle-Orléans, de trois membres de chacun des conseils nommés tous les ans au scrutin par le Conseil Commun des médecins résidents de chaque station de quarantaine et de deux médecins choisis par le Conseil Commun de la Nouvelle-Orléans. Que le gouverneur de l'Etat, en vertu de ses fonctions; sera président du dit bureau, et le maire, vice-président, et qu'en l'absence du gouverneur, le maire agira comme président du dit bureau.

Section 3. Et il est de plus décrété, &c., Que le Bureau de Santé se réunira une fois par mois, du premier novembre au premier juin, et une fois par semaine, du 1er juin au 1er novembre, et aussi souvent qu'il le jugera convenable.

Section 4. Et il est de plus décrété, &c., Que le tiers des membres du dit bureau formera un quorum pourvu toutefois qu'aucun contrat ne puisse être adopté sans le consentement de la majorité du bureau.

Section 5. Et il est de plus décrété, &c., Que les médecins résidants des quarantaines recevront un salaire annuel de $2,500 chacun, seront nommés par le bureau de santé et pourront être destitués pour toute négligence à remplir leur devoir. Ils devront demander $5, à titre de frais du capitaine de tout bâtiment inspecté ou soumis à la quarantaine, faire un rapport hebdomadaire de ces collections et remettre l'argent collecté au trésorier du bureau de santé, et les montants ainsi perçus formeront un fonds à l'usage de la quarantaine. Et il sera du devoir des deux médecins résidants de rester aux lieux de leurs quarantaines respectives, de prendre soin des malades et de remplir les autres devoirs que le bureau de santé pourra exiger d'eux.

Section 6. Et il est de plus décrété, &c., Que le maire de la Nouvelle-Orléans pourra, sur l'avis du Bureau de Santé, lancer la proclamation déclarant lieu infecté tout endroit où on aura lieu de penser qu'il existe une contagion pestilentielle ou une maladie épidémique et de déterminer le nombre de jours de quarantaine auquel on sera soumis. Après qu'une telle proclamation aura été lancée, tout navire arrivant dans le port de la Nouvelle-Orléans ou aux Rigolets, d'un de ces lieux infectés, sera soumis à la quarantaine et sera ensemble avec les officiers, l'équipage, les passagers et le chargement soumis aux réglements adoptés par le Bureau de Santé.

Tout capitaine de bâtiment sujet à la quarantaine ou à la visite arrivant dans le port de la Nouvelle-Orléans ou aux Rigolets qui refusera ou négligera soit

1o. De s'y soumettre et de jeter l'ancre aux lieux assignés pour quarantaines à l'époque de son arrivée.

2o. De soumettre son bâtiment, le chargement et les passagers à l'examen du médecin, et de fournir tous les renseignements nécessaires pour mettre cet officier à même de déterminer à quelle durée de quarantaine ils doivent être soumis.

3e. De rester avec son bâtiment à la quarantaine pendant le temps assigné pour son séjour ou de se soumettre pendant qu'il sera en quarantaine aux ordres et aux reglements—conséquences de cet acte ou adoptés par le Bureau de Santé ou aux ordres donnés pour son batiment, son équipage, son chargement et ses passagers par le médecin résidant, sera coupable du délit et sera puni d'une amende n'excédant pas $2,000 ou d'un emprisonnement n'excédant pas douze mois ou de tous deux à la fois.

Section 7. Et il est de plus décrété, &c., Que toute personne qui violera les dispositions de cet acte en refusant ou négligeant d'obéir ou de satisfaire à tout ordre, prohibition ou réglement adopté par le Bureau de Santé dans l'exercice des pouvoirs qui lui sont conférés par les présentes, sera punie d'amende et d'emprisonnement à la discrétion de la Cour devant laquelle le délinquant sera jugé.

Il sera du devoir de tout capitaine de towboat remorquant un batiment sujet à la quarantaine ou à la visite, d'abandonner le dit bâtiment au lieu de quarantaine et d'informer le capitaine des pénalités qu'il encourrait en ne point se conformer aux dispositions de cet acte.

Section 8. Et il est de plus décrété, &c. Que le Bureau de Santé aura le pouvoir d'employer des médecins additionnels aux quarantaines, d'employer des gardes malades et des aides pour soigner les malades et telles autres personnes qui seraient nécessaires pour mettre à exécution efficacement les réglemens de quarantaine, de fixer leur compensation, de déterminer quels bâtimens seront soumis à la quarantaine et le mode suivant lequel celle-ci sera exécutée; de faire tous les réglemens légaux nécessaires pour rendre un bon système de quarantaine effectif et de faire exécuter ces reglemens au moyen d'amendes qui ne pourront pas dépasser $500. D'établir des règles et des réglemens pour maintenir le bon ordre et la police dans les limites des lieux de quarantaine, d'imposer des peines pour leur violation, de contracter pour les bâtisses nécessaires aux divers lieux de quarantaine. De nommer un secrétaire qui agira comme

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trésorier à des appointemens qui n'excéderont pas $1000 et qui fournira un cautionnement de $10,000. Ce secrétaire devra tenir des minutes des réunions du bureau, et devra prendre soin de toutes les preuves à l'appui des dépenses faites par autorité du bureau. Il devra prescrire aux pilotes relativement aux batimens sujets à la quarantaine, il enlevera ou fera enlever toutes les substances qui seront reconnues nuisibles à la santé de la ville. Les commissaires des rues exécuteront les ordres du dit bureau quand ils ne seront pas en contradiction avec les ordonnances de la ville et les lois de l'Etat. Le Bureau adoptera et fera exécuter les ordonnances sanitaires pour la ville de la Nouvelle-Orléans. Il définira les devoirs des divers officiers nommés d'après cet acte. Il adressera des warrants à tout constable ou officier de police de la dite ville pour appréhender et faire déguerpir toutes personne ou personnes qui ne pourront être obligées à exécuter les réglemens adoptés ou qui les auront violés, et lorsque cela sera nécessaire ils pourront aussi remettre leurs warrants au Shérif de la ville ou de la paroisse où le délinquant pourra se trouver, lesquels warrants seront exécutés par les officiers auxquels ils seront remis et qui auront les mêmes pouvoirs et seront soumis dans leur exécution aux mêmes devoirs que si ces ordres étaient lancés par aucune des Cours de l'Etat.

Section 9. Et il est de plus décrété, etc., Que tout capitaine de bâtiment de mer ou steam-ship violant les dispositions de ce bill ou les règles et réglemens établis ou à établir par le Bureau de Santé, sera considéré coupable du délit et condamné à une amende n'excédant pas $500, et à un emprisonnement n'excédant pas une année.

Section 10. Et il est de plus décrété, &c., Que le Gouverneur et le Trésorier de l'Etat émettront dix bons de $10,000 chacun portant 6 0/0 d'intérêts payables à vingt ans, lesquels bons resteront entre les mains de l'Auditeur des comptes publics pour être remis au tresorier du bureau sur une résolution de ce corps ; pourvu que pas plus d'un bon ne lui soit remis à la fois, et avant que ses comptes pour débours effectués n'aient été examinés et approuvés par l'Auditeur des comptes publics.

Section 11. Et il est de plus décrété, &c,, Que le Bureau de Santé créé par cet acte et ses successeurs sont incorporés avec droit de poursuivre et d'être poursuivis.

Mr Kittridge offre le bill suivant comme un substitut au précédent.

ACTE

Pour pourvoir à la salubrité de l'Etat de la Louisiane.

Section 1ère. Il est decrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane réunis en assemblée générale, Que le Gouverneur de l'Etat, le maire de la ville de la Nouvelle-Orléans et deux médecins de cette ville désignés par le gouverneur de l'Etat composeront et formeront un corps appelé "Le Bureau de Santé de l'Etat de la Louisiane." Le dit bureau et ses successeurs est par les présentes érigés en corps constitué avec droit de poursuivre et d'être poursuivis pour tous les objets prévus par cet acte.

Section 2. Et il est de plus décrété, &c., Que le dit Bureau de Santé est par les présentes autorisé à acquérir et à disposer la coque et les cabines d'un steamboat convenable pour servir d'hôpital qui pourra placé et ancré à un point convenable à la Balize pour la réception de toute personne affectée de la fièvre de navire ou de la petite vérole qui pourra être trouvée à bord de tous bâtimens entrant dans le Mississippi ou qui pourront autrement s'y rencontrer.

Section 3. Et il est de plus décrété, etc., Que le dit Bureau de Santé est par les présentes autorisé à nommer un médecin résidant qu'il pourra destituer, qui recevra un salaire n'excedant pas $2000 par an, et qui résidera constamment dans le dit hôpital dont il prendra soin, et le dit médecin résidant ainsi nommé, aura le pouvoir de nommer deux étudiants en médecine pour l'aider, et un troisième en cas de besoin, à un salaire n'excedant pas $20 par mois, et pourra aussi employer telles gardes malades et à tels salaires que le Bureau de Santé jugera nécessaires et convenables.

Section 4. Et il est de plus décrété, etc., Que le dit Bureau de Santé est par ces présentes autorisé à etablir toutes les règles et tous les réglements qui peuvent être reconnus convenables pour rendre effectifs l'intention et l'objet des dispositions de cet acte, et il sera du devoir du dit médecin résidant, des assistans et de toute autre personne, d'obéir et se conformer à ses règles et reglemens sous les peines ci-après stipulés.

Section 5. Et il est de plus décrété, etc., Qu'il sera du devoir dudit médecin résidant ou d'un de ses assistans, de se rendre avec un pilote en bord d'un towboat à bord de chaque navire entrant dans le Mississippi et venant de la mer, de l'examiner avec soin ainsi que le capitaine, l'équipage et les passagers et dans le cas où la fièvre de navire ou la petite vérole serait à bord, il ferait transporter à l'hôpital tous ceux qui en seraient atteints et prendrait d'eux les soins convenables, ferait nettoyer ces navires et tout autre quand on le jugerait nécessaire, et ferait nettoyer complètement et effectivement toutes les personnes du bord, leurs habits leurs literies et leurs bagages et permettrait ensuite que le bâtiment, le capitaine, l'équipage et les passagers en bonne santé puissent partir et continuer sans delai leur voyage.

Section 6, Et il est de plus décrété, etc., Qu'il sera du devoir du dit médecin résidant et de ses assistans, d'examiner avec soin le nombre de passagers qui pourront se trouver à bord de tout batiment examiné, et lorsque ce nombre dépassera celui que la loi autorise, d'en faire un rapport à l'avocat de district en la ville de la Nouvelle-Orléans qui entamera des poursuites à ce sujet, et toutes amendes et confiscations collectives d'après les dispositions de cet acte, accroîtront au profit du dit Bureau de Santé.

Section 7. Et il est de plus décrété, etc., Qu'il sera du devoir de tout pilote, commandant ou capitaine de tout towboat, d'informer le capitaine de tout navire abordé des dispositions de cet acte, des règles et réglements mis en vigueur en conséquence, et de plus d'aider et assister ledit médecin résidant ou son assistant, suivant le cas à faire les examens nécessaires en leur donnant passage à bord ou en amenant le bâtiment à inspecter à l'heure et au lieu convenables, et à toute négligence ou refus de se conformer aux dispositions de cet acte ou aux règles et réglemens qui en seront la conséquence, seront punis d'amende ou d'emprisonnement ou de tous deux à la fois, à la discretion de la Cour.

Section 8. Et il est de plus décrété, etc., Qu'il sera du devoir de tout capitaine de bâtiment arrivant dans le Mississippi, en destination de la Nouvelle-Orléans, d'un port étranger ou autre, de se mettre et d'aider à l'inspection ou à l'examen demandé par le médecin résidant ou par un de ses assistans du bâtiment, des officiers, de l'équipage et des passagers. Et il sera de son devoir de tout

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à l'ordre de jeter l'ancre et de placer son bâtiment au point désigné, et d'y rester jusqu'à ce qu'il lui soit permis de partir. Il devra aussi fournir tous les renseignements demandés, relativement à la santé de toutes personnes à bord de son bâtiment, et à celle de son port de partance, et il devra se soumettre à tous règles et règlemens qui en seront la conséquence ; et tout capitaine qui refusera ou négligera d'y obéir et de s'y conformer sera traité comme coupable de délit et sur conviction, sera passible d'une amende n'excédant pas $2000 ou d'un emprisonnement d'un an ou plus, ou de tous deux à la fois à la discrétion de la cour. Et toute personne ou personnes qui violera les dispositions de cet acte ou les règles ou réglemens qui en seront la conséquence, sera traitée comme coupable de délit et passible d'amende ou d'emprisonnement ou de tous deux à la fois, à la discrétion de la cour.

Section 9. Et il est de plus décrété, etc., Que le médecin résidant recevra du Bureau de Santé le pouvoir de se procurer tous les approvisionnements nécessaires de linges, de litteries et de provisions dont le médecin résidant ou ses assistants pourront avoir besoin pour l'usage du dit hôpital ou des malades qui s'y trouvent. Et le dit médecin résidant tiendra un compte fidèle de tout, et le rendra tous les six mois et toutes les fois qu'il en sera requis au dit Bureau de Santé.

Section 10. Et il est de plus décrété, etc., Que dans le but de donner effet à cet acte, le dit Bureau de Santé est autorisé à tirer sur tous fonds du trésor non autrement appropriés une somme qui ne pourra dépasser $15,000 pour l'année 1854, et des sommes qui ne pourront excéder $10,000 pour chacune des années suivantes.

La première section du bill original est prise en considération.

Mr Kittridge offre la première section du substitut.

Mr Hodge fait la motion de déposer les deux bills sur le bureau.

Mr Trudeau,

On semble croire que le comité a été divisé d'opinion sur l'utilité d'une quarantaine, c'est une erreur. Le comité a été unanimement d'avis qu'il faut un système quelconque, quoiqu'il n'ait pu se décider en faveur d'aucun en particulier, conséquemment deux bills ont été rapportés. Les citoyens de la Nouvelle-Orléans sont en faveur d'une quarantaine, et ce serait traiter nos constituans avec trop peu de respect que de disposer de ces bills de cette façon sommaire. En outre, nous devons quelques égards au Comité qui a pris beaucoup de peines pour se procurer des renseignements nécessaires pour préparer ces bills. Il ne prétend point être arrivé à un résultat parfait ni avoir produit un résultat qui aurait pu être l'œuvre des quarante plus fortes têtes de l'Etat. Mais en tout cas c'est une base sur laquelle on peut construire. Maintenu en tutelle dans cette Législature, et si le Sénat ne veut rien faire pour elle, il doit au moins permettre qu'elle agisse pour son propre compte. En changeant ces deux premières sections du bill, ce serait simplement autoriser la Nouvelle-Orléans à établir le système pour elle-même.

Mr Kittridge,

Il y a devant le Sénat deux rapports et deux bills. Une portion du comité croit qu'une quarantaine préviendrait l'invasion des maladies épidémiques, l'autre croit tout le contraire. Les bills introduits traduisent cette double pensée. Je demande qu'on les lise tous deux.

Mr Evans,

On les a déjà lus. Je suis en faveur du dépôt de tous deux sur le bureau. Je considère que tout cela est parfaitement inutile et que leur discussion serait du temps perdu en pure perte. Nous n'avons rien à faire avec des choses de ce genre.

Les deux bills sont déposés sur le bureau.

Railroads hypothéquant leurs propriétés.

Le bill pour permettre aux railroads d'hypothéquer leurs propriétés est pris en considération.

Mr Moore,

Il est un principe général qu'on ne peut pas hypothéquer ce qui n'existe pas. Par la loi on peut hypothéquer sa propriété, mais on ne peut pas y comprendre ce qui n'existe pas encore. Je ne m'écarterai pas des principes généraux de la loi, et j'offrirai un amendement conforme à mes vues.

Mr Wickliffe,

Je suis opposé aux principes de ces bills. L'amendement du Sénateur de St. Martin ne tranche pas la difficulté. Je suis contraire au principe qui consiste à permettre à une Compagnie dans laquelle l'Etat est intéressé, d'hypothéquer ses propriétés.

Mr Kenner,

Je crois que je puis prouver au Sénateur que les Compagnies ont déjà ce pouvoir, et dans ce but, le lirai les pages 120 et 121 des actes de 1853 qui traitent de l'incorporation des compagnies de railroads de Jackson et des Opelousas, (ici Mr Kenner donne lecture de l'extrait dont il parle) La compagnie était sur le point d'agir en vertu de ces pouvoirs et d'emprunter de l'argent pour l'aider à compléter la route. Mais la question s'éleva de savoir ce qui constitue une propriété. L'avocat de la compagnie fut consulté et ensuite le juge Eustis Ils pensèrent que la Législature sans aucune doute avait eu l'intention d'inclure toutes espèces de propriétés, mais attendu que la loi déclare que les meubles ne peuvent être hypothéqués, et attendu que la Cour Suprême a décidé que les fers d un railroad sont des meubles, on a jugé plus convenable de demander à la législature une législation spéciale. On a cru qu'autrement des doutes pourraient s'élever dans l'esprit des prêteurs d'argent ou des capitalistes. On voit par les actes d'incorporation de ces deux compagnies que le droit d'hypothéquer leur est acquis. La seule question est de savoir si nous leur donnerons assistance en les mettant à même d'emprunter de l'argent à plus bas intérêt. Elles iront de l'avant et emprunteront, et nous devons leur donner le pouvoir de le faire au plus bas taux possible. Il est convenable d'en agir ainsi. Nous ne pouvons pas reprendre les droits que nous avons donnés. Je suis opposé à l'amendement du Sénateur de St. Martin, et nous pouvons aussi bien enlever la clause qui donne force à la loi. En amendant le bill de la sorte, nous rendrons son application tellement difficile pour les actionnaires qu'ils ne l'accepteront pas. L'adoption de ce bill faciliterait singulièrement l'accomplissement des chemins de fer. Chaque mille construit agrandira la sécurité, et les capitalistes n'auront aucune objection à l'accepter pour avancer leur acquit.

Mr King,

Je suis d'accord avec le Sénateur qui a parlé le dernier. Si le public consent à avancer de l'argent sur un chemin qui n'est pas construit, il n'y a pas de raison pour que nous l'en empêchions. Je crains seulement que les avances ne soient pas considérables. Une objection au bill est qu'il est général au lieu d'être spécial dans les termes. Il donne le droit aux directeurs de disposer de la pro-

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priété d'autrui. Mais ces compagnies ont, par leurs chartes, le droit d'en agir ainsi. Le mot propriété comprend toute espèce de propriété, Elles ne possèdent pas d'immeubles, excepté le chemin qu'elles parcourent, comme sécurité cela ne vaut pas grand chose. Nous ferons tout aussi bien de leur fournir les moyens d'emprunter à meilleur compte. Mais ce bill tel qu'il est, confère le droit à toutes les compagnies de railroads, tandis que nous devrions le limiter à celles qui en ont besoin.

Mr Moore,

Si nous adoptons le bill sous cette forme, n'autoriserons-nous pas ces compagnies à hypothéquer ce qui n'était pas compris par lacharte? Je désire ces propriétés, c'est-à-dire, les chemins et leurs dépendances, mais est-il convenable de les autoriser à hypothéquer ce qui n'existe pas? Ce serait contraire aux principes généraux de nos lois. C'est pour prévenir à cette violation que je me suis opposé à l'amendement.

L'amendement est rejeté.

Mr Hodge,

L'amendement aurait dû être adopté. J'ai beaucoup réfléchi à ce bill et je voterai contre. Il est vrai que ces compagnies doivent avoir un moyen de se procurer des fonds. Mais comment veut-on le faire? Devons-nous les autoriser à émettre des bons et à hypothéquer la route? L'Etat de la Louisiane y a un cinquième d'intérêt. Il fournit des bons pour cette proportion. En quelles mains passeront-ils? Pourquoi les remettre aux Directeurs qui les vendront où et comme il leur plaira. Les actionnaires doivent payer leur part, qui est à celle de l'Etat dans le rapport de 4 à 1. S'ils satisfont à la véritable intention et au sens de cet acte, où est la nécessité de ce bill? L'Etat souscrit pour un cinquième et fournit son crédit au chemin. Si les actionnaires violent les dispositions de la Constitution ou ne payent pas 4 contre 1, pourquoi leur fournir le crédit de l'Etat et adopter pour eux des bills de cette nature. Si nous les aidons à emprunter en ajoutant à leur crédit, et à obéir à la loi? Non certes. Quand nous souscrivons et payons 1|5, ils sont obligés de souscrire et payer 4|5, et s'ils le font, où est la nécessité de ce bill? Les Sénateurs pensent-ils hypothéquer la propriété de l'Etat pour donner force à ces liens? On dira qu'ils n'engagent pas au-delà du crédit de l'Etat, mais ils hypothèquent actuellement ses propriétés. Ils peuvent tout aussi bien engager le capital. Il voudrait mieux émettre tout à la fois des bons pour le montant total que de permettre d'hypothèquer l'intérêt de l'Etat. J'étais d'abord porté à voter contre le bill, mais après réflexion, je ne crois pas que cela soit raisonnable.

Mr Kenner,

Le Sénateur semble croire que nous demandons ce qui ne nous appartient pas encore. Nous avons déjà tout ce que nous demandons. Nous demandons seulement que la Législature donne un sens précis au mot propriété qui se trouve dans l'acte d'incorporation. Si cela porte tort au crédit de l'Etat, j'abandonne la partie. Je demande la question préalable.

Mr Hodge,

Je désire établir un fait. Les actes dont il est question ont été adoptés le 20 avril, et ceux par lesquels l'Etat est devenu souscripteur l'ont été le 28 avril. C'est donc là une proposition de permettre à ces compagnies d'hypothèquer les propriétés de l'Etat, droit qu'elles ne possédaient pas avant. Je suis opposé à l'octroi de ce pouvoir aux Directeurs.

Mr Moore,

Je veux donner les motifs qui me font voter contre le bill. Le mot que je propose de retrancher constitue un amendement à la charte. Nous ne pouvons hypothéquer ce qui n'existe pas. Je suis moi-même actionnaire d'une de ces compagnies, et je refuse de leur donner pareil pouvoir. Qu'elles construisent la route on pourra la saisir et la vendre, et l'Etat perdra son intérêt.

La première section est adoptée.

Mr Hodge,

Je demande à insérer un proviso qui interdira à la compagnie d'hypothéquer l'intérêt que l'Etat a dans ces chemins de fer.

Mr Kenner,

Ce proviso aurait à peu près le même effet que l'amendement du Sénateur de St-Martin. Ce serait de détruire le bill. Notre objet est d'hypothéquer les rails, les locomotives et les autres propriétés appartenant aux compagnies. Vous dites que l'intérêt de l'Etat ne doit point être compris dans cette mesure mais comment pourrez-vous l'isoler de celui des actionnaires? L'Etat possède 4 pouces 4|5 sur chaque pied, mais comment les séparerez-vous l'un de l'autre. Nous nous blâmons sur le fait que les compagnies ont déjà le droit d'hypothéquer leurs propriétés. Si l'amendement est adopté, cet acte ne sera point accepté par les actionnaires et il sera inutile. Nous voulons leur donner les moyens d'établir ces chemins et c'est là le moyen de le faire.

Mr Wickliffe,

Il y a une manière d'arranger cette affaire en stipulant que l'intérêt de l'Etat ne sera point affecté dans le cas où l'hypothèque serait exécutée comme elle le sera certainement au train dont vont les choses.

Mr MacMurdo,

L'Etat n'est qu'un associé et je ne vois pas pourquoi il serait mis à l'abri de ce bouclier que le Sénateur désire dresser devant lui. Il doit avoir le même intérêt et les mêmes privilèges que les autres associés et rien de plus. Il doit être soumis aux mêmes restrictions et aux mêmes charges que les autres intéressés.

Mr McCay,

Si l'Etat a déjà accordé ce droit, où est la nécessité de ce bill?

Mr Kenner,

Son but est de définir le sens du mot propriétés.

Mr McCay,

Les lois existantes l'expliquent suffisamment.

Mr Kenner,

Le sujet a été examiné par le juge Eustis qui croit qu'un acte spécial de cette nature prévendrait les difficultés et rendrait le sujet plus clair.

Mr Hodge,

Le Sénateur de la Nouvelle-Orléans (Mr MacMurdo) dit que l'Etat est un associé ordinaire mais l'Etat émet des bons qu'on négocie. Les autres associés que le Sénateur considère comme étant aussi bons que l'Etat ne peuvent le faire sans hypothéquer non seulement leurs propriétés mais encore celles de l'Etat. C'est là la différence. Je suis autant que qui que ce soit en faveur des rail roads. J'appartiens à un parti qui a toujours été favorable aux améliorations intérieures mais je ne puis pas consentir à aller aussi loin. L'Etat a littéralement souscrit, l'argent a été ou peut être fait sur ses bons, et je préférerai emprunter la somme additionnelle nécessaire et l'avancer à la compagnie plutôt que d'établir ce précédent. Il n'est pas nécessaire d'hypothéquer les chemins.

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On peut les compléter sans avoir recours à ce moyen. Je crois pouvoir prédire comment toute cette affaire se terminera. La Louisiane avancera son million et demi. Les Directeurs hypothèqueront la route, dans quelques années les bons seront dûs, ils ne seront pas payés, les créanciers vendront le chemin et l'Etat perdra son intérêt et aussi au moins un million et demi sans retirer aucun profit de la transaction excepté celui qui pourra venir des capitalistes étrangers possédant ces chemins dans ses limites. Je suis en faveur des améliorations intérieures mais non au point de perdre de vue les intérêts de l'Etat. Je ne puis oublier les dures leçons de l'expérience. Je suis conservateur dans mes opinions et mon zèle pour les rail roads ne peut dégénérer en manie. Je suis opposé à ce que la Législature donne des moyens pour se garantir contre la pression extérieure. Dieu sait où cette sorte de législation nous conduira. Je suis opposé à toute mesure par laquelle l'Etat peut être compromis davantage et je désire voir ses intérêts complétement garantis.

Mr MacMurdo,

J'ai dit que l'Etat ne doit point être exempté des risques ordinaires et des obligations des autres associés. L'Etat ne doit point émettre ses bons qu'après paiement par les autres intéressés. La présomption est que ce paiement est effectué. Je ne crois pas que ces hypothèques aient aucun rapport avec le paiement des actions. On a probablement eu en vue le fait que le coût de construction excède le montant des actions et il est par conséquent nécessaire d'hypothéquer la propriété en comprenant l'intérêt de l'Etat aussi bien que celui des autres actionnaires.

Mr Martel,

Je désire dire quelques mots à ce sujet aussi bien pour mon collègue que pour moi-même. Dans la partie de l'Etat que j'habite nous avons souscrit au rail road plutôt par conviction de sa réussite et de son utilité intrinsèque qu'en vue de réaliser un dividende sur nos actions. Nous voulons encourager les améliorations intérieures et c'est pourquoi nous avons souscrit. Je considère ce bill au même point de vue. S'il peut aider les entreprises de rail roads, il faut l'adopter.

L'amendement est rejeté.

Le bill est adopté.

DEPLACEMENT DES DOCUMENS PUBLICS.

Le bill qui pourvoit au déplacement de certains documens publics maintenant dans le Quatrième District de la Nouvelle-Orléans est pris en considération.

Mr Trudeau offre un amendement pour limiter la dépense à $15,000.

Mr King,

Je suis autorisé par Mr Arnoux, conservateur des hypothèques de la paroisse Jefferson à dire que la dépense ne dépassera pas $15,000, et qu'il s'oblige à ne jamais demander au-delà de cette somme. Je prie le rapporteur d'enrégistrer mes paroles.

Mr McCay,

Je suis autorisé à dire la même chose.

Mr Trudeau,

Par suite des assurances données par les Sénateurs je retire mon amendement.

Le bill est adopté.

DETERMINATION DES LIMITES ENTRE LES PAROISSES DE CADDO ET DE SOTO.

Le bill pour déterminer la ligne frontière entre les paroisses de Caddo et de Soto est pris en considération.

Mr Hodge,

Je désire faire savoir que ce bill a été adopté par la Chambre et a l'approbation des membres de ces paroisses. Il affecte aussi les intérêts de la paroisse de Natchitoches qui à l'avenir fera partie de mon district. Je n'entends d'aucune manière être responsable de ce bill attendu que les Représentans des paroisses intéressées dans l'autre Chambre l'approuvent mais je ne me crois pas autorisé à le recombattre.

Le bill est adopté.

L'EXPEDITION RICKER.

Mr Hébert appelle la discussion sur le bill pourvoyant au paiement des dépenses encourues par le président du comité du Sénat en 1852.

Mr King,

On a prétendu que ce comité n'avait point autorité pour procéder comme il l'a fait. La résolution qui l'a désigné montre le contraire. La résolution dit que pendant le recès il aura pleins pouvoirs d'agir et de réunir des renseignemens. Que cela veut-il dire? Permettez-moi de lire un court extrait du rapport que le comité a présenté en 1853. (Mr King donne lecture d'un extrait du rapport.) Je sais que Mr Ricker a consulté un grand nombre des hommes les plus éminents de l'Etat et aucun n'a prétendu qu'il n'avait pas d'autorité. C'est une nouvelle idée qui s'est fait jour a la onzième heure mais qui a été répétée souvent et assez chaudement pour porter son propre poids avec elle. La somme allouée a été réduite à une maigre pitance, c'est-à-dire de $25,000 à 500. En la payant l'affaire sera réglée. Si nous ne le faisons pas, nous serons probablement importunés jusqu'à ce que nous payons la totalité.

Mr Wickliffe,

Le Sénateur dit qu'on n'a pensé qu'après coup à dénier à Mr Ricker l'autorité d'agir. Je sais que Mr Ricker a prié un Sénateur de l'accompagner et a dit à la même époque, qu'il n'avait pas d'autorité. Le Sénateur dit que la résolution l'autorisait. Je dis que non. Quelqu'un prétendra-t-il que cette résolution lui permettait d'employer des steamboats et de faire des dépenses de même nature. Avait-il le pouvoir de traverser l'Etat comme il l'a fait? Mr Butler membre du comité a dit lui-même qu'il ne pensait pas qu'il eût ce pouvoir et a refusé d'en faire partie. Un autre membre a dit qu'il pensait qu'il avait une sorte de pouvoirs implicites. Mr Waddill des Avoyelles ne s'est pas embarqué. Il y a ici des membres du comité qui ont pensé qu'ils n'avaient pas les pouvoirs réclamés pour eux. Le Sénateur pense-t-il sérieusement qu'ils fussent autorisés à employer des steamboats, à boire du Champagne et à satisfaire leurs caprices aux frais de l'Etat. Si le Sénat pense que par une interprétation la plus libérale des termes de la résolution, ce pouvoir était conféré qu'il vote pour le bill.

Mr McCay,

Si le Sénat a donné des pouvoirs de cette nature on doit payer sur le fonds contingent. Le Sénat n'avait pas le pouvoir d'engager à cet égard la responsabilité de l'assemblée générale.

Mr King,

Dans tous les cas le comité ne doit point perdre son argent par suite d'une erreur de l'Etat. On a continué de nommer des comités pour agir pendant le recès et de leur donner des pouvoirs de faire venir des personnes et des documens. Mr Ricker a dépensé $987 de sa poche. Les membres du comité ont eu à supporter de fortes dépenses. Messieurs Grand & Latourette sont restés pendant des semaines dans la Baie de Berwick et

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en d'autres lieux pour y faire des observations et y réunir des renseignemens. Ils ont produit une série de fort belles cartes, les plus belles de l'Etat et leur travail lui a bénéficié. Leurs cartes sont assez étendues pour couvrir le plancher de cette Chambre et ils ont de plus fait une série de rapports importans dont la seule copie est précieuse. Priverons-nous ces personnes de la juste compensation qu'elles méritent. Elles ont fait le travail Le Sénat a donné l'autorité et nous ne refuserons pas de les payer.

Mr Hodge,

Je fais la motion de déposer le bill sur le bureau.

Cette motion est perdue.

Mr Wickliffe.

Je demande que le montant soit pris sur le fonds des améliorations.

Mr King,

Je suis opposé à cela parce que ça serait embarrasser le fonds des améliorations. Je fais la motion de déposer l'amendement sur le bureau J'objecte en outre parce que ce fonds ne peut pas payer des travailleurs et les nègres ne le sont pas aujourd'hui. A quoi sert d'avoir recours à un fonds insuffisant Votez contre le bill ou demandez la somme à une source qui puisse la fournir.

Mr Boatner,

Le comité a consenti à une réclamation qui n'est point renfermée dans le bill—c'est celle du Dr Riddell pour $500.

Mr Wickliffe,

Je sais que Mr Riddell n'a jamais dépensé un sou pour cette expédition.

MERCREDI, 15 mars 1854.

Emancipation des Esclaves.

Mr Wickliffe appelle le bill sur les règles à suivre pour émanciper les esclaves dans l'Etat de la Louisiane.

Mr King,

Ce n'est point là une loi locale mais une loi générale. J'espère que les Sénateurs qui ont été d'accord avec moi au sujet de l'émancipation ne favoriseront pas une pareille législation. Il y a peu de temps, la Législature a passé à une grande unanimité une loi déterminant la politique permanente de la Louisiane qui devait dans un terme mis à l'émancipation des esclaves destinés à rester parmi nous. Nous nous sommes écartés de cette intention en faisant de la législation spéciale. Dans tous les cas semblables on produit le bon son de la cloche et on en appelle à nos sympathies tellement qu'il nous est difficile de refuser. On nous engage enfin à adopter une loi générale qui prend sa source dans l'habitude qu'on a de s'adresser à la Législature pour demander des actes spéciaux d'émancipation. Nous avons aussi passé une loi générale sur les pensions et la liste des réclamants s'est élevée de $15,000 à 60,000 Le résultat de ce bill sera le même si l'avocat de district est le seul juge. Nous en aurons dans un an plusieurs centaines au lieu de vingt ou trente. Cet officier n'a aucun intérêt dans le procès, il est payé qu'il y ait gain ou perte. La personne qui désirera une émancipation intriguera auprès de l'avocat de district précisément comme elle peut le faire ici. Il est facile de prévoir la conséquence de cette politique; elle tend à produire l'émancipation de tous les esclaves de l'Etat. Il vaudrait mieux permettre à chacun d'émanciper ses esclaves en leur permettant de résider dans l'Etat que d'adopter ce bill. Pour ma part je ferai tout ce qui me sera possible pour le faire échouer et je ne consentirai à aucune dispense des règles.

Mr Wickliffe,

Le Sénateur connait mal l'historique de la loi de 1852. Il prétend qu'elle a été adoptée avec une grande unanimité. La vérité est qu'elle a rencontré une grande opposition dans les deux Chambres. Sibérie a été retranché, et ce mot n'y a reparu qu'après l'enrôlement. Il dit que ce bill aura la tendance de faire émanciper tous les esclaves de l'Etat, que ce sera un moyen d'élection auprès des officiers qui se laisseront importuner ou corrompre par les offres des parties intéressées insinuant ainsi que les avocats de district de Jefferson se laisseront corrompre pour $20 Il m'est impossible de croire qu'il en soit ainsi de nos officiers Le Sénateur dit que sous l'empire de ce bill des centaines de nègres seront annuellement émancipés. Je ne pense pas qu'il y en ait autant que par l'action de la Législature. Sous l'empire de cette loi, le maître et l'esclave seront tous deux connus du tribunal auquel ils s'adresseront et on n'entendra plus parler de ce système d'intrigues de la couleur de celles dont le Sénateur a parlé. Lorsqu'ils viendront s'adresser à nous pour obtenir un bill nous pourrons leur dire de retourner chez eux et de s'adresser à un jury de leurs voisins, et l'avocat de district agira si la chose est jugée convenable et nécessaire. Nous serons ainsi délivrés des importunités qui nous assiégent et il existera un système général réglant toutes les émancipations nécessaires.

Mr King,

Je n'ai pas accusé de corruption les avocats de district et les jurés. J'ai voulu dire que leurs autres devoirs sont trop onéreux et absorbent trop de temps pour leur permettre de représenter les intérêts de l'Etat dans un sujet de cette nature. Ce sont des hommes et des hommes faibles comme nous le sommes. Ils peuvent céder aux importunités qui agissent tant sur la Législature Après que la loi générale des pensions a été adoptée nos obligations se sont élevées après un ou deux ans de $15,000 à 60,000 et cependant nous l'avions préparée avec grand soin. Le Sénateur de Ouest Féliciana a été un des premiers à soutenir son rappel afin de laisser juger du mérite de chacun. Ici le mal est plus grand encore. Le bill est mal rédigé. Un nègre ayant droit à sa liberté par la loi et par la justice ne pourra pas poursuivre; si même il est enlevé et vendu il ne pourra pas réclamer la liberté dont il a été illégalement privé. Le maître seul peut présenter la demande et dans des cas semblables il sera la dernière personne à le faire.

Mr Wickliffe,

Le Sénateur prétend-il dire que ce bill enlève à l'esclave le droit de demander en justice sa liberté tel qu'il lui est accordé par le Code.

Mr King,

Ce n'est pas dit en termes précis mais ce bill paraît être une loi générale pour régler l'émancipation des esclaves et des dispositions relatives aux espèces que j'ai citées n'auraient pas dû être oubliés. On semble croire que le Code est comme la Constitution qui ne peut être affectée par des dispositions législatives. C'est une erreur, le Code n'est qu'un composé de statuts que peuvent rappeler des lois contraires passées par la Législature. Je ne puis répondre à la question du Sénateur sans faire avec soin l'analyse du bill,—mais tel qu'il m'apparaît actuellement il pourrait bien détruire le droit dont jouit le nègre de poursuivre pour sa liberté. J'espère que le Sénat n'accordera pas la dispense des règles.

Cette dispense est refusée.

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BILL POUR PERMETTRE AUX RAIL ROADS D'HYPOTHEQUER LEURS PROPRIETES.

Mr Kenner,

Je désire appeler la discussion sur le bill autorisant les compagnies de rail roads à hypothèquer leurs propriétés.

Mr Lacey,

J'ai voté hier contre le bill avec la majorité. J'ai demandé hier au soir la reconsidération du vote et elle a été accordée.

Mr Moore,

L'amendement que je présente n'est présenté qu'après mûre réflexion. Je ne suis actionnaire dans aucune de ces compagnies et je n'ai point par conséquent de préjugés à leur égard. Nous avons autorisé la ville de la Nouvelle-Orléans à émettre des bons en faveur de ces chemins. Nous avons fait de ces bons une base d'opérations de Banque. On nous demande maintenant de permettre aux compagnies d'hypothèquer la totalité de leurs propriétés même celles qui n'existent pas en y comprenant l'intérêt de l'Etat. C'est aller trop loin. Je n'ai pas d'objection à leur permettre d'hypothéquer les portions de routes déjà faites mais je ne le veux pas pour celles qui ne sont pas construites, attendu surtout que nous avons fait des bons à émettre par la ville de la Nouvelle-Orléans une base d'opérations de Banque.

Mr Kenner,

On semble croire que les compagnies ne sont pas déjà en possession de ce droit mais un examen a fait voir que leurs chartes le leur conférent. On a dit ici qu'on ne pouvait leur permettre d'hypothèquer ce qui n'existe pas mais si des individus et des capitalistes s'en contentent pour avancer leur argent, pourquoi ne leur laisserions-nous pas faire? Si nous ne leur avions pas accordéce privilége, personne n'aurait eu confiance pour leur prêter de l'argent car on aurait pu craindre que certains individus, une fois la route terminée, se fussent empressées à obtenir sur elles une hypothèque Tout ce que nous voulons est de garantir les personnes qui veulent avancer leur argent aux compagnies de rail roads. Je ne vois pas qu'il y ait rien de monstrueux dans cette proposition.

Mr Moore,

Voici quel sera l'effet du bill. Les compagnies hypothèqueront les chemins pour leur valeur entière. Les bons de la Nouvelle-Orléans seront émis en leur faveur pour $3,500,000 et elles en toucheront aussi le montant. Elles hypothèqueront ainsi l'intérêt entier de la ville et celui de l'Etat et encaisseront la valeur des deux. En ma qualité d'actionnaire, je suis opposé à de pareils procédés—je les crois mauvais et injustes et les compagnies doivent être satisfaites avec ce qu'elles ont déjà obtenu de la ville et de l'Etat.

Mr Trudeau,

En vertu de ce bill les Directeurs sont autorisés non seulement à hypothéquer les droits de l'Etat mais aussi ceux des actionnaires. Quel droit avons-nous d'aller plus loin et de donner aux Directeurs le droit de disposer en outre de l'intérêt de l'Etat et de la ville de ceux des actionnaires sans leur consentement?

Mr Kenner,

Ils ont déjà ce droit.

Mr Trudeau,

Où cela s'arrêtera-t-il?

On a demandé des chartes nous les avons accordées. On a demandé la souscription de l'Etat nous avons souscrit. On a demandé que la Nouvelle Orléans fut autorisée à émettre des bons au profit des compagnies, nous l'avons permis. C'est assez, je ne puis aller plus.

SECOURS A ACCORDER A DANIEL MARTINDALE.

Le bill pour venir au secours de feu Daniel Martindale est pris en considération.

Mr Munday,

La personne dont le nom est mentionné dans ce bill était l'année dernière avocat de district dans mon district, c'était un jeune homme dont les talents remarquables et les connaissances variées promettaient un homme distingué dans l'âge mûr. C'était certainement un homme précieux pour l'Etat et pour la profession dont il était un des brillans ornemens lorsque la fatale épidémie dont les effets désolants ont été ressentis sur tant de points de l'Etat apparut de nos côtés, son coeur humain et sympathique le porta à prendre une part active dans tous les secours à porter. Il était infatigable dans ses actes personnels et ne calculait pas ses moyens. Il s'empressait auprès du malade et consolait le mourant. Il a organisé un hôpital pour la réception des patients et a employé tout son temps à ces travaux d'humanité qui témoignent dans de pareils cas des coeurs véritablement généreux et philantropiques, mais la mort aime à laisser des traces éclatantes et il a été la dernière victime de l'épidémie qu'il avait si noblement combattue.

Noctes atque dies patet atri janua ditis.

Il est mort laissant derrière lui une mère veuve dont il était l'unique soutien et le seul espoir. Le seul objet de ce bill est d'autoriser le paiement pour le reste de son salaire jusqu'à la fin du terme que la mort l'a empêché d'atteindre. J'espère qu'il ne rencontrera pas d'objection.

Mr King,

Nous avons eu à la Nouvelle-Orléans environ trois mille victimes semblables dont la vie a été juste et méritoire—$600,000 ne suffiraient pas pour couvrir toutes les réclamations d'une nature semblable si elles étaient produites. L'objet paraît être de faire une donation charitable pour les services que le défunt a rendus pendant l'épidémie. Si c'est là le but, nous avons à la Nouvelle-Orléans huit ou dix mille cas semblables.

Mr Munday,

J'ai voté pour une quantité innombrable de bills présentés pour secourir la Nouvelle-Orléans lorsque j'ai été appelé à le faire et maintenant le Sénateur refuse de voter la misérable somme de $300 pour un cas particulier dans la paroisse de Est Féliciana. Il n'oserait pas voter contre un bill de même nature pour la Nouvelle-Orléans mais il veut le faire pour une autre paroisse. Le Sénateur a été malheureux dans ses comparaisons. Il dit que dix mille cas semblables se sont présentés à la Nouvelle-Orléans mais il s'agit ici d'un serviteur public méritoire mort en fonctions lorsqu'il exerçait les plus nobles devoirs de l'humanité. Pour toutes les demandes de même nature que le Sénatur pourra produire, je voterai le même secours non seulement volontiers mais avec joie.

Mr King,

Je ne puis cacher ma profonde sympathie pour l'appel que nous adre se le Sénateur, mais je dois me rappeler aussi que cela constituerait un précédent extrêmement dangereux. Si ce bill est adopté il servira de motif à la présentation de milliers de réclamations semblables. Le Sénateur a parlé d'esprit de sectionalité. Personne plus que moi n'en est plus dégagé. Il est vrai que j'ai voté des allocations pour des institutions charitables à la Nouvelle-Orléans mais c'était un sujet de police générale et non de faveur locale. Ceci au contraire est un mauvais système à quelque point de vue qu'on l'examine. Ce bill adopté justifiera des réclamations semblables venues de toutes les parties

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de l'Etat. Si le Sénateur s'adresse à moi au nom de la charité, je contribuerai volontiers mais je ne veux pas faire du trésor de l'Etat une institution charitable.

Le bill est adopté.

COLLEGE DE MINDEN.

Le bill allouant $5,000 au Collége de Minden est pris en considération.

Mr MacMurdo,

Avec la permission du Sénat, je dirai quelques mots à ce sujet. Il est inutile que j'allègue que je suis en faveur de l'éducation je le suis autant qu'aucun membre de cette assemblée. La seule objection que j'aie à faire contre ce bill est qu'il établit un précédent contre lequel il sera plus tard difficile de se défendre. Si nous accordons cela à une paroisse, il faudra peut-être l'accorder ensuite à toutes. Il y a quarante-sept paroisses dans l'Etat et en supposant $5,000 pour chacune cela ferait un total de $235,000. Si nous entrons dans ce système nous pouvons être dans un an appelés à allouer cette somme tout entière et le trésor ne pourrait supporter une pareille charge. Si ce bill passe, nous devons nous préparer à faire droit à une proposition pour augmenter les taxes de l'Etat.

Mr Defreese,

Je suis opposé à ce système de législation. La proposition a trait à une paroisse contigue à la mienne et cependant je voterai contre. Je voterais de même s'il s'agissait de ma paroisse. Si le bill n'est pas déposé sur le bureau je demanderai comme amendement que pareille somme soit accordée à chaque paroisse de l'Etat. Tout homme qui réfléchit doit réprouver ce système de législation. Les allégations du professeur Dimitry malgré sa chaude éloquence et sa rhétorique n'a pas d'influence sur moi en matière de législation.

Mr Kenner,

Il y a quelques années on était partisan d'un système qui consistait à construire des maisons d'école appelées colléges, académies ou séminaires. Ce plan fut trouvé mauvais. Le système des écoles publiques fut établi et produisit de meilleurs résultats que celui qui consistait à construire des écoles et des colléges et à laisser le public fournir des professeurs. Si nous adoptons ce bill la partie de l'Etat qui paie la plus forte taxe nous blâmera. Combien paie la paroisse de Claiborne?

Mr Hodge,

Plus que l'Ascension.

Mr Kenner,

Je voudrais en voir la preuve.

Mr Hodge,

Pour employer l'argument du Sénateur je lui parie cent piastres.

Mr Lacey,

Enrégistrez cela monsieur le rapporteur.

Mr Kenner,

Et ajoutez que j'accepte. Si les Sénateurs manifestaient autant d'anxiété de voir leurs paroles aussi exactement enrégistrées que celles de leurs voisins le journal ne leur serait pas aussi favorable, mais revenons au fait. La partie de l'Etat la plus lourdement taxée reçoit proportionnellement le moindre profit. Elle reçoit une piastre en retour sur quatre ou cinq qu'elle débourse, elle le fait sans murmurer, mais si vous faites ce qui est proposé elle aura le droit d'objection et en usera—ce sera au détriment de tout notre système d'écoles et de la cause de l'éducation dans tout l'Etat quelque soit le profit que cette institution puisse en retirer en particulier.

Le bill est adopté.

BAYOU PLAQUEMINES.

Le bill du Bayou Plaquemines est pris en considération.

Mr. Hébert,

Quant on veut forcer le cours d'un grand fleuve, on trouve qu'il en résulte des inconvénients qui forcent à revenir au régime naturel du cours d'eau. C'est le cas quand on s'adresse à un de ces cours d'eau qui déchargent naturellement le surplus de ses eaux soit par inondation ou par issues latérales et qu'on veut restreindre une immense quantité d'eau dans son lit. Des effets de cette nature ont été produits par le cut-off du Raccourci, le cut-off du Shreveport et d'autres qui, dans le fait, n'ont pas raccourci d'un pouce la distance entre la Nouvelle-Orléans et Natchez. A Plaquemines, on a modifié la distance entre la rivière en interceptant une de ses décharges naturelles. Dès qu'on arrête, le bois de dérive commence à s'accumuler et à intercepter l'ouverture. Le bill dit que l'interruption n'est que temporaire, mais la difficulté consiste à r'ouvrir de nouveau quand elle a eu lieu. On peut voir cela à Manchac. Si nous arrêtons la rivière Plaquemine, le courant aussi bien que la profondeur s'en accroîtront. Près de Plaquemine, l'accroissement est déjà de dix-huit pouces. Le premier effet qui se fera sentir sera la chute de la ville de Plaquemines dans la rivière. Je demande au membre qui représente cette partie de la Louisiane qui est au-dessous de Plaquemines, de me soutenir dans mon opposition au bill. L'ingénieur de l'Etat qu'il vaudrait mieux ménager deux nouvelles issues plutôt que de boucher le bayou Plaquemine. (Mr. Hébert cite un passage d'un rapport de l'ingénieur d'Etat) mais il y a une autre considération, cela arrêterait la navigation du bayou, et que les sénateurs de cette portion de l'Etat qui y ont recours, se rappellent ceci: il ne viendra pas d'eau du fleuve dans le bayou, et nous aurons à dépendre des eaux de derrière venant de l'Atchafalaya ; mais il y a une perte de 18 pouces dans le bayou Plaquemines, et en tenant compte de la différence des hautes eaux dans ce bayou dans l'Atchafalaya, les eaux de ce dernier ne peuvent remonter. Elles ne pourraient venir à plus de quatre milles au-dessous de la ville. Je ne suis pas préparé à présenter un argument élaboré sur le sujets, et je me contenterai de demander que le bill soit déposé sur le bureau et que le substitut soit pris en considération. Je vais citer la loi de 1855 auquel ce substitut se réfère. (Mr. Hébert lit le texte.) Je rappellerai au Sénat qu'il a adopté il y a peu de jours de cela, une résolution ordonnant à l'ingénieur d'Etat, de se transporter sur le bayou Plaquemines, de le barrer et d'intercepter l'eau si c'est nécessaire. Je suis informé que l'amas de bois qui avait causé tant d'alarmes est enlevé.

Mr. King,

J'espère que la motion d'adopter le substitut prévaudra. Il semble que l'Etat veuille jouer à l'ingénieur, et dicter d'une manière précise en quoi consiste un travail de cette nature pour lequel les talents les plus positifs sont nécessaires.

Mr. Palfrey,

J'espère que le substitut prévaudra. Le bayou Plaquemines est la seule voie de transport pour une immense quantité de produits de l'Ouest de l'Etat et de la Nouvelle-Orléans aux paroisses de l'Ouest. Les Avoyelles, St. Martin, Ste. Marie, Lafayette, Vermillion, Calcasieu, Ascension, et une partie des Rapides, sont toutes intéressées à la navigation de

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ce bayou. Elle est pour eux de la plus grande importance, ils n'ont pas d'autre issue pour leurs produits, excepté en faisant un long circuit par l'Atchafalaya. L'allocation est faite pour enlever les bois de dérive, et depuis plusieurs mois, le peuple de cette section est privé des bénéfices de la navigation. En faisant le tour par l'Atchafalaya, il est obligé de payer une piastre de plus pour transporter son sucre et pour les autres denrées en proportion, soit qu'ils les reçoivent ou qu'il les expédient. J'espère que le substitut sera adopté.

Le substitut est adopté.

MESSAGE DE LA CHAMBRE.

Le messager spécial du Sénat informe la Chambre que le Sénat a donné son adhésion aux bills et aux résolutions suivants:

Acte pour pourvoir aux améliorations à faire au terrain qui entoure le Capitole.

Acte pour incorporer la Compagnie des Charretiers Allemands de la Louisiane à la Nouvelle-Orléans.

Acte pour amender l'acte intitulé acte pour incorperer la ville de Vermillionville, dans la paroisse de Lafayette, approuvé le 11 mars 1836.

Acte pour accorder au maire et aux administrateurs de la ville de Shreveport, et au juri de police de la paroisse de Caddo, le pouvoir d'établir des Maisons de Travail.

Acte pour accorder certains pouvoirs au maire de la ville de Donaldsonville.

Acte pour déterminer les limites de la paroisse de Sabine, et pour légaliser certains actes passés dans l'incertitude des limites de cette paroisse.

Acte pour autoriser Samuel Harby à adopter Francis Samuel.

Acte pour venir au secours de Wm. Hampton.

Acte pour incorporer l'Académie des Demoiselles de Vienne, dans la paroisse de Jackson.

Acte pour incorporer la Compagnie des Pompiers de la ville de Shreveport.

Résolution requérant l'ingénieur de l'Etat d'ouvrir un passage du bayou des Glaises, jusqu'au lac aux Perles, dans la paroisse des Avoyelles, et pour nettoyer le bayou Rouge.

Acte pour venir au secours d'Henry O. McHenry, ex-register du Bureau des Terres dans le district de Ouachita, Louisiane.

Acte pour compenser différentes personnes employées par le Comité du Sénat, nommé en 1851, à l'effet de préserver l'Etat de l'inondation.

Acte pour autoriser le Juri de Police de la paroisse de l'Ascension, à ouvrir un chemin public de la Rivière Neuve à Donaldsonville.

Acte pour faire l'intérêt dû sur les bonds de l'Etat payable à la Nouvelle-Orléans.

Acte pour venir au secours des shérifs et des collecteurs des taxes dans l'Etat pour les licences de 1850 et 1851.

Acte pour allouer une plus forte somme à l'effet de construire des travaux à l'embouchure du bayou Plaquemines. (Par substitut.)

Résolution requerant l'ingénieur de l'Etat à faire certains travaux à l'embouchure du bayou St. Malo, dans la paroisse de St. Bernard.

Acte relatif aax avis judiciaires dans la paroisse d'Orléans.

Acte pour amender l'acte relatif aux avocats de district, approuvé le 29 mai 1846.

Acte pour pourvoir aux réparations à faire au toit de la Maison d'Etat.

Acte pour autoriser les recorders de toutes les paroisses de l'Etat, à nommer des députés.

Acte pour l'achat de copies additionnelles du Code Civil et du Code de Procédure, par Thomas Gibbs Morgan, et des Rapports de la Louisiane.

Acte pour incorporer l'Académie des Demoiselles à Minden, de manière à y comprendre l'institution des demoiselles qui y est déjà.

Acte pour autoriser les compagnies de chemins de fer à hypothéquer leurs chemins.

Et il soumet au concours de la Chambre, les bills et les résolutions qui suivent:

Acte pour amender la onzième section du bill intitulé acte pour pourvoir à la mise à exécution du système judiciaire, approuvé le 29 mai 1846, relativement aux juris, les paroisses d'Est et Ouest Féliciana, Jefferson, St. Bernard, Plaquemines, St. Landry et Calcasieu exceptées.

Résolution pour autoriser le régister des terres à Bâton Rouge a nommer un député.

Acte pour amender l'acte intitulé acte pour incorporer la Compagnie d'Assurance Mutuelle de Shreveport.

Acte pour amender l'acte amendatoire à l'acte pour consolider la ville de la Nouvelle Orléans, et pour pourvoir à son gouvernement et à l'administration de ses affaires, approuvé le 11 avril 1853.

Résolution relative au bill du Territoire de Nébraska.

Sur motion de Mr. Kittridge, le Sénat s'occupe du bill intitulé.

Acte pour venir au secours d'Henry C. Forno.

Sur motion et après dispense des règles, ce bill subit ses différentes lectures, et le Sénat y donne son concours.

Sur motion de Mr. Braud, le Sénat s'occupe du bill intitulé:

Acte pour amender l'acte amendatoire à l'acte pour consolider la ville de la Nouvelle-Orléans, et pour pourvoir au gouvernement et à l'administration de ses affaires, approuvé le 10 avril 1853.

Sur motion de Mr. Braud, et après dispense des règles, ce bill subit ses différentes lectures et passe.

Sur motion de Mr. Hodge, le Sénat s'occupe du bill intitulé:

Acte pour amender l'acte intitulé acte pour incorporer la Compagnie d'Assurance Mutuelle de Shreveport.

Sur motion de Mr. Hodge, et après dispense des règles, ce bill subit ses différentes lecures et passe.

Sur motion de Mr. Keuner, le Sénat s'occupe de la résolution relative au territoire de Nebraska.

MESSAGE DU GOUVERNEUR.

Mr. Hatch, secrétaire privé du Gouverneur, informe le Sénat que Son Excellence a approuvé et signé les résolutions et les actes suivants:

Acte pour abroger l'acte relatif à la récusation des juges de la Cour Suprême.

Acte pour amender et décréter de nouveau l'article 1116 du Code de Procédure.

Acte pour venir au secours d'Antoine Marrero.

Acte pour venir au secours de J. H. Maddox, imprimeur de la Convention.

Acte pour amender et décréter de nouveau l'acte intitulé acte pour augmenter le revenu de l'Etat, pour réduire le salaire de certains officiers et pour d'autres objets, approuvé le 10 mars 1845.

Résolution pour l'achat de l'Histoire Politique des Etats-Unis, par Bernard Mariguy.

Acte pour venir au secours de Benjamin Borel, de la paroisse de Ste. Marie.

Acte pour autoriser lá nomination deCharles M. Sheppers, comme tuteur de ses frères et de sa sœur mineurs.

Acte pour autoriser Judith Toutant, épouse d'Alexandre Legendre, à vendre certains esclaves.

Résolution pour mettre à exécution la onzième

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section de l'acte intitulé acte pour établir un système général de banques libres dans l'Etat de la Louisiane.

Acte pour pourvoir au paiement du salaire du Rapporteur des décisions de la Cour Suprême pour une partie de l'année 1852.

Résolution ordonnant à l'ingénieur de l'Etat de se rendre à la rivière Rouge, pour y faire certaines améliorations.

Acte pour émanciper Offney H. Hornsby.

Acte pour autoriser les gardiens du port de la Nouvelle-Orléans, à nommer des députés et des commis.

MESSAGE DE LA CHAMBRE.

Le messager spécial de la Chambre vient informer le Sénat que l'Orateur a signé les bills suivans:

Acte pour venir au secours de John Toy.

Acte pour amender la Charte de la Compagnie du Gaz de la Nouvelle-Orléans.

Acte pour incorporer la Compagnie de Bienfaisance des Dames Catholiques Romaines de Bâton Rouge.

Acte pour autoriser la ville de la Nouvelle-Orléans à souscrire au fonds capital de la Compagnie du Chemin de Fer de Pontchartrain, à l'effet de construire un chemin de fer de la Nouvelle-Orléans à la Mobile.

Acte pour donner aux cautions des obligations à douze mois, le droit de subrogation dans certains cas.

Acte pour amender l'article 329 du Code Civil.

Résolutron pour autoriser l'Auditeur des Comptes Publics à donner un certificat de décharge à A. C. Bickham, Collecteur de Taxes de la paroisse de Washington, pour l'année 1841.

Acte pour régler les sessions de la Cour de District, dans le sixième district judiciaire.

Résolution pour annuller le cautionnement de l'honorable Geo. C. McWhorter, ex trésorier de l'Etat.

Acte pour amender la troisième section de l'acte No. 59 intitulé acte supplémentaire à l'acte intitulé acte pour incorporer la ville de Minden, approuvé le 10 mars 1853.

Acte pour venir au secours de Martin Kohler.

Acte pour améliorer la navigation de la rivière Rouge.

Acte pour abroger l'acte intitulé acte pour réorganiser le Juri de Police de la paroisse de St. Landry, étant l'acte No. 131, approuvé le 18 avril 1853.

Acte pour autoriser Madame Veuve Melissa Cardona, à adopter Agathe Graw et Esperanza Graw.

Acte pour émanciper le mineur John Pickatt, de la paroisse de Bossier.

Acte pour venir au secours de Fergus Fuselier,

Et il soumet à la signature du Présideut les bills et les résolutions suivants:

Acte pour venir au secours de H. V. Voorhies.

Acte pour pourvoir aux améliorations à faire au bapou Lafourche, pour améliorer les terres marécageuses.

Le messager spécial du Sénat soumet à la signature de l'Orateur de la Chambre des Représentans, les bills suivants dûment enrôlés du Sénat.

Acte pour venir au secours de John Toy.

Acte pour amender la charte de la Compagnie du Gaz de la Nouvelle-Orléans.

Acte pour autoriser l'Auditeur des Comptes Publics et le Trésorier de l'Etat à créditer la Banque de l'Union de la Louisiane d'une certaine somme, et pour venir au secours de Joha Pemberton pour avoir régler l'intérêt de l'Etat dans ladite banque.

Acte pour incorporer l'Association des Dames de la Providence de la Nouvelle-Orléans.

Acte pour autoriser les notaires à célébrer la cérémonie du mariage (excepté dans la paroisse d'Orléans.)

Acte pour amender l'acte intitulé acte pour prévenir les délits, approuvé le 6 avril 1843.

Acte pour venir au secours des héritiers du Dr Joseph Shannon.

Acte pour amender l'article 329 du Code Civil.

Acte pour accorder aux cautions sur les obligations à 12 mois le droit de subrogation dans certains cas.

Acte pour venir au secours de J H Maddox, à cause de la négligence que l'Etat a mise, en ne remplissant pas le contrat entre l'Etat et le dit Maddox relativement à l'impression des débats de la Convention en 1852.

Acte pour autoriser la ville de la Nouvelle-Orléans à souscrire au fonds capital de la Compagnie du chemin de fer de Pontchartrain, pour construire un chemin de fer de la Nouvelle-Orléans à la Mobile.

Acte pour venir au secours de John Toy.

Acte pour amender la charte de la Compagnie du Gaz de la Nouvelle-Orléans.

Et il informe la Chambre que le président du Sénat a signé les bills enrôlés suivans, de la Chambre:

Acte pour venir au secours de J H Voorhies.

Acte pour réviser l'acte intitulé acte pour réviser l'acte d'incorporation de la Compagnie de l'église catholique et romaine de St-François à Natchitoches.

Acte pour pourvoir aux améliorations à faire au bayou Lafourche, pour améliorer les terres desséchées et marécageuses et pour en réserver une partie d'être vendue pour un certain temps.

Acte pour régler l'époque des sessions du juri de poliée de la paroisse de Tensas.

Résolution pour ouvrir un chemin du fleuve Mississippi aux Opelouaas.

Résolution pour étendre la ferme du Pénitentiaire jusqu'en mai 1855.

Acte pour fixer l'époque des sessions de la Cour du Cinquième District Judiciaire de l'Etat de la Louisiane.

Mr Hébert, au nom du comité d'enrôlement, rapporte comme dûment enrôlés les actes suivants;

Acte pour venir au secours des héritiers du Dr Joseph Shannon, décédé.

Acte pour autoriser l'Auditeur des comptes publics et le trésorier de l'Etat à créditer la Banque de l'Union de la Louisiane d'une certaine somme, et pour venir au secours de John Pemberton pour avoir réglé l'intérêt de l'Etat dans la dite Banque.

Acte pour incorporer l'Association des Dames de la Providence de la Nlle-Orléans.

Acte pour autoriser les notaires publics à célébrer la cérémonie du mariage, excepté dans la paroisse d'Orléans.

Acte pour fixer l'époque des sessions de la Cour du Cinquième District Judiciaire de l'Etat de la Louisiane.

Acte pour amender l'acte intitulé acte pour prévenir les délits, approuvé le 6 avril 1843.

Acte &c,

cageuses et desséchées, et pour en réserver une partie de la vente pour un temps.

Acte pour amender l'acte intitulé acte pour réviser l'acte d'incorporation de la Congrégation de l'église catholique et romaine de St-François à Natchitoches.

Acte pour régler les sessions du juri de police de la paroisse de Tensas.

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Résolution pour étendre la ferme du Penitentiaire jusqu'en mai 1855

Résolution pour ouvrir un chemin du fleuve Mississippi aux Opelousas.

Et il informe le Sénat que la Chambre a donné son adhésion aux bills et résolutions intitulés :

Acte pour émanciper Moses C et James R Cavett.

Acte pour accorder une pension à Sarah Barber en vertu des lois de 1852 et 1853.

Acte supplémentaire à l'acte intitulé acte pour établir un système de banques libres dans l'Etat de la Louisiane.

Résolution pour venir au secours de T Lucas, de la paroisse d'Est Baton-Rouge.

Et il soumet à l'adhésion du Sénat les bills suivants :

Acte pour venir au secours de Joseph A Stephens et Edward A Campbell.

Acte pour émanciper le mineur James Derbonne.

Acte pour venir au secours des personnes qui ont entré ou qui ont établi des terres données à l'Erat par le Congrès par le moyen de mandats des améliorations à l'intérieur ou mandats d'école.

Acte pour aider la Nouvelle-Orléans à dessécher et améliorer les terres marécageuses et inondées dans les limites incorporées de la dite ville et de son voisinage.

Acte pour décréter de nouveau l'acte intitulé acte pour amender la charte de la compagnie du chemin de fer du Golfe du Mexique.

Acte pour venir au secours de Robert L Whyte. de la paroisse de Ouachita.

Acte relatif aux nègres et au mulâtres libres qui viennent dans l'Etat,

Acte pour amender l'acte intitulé acte pour amender les divers actes relatifs aux patrouilles, approuvé le 9 janvier 1821.

Acte relatif à l'amélioration du bayou Come.

Acte pour venir au secours de Philippe Burg.

Acte pour venir au secours du Dr C K French.

Et que la Chambre a donné son adhésion aux bills et la résolution suivants :

Résolution requérant l'ingénieur de l'Etat de faire certaines améliorations à l'embouchure du bayou St-Malo, dans la paroisse de St-Bernard.

Acte pour établir un fonds permanent pour le meintien des écoles publiques gratuites de l'Etat de la Louisiane.

Acte pour venir au secours de Martin Casey.

Acte pour venir au secours do la succession d'Alexandre Gordon.

Et il informe le Sénat qu'en vertu d'un acte qui autorise l'Orateur à nommer trois des membres de la Chambre pour agir de conbert avec un comite de la part du Sénat, à l'effet de pourvoir à la révision des lois de l'Etat d'un intérêt général l'Orateur de la Chambre a nommé

MM. Chas A Bullard, de Natchitoches.

Thos Green Davidson, de Livingston.

David L Beecher, d'Orléans.

Mr. Boatner,

Je demande à retrancher les $300 allouées à Mr Waller.

Mr Kenner,

Et pourquoi?

Mr Boatner,

Parce que Mr Waller m'a requis de le faire.

Mr Kenner,

C'est la première fois que j'ai entendu parler d'un homme qui refuse de l'argent, et je suis opposé à ce qu'on retranche ce nom.

Le Sénat refuse d'effacer.

RAPPORTS DES COMITES.

Mr King, au nom du Comité des Améliorations à l'intérieur, présente les rapports suivants :

A l'Hon. W. W. Farmer, Président du Sénat :

Le Comité des Améliorations à l'Intérieur des terres marécageuses et des levées, auquel a été renvoyé l'acte requérant le commissaire des terres marécageuses du premier district de faire certains travaux dans la paroisse de St Bernard, a l'honneur de rapporter ledit bill.

[Signé] W W KING, Président.

A l'hon. W. W. Farmer, Président du Sénat:

Le Comité des Améliorations à l'intérieur, des terres marécageuses et des levées, auquel a été renvoyée la résolution requérant l'Ingénieur de l'Etat de faire des améliorations à l'embouchure du Bayou St Malo, dans la paroisse de St Bernard, a l'honneur de rapporter le substitut suivant :

Résolu, par le Sénat et la Chambre des Représentants de l'Etat de la Louisiane réunis en Assemblée Générale ; que l'Ingénieur de l'Etat est par le présent requis, aussitôt qu'il le pourra, de se rendre au bayou St Malo, dans la paroisse Saint Bernard, a l'honneur de rapporter le substitut suivant :

Résolu, par le Sénat et la Chambre des Représentants de l'Etat de la Louisiane réunis en Assemblée Générale ; que l'Ingénieur de l'Etat est par le présent requis, aussitôt qu'il le pourra, de se rendre au bayou St Malo, dans la paroisse de St Bernard, et d'examiner ledit bayou, et si dans son opinion il est nécessaire d'employer un ou plusieurs bateaux à draguer appartenant à l'Etat, à l'effet d'enlever les obstructions qui empêchent la navigation du dit bayou.

[Signé] W. W. KING, Président.

MESSAGE A LA CHAMBRE.

Le messager spécial du Sénat, informe la Chambre que le Sénat a donné son adhésion aux bills et aux résolutions suivantes :

Acte pour réviser et amender l'acte intitulé acte pour réviser l'acte pour incorporer la Congrégation de l'Eglise Catholique et Romaine de Saint François, dans la paroisse des Natchitoches.

Acte pour autoriser un relevé par l'Ingénieur de l'Etat, à l'effet d'améliorer la navigation du bayou Bœuf.

Acte pour régler l'époque des sessions du Juri de Police de la paroisse de Tensas.

Résolution relativement à l'arpentage d'un chemin du Mississippi aux Opélousas.

Résolution pour améliorer la navigation de la rivière Sabine.

Et il demande l'adhésion de la Chambre à la résolution du Sénat.

Résolution réunie relativement à l'extension du Port de la Nouvelle-Orléans, jusqu'à la ville de Jefferson, et pour l'établissement d'un bureau de poste dans la paroisse de Jefferson.

MESSAGE DE LA CHAMBRE.

Le messager spécial de la Chambre informe le Sénat que l'Orateur a signé les bills et la résolution du Sénat :

Acte pour autoriser Judith Toutant, épouse d'Alexandre LeGendre, à vendre certains esclaves.

Résolution à l'effet de mettre à exécution la 32e section d'un acte intitulé acte pour établir un système général de banques libres dans l'Etat de la Louisiane.

Et il demande la signature du Président aux bills enrôlés de la Chambre.

Acte pour autoriser le Bureau des Commissai-

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res des Terres Marécageuses à recevoir et à adopter comme partie du système général de levées, telles levées qui ont été construites par les paroisses de Carroll, Madison et Catahoula, d'après les dispositions d'un acte intitulé acte pour former un district de levée composé des paroisses de Carroll, Madison et Catahoula et pour préserver lesdites paroisses de l'inondation, approuvé le 18 mars 1852, et pour allouer la somme de $50,000 du fond général des terres marécageuses à l'effet de payer lesdites levées.

Acte pour amender et décréter de nouveau les sections 14e, 15e, 17e et 18e d'un acte intitulé acte pour réorganiser les écoles publiques gratuites dans l'Etat de la Louisiane, approuvé le 28 avril 1853, et pour autoriser les Juris de Police à établir des bureaux dans leurs paroisses respectives afin d'examiner les candidats aux places de professeurs des écoles publiques.

Le messager spécial de la Chambre informe le Sénat que l'Orateur a signé la résolution et les bills suivants :

Acte pour autoriser la nomination de Chas. M Sheppers, comme tuteur de ses frères et sœur mineurs.

Résolution relativement à l'achat de l'Histoire Politique des Etats-Unis, par Bernard Marigny.

Et il demande la signature du Président du Sénat au bill suivant :

Acte pour pourvoir au déboursé des fonds affectés aux écoles publiques alloués aux paroisses de l'Union et de DeSoto.

Acte pour incorporer le Grand Conclave de l'Ordre de S W M., pour l'Etat de la Louisiane.

Et que la Chambre a donné son adhésion aux amendemens du Sénat aux bills suivants :

Acte pour autoriser la ville de la Nelle-Orléans à souscrire au fonds de la Compagnie du Chemin de Fer de Pontchartrain, afin d'aider ladite Compagnie du Chemin de Fer de Pontchartrain à construire un chemin de fer de la Nouvelle Orléans à la Mobile.

Sur motion de Mr Hodge, le Sénat s'occupe du bill intitulé acte pour autoriser les notaires à célébrer la cérémonie du mariage, (excepté dans la paroisse d'Orléans.)

Sur motion et après dispense des règles, ce bill subit ses différentes lectures et le Sénat y donne son adhésion.

Sur motion de Mr Lacoste, le bill intitulé acte pour accorder certains pouvoirs au Juri dans et pour cette partie de la paroisse d'Orléans située sur la rive droite du fleuve Mississippi, est repris en considération, et ce bill est déposé sur le bureau sujet à l'appel.

Le messager spécial de la Chambre vient annoncer l'adhésion de la Chambre à la résolution suivante:

Résolution relative à la fouille du chenal de la Baie de l'Atchafalaya.

Et il vient demander l'adhésion du Sénat aux bills et la résolution suivants :

Acte pour amender l'acte intitulé acte intitulé acte pour établir un système général de banques libres dans l'Etat de la Louisiane.

Acte pour venir au secours de Hugh Y. Waddill, ex-register du bureau des terres à Natchitoches.

Acte relatif aux améliorations à faire à l'emplacement sur lequel est bâti le Capitole.

Résolution requérant un relevé du bayou Jaune, dans la paroisse des Avoyelles par les commissaires du Troisième District.

MESSAGE DE LA CHAMBRE.

Le messager spécial de la Chambre informe le Sénat que l'Orateur de la Chambre, a signé les bills et résolutions qui suivent.

Acte pour venir au secours de Benjamin Borel, de la paroisse de Ste Marie.

Acte pour venir au secours de Fergus Fuselier.

Acte pour venir au secours de Martin Kohler.

Acte supplémentaire à l'acte intitulé :

Acte supplémentaire à l'acte pour accorder plus de temps aux occupans de terre pour faire application, la preuve et le paiement des terres marécageuses et submergées accordées à l'Etat de la Louisiane, en vertu des actes du Congrès, approuvés le 2 mars 1849, et le 25 septembre 1850, approuvé le 16 mars 1853, approuvé le 28 mars 1853.

Acte pour abroger l'acte intitulé :

Acte pour régler l'époque des sessions de la Cour de District, (excepté dans la paroisse d'Orléans approuvé le 29 avril 1853, en tant que le sixième district judiciaire est concerné, et pour abroger l'acte intitulé :

Acte pour changer l'époque des sessions de la Cour dans le sixième district judiciaire, approuvé le 1er mars 1854.

Acte pour amender la charte de la ville de Carrollton.

Acte pour régler les sessions de la Cour dans le sixième district judiciaire.

Acte pour abroger l'acte intitulé :

Acte pour accorder des pensions aux vétérans de 1814 et 1815, approuvé le 30 avril 1853.

Acte pour établir un fond permanent à l'usage des écoles publiques gratuites de l'Etat de la Louisiane

Acte pour amender la charte de la Compagnie du Gaz de la Nouvelle-Orléans.

Résolution pour autoriser l'Auditeur des Comptes Publics, à donner un quietus à A C Bickham shérif de la paroisse de Washington, pour l'année 1841.

Et que le Sénat a donné son adhésion aux bills suivants de la Chambre.

Acte pour pourvoir à la révision des lois de l'Etat d'un intérêt général.

Acte pour allouer une somme au bibliothécaire de l'Etat pour payer des dépenses par lui encourues.

Acte pour exempter les commis, les journaliers et autres employés de l'Hôtel de la Monnaie des Etats-Unis, du service de juré dans les Cours de District de la Nouvelle-Orléans.

Acte pour changer le nom d'Alfred Wharton Clifton en celui d'Alfred Clifton Wharton.

Et avec des amendements au bill de la Chambre.

Acte relatif aux procédures sur les jugemens rendus par les Juges de Paix, dans la paroisse d'Orléans.

Acte pour accorder certains pouvoirs au Juri de Police de cette portion de la paroisse d'Orléans située sur la rive droite du fleuve Mississipi.

Acte pour venir au secours de C J Mandeville, collecteur de la taxe d'Etat de la paroisse de Caldwell.

Acte pour pourvoir à la vente du Collége de Franklin aux Opélousas.

Le messager spécial de la Chambre vient demander l'adhésion du Sénat aux bills suivants :

Acte pour incorporer le Grand Conclave de l'ordre des S W M de l'Etat de la Louisiane.

Acte pour venir au secours de C J Mandeville, collecteur de la taxe de la paroisse de Caldwell.

Acte pour accorder certains pouvoirs au Juri de Police de cette portion de la paroisse d'Orléans située sur la rive droite du fleuve Mississipi.

Acte pour pourvoir à la vente du Collége de Franklin aux Opélousas.

Acte pour venir au secours d'Henry McEnery

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ex-register du Bureau des Terres à Ouachita, Louisiane.

MESSAGE A LA CHAMBRE.

Le messager spécial du Sénat informe la Chambre que le Président pro. tem. du Sénat, a signé les bills suivants, de la Chambre.

Acte pour imposer un devoir aux autorités municipales et paroissiales de créer telles places de juges de paix et de constables que l'intérêt public pourrait requérir, (la paroisse d'Orléans exceptée.)

Acte pour abroger l'acte intitulé acte pour exempter la paroisse de Lafayette du paiement des frais en matières criminelles, lorsque les délits seraient commis dans les limites de la corporation de Vermillionville, approuvé le 13 février 1853.

Acte pour changer le nom de Lassemah Harrison.

Acte pour incorporer la Compagnie des Pompiers de l'Indépendance No 2, de la ville de Bâton Rouge.

Acte pour fixer les limites de la paroisse de Sabine, et pour légaliser certains actes passés dans l'incertitude des limites de ladite paroisse.

Substitut pour le No. 131.

Acte pour autoriser un relevé d'arpentage par l'Ingénieur de l'Etat, dans le but d'améliorer la navigation du bayou Bœuf.

Acte pour amender l'acte relatif aux avocats de districts, approuvé le 29 mai 1846.

Acte pour imposer un devoir à certains officiers publics, en cas qu'un individu serait élu par le peuple à un emploi public, lequel serait concessionnaire avant ladite élection, de certifier ce fait à l'Exécutif.

Acte pour faciliter le réglement des comptes rendus par les tuteurs et les curateurs.

Acte pour diminuer le nombre des juges de paix pour la paroisse de la Pointe Coupée, et pour pourvoir au service des jurés dans ladite paroisse.

Acte pour autoriser le Bureau des Terres Marécageuses et Submergées à recevoir et approuver comme partie du système général des levées, telles levées qui auraient été faites dans les paroisses de Carroll, Madison et Catahoula, d'après les dispositions de l'acte intitulé acte pour former un district de levée composé des paroisses de Carroll, Madison et Catahoula, et pour la protection des dites paroisses de l'inondation, approuvé le 18 mars 1852, et pour affecter la somme de $50,000 du fonds général des terres marécageuses à l'effet de payer lesdites levées.

Acte pour amender l'article 1,035 du Code Civil.

Acte pour incorporer la Compagnie d'Arbita.

Acte pour fixer le salaire du Sergeut-d'Armes du Sénat et de la Chambre des Représentants de la Louisiane.

Acte pour affranchir Siméon, l'esclave et le petit fils de Constance Ternoir, f. d. c. l.

Acte pour autoriser Francis L Mead et Clifford Belcher, à affranchir son esclave Turner.

Acte pour déterminer la limite limitrophe entre la paroisse d'Iberville et la paroisse d'Est Bâton Rouge.

Résolution requérant nos sénateurs et nos représentants au Congrès, d'obtenir une concession du domaine public à l'usage des écoles publiques dans la paroisse de St. Martin.

Résolution relativement à un chemin du fleuve Mississipi aux Opélousas.

Résolution invitant John Mitchell au siége du gouvernement de l'Etat.

Acte pour venir au secours d'Henry O McEnery, ex-register des bureaux des terres à Ouachita, Louisiane.

Acte pour incorporer le Grand Conclave de l'ordre des S. W. M. de l'Etat de la Louisiane.

Acte pour autoriser et requérir l'Ingénieur de l'Etat à faire un examen et un relevé de la rivière du Ouachita et de la Petite Rivière.

Acte pour modifier le droit d'appel dans les procès intentés pardevant les justices de paix de la paroisse d'Orléans.

Acte pour amender la 35e section de l'acte intitulé acte pour consolider la ville de la Nouvelle-Orléans, et pour pourvoir à son gouvernement et à son administration, approuvé le 23 février 1852.

Acte pour fixer l'époque des sessions de la Cour dans la paroisse d'Est Féliciana.

Acte pour amender l'acte intitulé acte pour incorporer la ville de Vermillion, dans la paroisse de Lafayette, approuvé le 11 mars 1836.

Acte pour changer le nom de James Madison Williams en celui de James Crétolius Williams.

Acte pour autoriser le Gouverneur à nommer des notaires publics.

Acte pour autoriser les Recorders de toutes les paroisses de l'Etat de la Louisiane à nommer des députés.

Acte pour amender l'acte intitulé acte pour prescrire les pouvoirs et les devoirs des Greffiers de Cour, (la paroisse d'Orléans exceptée) approuvé le 30 avril 1853.

Acte pour pourvoir au writ de saisie pour dommages faits à la propriété.

Acte pour autoriser les individus à changer leurs noms dans certains cas.

Acte pour accorder au Maire et aux Administrateurs de la ville de Shreveport et au Juri de Police de la paroisse de Caddo, le pouvoir d'établir des maisons de travail.

Acte pour accorder certains pouvoirs au maire de la ville de Donaldsonville.

Acte pour incorporer l'Académie de Vienne, pour les adultes des deux sexes, dans la paroisse de Jackson.

Acte pour autoriser les notaires à célébrer la cérémonie du mariage, (la paroisse d'Orléans exceptée)

Acte pour venir au secours de H. F. Voorhies

Acte en faveur de John P. Watson, C. Stewart and James Cotton, cautions de R. L. Carpenter, ex-shérif de la Pointe Coupée.

Acte pour reviser et amender l'acte intitulé acte pour reviser l'acte d'incorporation de l'Eglise Catholique Romaine de St. François, à Natchitoches.

Acte pour changer le nom de Jean Baptiste P. Rabelais en celui d'Onesime Rabelais.

Acte pour incorporer la Compagnie des Pompiers de la ville de Shreveport.

Acte pour créer la place d'Inspecteur des Poids et des Mesures du Quatrième District de la ville de la Nouvelle-Orléans.

Acte pour autoriser le Juri de Police de la paroisse de la Pointe Coupée, à émettre des bons d'une somme suffisante pour faire face aux dettes de la paroisse.

Acte pour venir au secours de William Hampton.

Acte pour fixer l'époque des sessions du Juri de Police dans la paroisse de Tensas

Acte pour déterminer le mode de remplir les vacances de la place de Juges de District.

Resolution pour améliorer la rivière Sabine.

Resolution relativement aux malles-postes.

Résolutions requérant nos sénateurs et nos représentants au Congrès de procurer une malle-poste hebdomadaire du Grand Lac sur le fleuve Mississipi à la paroisse de Carroll.

Résolutions requérant nos sénateurs et représentants au Congrès, de faire passer une loi établissant une malle-poste, deux fois la semaine, de Bâton Rouge à Greensburg.

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SESSION DU SOIR.

MERCREDI, 15 mars 1854.

Limites entre les Paroisses d'Iberville et de Ouest Bâton Rouge.

Mr Lauve,

J'ai à faire observer à propos de ce bill, afin de montrer que le territoire de Grosse Tête appartient à Ouest Baton Rouge. Il suffit pour cela de lire la loi (Mr Lauve cite la loi.) Cela est suffisant pour convaincre tout le monde que la Paroisse de Ouest Bâton Rouge a, sur ce territoire, des droits que nous ne pouvons pas lui enlever. La loi le donne à Ouest Bâton Rouge, on dit au moins que dans un certain temps il doit lui revenir. J'espère que le Sénat pésera ces considérations et réfléchira mûrement avant d'accomplir l'acte d'injustice qui serait commis en adoptant ce bill. Ce n'est pas là un sujet sur lequel la Législature a à décider, c'est une question à soumettre aux décisions des Cours, et il faut la leur abandonner.

Mr Hébert,

Ce qu'a dit mon collègue réclame quelques mots en réponse. Le Sénateur nous a dit que ce n'est point là une matière que la Législature puisse régler.—Je crois au contraire que ce n'est point une de ces questions qui puissent être décidées par les Cours. Si le Sénateur s'appuyait sur un acte de la Législature, définissant la limite entre deux paroisses, il pourrait y avoir matière à décision judiciaire, mais cette loi n'existe pas, la Législature doit donc agir. Le Sénateur dit aussi que la loi qu'il a citée donne ce territoire à Ouest Baton Rouge. Je dis au contraire qu'elle la donne bien clairement a Iberville pour un temps limité. Il dit qu'au bout d'un certain temps ce territoire doit revenir à Ouest Bâton Rouge ; je prétends que la question est évidemment laissée ouverte pour que la Législature en décide. Les lois adoptées plus tard prouvent que la Législature n'a jamais eu les intentions que le Sénateur lui suppose ; elle avait deux motifs que je vais essayer d'expliquer. Des lois sur ce sujet ont été successivement adoptées par les Législatures de 1828 et de 1847. Ces deux actes sont en contradiction, mais un d'eux a laissé au peuple de ce territoire le droit de le décider. S'il désire s'adjoindre à Ouest Bâton Rouge, je suis prêt à proposer à la première session un bill qui satisfera à leurs vœux.

Mr Hodge,

Je désirerai que la loi soit lue.

Mr Hébert,

Je vais d'abord lire l'acte de 1825, (Mr Hébert en donne lecture.) J'appelle l'attention du Sénat sur cet acte. Le grand bayou Poydras qui y est cité, se trouve entre le Mississippi et Grosse-Tête. La loi donne le territoire intermédiaire à la Pointe Coupée. Un autre acte détermine les limites de la Pointe-Coupée et ce territoire n'y est point compris. Cette loi est réellement la seule disposition qui enlève ce territoire à la Pointe Coupée. Je citerai maintenant l'acte de 1847, (Mr Hébert en donne lecture) et j'appellerai l'attention spéciale des Sénateurs sur les termes de cet acte. Il donne à Iberville toute la partie Ouest de ce territoire, en continuant la ligne de division jusqu'a la Pointe Coupée. Cela montre l'intention de la Législature de donner à Iberville ce territoire. Je désire que le Sénat agisse sur cette matière et la règle pour toujours.

Voici les passages des lois citées dans le cours des remarques précédents.

ACTE

Pour déterminer les limites de la Paroisse de Pointe Coupée, et pour donner certains pouvoir au jury de police de cette Paroisse, et aussi à celui de la Paroisse de Ouest Bâton Rouge, approuvé le 4 février 1825.

Section 1. Il est décrété, etc., Que la Paroisse de la Pointe Coupée sera circonscrite par les limites suivantes, savoir: partant de l'extrémité nord de la ligne treize vers l'Est, ligne inférieure d'une portion de terre appartenant aujourd'hui à Alexandre Bandin et située sur le bayou Dumaine, suivant ensuite la dite ligne vers le Sud et les lignes limitant la profondeur des terres et plantations situées sur la rive orientale de chenal inférieur de la fausse rivière jusqu'au grand bayou Poydras et suivant de là le grand Bayou Poydras jusqu'à sa jonction avec le Bayou Grosse Tête, de là en droite ligne à l'Ouest jusqu'à la rivière d'Atchafalaya, et remontant l'Atchafalaya jusqu'au Mississippi, etc.

Un acte intitulé : " Acte pour déterminer les limites de la Paroisse Pointe Coupée, approuvé le 12 février 1838."

Section 1. Il est décrété, etc., Que la ligne de la Paroisse Pointe Coupée entre la dite paroisse et la paroisse de Ouest Bâton Rouge courra comme suit : Partant de l'embouchure inférieure de la Fausse Rivière et courant sur 35 acres le long du chenal inférieur de la Fausse Rivière, suivant alors les lignes de fond des habitations de Ouest Baton Rouge, jusqu'à ce que cette ligne rencontre celle qui divise les townships 5 et 6, courant ensuite en ligne droite sur le coin inférieur des Rangers 9 et 10, et 10 entre les townships 6 et 7, suivant ensuite la ligne des Rangers 9, 10, 11 entre les townships 6 et 7 jusqu'à l'Atchafalaya, et remontant la dite rivière jusqu'à son embouchure dans le Mississippi.

Section 2. Et il est de plus décrété, etc., Que toutes lois ou portions de lois contraires à la présente, est par la présente rappelée.

ACTE

Pour définir les limites entre les Paroisses d'Iberville et d'Ascension, et entre les Paroisses d'Iberville et de St. Martin, approuvé le 15 avril 1847.

Section 1 Il est décrété, etc., Que les lignes relevées et établies par Augustus S. Phelps, dans l'année mil huit cent trente sept, sont et demeurent déclarées et arrêtées comme la ligne de division entre les Paroisses d'Iberville et Ascension.

Section 2. Et il est de plus décrété, etc., Que la ligne entre les Paroisses d'Iberville et de St. Martin, commencera à un point où la ligne qui est entre les townships 1 et 12, rencontre l'Atchafalaya communément appelé Grande Rivière ou Vieille Rivière, sur sa rive occidentale à l'Est de, et près du lac Natchez, courant de là à l'Ouest sur la dite ligne de township jusqu'à ce qu'elle rencontre la branche orientale du Bayou Pigeon, de là suivant le milieu du dit Bayou et le milieu du petit Bayou Pigeons jusqu'au nord du Cross Bayou, et de là suivant le milieu du Cross Bayou jusqu'à la jonction avec le lac Long vulgairement appelé lac Morphy, de là traversant le dit lac pour aller frapper à un point de son bord occidental à trois milles au nord de la dite ligne de township, de là parallèlement à cette dernière jusqu'au lac Chicot, de là le long du côté Est du dit lac Chicot jusqu'à l'embouchure navigable Est dans le lac du Bayou Sorel, de là au nord en suivant le milieu de la dite embouchure et la Baie du Bayou Sorel jusqu'au Bayou Pigeon Supérieur, de là en re-

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vant le milieu de ce Bayou au nord jusqu'à sa jonction avec l'Atchafalaya nommé Grande Rivière, de là suivant le milieu de la dite Grande Rivière jusqu'à la bair Oské, de là en la traversant par le milieu à la branche Est du Bayou Alabouna, de là en suivant la dite branche et en rasant les habitations sur les deux bords, en remontant jusqu'à la ligne de township entre les townships 6 et 7, ou la limite Sud, la Paroisse de Pointe Coupée, la portion du Nord et à l'Est de la dite ville devant appartenir à la Paroisse Iberville, et celle au Sud et à l'Ouest à la Paroisse de St. Martin.

Section 3. Et il est de plus décrété, etc., Que toutes lois contraires aux dispositions de cet acte, sont et demeurent rappelées.

Mr Moore,

Le Sénat je l'espère, me permettra quelques observations à ce sujet. En lisant la loi de 1826, on voit que le territoire en dispute appartenait à cette époque à Bâton Rouge, si je puis me servir de cette expression, il était prêté à Iberville jusqu'à ce que Ouest Bâton Rouge ait pu construire une route conduisant a la maison de Cour. Je puis remarquer que la ligne de division dans ma section de l'Etat est le Bayou Atchafalaya. Je faisais partie du Sénat lorsque l'acte de 1847 a été adopté, je m'y suis opposé, contrairement à mes vœux il a enlevé une portion de ma paroisse. Iberville n'était pas satisfait de son territoire primitif et ainsi une partie de St. Martin a été séparée et lui a été donnée. Maintenant elle veut avoir un morceau de Ouest Bâton Rouge, car tout le monde peut voir que ce territoire a été seulement prêté à Iberville, et que Ouest Bâton Rouge n'a jamais perdu son titre Ouest Bâton Rouge, afin de se conformer aux dispositions de la loi, a dépensé beaucoup d'argent à construire un chemin planchéyé ; car la loi dit que ce territoire sera attaché à Iberville jusqu'à ce que ce chemin soit fait, et qu'alors il fera retour à son propriétaire originaire. Les Bayous autrefois étaient toujours les limites des paroisses. Ce fait est établi par les limites espagnoles. Il n'y a pas eu d'exceptions dans ce cas particulier, excepté ce qui était considéré comme purement temporaire. La seule raison qui a fait ajoindre temporairement ce territoire à Iberville, c'est qu'il n'y avait pas de route traversant Ouest Baton Rouge pour se rendre à la rivière, et que le public était obligé de passer par Iberville. Comme il appartenait à Ouest Baton Rouge originairement, que personne ne contestera, il aurait été souverainement injuste de le lui enlever. Il y a une autre objection à faire au bill. Si nous enlevons ce territoire à Ouest Bâton Rouge, nous violons moins l'esprit de cet article de la Constitution qui dit qu'aucune paroisse ne sera crée ayant de 5 milles carré de superficie. Si on enlève cette portion, il restera à Ouest Bâton Rouge moins de 0 milles. D'après les termes de la loi il est évident que du moment ou le chemin est terminé, il doit faire retour à Ouest Bâton Rouge.—Les lois entre St. Martin et Iberville que le Sénateur a décrites n'ont rien à faire avec la question. Cette ligne pourrait aussi bien exister sans qu'on ait rien à Ouest Baton Rouge. Le peuple de cette paroisse a récemment dépensé $13,000 pour faire un chemin à la convenance de la population de Grosse Tête, et maintenant on veut lui enlever ce territoire. Les dernières limites étaient l'Atchafalaya, la portion a l'Ouest du Bayou Grosse Tête, devait être réannexé à Ouest Bâton Rouge, de sorte que le chemin aurait été construit. Ce chemin est exécuté, il coute près de mille piastres, et maintenant qu'on a rempli les conditions de la loi, nous n'avons aucun droit de nous refuser à restituer ce territoire.

Mr Lacoste,

Je voterai pour le bill parce qu'il donne au peuple le droit de choisir. Il est en pareil cas le meilleur juge.

Mr Hodge,

Je desire que mon vote à ce sujet soit enrégistré. Il s'agit d'un bill pour déterminer la limite entre deux paroisses. Il a été dit qu'un des actes cités par le Sénateur d'Iberville (Mr Lauve), pour soutenir sa position, a été rappelé par un autre acte. S'il en est ainsi, où est la nécessité de celui que nous discutons. On pourra dire qu'il s'agit de calmer l'irritation qui existe. Iberville dit avoir droit au territoire et aux taxes, Ouest Bâton Rouge élève la même prétention. Cette discussion doit faire l'objet d'une décision judiciaire. Où est l'ordre pour la division du territoire d'une paroisse ? Quel droit avons-nous de prendre une partie d'une paroisse pour l'adjoindre à une autre ? Nous pouvons en organiser de nouvelles, mais nous ne pouvons pas prendre à l'une pour octroyer à une autre, et quand même nous le pourrions nous violerions en agissant ainsi, cet article de la Constitution qui dit que nous ne pouvons disposer des droits acquis. Ouest Bâton Rouge a fait le chemin, et a acquis par là un droit que ni nous, ni aucun pouvoir humain n'a le droit de lui enlever. Et en quoi consiste ce droit ? c'est de percevoir des taxes sur les propriétés inclues dans son territoire, et ce droit dans ce cas particulier n'est pas du tout insignifiant. J'appellerai l'attention du Sénat sur une particularité de ce bill :—Ouest Bâton Rouge a à supporter le poids d'une immense dette et de la taxe qui en est la conséquence, Iberville est riche et n'a pas de dettes. Si nous laissons au peuple de Grosse Tête le soin de décider la question des motifs d'intérêts pécuniers le porteront nécessairement à voter pour s'adjoindre à la paroisse où il y a le moins de taxes à payer et ce sera Iberville. Est-il droit, est-il bien, est-il honnête de laisser la décision de la question à pareil tribunal ? est-il bien d'enlever ce territoire au peuple qui a accepté les conditions de la loi en construisant le chemin ? Les Sénateurs ne pensent pas ce qu'ils disent, et ils ne croient pas que l'acte de 1847 aie l'effet qu'il lui attribuent. S'il en était ainsi cette loi serait inutile. Ils y ont cru pour la première fois quand ils ont entendu dire que Ouest Baton Rouge allait réclamer ses droits. J'appelle l'attention des avocats qui font partie du Sénat sur ce fait, que la Cour Suprême a décidé que la Législature n'avait pas le droit de retirer le privilège d'un ferry une fois accordé. Lorsque ma paroisse a été organisée, la Législature a donné à Shreveport le droit d'établir un ferry. Une autre loi en donna ensuite la moitié de la paroisse de Bossier,—Shreveport résista et porta le point devant la Cour Suprême ; cette Cour décida dans un arrêt rendu par le juge Slidell, que si Shreveport avait fait des dépenses, elle était investie d'un droit acquis que la Législature ne pourrait pas lui enlever. Si Ouest Bâton Rouge a construit la route, vous ne pouvez pas lui prendre ce territoire. La position est semblable à celle que je viens de citer.—Je demande au Sénateur d'exécuter la Constitution et de ne point la mettre de côté par suite d'influence de partie.

Mr Wickliffe,

Je demanderai au Sénateur si la Paroisse de Ouest Bâton Rouge a construit la route.

Mr Hodge,

Les citoyens l'ont faite et cela revient au même. Ils l'ont construite avec l'intention d'exécuter la loi.

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Mr Moore,

Je demande au Sénat la permission de citer la loi afin de montrer que j'avais raison de dire que l'Atchafalaya servait de limite à toutes ces paroisses. (Mr Moore lit le texte.) En faisant cette lecture, je n'ai voulu que prouver que mon interprétation de l'intention de la Législature était correcte.

Mr Hébert,

Je demanderai au Sénateur de lire la loi adoptée quatre jours après et retardant l'opération de celle-là. Un an après, en 1827, la Législature en a adopté une autre la rappelant.

La première section est adoptée.

La seconde section est prise en considération.

Mr Hodge,

Je fais la motion de supprimer cette section, le Sénateur dit que cette loi est déjà rappelée.

Mr Kenner,

Je vote contre ce bill parce que la discussion m'a convaincu que la loi, la justice et le droit sont tout entier pour Ouest Bâton Rouge. De plus, c'est la paroisse la plus faible, et je sympathise naturellement avec le faible. Iberville est puissant et puissamment représenté dans cette assemblée. Il veut dépouiller une paroisse plus faible et je ne contribuerai pas à sanctionner cet outrage par mon vote. J'essayerai de signaler quelques uns des défauts de ce bill. Je n'aborderai pas cette partie de la question si admirablement traitée par le Sénateur de Caddo et par celui de St, Martin, mais je traiterai d'autres points. La première section fixe les limites d'Iberville telles qu'elles doivent être. La seconde section déclare que toutes lois contraires à la première section sont rappelées, la troisième dit que le peuple votera : le bill dit-il que s'il vote contre la réunion avec Iberville, il restera avec Ouest Bâton Rouge ? Pas le moins du monde ? Celui qui a préparé ce bill était trop habile pour cela. La question reste telle qu'elle est aujourd'hui, c'est-à-dire que le territoire reste faisant partie d'Iberville. Il doit donc rester à cette paroisse, quelque soit le vote du peuple. L'élection doit être tenue par des commissaires d'Iberville, pas un habitant de Ouest Bâton Rouge ne sera auprès de la boîte au scrutin pour vérifier si le votes pris sont légaux ou non. Les spoliateurs ont du avoir le cœur insensible quand ils se sont arrêtés à une pareille combinaison. Mais quelques-uns des spoliateurs seront élus, et la pauvre paroisse de Ouest Bâton Rouge n'a pas de chance pour que justice lui soit faite. Iberville conduira l'élection, et le Shérif d'Iberville et probablement les votants d'Iberville y aideront. Ce bill convient à Iberville mais je désire l'amender de manière qu'au moins on emploie des commissaires tirés de l'Ouest Bâton Rouge.

Mr Wickliffe,

Où le bill propose-t-il de prendre des commissaires ? au milieu même de la population intéressée. Le Sénateur croit-il que ces commissaires ne ferait pas de retour d'élection véritables ? Croit-il qu'ils falsifieront les votes ? Le Sénateur dit que ce bill consomme la spoliation de Ouest Baton Rouge. Je vote pour le bill parceque je pense que le territoire appartient à Iberville. Quoi de plus juste que de laisser décider la question par les votants qui habitent ce territoire. Nous ne pouvons le laisser à ceux des deux paroisses parce que Ouest Bâton Rouge n'aurait pas de chance. Je suis autorisé à dire par un des représentants d'Iberville que la proposition a été faite de faire cette élection, et qu'elle a été rejetée par les représentants de Ouest Bâton Rouge.

JEUDI, 16 Mars 1854.

EXECUTEURS DE SUCCESSIONS.

L'acte pour amender l'acte relatif aux achats faits par les exécuteurs de successions, est pris en considération. (L'objet de ce bill est de permettre aux exécuteurs de devenir acquéreurs dans les sociétés ordinaires comme ils le sont dans les sociétés en communauté.)

Mr. Muday,

Pendant la discussion du bill du shérif, il a été établi que les administrateurs ont le pouvoir de faire des ventes. L'objet de ce bill est de leur permettre de devenir acquéreurs.

Mr. Ryan,

Ils ont déjà ce pouvoir par une loi de 1835, lorsqu'ils sont héritiers. Le seul changement que ce bill propose est de permettre à l'associé survivant, dans les sociétés ordinaires, de devenir acquéreur.

Mr. Trudeau,

Je ne comprends pas le bill et je voudrais que quelqu'un me l'explique.

Mr. Lacey,

C'est simplement pour permettre à l'associé survivant dans les sociétés à devenir acquéreur, afin que les intérêts de la société puissent être protégés.

Le bill est ado pté.

APPROPRIATIONS GENERALES.

Le bill suivant pourvoyant aux allocations générales est pris en considération.

ACTE

Faisant une appropriation pour les dépenses générales de l'Etat, pour l'année fiscale finissant le 31 mars 1855.

Section 1ère. Il est décrété par le Sénat et la Chambre des Représentans de l'Etat de la Louisiane, réunis en assemblée générale;

Que les sommes suivantes sont et demeurent allouées pour les objet suivants, pour l'année qui commence le 1er avril 1854 et qui finit le 31 mars 1855.

Pour le salaire du Gouverneur	$4,000
do du Secrétaire d'Etat	2,000
do du commis du bureau du Secrétaire d'Etat	1,000
Pour copier les actes de la Législature	600
Pour le salaire du Trésorier de l'Etat	2,500
do de l'Auditeur des comptes publics	4,000
Pour le salaire du premier commis du bureau de l'auditeur	2,000
Pour le salaire du Secrétaire intime du Gouverneur	1,000
Pour le salaire du Surintendant de l'Education publique	2,000
Pour le salaire de l'Avocat-Général	3,500
do du Bibliothécaire de l'Etat,	1,300
Pour le salaire de l'adjudant et de l'inspecteur général,	500
Pour le salaire du Register du bureau des terres à Baton Rouge	250
Pour le salaire du Receveur du bureau des terres à Baton Rouge	250
Pour le salaire du Register du bureau des terres à Winsboro	150
Pour le salaire du Receveur du bureau des terres à Winsboro	150
Pour le salaire du commis du pénitentiaire	1,500
Pour le salaire du médecin du pénitentiaire	600
Pour le salaire de l'aumônier du pénitentiaire	400
Pour le salaire des directeurs du pénitentiaire	500

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Pour le salaire du gardien de la maison d'Etat..... 600
Et pourvu qu'il soit sous la direction et le contrôle du Gouverneur.
Pour le salaire du Sergent-d'Armes de la Chambre des Représentants..... 1,200
Pour le salaire du Sergent-d'Armes du Sénat..... 1,000
Pour le salaire des Juges de la Cour Suprême..... ,000
Pour le salaire des Juges des Cours de district..... 63,500
Pour le salaire du greffier de la 1ère cour de district de la Nouvelle-Orléans. 4,000
Pour le salaire des avocats de District.. 16,000
Pour le salaire du Rapporteur de la Cour Suprême..... 2,500
Pour le salaire du porteur des dépêches du Gouverneur..... 360
Pour le salaire de l'Ingénieur de l'Etat et les dépenses incidentes de son dépt.... 13,000
Pour le salaire du gardien de l'Arsenal de l'Etat et de son adjoint..... 1,800
Pour les dépenses casuelles de l'Exécutif. 5,000
do du Secrét.-d'Etat.... 500
do bureau de l'Auditeur 3,000
do bureau du Trésorier. 3,600
do de la Cour Suprême.. 1,500
Pour les dépenses casuelles du bureau des terres à Bâton-Rouge..... 836 45
Pour les dépenses casuelles du bibliothécaire de l'Etat..... 500
Commissions au receveur des deniers publics à Bâton-Rouge, à prendre sur le fonds général..... 250
Commissions au receveur des deniers publics, à Bâton-Rouge, à prendre sur le fonds des levées et desséchements..... 1,000
Pourvu qu'il démontre à la Législature de quelle manière lesdites commissions lui sont dues.
Commissions au Register du bureau des terres, à Bâton-Rouge, à prendre sur le fonds général..... 500
Commissions au Register du bureau des terres à Bâton-Rouge, à prendre sur le fonds des levées et desséchements..... 1,500
Commissions au Receveur du bureau des terres à Winsboro..... 150
Pourvu qu'il démontre, à la Législature, de quelle manière elles lui sont dues.
Commissions au Register du bureau des terres à Winsboro..... 150
Pourvu qu'il démontre, à la Législature, de quelle manière elles lui sont dues.
Pour le Receveur du bureau des terres à Bâton-Rouge, et au Trésorier pour commissions arriérées, sur la vente des terres marécageuses, pour être payé de la caisse des terres marécageuses..... 2,440 78
Commissions aux collecteurs des taxes, à prendre sur le fonds général..... 25,000
Commissions aux collecteurs des taxes, à prendre sur le fonds des écoles..... 20,000
Compensation aux assesseurs, à prendre sur le fonds général..... 15,000
Compensation aux assesseurs, à prendre sur le fonds des écoles..... 10,000
Déductions aux collecteurs des taxes, à prendre sur le fonds général et le fonds des écoles..... 75,000
Intérêt sur les bons émis à la compagnie du chemin de fer de la Nlle-Orléans et de Nashville..... 28,980
Intérêt sur les bons émis à la compagnie du chemin de fer du golfe du Mexique.... 6,000
Intérêt sur les bons à la compagnie de dessèchement de la Nouvelle-Orléans.. .. 2,500
Intérêt sur les bons dûs à la Banque des Citoyens..... 15,000
Intérêt sur les bons émis pour venir en aide au Trésor de l'Etat..... 22,500
Intérêt sur les bons émis à l'hôpital de Charité..... 6,250
La publication des décisions de la Cour Suprême..... 5,000
Pour l'impression publique, les avis, et pour payer l'imprimeur d'Etat..... 25,000
Le paiement aux propriétaires d'esclaves sentenciés pour crimes..... 6,000
Le paiement aux propriétaires d'esclaves vendus aux dépôts par l'Etat..... 2,000
Achat de livres à l'usage de la bibliothèque de l'Etat..... 1,000
Pour la transportation des condamnés au pénitentiaire..... 2,000
Pour le maintien du service des améliorations internes, de la caisse des chemins et levées..... 5,000
Pour le maintien du service des améliorations internes, de la caisse des améliorations internes..... 15,000
Pour primes accordées aux constructeurs de navires et de vaisseaux dans cet Etat, en vertu de l'acte No 318, de 1852. 10,000
Pour dépenses dans les poursuites criminelles..... 5,000
Pour réparations à faire à l'hopital de Charité..... 20,000
Pour le soutien de l'asile des aliénés à Jackson..... 15,000
Pour l'asile des Orphelines à la Nlle-Orléans, sous l'administration de la sœur Regis..... 6,000
Pour la Société pour secourir les Orphelins malheureux du 4me district de la Nouvelle-Orléans..... 3,000
Pour l'Institut des Orphelins de couleur malheureux du 3me district de la Nlle-Orléans..... 2,000
Pour l'Association Charitable des Pompiers..... 2,000
Pour l'Asile Ste-Anne, pour secourir les femmes malheureuses et les enfants sans soutien, de toutes sectes religieuses..... 2,000
Pour l'asile des Orphelines, à Bâton-Rouge..... 3,000
A l'Association des dames de la Providence de Bâton Rouge..... 1,000
Pour l'asile des Orphelins Catholiques de Ste-Marie..... 6,000
Pour les Veuves indigentes, sous la direction des Dames de la Providence..... 2,000
Au gardien de la Maison d'Etat, pour l'achat des bois à brûler et d'huile à lampe. 28
Pour l'enseignement des enfants Sourds-Muets..... 9,500
Pour la construction d'un édifice pour l'Asile des Sourds-Muets à Bâton-Rouge. 25,000
Pour le soutien des Ecoles Publiques gratuites, pour être payé de la caisse de la taxe de capitation..... 300,000
Pour le paiement de l'intérêt sur les ventes des 16mes sections de terres, pour l'avantage des Ecoles Publiques, sises dans les "townships", dans lesquels lesdites sections ont été vendues, et pour lequel le trésorier de paroisse de la paroisse dans laquelle se trouve ladite 16me sec-

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tion, fera application, en vertu des lois actuelles..... 3,000

Au corps des Volontaires de la Nelle.-Orléans, pour être distribué par le Major-Général Commandant..... 5,000

Aux canonniers de Donalsonville..... 500

A l'hopital de St-Vincent et l'asile des Sœurs de Charité, à Donalsonville.....

La moitié à l'Hopital, et l'autre moitié à l'Asile..... 2,000

Pour le paiement des réclamations forfaites, des témoins en matières criminelles. 300

Pour le déficit dans l'allocation faite en 1853 pour les pensions..... 15,000

A l'Asile des Orphelins sous la surveillance du Révérend M Whitall, de la Nlle-Orléans..... 1,500

Pour l'achat de 1,000 exemplaires de la loi de 1853, sur la milice, publiés en forme de pamphlet..... 125

Pour les projets en vertu des actes No 277 et 280 intitulés: Acte pour pourvoir aux moyens nécessaires pour venir au secours du trésor de l'Etat et acte pour pourvoir au paiement des bons de l'Etat, pour 300,000 piastres échéant dans les années 1855 et 1857..... 93,000

Pour la construction de l'Asile des Aliénés, à Jackson..... 20,000

Pour l'achat du site et pour la construction d'un obélisque ou de la colonne sur le champ de bataille du 8 janvier 1815 15,000

Pour la construction d'un édifice pour un séminaire d'instruction, à prendre sur la caisse du séminaire..... 3,456

Que la somme de 1,000 piastres soit allouée de la caisse des terres marécageuses, à l'effet d'achever les plans des terres marécageuses, au bureau du Register, pourvu que lesdits plans ne doivent pas coûter plus de cinq piastres ($5) chaque. 1,000

Pour les réparations au toit de la Maison d'Etat, pour être payé par le Gouverneur..... 2,000

Aux commissaires nommés par le Gouverneur, pour modifier le contrat entre l'Etat et la compagnie du canal de Barataria et Lafourche, pour leur salaire et leurs dépenses..... 1,210

Et pour le déficit de l'appropriation pour la construction et la réparation des bateaux de l'Etat, 5.000 piastres de la caisse des améliorations internes..... 5,000

Que l'Auditeur des Comptes Publics et le Trésorier, sont et demeurent requis de payer les appropriations mentionnées dans la section ci-dessus, en préférence à toutes autres.

Section 2. Il est de plus décrété, &c.,

Que chaque officier public en faveur desquels il y aura une allocation pour les dépenses contingentes, devra rendre un compte détaillé à chaque session de l'assemblée générale, pour lequel il devra spécifier la disposition qu'il a fait des dépenses casuelles.

Sur motion, le Sénat s'ajourne à cet après-midi, à cinq heures.

SEANCE DU SOIR.

Jeudi, le 16 mars 1354.

5 heures de l'après-midi.

Le Sénat se réunit conformément à l'ajournement.

Membres présens :

L'honorable R. C. Wickliffe, Président pro-tem du Sénat, occupe le fauteuil.

Sur motion, le Sénat se dispense de l'appel de ses membres, et de la lecture du journal.

Sur motion de Mr Ryan, le Sénat s'occupe du bill intitulé :

Acte pour modifier le droit d'appel des procès portés par devant les juges de paix de la paroisse d'Orléans.

Sur motion, et après dispense des règles, ce bill subit ses différentes lectures.

Et sur la motion de son adoption, Mr Hodge réclame l'appel nominal.

L'honorable R. C. Wickliffe au fauteuil.

Messieurs Braud, Defreese, Hébert, Lacey, MacMurdo Munday, Martel, Moore, Pulfrey, Ryan, Richardson et Wickliffe—11 Sénateurs, votent dans l'affirmative.

Et Messieurs Boatner, Hodge, Key, Kittridge, Lacoste, Lauve, Rivers, Scott et Trudeau—9 Sénateurs, votent dans la négative.

En conséquence, le Sénat donne son concours au dit bill.

Mr Wickliffe présente la résolution suivante:

Résolu que soixante jours après l'ajournement du Senat sont accordés à Messieurs Emile Wirz et Oscar Arroyo, pour compléter les traductions du journal non terminées, des résolutions, etc., de ce corps, ce délai étant nécessaire à cause de la multiplicité et de l'accumulation inattendue des affaires.

Laquelle résolution est adoptée.

Sur motion de Mr Hodge, le même temps est alloué au secrétaire adjoint pour mettre à jour les affaires du Sénat.

Et sur motion de Mr Trudeau, le même temps est alloué à Jules Desoat, traducteur.

Mr Kenner présente la résolution suivante, laquelle est adoptée :

Résolu que la somme de soixante-dix piastres est allouée à James S. Hall, pour avoir rapporté les débats du Sénat pendant sept jours, pendant l'absence du rapporteur, et que sept jours lui sont accordés pour finir ses rapports et qu'il recevra à titre de compensation la somme de quatre piastres par jour.

Les Sénateurs suivants appellent les bills suivants :

Mr Kenner,

Acte pour autoriser la ville de la Nouvelle-Orléans à dessécher et améliorer les terres marécageuses et inondées dans les limites incorporées de la dite ville et de ses alentours.

Sur motion et après dispense des règles, ce bill subit ses différentes lectures, et le Sénat y donne son concours.

Mr Lacoste,

Acte pour autoriser l'affranchissement de l'esclave Mary Ann, pour des services fidèles rendus à son maître.

Sur motion, et après dispense des règles, ce bill est lu trois fois.

Et sur motion de son adoption, Mr King réclame l'appel nominal.

L'honorable R. C. Wickliffe au fauteuil.

Messieurs Braud, Clifton, De Russy, Hébert, Kay, Kittridge, Lacoste, Lawes, Lacey, Lauve, MacMurdo, Moore, Ryan et Wickliffe—14 Sénateurs, votent dans l'affirmative.

Et Messieurs Defreese, Evans, King, Munday, Taylor et Trudeau—6 Sénateurs, votent dans la négative.

En conséquence, le Sénat donne son adhésion au dit bill.

Mr Kay,

Acte pour empêcher les personnes de coupe,

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ou de disposer du bois sur aucune des terres publiques concédées à l'Etat par les Etats-Unis.

Sur motion, et après dispense des règles, ce bill subit ses différentes lectures, et le Sénat y donne son concours.

Mr Moore,

Acte pour autoriser l'ingénieur de l'Etat à nommer des assistants.

Sur motion, et après dispense des règles, ce bill subit ses différentes lectures, et le Sénat y donne son concours.

Sur motion, le Sénat s'occupe à huis-clos des affaires de l'Exécutif.

Les portes s'ouvrent.

Sur motion de Mr Kittridge, le Sénat s'occupe de la résolution requérant l'imprimeur de l'Etat d'imprimer un certain nombre d'exemplaires du bill pour organiser les écoles publiques.

Sur motion, cette résolution est déposée sur le bureau.

Mr Trudeau présente la résolution suivante qui est adoptée:

Résolu par le Sénat et la Chambre des Représentans, Que les commis nommés par les comités réunis des deux Chambres recevront quatre piastres par jour et pas davantage, laquelle somme sera payée par moitié du fonds des dépenses casuelles de chaque Chambre.

Le messager spécial du Sénat vient soumettre à la signature du Président du Sénat les bills suivants:

Acte pour amender l'acte intitulé acte pour amender les divers actes relatifs aux patrouilles, approuvé le 9 janvier 1821.

Acte pour amender l'acte intitulé acte pour régler l'époque des sessions des Cours de District (la paroisse d'Orléans exceptée) approuvé le 29 avril 1853.

Acte intitulé acte pour améliorer et dessécher les terres marécageuses et inondées de l'Etat de la Louisiane, approuvé le 30 avril 1853, et pour allouer la somme de trois cent mille piastres pour mettre cet acte à exécution.

Les Sénateurs suivants font la motion de prendre les bills suivants en considération:

Mr Kittridge,

Résolution pour donner à l'asile des orphelins de Bâton Rouge les barrières qui entourent le Capitol et la maison occupée par le sergent-d'armes.

Mr King,

Acte pour exempter de taxe l'asile de l'association des Marins.

Mr Taylor,

Résolution requérant un relevé du Bayou Jaune, aux Avoyelles, par le commissaire du Troisieme District.

Acte pour venir au secours de Drury M. Prithard, shérif et collecteur de taxes de la paroisse de Catahoula.

Mr Kenner,

Acte pour venir au secours de Martin Marsdale.

Mr Braud,

Substitut à l'acte pour améliorer la navigation à Bayou Manchac et de la rivière Amite.

Sur motion de Mr Lacey, le Sénat s'occupe de résolution invitant John Mitchell au siége du ouvernement, laquelle est adoptée.

Sur motion de Mr De Russy, le Sénat s'occupe bill intitulé:

Acte pour régler l'affranchissement des esclaves ns l'Etat.

Sur motion, et après dispense des règles, ce bill t lu trois fois, et

Sur la motion de son adoption, Mr Hodge réclame l'appel nominal.

L'honorable C. W. Clifton au fauteuil.

Messieurs De Russy, Lacey, McCay, Munday, Martel et Scott—6 Sénateurs, votent dans l'affirmative.

Et Messieurs Boatner, Clifton, Defreese, Hodge, King, Kenner, Lawes, Lauve, MacMurdo, Palfrey, Ryan, Richardson et Trudeau—13 Sénateurs, votent dans la négative.

En conséquence, le Sénat refuse de se dispenser des règles.

Mr Kenner présente la résolution suivante, laquelle est adoptée:

Résolu que Durant Daponta, le rapporteur du Sénat, a droit à son per diem pendant soixante jours après l'ajournement de la Législature, à l'effet de finir ses rapports, et que le rapporteur fera un index aux dits rapports dans lequel les sujets et les noms seront entrés. Résolu que la somme de cent piastres est allouée pour faire cet index.

Le Président du Sénat nomme Messieurs Boatner et Hodge membres d'un comité de la part du Sénat pour mettre à exécution les dispositions du bill intitulé:

Acte pour pourvoir à la révision des lois de l'Etat d'une nature générale.

Mr Rivers présente la resolution suivante, laquelle est adoptée à l'unanimité.

Résolu unanimement que les remerciements du Sénat sont offerts au Lieutenant-Gouverneur W. W. Farmer, pour la manière habile et impartiale avec laquelle il a rempli les devoirs de Président du Sénat pendant la session actuelle.

Le bill suivant est pris en considération, et il subit ses différentes lectures, et le Sénat y donne son adhésion:

Acte pour payer les dépenses casuelles de la Chambre des Représentans et du Sénat de l'Etat de la Louisiane, à la première session de la 2ème Législature, pour l'année 1854.

Féliciana Whig, pour gazettes,	$18
McCormick et Cie, pour fournitures (papiers &c)	39 64
Courrier des Opelousas, pour gazette,	7 50
W F Tunnard, pour charbon, brouettes, etc,	293 90
L'Orléanais, pour gazette,	54
J L Wolff, pour ouvrage de charpente, réparations aux pupitres, etc,	200
L Bonnecuze, 1 caisse de chandelles, la dernière Convention,	16 50
A Fink, ouvrage comme serrurier,	5 50
La femme Orie, blanchissage de serviettes, etc,	8
Mary et Lagaudive, papier,	4
Louisiana State Gazette, gazettes,	57
Vapeur Samuel Hill, fret,	1
Vapeur H M Wright, frêt	4
Bateau du wharf, emmagasinage,	24
Commercial Bulletin, gazettes,	68
Gazette de B R, do	104
T Pigneguy, 3 douzaines de serviettes,	9 50
Concordia Intelligencer, gazettes,	4
Vapeur Frank Lyon, frêt,	25
Shreveport Democrat, gazettes,	2 50
Domestique Merideth, nettoyage du vestibule de la Maison-d'Etat,	34
Vapeur Kimball, frêt,	4
Vapeur New Latona, frêt,	2
T Arbour, bois de construction,	6
W Laurence, 3 jars à eau,	4
Roger, peinture et vitrerie	25

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J A Tomlinson, crachoirs, pains à cacheter, &.,	52 35
Vapeur Gipsy, frêt pour la Chambre et le Sénat,	22
Pionier d'Assomption, gazettes,	70
Thibodeaux Minerva, do	6
B R Comet, do	66
Capitolian Vis-à-Vis do	26
E W Fenner, M D, 1,500 exemplaires de l'histoire de l'épidémie,	377
B R Advocate, gazettes et avoir relié le livre d'appels nominaux,	251
L'Abeille de la Nlle-Orléans, gazettes,	88
N O Crescent, gazettes,	112
W D Philips, serviettes, etc,	12
Harrisburg Independant, gazettes,	90
Stanton et Cie, glace,	140
J B Steel, fournitures de papier, etc,	1,323
J B Preau et Cie, chandelles, huile à lampes pour la Chambre et le Sénat,	518 25
Caddo Gazette, gazettes,	1
J Péralta, dépenses à la dernière Convention, etc,	15 35
N O Picayune, gazettes,	210
Courrier de la Louisiane, gazettes,	404
Jas McVay, 6 boites de rivets,	18 60
M Silk, dépenses de voyage, comme commis du comité des Banques,	20
La Créole de la Nlle-Orléans, gazettes,	6
Bayou Sara Ledger, gazettes de 51 et 54,	32
Louisiana State Republican, gazettes,	8
Domestique Philip, charrois d'eau pour le Sénat et la Chambre,	56 25
N O True Delta, gazettes,	110
Jno Télasco, réparations aux lampes et à la lanterne,	3 75
McCormick et Cie, fournitures de papiers, &c,	3 20
N O Daily Delta, gazettes,	153 50
B Jourdan, de la gomme arabique, pinceaux, etc,	6 80
D Veau, dépenses de voyage comme commis de comité,	48
Louisiana Democrat, gazettes,	56
La. State Paper, do	2
Southern Organ, do	8
Chronique Louisianaise, do	2
Louisiana Statesman, do	8
Madison Journal, do	2
U S Courier, do	4
Sentinel et Union, do	2
Villager, do	2
Coup-d'œil, do	
Fred. Dunn, pour services d'un domestique pendant 60 jours,	80
Ed. Bonnecaze, pour services d'un domestique pendant 60 jours,	80
Holly Dunn, pour services d'un domestique, pendant 75 jours,	80
Peter Malta, idem,	80
Jeff Foster, do	80
Philip, do, pendant 68 jours,	80
Beaxter Stewart, do, pendant 60 jours,	80
Isaac Pelleriu, do, pendant 60 jours,	80
Alfred Flyop, do, pendant 40 jours,	50
Meridith, comme porteur de la malle,	30
E D Remondet, comme commis du comité des dépenses casuelles,	20
Maître de poste de B R, pour portage de lettres et gazettes,	140
True Delta, gazettes,	10
Delta, do	2
Bureau de poste, port de gazettes,	20

SENAT.

Daily Bulletin,	$20
do Louisiana Courier,	118
do Delta,	46
do True Delta,	26
do Crescent,	34
do Picayune,	64
do Orléanais,	4
do Abeille,	28
do Comet,	16
do Democratic Advocate,	28
do New-York Herald,	6
do New-York Express,	2
Weekly National,	15
do Capitolian Vis-à-Vis,	5
Daily Baton-Rouge Gazette,	24
Weekly Planters' Banner,	1
do Minerva, Thibodeauville,	7
do Messager de St-Jacques,	2
do Vigilant,	2
do Louisiana Democrat,	8
do Pionnier d'Assomption,	8
do Opelousas Courier,	2
do Piney Woodsman,	5
do Louisiana State Paper,	3
do Republican,	1
do Bayou Sara Ledger,	1
Daily Carrolton Star,	3
Weekly Caddo Gazette,	1
do South Western,	1
do Intelligencer Concordia,	4
do Pointe Coupée Echo,	4
Weekly Wickeburg Sentinel,	1
do Free Trader, Natchez,	1
do Natchez Courier,	2
do Ouachita Register,	3
Daily Union Washington,	2
Weekly Mississipian, Jackson,	1
do Echo de Lafayette,	2
do Attakapas Gazette,	1
do Shreveport Democrat,	2
Daily Danalsonville Journal,	4
do Mobile Tribune,	3
Weekly Ouachita Independent,	1
Daily Louisiana State Gazette,	5
do Globe, Washington,	2
do Sentinel, Washington,	1 12
do New-York Evening Mirror,	4
Weekly St-Landry Whig,	1
do Meschabé, St-Charles,	1
William Mackinan, pour emmagasinage,	13 35
Vapeurs, pour frêts, selon les comptes,	35 35
Jno L Woiff, fournitures de bureau,	95 95
A Regar, comme peintre,	3
Daily Comet, pour annonces,	9
do Gazette do	10
Théod. Goldman, une pendule,	18
Democratic Avocate, publication d'annonces,	15
Jacob Pepir, meubles,	1 25
Bureau du télégraphe de Baton-Rouge,	4 50
Larguier et Lanoue, quincaillerie,	10 70
Stanton et Cie, pour glace,	106 50
J McCarmick et Cie, pour fournitures, papiers, &c,	51 60
E D Fenner, M D, pour l'histoire de l'épidémie,	63 50
S F Flanchard, divers objets,	9 10
A Duplantier, domestique,	60
T G Davidson, do	60
S Henderson, do	30
Méridith, loyer de nègre,	21
B Childress, selon le compte,	95
T Lucas,	

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J B Steel, fournitures de papiers, etc, 1,425 92
D Searle, pour meubles et réparations, 25
Maître de poste, à Bâton-Rouge, 132 56

Mr Boatner présente la résolution suivante, laquelle est unanimement adoptée.

Résolu que les remerciements du Sénat sont votée à l'honorable Louis Hébert, sénateur de la paroisse d'Iberville, pour la promptitude et l'habilité qu'il a montrées en remplissant les devoirs de Président du comité d'enrôlement du Sénat.

Mr Trudeau présente la résolution suivante, laquelle est adoptée à l'unanimité.

Résolu que les remerciements du Sénat sont votés à l'honorable Robert C Wickliffe, pour l'impartialité, l'habileté et la courtoisie avec lesquelles il a présidé les délibérations du Sénat.

Sur motion de Mr Hodge, la résolution suivante est unanimement adoptée :

Résolu que Mr Oscar Arroyo aura droit à la même compensation comme messager spécial du Sénat pour le temps qu'il a servi comme tel; qui a été allouée au messager spécial de l'année dernière.

Le messager spécial du Sénat informe la Chambre que le président pro. tem. du Sénat a signé les résolutions et les bills suivants:

Acte pour améliorer la navigation de la rivière Sabine.

Acte pour pourvoir à améliorer la navigation du Bayou Lafourche, pour dessécher les terres marécageuses et submergées et pour en réserver une portion de la vente pour un certain tems.

Acte pour rendre l'intérêt des bons émis par l'Etat payable à la Nlle-Orléans.

Mr Mac Murdo demande que le bill soit pris par séries. (Accordé.)

SALAIRE DU SECRETAIRE D'ETAT, $2000

Mr Mac Murdo,

Lorsqu'il y aura une différence avec l'année dernière je mentionnerai le fait afin que les Sénateurs puissent voter en connaissance de cause.

COMMIS DU SECRETAIRE D'ETAT, $1000.

Mr. Hodge,

Je fais la motion de mettre $600 à la place.

Mr. Kenner,

Je demanderai si le commis copiste est le même individu.

Mr. Macmurdo,

Non, monsieur. C'est une personne qui copie les actes de la Législature pour l'imprimeur de l'Etat C'est là un service spécial.

Mr. Kenner,

Cela n'a jamais été fait avant l'année dernière, et par conséquent c'est une chose inaccoutumée. Avant l'année dernière, le même individu remplissait ce double devoir. J'appelle l'attention du Sénat sur ce fait. Il est vrai que cet officier copie les actes, mais ils l'ont toujours été depuis l'organisation du gouvernement de l'Etat, et jusqu'à l'année dernière, nous n'avons jamais payé d'extra. J'y ai alors objecté. et je ne vois pas de raisons pour changer mon opinion.

L'amendement est déposé sur le bureau.

Mr. Hodge,

Je demande à remplacer $1000 par $1200, de maniere que tout le travail puisse être fait par la même personne. Nous économiserons ainsi $400.

Mr. Munday,

J'objecte à l'amendement, $600 ne sont pas trop pour ce travail qui consiste à copier des actes dans les deux langues, les bills enrôlés, etc. Tout cela demande un homme très capable. Il n'est que juste de lui donner un prix convenable pour son travail.

Mr. Defreeze,

Je suis opposé aux $1200 parce que dans mon opinion, si nous les accordons, la majorité maintiendra aussi les $600.

L'amendement est rejeté.

SALAIRE DU COMMIS DE L'AUDITEUR, $1200.

Mr. MacMurdo,

Le commis principal du bureau de l'Auditeur a à remplir pe fort pénibles devoirs, $2800 sont une somme très modérée pour de pareilles fonctions. Il doit être familier avec tous les devoirs du bureau, être prompt à donner des informations et faire en outre beaucoup de choses que nous ne soupçonnons pas. On ne peut pas obtenir un commis pour moins de cette somme. Si le Sénat élève la somme à $2,800, la Chambre consentira.

SALAIRE DU CONTRÔLEUR A WHEELESBORO.

Mr. Moore,

Je ferai la motion de retrancher le salaire du contrôleur à Wheelesboro. Ce bureau n'est pas nécessaire et on peut plutôt y objecter qu'il donne souvent lieu à des conflits pour les entrées. La Cour Suprême a décidé qu'il est subordonné au bureau qui se trouve ici. On y vend peu de terres, ce ne sont que celles faisant partie de la donation de 500,000 acres. Il arrive quelquefois que les personnes qui font ici des entrées de terre sont tout à ce bureau et trouvent qu'il y existe des entrées antérieures. Lorsque le bureau fut établi, on a dit qu'il y avait dans le district environ 80,000 acres. Depuis lors, elles doivent être presque toutes vendues. Le conflit qui existe entre les deux bureaux, fait de celui-là un embarras. On a cru que ce serait un avantage et une facilité pour le peuple de cette section, d'avoir un bureau dans le voisinage J'ai aidé à l'établir, mais je suis convaincu maintenant qu'il ne sert à rien ou plutôt qu'il est nuisible.

Mr. King,

Si nous voulons abolir ce bureau, il faut le faire par une loi Il serait très embarrassant de maintenir le bureau, et le fonctionnaire et de ne pas allouer de salaire. Je crois que je soutiendrai l'abolition du bureau, si nous pouvions le faire ; mais le moyen est mal choisi.

Mr. Moore,

J'avais le projet de présenter à la fin du bill, un amendement pour détruire ce bureau. Si je demandais à retrancher le salaire seulement dans le but de faire une opposition systématique à l'officier qui le reçoit, je serais indigne du siége que j'occupe comme sénateur.

L'amendement est déposé sur le bureau.

SALAIRE DU GREFFIER DE LA PREMIERE COUR DE DISTRICT, $6,000.

Mr. Palfrey,

Six mille piastres est la totalité du salaire. Par la loi, il doit collecter les amendes et les forfaitures et se payer lui-même et de compter à l'Etat, la balance. J'apprends qu'il n'en collecte aucun et qu'il ne rend compte de rien. Il pourrait collecter au moins la moitié de son salaire sur les amendes et forfaitures. Je fais la motion de retrancher six mille piastres et d'insérer trois mille piastres.

Mr. MacMurdo,

On n'a pas en vue de payer cette somme sur le fonds général, mais seulement la portion qui ne sera pas couverte par les amendes et les forfaitures.

Mr. Defreeze,

Le greffier n'a-t-il pas reçu de l'Etat, la totalité de son salaire?

Mr. MacMurdo,

Je n'ai pas de renseignement à cet égard.

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Mr. Palfrey,

Je pense que ce serait meilleur moyen pour le forcer à collecter les amendes et les forfaitures.

Mr. Lacoste,

Avons-nous le droit de réduire son salaire après l'avoir fixé à $6000 par une loi?

Je ne le pense pas.

Mr. Munday,

Je propose d'amender en insérant quatre mille piastres.

Cette motion est adoptée.

Après quelques autres amendements, le bill est adopté.

CUBA.

Mr. McCay présente les résolutions suivantes qui sont lues séparément.

Résolu par le Sénat et la Chambre des Représentants de l'Etat de la Louisiane, que la politique récemment adoptée par le Gouvernement espagnol dans l'île de Cube, dont le but est, et l'effet sera l'abolition de l'esclavage dans cette colonie, nous fait craindre que la race blanche avec ses arts, son commerce et sa civilisation, ne soit sacrifiée pour une race inférieure et barbare.

Résolu, que la consommation de cette politique exercera une influence pernicieuse sur les institutions et les intérêts sociaux, commerciaux et politiques des Etats-Unis.

Résolu, que nous croyons qu'il est temps que le Gouvernement Fédéral adopte des mesures énergiques et décisives pour déjouer et détruire un projet conçu par inimitié pour cette République, et calculé pour empêcher ses progrès et sa prospérité.

Sur motion de Mr. McCay et après dispense des règles, ces résolutions subissent leurs diverses lectures : la première et la seconde sont adoptées.

Mr. Hodge fait la motion d'effacer la troisième résolution

Mr. McCay réclame l'appel nominal sur la motion de Mr. Hodge.

L'honorable R. C Wickliffe, occupe le fauteuil.

Messrs. Hodge, Kenner, Kittridge, Palfrey et Taylor votent dans l'affirmative—5 voix.

Et Messieurs Boatner, Clifton, Defreese, Griffin, Kenner, Key, Lacoste, Lauve, Lacey, Macmurdo, McCay, Ryan, Rivers, Richardson, Scott, Lawes and Trudeau—votent dans la négative—17 voix

En conséquence, la troisième résolution est adoptée.

Messrs. Palfrey et Taylor ayant voté dans l'affirmative, demandent qu'il leur soit permis de motiver leur vote.

Cette motion prévaut, et ces messieurs donnent par écrit, les raisons suivantes:

Nous votons dans l'affirmative, parce que nous n'avons pas encore été informés officiellement, que le Gouvernement Général eut réprouvé la politique dont il est fait mention dans la troisième résolution.

Mr McCay demande que ces résolutions soient adoptées définitivement.

Mr. Hodge réclame l'appel nominal.

L'honorable R. C. Wickliffe occupe le fauteuil.

Messrs. Boatner, Clifton, Defreese, Griffin, Kenner, Key, Lacoste, Lauve, Lawes, Lacey, Macmurdo, McCay, Munday, Martel, Palfrey, Ryan, Rivers, Richardson et Trudeau votent en faveur—19 voix.

Messrs. Hodge, Kittridge, Scott et Taylor votent contre—4 voix.

En conséquence lesdites résolutions sont adoptées, et le Secrétaire-Adjoint est chargé de les soumettre au concours de la Chambre.

MESSAGE DE LA CHAMBRE.

Le messager spécial de la Chambre soumet au concours du Sénat, la résolution et les bills suivans:

Résolution requérant l'imprimeur d'Etat, d'imprimer certains exemplaires du bill concernant les écoles publiques.

Acte pour amender la cinquième section de l'acte pour incorporer la ville d'Homer, dans la paroisse de Claiborne, approuvé le 13 mars 1850.

Acte pour autoriser A. J. Vandergriffe et son épouse, de la paroisse d'Orléans, à adopter le mineur Andrew Howard Miller, et de changer son nom en celui d'Andrew Howard Vandergriff.

Et il soumet à la signature du président, les bills et les résolutions qui suivent :

Résolution pour améliorer la navigation de la rivière Sabine.

Résolution requérant l'ingénieur de l'Etat à ouvrir un passage du bayou des Glaises au lac aux Perles dans la paroisse des Avoyelles, et pour nettoyer le petit bayou Rouge.

Acte pour rendre l'intérêt sur les bonds émis par l'Etat, payable à la Nouvelle-Orléans.

Acte pour autoriser le Juri de Police de la paroisse de l'Ascension, à établir un chemin public entre la rivière Neuve et Donaldsonville.

Acte relatif aux avis judiciaires dans la paroisse d'Orléans.

Acte pour venir aux secours des shérifs et des collecteurs des taxes d'Etat, pour les licenses des années de 1850 et 1851

Acte pour autoriser l'ingénieur de l'Etat à faire un relevé du bayou Bœuf, afin d'aviser à faciliter la navigation.

Acte pour amender l'acte relatif aux cours de district, approuvé le 29 mai 1846

Acte pour incorporer l'Académie des Demoiselles de Vienne, dans la paroisse de Jackson.

Acte pour autoriser Samuel Harby, à adopter Frances Samuel.

Acte pour venir au secours de Henry O. McEnery, ex Register du Bureau des Terres au Ouachita, en Louisiane.

Acte pour reviser et amender *l'acte intitulé* :

Acte pour reviser l'acte pour incorporer la Congrégation de l'Eglise Catholique Romaine de St. François à Natchitoches.

Acte pour améliorer la navigation du bayou Lafourche.

Résolution pour étendre la ferme du Pénitentiaire jusqu'en mai 1855

Acte pour régler l'époque des sessions du Juri de Police de la paroisse de Tensas.

Résolution pour ouvrir un chemin du Mississippi aux Opélousas.

Acte pour autoriser l'Auditeur des Comptes Publics et le Trésorier de l'Etat, à créditer la Banque de l'Union de la Louisiane d'une certaine somme et pour venir au secours de John Pemberton, pour avoir régler l'intérêt de l'Etat dans ladite banque.

Acte pour incorporer l'Association des Dames de la Bienfaisance de la Nouvelle Orléans.

Acte pour amender l'acte intitulé acte pour punir les délits, approuvé le 1er avril 1843.

Et que la Chambre a donné son adhésion aux bills et aux résolutions suivants:

Préambule et résolutions concernant une concession de terres par le Congrès, pour élever et instruire les sourds-muets et les aveugles.

Résolution pour l'extension du port de la Nlle. Orléans, jusqu'à Jefferson et pour l'établissement d'un bureau de poste dans la ville de Jefferson.

Acte supplémentaire à l'acte intitulé acte supplémentaire à l'acte pour accorder une extension

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de terres aux occupants actuels pour faire l'application, la preuve et le paiement des terres marécageuses et submergées concédées par le Congrès à l'Etat de la Louisiane, approuvés le 16 mars 1853 et le 28 mars 1853.

Et il soumet au concours du Sénat, le bill intitulé:

Acte pour empêcher les personnes de couper, d'enlever ou de disposer du bois qui se trouve sur les terres concédées à l'Etat par les Etats-Unis.

Mr. Hébert, au nom du Comité d'Enrôlement, rapporte comme dûment enrôlés, les bills et la résolution du Sénat.

Acte pour venir au secours de E. S. Leckie, collecteur des taxes d'Etat de la paroisse des Rapides pour l'année 1850.

Acte pour venir au secours de John K. Elgee et de son épouse Marie F L. Ledoux, des Rapides.

Acte pour achever les améliorations aux chûtes de la rivière Rouge, près d'Alexandrie.

Acte concesnant les cautionnements forfaits dans l'Etat, (excepté dans la paroisse d'Orléans.)

Acte pour venir au secours de Moses Lee, vétéran de 1814 et 1815.

Résolution requérant l'ingénieur de l'Etat à faire certaines améliorations à l'embouchure du bayou St. Malo, dans la paroisse de St. Bernard.

Résolution relativement à la fouille du chenal de la baie de l'Atchafalaya.

Rapport des comites.

Mr Boatner, au nom du comité réunie des deux Chambres, présente le rapport suivant:

A L'HON. W. W. FARMER, LIEUTENANT-GOUVERNEUR ET PRESIDENT DU SENAT.

Le comité réuni des deux Chambres, nommé à l'effet d'examiner les cautionnements déposés par les banquiers et les Compagnies de Banque ainsi que tous les livres et tous les papiers ayant trait aux affaires de ce genre, conformément aux dispositions d'un acte intitulé:

Acte pour établir un système général de banques libres dans l'Etat de la Louisiane, ainsi que pour compter tous les billets en circulation qui ont été rendus par les dits banquiers ou par les dites Compagnies de Banque; et après les avoir comparés avec les livres, de les canceller et de les détruire après avoir donné à l'Auditeur des Comptes, un certificat à cet effet, etc, avons trouvé dans le Bureau de l'Auditeur, un lot de billets de la Banque du Sud de la Nouvelle-Orléans, de cent piastres chaque, du No 921 au No 1500 inclusivement, montant à la somme de 58,000 piastres, et marqués A. Ces billets n'avaient jamais été contresignés par L Bordelon, l'Ex-Auditeur, et n'avaient jamais été émis par la Banque. Le comité a détruit ces billets en les brûlant et a donné à l'Auditeur un certificat à cet effet. Le comité a aussi examiné avec soin les cautionnements fournis par les différentes banques lesquels sont déposés au Bureau du Trésorier de l'Etat, le comité les a trouvé justes et le comité joint à ce rapport, un tableau démontrant ces faits.

Le tout vous est respectueusement soumis.

Signé, M BOATNER,
Rapporteur du comité du Sénat.

Signé, GEO C McWHORTER,
Rapporteur du comité de la Chambre.

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BONS DEPOSES PAR LA BANQUE DE LA NOUVELLE-ORLEANS.

BONS DE LA VILLE CONSOLIDEE.

1	paquet	contenant	45	bons	$1000—	$45,000
1	do	do	90	do	1000	90,000
1	do	do	23	do	1000	24,000
1	do	do	45	do	1000	45,000
1	do	do	47	do	1000	47,000
1	do	do	30	do	1000	30,000
1	do	do	43	do	1000	43,000
						$324,000

BONS DE L'ETAT.

1	paquet	contenant	10	bons	$1000—	$10,000
1	do	do	21	do	1000	21,000
1	do	do	44	do	500	22,000
1	do	do	50	do	500	25,000
1	do	do	50	do	500	25,000
1	do	do	60	do	500	30,000
1	do	do	46	do	500	23,000
1	do	do	50	do	500	25,000
1	do	do	50	do	500	25,000
1	do	do	50	do	500	25,000
1	do	do	50	do	500	25,000
1	do	do	50	do	500	25,000
1	do	do	50	do	500	25,000
						$281,000

Bons de la Ville..... $324,000
Bons de l'Etat..... 281,000

Montant des cautionnements déposés..... 605,000

Examiné par le comité réuni, le 15 mars 1854.

Cautionnemens déposés par la Banque de l'Union.

1 paquet contenant des bons de la ville. 103 à $1000—103,000
1 paquet contenant des bons de la ville. 103 à 100—$10,300
1 paquet contenant des bons de la ville. 100 à $1000—100,000

303,000

Ces bons sont déposés au Bureau du Trésorier. Il se trouve dans le Bureau de l'Auditeur, $97,000 de bons de la ville sur laquelle somme $34,360 ont été émis, laissant un surplus en dépôt de $63,520.

Examiné et compté par les comités réunis de la Législature, le 15 mars 1854.

Cautionnements déposés par la Banque du Sud de la Nouvelle-Orléans.

BONS DE LA VILLE CONSOLIDEE.

1 paquet contenant les bons de la ville. 137 à $1000—137,000
1 paquet contenant les bons de la ville. 102 à $1000—102,000
1 paquet contenant les bons de la ville. 100 à $1000—100,000
1 paquet contenant les bons de la ville. 63 à $1000— 63,000
1 paquet contenant les bons de la ville. 100 à $1000—100,000
1 paquet contenant les bons de la ville. 100 à $1000—100,000

$602,000

Examiné et compté par les comités réunis de la Législature, le 15 mars 1854.

L'Acte pour incorporer l'Association Allemande du premier district de la Nouvelle-Orléans.

Sur motion et après dispense des règles, ce bill

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subit ses différentes lectures et le Sénat y donne son adhésion.

Mr Ryan,

L'acte pour venir au secours de Philip Burg.

Sur motion et après dispense des règles, ce bill subit ses différentes lectures et le Sénat y donne son concours.

Mr Evans,

L'acte pour amender la 5me section de l'acte pour incorporer la ville d'Homer, dans la paroisse de Claiborne, approuvé le 13 mars 1850.

Sur motion de Mr Evans et après dispenses des règles, ce bill subit ses différentes lectures et le Sénat y donne son concours.

Mr Palfrey,

L'acte pour affranchir l'esclave Isaac Levy, appartenant a la succession de John Haggerty, de la paroisse de Lafayette.

Sur motion et après dispense des règles, ce bill subit ses différentes lectures et passe.

Mr Lacoste,

L'acte pour affranchir l'esclave Siméon, petit fils de Constance Ternoir, f c. l.

Sur motion et après dispense des règles, ce bill subit ses différentes lectures et le Sénat y donne son adhésion.

Mr Lacey,

L'Acte pour venir au secours du Dr. E. R. French.

Sur motion et après dispense des règles, ce bill est lu trois fois et le Sénat y donne son adhésion.

Mr Kenner,

L'acte pour affranchir l'esclave Caroline et ses enfants, avec permission de rester dans l'Etat.

Sur motion et après dispense des règles ce bill subit ses différentes lectures et, sur la motion de son adoption, Mr Trudeau réclame l'appel nominal.

L'honorable Robert C. Wickliffe, au fauteuil.

MM. Braud, Clifton, Hodge, Kenner, Kittridge, Lauve, Lacey, Macmurdo, McCay, Martel, Moore, Palfrey et Ryan—11 sénateurs votent dans l'affirmative.

Et MM. Defreese, Evans, Griffin, King, Munday, Rivers, Richardson, Taylor et McMurdo—10 sénateurs votent dans la negative.

En conséquence le Sénat donne son concours au dit bill.

Mr Hébert, au nom du Comité d'Enrôlement, rapporte comme dûment enrôlés, les actes et les résolutions suivans :

Résolution pour la confection d'un chemin du fleuve Mississippi aux Opelousas.

Acte pour régler l'époque des sessions du Juri de Police de la Paroisse de Tensas.

Acte pour étendre le bail actuel du Pénitentiaire, jusqu'en mai 1855.

Acte pour pourvoir aux améliorations à faire au bayou Lafourche, à l'effet de dessécher les terres marécageuses et inondées, et pour en réserver une partie de la vente pour un certain temps.

Acte pour reviser l'acte intitulé acte pour reviser l'acte d'incorporation de la Congregation de l'Eglise Catholique et Romaine de St. François à Natchitoches.

Acte pour venir au secours de Henry O. Mc Enery, ex Register du Bureau des Terres au Ouachita, Louisiane.

Acte pour autoriser Samuel Harby, à adopter Francis Samuel.

Acte pour incorporer l'Institution de Vienne des deux sexes dans la paroisse de Jackson.

Acte pour amender l'acte relatif aux avocats de districts, approuvé le 29 mai 1846.

Acte pour autoriser l'Ingénieur de l'Etat, à faire un relevé du Bayou Bœuf, afin d'aviser à en améliorer la navigation.

Acte pour venir au secours des Shériffs et des Collecteurs de Taxes pour les licences de 1850 et 1851.

Acte relatif aux avis judiciaires.

Acte pour autoriser le Juri de Police de la paroisse de l'Ascension, à établir un Chemin Public de la rivière Neuve, à Donaldsonville.

Résolution requérant l'ingénieur de l'Etat à ouvrir un passage du bayou des Glaises au lac aux Perles dans la paroisse des Avoyelles, et pour nettoyer le petit bayou Rouge.

Acte pour rendre l'intérêt sur les bons émis par l'Etat, payable dans la ville de la Nouvelle-Orléans.

Acte pour améliorer la navigation de la rivière Sabine.

Acte concernant le paiement aux propriétaires des esclaves condamnés à mort ou au pénitentiaire.

Acte pour venir au secours de Willis P. Mc Guire, de la paroisse de St. Tammany.

Acte pour venir au secours de la succession d'Alexandre Gordon.

Acte pour autoriser Mathilde Laure Olivier, à hypothéquer sa propriété.

Acte pour établir un fond permanent pour le maintien des écoles publiques gratuites dans l'Etat de la Louisiane.

Résolution pour l'extension du port de la Nelle.-Orléans jusqu'a la ville de Jefferson et pour l'établissement d'un bureau de poste dans la ville de Jefferson.

Acte pour amender la 1ère et la 7e section de l'acte pour incorporer la Compagnie du Chemin plancheyé de St. Joseph.

Acte pour amender la charte de la ville de Carrolton.

Le messager spécial de la Chambre vient informer le Sénat que la Chambre a donné son concours aux bills suivants :

Acte pour venir au secours de *Jean Rennes*.

Acte pour venir au secours de *John Mosjoy*, vétéran de la guerre de 1814 et *1815*.

Acte pour venir au secours de Thomas S. Sanders.

Acte concernant les licences des cafés et des cabarets et pour régler la vente des liqueurs enivrantes dans l'Etat.

Acte pour pourvoir à l'enrégistrement des noms et des résidences de tous les électeurs qualifiés dans la ville de la Nlle.-Orléans.

Acte pour abroger l'acte intitulé acte pour régler l'époque des sessions des Cours de District, excepté dans la paroisse d'Orléans, approuvé le 28 avril 1853, en tant que cela concerne le Sixme District Judiciaire, et pour abroger l'acte intitulé :

Acte pour changer l'époque des sessions de la Cour dans le Sixième District Judiciaire, approuvé le 1er mars 1854.

MESSAGE DE LA CHAMBRE.

Le messager spécial de la Chambre informe le Sénat que la Chambre a donné son concours aux résolutions concernant la politique du gouvernement espagnol dans l'île de Cube.

MESSAGE A LA CHAMBRE.

Le secrétaire-adjoint du Sénat est chargé d'informer la Chambre que le Sénat n'a plus de communications à faire à la Chambre des Représentants, et est maintenant prêt à s'ajourner sine die.

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Mr Boatner présente la résolution suivante, qui est lue et adoptée.

Résolu, qu'un comité réuni des deux Chambres, composé de trois membres du Sénat et de——— membres de la Chambre, soit nommé à l'effet de se rendre auprès du gouverneur et l'informer que la Législature est maintenant prête à s'ajourner sine die, et de demander à son Excellence, si elle n'a pas d'autres communications à faire à la Législature.

Le président nomme de ce comité, messieurs Boatner; Clifton et Rivers de la part du Sénat.

Le secrétaire-adjoint est chargé de soumettre la dite résolution au concours de la Chambre.

Le messager spécial de la Chambre informe le Sénat du concours de la Chambre à la susdite résolution et que l'orateur a nommé du dit comité messieurs Pugh, Miller, Hatch, McWhorter et Heard, de la part de la Chambre.

Mr Boatner, de la part du comité nommé en vertu de la résolution susdite, informe le Sénat que le comité a rempli sa mission et que le gouverneur n'a plus de communications à faire à l'Assemblée Générale.

Le Greffier-adjoint de la Chambre informe le Sénat que la Chambre n'a plus de communications à faire au Sénat, et est maintenant prête à s'ajourner sine die.

Le Sénat s'est alors ajourné sine die.

DURANT DA PONTE,
Rapporteur.

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APPENIDX.

REPORT

OF THE

JOINT COMMITTEE,

ON

PUBLIC HEALTH.

MAJORITY REPORT.

NEW ORLEANS:
PRINTED BY EMILE LA SERE, STATE PRINTER.
1854

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REPORT

OF THE

JOINT COMMITTEE ON PUBLIC HEALTH.

MAJORITY REPORT.

To the Honorable the Senate and House of Representatives :

Your Committee having come to the conclusion that the focus of all the Epidemics which have visited the State being New-Orleans, it became their duty to ascertain how the City could be protected, or its health improved. To protect the City was to protect the State. To prevent the importation of diseases by foreign ships was the object of our first inquiry. This led to a long examination of the advantages and inconveniences of a system of Quarantine. The position of New Orleans is a peculiar one—lying at ninety miles from the sea, it can still be reached by the Balize, by the Lakes, and by the Atchafalaya. To guard a point and to leave the others unprotected, would be a useless expenditure of money. Thus not less than three Quarantines would be required to guard its approach from the sea.

Your Committee feared that, should a Quarantine be established at the Balize alone, the tide of emigration bound to New Orleans would reach it in passing through Mobile, and that a large portion of merchandize would take the same route, to the great detriment of the City, and also thus defeating the object of Quarantine. The Committee came to the conclusion that, should that system be recommended, the approach by the Lakes *must* be guarded. As to the Atchafalaya bay, no protection is required against it—vessels of small tonnage only entering it, during the winter months, and returning without touching at the city.

Besides the difficulties arising from the peculiar position of New Orleans, interests of vast magnitude are involved. Close up New Orleans, throw restrictions in the way of commerce, and what will be the consequence? Let the Mobile and Ohio Railroad be completed, and goods destined for the South West will probably reach their market by that route—whilst Western produce, now almost exclusively sent to New Orleans, will reach the sea by Mobile, to meet the drafts drawn on the West.

On the other hand, the fearful mortality of last summer had produced such vague fears for the future, and thrown so much discredit on the City, that New Orleans—just emerging from the fetters thrown upon her by bad legislation, and the apathy of her own citizens—is now threatened with general emigration, should such scenes as we witnessed last summer ever occur again.

Impressed with these views, your committee resolved to spare no efforts to arrive at a full knowledge of the history of the late epidemic, and of the preceding ones.

A circular was addressed to the physicians of New Orleans, propounding them a series of questions, and requesting their early consideration. We are sorry to be compelled to say that we did not receive from the profession that assistance which we had the right to expect.

To Drs. Cartwright, McFarland, Cenas, Fenner, Ney, Copes and Blackburn, we are entitled to able opinions, and to the Sanitary Commission we owe valuable documents. They placed in our hands the result of all their researches and labors, and were untiring in their efforts to enable us to arrive at a satisfactory conclusion.

From a careful perusal of this mass of evidence, from opinions antagonistic to each other, it became a task of no little difficulty to solve the question, That the epidemic of last year was yellow fever, is admitted.—That the first cases originated in the city of New Orleans is probable. That it became modified, under peculiar circumstances, so

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as to assume a type unknown before, attested by some to be contagious—by others to be infectious, and by a third class to be neither—is also un undeniable fact. For your Committee, its spread through the country and on plantations, contrary to its usual habits, is due to its infectious character, or in less learned but clearer terms, to its communicability by the inhalation of a vitiated air—and without entering into a detail of the able theory of Dr. Cartwright, on the production of algoid organisms, it suffices for us to acknowledge the transportability of that vitiated atmosphere to explain the rapid spread of the last epidemic to our most remote corners. We see the disease invariably following the course of travel and spreading from the river banks gradually into the interior. We see that whenever in a small town, or in a family, a case is imported (the city of Donaldson excepted, where the population had been acclimated by a former visitation,) others rapidly follow, and, having no fixed theory to defend, we humbly acknowledge the transportability of the disease. That persons liable to it have approached and nursed the sick without having the fever, is no proof of its non-contagiousness, or non-infectiousness — those being exceptions to the general rule — and, as we believe, that it requires a certain physical predisposition in an individual exposed to the most contagious malady in order to take it. That yellow fever originated in New Orleans, we have admitted (although not certain of it)—that it became modified from causes which we cannot explain, no one will deny. And, if searching among our records, we look for the causes of this modification, we have it in Dr. Cartwright's able pamphlet, confirmed by the testimony of other physicians—ship fever—either impressed upon yellow fever its character or modified its own type. The ship Northumberland, from Liverpool, reached New Orleans early in May, with 400 emigrants on board, and we have it stated that the sick, with ship fever, in reaching the Balize, took the pallid countenance of yellow fever patients. We conclude that diseases can be modified, under peculiar circumstances and atmospheric influences.—That the ordinary yellow fever was modified by the presence of Typhus to a considerable extent, and assumed that fearful character which it took shortly after the arrival of the Northumberland.

That yellow fever proper cannot be imported and spread *without the existence of an atmospheric predisposition to that disease*, your committee does not doubt.—The single fact of the landing at Cadiz, in 1802, by Admiral Gravina, of five hundred patients with yellow fever, without the disease having been communicated to a single individual, would be a conclusive proof, even if unsupported by the opinions of the ablest writers on this subject.

But, under those same atmospheric circumstances, will it appear in the midst of *our resident population* without importation? And if it does, will it not linger slowly amongst us until fuel is thrown to it? Last summer two thousand emigrants were carried off before a single resident of New Orleans was attacked—and it is a well established fact that unacclimated persons are more or less liable to the disease, in its beginning, in proportion to the time they have resided here.

If it be once admitted that the generation or propagation of the fever requires fuel, where is the difficulty to prevent the landing of emigrants in our midst at a certain season of the year. We hold that to ship them to this port in the summer is immoral and unchristian, and that our safety, as much as theirs, requires that they should not be allowed to enter our port, where death awaits them. Compel the captain of a ship, arriving here in the summer, to land his passengers at the Quarantine ground, with provisions for their support, or quarantine such vessels until the sickly season is passed, and emigration to this port in the summer will soon cease.

If we cannot prevent yellow fever here—if it be a disease of a strictly *local* origin—if the cleaning of our streets, the draining of our swamps, and all sanitary measures must fail, we may at all events contract the sphere of its action by depriving it of that infectious character which it took in 1853. We are not aware that ever before this disease spread on plantations, and even in the Pine Woods—our own observations, the testimony of our oldest citizens, confirm us in the belief that prior to last summer our country parishes (villages excepted) have enjoyed a complete exemption from it. To attempt to explain it by asserting that the spread of emigrants in the country was its cause, would only prove the contagiousness of the fever. Never were foreigners before liable to it in the pure atmosphere breathed on our plantations, nor were they ever before capable of communicating the disease there, when they had brought the seed in their system.

The ship Augusta arrived here on the 17th of May last. The ten or twelve first cases are admitted to have originated among the crew. One or two cases are alleged to have taken place shortly after her arrival in

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another part of the city, with no communication with the ship; but it is not impossible that these, however much resembling yellow fever, may have arisen from other causes. Your committee does not say that the disease was imported by her, but state the facts, and leave to others to draw inferences.

Yellow fever is not the only scourge which has depopulated our State. Typhus, small pox, measles, cholera, are frequent visitors, and to check them is not less important than to arrest the ravages of yellow fever. How far quarantine can be a protection against them, experience alone can demonstrate. It has failed in Europe against Cholera—nor have military cordons been more successful. To attempt to prevent the spread of a purely epidemical disease in countries contiguous to each other, where the vitiated atmosphere is carried from one point to another by every gust of wind, would be tantamount to an attempt to arrest the clouds themselves in their flight. That the same result would be met with here under the same circumstances, is highly probable; but can that vitiated air cross the thousands of miles that separate us from Europe without being altered? unless confined in the close, ill-ventilated hull of a ship, where it maintains its virulence by constant propagation.

Dr. Cartwright states that in more than one hundred instances Cholera has been checked on plantations by removal of the negroes, with their bedding and clothing, in the open air. Could not the same results be attained by following the same precautions with emigrant ships?

Typhus, measles and small pox, are admitted to be of infectious character, and we believe that there is little doubt that those diseases can be propagated, if not by patients affected by them, at all events, by their bedding and clothing, saturated with their impure emanations, confined in the close hull of a ship. The mortality proceeding from those causes alone, would justify the system we recommend.

The opinions of the medical men of New Orleans cannot be a guide for us, because few deemed the subject worthy of their consideration, and those, for whose kind assistance we are indebted for what information we have, do not agree together.

Although the protection afforded by Quarantine inspires less confidence than it formerly did abroad, we still find our eastern neighbors enjoying the benefits of an uninterrupted good health, and from their adhering to a system considered by many as exploded; we conclude that they think it advantageous and necessary.

European writers may well attack a system useless to them. The tide of emigration flows not from us to them, but from them to us. They need no regulations to protect them from the introduction of diseases generated on board of ill ventilated ships, where living beings are packed so closely that the air which they breathe is soon deprived of a portion of its oxygen, and becomes contaminated by the emanations of accumulated bodies. They need no protection against diseases constantly generated in the damp cellars inhabited by their half-starved and half-clothed population. No wonder that their medical men have protested against a useless and expensive burthen. But how different is our position! Our balmy climate, our rich soil, our free institutions, our extended arms to the oppressed of all the world, are more than sufficient attraction. Thousands of emigrants reach our port daily, and from here diverge in every direction. But in what state do they arrive, after a passage of from fifty to seventy days, during which their constitutions have been undermined by bad diet, bad water and foul air? The records of the Charity Hospital and the Sexton's graves alone can tell. If they do not bring with them, in their soiled garments, all the diseases which they have contracted at sea or imported from home, they are, at least, in the condition required to generate or propagate them all.

Let them fall in our midst during the damp days of December, under the medicinal influence of Mississippi water, with a few sporadic cases of cholera amongst us; or during the warm days of August, with every atmospheric predisposition to yellow fever, and what will be the consequence?

A fearful epidemic of either kind.

Emigration is to New Orleans what the Nile is to the Egyptians. Left to itself, it is a torrent whose turbid waters carry death and destruction—properly directed and dammed up, it is a source of wealth and prosperity.

Independent of the reasons assigned in this report, your committee thinks that some consideration is due to the wishes of the great majority of our constituents.

And should a system of Quarantine have no other effect than to restore confidence and prove to our neighbors our firm intention of eradicating the evil, we would not hesitate in recommending it. We owe to the States with whom we are in daily intercourse, in return for their produce liberally forwarded, something more than mere abstract theories. We have numerous competitors for the rich

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trade of the Mississippi valley, and experience has already taught us that our market is not the only one they can reach. New Orleans has arrived at a critical crisis, and rather than shut our eyes and fold our arms, we prefer to meet it boldly. From all points railroads are stretching their iron arms to wrest from her her golden harvest, and should another epidemic visit us before the memory of the last is effaced, her prosperity would receive a severe check. It behooves the enlightened citizens of New Orleans and her authorities, to join with us, and by due enforcement of proper sanitary regulations, assist us in restoring her wonted reputation for health.

By the documents annexed it will be seen that the Chamber of Commerce, in answer to our enquiries, has nobly met the issue, and declared that Quarantine would be no obstruction to commerce and of great benefit to the city—thus supporting our position and setting at naught all objections to the system on that score.

In a few days the Sanitary Commission, of New Orleans, will present a report, joining in our conclusions.

Your committee recommend a system of Quarantine, which, whilst it will tend to promote the public health of the State, will throw as little restrictions as possible in the way of commerce.

A. TRUDEAU,
Chairman,
R. W. JAMES,
B. OLNEY,
R. M. KEARNEY,
J. S. WILLIAMS.

NEW ORLEANS, Feb. 9, 1854.

To the Hon. A. TRUDEAU, Chairman,
J. A. BRAUD,
Special Committee of the Senate on the
Health of the State.

The undersigned, Committee of the Chamber of Commerce of this city, appointed to reply to your communication of the 23d January, beg respectfully to say that they have taken into consideration your two querries:

"1st, What would be the effect of a system of Quarantine on the commerce and prosperity of the city of New Orleans, should its health be thereby improved?"

"2d, What point on the river would you recommend as a proper Quarantine Station?"

To the first question, we beg to reply, that, considering life and health paramount to everything, any course that may be adopted for their safety, must prove beneficial to the prosperity of the city and to its commerce; and further, we take occasion to express our opinion that the establishment of a strict quarantine would, under existing circumstances, prove of immense benefit to the general prosperity of our city, and would not injure its commerce.

To the second question, we beg to reply, that a quarantine station on the river *below* the city, should be at least forty miles distant, so as to prevent any communication, by land or water, with the city, except such as may be officially established, and we further suggest that a station should be located at the Rigolets, and such other points as might be necessary upon the various approaches to the city.

Respectfully submitted,

THOS. S. ELDER, Chairman,
LOGAN McKNIGHT,
CHAS. M. WATERMAN,
ML. MUSSON,
G. A. FOSDICK.
Committee.

SIR: The undersigned, members of the Senate's Committee, relying upon the assistance of the profession in New Orleans, and desirous of ascertaining the advantages and necessity of a system of quarantine, beg leave to submit to your early consideration the following questions:

1. Was the epidemic of last summer contagious? It was infectious.

2. Was it imported into New Orleans? I believe it was.

3. Did not the disease make its first appearance among the shipping? *I think so.*

4. To what cause do you attribute its spread through the country? Intercourse with New Orleans and other towns. *

5. If yellow fever is not contagious, as asserted by most all members of the Faculty, does it ever become so under peculiar circumstances? I do not doubt it.

6. At what date in 1853 was the first arrival of a ship into the port of New Orleans with yellow fever on board? Available records show this.

7. At what date was the first undoubted case of death from yellow fever in the city of New Orleans in 1853? I only know from hospital and other reports: said to be in the week ending 28th May.

8. Was not the cholera imported into New Orleans, by foreign ships, at each and every appearance it made here? I believe it was, though this is not quite so plain as in case of yellow fever.

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* Abundant evidences exist of its transmissibility from one diseased town to another, by persons and by fomites.

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9. What are the diseases most commonly introduced by the shipping? Ship fever, cholera and yellow fever, at this port.

10. Why are the foreign sea ports liable to be the seats of contagious disorders? Because they are foci of commerce and travel.

11. How do you explain the disappearance of the plague at Marseilles, with frequent cases at the Lazaretto? As in other similar cases: the protection of a judicious quarantine affords the explanation.

12. Has the quarantine system been effective in preventing the importation of diseases liable to be imported by emigrants? I think it has shown itself so in our great Eastern seaports and in Europe.

13. At what distance from the city should the quarantine ground be located? In an air line, not less than ten miles.

Answer at the Mayor's Office

Your obedient servants,

A. TRUDEAU, Chairman.
J. A. BRAUD.
E. E. KITTRIDGE.

U. S. MARINE HOSPITAL,
Natchez, 18th February, 1854.

To the Chairman of "Committee of the Senate and House of Representatives on Public Health," in session at Baton Rouge (La.)

HON. SIR: I have the honor to acknowledge the receipt of a copy of questions proposed by your honorable Committee to the physicians of New Orleans on the subject of epidemic diseases and quarantine regulations. Prompted by deference to your noble object and the common impulses of humanity, I respectfully proceed to answer such of your thirteen interrogatories as my sphere of observation and practice may justify.

To the first and second questions, "*Was the epidemic of last summer contagious; and was it imported into New Orleans?*" I give decided and affirmative answers.

To the third question, respecting the *priority of its appearance among the shipping*, the local medical faculty of New Orleans are best qualified to give the answer.

To the fourth question, "*To what cause do you attribute its spread through the country?*" I answer: That, as the yellow fever, whenever it has come under my observation, has proved to be both contagious and infectious, the natural transmission and transfusion of the disease through the country, are effected by contact with diseased individuals, or by means of *fomites* contained in goods and merchandize that may be boxed or baled in the atmosphere of infected districts. Every case that occurred on the river above or below Natchez, or in the environs and interior, which fell under my observation or knowledge, could be traced indisputably to actual communication and contact with Natchez, New Orleans, or infected families and districts. There was not a single exception to this fact; and my medical experience leads me to the conclusion that the time of incubation required for maturing and developing the latent influences or seeds of epidemic disease varies from seven to fourteen days; after the expiration of which the insidious influences, if any were present, became inoperative to produce disease. As far as fell under my personal observation, which embraced a wide extent of practice, the epidemic of last summer was the veritable yellow fever, recognized and identified beyond all dispute by the leading invariable phenomena of that dreaded and inveterate disease.

Respecting the fifth question, I merely remark that it is by no means true that *most all of the medical faculty*, including those of all countries, are *non-contagionists*.—There are doubtless as much learning and medical science arrayed on the affirmative as on the negative side of the question. It is somewhat remarkable that, in this country, the most determined and obstinate denials of the contagious nature of yellow fever, generally come from members of the medical profession resident in large commercial marts, where any restriction upon direct and uninterrupted commerce is regarded with extreme jealousy and indignation, while the medical faculty of the State of Mississippi are nearly unanimous in the belief of the contagious and infectious character of yellow fever; and the Legislature, soon after the admission of the State into the Union, passed an energetic law, still in force, to authorize quarantines against the annual importation of yellow fever from New Orleans on the Eastern bank of the Mississippi, as high as the mouth of the Yazoo River. It is possible that the force of popular sentiment in large commercial cities, might have a tendency to obscure and warp medical acumen and judgment.

To the sixth and seventh questions.—"*When did boats arrive at Natchez with yellow fever cases on board, and was the date of the first undoubted death from that disease in the city last summer?*" I respond: I began to receive patients infected with yellow fever from the New Orleans boats, of that class of persons claiming the privileges of Marine Hospital treatment, during the latter part of July. Of such seamen and boatmen about forty were received in all, of which cases only nine terminated fatally. The first undoubted case of yellow fever resulting also in death, which occurred in Natchez during the year 1853,

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was that of Col. Pearsall, who came direct from New Orleans, was taken sick at the Mansion House, July 13th, and died July 17th. Two bar-keepers of the Mansion House, who had been in contact with Col. Pearsall, were taken down with epidemic shortly after his death. From July 13th, until sometime in the following December, cases of yellow fever occurred in Natchez and its environs, making the extraordinary term of the epidemic to reach five months, about three months longer than was ever before the term of the contagion in Natchez. To this unusual length of disease, as well as to the popular panic which scattered the population of the city through the adjacent country, may fairly be ascribed the prevalence and fatal ravages the infection in families and localities never before invaded by the pestilence.

In answer to the eighth and ninth questions, I believe the cholera was introduced into New Orleans by shipping, by which means it was first imported upon this continent; and I also believe that the diseases most commonly introduced by foreign shipping, and which have power to become epidemics, are yellow fever, cholera and ship-fever; the first becoming epidemic only in certain latitudes and atmospheric temperatures, and the two last anywhere, without reference to season, climate or temperature.

The tenth question of the specific localities capable of originating or being "*the seats of contagious disorders*," I can only answer by remarking that the cholera claims an Asiatic origin; the yellow fever is undoubtedly of African, West Indian and other tropical climates, generated in the hottest season of the year, and transmissible, by its infectious and contagious qualities, to other places where it would never have originated.

The eleventh question, respecting Marseilles, I lack the reliable data to answer.

To the twelfth and thirteenth questions, I would respectfully respond: That the quarantine regulations, authorised by the laws of Mississippi, strictly enforced whenever the yellow fever was declared an epidemic in New Orleans, saved Natchez from that dreadful scourge during a period of more than than twelve years, from the year 1839 to 1853; while unrestrained communication with New Orleans, every fever year, resulted in cases of the disease in towns higher up the river than Natchez. In the year 1847, the New Orleans steamers carried the disease to the citizens of Rodney, Grand Gulf and Vicksburg, which compelled the citizens of Natchez to quarantine against steamers descending, having touched at those places, as well as those ascending, coming direct from New Orleans.

The distance of a quarantine station from New Orleans, should be sufficient to secure the safe detention of subject and marchandize, so as to render access from a dense population difficult: say as low down as Fort Jackson, together with strict preventive at the Lake Avenues to the city, to prevent the secret arrival of infected foreigners or passengers.

Feeling solemnly assured, Hon. Sir, that the Legislature of your noble State is clothed with power, at a small outlay of cost and energy, to close the gates of the lower vale of the Mississippi forever against the approaches of the "scourge of the tropics," I yet scarce need add my humble voice to the more solemn and eloquent language that seems to issue from ten thousand new made graves in your own commercial emporium, mingled with tones of bereavement and mourning from thousands of families in the State you represent, from the Balize to Lake Providence.

Honorable Sir and Gentlemen,
I remain your obt. servt.,
L. P. BLACKBURN,
Physician and Surgeon of Natchez Marine Hospital.

Extract from the Proceedings of the Charleston City Council, December 20th, 1853.

Alderman Hume, from the Special Committee to whom was referred the resolution of inquiry "into the source and origin of Yellow Fever, as it has occasionally prevailed in Charleston, and to report upon such means of prevention, or exclusion, as may seem worthy of adoption, in order to obviate its future occurrence," having fully deliberated, studied and inquired into all its details, made the following report, which was received as information, and ordered to be published:

That its first appearance in Charleston was in the year 1699, and it made fifteen subsequent visitations to the year 1796, at long and short irregular periods of time intervening, apparently following no law of weather, viz: 1699, 1703, 1728, 1732, 1739, 1745, 1748, 1753, 1755, 1792, 1794, 1795, 1796, 1797, 1799. From 1799 to the present period, it has made eighteen visitations, with similar irregularity, viz: 1800, 1802, 1804, 1807, 1812, 1817, 1819, 1824, 1825, 1828, 1830, 1834, 1835, 1838, 1839, 1843, 1849, 1852, thus presenting to our view the same picture that our ancestors contemplated, thus going through the same phases of phenomena, with the same pertinacity, and

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equally defying the skill and care of preceding and succeeding generation. Shall modern energy quail before this monster, or shall we resolve to rise above the contingencies that give it birth? Shall we receive and worship it as a monarch, or shall we expel it as a tyrant? Our safety demands the latter; and may success attend our laudable endeavors to accomplish our sacred purpose.

The practice of men is always derived from their precepts, and however erroneous the practice may appear, if is in accordance with long established precept, it is deemed just and proper. The truth of a precept is rarely questioned. Popular prejudices, errors and ignorances prevail in every department of knowledge, and truth is frequently suffocated at its birth by the incumbent mass of error and superstition. It has been maintained by the medical faculty of this city since 1800, that the yellow fever takes its origin in Charleston from causes existing within the same, under the influence of peculiar conditions of the atmosphere; that it is capable of self-production, whenever these conditions exist. Similar to bilious fever in the country, whenever vegetation, putrefaction and temperature acquire a certain development. This may be an analogy for explanation, but it is by no means a proof of identity of cause; for the results differ in the remarkable condition of time and regularity. The natural causes of country fever exist every season, and produce their effect every year. Not so with yellow fever; we have every variety of irregularity, indicating no permanent cause, dependent upon the regularity of seasons; its time of origin has varied from May to October, and its interegna from thirty-three, ten, five, three and two years, to each successive year, no corresponding variation having ever taken place in our climate, adequate to explain these anomalies.

If we compare the meteorological details of individual years with each other, we will not find that all the healthy years are alike, or are the unhealthy; nor are the healthy always unlike the unhealthy; 1845 and 1846 differ materially, yet they were both healthy, 1845 and 1852 differ but little, yet one was healthy and the other unhealthy; 1849 and 1853 are similar (except meteorologically 1853 should have been more productive of disease than 1849,) yet 1849 was unhealthy while 1853 was healthy. Such comparisons tend much to weaken our faith in the influence of the peculiar (because unknown) condition of the atmosphere. It is evident there must be some disturbing cause occasionally introduced to produce the observed irregularity, and from the irregularity of that irregularity, the disturbing cause cannot be directed by a natural agent. When we compare 1849 with 1853, we see a strong resemblance. 1849 is alleged to have produced the fever, we presume, by its peculiar meteorological condition; if so, 1853 should have been equally, if not more prolific in producing the same evil: but as it was not, the meteorological condition of 1849 must have been equally innocent, or the same conditions are capable of producing opposite results, a position not generally admitted by philosophers.

In the similarity between the origin of country and yellow fever, we must not omit the emanations from the soils, which are known to issue, both in town and country, and no doubt play an important part in the development of disease. These emanations should materially differ, the purely vegetable productions of the country soil, offer a strong contrast with the animo-vegetable of the city, both in quantity and quality. Yet the endemic of the country is every year present, and the alleged endemic of the city is frequently absent. The introduction and consumption of nearly equal quantities of animal and vegetable matter, each successive year, by the inhabitants, should deposit beneath the surface equal quantities of relics for future decomposition; yet these equal quantities do not produce the same effects every year, showing satisfactorily that the regular emanations from our soil cannot produce the irregularities of our disease. We have no disposition to depreciate the efficacy of medical police to accomplish subordinate purposes, but to rely upon it exclusively to eradicate our disease would be vain. Equally vain would it be to believe that the great care taken by those who have the charge of the medical police of the city during the last summer was the cause of the fever's absence. To no one single cause can we justly attribute an effect which observation proves to belong to many causes. Care and caution should be extended to all suspected causes, and until this principle is fully acted on, we may dispair of success. A rigid police to secure cleanliness and perfect drainage is indispensable. Free ventilation of houses, and an avoidance of excessive population in small premises, is also necessary, with all the other precautions which experience has shown to be essential to the preservation of health in the most favored cities.

The exemption of Charleston from yellow fever during the last summer, is a subject of astonishment to all observers. That the season was unpropitious to health, the ravages of the fever on the South-western waters and other regions, fully exhibit. That we

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shared that general diffusion of unpropitious atmosphere, must be admitted, and our meteorological instruments testify to the same. yet the devouring angel spared our city.—Was it that he came and found not a congenial atmosphere and soil? or did he not visit our city to test our weakness? We apprehend the latter, for we can find no traces of his footsteps within our limits. It is true that two attempts were made by the fever to invade our city, but it was rudely and unceremoniously repelled, and expelled on both occasions. As action was prompt, the history is short. Capt. P., of the Ellen Goldsborough, arrived from Baltimore, on 30th August, sickened on the 4th September, was sent to the Marine Hospital on the 6th was declared to have yellow fever, and on the 7th was sent to the Lazaretto, where he died on the 10th. On the 23d September, Capt. P., of the Barkelew, was reported under similar circumstances, and was immediately sent to the Lazaretto, where he also died. Thus ended both attempts of invasion, and we may here remark that it is the first instance of *Jacksonism*, in a matter of this kind, ever undertaken by a mayor to preserve the public health, and we have every reason to believe that to this prompt and decided action the health of the city is to be attributed. It is impossible now to say what might have been the result, if these vigorous measures had not been adopted but we all know what has been the result when they have been neglected.

Foreign importation is probably the perturbating cause of all the irregularities that have characterized the history of yellow fever in our city, and to this cause we propose to direct attention, and to found a course of action commensurate with its importance. We are fully aware that on this point we now have the full sanction of the Medical Society of South Carolina which has been hitherto withheld, and they now abjure the dangerous doctrine "that the rigid enforcement of the quarantine laws was by no means necessary on account of yellow fever." Dr. David Ramsay, in the year 1800, writes to Dr. Miller, of New York, that "the disputes about the origin of yellow fever, which have agitated the Northern States, have never existed in Charleston.—There is but one opinion among the physicians and inhabitants, and that is, that the disease was neither imported nor contagious." Now the fruits of those disputes in the Northern States have been the proof that the fever was imported, and was contingently contagious, and on these creeds they have succeeded in excluding it from their cities for the last thirty years; while we, who believed otherwise, have been nearly destroyed by its ravages in the same period. Do not the results show which is the true creed, and can there be any difficulty in explaining the revolution which has taken place in the opinions of the medical faculty of our city.—They have collected facts and arrayed them against doctrines. They have read on the same day, Dr. Jewell's report of the introduction of yellow fever into a part of Philadelphia from the bark Mandarin from Cienfugos, Cuba, and its subsequent extension by persons who visited the vessel, or places where the disease prevailed, and the flimsy and imaginative arguments composed by Dr. Rush, in the year 1802, when he recanted certain errors into which, he says, he was led by Dr. John Lining, of our city, Now Dr. Lining was a true observer, had no doctrines to maintain, and no opposition to combat; he knew nothing of the unity of disease, and described the yellow fever as he saw it in the year 1748. As the work is scarce, not easily accessible, and apropos to our present purpose, we make no apology for presenting an extract. It is a letter containing "a description of the American Yellow Fever, from Dr. John Lining, physician of Charleston, in South Carolina, to Dr. Robert Whytt, professor of medicine in the University of Edinburg," dated Dec. 14th 1753.

"This fever does not seem to take its origin from any particular constitution of the weather, independent of infectious miasmata, as Dr. Warren (of Barbadoes, West Indies, page 8) has formerly well observed. For within these twenty-five years, it has only been four times epidemical in this town, namely, in the autumns of the years 1732, 1739, 1745 and 1748, though none of these (excepting that of 1739, whose summer and autumn were remarkably rainy) were either warmer or more rainy, (and some of them less so) than the summers and autumns were in several other years in which we had not one instance of any one being seized with this fever, which is contrary to what would probably have happened if particular constitutions of the weather were productive of it without infectious miasmata. But that this is really an infectious disease seems plain, not only from this, that almost all the nurses catched it, and died of it, but likewise as soon as it appeared in town, it soon invaded new comers, those who never had the disease before, and country people when they came to town, while those who remained in the country escaped it, as likewise did those who had formerly felt its dire effects, though they walked about the town, visited the sick in all the different stadia of the disease, and attended the funerals of those who

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died of it. And, lastly, whenever the disease appeared here, it was easily traced to some persons who had lately arrived from some of the West India Islands, where it was epidemical. Although the infection was spread with great celerity through the town, yet if any from the country received it in town, and sickened on their return home, the infection spread no further, not even so much as to one in the same house."

The truthfulness of this picture we can all attest, except, perhaps, we have neglected to trace it easily to some persons who had lately arrived from some of the West Indian Islands. What was easy for Dr. Lining to do in the village of Charlestown, is not now so easy to accomplish in the city of Charleston.

Yet, nevertheless, we shall see in the sequel that this search has been made, and the assertion of Dr. Lining fully corroborated. Dr. Lining was born in 1708, and was sufficiently mature in 1753 to think, observe and judge for himself.

Dr. John Moultrie, of this city, a cotemporary of Dr. Lining, published his "Dissertatio medica inauguralis de Febre maligna biliosa Americæ," in the year 1749, when he graduated. It is alleged that he advocated a doctrine opposed to that of Dr. Lining, but on reading the article we do not see that he does more than express his belief, as any other young graduate would do who had to write a thesis upon what he had scarcely seen, for he was not in Charleston in 1748, and could scarcely have commenced the study of medicine in 1745, when the fever prevailed. But we will let him speak for himself, and offer no apology for rooting out of the dust what few have ever seen, and what by tradition has often been misquoted. The translation is by a professed linguist and purports to be literal, and expressive of the author's views. There are but two paragraphs that bear on our subject, and are to be found on the 9th page of the original edition of Edinburgh, 1749.:

"Almost every one is persuaded that this disease is contagious. All, doubtless, are liable to this disease where it prevails, since they are surrounded by and breathe the same air. From the bodies of the sick, also, acrid and semi-putrid exhalations are continually escaping, which soon affect the air of the place in which the sick man lies, and which no less dangerous for the well than for the sick to inhale. I have seen many, however, who have sat day after day by the bedside of those suffering from this disease, who, by using precautions against the infected atmosphere, and avoiding much exercise, have escaped unharmed."

Dr. Moultrie continues: "I cannot believe with others that this disease is propagated from one place to another by contagion, unless the atmosphere is in a fit state to produce it. In the year 1745 this disease prevailed to a very great extent in South Carolina, when it was very evident that contagion from some other place had no influence in producing it. For the first person seized with the disease that year was a sailor, who having been drunk for two or three days in succession, afterwards fell ill of this fever, and the heat continuing excessive during the month, the fever spread widely throughout the city of Charleston. For when the weather is very hot there is danger lest an ordinary ardent fever should change into this disease of a more violent character, and I very little doubt that this is also occasioned by improper remedies and bad treatment. — Nay, if I am not mistaken, I have myself seen some such cases." It appears that Dr. Moultrie did not inquire from whence the sailor came, and it is possible that he was one of those persons, easily traced by Dr. Lining, as coming from some of the West Indian Islands.

From the above extract it is apparent that the opinion of the medical faculty in 1800 was not derived from Drs. Lining and Moultrie. We have no record that they ever attempted to trace the first cases to West India vessels. They seemed to assume that Charleston was within the zone of self-generating yellow fever, like the Havana, and all opinions to the contrary were heresy and schism. The conclusion seems to be founded on the observation that when the fever was carried into the country it extended no further, hence was not contagious, and could not have been brought into Charleston from the West Indies, and subsequently extend itself by contagion; but it did extend by some other means, which appears now to be the still further vitiation of an impure atmosphere by the addition of another unknown element. The doctrine of a contingent contagion, or, more properly, a contingent infection, will embrace all the phenomena observed. It implies that the atmosphere of crowded filthy cities is necessarily impure, but contains no element capable of producing yellow fever, but if a vessel arrives from a yellow fever port, with or without yellow fever cases on board, another element is added to the atmosphere of the city, which renders it capable of producing the disease. It is as a leaven which operates a new kind of fermentation, and results in a new production. Its effects are limited to the atmosphere of the city, hence the phenomena observed. Had the atmosphere been originally

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pure, the disease could not have extended, as is observed in the pure atmosphere of the country. This doctrine plainly indicates the object which a wise government should endeavor to effect, viz: to keep the atmosphere of the city as pure as possible, by removing filth, draining, ventilating and covering the surface of the earth. 2d, Excluding vessels and passengers from infected ports by a rigid and effectual quarantine, sufficiently comprehensive to embrace all the means of possible entry. Should the restrictions on the commerce of the West Indies by quarantine amount to a suspension of the whole trade for six months each year, the evils to the city will be less than it now suffers from the annual apprehension of the fever; and the pecuniary loss of a hundred years by the quarantine establishment cannot equal the ruin and desolation of a single season of the pestilence. Fortunately the most effectual quarantine need not do more than interrupt the landing of cargoes for a few days, and as all vessels will be subjected to the same delay, the equality of competition remains undisturbed. If the imposed restrictions should add to the value of the imported article, it is evident that the consumer suffers this extra expense, but we doubt not but that our citizens are willing to pay the difference, and consume the article in health and happiness. Who can calculate the price of health; and is the health of the city to be placed in competition with a few cargoes of sugar and molasses, introduced without care or caution, so as to afford a luxury to our people at the least possible expense of money, and at the greatest cost of human life. In modern times the growth of cities depends upon the increase of inhabitants, the value of city property depends upon the same, and the quantity of merchandise imported depends upon the number of consumers; hence the first act of a good government should be to increase its population, and with that comes all the other sources of wealth. To increase a population we must preserve them in health by all the sanitary means that wisdom has placed in our hands, and we must defend them against the importation of diseases endemic to other climes and exotic to our own. That yellow fever is one of this class we have every reason to believe. Its capability of introduction into other countries is admitted by all who have carefully examined its history with unbiassed minds, but still commercial interests induce many to believe that the matter is not fully established. The yellow fever, as an epidemic, has never been introduced into England; quarantines there are useless; hence the quarantines of other countries are injurious to British commerce, and the British Government denies the necessity of them, and strives to prove their inutility. The last and most memorable case of an attempt to surpass the truth was the introduction of the yellow fever into the Island of Benavista, one of the Cape de Verds, by the British steamer Eclair. The government sent Dr. McWilliam to investigate the matter. On his return, his report was unfavorable to the government views on the subject. Dr. King was then sent, who returned with opposite views. Although he could not disprove the facts of Dr. McWilliam, he gave them a different construction, and thus the government was enabled to maintain the integrity of its original creed. (See British and Foreign Medical Chir. Review.)

The facts of the case were that the Eclair contracted the yellow fever in Africa, visited this Island, landed the crew, and remained three weeks. The laborers employed in cleaning the ship, and the guard who watched over the sick, were the first to take the disease, which subsequently extended over the Island. The Island had been healthy for fifty years, and the disease was the same as that brought by the ship's crew. Whether it was contagion or infection, matters but little; the mortality was great, and the yellow fever was thus introduced.

The recent introduction of the yellow fever into a part of Philadelphia by the bark Mandarin, from Cienfuegos, is a fact too well authenticated to be disproved. The extension of the disease from New Orleans along the course of the Mississippi, tells a tale for itself; and if the Commission in New Orleans should succeed in proving its domestic origin in that city, it will not be able to deny its extension to other neighboring points, by transmission or other transportation.

To assert the domestic origin of yellow fever in Charleston, requires as much positive information as to assert its foreign origin; yet we have never been favored with the exposition of the facts. We have had denials on the other side, that "the transmission of the fever is neither tenable as a fact, nor in accordance with the opinions of a great majority of the medical profession in this country;" and that it has its origin, not from contagion, derivable from cases imported, but from local and general causes." From what observations, or from what facts, these results were drawn, we are yet to learn, and we rejoice to believe that we never will, for the Medical Society has abandoned the conclusions.

The absence of the fever from our city last summer, is still a matter of general

onishment to all observers. Why should New Orleans be depopulated, and Charleston preserve its health? It is a point which has not escaped the examination of your Committee. All local and general causes remained the same, but the most minute inquiry cannot discover the introduction of a case from abroad. No drunken sailor brought the germ of disease to infect our atmosphere. No unclean vessel lay at our wharves to be visited by foreign cigar merchants, to inhale the disease, and return to their shops to sicken and to die. No infected ship sent her crew to the Marine Hospital, in fact, excepting the cases already referred to, as sent to the Lazaretto, the fever did not enter our city, and to this cause probably we are indebted for the preservation of the health of the city. These negative facts become more prominent and valuable when contrasted with others of a more positive nature. The investigation of cases introduced into our city in previous years, is not so easy as some may imagine. The impression of domestic origin was formerly so prevalent, that no one attempted to trace the origin of any first case. Hence we have only fragments of knowledge, collected with some labor, and reminiscences of what "now you speak of it, I remember." It is a lamentable fact, that notwithstanding the pertinacity with which the older medical men adhered to the belief of its domestic origin in each year, they have left no proof that such was its origin, nor have they given any proofs that it was not imported. This remains yet to be done.

Charleston was exempt from epidemic yellow fever from 1807 to 1817. During the interval of these years, the embargo, non-intercourse and war occurred, and West Indian commerce was suspended. In 1816 it was renewed, and the fever prevailed in 1817. This may be esteemed a casual concurrence, and the return of fever in 1817, with the revival of the trade, may be also a casual concurrence. All we can now gather is, that the first city case was in Lynch's lane; how it got there no one can say. On the 3d of August three deaths are reported in the city; and on the 28th of July we find the record of the first case in the Marine Hospital. This predilection of the fever for sailors is at least curious, if it is not instructive. From Lynch's lane it extended to most parts of the city. Beaufort at this time was healthy, and its inhabitants rejoiced that they were removed from the scene of pestilence. On one fatal day Capt. Bythwood sailed into their harbor from Charleston; two days after one of his passengers complained of sickness, and was placed under the charge of a colored nurse. The fever was soon characterized; the patient died; the nurse was the next taken; she died: then some of her family; and from this point the fever extended over Beaufort, and destroyed one-sixth of its inhabitants. These facts are on the authority of the clergymen of Beaufort, who officiated on the melancholy occasions which this unfortunate arrival produced. Had the belief of a contingent contagion existed in Beaufort, this man would have been remanded to the vessel, the vessel would have been removed to a distance, and the town might have escaped the calamity which subsequently befell it.

In 1838 the Lord Glenelg, British bark, arrived from Demarara on the 4th July, with yellow fever cases on board, and lay at Boyce & Co's wharf. The Medora, from Liverpool, lay at Magwood's wharf, about one hundred and twenty yards north. The first case in the city this year was the wife of the steward of the Medora, who frequently visited her husband in the ship, and the first case in the Marine Hospital was a seaman from the Medora. What intercommunication took place between the two ships is not known. The steward's wife (Mrs. Martin) resided on East Bay, opposite to Hard Alley. (Pritchard and Strobel.) It is important to notice that the cases of the Medora were one month after the arrival of the Lord Glenelg, being on the 1st and 4th August, a circumstance observed in many other instances, and too frequent, to be considered a proof, that the fever was derived from some local and general cause, and not from the infected vessel. It is needless to say more of the fever of 1838 than that there were 353 deaths, and such was its origin.

Of the origin of yellow fever in 1849 we have more detailed accounts, for which we are indebted to the industry and zeal of the late Dr. B. B. Strobel, and is remarkable as the first instance of a rebellion against the established creed of our physicians and a determination to investigate and publish the truth as it was seen. This season was rich in West Indian commerce, not fewer than thirty-six vessels arrived in the months of May, June and July, each of which might have been the means of importing the fever.

On the 7th June the Burmah arrived from Havana, and immediately sent three yellow fever cases to the Marine Hospital, of which Dr. Strobel was physician. She lost her cook in Havana, and one seaman on the voyage; hence the source of the disease is unquestionable. On the 17th June, three cases were brought in by the Leonora from Boston; one from the Chatham from Boston; one from the Elisabeth Bruce from

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New York, all of yellow fever. A circumstance so remarkable could not escape attention. These fevers could not have been brought from Boston and New York, nor could they have been produced by local and general causes in Charleston, for there was no fever in the city, and all the vessels lay in the stream. On examination it was observed that these four vessels, in company with two others from the West Indies, viz: the Medora and Copia, lay together in the stream for several days; what intercommunicatons took place is not now known, or whether any did; suffice it to say, that the same disease prevailed in all, and it is reasonable to conclude, for want of a better explanation, that the disease was transferred from the infected vessels to the sound. On the admission of other cases into the Hospital from presumed sound ships, that is, ships from Northern ports, the Doctor invariably observed that they lay in proximity with West India vessels, either in the stream or at the wharves. The cases were so multiplied that accident could no longer account for the coincidence, and the infected vessels were so numerous that there was scarcely a wharf uninfected by them. A few examples will suffice to demonstrate this fact: Grafton, Boyce's wharf, Catharine infected; Thomas Bennett, Commercial wharves, Alliott, infected; John Anderson, Catharine, infected; Charles Carroll, Medora, infected; Silas Richards, Bridgton, Lancet, and Almendares, infected; Denmark, Alliott and Burmah, infected; H. Allen, J. C. Calhoun and Delaware, infected For particulars we refer to the essay of Dr. Strobel.

"On the 26th June, Samuel Humphreys came in the Hospital from a boarding-house in Market street, kept by Jacobs. He arrived on the 19th of June from Havana in the Caspian, and was landed in the city before taking sick. The Caspian proceeded to New York. This was the first case in the city," and was probably the origin of the cases that subsequently occurred in Market street; for "on the 7th of July, Beltzung took sick at the house of Baptiste, four to six doors west of Jacobs, and on the same side of the street." And Dr. Mackey reported many cases received in the Poor House, as coming from this neighborhood. After this, the fever became general. The question, for consideration in view of the cases narrated by Dr. S. are: Did the West Indian vessels infect the Northern vessels, or did the city infect them? Did the West Indian vessels introduce the disease into the city, or did the city produce it by virtue of general and local causes? Did the inhabitants who visited the infected vessels' wharves take the disease, and return to their homes to sicken and to die, or did the disease proceed from the premises of each patient? The priority of the disease in the vessels seems to settle the matter beyond a doubt. For the cases in the Northern ships occurred nearly one month before the cases in the city, and the time of one month may have been requisite to complete the incorporation of the West India infection, with the Charleston atmospheric impurities. The same fact was observed in the Boa Vista infection; one month elapsed before the disease assumed an epidemic form, and two months before it became general. Many similar cases may be reported where even more than one month expired before the epidemic became general. The work of Dr. Strobel contains a great many facts illustrating the introduction of the fever of 1839 into Charleston, and it is folly to suppose that it is a work purely of the imagination, unfounded on observed facts.

The fever of 1843 will be remembered as invading a portion of Charleston Neck, in the vicinity of Wolfe and Reid streets, and proving fatal, among others, to a distinguished citizen, who had lately removed to the city, and whose path to his residence passed through the infected district. We allude to Albert Rhett, Esq. Dr. Wragg reports "the city and suburbs remarkably healthy until the latter part of September, when a violent epidemic of yellow fever began on the Neck." The first case admitted to be yellow fever occurred on the 14th of September, (Dr. Toomer) on the south-west corner of Wolfe and Meeting streets. The cause, of course, was referred to general and local conditions of the climate and soil. Heavy showers of rain had fallen at the end of August, and a hot sun had succeeded. There were present, perhaps, all the elements to constitute a bad atmosphere, such as had previously been engendered in this neighborhood, without producing epidemic yellow fever; but the specific modifying agent had probably been previously absent, but was present on this occasion, and produced the peculiar modification of fever which characterised the season. The following extracts of a letter from Mr. R. R. Hughes may throw some light on the origin of the disease: "On the 27th July, 1843, I arrived in Charleston in the brig Hayne, Capt. Trescott, from Havana, suffering under fever. Dr. Simons came on board, and was told by Dr. Wurdeman (also a passenger) that no yellow fever was on board, he thinking that I had common bilious fever. The day before I left Havana, an Englishman who soon after died, was lying for a few hours with a high fever on my mattress. I took him

off with much difficulty, as he was delirious, olled up my mattress and sent it on board he Hayne. I think I put it in my berth nd slept on it during the passage. The nattress went with my baggage, and was iven to a negro in the house. I was taken o the house Northwest corner of Wolfe and Meeting streets, as soon as possible after the essel touched the wharf, where I remained ntil I recovered, fifteen days in bed, and hen went to Aiken. The first deaths I heard of in my neighborhood were two Dutchmen in a small house on the South ide of Wolfe street, nearly opposite my oom.

Mr. Hewes was attended by Dr. Mitchell, een by Dr. Dickson, and the nature of his isease was fully established. It may be rged, against the probability that Mr. Hewes ntroduced the fever into this region, that the ength of time between the arrival of Mr. Hewes, and the development of the epidemic, was too long. But according to Dr. Wragg, "there were no fevers prevalent until the 10th to 13th September. There were literally no cases of bilious remittent and intermittent fevers." Previous to that time, but after the rains and hot sun, these fevers did prevail, and it is to be presumed that he yellow fever element, until then latent, gave its peculiar type to the fever. This is n strict accordance with the facts elsewhere bserved, and consonant with the hypothesis derived from them. The union of the domestic and imported malaria is deemed necessary o produce epidemic yellow fever; while the ingle domestic on the Neck produces bilious, &c. It is rather a curious coincidence, that he only time that yellow fever has prevailed s an epidemic on the Neck, and was not pidemic in the city, that a case should be roved to be carried there, and the disease hould commence in the opposite house.—Such coincidences much resemble cause and ffect, and are difficult to refer to general and ocal causes alone.

The fever of 1849 will next be considered with reference to the facts of its origin. On he 18th July, 1849, the bark Numa arrived rom Havana, and on the 6th August, one of er crew (Sauzaboui) was sent to the Marine Hospital, where he died that night of black omit. She lay at Union wharves, foot of Pinckney-street. The Isabel and Merchant, oth from Havana, arrived on the 25th of uly and 25th August, and lay also at Union harves. The engineer of the Isabel was ttacked on the 7th August, proving infecon on board these two ships at least. On he 20th August, the British bark Queen Victoria, hauled into Patton's wharf, next above Union, from Hull, England, sound and pure, and the Huron, from a British port, lying in the dock below; thus the pure and impure vessels were all in the vicinity of each other. On the 20th and 21st of August, the Captain of the Huron was attacked with fever, but recovered. On the 28th, Captain Laycock, of the Queen Victoria, was attacked with yellow fever, and died of black vomit on the 1st September. Five of his crew were also attacked, but recovered.—Thus we have another example of what occurred in the stream in 1839, and must be attributed to the extension of the infection from one vessel to another. If we proceed up the streets leading to these wharves, we find a case on the 3d of September, at the corner of East Bay and Hasell streets, (Betts,) another on the 7th, East side of East Bay, one door above Hasell, (Carrol,) and on the 10th, one at Bennett's Mill, foot of Wentworth, two wharves above Patton's, (Drew,) one corner of Anson and Market on the 9th, (Beblin,) and one in Linguard street on the 10th, (Collins.) Supposing these persons never to have visited the infected vessels, they must have been within their influence, for they were attacked in the same way, by the same disease, and at the same time as those who were adjacent to the ships. It is impossible to ascertain now what promenades these persons may have made, in order to determine whether they went to the disease, or the disease came to them; but we have a case where the person went to the disease, brought it home, and transferred it to his neighbors, viz: Sahlman, residing at the corner of East Bay and Elliott streets, who "was in the habit of going on board vessels from the West Indies, and had been into one of the vessels at Union wharves to purchase segars, on the day before his attack." He was taken sick on the 26th August, and died on the 2d September. Wm. Martin lived in Stoll's alley, and kept a bakery in Church street, between Broad and Elliott, was taken on the 2d September, and died on the 7th. From this period our records enable us to trace the progress of the disease to Church and Elliott streets, to Anson and Pinckney, to Market and Linguard, to Hayne and Meeting, and so on all over the city. It is not proper that I should omit to mention another origin of the disease, viz: from Savannah. "On the 24th August, Holman arrived from Savannah in the steamer, on the 25th he entered the Poor House with yellow fever, and died on the 29th. We could learn nothing of the antecedents of this man." He may have come from the West Indies through Savannah, with the disease undeveloped until his arrival here; it is certain that he did

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not take it here, and we have no information that the fever was in Savannah.

We trust that enough has been advanced to demonstrate the extreme probability, that the germ of epidemic yellow fever is imported more frequently than has been generally suspected. We acknowledge the difficulty of tracing the origin of early cases, and we also regret that, until lately, none of our physicians have sufficiently doubted the accuracy of our forefathers as to make further investigations necessary. It is no honor to Charleston to be the parent of such a pestilence; it is no credit to her sons to endeavor to prove her to be. There is no positive proof that she is, and there is much positive proof that she is not. There is both damage and danger in the charge, and she has the right to be esteemed innocent until proved to be guilty; and it becomes her sons of the present day, by industrious research, to disprove those assertions which the indolence and negligence of her former sons induced them to make. That Charleston is beyond the Northern limit of self-generating epidemic yellow fever is exceedingly probable, for it is the property of epidemics never to die in the places of their nativity. Yellow fever does die in our climate, for it is not renewed each successive summer, while at Havana it flourishes in perpetuity. If the fever is not a native of the West Indies, it is, at least, naturalized, but it cannot be said to be naturalized in Charleston. Our winters extinguish it effectually. Charleston does occasionally produce sporadic cases of fever of domestic origin, but they do not extend, nor infect localities. In 1847, a drummer at the Citadel Academy went on a drunken frolic to Sullivan's Island, returned to Elliott street in the city, and when he became a little sober, reported at his quarters at the Citadel; in a few days he was taken with all the symptoms of yellow fever, even unto black vomit: he neither died nor did he extend his disease to the numerous subjects in his immediate vicinity. Had he obtained his disease from an infected West India vessel, the result and consequences would have been very different. We apprehend that it is from such cases as this, that the elder physicians founded their belief of the domestic origin of yellow fever, and inferred, if it was seen, occasionally, to be of domestic origin, it must necessarily always be so, without distinguishing the remarkable difference which exists between the sporadic and epidemic. Another source of error was the observation, that in pure country air the epidemic fever was not extended; such is still the observation, but the present conclusion is different. The impure air of the city is necessary for this extension, and so long as the city air is pure, fever will not even extend in the city. We never hear of yellow fever in the winter, and we always notice its decline and destruction as cool weather advances. It is possible that the reduction of temperature impedes the putrefactive fermentation, diminishes the amount of eliminated gases and vapors, and thus destroys the medium of intercommunication, and consequently the foreign element is extinguished by defect of combination and influence of a low temperature. It was a standing order to the French ships cruizing in the West Indies, to make sail for the Polar seas as soon as the fever was discovered on board, and the success was generally satisfactory. It is now observed that ice constitutes the best disinfectant that can be used at quarantine grounds, and we all know that a low temperature checks every fermentation; hence the deduction that our impure city air is the result of the putrefactive fermentations going on, by influence of solar heat, in the large mass of vegetable and animal matter distributed within and upon the surface of our soil, giving rise to secondary productions of every variety, is not at all extravagant nor incredible.

Having assumed an hypothesis adequate to explain all the obscure phenomena connected with the origin and propagation of the yellow fever in Charleston, we are prepared to apply it to the prevention of the evil. We have assumed on sufficient observation and evidence, that two conditions of the air are necessary to produce epidemicity. First, a condition of impurity of domestic origin, arising from the fermentations of the earth and its contents, derived from the exuviæ of a dense population. Secondly, a foreign imported element, which readily combines with our domestic impure air, and imparts a property to it, identical with what it enjoys in its native clime. Without professing to ascertain what the elements may be, we only identify them by their effects upon the human system—and their only property, at present known, is that of producing disease and death in the human family, wherever the combination is allowed to be consummated. This single observation contains all the principles of human action. Prevent the combination, and security from its ravages must be the result. Exclude the foreign element from our port, or extinguish it in the harbor, but never let it reach our wharves to effect the deadly combination. Can this be done in a commercial city? Can our wells be poisoned, for the sake of commerce? Where is the difference between poisoning our air, and poisoning our water? Both are essential to the vitality of our citizens, and merchants

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have no more right to poison the one, than our enemies have to poison the other. Poisoning is the foulest kind of murder, equally abhorrent to the savage, as the saint; and it is only necessary to demonstrate, beyond a doubt, that the poison of yellow fever is introduced among us by commerce, and we will soon find that there is among our merchants a moral principle paramount to the love of gain. However valuable the West India trade may be to the city, it cannot be equivalent to the injury produced in other branches of commerce, by the dread which the disease produces in the minds of country purchasers, and the compulsion it induces to flee to other markets, where the disease is prohibited entrance. Of death and desolation we need not argue, for habit has rendered us callous to such considerations, and the exemption which the native enjoys may make him careless of the sufferings of others. Far be it from us to attribute a bad motive to the non-believers in the introduction of the disease, but the facts collected appear to be sufficient to produce a reconsideration of the matter, and to induce the performance of an experiment which will settle the matter beyond a doubt. The experiment does not involve the destruction of the West India trade, although it will encumber it with additional expenses, and thus raise the price of the commodities beyond their former value; but this increase of price will fall equally upon all the West India merchants, thus producing no change in their relative profits, while the community at large are made to pay the extra charges. It is not observed that the rigor and extra expenses incident to the New York Quarantine increases the price of sugar in that market, and with all the impediments of quarantine, the West India trade is prosperous in that city. We desire to accomplish no more for Charleston, than what the Legislature of the State of New York has done for the city of New York. We desire to imitate her example, to profit by her experience, and be rewarded by the same happy results. "For let it be remembered," says Vache, (State Commissioner of health for the Marine Hospital, Staten Island,) "that the malady has not appeared in this city for nearly a quarter of a century, and not since the present health laws have been rigidly enforced, and never will, as long as the State remains as it is, and its provisions are observed to the letter." Here we have the fruits of difference of opinion between Drs. Rush and Hosach. So long as Rush prevailed, and domestic origin was advocated, the fever continued its annual ravages. When Hosach prevailed, and foreign importation was admitted, ways and means were found to stay the pestilence, and nature seemed to yield to a correct public opinion. Let public opinion change in Charleston, and ways and means will also be found to stay our pestilence. We have been taught how it may be done; we have only to put those principles into practice, and the scourge of Charleston will be as a thing that was.

From the preceding facts and observations, your Committee venture to draw the following conclusions, viz:

1st. The origin of yellow fever is not dependent upon particular constitutions of the weather alone, for it has appeared, occasionally, in seasons materially differing from each other, in all the details of meteorological phenomena. Yet as a general rule, it prevails oftener in rainy seasons, with cool nights and hot days, and least in dry seasons, with hot nights and hot days, all other perturbating causes being absent.

2d. The development and extension of the fever is promoted by the accumulation of filth, pools of standing water, excavations in the earth, crowded population in small ill-ventilated apartments, exposure to the heat of the sun, excesses, both in quantity and quality, in articles of diet and drink, deficient drainage, in fact all those circumstances which come under the cognizance of a medical police, and are found to be necessary for the preservation of health in all cities, and fortunately are within the power of a good government to effect. It is at least prudent and wise to attribute the origin of some of our fevers to the neglect of the above considerations, particularly those whose origin we cannot, or have not, traced to a foreign source, while it should be strictly enforced upon the public mind, that the neglect of the above precautions create those impurities of the atmosphere of the city, which form the recipient, the domicil, as it were, of the foreign element, through which the poison is carried to every part of the city, and to every chamber and sitting room.

3d. Your Committee are constrained to aver that the introduction of the yellow fever by vessels from foreign ports, is by far the most frequent cause, and the best established origin of the epidemic in our city. And it affords your Committee great satisfaction to have collected so many facts in support of this opinion, as it places within the power of the city authorities the means of successfully contending against its introduction. So long as the enemy entered secretly into our camp, we were unprepared for resistance; but now, as we have learned his mode and manner of attack, he is disarmed of half his terrors. Our city is our castle, and we will close our doors, both front and back, external and in-

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ternal, and bid defiance to our former enemy. Our strategy is self-defence, our base of operations the Charleston bar, and our prison the quarantine ground. On this frontier we will wage the war, and leave our citizens to pursue their several vocations in security, unalarmed by any other cause save the apprehension of neglect of duty in our officers and soldiers. Fortunately the State has given full powers to the city to execute the quarantine laws, and they are sufficiently comprehensive to embrace all the necessary details, when directed to be rigidly enforced. That direction for rigid enforcement we hope will now be given, and the unanimous sentiment of the Medical Society will no longer give their opinion to the Government that the rigid enforcement of the quarantine laws is by no means necessary on account of yellow fever. It is proved, on trial, to be necessary elsewhere, and we have every reason to believe that it will be equally salutary here, as the neglect of it has been accompanied with so many disasters for so many years, that its rigid enforcement promises relief, rather than an aggravation of evil. The certainties of commerce must yield to the uncertainties of medical opinions, and if we are to bear the expenses of a quarantine, we are at least entitled to perform an experiment with them, and know positively whether or not they are worth the annual support. If the execution of the laws has not hitherto excluded the disease, the error and fault was ours; we have never believed it necessary to attempt the exclusion, we now recommend the reverse instructions. Exclude it by every means consistent with the vitality of the West India trade, and the vitality and health of the city. If the prosperity of the city depends upon its health, we have now the means to preserve it, and no subordinate or secondary consideration should be allowed to interfere with, and interrupt a rigid and effectual enforcement of those laws, which were enacted by the wisdom of the State to preserve the health and advance the prosperity of the city.

In framing regulations for the successful performance of quarantine, we are not to rely upon the exact original import of the word, implying that a vessel is to be detained forty days before coming up to the city; for, in that period, it was presumed that all persons on board, who were liable to the disease, would have taken it, and died or recovered. This was the early idea on the subject, when the plague, which was considered truly contagious, that is, diffusive by personal contact or presence, was the disease to be guarded against; but it was afterwards discovered that the disease could be extended by the vessel and cargoes, hence the introduction of purifications, fumigations, and other means directed against the vessel, in order to destroy the infection which it contained.

These two principles are still the foundation of all judicious quarantine regulations, and the details are modified in such a manner as to secure the primary object of security to the health of a city, and to offer the the least impediment to its commerce with reputed infected ports. Experience has taught that it is not every article of a cargo that retains the infection; some are purified by simple exposure to the air, others by washing, and the timbers of the ship appear to be more difficult of purification than most articles of a cargo; and so long as the cargo remains on board, the purification is impossible. It is for this reason that cargoes from infected ports should be discharged at the quarantine station, purified in the manner found successful by practice, and reshipped to the city. The vessel itself is now in a fit condition for purification. It is futile to undertake the purification of the cabin and forecastle when the hold retains its infection; for on the vessel's arrival at the wharf, and the hatches removed, the infection is diffused. In the recent case of the Mandarin in Philadelphia, the diffusion of the infection took place after the discharge of the cargo, and not with it, the cargo being sugar, molasses and segars, articles considered "sufficiently ventilated by transposition." Cases similar to the Mandarin are of common occurrence at our wharves, but they have been hitherto considered unworthy of notice; while we read with avidity the history of an identical case in a Northern city, protected by an efficient quarantine, and sympathise with the people in their denunciation against the health officer, who was so negligent of his duty as to allow an unclean ship to unload at the wharf, and infect a portion of the city.

Transhipment of the cargo, in order to ventilate and purify the hold of the vessel, is indispensable to an efficient quarantine; whether this be done by lighters, or into public stores, to be erected at a convenient station, as at New York, is a question for future consideration. The concurring advantage of this process is the early delivery of the cargo to the merchant, encumbered, we must admit, with the expenses of the transhipment. After the thorough cleansing of the ship, she is allowed to come up and be ready for her export cargo. To guard against the failure of complete disinfection, it would be prudent to assign an especial and separate wharf for these ves-

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sels, and their preceding cargoes removed to the greatest possible distance from the mass of clean vessels, and out of the way of the usual congregations of seamen and other foreigners. While the removal of the cargoes and the purification of the presumed infected ship is progressing, the period of incubation of the fever is advancing, and it it is probable that these delays will equal the time necessary to decide whether the disease will or will not be developed in the crew.

The acclimation of our citizens to the peculiar diseases of this latitude would enable them to pass from these vessels to the city without danger of taking the disease, and transferring it to the city, while a foreigner would receive it in the vessel, bring it up in apparent health, and in a few days be the means of counteracting all previous efforts, by its development and subsequent extension. Great caution should be exercised in the selection of the transferring crews and laborers; negroes are decidedly to be preferred; and the unacclimated stranger should be positively prohibited from joining the party.

In conclusion, your committee would offer the following resolutions:

Resolved, That the Mayor be directed to put in rigid force the quarantine laws of this State on the first of May, and continue the same until the first of November each year.

Resolved, That a commitee of — be appointed to examine our laws, and compare them with those of New Yovk and elsewhere, and report upon such modifications of the regulations as may be more efficacious in accomplishing the desired object, while it shall be less onerous to commerce.

Answers of S. A. CARTWRIGHT, M. D., to the interrogatories propounded by the Members of the Senate's Committee.

Question 1*st*. Was the epidemic of last summer contagious?

Answer. It appeared to be so in a certain sense, like typhus and ship fever, when the sick were confined in close, ill ventilated rooms, but not in the open air. To prevent being misunderstood, I beg leave to say, that I regard both the doctrine of contagion and non-contagion as sectarian, resting upon a part of the truth and not the whole. All the emanations of the body, and all the passions and emotions of the mind, are contagious or non-contagious, according to circumstances; and unless these circumstances be looked to and made the basis of action, any preventive measures founded upon the abstract doctrine of the contagiousness or non-contagiousness of yellow fever, ship fever and cholera, must from the nature of things, prove abortive and end in disappointment.

Ques. 2. Was it imported into New Orleans?

Ans. A few cases were imported or brought into New Orleans, but a great many cases occurred, some at a very early period, which could not be traced to any foreign origin. I saw some cases of yellow fever brought into the city from the Piney Woods, in the persons of the laborers on the railroads. Yellow fever, like typhus, intermittents, catarrhs, &c., would seem to be referable to a plurality of causes, and not to an unity, as implied by the question.

Even hydrophobia is not bound down to unity of cause. The first dog that goes mad every Spring, was not bitten by another dog. The rich blooded northerners coming South, huddling together by night in ill ventilated apartments, using a diet and drinks they are not accustomed to, and exposing themselves by day at hard labor or severe exercise, under our hot mid-summer sun, can at certain seasons generate yellow fever almost anywhere in the South. Experience proves that a combination of causes, as dear bread, high rents, and a cold winter generates the typhus fever almost every winter among the poor of the large European cities.

Ques. 3. Did not the disease make its first appearance among the shipping?

Ans. From the best information I can gather, it did not. The first death from yellow fever occurred in the Charity Hospital, on the 27th of May. Three days afterwards there was another death. On the 7th June, two more, and another on the 10th and 11th; these were all unequivocal cases of yellow fever, attended with black vomit. All were emigrants, who had been but a short time in the city. None of them had been in any infected port, having come from Europe direct to New Orleans, and one from Boston. No ship anterior to these deaths, from any infected port with yellow fever on board, had as yet arrived in the city. On the 11th June, the day that the last of the above mentioned deaths happened, the Evangeline, from Jamaica, came into port with the yellow fever on board.

This was the first yellow fever brought to the city by the shipping, and the first ship of the season which had been infected with it, with the exception of the Northumberland, early in May from Liverpool direct, with about 400 emigrants on board, many of whom were afflicted with ship fever, which

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it is said, assumed the livery of yellow fever on the way up from the Balize.

The Mary H. Kimball, from Rio de Janeiro, about which so much has been said, did not arrive until the 25th of June, after a great many cases of well marked yellow fever had not only occurred in the Hospital, but in private practice.

The two cases at Gormley's Basin, back in the swamp, entirely cut off from all communication with the river or shipping, happened on the 6th of June, instead of the 6th of May, as originally reported by Dr. Moses Dowler. These two deaths took place five days before the first ship with yellow fever on board came into port.

Ques. 4. To what do you attribute its spread in the country?

Ans. To the spread of the emigrant or unacclimated population, or that class of people among whom it first appeared in the city, and in accordance with that law of fevers, depending upon hidden causes, but displayed in large armies, where camp fever is often seen to break out among the new recruits, and after being confined to them for a time, to pass over to the veterans, and to the inhabitants of the town or city in or near which the soldiers are quartered. Soon afterwards the smaller detachments of soldiers, quartered at a greater or less distance from the main army, are attacked with the same disease, spreading in many cases to the inhabitants of the country around the various encampments. Most commonly, however, camp fever is as strictly confined to the new recruits, as our yellow fever generally is to the newly arrived emigrants. When either extends to other classes, some undefined meteriological condition of the atmosphere is presumed to be the cause, while others attribute it to contagion, to fear, to local miasmas, or to microscopic living organisms.

Ques. 5. If yellow fever is not contagious, as asserted by most all members of the Faculty, does it ever become so under peculiar circumstances?

Ans. Diseases, acknowledged by all parties to be contagious, as small pox, measles, scarlet fever and whooping cough, do not spread unless under peculiar circumstances. The facts are, that a few cases of one or the other of these contagious diseases, spring up in town or country almost as often as the moon changes. When circumstances are not favorable to their propagation, they die out like a fire without wind to fan it or fuel to support it. On the other hand, when favored by some secret constitutions of the atmosphere, (increasing the susceptibility of the system to be affected by them,) the experience of the world declares, that human ingenuity has never been able to guard effectually against them. So tired had the world become with vain efforts by the most stringent sanitary regulations zealously enforced, to prevent small pox, that Jenner's discovery of a method to destroy the susceptibility of the body to its influence, was everywhere hailed with delight—yet vaccination is scarcely more effectual in preventing fatal attacks of small pox, than free ventilation, cleanliness, temperance, and putting the negro in the sun to do all the rough out door work, are in preventing fatal attacks of yellow fever.

It is very true that when epidemic, the disease pays less respect to the persons who have observed the above mentioned precautions, than it otherwise invariably does; but it is no less true that when small pox is epidemic, it pays less respect to the vaccinated than it otherwise does. From want of attention to the influence of this law, derived from the great numbers afflicted, the virtues of vaccination have been often called in question, because it is not a certain preventive against small pox, in a modified form at least, when the genuine disease prevails to a great extent. Last summer upwards of two thousand deaths occurred among the newly arrived emigrants, before I could hear of a single one among the citizens proper of New Orleans. Measles is a more fatal ailment than yellow fever, when epidemic among large masses of the poor, shut up in filthy, close, damp and overcrowded tenements, as those occupied by a similar class in this city last summer, where the principal mortality occurred. If that mortality had been from epidemic measles instead of yellow fever, it would at once appear that the circumstances causing the mortality were entitled to more consideration than the contagious nature of the malady.

No city that I know of has ever yet been able to protect a single generation from measles, whooping cough or scarlet fever; it is out of the power of man to exclude their contagion, but it is within the power of a good government to control the circumstances from which the complaints arising therefrom derive their malignancy.

Ques. 6. At what date in 1853, was the first arrival of a ship into the port of New Orleans, with yellow fever on board?

Ans. On the 11th of June.

Ques. 7. At what date was the first undoubted case of death from yellow fever in the city of New Orleans, in 1853?

Ans. On the 27th of May.

Ques. 8. Was not the cholera imported into New Orleans by foreign ships, at each and every appearance it made here?

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Ans. It was not. In its first appearance on this continent, in the year 1832, it gradually approached New Orleans from the upper country, and was seen on the steamboats, flatboats and rafts of the Mississippi and the Ohio, several weeks before it made its appearance here, or a single case occurred among the shipping of this port. Its second appearance in America was in the autumn of 1848. It attacked the emigrants who came up the river from Europe—not on their passage, but after their arrival. It then extended to the citizens and sojourners in New Orleans, and commenced a second tour through the United States, pursuing a retrograte course to the first, going up the river instead of down, and stopping at many of the woodyards and towns on the margin, and in some instances penetrating into the interior country. In 1832, it first appeared at Quebec, June 8th. It soon afterwards visited the cities of Montreal and New York. On the same day, October 1st, 1832, it fell upon St. Louis and Cincinnati. Fifteen days afterwards it reached Memphis, and in precisely fifteen days more, viz: on the 30th of Oct., 1832, it made its first appearance in New Orleans. Ever since its last epidemic prevalence here in 1848, sporadic cases, about the same time of year, have annually occurred for five years in succession, mostly among the newly arrived emigrants in the first instance, and afterwards extending to a few of the citizens and transient population, particularly the oyster loving portion of them: thus proving that there is some attraction or chain of connection drawing it here every autumn—well worthy to be sought out and broken if it can be found. It may be in the unwashed, unventilated clothing, loaded with human secretions, in a long sea-voyage, which the swarms of emigrants arriving at this port in autumn, annually bring with them. I broke the chain in a single day, which had long bound it to a large sugar plantation belonging to Capt. Minor, in the Parish of Ascension, after it had killed forty negroes, and had disabled a good portion of 300 more, by exposing all the clothing and the bed clothing to the open air, and making all the negroes, sick and well, camp out in the open fields—forbidding any tent or covering to be erected over them for two or three days. That measure banished the cholera entirely from the plantation on the same day it was carried into effect, which happened to be a rainy day, and all the sick and invalids, who were removed into the open field, immediately began to recover. Removal had been twice tried before on the same plantation without effect, but in each case it was a removal out of one lot of houses into another, and not into the open air. The latter I have known to be effective in more than an hundred instances. The city authorities in permitting the removal of emigrants from ships arriving from countries where cholera is prevailing, with all their unwashed, unventilated clothing, into boarding houses and overcrowded tenements in this city, and carrying the sick to the Charity Hospital, have demonstrated the purity of our autumnal atmosphere, by the inoculation not having taken effect and lighting up an epedemic every year, instead of only a few separate cases—enough however to frighten the people, and greatly embarrass the business of the place.

I am no contagionist, but I hold that the long pent-up exhalations from the sick, the dying and the dead cannot be taken into the lungs without contaminating the blood. New Orleans had an expensive quarantine last year, yet so fearful were the masters of the cholera ships of being remanded back to the quarantine station, if any cases were found on board, that good care was taken, it is said, to conceal them, or to smuggle them on shore. But the emanations saturating the clothing of the well, in a crowded emigrant ship, are probably not less noxious than those from the sick themselves.

Ques. 9. What are the diseases most commonly introduced by the shipping?

Ans. Ship fever is almost constantly brought into this port, and occasionally a few cases of other complaints.

That ship fever is communicable from one to another in the pent up, poisonous atmosphere of its own exhalations, is generally admitted. That emigrants loaded with those exhalations and foul excretions, are constantly admitted into the emigrant boarding houses, and crowded, ill ventilated, damp, mouldy, dilapidated tenements in this city, occupied by the poorer classes of the foreign population, readily explains the remarkable fact, that so many of that kind of people are almost daily dying, winter and summer, without anybody being sick: the contagion stupefying and killing them, without producing those painful phenomena which usually pass for sickness.

Ques 10. Why are the foreign seaports liable to be the seats of contagious disorders?

Ans. Why, because they are ruled by those oppressive governments under whose wasteful extravagance and unlimited taxing power the poor are half starved for the want of food, half frozen for the want of fuel, and half smothered in their own exhalations to keep themselves warm. New Orleans bids fair to remain in the same category, unless the Legislature, in mercy to the city, cuts

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down the taxing power of the corporation to something like a republican figure.

No people can long bear to pay three or four per cent. taxation on the value of their property, without denying themselves those solid comforts of life, which after all are the best preventions against contagious and epidemic diseases. (As soon as a generous public diffused the comforts of life among the poor of New Orleans, the last summer, the terrible epidemic immediately subsided.)

Ques. 11. How do you explain the disappearance of the plague at Marseilles, with frequent cases at the Lazaretto?

Ans. This is an important question, the correct answer to which will be well calculated to bridle the fears that are running away with the popular judgment on the subject of contagion.

The plague at the Lazaretto, and none in Marseilles, if left unexplained, is sufficient of itself to overrule the objections to an expensive, rigid and vexatious quarantine, (to keep the yellow fever out of New Orleans, if that measure actually keeps the plague out of Marseilles.) It requires a high degree of medical knowledge to answer the question correctly and satisfactorily. Fortunately, a most distinguished physician of London, Dr. Heberden, has long since answered the question, and relieved me of a task that I would have been inadequate to unless I had been aided by his work, entitled "*Observations on the increase and decrease of different diseases, particularly the Plague.*" He proves that the plague has been on the decrease, that is, contracting the sphere of country liable to be infected by it, for more than a century. London and Marseilles were included in the region of country, but for many years it has left that region and drawn itself within narrower limits. Within its present limits no quarantine regulations have been found effectual in preventing its appearance, while all the towns and cities situated in the region of country it has left, have for half a century or more enjoyed a complete exemption from it, whether they have a quarantine or not. So also the yellow fever, which at one time extended as far north as N. York, Boston and Quebec, has for many years ceased to exist in those places. That this exemption is not due to any quarantine regulations, is proved by the fact, that the multitude of towns and cities in the same latitude, unprotected by any quarantine whatever, have been entirely free from it, although cases have occasionally been imported by the shipping, as the cases of plague at the Lazaretto, of Marseilles.

Ques. 12. "Has the Quarantine system been effective in preventing the importation of diseases liable to be imported by emigrants?

Ans. No quarantine that we have ever had has ever been effective for that purpose, and none that I have ever seen proposed by those who are fishing for abstractions could by any possibility be so. Although a rigid quarantine was instituted at the port of New Orleans, in 1821, and was not abolished until 1825. Nothing was effected by it, but expense, trouble and sundry annoyances to commerce. It did not prevent the occurrance of the yellow fever in 1822. The quarantine has never been effective in preventing the importation of diseases liable to be imported by emigrants, for the very good reason that we never have had one of a practical kind, directed against the infectious materials and diseases the emigrants import. Such, for instance, as the fomites of ship fever itself, including putrid and adynamic fevers. The seeds of these affections are sown broad cast, almost every month in the year, by the newly arrived emigrants in various quarters of New Orleans, and occasionally they find their way to the plantations and other towns and cities of the Mississippi valley.—They are directly the cause of a large portion, and indirectly, of a far greater part of the mortality which is constantly occurring among the poorer classes of this city and the neighboring towns. That they can be excluded by wise sanitary regulations instituted by the Legislature of Louisiana (which I have no objection to bearing the name of quarantine), and New Orleans be made healthy, I have no doubt. None but the Legislature has the power to do the goodly work. The city government has no authority beyond its chartered limits, and if it should have the authority conferred on it, the presumption is that it would abuse it, as formerly, by creating offices, incurring unnecessary expense, and annoying commerce with vexatious impracticable quarantine regulations, directed against the wrong cause of disease. The dominant idea among the advocates of quarantine in the city, is the radically erroneous one that, to be effective, the measure would require restrictions to be laid on commerce, and the expense incurred of building lazarettos, hospitals, storehouses, &c, at or near Fort St. Philippe, or some half way ground. It will consume all the resources of the city and the State to build and support hospitals for the accommodation of the sick, and houses of refuge for the debilitated and disabled among those vast multitudes of emigrants, passing from Europe through the port of New Orleans into the great Mississippi valley, unless the Legislature lays the axe to the root of the evil, by

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forcing from ship owners, emigration
gents and companies, the necessary fines to
sure the comfort and the health of the
assengers.

It would be better for all parties, and
ould advance the interests of legitimate
ommerce, to prevent sickness by enforcing
stice to be meted out to the emigrants,
an to impose oppressive taxes on the city
nd State, to repair the evils caused by the
reedy avarice of crowding too many emi-
rants on the same ship and not furnishing
em with good water and wholesome provi-
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f an economical quarantine, but to add a
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tate. Hospitals are not in accordance with
he genius of our republican institutions.
The American policy is to do away with the
ecessity for such institutions. At best they
re but sores on the body politic, made ne-
essary by oppression and injustice. As a
pecimen of how little use they are to our
eople, out of 15,558 patients admitted into
he Charity Hospital in 1849, only 147
were Louisianians, and for twenty years the
proportion has been about the same, one in
a hundred.

Not only the quarantine of 1821, but all subsequent quarantine regulations, in the shape of city ordinances, with the same view, proved entirely abortive. There was an ordinance early in the year 1847, passed by the City Council, against the introduction of contagious and infectious diseases, but it did not define what was meant by the terms contagious and infectious. If by these terms were meant to be included all substances of an infectious and poisonous nature to the human system, the ordinance was defective, as it was directed against disease in the abstract, instead of against the noxious materials causing disease. The decomposing azotized compounds, thrown off from the bodies of large numbers of human beings, shut up under the hatches of an ill-ventilated ship on a long voyage, saturating the unwashed clothing, bed clothing and luggage of the emigrants, might well be characterized by the terms contagious or infectious—as but few substances in nature are more depressing to the vital powers, when the air respired is contaminated by them in a concentrated form. To the poisonous metamorphozed effluvia arising from a quantity of decomposing animal matter, confined a long time in a damp, hot, close room, I traced the origin, thirty years ago, of the most malignant epidemic I ever witnessed. Its gradual progress, radiating from the focus of infection, a considerable distance around, was noticed in the facts published and left unexplained. It was not then known that, after the metamorphosis into fungoid or algoid organisms, that these living substances have the power, under certain circumstances, of self propagation. There are a great many species of both classes of such microscopic living organisms, no doubt more or less noxious. Prof. Riddell has detected several kinds with his microscope—always finding them, no where else than, in the most filthy kind of matter, in close damp, hot places. His oscillaria I have repeatedly seen through his microscope. It is an algoid endowed with life and motion. Although always an opponent of a quarantine to exclude the importation of an ideal abstraction, I have nevertheless always been in favor of practical sanitary measures to drive out and exclude those realities in the shape of nuisances which observation, unbiased by any theory whatever, has pointed out as containing the seeds of disease and death. Such, for instance, as putrid provisions, damaged cargoes of perishable articles, and the soiled unwashed, unventilated clothing and bed clothing, saturated with the azotized compounds of great numbers of human beings, confined in the steerage of a filthy ship, in a long sea voyage, particularly if the ship fever break out among them. That the clothing and bed clothing of such persons, in its soiled condition, can, if carried into close, damp, crowded rooms, communicate disease to the inhabitants thereof, admits of so little doubt, that the safest rule would be to burn all that is not worth the trouble of purification by washing and airing. The important fact has been too long overlooked, that typhus or ship fever does not obey its accustomed laws in this city as yellow fever and other diseases do. It does not appear and disappear, but continues all the year round among the poorer class of emigrants. Every month in the year there are deaths from it, and more deaths per annum from it than from any other kind of fever, except during an epidemic. The books of the Charity Hospital prove that patients in that institution, with this fever, under the name of typhoid or putrid, are dying all the year round, and that in 1848, no less than $11,-251 was paid out of the Hospital fund to the Franklin Infirmary for patients removed to that institution, afflicted with this fever alone. Such facts indicate that it is kept in activity every year, and every month in the year, by constant accessions of its peculiar

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miasm in a fresh state. Indeed, it is not altogether unreasonable to suppose that the ship fever, among the 400 emigrants imported into this city, direct from Liverpool on the Northumberland in May last, impressed its character upon the late epidemic, causing it to assume a typhoid type and to wear an unaccustomed contagious aspect.

Ques. 13. At what distance below the city should the quarantine ground be located?

Ans. Five miles—at the battle ground. That particular place is already associated with the idea of protection and safety against evils approaching from abroad. Before the vast army of emigrants, annually pouring into the Mississippi valley, be permitted to pass that spot, let them cast off their European habiliments, to be purified of these miasms, called plague spots by the Hebrew legislator and fomites by our fathers, but which modern science has found to consist of living organisms belonging to the fungoid and algoid classes of the microscopic world, and greatly varying in species and possessing the power of self-propagation. Be this as it may, ablution and exposure to the open air, are known to possess the virtue of destroying typhous and pestilential miasms from whatever cause proceeding, and to rob them of the power of propogation, either by the sick or their clothes and bed clothing. No hospitals, therefore, or Lazarettoes should form any part of that rational system of quarantine, seeking to destroy miasms by ablutions and free exposure to the open air, instead of building hospitals to breed and propagate them. A few sheds or tents at the quarantine ground, to protect the sick from the sun and the weather while enjoying the invigorating luxury of breathing the fresh open air, after a tedious passage on ship board, would be all the buildings required. Those ill with typhous or pestilential fevers stand a better chance to recover under a tent or shed than in a hospital or lazaretto. Even in surgical diseases patients recover from operations in the tented field with much more facility than they do in the hospitals of London and Paris.—In the cholera infantum and marasmus of the children in crowded houses, the exposure of the little skeletons to the fresh open air of the country reanimates them almost immediately.

But as some diseases will not bear the fresh open air, there could be no objection to a few scattered cottages at the quarantine ground for such as might be afflicted with them. As all such complaints possess no power of propogating themselves, the patients could be safety carried to the hospitals we already have. Hospitals are not needed for pestilential and typhous complaints, because in such affections the open air is not only preventive, but curative. As to the well, they should be required to camp out in the open air a day or two, and after having performed the necessary ablutions, and putting on clean clothing, to come to the city, or to go where they please.

A rational quarantine, founded on the principle of excluding the importation of every thing tangible, which experience has proved to be the causes of disease, such as vegetable and animal matter in a state of putrefaction, unsound provisions and clothing and bed clothing saturated with human exhalations, was the kind of quarantine that Dr. Bush, and the great lights of America, advocated half a century ago, in opposition to that irrational expensive quarantine system which had been tried more than half a century before their time and failed, and always will fail, because it is directed against the shadow of things instead of the substance. The sanitary regulations proposed by Bush, Mitchell and others, were too simple and too cheap to be at first appreciated.

They placed no restrictions on commerce, but rather facilitated its operations by preserving the health of the crews of ships, and other persons engaged in it, by the same hygienic measures which preserved them from bringing disease among other people. A quarantine to be effective should be divested of all impracticable expediences, unnecessary obstructions thrown in the way of trade, or hardships imposed upon the emigrants and passengers. It would be an unnecessary hardship to detain the emigrants and passengers at any half way ground between the city and the Balize, cut off from fresh vegetable food and all the comforts and conveniences that would be at their command if near the city. It would cause unnecessary detention and incur the expense of double towage, or fail in its object by not giving time to the port physician for an effective examination of the condition of the ships and passengers. Whereas, if that officer was required to reside permanently at the Balize, he would have time to examine the vessels carefully before they are taken in tow by the boats, giving the latter the necessary directions for the disposition of the ships, permitting such as were found to be in a sound condition, after landing the emigrants at the quarantine ground, to proceed into port—or directing those found to be infected with a sickly crew or foul air from want of cleanliness or damaged cargoes, to be brought to and left at the quarantine station—besides forwarding a bill of items for

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the recovery of damages against all such that may have brought more passengers to the ton than the law allows, or had in any way subjected themselves to penalties. If one officer were inadequate to the performance of such duties, there could be more than one or he could have assistants, who could board the vessels with the pilots and facilitate business, without obstructing commerce a single hour. A few thousand dollars would defray the whole annual expense. Our government not only protects peaceable, law-abiding passengers after their arrival here, but evidently intended (judging from its unexecuted laws) to punish all aggressions that may be committed upon them in their voyage hither. There could be no better hygienic measure devised to preserve the health of emigrants from the depressing influences which fall upon the soul on seeing the land containing the bones of their fathers, receding forever from their view and themselves on a wide waste of waters, than to feel and know that the protecting arm of that great Republic of equal rights and laws, to whose shores they are hastening, was already around them.

The proposed quarantine will be defective if the golden rule be not, in some shape, incorporated in its provisions, and ships of all nations required, not only to come into port clean, but to go out clean. Thus would New Orleans gain, by acting justly, a reputation for health, which the envy and detraction of rivals could not destroy, or long retard her progress to her high destiny in becoming one of the greatest cities of the earth.

Lastly, as an additional security against any infection from the shipping, none but well acclimated persons should be permitted to act as stevadores.

SAM'L A. CARTWRIGHT.

Canal Street, New Orleans,
Jan'ry 31, 1854.

QUARANTINE.

To the Hon. Messrs. A. Trudeau, J. A. Braud, and E. E. Kittridge, Sanatory Legislative Commission:

GENTLEMEN—I have received a copy of your circular soliciting the opinions of the medical faculty in reply to certain interrogatories which you have propounded; and, although a feeling of diffidence might well induce me to shrink from exposing my crude and imperfect suggestions or opinions to the analysis and criticism of gentlemen so much my superiors in all the qualifications necessary to give wise and useful information, yet as a noble and patriotic desire to promote the public weal has induced you to solicit information, a no less sincere desire to contribute my feeble aid in the important investigation in which you are engaged has induced me to present the following replies to your interrogatories:

Question 1—Was the epidemic of last summer contagious? I answer No!

Question 2—Was it imported into New Orleans?

To this question I also answer No!

Question 3—Did not the disease make its first appearance among the shipping?

To this question I also answer, emphatically, No!

It occurred first among a class of population who have always been the first in all cities and in all ages to acknowledge the presence of epidemics, and who suffer the most from all other diseases, viz: the exposed, improvident and intemperate.

Rain and sunshine; heat and cold; unwholesome food and drink; adulterated and empoisoned liquors; irregularity in eating, drinking and sleeping; excessive labor by day, and excessive venery by night, as well as the most insalubrious style of clothing and dwelling. All these circumstances and peculiarities have characterised the first victims of all epidemics in all ages and in all countries, and such was the case last summer.

Superadd to these circumstances the fact that the individuals above described were all strangers to our climate, and, in the very nature of things, compelled to undergo acclimation, and you have a full and ample solution of the causes which originated the epidemic of last year among those who were its first victims.

Question 4—To what cause do you attribute its spread through the country?

I answer—To the fact that we had no winter during the twelve months preceding it—all the cold weather of the preceding season was late in the spring, hence the surrounding country, as well as the city, emerged as it were from midwinter into midsummer; all the usual tonicity acquired by our inhabitants in city or country, even brief and imperfect as our winters are, was on this occasion withheld, producing a state of lassitude or enervation preëminently qualified to generate disease; hence, when an atmosphere sufficiently pestilential to create yellow fever pervaded almost the entire southwest, no protection was afforded to the inhabitants except constitutional insusceptibility to the disease, such as sometimes exists to all other diseases, whether atmospheric or contagious.

There were elemental peculiarities existing throughout the whole of the infected districts which evidence fully the pestilential

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condition of our atmosphere, wherever yellow fever prevailed, and which were so obviously of a local character that they cannot possibly have been associated either with contagion or importation, and if one single local fact can be pointed to, which may account for the existence of an epidemic in New Orleans, it must be unwise, illogical and unphilosophical to refer the disease to foreign origin, until it has been perfectly demonstrated that the suspected local cause is utterly incompetent to produce the disease.

Among many local phenomena which occurred, and which could have no relation to contagion or importation, and which may to a certain extent account for the presence of an epidemic, were the following:

A piece of fresh meat attached to a kite, and elevated a few hundred feet, came down in twenty or thirty minutes completely covered with living, moving vermiform animalculæ, and this circumstance occurred throughout the whole epidemic, whenever the experiment was made, which was almost daily.

The upper stratum of clouds never changed their position from the commencement to the close of the epidemic: they appeared "nailed to the sky," and this extraordinary phenomenon was observed in the interior as well as in the city; but what is most remarkable in the premises is the fact that on the very day that they were observed to move, for the first time in several months, the epidemic began to decline, and continued to do so until it ceased to exist, without the aid of cold, frosts or tempests.

If these phenomena be corroborated by more extended experiments in future epidemics, they may serve in part to account for the existence of a yellow fever epidemic, without any reference to contagion or importation.

They demonstrate a horribly poluted condition of our local atmosphere, and show that *that* atmosphere was permanently established around us throughout the whole epidemic.

When these extraordinary local circumstances can be supposed to be influenced by quarantine, we may begin to believe that it might be of some utility.

I have never exactly given in my adhesion to the doctrine that atmospheric animalculæ were the cause of yellow fever, as many believe; on the contrary, I am rather inclined to suspect that they are the consequences of the stagnant and pestilential influences which create the disease; but at any rate a reference to the facts above stated may perhaps induce one portion of the searchers after truth occasionally to raise their noses out of the mud, in which they have so long been groping after the causes of yellow fever, and inducing another portion, instead of charging distant and, possibly, more salubrious quarters of the world with its creation, and striving by quarantine regulations to keep it away, to look at home for its origin, and to endeavor by neutralizing the causes on which epidemics depend to disarm them of their virulence, and thus establish our future security.

If one intelligent physician of enlarged views; industrious habits and devoted research, were appointed as the medical adviser of our citizens and municipal councils, nay, of the whole State of Louisiana, instead of Boards of Health, and other useless and expensive incumbrances, and if a tythe of the amount which a quarantine would cost were placed at his disposal for experiments and investigations; nay, if the amount which the present Board of Health has squandered (more than fifty thousand dollars) without doing one particle of good, were judiciously employed by a competent individual, in proper researches, more real benefit would be conferred on our city and State and, in fact, on the entire southwest in one year than perpetual quarantines up and down the river, at every bayou, canal and road, and on every plantation in the State, all of which would be necessary, even were any utility to be expected from their employment.

New Orleans possesses medical men fully qualified to fulfil the high and important duties to which I have above referred, as all will admit when I mention such names as Dowler, Barton and Cartwright.

Discard then for a time all ideas of quarantine—confide to one of these able physicians the sanatory destinies of our city and State with all their solemn responsibilities—give him facilities for experiment and investigation, and depend upon it the antiquated and useless contrivance of Boards of Health will forever after be exploded.

Question 5—Does not yellow fever become contagious under peculiar circumstances?

I answer, my experience, as well as common sense and science, so far as I posses those attributes, teach me that it does not.

My mere declaration is not worthy of being obtruded on your notice, but contagion, (derived from *tango*, to touch) meaning the transmission of disease by contact, is entirely refuted by the known and a thousand times demonstrated facts in relation to yellow fever, and I am fully qualified to demonstrate, and so is every other man who reflects, that in every instance in which contagion has been suspected, the accompanying circumstances have incontestibly substantiated the fact, beyond the shadow of a doubt, that yellow

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fever is *never* contagious, and this has been made much more manifest in the country than in the city, for in the city the sick might have been surrounded by acclimated friends and attendants, but in the country all were liable to contagion; and is it not repugnant to reason, science and common sense to suppose that a single individual could, through the instrumentality of contagion, be attacked with yellow fever, be visited, nursed, attended, shrouded, coffined and buried by persons exposed and liable to the same contagious influences, and they escape? If yellow fever were contagious, could sporadic or isolated cases *ever* occur? or has a case of yellow fever *ever* occurred in which a much larger number of persons, liable to the same contagion, have not escaped when in direct contact with the sick, than of those who have been attacked; and if this be the fact, and it cannot be doubted, then the doctrine of contagion falls to the ground under *all* circumstances.

The circle of *bona fide* and undoubted contagious diseases is very limited.

No disease can justly be considered contagious which cannot be communicated by inoculation, for common sense repudiates the supposition that mere contact, or touch, can communicate yellow fever, when the introduction of all the morbid fluids and secretions, including black vomit, of persons laboring under that disease, have been conveyed into the human body a thousand times without producing it.

Hence it is, that the plague itself has been pronounced non-contagious by the most wise and experienced phyricians; not only from their observation of its phenomena, but but from the frequently attested fact that it cannot be communicated by inoculation.

The only diseases known, unquestionably, to be contagious, are small-pox, syphilis, itch, and a few other cutaneous diseases, and they are all communicated by inoculation.

Scarlatina has been considered contagious, but it is very doubtful; still, its cutaneous peculiarities might render it so, and not conflict with the above opinions.

When measles, dysentery, typhus, &c., &c., spread throughout a hospital, an army, a city, or a neighborhood, is it not much more reasonable to ascribe those diseases to the fact, that all who are assailed have been subjected to the same local and atmospheric circumstances and elemental vicissitudes; perchance, also, the same food, the same privations, exposures, fatigues and irregularities, that all others have who have been afflicted with the same disease?

Is it not much more natural that such should be the case, than that different portions of the same community, exposed to the same circumstances, should be attacked with a variety of diseases?

If an hundred men were to jump from the roof of a four-story building, is it not much more probable that a large majority would be found to have broken bones, (although some would escape unhurt, as they do in all epidemics.) than that a variety of other diseases would ensue among them?

Typhus fever is the natural concomitant of *cold* climates, as yellow fever is of *warm*, and when large numbers of human beings at the North, or in Europe, are exposed to the same atmospheric and elemental vicissitudes, unwholesome, unsound food, damp and rotten beds, intemperance, irregularity, and, perchance, debauchery, can we be surprised at the disease to which their climate predisposes them, disseminating itself among them, rather than that other diseases should occur; and does not common sense point to these local and incidental circumstances as the cause of diffused typhus among them, as an ample exponent, without reference to contagion?

So, at the South, if we have thousands of beings subjected to all the morbific causes above enumerated, and at the same time not only predisposed, but absolutely compelled to undergo the disease, and daily and nightly exposed to all the same circumstances, can we be surprised if they are attacked in vast numbers at the same time, (constituting an epidemic) without reference to contagion. Indeed, would it not be much more surprising if they escaped, or if they were attacked with other diseases.

The celebrated reply of Dr. Radcliffe covers this ground, and completely explains my idea:

"A shower of rain (says that distinguished physician) falling on you and me, will wet us both; but a shower of rain falling on you will not wet me."

In short, as quarantine depends upon contagion, if that chimera be abandoned, quarantine becomes nugatory.

Question 6. At what date in 1853 was the first arrival of a ship into the port of New Orleans with yellow fever?

Answer. The iron ship Evangeline, the first suspected vessel, arrived from Rio Janeiro, by the way of Jamaica, on or about the 10th of June, which was thirty days after the first case reported in private practice, and twelve days after the first case reported in the Charity Hospital.

She was in port long before any suspicions of her insalubrity were mooted. Her

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captain gave to a large number of our citizens a festive entertainment, at which a subscription was collected to award a premium to the two vessels which should make the quickest trips from New Orleans to Liverpool, during the present year.

Besides this, the Evangeline obtained much notoriety from her peculiar build, and her *hollow iron masts*, affording her greater facilities for ventilation and purity than any other vessel which had ever entered the port of New Orleans.

Some time after her captain had given the entertainment above referred to, (when cases of yellow fever were numerous in other quarters,) he was attacked with the disease, but from the long period which had elapsed after the yellow fever had made its appearance, before even of the arrival of the Evangeline, there is not the shadow of reason for charging her with its introduction.

Another vessel which came from Rio de Janeiro by the way of Jamaica, has also been charged with introducing the yellow fever into New Orleans, but it is almost a mockery to mention her name in connection with such a charge. I mean the bark Mary H Kimball.

She did not arrive in New Orleans until the 25th of June, fifteen days after the Evangeline, being forty-nine days after the first appearance of yellow fever, and twenty-seven days after its existence was reported by the Charity Hospital.

The bark Linda Stewart, of Baltimore, Capt. Lloyd Stemmer, also arrived from Rio de Janeiro, *direct*, on the 12th of June. She loaded and left for Baltimore on 30th of June, about two months after the first appearance of yellow fever in the city.

As she has never been named or suspected in connection with the appearance of yellow fever in New Orleans, I do not know that it was even necessary to allude to her.

These, I believe, constitute all the vessels from Rio Janeiro, with which the terrors of an excited population, and the representations of wild contagionists or interested declaimers, ever, even associated the idea that the yellow fever of 1853 was an imported disease.

Let it be borne in mind that this idea was sprung upon our population at a period of imminent peril and excitement, when almost any assertion, however false, absurd or extravagant, could have obtained any number of devout believers.

Question 7. At what date was the first undoubted case of death from yellow fever in the city of New Orleans in 1853.

Answer. Dr. M. M. Dowler, whose professional skill, long experience, and profound and intimate knowledge of yellow fever are exceeded by no medical gentleman in New Orleans, and confer infallibility upon his opinions on the subject, has positively declared, and published the fact over his own signature, that he saw a *bona fide* and indubitable case of yellow fever on the 6th of May, which terminated fatally, with black vomit, on the sixth day, being the 12th day of May; which case may safely be recognized and recorded as the first undoubted case of death from yellow fever in the city of New Orleans in 1853.

Question 8. Was not the cholera imported into New Orleans at each and every appearance it made here?

Answer. To this question, I reply most positively and unqualifiedly, no! No foundation has ever existed for such a suspicion.

The great cholera of 1832, being its first appearance in New Orleans, occurred at a time when probably a thousand cases of yellow fever existed in the city.

Unlike every other epidemic, which usually progresses by stealthy and insidious advances, with frequent pauses of several days, the cholera of 1832 rushed into our midst "on the wings of the wind," and swept like an avalanche over our devoted city, and in three days not a vestige of yellow fever existed; *that*, together with all other diseases, having lost their distinctive characters, and been merged in cholera, and in ten days seven thousand of our inhabitants were swept away.

If ever there was a disease whose *modus operandi* defied the suspicion of contagious communicability, that disease is Asiatic cholera.

Even the peculiar circumstances under which it made its appearance, forbid the possibility of its having been introduced by shipping.

It occurred at a time when the city of New Orleans was undergoing the ravages of yellow fever, and the records of that period show no arrival of any foreign ship for a long period anterior to its appearance; and at that time no sign of a wharf existed above Canal street, and no craft of any description (save flat boats and skiffs) had ever landed there, and yet the first victims of the cholera of 1832 resided in the (then) Sixth Ward, as high up as Poydras street.

The following extract from a work written immediately after the disappearance of the cholera in 1832, when all the actors in that hideous drama who survived could realize the graphic picture, may furnish some idea of its origin and character, and afford some information as to the probable re-

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straints which quarantine could interpose to prevent the approach of such a visitor:

"The approach of cholera to this city involves a novel and most extraordinary incident; one indeed which is unprecedented in the entire history of pestilences.

"We have heard and read of epidemics which have gradually diminished in severity and in the frequency of their attacks until they have finally subsided or been merged in other diseases, but never before has it occurred that yellow fever, in its fullest and most plenary concentration of autumnal strength and malignity, has succombed to the superior energies of another and more overpowering pestilence, and suddenly disappeared from the scene of action.

"And indeed it was no ordinary exertion of elemental power which thus vanquished and put to flight our ancient enemy.

"We had heard the roarings of the wind afar off, and had felt the gusty breathings of the awakening gale, but like unskillful and improvident mariners, we had neglected to trim our vessel to meet the approaching tempest. Lulled into fallacious and destructive security by frequent contact with the febrile diseases of our own country unscathed, our citizens could not be induced to believe that they would be obnoxious to the icy and withering assaults of the foreign destroyer.

"We had nevertheless had sufficient warnings to have excited our apprehensions.

"A piercing easterly blast, which had for upwards of thirty days swept over our city, heralded the approach of the Asiatic vampire.

"The majestic Mississippi, turbid with the agitating influence of the pestilential breezes, rolled mournfully by our city, like a fearful but magnificent sea of blood.

"The sun withheld his genial rays by day, and the moon her silver beams by night, but in her stead a menacing and ominous comet, that prophetic harbinger of every ill, shook his fell and fiery train, and shed his baleful influence over our land.

"Such was our gloomy and inauspicious condition, when, on the ever memorable morning of the 25th of October, two men were perceived lying on Poydras street in a dying condition, who perished in one or two hours after they were first discovered.

"Large crowds collected about their collapsed and livid bodies, and many were the extraordinary speculations which occurred among the spectators, as to the circumstances which had led to their sudden and mysterious death, among which the suspicion of poison bore a prominent part; but few, very few, conjectured the real cause, and, those who did so, appeared reluctant to acknowledge the sensations of dismay and apprehension which so portentous a supposition created.

"In the course of the same day, a few scattering cases occurred in different parts of the city and suburbs.

"On the 26th the alarm became general, and agitating reports and rumors circulated wildly throughout the city of attacks of disease, fearful in numbers, and terrifically rapid in their progress.

"From that time forward the disease raged with increasing fury, and death stalked abroad with such irresistible sway that almost every hope of escape or recovery seemed to be dissipated."

Such was the cholera of 1832.

Question 9. What are the diseases most commonly introduced by shipping?

Answer. Diseases of undeniable and unquestionably contagious character, such as small-pox, and a few others, may undoubtedly be introduced by shipping, but so far as New Orleans is concerned, there is just as much probability that they are most frequently introduced by gangs of negroes, traveling through the interior, and brought to New Orleans for sale, and there is not a physician in our city, or in the world, who will venture to assert that he has not frequently seen cases even of small-pox, contagious as it undoubtedly is, which could not be traced to any known source; and what is most remarkable is, that whenever small-pox occurs to any extent in New Orleans, there is always an atmospheric condition prevailing, tending powerfully to the establishment of cutaneous predispositions, causing almost every other disease to be accompanied with eruptive affections.

This invariable peculiarity I leave wiser men than myself to explain.

Small-pox, like every other disease, must commence some where, and I see no reason, under a predisposing atmosphere, why it should not commence here.

Question 10. Why are the foreign seaports liable to be the seat of contagious disorders?

Answer. Were this question presented to a contagionist, he would be compelled consistenly to reply:

"Those seaports which do the most business, have the largest influx of foreign shipping, and which are not protected by a rigid quarantine."

For myself, considering but few diseases contagious, I am constrained to reply that I do not believe the fact can be demonstrated that foreign seaports are particularly liable

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to be the seats of known and acknowledged contagious diseases.

Small-pox is by no means a more frequent or severer visitor in seaports than in the interior, and in thirty years' residence I have never seen a case of genuine itch in New Orleans, and if I am not much mistaken, it is to be sought for far away up the tributaries of the Mississippi, and as for syphilis, the reckless, licentious and debauched habits of so many of our transient population, male and female, may well account for its frequency in New Orleans, as well as in other large seaports.

If, by a forced construction, the term contagious diseases is meant to include cholera and yellow fever, I think I have in my replies to some of the former interrogatories abundantly explained how those diseases, as well as typhus or ship fever, may originate and diffuse themselves throughout a population, and be propagated without reference to contagion.

Question 11. How do you explain the disappearance of the plague at Marseilles, with frequent cases at the Lazaretto?

Answer. Just as I would explain its disappearance in so many other places, which were formerly visited by it.

Just as I would explain the disappearance of yellow fever in so many places, where it formerly prevailed.

If the disease has died out, if I may be permitted to employ the phrase; or if the local atmospheric causes or other circumstances on which it depends for existence do not surround a community, neither yellow fever, cholera, typhus fever, nor even plague can be disseminated and become epidemic in any city or community.

Did not a sporadic case of cholera, pronounced Asiatic by a Coronor's jury, occur in New York city a short time since, under circumstances of extreme anxiety, grief, remorse and depression?

Why did it not generate an epidemic if the disease was contagious?

Did not yellow fever exist in New York some years since, and so well defined was the limit of the pestilential atmosphere which induced it, that the corporation were enabled to establish a barrier by boarding up the streets, and thus to mark the outline of the infected district, and almost all the citizens venturing within the said infected district were attacked, and all who avoided it escaped; nor did any person who was attacked within the infected district ever disseminate the disease when removed out of it.

Did not yellow fever exist in a certain portion of Philadelphia during the year 1853? Was the disease ever disseminated out of the infected district, either by visitors, or by the sick, or, in other words, by contagion? And why not? Because the atmospheric or pestilential causes which created yellow fever did not exist in sufficient concentration to originate the disease out of the immediate locality in which it first appeared.

What that atmospheric or pestilential peculiarity was, it remains for science to discover, but that will never be done by raking in mud puddles and privies, nor folding our arms, acquiescing in the monstrous delusion contagion, or confiding in its abortive progeny, quarantine regulations.

Question 12. Has the quarantine system been effective in preventing the importation of diseases liable to be imported by immigrants?

Answer If by diseases, liable to be imported, is meant our epidemic visitations, such as yellow fever, cholera, and ship or typhus fever, I answer no!

The man who inhales an atmosphere saturated with the causes, and is exposed to the same circumstances which produce any febrile disease, is liable to an attack, unless constitutional debility to its invasion exists.

When yellow fever occurs in New Orleans we have a state of atmosphere which, with our latitudinal topographical position, and our state of climate and temperature, predisposes to its formation, and the same may be said of cholera.

Ship fever is a typhoid disease, which only occurs at that season of the year when a temperature exists, which produces typhoid diseases.

If a man goes on board a ship reeking with the causes of ship fever, he will probably contract the disease.

If an individual is exposed to the atmosphere in which cholera is generated, he may expect an attack of cholera.

But neither cholera, yellow fever nor typhus can become epidemic in a city unless causes exist there *per se* which are fully qualified to create those diseases, without reference to contagion or importation, and at the appointed times and seasons for the origination and dissemination of those diseases.

This was abundantly demonstrated by the advent of from forty to fifty thousand strangers into New Orleans last fall with perfect impunity, when the whole city was reeking with the causes and consequences of a deadly yellow fever epidemic, and while sporadic cases were daily occurring, and when nothing either positive or conjectural had occurred to account either for the subsidence

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of the disease or the exemption of the stranger.

The disease had run its course. The clouds which, like a funeral pall, had so long environed and hemmed us in, had dispersed; a new and vivifying atmosphere usurped their places and we awoke to health and happiness.

The foregoing hasty and imperfect replies to the interesting questions propounded by the honorable Legislative Sanatory Commission who have done me the honor to interrogate me, furnish a key to my opinions in relation to our various epidemics, and the probable inutility of quarantine laws.

I consider contagion a nonentity and quarantine a nullity.

This brings me to the last question.

Question 13. At what distance from the city should the quarantine ground be located?

Answer. If all history had not negatived the utility of quarantine regulations and institutions, New Orleans would require at least a dozen establishments, in order to perfect an efficient *cordon sanitaire* adequate to protect her from the importation of communicable or transmissible diseases.

As it is, with a knowledge of their utter worthlessness in the prevention of those diseases, not to mention their pernicious consequences, it would be but the act of a wise and patriotic Legislature to repudiate them altogether, and to employ the pecuniary means necessary for their institution and support, in the improvement of the city, and the mitigation of human suffering when we were actually assailed by disease.

I remain, gentlemen,
Yours respectfully,
J. S. McFARLANE, M. D.
New Orleans, January, 1854.

New Orleans, Feb. 10, 1854.

Hon. A. Trudeau, *Chairman, &c.*

I have the honor of answering the questions you propounded to me as follows:

Question No. 1.—Was the epidemic, &c., contagious?

Answer.—It was not, in my opinion.

No. 2.—Was it imported, &c.

Answer.—It was not, in my opinion.

No. 3.—Did not the disease first appear amongst the shipping.

Answer.—I am not aware that it did.

No. 4.—To what cause do you attribute its spread, &c.

Answer.—To atmospheric causes, known to physicians as disordered constitution of atmosphere.

No. 5.—If yellow fever be not contagious, &c., does it not become so under peculiar circumstances?

Answer.—If the medical constitution of atmosphere is deranged, fever occurring in such atmosphere may spread to others.

No. 6. } I am not able to answer.
No. 7. }

No. 8.—Was not the cholera imported by ships, &c.?

Answer.—I do not believe that it was.

No. 9.—What are the diseases most commonly introduced by shipping?

Answer.—Contagious diseases: typhus or ship fever, variola or small pox, &c.

No. 10.—Why are foreign sea ports liable to contagious disorders?

Answer.—Because they are more densely crowded with a filthy population than inland cities.

No. 11.—How do you explain the disappearance of the plague from Marseilles, &c.?

Answer.—Because the plague is a *contagious disorder*, and may be limited in this way.

No. 12.—Has the quarantine system been effective in preventing importation of diseases, &c.?

Answer.—I have no expression in this matter, as no quarantine has existed in this port since I commenced practice.

No. 13.—At what distance from the city should the quarantine ground be located?

Answer.—I have no expression in this matter either, but should consider that from fifteen to twenty miles sufficiently far off.

With sentiments of high regard,
I remain your ob'dt servant,
A. H. CENAS, M. D.

New Orleans, Feb. 10, 1854.

Messrs. A. Trudeau, J. A. Braud, E. E. Kittridge, } *Senate's Com. La. Legisla.*

Gentlemen:

I have addressed to each of you, by mail, a copy of my "History of the Epidemic Yellow Fever at New Orleans in 1853," which I beg leave to present as covering most of the series of interrogatories you did me the honor to lay upon my desk a short time ago. This work has been gotten up by me at considerable expense and labor, and as it contains information of vital importance to the people of Louisiana, would it be asking too much to request you to endeavor to get the Legislature to purchase four or five hundred copies at 25 cents a copy? If, after perusing the work, you think it worthy of this notice and patronage, I should be greatly

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obliged to you for the assistance. I have labored long and hard in the great cause of *Public Health* in New Orleans, and not without considerable loss of money. My labors have been highly approved by the medical profession, both at home and abroad, and it is really a hard case that I should be allowed to suffer.

In reply to your 8th interrogatory, my reply is *No.*

To the 9th, the diseases most commonly introduced here by the shipping are typhus fever and small pox.

To the 12th, *No.*

In regard to the efficacy of quarantine as a protection to New Orleans against yellow fever, I must conscienciously say my conviction is that it will be found *utterly useless* when tried.

I have the honor to be

Your ob'dt servant,

E. D. FENNER.

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APPENDIX.

COUNTER REPORT

OF THE

JOINT COMMITTEE,

ON

PUBLIC HEALTH.

NEW ORLEANS:
PRINTED BY EMILE LA SERE, STATE PRINTER.
1854

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COUNTER REPORT

OF THE

JOINT COMMITTEE OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF LOUISIANA,

"TO INQUIRE INTO THE BEST MODE OF PRESERVING THE HEALTH OF THE STATE."

The undersigned, members of the Joint Committee of the Senate and House of Representatives, to whom was referred the "inquiry into the best mode of preserving the health of the State," beg leave to submit the follow Report:

In taking into consideration the "best mode to be adopted to preserve the health of New Orleans and of the State," and to prevent the spread of epidemic diseases, we approach the subject with great diffidence, being fully impressed with the importance of the inquiry, and the minute and extended research necessary, properly to elucidate its numerous and varied bearings, that a correct judgment may be formed as to the expediency or policy of establishing quarantines.

In this place we wish to render our acknowledgments for the *results* of long experience, extended inquiry and research, in relation to the subject in hand, kindly given to your Committee, and to the undersigned personally, by the Sanitary Commission and by individual members of the medical profession of New Orleans.

We would also observe that, in making a Report for the guidance of Legislative action, we do not deem it proper or useful to go into a long detail of the theories entertained by the medical profession in regard to epidemic diseases, but we shall endeavor to come to true *conclusions* from the *facts* and the *conditions necessarily* attendant upon the origin and progress of yellow fever, cholera, &c.

However, in pursuing this inquiry, our first aim should be to understand the nature and origin, or, at any rate, (whether truly understood or not,) to form an *opinion* as to the nature and origin of the principal epidemic disorders, and the laws governing their extension or propagation. Our *decision* upon this branch of the inquiry will mainly determine the expediency or inexpediency, the use or uselessness, of establishing quarantines to effect the end in view.

We presume that few, if any, will deny the proposition, that the cause or specific poison which produces most of the epidemic diseases which man is heir to, and to which our attention is called in the present inquiry, *exists in and is propagated by the atmosphere.*

We may also assume as a *truth*, affirmed by observation and experience, that, as a prerequisite for the extensive spread or propagation of epidemic diseases, a peculiar epidemic atmosphere *must* and *does exist*, brought about perhaps by meteorological or electrical influences.

This last proposition we mention as the most satisfactory explanation of the great spread of epidemics at certain periods, over large sections of country, and the total exemption of the same localities, under apparently the same conditions and circumstances.

We may instance New Orleans, for the last six years having free and unrestricted commercial intercourse with all the world, with *no epidemic yellow fever* for the first five years—but *within* that period an *epidemic cholera*—and at the *end* of it an *epidemic yellow fever.*

Now why, under nearly the same apparent circumstances and conditions, did New Orleans escape the last named disease for five years, and be desolated by it on the sixth? The only answer we can give is expressed above.

But the query at once arises, does what may be called (for want of a better term,) an *epidemic atmosphere* obviate the ne-

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cessity of inquiring into the local conditions requisite for the propagation of the late epidemic? In our view, we say, by no means. For whether we take it for granted (but for inquiry only.) that the specific poison of yellow fever is *never* sufficiently eliminated and concentrated by the long continued action of heat and moisture upon decaying vegetable matter, to produce yellow fever, and consequently the disease is not of domestic, but of foreign origin, yet we may bear in mind these *truths*, viz:

1st. That the yellow fever *never* takes its origin or propagates in a pure atmosphere.

2d. That whether it requires one or more causes and conditions for its existence and propagation, a poisoned atmosphere, arising from decomposing vegetable matter, or freshly exposed earth in which it is combined, long acted on by heat and moisture, is *always necessarily present*.

3d. That epidemic yellow fever, cholera, influenza, &c., depending on atmospheric constituents for their origin and propagation, *are not contagious*, as the term is generally understood, viz: a disease depending upon a specific poison, generated by, and emanating from a person, and producing its like in another.

4th. That the yellow fever *can be*, and *has been* of domestic origin in hundreds of instances, in different localities and periods, during the last hundred years.

There seems to be a vague idea entertained pretty generally by the people, that a disease, pervading epidemically widely extended and varied localities, with such deadly virulence, *must be* propagated by, and have its origin in contagion; but if the above propositions *are truths*, they will find that the *means* of propagating the *cause*, if not the *cause itself*, *must* and *does exist* in their midst.

As before observed, we do not intend to enter into details, but will give conclusions, based upon the examinations of facts and conditions, *for* and against contagion as the propagating principle of yellow fever, cholera, &c., entertained by a large majority of the medical profession throughout the world at the present time.

Some of these conclusions we will mention here.

Dr. Gillkrest, Inspector General of Army Hospital in Great Britain, having had this subject under special consideration, has come to the conclusion that *no proof*, in the least conclusive, has been adduced *in any country*, of the contagious properties of yellow fever or cholera, but quite the contrary.

The Board of Health of London have recently put forth a document, stating "that from reports made to them, the fear of infection may be *practically* disregarded."

In 1849 the authorities of Guy's Hospital, in London, closed their doors against the admission of cholera patients, when surrounded by the sick and dying from that disease, through fear of contagion; but at this time that Institution receives more cases of cholera than any other hospital in that city, having found that it has no contagious property.

Dr. Furlonge, who has had much experience in regard to yellow fever in the West Indies, declares that "none of the medical faculty *there* believe in the contagion of yellow fever."

We have now come to the point where the question naturally presents itself, viz: If yellow fever, cholera, &c., are not *contagious*, and *always* require certain constituents of the atmosphere, of domestic or local origin, to supply a basis or medium for the diffusion or propagation of these epidemic diseases, what means must be adopted most likely to insure the health of the State?

We answer emphatically, keep the atmosphere pure in all localities by the removal of all decaying vegetable matter, freshly exposed earth mould, &c., liable to be acted on by heat and moisture, separately and combined, for long periods.

New Orleans, as the great emporium of the State, may be cited as an example where cleanliness would be most likely to mark its effects, and prove the proposition above assumed.

In what condition are the streets, gutters, yards, lots, and lodgings for the poorer classes in New Orleans and its suburbs?

The gutters of the whole city and suburbs are teeming (no, not *teeming*, but generally in a perfectly quiescent state) with all the filth that one hundred and fifty thousand people are able to scrape into them, save to a portion of the outbearings of water closets.

A large portion of the streets and gutters in the outskirts of the city proper and suburbs are unpaved, and frequently knee deep in mud and vegetable matter. One half the lots in the city and suburbs are from six inches to a foot lower than the surrounding side walks, which, after every heavy rain, are flooded with water, mixed with vegetable matter, forming hundreds of filthy ponds, surrounded by a tight fence, eight feet in height, and thus to remain until dried up by the intense rays of a sun at 130° of heat by Fahrenheit.

We would here ask, could any one

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expect a pure and health-giving atmosphere to exist under such circumstances?

If all the chemical science on earth was brought in requisition, a more effective laboratory could not be devised for the concoction of impure air—calculated to destroy human life—than now exists in the city of New Orleans and its suburbs.

Added to this, the poorer classes are suffered to live in hamlets, located in mud and filth, that would endanger the *swinish*, and by comparison *must inevitably* be followed by disease and death in the human species.

This being the local condition of New Orleans, we are asked how a salubrious atmosphere is to be insured, and what are the means proposed?

We would suggest:

1st. That every street in the city and its suburbs should be paved.

2d. That every lot in the city and suburbs should be graded to a hight *above* that of the surrounding side walks, rounded in the centre, and then paved with brick, laid in thick coat of hydraulic cement, (especially every lot built on or enclosed.)

3d. Thoroughly drain, by ditching or grading, all the swamp land in the rear of the city, exposing no more swamp land to the action of the sun's rays, by felling the timber, (its natural protection,) thereby creating a source of malaria equal to the famous Pontine marshes near Rome.

4th. Erect a sufficient number of water works on the river to throw a constant stream of fresh water down every gutter in the city and suburbs, at all times, when the river is teo low to flow the water without the works.

5th. A better construction of the dwellings of the poorer classes, viz: airy and well floored, high and dry above the surface of the earth.

When this is done, the people of New Orleans may boast of the cleanliness of their city, and the comparative salubrity of the air they breathe, with a more confident security from the epidemic diseases that they have heretofore been subject to.

We would here further remark, that the people of New Orleans have no other ground to hope for exemption from the scourge of epidemics than by adopting the above mode suggested.

That we are convinced that *no quarantine* regulations will have any protecting effect in preserving the health of city of New Orleans or the State from the spread of epidemic diseases.

That the only possible good to be derived from any sanitary regulations, would be by the appointment of a health officer, to be stationed at the Balize, to go out with the pilots, and while the vessels are coming into the river, to examine as to the existence of ship fever and small pox, (and these diseases only.) In case of ship fever and small pox, clean the ship, wash the bodies and clothes of the well, and send them on their way rejoicing; the sick to be detained under some cheap, airy shelter, until well enough to travel.

We believe no possible benefit can be derived from the simplest or most complete system of quarantine at any other locality, and the process above suggested at the Balize is not put forth to operate as a *system* of quarantine, but for the sole purpose of preventing the herding of the sick and filthy immigrants into the already crowded and ill-ventilated tenements of the poorer classes in New Orleans.

E. E. KITTREDGE,
F. A. WILLIAMSON,
J. A. BRAUD,
CHAS. SEUZENEAU.

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APPENDIX.

REPORT

OF

THE JOINT COMMMITTEE

ON

CHARITABLE INSTITUTIONS.

NEW ORLEANS:
PRINTED BY EMILE LA SERE, STATE PRINTER.
1854.

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REPORT

OF THE JOINT COMMITTEE

ON

CHARITABLE INSTITUTIONS.

The Joint Committee on Charitable and ıblic Institutions, of the Senate and House Representatives, having, with the utmost ıl and dillgence, performed the duty as-ɡned them, now proceed to lay before both ɑnches of the Legislature their report. T First they would premise, that the fatal idemic of last season has much increased e burdens of many of the charitable insti-tions to which the State has been a contri-ıtor: and to the credit of those institutions it said, that their exertions in the holy ıse of charity increased with the exigen :s that called them forth: for notwithstand-ɡ the numbers stricken down by the pesti-ıce which stalked abroad, and the many ɑnts and children deprived of their natu-l protectors, your Committee heard of none ɑinst whom the doors of succor were closed, d to whom the hand of charity was not ely stretched forward. This is a feeling, ınk heaven! which in an especial manner rvades our beloved State; and your Com-ttee feel that the Legislature would be se to its duty, should it fail to partake in Feeling assured that it does, your Com-ttee suggest, below specific appropriations some of the charitable institutions which ıy visited, and trust they will meet your proval. Indeed, if your Committee were ; aware of the many pressing calls on the easury of the State, they would ask for ıny of them a much larger appropriation ın that named, knowing full well how ıch they stand in need of it, and how meri-ıously they deserve it.

The first institution visited by your Com-ttee was the Orphan Boys' Asylum, loca-l in the Fourth District, New Orleans. ıere are now one hundred and eighteen ys in the Asylum, ranging in age from ;ee to thirteen years. It is conducted, under a Board of Directors, by a male Superintendent and a female Matron, both of whom, besides attending to the general administration of the establishment, devote themselves to the education of the inmates. The worthy President of the Direction, Lucius C. Duncan, Esq., has furnished your Committee with an abstract of the financial condition of the institution, from which it appears, that its income last year, from all sources was $13,739 97, all of which, less $4025 97, was expended. The fixed income of the establishment is derived from rents, and was last year $1348 32. The health of the boys seems good. There were twelve apprenticed out last year. The food of the boys seems to be sufficient in quantity and wholesome in quality; but we would suggest to the Direciton that some repairs might, with advantage, be made on the building. The sleeping domitory is far too cold and uncomfortable for winter lodging, even in this mild latitue.

Our next visit was to the Female Orphan Asylum, Camp street, under the superintendence of Sister Regis, assisted by seven others of the same religious order—the Sisters of Charity. This institution is a credit to our common Christianity; and the noiseless but incessant labors of those ministering angels in the care and culture, both moral mental and physical, which they bestow on the parentless little ones over whom they watch, is a practical rebuke to those intemperate zealots who seem to conceive that they best serve God by the diffusion of sectarian prejudices, forgetting that charity has its sanctuary in the heart, and that acts, not words, are the true evidence of its existence.

This institution, (the N. O. Female Orphan Asylum,) received within its walls since June 1st, one hundred and twenty-

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eight orphans, most of them of tender age. The whole number there now is three hundred and sixty. We have only to repeat what the committees of previous Legislatures have reported: that nothing can be better than the order, arrangement, cleanliness and discipline which pervade the whole establishment. The Asylum has no permanent endowment—it is solely dependent for its maintenance on the annual donation of the Legislature, bequests and donations of individuals; yet the good that it does is incalculable. Another house is now being built in connexion with the Asylum, where girls, when they arrive at the proper age, will be taught a trade, the better to enable them to combat the difficulties of life.

Our next visit was to the Poydras Female Orphan Asylum, Julia street, New Orleans. This institution was liberally endowed by the late Julien Poydras. It is under the direction of an association of benevolent ladies of the city. The number of orphans there at present is one hundred and twenty-four. Your committee, like their predecessors, have not received any statement of the financial condition of the Asylum, and cannot therefore state to the Legislature what it is; and they suggest that hereafter appropriations be withheld by the Legislature from all institutions not furnishing an abstract of their financial condition.

We visited the St. Mary's Orphan Boys' Asylum, situate in the Third District, New Orleans. This Asylum is controlled by a Board of Directors and conducted by some six of a religious society, called the Christian Brothers, who devote themselves to the education of youth; and by a like number of ladies of some religious order, who superintend the household duties. The number of boys in the Asylum is two hundred and twenty-six, ranging in age from four months to fourteen years. The admissions this year were sixty-two. Some of the boys are learning trades in the Asylum, and when a wing of the Asylum, now being raised, is built, this department of industry will be extended. Your committee approve of the whole conduct and management of the establishment,

Your committee visited the Orphan's Home, situate in the Fourth District, New Orleans. This is an Institution which owes its existence to the active sympathy of some ladies in New Orleans, for the number of children which the epidemic of last year placed in a state of orphanage. The President of the Direction is Mrs. Ross. The number of children in the Institution at present is 67. They are of both sexes and range in age from infancy to that of fourteen years. Such of the children as are old enough attend the public schools. The institution is creditable to its founders, and entitled, we conceive, to the patronage of the State.

Your Committee visited the St. Anna's Asylum for destitute Widows and Orphans, and from their examination of it, recommend that a donation of the same amount as that of last year be made to it.

Your Committee visited the Institution of Indigent Colored Orphans, situate in the Third District, New Orleans. After a careful scrutiny of the establishment and the manner in which it is conducted, the Committee recommend that a like donation to that of last year be made it by the State.

Your Committee also recommend that the donation of last year from the State to the Firemen's Charitable Association of New Orleans be renewed.

To the Indigent Widows' (*Les Dames de la Providence*) Asylum, your Committee likewise recommend that the donation of last year be repeated. It fulfils a benevolent and salutary purpose, and the State in contributing its quota to the support of the Institution, performs an act of which the Legislature should approve.

Your Committee visited the Charity Hospital, New Orleans. The State is represented in the Direction of this institution. Its internal economy is controlled and directed by Sister Regina, (of the Sisters of Charity). Already the financial affairs of the Hospital have been submitted to the Legislature.—Your Committee need not, therefore, recapitulate on that point. It is admitted on all hands, that whether as regards medical and surgical skill, and attendance, careful nursing, cleanliness, and the general arrangement and internal economy of the establishment, it is unsurpassed by any similar institution in this, or perhaps, in any other country. From the law passed by the last Legislature, imposing a tax on foreign immigrants and from other sources, the current income of the Hospital is brought to a point at or near the annual outlay; but the building itself, or at least a portion of it, is in a ruinous—a dangerous state of dilapidation, and to further procrastinate its repairs would be to jeopardise the lives of its inmates and to incur, at no distant day, a much increased expenditure; the Committee, therefore, recommend that an appropriation of $20,000, as stated below, be made to the Hospital for building purposes, and $15,000 towards its general support.

A portion of your Committee visited the St. Vincent Hospital and Asylum at Donaldsonville; their report of its administration is highly favorable. The Hospital is for the

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reception of indigent sick, and the Asylum for the support and education of orphans; both are immediately superintended by Sister Mary Austin and seven other ladies of the sisterhood, and controlled by a direction. The Committee recommend that an appropriation of $1000 be made to the Hospital, and $1000 to the Asylum.

Pursuant to their duty, your Committee visited the Insane Asylum at Jackson—the receptacle of the most afflicted of God's creatures, for when man's reason is o'erthrown, what a very wreck he is! wanting even the instincts common to many of the brute creation. This institution is specially under the control of, and dependent for its support on the liberality of the State, and she has discharged her duty with characteristic beneficence. The excellent state of the buildings, the cleanly condition of the unfortunate inmates, and the whole economy and administration of the institution, show that the direction have frugally, well and wisely disbursed the funds placed at their disposal, as will be seen by their report for the year 1853, already submitted to this Legislature. It is found necessary in carrying out the original design, and indeed the necessities of the case demand it, that an additional wing be added to the buildings. To enable the directors to effect this, and to meet the unavoidable expenses for the current year, the Committee recommend an appropriation of $20,000 for the former purpose, and $15,000 for the latter purpose. The Committee think it proper to add that the number of patients at present in the Asylum, is 133.

Your Committee visited the Deaf and Dumb Asylum, situate in our immediate neighborhood. This is another of those indexes that point to the benevolence of the State, showing with what maternal solicitude she watches over even the most afflicted of her children. The report of the Directors of the Institution has been laid before the Legislature, and the Committee bear testimony to the correctness of its statements. The number of pupils in the Institution at present is twenty two, those of both sexes included. Their proficiency in the elementary branches of an English education is gratifying in the highest degree, and truly creditable to the principal of the Institution, Mr. Brown.

A new building—one better adapted to the purposes and designs of the Institution—is in the course of erection, and when completed, it is contemplated to add a department for the education of the blind; $25,000 is asked for the construction of this building and the Committee recommend that it be appropriated, together with $8,900 for the suppport, for the current year, of the Institution.

Lastly, the Female Asylum of Baton Rouge was visited by your Committee.—Though limited, the number of inmates being only twenty four, the building is insufficient in size for their comfortable, or rather, proper accommodation. The benevolent ladies who conduct it, ask for an appropriation of $3000, which, besides paying the passing expenses of the school, would aid them in making the desired addition to the building which the Committee agreed to recommend.

And now your Committee having adverted briefly, necessarily so, to the condition of the several Institutions, to visit which they deemed it their duty, beg leave to close their report with the following resolution:

Resolved, That the Finance Committee be instructed to insert in the general appropriation bill, for the present year, the following appropriations:

To Orphan Boys Asylum, Fourth District, N. O.	3,000 00
Female Orphan Asylum, [sister Regis,]	6,000 00
Poydras Female Orphan Asylum	1,000 00
St. Mary's Catholic Boys Asylum	6,000 00
St. Anna's Asylum for destitute widows and children	2,000 00
Institute for Indigent colored orphans	2,000 00
Indigent widows, [*les Dames de la Providence*]	2,000 00
Orphan's Home	2,000 00
Charity Hospital	15,000 00
" for building purposes,	20,000 00
Insane Asylum, Jackson,	35,000 00
Deaf and Dumb Asylum,	33,900 00
Female Asylum, East Baton Rouge	3,000 00

All of which is respectfully submitted,

G. W. MUNDAY,
Chairman Senate Committee,

D. CORCORAN,
Chairman House Committee.

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REPORT OF COMMITTEE

ON

AGRICULTURE AND COMMERCE,

WITH REGARD TO

PUBLIC WEIGHERS OF COTTON AND SUGAR.

FEBRUARY 23, 1854.

The Committee on Commerce and Agriculture, to whom was referred a bill entitled "an Act to appoint Weighers of Sugar and Cotton, in and for the city of New Orleans," beg leave to report:

That they have examined with care the various provisions of said Act, embracing as they do, a radical change in the present system of buying and selling Sugar and Cotton, and hence is a matter of great importance to those whose interests are immediately affected thereby.

By this Bill, the "Governor is authorized to appoint, by and with the advice and consent of the Senate, twelve Weighers of Sugar and Cotton for the City of New Orleans, to continue in office for two years, and who shall give bond and security in the sum of $5,000, for the faithful discharge of their duties; and the said Weighers thus appointed shall have power to appoint one or more deputies to aid and assist in the discharge of the duties of said office, each Weigher to be responsible for the faithful conduct of said deputy."

The magnitude of the interests which will be affected by the premises of this bill, demands the serious consideration of the Legislature, and the State should not interfere with the established usages of the trade, until it can be shown that the present mode of delivery of Cotton and Sugar, in the City of New Orleans, is alike unfair to the purchaser or seller.

The Committee have heard of no complaint of a nature to induce them to invoke the aid of the State in selecting public officers to perform that which is now done by weighers selected by those most immediately interested. The passage of this Act, would in the opinion of the Committee, be creating a monopoly of the most odious kind, as the appointing power would to a great extent be in the hands of twelve weighers chosen by the Governor, each of whom is empowered to choose one or more deputies, and the whole number thus chosen to weigh the 1,600,000 bales of cotton, and 150,000 hhds. sugar, annually received in New Orleans, would not probably be much less than one hundred.

But apart from this objection, your Committee see no great reason why the parties engaged in the purchase and sale of sugar and cotton in New Orleans, should not be left to employ their own agent to weigh the same, as in other parts of the State. If it is intended to apply the premises of this Bill to the city alone, why should not it have equal force throughout the State. A large part of the sugar crop (say quite half) is disposed of on plantation, weighed and delivered there. If the system of weighing in New Orleans is wrong, it is equally as important to both buyer and seller to have correct weights of the sugar sold on plantation. These two modes of delivering of the same article would tend to throw discordance either on the one or the other.

By the present system of disposing of sugar and cotton, the factor is the direct agent of the planter, and ought to be presumed to take the same care of his interest in selecting a proper weigher, as in obtaining the best price for the article sold. The direct responsibility of the weigher to the factor, and the factor to the planter, seems to your Committee to be much more precise when

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the weigher is selected by the factor, than if he were appointed by the State.

Any unfaithfulness on the part of the weigher would lead to the loss of his place; whereas if appointed by the State, the remedy would be beyond his control.

The Bill furthermore provides, that each hogshead of sugar and bale of cotton shall be branded with the name of the weigher, and gross weight thereon, &c. These formalities would only further complicate the purchase and sale of both articles, by unnecessarily retarding their delivery. It is doubtful if one-half of the quantity of either sugar or cotton could be thus delivered, than is done by the present method; and in the crowded state of the levee and cotton presses during a large portion of the busy season, the inconvenience would seriously affect the dealing in these articles.

In conclusion, your Committee look upon the various premises of the bill as so many restrictions placed upon the commerce of the State, instead of leaving a healthful competition, both as regards the nature of the services to be performed, and the compensation.

The Committee therefore report against the adoption of the Bill, and beg leave to be discharged from further consideration of the subject.

Respectfully,

J. A. BRAUD, Chairman.
N. LAUVE.

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APPENDIX.

SECOND ANNUAL REPORT

OF THE

LOUISIANA INSTITUTION

FOR

THE DEAF AND DUMB AND THE BLIND;

PRESENTED TO

THE GENERAL ASSEMBLY,

FEBRUARY, 1854.

NEW ORLEANS:
PRINTED BY EMILE LA SERE, STATE PRINTER.
1854

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OFFICERS--1854:

ADMINISTRATORS:

B. F. HARNEY, M. D., PRESIDENT OF THE BOARD.
WILLIAM S. PIKE, ESQ., SECRETARY AND TREASURER.
COL. NOLAN STEWART,
HON. JAMES N. BROWN,
THOMAS J. BUFFINGTON, M. D.,
HON. AUGUSTIN DUPLANTIER,
HON. ANDREW S. HERRON.

JAMES S. BROWN, A. M., GENERAL SUPERINTENDENT.

MRS. ALICE H. H. PARK, MONITRESS;
MR. MARCUS S. CHEATHAM, MONITOR.

THOMAS J. BUFFINGTON, M. D., PHYSICIAN.

MRS. THERESA MARIA BROWN, MATRON.

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EXECUTIVE OFFICE, BATON ROUGE,
February 15th, 1854.

To the Honorable the President and Members of the Senate:

I have the honor to transmit the accompanying Report of the Board of Administrators and Superintendent of the Institution for the Deaf and Dumb and the Blind.

The rapid increase in the number of pupils admitted to this noble Asylum, coupled with the fact, that there are numerous patients in the Charity Hospital who are afflicted with blindness, and who are likely to become inmates of the former Institution, render it necessary that the Legislature should carry out with the least possible delay, the good work already commenced, by giving to the Institution the aid it requires, to enable it to accomplish the benevolent ends it has in view.

I would, therefore, particularly call the attention of your honorable body to that portion of the report of the Board, asking for an additional appropriation for building purposes, and which, I trust, will meet with your most favorable consideration.

(Signed,) P. O. HEBERT.

REPORT OF THE ADMINISTRATORS.

To the Honorable the General Assembly:

The Board of Administrators of the "Louisiana Institution for the Deaf and Dumb and the Blind," respectfully submit their second annual report.

As required by the Act approved March 18th, 1852, we early turned our attention to the erection of permanent buildings for the two institutions under our charge. Anxious to secure as great an amount of competition as possible in bidding for the contracts, we fixed the day for opening proposals on the 18th of August last. Advertisements inviting bids for the furnishing of all materials and labor for the erection of the buildings, or for furnishing materials only, or for the performance of the masonry or carpenters' work separately, or together, were published in the New Orleans, Vicksburg, Natchez and Baton Rouge papers—detailed plans and specifications having been previously prepared and opened for public inspection.

Upon the day fixed for opening the proposals—from a considerable number offered—the Board selected the lowest, and adjudicated the brick work, with all the materials furnished, to separate bidders, at a cost of $12 65 per 1,000 bricks in the wall. The carpenters' work, consisting of the entire framing of the buildings, at a cost of $6,800; and for the lumber, delivered at the river, at a cost of from $10 to $30 per thousand feet. The contracts as above stated are closed, and the contractors are now satisfactorily progressing with the execution of their several contracts.

Those contracts which have been made, provide simply for the erection of the buildings, and preparing the roof for slating. As the other parts of the work could not be progressing in the meantime, we have not thought it as yet expedient to invite proposals far finishing; this, however, will be done as soon as the progress of the building operations shall render it necessary and proper.

In order to carry on the work without delay or interruption, we respectfully recommend at present an appropriation of twenty-five thousand dollars for building purposes.

The Treasurer's report, herewith presented, exhibits the amount of disbursements from March 1st, 1853, to January 28th, 1854. The account of the General Superintendent, accompanying his report, exhibits the amount and minute classification of all expenditures for the support of the Institution, from the date of its organization to the 31st December, 1853. The amount of $8,925, which he estimates as the appropriation required to defray the ordinary and current expenses for the support of the Institution, for the year ending March 31st, 1855, is as small as we should dare to recommend.

It has, from the first, been our desire to open the department for the blind as soon as practicable, and we much regret that any doubt should exist as to our being able to receive this unfortunate class of persons at the opening of the next session. It is still our intention and object to open this department at the earliest moment, the necessity of which has recently been forced upon our attention in the perusal of that portion of

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the Board of Administrators of the Charity Hospital for the year 1853, which mentions as inmates of that most noble Institution, twenty-three blind persons. If such appropriations are made for the prosecution of the buildings, as will leave us free to urge on the work, we shall probably be able to finish a sufficient number of rooms in the new structure for the reception of such blind pupils as may apply for admission, retaining the mutes in their present quarters until the new buildings are completed.

The grounds in the rear of the buildings are now being enclosed with a plain substantial plank fence; it is designed, when this shall decay, to have a hedge sufficiently grown to afford permanent protection. The grounds, in addition to affording ample room for the exercise and recreation of the pupils, will also be cultivated in garden vegetables, for the supply of their tables.

It affords us pleasure to be able to report the Institution, as far as it has gone into operation, in a prosperous condition. The General Superintendent of the establishment has discharged the duties of his station with promptness, energy and fidelity; and the Board have reason to congratulate themselves in having secured the services of one so eminently qualified in every particular for the discharge of the trust confided to him. Entire harmony and efficiency have characterized the proceedings of the officers in our employ.

The pupils have been well cared for, all their necessary wants supplied; and the establishment, in all its departments, resembles a large, well organized and happy family. In short, we are satisfied that it is, in the appropriate sense of the word, an "*Asylum*," a home for the unfortunate, where, for a brief period, they may, in the happiness which surrounds them, be led almost to forget their heavy afflictions, and by judicious care and scientific training, be fitted for a life of comparative independence and usefulness. The case does not require the multiplication of words. We have no private or sectional interest to subserve in its advocacy, and it confers no benefits on us, except the satisfaction of witnessing the relief of misfortune and that gratified feeling of State pride with which we regard the progress of such an Institution; sentiments, we believe, entertained by all the good citizens of Louisiana. As the representatives of her sovereignty it is for you to determine what justice, charity, humanity, and her honor require to be done for its benefit.

Respectfully submitted,

(Signed,) B. F. HARNEY,
President.

Baton Rouge, Feb. 2d, 1854.

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WILLIAM S. PIKE, *Treasurer, in account with the Louisiana Institution for the Deaf and Dumb and the Blind.*

		DEBIT.		
1853.				
February..	28	To balance as per statement this date		$14,513 31
"		Amount received of State Treasurer as per appropriation for support of Institution for the year 1853		8,920 03
November.	18	Amount received of State Treasurer, being the unexpended balance of appropriation for 1852		1,024 10
				$24,457 44
1854.				
January....	28	To balance		$16,773 37
		CREDIT.	Vouchers.	
1853.		Check J. S. Brown, Superintendent—		
March.....	1	Wm. Markham, 1 week's board for 12 pupils	1	$144 00
"		Current expenses	2	100 00
	5	Hall & Piper, for crockery	3	10 68
	7	Wood, freight and provisions	4	87 88
	14	A. Monget, for beef and pork	5	39 44
	18	Current expenses	6	100 00
"		Printing and binding 2000 copies of By-Laws	7	150 00
	28	Salary of Superintendent—quarter ending 31st March, 1853	8	750 00
"		M. M. Hanson's salary as Teacher, ending 31st March, 1853	9	200 00
April.....	4	G. S. Bacon, for 1 clock	10	18 00
	7	Current expenses	11	100 00
	8	T. B. R. Hatch & Co., printing Reports	12	110 00
"		Paid J. M Branot, Attorney, for perfecting titles to ground purchased for Asylum	13	100 00
		Check J. S. Brown, Superintendent—		
	9	Provisions and furniture	14	60 46
"		Carpenter's work and lumber	15	16 50
"		J. Beal, provisions and groceries	16	59 17
	21	Salary of Superintendent to June 30, 1853	17	750 00
	23	Current expenses	18	100 00
May.....	14	S. M. Hart & Co., provisions and freight	19	74 78
	18	T. J. Buffington, Physician, salary to June 30, 1853	20	129 00
	19	J. Beal, provisions and groceries	21	23 38
	21	Current expenses	22	100 00
June.....	9	J. Beal, provisions and groceries	23	18 66
	14	Current expenses	24	100 00
	23	S. F. Blanchard, provisions and groceries	25	30 55
	25	Larquier & Lanoue, hardware	26	19 77
	27	J. Beal, provisions and groceries	27	70 52
"		J. Beal, provisions and groceries	28	16 64
	29	T. J. Buffington, servant hire	29	34 00
July.....	5	T. Wood, gardener, salary to June 30, 1853	30	125 00
	7	Current expenses	31	100 00
	9	Salary of Superintendent to September 30, 1853	32	750 00
"		M. M. Hanson, Teacher, salary to June 30, 1853	33	200 00
"		M. M. Hanson, Teacher, salary to September 30, 1853	34	200 00
	11	H. and W G. Waller, for surveying	35	20 00
	16	Current expenses, meat bill, A. Monget	36	99 78
"		Current expenses	37	50 00
	27	Current expenses	38	50 00
August...	18	Current expenses	39	50 00
October...	10	Current expenses	40	50 00
November.	26	V. Blanchard & Bro., for wood	41	15 00
"		A. Reger, for painting and glazing	42	16 44
"		T. B. R Hatch & Co., for advertising	43	30 00
December.	8	J. Beal, provisions	44	146 07
	16	Current expenses	45	200 00
"		Paid "N. O. Picayune" for advertising Proposals	46	16 00
"		Paid "N. O. True Delta" for advertising Proposals	47	20 00
		Check J. S. Brown, Superintendent—		
	24	J. Holt, for servant hire	48	12 50

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1853--Dec. 28		Salary of Superintendent, quarter ending December 31, 1853	49	$750 00
"		Sarah Wood, self and husband, services to date	50	161 00
1854....Jan. 2		S. M. Hart & Co., provisions, freight and drayage	51	159 25
3		J. Beal, provisions, furniture and drayage	52	93 11
"	Paid Daily Comet and Natchez Free Trader, advertising proposals, &c,		53	60 00
4	Paid Louisiana Courier, for advertising proposals		54	20 00
"	Paid N. O. Daily Delta, for advertising proposals		55	16 00
	Check J. S. Brown, Superintendent—			
9		Mrs. Hanson, salary of husband to date	56	150 00
"		Current expenses	57	200 00
11		W. D. Phillips, clothing and blankets	58	61 75
14		Lumber and repairs	59	174 27
19		T. J. Buffington, Physician, salary to December 31, 1853	60	150 00
25	Paid Sam Skolfield, for recording sales		61	4 50
"	Paid Jos. McNabb, on account of hauling lumber		62	90 00
28	By balance			$16,773 37
				$24,457 44

(Signed,) WM. S. PIKE, Treasurer.

Baton Rouge, January 28, 1854.

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REPORT

OF THE

GENERAL SUPERINTENDENT.

To the Hon. Administrators:

Gentlemen—In making my second annual report to you, it is a pleasing duty to recur to those evidences of permanent usefulness and prosperity, which the history of the Institution during the past year has developed.

The health of our pupils, certainly no small desideratum in any educational enterprise, and, for obvious reasons, especially desirable in this, has been almost without exception good. Though a fearful pestilence has swept over our State, it has passed by our pupils, as if controlled by a power, which, in pity, added not its malignant presence to their accumulated misfortunes.

It was feared that the presence of the epidemic would deter many parents from sending their children to the Asylum, and thus decrease the numbers in attendance during the past year. So far from this being the case, however, our School, as will be seen from the accompanying catalogue, has nearly or quite doubled its numbers since last year. No schools of the kind in the Union, though established in States containing a far greater population than Louisiana, have ever exhibited, so early in their history, a more rapid increase. The same ratio of accumulating numbers has but to be continued another year, to fill in the new buildings all that portion designed for the deaf and dumb.

A gratifying circumstance connected with the reception of new members into the School is, that without a single exception, they are pupils possessing good natural capacities, and, consequently, those who will be benefitted to the greatest possible extent by the offered facilities for improvement. It is a duty, as it should be a pleasure, for those having the care of the unfortunate, to aid the most feeble intellect in acquiring at least the rudiments of an education. But, for reasons not necessary to state, the public take most pleasure in testing the improvement made by minds of the first order. With this penchant it is impossible to contend successfully, especially in the commencement of an Institution. It is, then, fortunate that the admissions of the past have been of a character to test, in future years, the ability of the Asylum to insure the rapid proficiency of pupils possessing the requisite amount of intellect.

It is rare to see in an Institution pupils as happy as ours. They are, yet, so few as to seem much like a large family; and it is no exaggeration to say that they are as strongly attached to the officers and to each other, as are children of ordinary households to their parents, or brothers and sisters. Every attempt is made on the part of the older scholars to content the new comer with his situation. None of the vexations incident to a novitiate in a school of children possessed of all their senses, are here before him. He is at once received and treated as a brother.—Almost uninterrupted harmony marks the pupils' intercourse, and tends most materially to lighten the task of instruction and government.

Our visitors have seemed pleased with the pupils and the School, and have, in all cases, expressed their gratification at the establishment of an institution conferring so many blessings on the unfortunate. This we can scarcely regard so much the result of good already accomplished, as of the kindly feelings of the citizens of Louisiana towards this helpless and deserving class of sorrow-stricken children of silence. When the department for the blind shall have been also put in successful operation; when experience shall have matured our present plans, and time given the seal of permanency to our operations; when we can point not only to results hoped for, but to benefits already bestowed upon the unfortunate, we may well anticipate, that then, these general sympathies of the people, assuming the form of a convinced and abiding public sentiment, will secure for the Institution a lengthened course of future improvement and usefulness.

It was announced in the first annual report, that the department for the blind would be opened at the commencement of the session in the autumn of the present year. Though there is at present little probability of the entire new buildings being prepared for occupancy at so early a period, yet it is not perhaps advisable, at this time, to announce

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a further postponement of the opening of the blind department. It may be found practicable to finish for these pupils a few rooms in the new structures, so that, although they may not enjoy all the necessary facilities for acquiring an education, such as may come shall be afforded at least some of the comforts and conveniences of their future educational home. The number of blind in the State is but little inferior to that of the deaf and dumb, and their claims to an education, so far at least as this Asylum is concerned, are fully equal—it having been established alike for the benefit of both these unfortunate classes. Should unavoidable circumstances, however, prevent the reception of the blind at the period contemplated, timely notice can be given.

It will be seen from an accompanying statement, that the current expenses of the Institution, from its organization, December 8, 1852, until December 31, 1853, a period of nearly thirteen months, including the purchase of many articles for permanent use, amounted to $9,188 14

Expended previous to March 31,	4,063 70
Expended from April 1, 1853, to December 31, 1853,	5,124 44
Estimate for demands not yet presented,	500 00
Estimated expenditure during the remaining quarter of the current fiscal year,	2,200 00
Total amount for year ending March 31, 1854, in part estimated as above,	7,824 44
Amount appropriated by "Act making appropriations for fiscal year ending March 31, 1854,"	8,925 00
Probable balance of said appropriation which will remain in hands of Treasurer of Institution, April 1, 1854,	1,100 56
Additional appropriation required for the fiscal year ending March 31, 1855,	8,925 00

The appropriation for the year ending March 31, 1854, was based on careful estimates of the several classes of expenditure, and would have been nearly or quite exhausted during the period, had not the prevalence of the epidemic caused the postponement of the commencement of the present session. No cause is now seen for varying the estimates of the last year, except a slight addition to the expenses of the boarding department, consequent on the reception of a considerable increase of pupils anticipated during the coming year. This will however be sufficiently provided for by the unexpended balance; so that for current expenses, as before stated, it will only be necessary, to ask the next Legislature for an appropriation equal in amount to that made by the last.

Though the general health of the pupils has been good, we have been called to mourn the death by yellow fever, of two most valuable officers; Mr. Thomas Wood, on the 13th of September, and Mr. Martin M. Hanson, on the 8th of December.

Mr. Wood had, for a short time, acted as the Steward and Gardener of the Institution, and in the faithful discharge of duty was surpassed by none. His skill in landscape gardening was well known before his employment here; and had he lived, our grounds would have become a permanent memorial of his taste. Once in the enjoyment of wealth and comparative affluence, he shunned not the most arduous labors which his new station had imposed upon him and seemed to take the same satisfaction in tasking his skill for the gratification of others, as in more prosperous days he had experienced in beautifying grounds he might call his own. Even during his last sickness it is a subject of painful regret that his anxiety to discharge every self-imposed duty perhaps cut short his life of humble, unobtrusive usefulness.

Mr. Martin M. Hanson, was the First Assistant Teacher in the Mute department. A mute himself, he esteemed no labor too great, no trial too severe, which might minister to their benefit. His skill as a teacher has rarely been excelled, and he never failed to secure the admiration and love of his class. His well-balanced mind, coupled with the greatest decision and energy of character, made him a most useful officer; his kindness of heart, keen sense of propriety, and unswerving integrity, rendered him a most valued friend and associate. Apprised when far distant, of the loss we had already sustained, and strongly urged by some of his relations to forego his intention of return, he still chose to resume again his duties in the Institution. Death cut short his career of usefulness, and he sank to a grave, which will often in future years be visited by his grateful pupils, who will delight to relate to those who knew him not, the excellencies of their early friend and teacher.

Thus, of three gentlemen, who were a few months since engaged as attached friends in carrying forward the objects of this Institution, two have gone to their final resting place, leaving the survivor of their number to pen these few lines as a feeble testimony of their worth. Of all the associates of former years, the two dearest, most faithful, and, in carrying out this enterprise, the

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necessary to success, have fallen. Both were previously holding responsible and honorable positions in a distant State, when, among other considerations, moved by friendship for, and remembrance of former associations with the writer, they accepted the situations here tendered.

Though of course aware that this may possibly be the last report which he may have the gratification of presenting to your honorable body, and that the next, perhaps written by a successor, may kindly speak of one as departed, who at least wished well the cause. No regret except that for lamented friends, is felt for engaging in an enterprise from which so much good is to be hoped for the children of misfortune in this State.—Others may fall in its accomplishment, but a higher power than man's guides the destiny of such enterprises as this; and, from success already attained, we may well believe, that as sure as to-morrow's sun shall rise, it will yet rise on this a flourishing Institution, pouring its rich blessings upon the unfortunate mute and blind children of Louisiana.

Allow me, gentlemen of the Board of Administrators, in conclusion, to tender you my grateful acknowledgements for the kindness and courtesy with which my suggestions have been received and adopted by your honorable body, and for the judicious counsel and aid so freely tendered in the management of the Institution. It shall be a principal object of effort during my future connection with the Institution, never to forfeit your confidence, so highly prized, so generously bestowed.

Respectfully submitted,

JAMES S. BROWN.

INSTITUTION FOR THE DEAF AND DUMB AND BLIND.
Baton Rouge, Jan. 5, 1854.

List of Pupils received into the Mute Department, since opening, December 22, 1852.

	NAMES OF PUPILS.	Parish of Residence.	Date of Admission.
1	Jean Baptiste Daigle,	Assumption,	December 22, 1852.
2	Marcus Cheatham,	East Baton Rouge,	" " "
3	Huldah O. Way,	Orleans,	" " "
4	Theophilus F. Kendall,	St. Mary,	" " "
5	Philenion A. Chataigner,	Terrebonne,	" " "
6	Eve Eloise Chataigner,	do	" " "
7	Joseph S. Chataigner,	do	" " "
8	J. M. Dunham,	Rapides,	" " "
9	Amelia Anshem,	St. Landry,	" " "
10	Desiré Achez,	Assumption,	" 28, "
11	Eugene Achez,	do	" " "
12	Pamelia Teshant,	do	" " "
13	Sebranus Allison,	Claiborne,	February 25, 1853.
14	Etelvina Daigle,	Assumption,	April..... 14, 1853.
15	Eremile Daigle,	do	" " "
16	Charles P. Hinnell,	do	May..... 15, "
17	Joseph Lebrano,	Orleans,	November 28, "
18	John Robert Nervell,	Assumption,	December 31, "
19	Catharine E. Jaques,	Orleans,	" 15, "
20	Elvira C. Clark,	East Feliciana,	January.... 2, 1854.
21	Zalmon C. McCarstle,	do	" " "
22	Justilien Barbier,	Ascension,	" 16, "
23	Albert Izreile Roth,	Iberville,	" 19, "
24	Cordelia Nash,	St. Mary,	" 24, "

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The Administrators of the Louisiana Institution for the Deaf and Dumb and the Blind, in account with James S. Brown, General Superintendent.

		DEBIT.	
1853.			
December..31	To cash paid for	provisions and groceries	$1,996 35
	do	Books and stationery	410 69
	do	Repairs	195 78
	do	Services	576 30
	do	Clothing	115 32
	do	Postage	7 44
	do	Advertising	53 50
	do	Freight	81 90
	do	Drayage	33 45
	do	Telegraphs	22 58
	do	Fuel	166 50
	do	Fixtures	98 39
	do	Traveling expenses	29 35
	do	Hardware and Cutlery	479 40
	do	Beds and bedding	248 31
	do	Furniture	141 04
	do	Crockery	102 56
	do	Glass and putty	14 13
	do	Salaries	4,587 00
	do	Board of pupils at hotel	144 00
	do	Apparatus	32 00
	do	Sundries, personal property	26 95
	do	Shrubbery	1 10
	do	Seeds	3 10
	do	Surveying and levelling	20 00
	do	Dentistry	1 00
			$9,188 14
1854.			
January.... 1	To balance		$26 63
		CREDIT.	
1852.			
December..31	By amount of checks Nos. 1 to 10 inclusive, drawn on W.S.Pike, Treasurer,		$1,157 77
'53–March 31	By amount of checks Nos. 11 to 30 inclusive, drawn on W. S. Pike, Treasurer,		2,912 16
June..... 30	By amount of checks Nos. 31 to 50 inclusive, drawn on W. S. Pike, Treasurer.		2,138 43
December.. 31	By amount of checks Nos. 51 to 69 inclusive, drawn on W.S. Pike, Treasurer,		2,953 15
	By balance to new account		26 63
			$9,188 14

JAMES S. BROWN, General Superintendent.

INSTITUTION FOR THE DEAF AND DUMB AND THE BLIND,
Baton Rouge, January 5, 1854,

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RULES FOR THE ADMISSION OF PUPILS, ETC.

I. All the Deaf and Dumb of the State, between the ages of ten and thirty years, and all the Blind between the ages of eight and twenty-five years, are entitled to an education, free of charge of board or tuition, in this Institution. Persons desirous of placing a pupil in the School, should write to the General Superintendent, informing him of the name, age, residence, of the mute or blind applicant, and the cause, if any, of deafness or blindness. The General Superintendent will immediately answer, stating the time when the pupil will be received.* This course is in all cases recommended, though none will be refused who come at the commencement of the session. Application in behalf of persons of more or less than the required age, will be considered by the Administrators; who reserve to themselves the right to accept or reject such applicants, as they may deem just and proper.

II. Pupils from other States will be admitted to the privileges of the Institution, on payment of one hundred and fifty dollars per annum, in advance, by their parents or guardians.

III. The length of the course of study will be such as to afford to all diligent pupils, possessing ordinary mental capacities, an opportunity of acquiring a good and substantial education; fitting them, as far as practicable, for the common avocations of life. This will generally require seven years. Pupils whose circumstances imperatively require it, or those of merit and promise, recommended by the General Superintendent, and approved by the Board of Administrators, may remain some years longer.

IV. Persons bringing pupils to the Institution, are requested to make out, before leaving home, written answers to the following questions, which are to be left in the hands of the General Superintendent:

1. What is the name of the child?—to be written in full.

2. When born? The year, month, and day of the month.

3. Was the child born blind or deaf? If not, at what age, and by what cause was blindness or deafness produced?

4. Is the blindness or deafness total, or partial? If partial, what can be seen or heard?

5. If deaf, has the child learned to form letters with the pen? If blind, has the child learned to spell?

6. Have any attempts been made to restore hearing or sight? If so, with what success?

7. Has the child been vaccinated, had the scarlet fever, measles, mumps, or whooping cough?

8. Is the child a native of *Louisiana? If not, now long since since was the removal to *Louisiana?

9. Has the child any disese, or is he or she subject to any peculiar attacks of sickness?

10. Are there any cases of blindness or deafness among the kindred? If so, what relationship do they sustain?

11. What are the names and post-office address of the parents or guardian?

12. What are the names of the child's brothers and sisters?

V. Parents or guardians are required to furnish, annually, to each pupil the following clothing, etc.:

For Males—Two woolen coats, and two thin do.; two thick vests, and two thin do.; two pairs woolen, and three pairs thin pantaloons; six shirts, six pairs socks, and three pairs shoes, or boots; two hats or caps, and one palm-leaf hat; two fine combs, two pairs wooden combs; two pairs suspenders, four handkerchiefs, and three cravats.

For Females—Four calico dresses, and one white do.; one bonnet, one sun-bonnet.; three changes of under-clothing; five pairs stockings, three pairs bootees, one pair slippers; two night-gowns, two night-caps, four pocket handkerchiefs, one shawl, three hair combs, one coarse and two fine combs.

The clothing should all be legibly marked with indelible ink. Each pupil should have a trunk. In addition to the above, the sum of $5 00 should be deposited with the General Superintendent, for

[☞ *This is all the copy that the State Printer has received.*]

RECEPTION OF VISITORS.

Citizens of the State and strangers are admitted to the school-rooms, each day, from 10 to 12 o'clock, A. M., Saturdays and Sundays only excepted.

* Blind pupils, see Rule X, cannot be received until October, 1854.

* In case of pupils sent here from other States, the State of residence will of course be substituted for "Louisiana."

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APPENDIX.

MINORITY REPORT

OF THE

COMMITTEE,

APPOINTED TO

APPORTION

THE REPRESENTATION OF THE STATE.

NEW ORLEANS:
PRINTED BY EMILE LA SERÉ, STATE PRINTER.
1854

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MINORITY REPORT.

OF THE COMMITEE APPOINTED TO APPORTION THE REPRESENTATION OF THE STATE.

The undersigned members of the Joint Committee, appointed to divide the State into Senatorial Districts, and apportion representation among the Parishes and Election Districts, ask leave to present the following Minority Report:

The undersigned are fully apprised of the importance of the duties assigned them, and deeply regret that there was not unanimity of opinion on this important subject in your Committee.

The undersigned, disclaiming all intentions of a factious opposition on their part, submit the following as some of the reasons that compel them to dissent from the report of the Majority.

The undersigned believe that the doctrine of Equal Representation is too well settled to admit of a cavil in this place. And the undersigned are equally certain that when circumstances prevent, or positive law forbids that exact equality which constitutes the beauty and strength of the Representative system, it is nevertheless an imperative duty to approximate as nearly as possible to that equality.

Have the Majority done this?

Most assuredly they have not!

There are nineteen Parishes in this State, (nearly one-half) with an aggregate population of 88,551, and they are represented at the ratio of 4,660, only a little over half of the ratio adopted by the Majority. The undersigned having these facts before them, and the Constitution declaring and commanding that Representation shall be equal and uniform, feel impelled from a high sense of duty to recommend the lowest ratio possible under the Constitution, which is 6,503, and in so doing feel that they are simply fulfilling a constitutional obligation. The, undersigned would further suggest as a consideration worthy the attention of this House, that we are now making this apportionment on a basis that is entirely novel to the people of this State, and one too, that is already in anticipation, odious to a large portion, if not a majority of them, as depriving them of their proper right and influence in this House, for which reason policy as well as duty should dictate to us to adopt that ratio which would be least likely to deprive any Parish or District of its present representation.

The undersigned have also to state that they dissent from the report of the Majority in the division of the State into Senatorial Districts.

The undersigned are clearly of opinion that the formation of large districts, (out of the City of New Orleans,) with two Senators, is in contravention to the spirit and true intent of the 16th article of the Constitution, and is only permitted by the Constitution when absolutely requisite in carrying into effect the other greater features, equal and uniform representation.

The undersigned are fully convinced that the District composed of the Parishes of Caddo, De Soto, Sabine and Natchitoches, is in express violation of the latter clause of article 16 of the Constitution, which says: "If a Parish or District fall short of, or exceed the ratio one-fifth, then a District may be formed, having not more than two Senators; but not otherwise. Caddo and De Soto are two contiguous Parishes, having an aggregate population (19,130,) large enough for one District, and do not exceed the ratio (16,011,) one-fifth; therefore there cannot be any plausible reason for that District being joined to another.

Sabine and Natchitoches are two contiguous Parishes, having an aggregate population (18,485,) large enough for a District, and do not exceed the ratio one-fifth, demonstrating clearly that the contingency under which alone such Districts may be formed, not having occurred, such Districts can only be formed by doing violence to that clause of the Constitution.

The undersigned herewith submit a project showing the number of Senatorial Districts and their population, together with the population of each Parish, and the number of Representatives every Parish has, under each ratio, 6,502 and 7,000.

All of which is respectfully submitted.

A. BONNER,
H. J. HEARD,
JOHN MOORE,
PHILIP B. KEY.

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APPORTIONMENT.

Apportionment of Senators and Representatives made under the Census of 1853, in compliance with the 8th, 15th, and 16th articles of the Constitution. The ratio for a Senator out of the City of New Orleans being 16,011 ; ratio for representation being 6,503.

PARISHES AND DISTRICTS.	Population.	Population in the Senatorial Districts.	Number of Senators.	No. of Representatives	
				Ratio of 6,503.	Ratio of 7,000.
1st. Plaquemines	6,348	.....		1	1
1st. St. Bernard	4,011	.....		1	1
1st. Orleans, Right Bank	3,404	13,763	1	1	1
N. Orleans, 1st District	12,457	.....		2	2
2d do	18,679	.....		3	3
3d do	23,243	.....		4	3
4th do	15,053	.....		2	2
2d. 5th do	14,415	153,007	5	2	2
6th do	15,905	.....		2	2
7th do	15,451	.....		2	2
8th do	11,769	.....		2	2
9th do	9,449	.....		1	1
10th do	18,586	.....		3	3
3d. Jefferson City	.....	14,62.	1	2	2
St. Charles	5,734	.....		1	1
Lafourche	12,134	17,868	1	2	2
St. John Baptist	6,674	.....		1	1
St. James	12,462	19,136	1	2	2
Ascension	10,622	.....		2	2
Assumption	12,134	.....		2	2
Terre onne	9,963	32,719	2	2	1
Iberville	.....	15,112	1	2	2
West Baton Rouge	6,060	.....		1	1
Pointe Coupée	11,747	.....	1	2	2
West Feliciana	.....	12,679	1	2	2
East Feliciana	.....	13,825	1	2	2
East Baton Rouge	.....	15,916	1	2	2
Livingston	3,734	.....		1	1
St. Helena	5,105	.....		1	1
St. Tammany	4,409	.....		1	1
Washington	3,491	16,739	1	1	1
Concordia	9,794	.....		2	1
Tensas	10,233	20,027	1	2	1
Madison	8,756	.....		1	1
Carroll	10,359	19,085	1	2	1
Catahoula	6,961	.....		1	1
Caldwell	3,366	.....		1	1
Franklin	3,441	13,768	1	1	1
Ouachita	5,975	.....		1	1
Morehouse	5,426	.....		1	1
Union	9,393	.....		1	1
Jackson	7,575	28,169	2	1	1
Claiborne	10,599	.....		2	2
Bienville	7,489	.....		1	1
Bossier	8,792	.....		1	1
Winn	2,632	29,512	2	1	1
Caddo	9,950	.....		2	1
De Soto	9,180	19,130	1	1	1
Sabine	4,692	.....		1	1
Natchitoches	13,793	18,485	1	2	2
Calcasieu	3,500	.....		1	1
Rapides	18 548	.....		3	3
Avoyelles	9,853	31,901	2	2	1
St. Landry	22,084	.....		3	3
Lafayette	7,631	29,715	2	1	1
St. Martin	12,977	.....		2	2
Vermillion	3,818	16,795	1	1	1
St. Mary	.....	15,101	1	2	2
	.....	585,314	32	95	88

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APPENDIX.

REPORT

OF THE

JOINT COMMITTEE

ON THE

PILOTAGE SYSTEM.

NEW ORLEANS:
PRINTED BY ÉMILE LA SERE, STATE PRINTER.
1854.

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REPORT

OF THE

JOINT COMMITTEE ON THE PILOTAGE SYSTEM.

The joint committee appointed to inquire iuto the Pilotage System, pursued at the mouth of the Mississippi river, under a resolution of which the following is a copy:

"Resolvod by the Senate and House of Representatives in General Assembly convened, that a joint committee of three upon the part of the House, and—upon the part of the Senate, be appointed to examine into the system of Pilotage, established at the mouth of the Mississippi river, with full power to send for persons and papers, and report to to this house on or before the 15th of February next,"

Have the honor to report that a portion of the committee remained in the city, to acquire such information as would throw light upon the subject under investigation, and a portion of the committee visited the South-west Pass, which is considered as the head-quarters of the Pilots, and where the books and accounts of the association are deposited. Your committee went into a thorough investigation of the fisca. concerns of the Pilots, of the manner in which they discharged the important duties confided to them, and of the relations of these men under their present organization, with the interests of commerce, and consequently with the welfare and prosperity of the Statel Your Committee, after careful observation of the operation of the Pilotage system and elaborate examination of the mode and manner in which it is administered, have arrived at the conclusion that the laws respecting the pilotage of the month of the Mississippi cannot be changed for the better for the advantage of commerce or of the community in general. Various rumors are afloat relative to the revenues of the pilots, and the manner in which their duties are performed, all of which are utterly unfounded or grossly exaggerated. Your Committee, on a comparison of the revenue and expenditure for the years 1843 and 1844 with those of the years of 1852 and 1853, an interval of eleven years, find the following results.—The share of profits distributed to each man in the year ending August 31st, 1843, was $2080 00

Do. for the year ending August 31,				1844,	1704 44
Do.	do	do	do	1852,	1839 13
Do.	do	do	do	1853,	2076 39

Thus it is shown that the income of the pilots has not been augmented in the course of eleven years, although the number of vessels passing the bar outward and inward, has considerably increased, but the share of distribution money to each is kept equal, by the increased number of pilots rendered necessary by the increase in the amount of work to be performed. Vessels taken over the bar of the Mississippi by pilots of the Louisian Association during the year ending August 34st, 1843 inwards and outwards—

Salling vessels.....	3266
Steamers	349
Making that year, vessels C	3615

The number of vessels brought over the Bar during the year ending August 31st, 1853, sailing vessels—3601; steamers, 413—showing in this year 4014 vessels. The number of vessels crossing the bar of the River has not increased in proportion to the augmented commerce of the port of New Orleans, but the amount of tonnage has greatly increased, a brief statement of facts will explain this seeming mystery.

Ten or fifteen years ago, the largest ships that ascended the Mississippi, were of the burthen only of five to six hundred tons; of late, ships of much greater burthen frequent our waters—at this moment there are lying alongside the Levee in New Orleans, ships of one thousand, eleven hundred, and fifteen hundred tons; on an average, one of these vessels carries thrice the burthen of the largest ships that entered the mouth of the river fifteen years ago. At the same time, your committee would respectfully observe that the large ships of the present day draw no more water, and, consequently, pay no higher rates of pilotage than their smaller and less capacious predecessors, hence the income of the Pilots has not increased in the same ratio with the commerce and tonage of the port. The amount of capital owned and invested by the Association in different kinds of property is $65,085; this property comprises six schooners or Pilot Boats, the cost of which was $5,000 each, twelve whale-boats, of $300 each; twelve yawls, $130 each; two launches, $100 each; Pilots' Hall at the S. W. Pass, $2,000; Pilots' Hall at the Balize, $1,500; Sail Loft and Carpenter's Shop, $1,500; Kitchen and Offices, $1,000; Look-out at the Balize, $1,500; Boat Shed and Wharf, $500; School House at the Balize, $2,000; thirteen slaves, (pull-away men) $15,600; Lookout and store rooms, S. W Pass, $500; Kitchen and offices, S. W. Pass, $900: Boatmen's House, S. W. Pass, $600; Boat Shed and Wharf, $500; Water Tanks, Cordage, Blocks, Lumber, Spars, &c., &c.. $485, besides a number of other items unnecessary to be here detailed, but all absolutely indispensable to the proper and efficient carrying-on of the business.

Your committee feel bound to observe that the land, or more correctly speaking, the marsh on which the habitations of the pilots are located, from its geographical position, and the nature of the atmosphere by which it is surrounded, is, without doubt, the most unhealthy region in the United States. Whilst your committee was at the Southwest Pass, in the depth of a winter marked by inclement cold in other parts of the country, and while a seat at the fireside was comfortable EVEN THERE, we found no rest from the sand-flies in the day-time; and in the open air when the weather becomes a little warmer, at the approach of spring, the muscitoes, sand-flies, and other insects still more annoying, must render these marshes almost intolerable to the human beings who, like the pilots and their families, unfortunately for themselves, are compelled to inhabit them. Accordingly, we find the mortality among the pilots exceedingly great. It appears from a very able report of a joint committee to the General Assembly,—of which Mr. Alex. C. Bullitt was the chairman,—that the number of pilots being forty-nine on the average, the number of deaths by drowning and disease, for six years ending with the year 1845, was sixteen, or one-third of the whole number!—and this was among the Branch Pilots, or men holding the State's commission.

In the eight years from 1846 to 1853, both inclusive, the mortality among the same class of men was twenty-six—the number of pilots being sixty-one on an average—that is, upwards of 43 per cent., or more than two-thirds in eight years! This is a mortality that is unprecedented in any place that we know or have read of, except where an epidemic, plague, yellow fever or cholera, prevails.

From these facts, it becomes as clear as figures can

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render any proposition, that an able-bodied man, in the vigor of youth and health, assuming the profession of Pilot at the mouth of the Mississippi river, is subjected to an equal chance of living or dying in a very brief lapse of time; and yet there are persons who would drive these men from their position to make way for others, no matter who they may be, whose characters, qualifications and fitness are wholly unknown.

Your committees would here remark that in other parts of the Union—New York, Boston, Philadelphia and Baltimore—the pilots live in far more comfort than ours do at the mouth of the Mississippi; while the Northern pilots encounter no greater hardships or dangers, and, in proportion to the expenses of living, are better compensated. In these Northern ports the the pilots live with their families in the city. They merely step from the wharf to the vessel which they are engaged to take to sea, and remain at the station, near the mouth of the bay or river till an opportunity offers of piloting an inward bound vessel up to the city; and this is the whole routine of their duty, with the exception of their making an occasional excursion, as our Mississippi pilots do, thirty, fifty, or sixty miles to sea in quest of vessels bound in. Hence, it is easy to perceive that the situation of the Northern pilots is infinitely more comfortable and pleasant than ours. The latter live on a mud bank throughout the year, unless while employed in their perilous avocation on the water. The former enjoy all the advantages and pleasures of home, in a populous city. Put the question to any one who knows the operation of the Northern and Mississippi pilot systems, which would he prefer to follow? Can it be supposed that he would answer in favor of imminent risk of life, having to pass his days meanwhile on a mud bank, exposed with his family to the ills of overflow and poisonous insects. Your committee have heard exclamations from ship captains and others familiar with the localities, that they would not exercise the profession of pilot at the mouth of the Mississippi for five thousand dollars a year, or for any compensation that could be named.

The compensation received by our pilots is not greater, generally speaking, and in some instances, less than is received by the pilots of the principal ports of England, and in proportion to the expenses of living and relative comforts, not near so great as those of the pilots of other ports in the United States.

The present members of the Pilots' Association comprise a body of seafaring men, sober, hardy, intelligent, correct and manly in their deportment, and eminently patriotic and public spirited in their disposition. At the commencement of the late war with Mexico, they called upon the proper authorities for a few pieces of heavy cannon, with which they might repel any attempt of the enemy's cruisers to enter the mouth of the river. They were regularly drilled and experienced at the *big guns* till they became proficient, and it is paying those brave seamen no compliment to say that any enemy that came under their fire whilst thus prepared and ready for him, would have been glad to get out of the way as soon as he could. With regard to the allegation against the pilots, that vessels under their charge sustain loss or damage from their carelessness or neglect, your committees have made careful inquiry into the matter, and are compelled to conclude that it is in a great measure or wholly unfounded. Your committees have heard of very few cases of loss or damage to vessels since the year 1837, when the present pilotage system went into operation, which, on good and credible evidence, they can believe were caused by ignorance or neglect of pilots.

In truth, your committees are of opinion that accidents of this kind are less frequent at the mouth of the Mississippi, in proportion to the number of vessels taken under charge, than at any other pilot station in the Union or in the world.

Respectfully, &c.,

CASIMIR LACOSTE,
Chairman of the Senate Committee.

HENRY M. SUMMERS,
Chairman of the House Committee.

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APPENDIX.

REPORT

OF THE

STATE ENGINEER,

ON THE

BAYOU LAFOURCHE.

NEW ORLEANS:
PRINTED BY EMILE LA SERE, STATE PRINTER.

1854.

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REPORT

OF THE

STATE ENGINEER,

ON THE BAYOU LAFOURCHE.

STATE ENGINEER'S OFFICE,
Baton Rouge, Feb. 21, 1854.

To the Honorable the Senate and House of Representatives of the State of Louisiana in General Assembly convened:

Gentlemen—I herewith respectfully submit a preliminary report of my Assistant, Mr. A. S. Phelps, appointed under resolution passed by your honorable body requiring an immediate survey of the Bayou Lafourche. Owing to the limited time allowed for this work, I consider the surveys only sufficient to indicate in all probability the best plan to be adopted to relieve the bayou, and the great and pressing necessity that immediate relief should be obtained. My opinions upon this subject agree generally with those expressed by Mr. Phelps, in the report, upon which I beg leave to make the following remarks:

The elevation of levees will not remedy the evil, and if it could, they would have to be raised from a point far above their present elevation in the lower section, on a direct inclined plane to Donaldsonville. The top of the present levees, now form two curves. From Donaldsonville down for the first twelve miles, the fall per mile according to Prof. Forshey's survey is more than seven times as great as it is from Thibodeauxville down to Lockport, near the place of the obstructions, filled up there by deposit, the fall immediately augments from that point down to the sea.

If the levees were raised, it would have to be done in such a manner that this curve or depression in the top of them would be taken out, which would require great elevation at the lowest point; and when executed, would so diminish the fall per mile in the bayou, that deposits would be made in its whole length; and finally end in raising the lower section of the stream as high as it is now at Donaldsonville, when there would be no current at all in the bayou.

Exactly the same results would be obtained in case the obstructions were removed. The whole fall from Donaldsonville to tide water cannot be more than about thirty feet; divide the fall by the whole number of miles in present length of bayou, say 120, and we have 3.05 inches fall per mile, which by any calculation based upon the dimensions of the bayou at Donaldsonville, could only give a current equal to from 1¼ to1¾ miles per hour, which would not, nor has it ever been fast enough to prevent the filling of the stream by deposit. The sea is too far off, by the course the water now takes, for so small a stream to transport its heavy load of sediment. This is the great cause, although accelerated by the obstructions thrown in by the order of Gen. Jackson, why this stream has been gradually filling up in past years, below the point where steamboat navigation had a tendency to keep it open.

There are really but two means by which the condition of this bayou can be permanently improved. One is to make a new mouth which will open the bayou to the sea level in so short a distance from the Mississippi River, that when the whole fall to the mouth, at the sea level, shall be divided by its diminished length, it will give sufficient fall and current per mile to keep the sediment in motion. A new mouth made at the outlet proposed, will, without much doubt, produce this effect. The other is to totally close the stream at or near Donaldsonville. A partial closure will diminish the current already too slow, and to cause it to fill up sooner than it would if let alone. Locks will produce the same effect more slowly, cost more money than any other plan, and not give navigation, unless placed some distance down the bayou, and then the levees raised from them up to Donaldsonville, to the same hight they are at that place. A total closure will increase the current in the Mississippi below, cause the loss of navigation in the bayou, and most of all, forever prevent the formation of new deposits on the low lands near the sea, which are now perfectly worthless. The continual flow of this stream into the proposed lake, would finally end in making good land of it, and in reclaiming much of the surrounding sea marsh, which would otherwise continue to the end of time, not only worthless, but the cause of disease and death.

I would therefore most earnestly recommend the adoption of the proposition of outlet, to be carried into execution in accordance with the plans to be made hereafter, from proper surveys; and I would even go so far with it as to turn the whole water of the bayou through the outlet, and permanently close the stream below, so that it should always remain a good canal, if it should, after sufficient surveys, be found practicable. I propose to go on and have the surveys completed under the instructions already given, that I may be able to answer, satisfactorily, all the queries contained in the resolution.

I am fully convinced that the immense amount

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of swamp and overflowed land now belonging to the State, which is at present perfectly worthless, would, after being saved from inundation by this improvement, shortly sell for more than enough to pay for it.

The attention of the Legislature was called to the great importance of this subject in the year 1847, by Governor Hebert, then State Engineer, when an enlargement of the bayou could be more easily have been effected than at present. No action having been taken in the premises at that time, the evil has gone on increasing ever since.

All of which is respectfully submitted,

GEO. W. MORSE,
State Engineer.

BATON ROUGE, February 20th, 1854.

To G. W. MORSE, ESQ., State Engineer:

Sir:—In conformity with your instructions dated the 27th ultimo, I have made a reconnoisance and partial survey of Bayou Lafourche and its levees, for the purpose of obtaining the information therein called for. Herewith you will please find one book containing the field notes of said survey, and fifteen diagrams showing the cross sections, velocity, etc., at the several points thereon designated.

By an inspection of these notes and diagrams it will be seen that said bayou has closed or diminished in its dimensions in the lower half of its length, to such an extent as to be unable to discharge through its own channel, the amount of water which freely flows from the Mississippi River through the upper half of its length whenever the water in said river rises above a point 10 feet below its highest water mark—This fact was most conclusively proved while I was engaged in making the survey, by the occurrence of five crevasses, on the 9th and 12th inst., in the vicinity of the point where the bayou has the least dimensions.

For the purpose of more clearly understanding the subject at a glance, I have prepared the following table containing a portion of the data which is exhibited more in detail in the field notes and diagrams.

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TABLE A,

Showing the Area and Velocity of Bayou Lafourche, at different points.

PLACE WHERE THE CROSS-SECTION WAS TAKEN.	Distance below Donaldsonville in miles.	Distance below Lockport in miles.	Velocity, no. of minutes per mile.	Area in square feet below the top of the levees.	Area in square feet below the natural surface of the land.	Area below the water-line, at times noted in the next column.	Time when the water-line was taken, given in preceding column.
Donaldsonville	0	..	47	4,531	3,598	1,303	Feb'y. 1, at 12, M.
R. R. Barrows',	1	..	39	4,464	3,704	1,329	" 1, at 4, P. M.
Opelousas R. R. Bridge	38	..	46	4,116	2,647	1,872	" 3, at 12, M.
Matthews' Plantation	52	..	55	3,265	2,035	1,910	" 4, at 11, A. M.
Lockport	55	0	58	3,051	1,850	1,850	" 4, at 1, P. M.
Pierre Ellis',	59	4	45½	2,808	1,745	1,745	" 5, at 10, A. M.
Two miles above Harang's,	65	10	26	1,400*	995	995	" 5, at 1, P. M.
Dr. Heads',	72	17	33½	No levee, r. b.	1,409	1,347	" 6, at 8, A. M.
Creppel's Canal	76	21	40	No levees.	1,470	1,335	" 6, at 12, M.
Gregoire's,†	89	34	36†	"	1,985	1,985†	" 8, at 7, A. M.
Isaac Lusk's	94	39	40½	"	1,695	1,575	" 6, at 3, P. M.
Gray's Canal	103	48	63½	"	2,198	2,138	" 7, at 1, P. M.

* The Levees being at a great distance from the banks, it is proper that the discharging capacity of the Bayou below the top of the levees at this point, should be reduced to about twelve hundred square feet.

† In comparing the results from this cross-section, with those of others, allowance must be noted for time elapsed, and the rise during the time which was one foot nearly.

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The cross section taken at R. R. Barrow's plantation, the second in the above table, it is believed, shows the minimum dimensions that can be found in the upper portion, or say within fifteen miles from the head at Donaldsonville, and is nearly five times greater than the dimensions of the bayou for a distance of eight or nine miles in length, commencing about 10 miles below Lockport, and extending from thence down. Whenever the water in the bayou reaches its highest point at Donaldsonville, by the greater declivity of its upper strata, the velocity there must necessarily be increased to an amount probably sufficient to carry as much water per square foot of its cross section there, in a given time, as can be discharged through the lower or diminished portion of the bayou, per square foot of its cross section, at its point of greatest velocity, or nearly so. In order to retain within its banks and discharge between them this amount of water, it will require either that the levees be elevated or the channel enlarged, so as to give a cross section equal, or nearly so, to that found in the upper portion of the bayou. Neither of these measures in my opinion, are practicable. In order to make the bayou itself capable of discharging the water flowing into its upper section during high water in the Mississippi, will require a very considerable enlargement for a distance exceeding more than fifty miles in length, through material composed of logs, tree tops, stumps, roots and sediment intermixed, extremely difficult to remove.

If the above conclusions are correct, it then becomes proper to inquire if there can be provided any other remedy for the evil. Three propositions have been suggested.

The first, which would undoubtedly be the surest, and could be executed at the least expense, would be to close the bayou at Donaldsonville, by a levee across its mouth. It is supposed, however, this plan will meet with great opposition from those residing on the Mississippi river, who fear it would operate so as to cause a greatly higher rise of its waters, or an increase of velocity dangerous to the river banks and levees. Although I do not agree with those who fear such a result; yet due deference to the opinions of those who are so vitally interested, prevents me from recommending this plan.

The second plan suggested is the construction of a lock at Donaldsonville, which shall admit only so much water as the bayou is able to discharge through its least dimensions, and large enough to admit of the passage of such steamboats as ordinarily enter it. This plan, without doubt, could be executed in such manner as would secure the country from overflow, and would not, at first, seriously interrupt the navigation; but in addition to the objections which might be urged against the first plan, and to which it is nearly equally liable, it is objectionable on several other grounds. First, the great expense of its construction and maintenance; and secondly, its effects upon the bayou itself. There can be no doubt that this plan, if put in execution, would cause the whole bayou to fill up, within a limited time, by the deposit of sediment resulting from its consequent diminished velocity.

The third plan proposed, is to dispose of the surplus water by means of an outlet. This being the measure, if any, it is supposed will be adopted, I have given to it the greatest possible attention, which the limited time allowed for this investigation would admit, and have thoroughly examined all the sections of the country necessary, in order to determine where this plan can best be executed.

On the right of the bayou no outlet can be made, sufficient for the purposes required, except by the construction of several extensive new channels, and a great enlargement of bayous of much length, before the surplus water could be discharged into any of the bays of the sea. This great distance would so considerably diminish the amount of fall per mile, as not to afford sufficient velocity to keep open the channels.

On the left bank of Bayou Lafourche an outlet can be made with great facility, amply sufficient not only to protect the country from overflow, but if desired, so worked as would prevent the injury resulting to the early growth of crops by the flowing of transpiration water through the levees, and thence through the ditches in the fields; and also requiring but little hereafter to be expended for the maintenance of the levees. The best point to locate it, taking all things in consideration, will be found about 6 miles above Lockport, and at a distance of about eight miles, discharging the water into Bayou des Allemands, at a point ten or twelve miles above Lake Ouacha or Salvador.

The cross section of Bayou des Allemands, shown on diagram No. 15, is equal to ten thousand five hundred and eight square feet, and is a tide water bayou, with a moderate current running either way, according to the tide. Lake Ouacha is a body of water about ten miles wide, and fifteen miles long, averaging about twelve in depth, and may, from the great capacity of its outlets, be considered, for this purpose, as equivalent to the sea.

In case it shall be determined to make the outlet as above suggested, no time ought to be lost in commencing the work, if it is desired to serve for protection from the high water of next season, as about three-fourths of the channel and levees to be made can be executed to the best advantage with a steam excavating machine, which will require some time to procure and have ready to put in operation.

A waste-weir on the bank of the bayou at the head of the outlet will be necessary, in order to govern the amount of water to be discharged through it; and it will be of the utmost importance in case this work shall be ordered, that it should be put in charge of a competent and experienced Engineer, or else there may be great risk of failure. Waste-weirs appear to be simple enough to the casual observer, but the observations of all engineers who have had much experience of their working, even on a small a scale as on canals, proves that the utmost caution and skill must be observed in their construction, or they will become undermined.

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If properly constructed, they admirably perform the services required of them; require but little expense for maintenance, and can be easily governed so as to discharge exactly the amount of water desired, and no more. An outlet made without the security affored by a waste-weir, might very likely become unmanageable, by reason of the peculiar nature of the earth composing the banks of the bayou and outlet, and also by reason of the large amount of sedimentary matter contained in the water, which is liable to be deposited under certain circumstances. It thus might operate so as to cause damage by overflow, though in another locality, to an amount equal, or nearly so, to what might be expected to accrue in the absence of any improvement.

From the data as yet obtained it is not possible to estimate very exactly what will be the amount of money required to construct a channel, levees, waste-weir and bridge, such as may be suitable to the case. Some additional data are requisite, even before it can with safety be determined what dimensions should be given them. It is believed, however, that the sum of one hundred thousand dollars will be more than sufficient.

The resolution calling for this investigation requires that the causes of the formation of the obstructions found in Bayou Lafourche shall be reported on. The undersigned, from his residence and avocations, has possessed favorable means of observing the changes which have taken place in said bayou, during the last 26 years. According to his observations the bayou, during that period of time, has been gradually and greatly increased in its dimensions in the upper section, and very materially diminished in the lower section, and this change appears to be yet in progress.

The primary cause was the partial closure of the bayou about ten miles below Lockport, in the year 1814, by order of Gen. Jackson, in order to protect the country from invasion. This obstruction consisted of trees and logs thrown in the channel, which formed a nucleus for the formation of the middle banks which are shown on diagrams Nos. 4, 5, 6, 7 and 8.

The secondary and more effective cause results from the constant navigation by steamboats of the upper section only of the bayou since that time. They rarely pass below the points where the obstructions exist. In a stream of so small dimensions as this bayou, running through alluvial and loose earth, generally, the passage of each steamboat stirs up the mud on the bottom and sides considerably, and the velocity of the current being sufficient, the mud and earth thus loosened and put in motion, is transported to the lower section of the bayou, whose banks and bottom are left undisturbed, and it is there deposited. That this process, and other minor causes, have been in constant operation for many years is certain, and will eventually result in an almost or entire closure of the bayou between the point where the steamboat navigation ceases, and the point where the tidal currents are sufficiently active to prevent the deposits. This work has now progressed to such an extent as has required the levees between Donalsonville and Thibodaux to be made more than twice as high as were deemed sufficient twenty-five years ago. The best levees that can now be maintained, afford but an uncertain and precarious protection from overflow between Thibodaux and Lockport, and below this latter named town no protection whatever in times of extremest high water. If no remedy is applied to this case, the whole of the country below Lockport will shortly be abandoned by its inhabitants, (in fact very many settlements are observed already vacated,) and the limits requiring abandonment will gradually and surely move upwards until it nearly reaches to the town of Thibodaux, and that at no distant period of time. The amount of labor now required to augment and keep in repair the levees on the bayou as they are, under the present circumstances, costs more annually, than the amount which will be required to make the improvements proposed, and yet only afford partial protection from overflow.

It is not supposed that the improvements herein proposed, even, will answer the purpose for which they are designed forever; but it is believed they will protect the country from overflow for a considerable length of time, after which a closure of the bayou at Donaldsonville will become necessary, unless the outlet proposed shall be operated so as to form a continuance of the main bayou, or new ones be made.

I have been requested to state in this report what would be the probable effect of the proposed improvement, as it regards the public lands belonging to the State, known as swamp lands. By an examination in the Land Office, it was ascertained that the total amount of these lands affected by the onerflow of Bayou Lafourche, exceeds eight hundred thousand acres; the greatest portion consists of low prairies or marshes, which must remain nearly valueless until reclaimed by drainage. As near as can be judged, there is of these swamp lands about fifty thousand acres which would probably be sold under the provisions of existing laws, within a short time, if the overflow of the waters of the bayou can be arrested.

Hereto I annex two tables, useful for reference in comparison with the data in table A, foregoing, and which have been compiled from the register kept at Donaldsonville, by Mr. Gingry, who deserves great credit for the constancy and fidelity with which he has kept, for several years, a record of the rise and fall of water in the river and bayou at that place, and also of meteorlogical observations. If in addition to his register, the velocity at the different stages of water was known at given points where the cross sections of the river or bayou was also known, many useful results might be calculated therefrom; and it is to be hoped that provision may be made for collecting and preserving data of this kind.

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TABLE B.

Showing the highest and lowest water mark at Donaldsonville, during the last three years, taking the lowest point for zero.

DATE.	Highest mark in feet and 10ths.	Lowest mark in feet and 10ths.
March 27th and 30th, 1851,	25.8	
November 20th and 27th, 1851,		* 0.8
June 15th, 1852,	23.9	
November 3d, 1852,		1.5
May 29th and 30th, 1853,	23.5	
October 25th, 1853,		0.3
January 15th, 1854,		0.0

TABLE C.

Showing the late rise in the River and Bayou at Donaldsonville, taking the lowest point known for zero, in feet and 10ths.

DATE.	6 A. M.	12 M.	6 P. M.	DATE.	6 A. M.	12 M.	6 P. M.
January 16, 1854.		0.5		February 1, 1854.	10.1	10.4	10.7
" 17, "		0.9		" 2, "	11.4	11.7	11.7
" 18, "		0.8		" 3, "	12.5	12.7	13.7
" 19, "		0.8		" 4, "	13.6	13.7	13.8
" 20, "		1.1		" 5, "	14.3	14.3	14.5
" 21, "		0.9		" 6, "	14.9	14.0	14.0
" 22, "		0 5		" 7, "	15.4	15.5	15.6
" 23, "		0.5		" 8, "	15.9	16.0	16.1
" 24, "		0.7		" 9, "	16.4	16.3	16.4
" 25, "		1.1		" 10, "	16.7	16.6	16.5
" 26, "		1.3		" 11, "	17.0	17.0	17.0
" 27, "	2.3	1.7	1.5	" 12, "	17.4	17.3	17.3
" 28, "	3.0	2 9	3.3	" 13, "	17.7	17.7	17.7
" 29, "	4.7	4.7	5.0	" 14, "	18.0	18.0	18.0
" 30, "	6.7	7.0	7.2	" 15, "	18.4	18.4	18.4
" 31, "	8.6	8 8	9.1	" 16, "	18.4		

Respectfully, sir,

Your obedient servant,

AUGUSTUS S. PHELPS,

Special Assistant State Engineer.

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APPENDIX.

REPORT

OF THE

STATE ENGINEER,

ON THE

MOUTH OF THE PLAQUEMINE.

NEW-ORLEANS,
PRINTED BY EMILE LA SERE, STATE PRINTER.
1854.

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STATE ENGINEER'S REPORT
ON THE MOUTH OF THE PLAQUEMINE.

STATE ENGINEER'S OFFICE,
Baton Rouge, *February* 20, 1854.

To the Honorable the Senate and House of Representatives of the State of Louisiana, in General Assembly convened:

GENTLEMEN: In compliance with Resolution No. 264, approved April 29, 1853, I beg leave to submit the following remarks upon the subject of the Bayou Plaquemine. In order to place this subject in its proper light before your honorable body, I have sought information from all sources where I had reason to believe it could be relied upon, and therefore insert the copy of a letter, politely furnished me by the Hon. John Moore, member of the Senate, in which is detailed much valuable information, dated Feb. 12, 1854:

"In answer to your verbal inquiry in relation to my knowledge of the improvements made to the navigation of the Bayou Plaquemine, I have to say, that from 1804 to 1819 all such improvements were made by the people of Attakapas and Opelousas. A few stumps and snags were removed, and a cordell road was opened from the Indian Village to the Mississippi. I do not recollect, and have no means of ascertaining the cost.

March 3, 1819, an act passed authorizing the parishes in Attakapas and Opelousas to levy taxes, not exceeding the amount of the State tax, in each, and appropriate the same to the improvement of Plaquemine, by removing the stumps and snags in the channel, and making a cordell road from the park. Under that act about twelve thousand dollars were raised, and the work let out to the lowest bidder, in sections. The sum proved insufficient, and on the 14th February, 1821, the Legislature added an appropriation of six thousand dollars, payable in two yearly instalments. The whole amount expended was between seventeen and eighteen thousand dollars.

March 22, 1827, an act passed establishing a navigation company for the improvement of that stream, to be composed of the parishes in Attakapas, Opelousas, Rapides and Avoyelles. Lafayette, St. Landry and St. Martin consented, and became stockholders, and expended about twenty thousand dollars, principally at the entrance. The plan followed was the construction of piers, secured by piles, near the entrance in the main channel, to prevent the drift from entering, and to open and deepen a small canal that existed before the cession of Louisiana, entering the bayou from the river, below the piers. There was then an island between the canal and the channel, of considerable extent. The piers were swept away the first high water, and then a row of stout piles was driven in across the main channel. This work stood firm, and gave a free open navigation, and prevented drift from entering for several years, but the lower bank of the canal began to wash away rapidly.

Doubts arose as to the right of the State to authorize tolls to be collected, and the company abandoned the works.

April 2, 1832, an act passed authorizing the appointment of a State Civil Engineer. It was some time, however, before an appointment was made.

March 4, 1833, an act passed creating a Board of Public Works, to consist of nine members.

In the winter of 1833–'34, under the auspices of the Board and directions of Mr. Crozat, then Civil Engineer, Judge Baker acting as Assistant Engineer, works were again commenced at the mouth, in order, principally, to protect the town of Plaquemine.

Piles were driven across the canal near the lower end, and the lower bank protected by piles, fixed with plank intended to prevent the wash, and an opening was made through the piles in the main channel for the passage of boats, protected by piles above, according to the plan in your office made by Mr. Bruisson, Assistant Engineer. My impressions are that the cost was about twelve thousand dollars. This work was found to be a good protection to the navigation for several years, until some of the outer piles gave way, when the entrance was occasionally stopped with drift. I suppose that the exact cost will be found among the records of the Board, as well as of subsequent improvements.

Besides these works, a buoy or floating break-water was placed at the entrance to prevent drift from entering, (my impressions are by Mr. Bringier, the then Surveyor General of the State.) An appropriation of two thousand dollars was made for the pur. ose.

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There was also an appropriation of about two thousand dollars made to clear out a raft that obstructed the navigation previous to the construction of the works at the mouth.

You have, no doubt, in your office, the records of all improvements subsequently made.

You will perceive that a great portion of the expenditures were borne, exclusively, by the inhabitants of Opelousas and Attakapas.

The great mistake made was in the opening and deepening of the old canal, to which may be attributed the sole cause of the extended width of the present entrance, and increased quantity of drift entering."

The resolution above referred to provides that the State Engineer shall report upon the following propositions:

"*First:* Upon the practicability of so closing said Bayou Plaquemine as wholly to prevent the entering of rafts and drift-wood in said bayou, and to permit the water to pass through, or such other improvement as he may deem best.

Second: Upon the best manner and probable expense of constructing said work.

Third: Upon the propriety of, and the benefits likely to result from said work, and

Fourth: Upon the danger of leaving said bayou open, and the possibility and probability of its enlarging its capacity, and diverting the Mississippi river from its natural course, and conducting its vast waters to the Gulf of Mexico, by the way of the Atchafalaya, or

Fifth: The advantages that may result by keeping the said bayou open for navigation."

Some description of the bayou and river based upon the facts brought to light by our surveyors, is not only necessary to a proper understanding of the subject, but will afford the means of answering conclusively the fourth proposition.

The mouth of the bayou is situated at the end of a large bend in the river, where the main current passing near the outside, carrying the drift wood, brings most of it, especially when the wind is from the East, within the influence of the draft of water taken off by the bayou.

The mouth of the bayou is at present six hundred and fifty feet wide, while a short distance below it is only two hundred and fifty feet. This great enlargement of the mouth was, no doubt, caused by the opening of the canal on the side of the town, by the navigation company, and it now produces the effect of admitting much more water to enter the bayou than can be discharged below, in consequence of which, a considerable portion of it is obliged to turn and run back into the river again, on the lower side of the bayou. The amount of drift wood entering the bayou is nearly in proportion to the amount of water entering its mouth, and not in proportion to its capacity of discharge, for as the mouth receives a vast volume of water, the timber and all heavy floating substances going in with great momentum on its surface, continue down the bayou with the force already acquired, while much of the water turns and runs back again. The increase of the mouth must continue, unless prevented by substantial works, for the bank on the upper side will continue to wear off by the water entering, and that on the lower side, by its discharge of the surplus.

The bed of the bayou for at least 2200 from its mouth down, is composed of good clay, the entire depth of which, we have not positively ascertained; but by five borings at different points, 27 feet deep, we find always the same material, and by soundings in the river from the mouth out, we continually brought up clay to the depth of from 70 to 90 feet. The hole of water opposite the church, which was reported an unfathomable abyss, through into the lower regions of quick sand, is found by soundings, in low water, to be seventeen feet below the bottom of the bayou, with a clay bed. It is not my business to speculate upon the causes of its existence, but I presume it must have been filled with a deposit of sand which was washed out by the water. Our examinations did not extend beyond 2200 feet below the mouth of the bayou, but the same strata of clay appears to continue much further down.

The great depth and tenacity of this clay, together with the fact that the lakes which receive the waters of the bayou, have but a very shallow depth, must forever put at rest the fears heretofore entertained by some, that the Bayou Plaquemine would ultimately carry off the vast waters of the Mississippi through the Atchafalaya.

The whole question about this bayou is simply this: should we permit it to stop itself up? or shall we erect works at its mouth, that by their effect will prevent the entrance of drift, and leave it open?

Without the former course is soon adopted, it will not only close itself, but it will also close many of the important channels which act as drains for the lands of the interior parishes. Even now, while I am writing, great destruction of property is hourly expected in consequence of overflows, caused by the raft in Grand river, bayou Sorrell and the Plaquemines itself. To prevent this great evil, I have been asked to temporarily close the stream at its mouth, and pull the drift out below; but this cannot be

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done without great risk, for an accumulation of drift at the mouth would prevent the free discharge of water by the bayou, and in case of high water, might cause destruction on the river below, for which the State would be called upon to pay damages.

From the best information I could obtain from Capt. Kent and others, the drift wood had, on the 16th of this month, completely filled Bayou Sorrell from Lake Chicot to its mouth, and Grand River, to within three miles of the Village. In the Bayou Plaquemines, there are three rafts formed above the Grose Tete, together about two miles in length. These rafts are being removed by Captain Kent, and are carried below and lodged against the raft in Grand River. Should the drift run for three days to the extent that it was coming in last week, all communication to the interior will be cut off, and but a few days will be required to fill the Plaquemine to its mouth.

Now let us try and ascertain what would actually be the effect of closing the bayou.

The average low water width of the Mississippi round the bend is 2156 feet. The cross section above at the same time averages 151,455 feet, while below it is only 128,974; thus showing that the section above, in low water, is 22,461 feet larger than below. The fall in the surface of the water at the same time, when the bayou has no discharge, is 2.23 decimal inches from a point 2340 feet above the bayou to another 1600 feet below it; but in the high water of 1853, the fall in the surface was, from the same point above, down to the lower bank of the bayou 0.582 decimal inches, and there was no perceptible fall from there down to the lower point, showing that in high water the surface drops immediately at the mouth of the bayou nearly six decimal inches. I think, however, that this fall of the surface water does not continue across the river, but is only a fall in the side next to the bayou. It does not follow that the current of the water should be immediately retarded on this account, for coming down from above to the mouth of the bayou, with accelerated velocity, it is pushed forward for some distance by its own momentum, with nearly the same force. Hence, the diminution of the section below in proportion to the amount of water to be carried.

Assuming the low water width of the river as its fair average width of current in high water, and then multiplying this into the height at which the water rises above and below, and then adding in the low water cross sections, we shall have the sections above and below, as fair in one case as the other.

Thus:

2156 feet ⋈ 26 feet X 151455 = 207511
2156 feet ⋈ 25418 X 128994 = 183799

Difference betwn. high water sections, 22716

The velocity of the water above the mouth of the bayou was found, by the result of four experiments, to be 4.8 feet per second.

Whole discharge above at the time of the high water of 1853, was cross section 207511 ⋈ 4.8 current = 996052 cubic ft. per second.

The cross section of Bayou Plaquemine, two hundred and fifty feet from its mouth, is 7698 feet, current at the same time and place, 388-100 feet per second; discharge 29869 cubic feet per second.

Now if we deduct the discharge of the bayou from the whole discharge of the river above, and divide the remainder by the cross section below, we shall find that an increase of current of from 4.8 to 5.2 feet per second would be required to discharge the whole amount of water through the channel below the bayou. This difference of 4.10 of one foot in the current per second is not very great, and may come from the fact that it is almost impossible to arrive exactly at the truth, and then, it may be, that the current of the river below is faster than above; I believe, however, that it is very nearly the same, for no doubt, before the construction of levees there was a very fair contest going on in the river between the force of the current and the resistance of the banks, the former having always a little the advantage and causing natural cut-offs; but since we have added volume to the water by levees, and also made artificial cut-offs, we have added considerably to the force of current; and now, the proposition of closing the outlets, if carried into execution, will settle the affair. Rather than do this, we should make new outlets exactly sufficiently to compensate for our interference with the stream, by the construction of levees, and no more, unless we can afterwards shorten it, and bring the current back to its former velocity. I am greatly opposed to the adoption of any violent measures with regard to the Mississippi river, and the forcible closure of this bayou, I conceive, would be a measure of that kind.

It would be a repetition of the Raccourci Cut-off affair on a larger, or smaller scale, as may hereafter be proved; and the people of the town of Plaquemine will be the first to demand redress, although many are now willing to give their consent to it. I know that some old citizen will reply that we have been stopping outlets all along the river, since the time of his birth, and yet the river does not rise higher than before; but let him prove that the current is not stronger,

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and more destructive to the banks than in former times, and then I give up the point.

It is thought by many that if it were closed, the river would soon enlarge below, and fit itself to bear the additional burden which it would be obliged to carry, and such might be the case, but how would this be done?

The velocity of running water must increase with its volume, and if you scour out the river, and enlarge its volume of water, you certainly increase the current, and an increased current increases its length, by breaking down the banks around the bends, with which falls the levees. Exactly how much the surface of the water would be raised, or its velocity accelerated, I am not prepared to say, but I know that the stoppage of this outlet would increase an existing evil already too heavy to bear. This scouring power is badly named; it should be called a scouring and lengthening power, for under its influence caused by the construction of levees and cut-offs, there is at present more caving of banks than formerly occurred. Take away the levees and leave the outlets open, and this will, to a considerable extent, be prevented. Leave them standing, increasing as they do, the volume of water to be conveyed, and the banks will continue to give away until the stream shall have gained such an increased length by its windings, that the fall per mile will be just enough less than it formerly was, to give to the augmented volume of water the same velocity of current that the lesser volume had; and then, the contest between force of current, and resistance of land on the river banks will again become nearly equal, and the banks will, to a great extent, retain their position.

There is a constant effort in nature to attain this equality, which is, to some extent impossible, in consequence of the irregularity of the supply of water, and sedementary matter to be conveyed, and the fact that all matter must give away to the action of constant friction, however slight it may be. This is the reason why I say that force of current always had a little the advantage, and hence the natural cut-offs and eternally repeated overflows. In other words, I believe that the river is to be regulated, if at all, by its velocity of current: closing outlets constructing levees, and making cut-offs will increase it, and new outlets and additional length will diminish it. If the current is greater than the banks can support, their destruction and additional length of river will be the consequence. If it is too weak to transport its sediment, the channel will fill up with deposit, unless we make levees, cut-offs or stop outlets.

The river banks in front of the town of Plaquemine, and all round the bend, are now fast disappearing, because the current in the river is stronger than they can bear. If it were slow, like that of the Bayou Lafourche, they would not cave; but let this bayou fill up, and we shall find that we know at present only the beginning of evil. Not that the water would rise so much higher, but additional force would be given to a current already too strong, and the losses by the destruction of levees below would be more than enough to pay many times over for the erection of substantial works at its mouth, which would permit the water to pass off, and keep the drift wood out of it.

I am required to report upon the advantages that may result by keeping the bayou open for navigation. Those of your honorable body whose interests would be effected by the loss of the navigation through it, must be better judges in this matter than I am; but it appears to me that the closing it would have the effect of increasing the direct trade between several of the interior parishes and the northern cities; but if not so, the cost of transportation would certainly be augmented between them and New Orleans; but the disadvantages resulting from the loss of navigation can, in no way, equal the gain that would accrue, if the great amount of water which is thrown by the bayou upon the lands of the interior, could be kept off of them. This I conceive vastly the most important consideration.

My opinion then, being clearly in favor of keeping it open, not alone for purposes of navigation, but to prevent the action of the otherwise augmented volume of water upon the banks of the river below, it is only necessary now that I should discuss the several plans proposed by which this object is sought to be accomplished.

The first proposition contained in the resolution under which I make this report, was understood to contemplate the closing of the mouth of this bayou with a wooden structure in the form of piles driven across it, which would be far enough apart to admit the free passage of the water, and yet retain the drift wood. There are several great practical objections to this plan, which I will endeavor to demonstrate, the first one of which would be the certain prevention of all navigation through it; but in order to know its whole effect we must ascertain exactly where it should be located; whether on the clay bed at the extreme mouth of the bayou, or any considerable distance from that point.

Piles driven where they are subjected to the force of running water, and the shocks from drift wood, very soon become loosened

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at the top of the soil, and the water washes out large holes around them, which are continually weakening their power of resistance. If we were to place this kind of work near enough to the current of the Mississippi to prevent any considerable lodgment of floodwood before it, it would, by receiving the continual shocks from drifts and rafts, be soon loosened at the bottom, cause the river bank at the mouth to cave off, and be, itself, soon destroyed.

If we place it further back, it would collect a solid mass of drift before it, composed of logs and small pieces of wood, bound together with the deposits from the river, which, unless the piling gave way, would prevent the natural discharge of the water through the bayou, and finally end in totally filling up its mouth as effectually as it could be done in any other way; and, besides, timbered constructions, exposed alternately to air and water, are of no lasting durability. They are now very expensive, and then they soon rot out, are carried away by the water, and not a vestige of them remains.

The effect, then, if this plan were adopted, it seems to me, would be, that if placed near the river, it must soon cause destruction of the clay bed at the mouth of the bayou which now aids in turning off the current of the Mississippi, and go off, a total loss itself. This was the result with regard to the old works of this kind. If placed further back, and not destroyed, would soon effectually close the bayou, which I conceive cannot be admitted.

The proposition to erect works again like those which were executed by the Board of Public Works in 1833 and '34, is subject to all of the objections enumerated above, with the exception of leaving the bayou open for navigation. I would not therefore recommend its adoption.

The improvement which I consider under all circumstances the best, and most worthy of adoption, is the erection of substantial brick walls that would confine the amount of water entering the mouth of the bayou to the quantity which can be discharged below, and thus recover from the fatal error committed by cutting the canal. The upper wall to act as a break water to turn off the strong current off the Mississippi, and the lower one to protect the banks of the bayou on the side of the town of Plaquemine. Besides these constructions, I would recommend a floating fender about four hundred and eighty feet long, to be placed above the mouth, with the lower end kept out into the stream by permanent paddles placed upon it, to be acted upon by the current of the river itself; so that the very force which propels drift wood against it, should force it out into the stream far enough not to be drawn within the influence of the current of the bayou.

The principles upon which the fender is to act, were fully explained and approved of by the Legislature of last year, and a condititional appropriation made for its construction, which, after our first survey of the bayou, I thought it unwise, at that time, to use.

I have the most unlimited confidence in its successful operation, after all the details of construction shall have been determined upon by actual experiment on a small scale. It will act upon the same principle as the flying ferry boats.

I have no doubt from an examination of Mr. Crozat's report, dated Jan. 13th, 1853, to the then Governor of the State, Mr. A. B. Roman, that he would have recommended masonry instead of piling, if he had believed that the foundation would have supported it; but, I understand from Mr. Moore, that he was there only in high water, and could not have made such examinations as would have been required for that purpose, and then the general report that the bed of the bayou had only a thin sheet of clay as a covering for the quick sand, decided the question with regard to the kind of structure to be placed upon it.

He says: "The great powers of the stream require an adequate resistance, and as we cannot obtain it from the weight of materials, we are compelled to depend upon their firm hold.

But, unfortunately, we have but weak banks for abutments and loose soil for support. This, together with the perishableness of the only material we have at present at our disposal, will evidently expose the work to occasional accidents and the trade to interruptions, unless the most vigilent superintendence is exercised."

We find clay of such depth and firmness that I entertain no fears with regard to the foundation, which it is proposed to make in the best form, of timber six feet below the present bed of the bayou, until the river shall wash away the clay enough to undermine it, which it will in a great part be prevented from doing by the sheet piling around it, and the wall which will turn off the current.

The advantages resulting from the use of heavy materials, such as stone or brick, are very great over those from the use of wood. If, in after years, our wall should be broken in part, it would, by its weight and permanency of position, still act as a means of turning off the current, and each and every

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brick would perform its part even laying at the entrance of the bayou. If we had broken stone or brick in the form of ruble, enough for the purpose, which could be thrown in at the proper place, a cemented wall would not be required; but under the circumstances the wall would be the least expensive. On the upper side of the bayou it is proposed to ram in a strong filling of clay to support the wall; and to pack the earth strongly against the wall on the side next the town. The whole to be constructed substantially as set forth in the following specifications, and further explained by the model of the river and bayou, and maps of reference retained in this office for your inspection:

SPECIFICATIONS AND ESTIMATES OF THE PROBABLE COST OF THE WORK.

Forehead or breakwater above the mouth of the bayou.

Excavation of 1900 cubic yds for the grillage, foundation and making embankment above the head at 25 cents per yard,	$500 00
1000 sq. ft. grillage foundation, 2 ft. thick, calculated 1 cubic foot timber per square foot, inclusive of workmanship at 25 cents per foot, - -	2500 00
325 running feet of sheet filling (coffer dam) 20 feet deep and one foot thick, double 6 inch timber 6500 cubic ft. timber at 15 cts. per foot, - -	780 00
Driving piles $5 per running ft.	1625 00
Brick wall for forehead or break water, containing 165,000 bricks, at $15 per 1000 including masonry, - -	24750 00
11000 cubic yds. of clay taken from the bayou to fill and ram into the head or break-water,	2700 00
Total cost of breakwater,	$32,855 00

Retaining wall on the lower bank to protect the town of Plaquemine.

Excavating 1200 cubic yds of clay, removing and ramming it behind the wall at 25 cts per yard, - - - -	300 00
6000 cubic feet gillage foundation, 1 cubic ft per sq ft, including workmanship at 25 cts per foot, - - -	1500 00
Sheet pilling in front of retaining wall 425 ft in length and 10 ft deep below surface of bayou bottom, double 3 inch stuff, 2125 feet material,	400 00
Driving the same, $2 50 per ft running measure,	1062 00
768,000 bricks for retaining wall at $15, including mortar and masonry,	11520 00
10,000 cubic yds of clay taken from the bed of the bayou and banks to fill and ram behind the wall, at 25 cts,	2500 00
Total cost of retaining wall,	$17,282 00

An approximate estimate of the cost of a fender to prevent the entrance of drift-wood or rafts, as follows:

9500 cubic feet lumber hewed square and formed to suit the purpose, at 75 cts per cub ft,	$7,125 00
Iron for bolts, chain, anchorage, &c,	3250 00
Total probable cost of fender,	$10,375 00
Retaining wall,	17,282 00
Forehead or breakwater,	32,855 00
Ten per cent for superintendence and contingencies,	651 20
Total cost whole work proposed,	$66,563 20

In case this plan should be adopted, I would respectfully suggest the propriety of having all the work done under contract, except the construction of the fender—to be let out in parts to the lowest bidder, who shall execute the work under the superintendence of this office.

I have further to remark, and it cannot be too often repeated, that the manner of constructing levees by taking the earth from the interior of the bank on the water side, and leaving holes to be filled, either with rain or river water, which, having no drain, is left to percolate through the bank into the river in low water, produces the most destructive effects upon the banks.

In the case before us the water in the mouth of Bayou Jacob was some eight or ten feet deep, and its surface 17-4 feet above the water in the river, near by. In passing from the higher to the lower level it carries out the foundation of the bank, after which the upper surface settles and slides down.

My apology for the uncommon length of this report will be found in the substance of the resolution calling it forth.

All of which is respectfully submitted.

GEORGE W. MORSE,
State Engineer.

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APPENDIX.

MINORITY REPORT

OF THE

SENATE COMMITTEE

ON THE

GENERAL SYSTEM OF FREE BANKING

IN THE

STATE OF LOUISIANA.

NEW-ORLEANS,
PRINTED BY EMILE LA SERE, STATE PRINTER.
1854.

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MINORITY REPORT

OF THE SENATE COMMITTEE ON

THE GENERAL SYSTEM OF FREE BANKING

IN THE STATE OF LOUISIANA.

The undersigned members of the Committee on Banks and Banking, to which was ferred the bill entitled "An Act supplemental to an Act entitled an Act to establish General System of Free Banking in the ate of Louisiana," dissenting from the marity of said committee, beg leave to make e following report:

That they cannot see any good reason for creasing the basis of the free banks, it being at present redundantly large for all the quirements of the trade and commerce of ie city and State. The act of consolidation the city of New Orleans authorized the suance of about eight millions of dollars bonds, for the payment of the consolidaon debt of the city and its municipalities. hese bonds, together with the bonds of the nited States and those of the State of Louiana, were adopted by the free banking law 1853 as a basis for banking. Under this w, up to the present period, only $1,229,000 the city bonds, and $281,000 of the State nds, have been deposited with the Auditor, on which security he has issued $1,510,000 bank notes, leaving some $6,800,000 of e consolidated city bonds still obtainable a basis for any future bank issues: an nount nearly as large as the whole present rculation of all the banks, chartered and e, of the city of New Orleans. An nount that will not probably be required r the future wants of banks.

Operating under this law for years to come, ever, where then the necessity of enlarg this basis, already so large? The unealed object of this bill is not, as it im- s to be, for the purpose of improving or ending the free banking law, but to *use at law*, by engrafting these bonds upon it, the purpose of bolstering their credit, and king them more marketable.

s it right? Is it prudent that the curcy, under our experimental system of king, should be indirectly tampered with rder to sustain the credit of bonds issued the benefit of this or that scheme? And re is the assurenee that the issuance of bonds may not be continued to an indefinite extent? The city has the power to issue bonds at any time her people and their municipal authorities may think proper; and if this thing is not nipped in the bud, our Legislature will be constantly called upon to admit fresh bonds, as security for the issuance of fresh bank notes, until both bonds and notes become valueless.

A distinguished gentleman of New Orleans, connected with banks and railways, says, in a letter which we are authorized to use, that when this supplemental act is passed, "An arrangement, I hesitate not to say, can be made, of an equitable character, with the roads and the banks established under the free banking law. to place *at once* from one and a half to two millions dollars of the bonds, which they (the banks) want as a basis for circulation; the sum to be paid for in monthly instalments, which might be small in amount for each, and, in the aggregate, nearly or quite sufficient for the current requirements of the roads."

Thus it is already contemplated under this bill to increase the bank circulation of the State by heaping credit upon credit.—The bonds, which are but a credit, are to be purchased upon credit, and immediately deposited with the Auditor, as securities for fresh issues of bank notes, before even the bonds are paid for.

The inflation of currency under such a state of things, would be alike dangerous to the moral welfare and pecuniary interests of our citizens, by opening the floodgates of debt and extravagance, with their attendant vices, and subjecting the industry of the State to the reaction that all experience has proven inevitably follows wild and extravagant speculation.

All of which is respectfully submitted

(Signed) C. W. CLIFTON,

R. C. WICKLIFFE

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REPORT

ON THE

STATE LIBRARY,

BY THE

SECRETARY OF STATE.

NEW ORLEANS:

PRINTED BY EMILE LA SERE, STATE PRINTER.

1854.

Appendix.

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REPORT ON THE STATE LIBRARY.

To the Senate and House of Representatives
of the State of Louisiana, in General Assembly convened:

I have the honor to submit for your consideration the annexed statement, showing the transactions of the State Library during the year 1853, from which you will perceive that a considerable number of volumes has been added to the Library by purchase and exchange.

I would respectfully recommend that, in addition to the usual annual appropriation of one thousand dollars for the purchase of books, the Secretary of State be authorised to expend in increasing the Library, such sums as may be received from the sale of the Reports, Acts of the Legislature, and other books, the sale of which is provided for by existing laws.

The books in the Library are now placed in open shelves, originally intended by the Building Commissioners to be merely temporary. I would recommend the erection of permanent glazed cases, which are absolutely necessary for the proper preservation and security of the books.

It affords me much pleasure to commend the ability and zeal of the State Librarian in the discharge of the varied duties of his office.

My immediate predecessor earnestly recommended the speedy publication of the French and Spanish historical manuscripts which belong to the State. No steps have been taken by the Legislature to that effect. Forming, as they do, a complete documentary history of the State, you will at once perceive the importance of their publication, and I hope will pass the necessary law upon the subject.

Very respectfully,
ANDREW S. HERRON, *Secretary of State.*

STATE LIBRARY OF LOUISIANA.

Transactions of the State Librarian during the year eighteen hundred and fifty-three, under the direction of the Hon. ANDREW S. HERRON, Secretary of State.

BOOKS PURCHASED DURING THE YEAR 1853.

AUTHOR'S NAMES.	WORKS.		VOLS	COST.
	Balance on hand 1st Jan., 1853,	$102 78		
	Annual appropriation,	1000 00		
	Special appropriation for Audubon's Quadrupeds,	350 00		
		$1452 78		
	English Law and Equity Reports, vol. 1 to 9,		9	$18 00
Willis and Bartlett,	American Scenery, fine steel plates, 4to.,		2	20 00
	National Gallery of Pictures, in 4to.,		2	12 00
Ellet's	Mississippi and Ohio Rivers, 8vo.,		1	3 50
Peterson,	History of Rhode Island, 8vo.,		1	2 50
Lester & Foster,	Life and Voyages of Americus Vespucius, 8vo.,		1	3 00
William Gouge,	Fiscal History of Texas, 8vo.,		1	2 50
Baird,	West Indies and North America, 8vo.,		1	1 25
De Tocqueville,	American Institutions, 12mo.,		1	1 25
Campbell,	Lives of the Chief Justices, 8vo.,		2	5 00
E. G. Squier,	Nicaragua and its Monuments, large 8vo.,		1	5 50
Schoolcraft,	Thirty Years with the Indian Tribes, 8vo.,		1	4 25
	Carried over,		...	...

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AUTHOR'S NAMES.	WORKS.	VOLS	COST.
	Brought over,	...	...
Swedenborg,	Religious Works, 8vo.,	3	5 00
Parkman, Jr.,	Conspiracy of Pontiac, 8vo.,	1	3 25
Woodworth,	Greece, pictorial and descriptive, ed. of 1853, 8vo.	1	12 00
Cuvier,	Animal Kingdom, rich edition, 8vo.,	1	15 00
Milner's	Gallery of Nature, illustrated, 8vo.,	1	7 50
	Ladies' Drawing Book, (with Audubon's Portrait and Biography,)	1	3 00
Bartram & Marshall's	Memoirs,	1	3 50
Fletcher,	Studies on Slavery, 8vo.,	1	3 25
Lyell,	Principles of Geology, 8vo.,	1	3 50
Cox,	Interviews, memorable and useful, 12mo.,	1	1 25
Wilson,	Tales of the Borders,	4	10 00
Downing,	Landscape gardening and rural architecture,	1	4 00
	Great Truths by Great Authors,	1	2 75
Juliette Bauer,	Lives of Wm. and Alexr. de Humboldt,	1	1 25
Alx. Slidell Mackenzie,	Life of Paul Jones,	2	1 50
Wright's Translations,	Fables of Lafontaine, illustrated,	2	7 00
Young's Translations,	Beranger's Lyrical Poems, illustrated,	1	7 50
	Portrait Gallery of Distinguished Persons, fine engravings, 4to.,	3	30 00
	British Ballads, illustrated, 8vo.,	1	10 00
Longfellow,	Poets and Poetry of Europe, 8vo.,	1	6 50
Wiffen's Translations,	Tasso's Jerusalem Delivered, 16mo.,	1	2 75
Butler,	Hudibras Poem, 18mo.,	1	1 75
Barton,	Poems, Memoirs and Letters,	1	4 00
Caroline May,	American Female Poets,	1	4 00
Edith May's	Poems,	1	5 00
Lord Byron,	Childe Harold,	1	7 00
	Don Quixote de la Mancha, translated,	1	4 50
	Chatham, Sheridan, Erskine and Burke's Speeches,	1	5 00
Dr. Aikin,	British Poets from Ben. Johnson to Beattie,	3	7 50
Phillips and Rider,	Mexico, illustrated, 26 views, large folio,	1	18 00
Robson,	Grampian Mountains, colored views, large folio,	1	16 00
Johnson,	Physical,	1	18 00
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Boyer's	Poetical works,	1	5 00
Montgomery	Poetical works,	1	3 50
Rowton,	Female Poets of Great Britain, illustrated,	1	5 50
Cooper,	Poetical works, 12mo.,	1	3 00
Longfellow,	Poetical works, illustrated, 8vo.,	1	5 50
Scott,	Poetical works, 8vo.,	1	4 50
Lydia Sigourney's	Poems, very fine engravings, 8 vo.,	1	7 00
Griswold,	Sacred Poets of America and England, 8vo.,	1	7 00
Hart,	Female Prose Writers of America, 8vo.,	1	6 50
	(Boxes and Drayage,)		1 50
Putnam,	Dictionary of Dates, the World's Progress,	1	2 50
Walter Scott,	Complete works, splendid Abbotsford edition, full calf, 8vo.,	12	70 00
Daniel Webster,	Complete works, fine illustrated edition, 8vo.,	6	35 00
Blanqui,	Economie Politique,	2	3 00
	Carried over,	...	...

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AUTHOR'S NAMES.	WORKS.	VOLS.	COST
	Brought over,	...	...
Dante,	Complete works,	1	2 00
Watson,	Campfires of the Revolution, illustrated, 8vo.,	1	5 00
Marvel,	Reveries of a Bachelor, illustrated, 8vo.,	1	6 50
	Homes of American Authors, fine engravings, richly bound;	1	9 50
Watson,	Annals of Philadelphia,	2	5 00
Monk Lewis,	Life and Correspondence,	2	4 00
Stephens,	Lectures on History of France,	1	2 50
Robinson,	The Organization of the United States Army,	2	3 00
Dixon,	Life of William Penn,	1	1 25
Niles'	Register, from September, 1844, to September, 1853, 9 years, or 18 volumes,	18	54 00
	Subscription to the same for one year,		6 00
	(Box and drayage,)		2 50
Muller,	Physics and Meteorology, 8vo.,	1	3 50
Leaflet,	Leaflets of Memory, illustrated, 8vo.,	1	4 50
	The Land we Live in, royal 8vo.,	2	10 00
Herbert,	Works in prose and verse, 8vo.,	2	10 00
Lynch,	Expedition to the Dead Sea,	1	3 50
Moore,	Melodies, illustrated, richly bound, 12mo.,	1	6 50
	Women of the Scriptures, fine engravings, richly bound, 8v.,	1	4 50
Dryden,	Works and Life, by John Mitford,	2	4 50
Wycherly, Congreve, &c	Works,	1	6 50
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Lord Byron's	Gallery of Portraits, col'd and richly bound, 8vo.,	1	20 00
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	The Book of Nature,	1	2 00
	(Box and drayage,)		50
De la Rochere,	Rome, Souvenirs Historiques, illustrated,	1	3 00
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Mullens's	Poems, the Pilgrim of Beauty, the Cottagers' Sabbath, and others,	1	5 50
Miss Pardoe,	The Beauties of the Bosphorus, illustrated in a series of Views of Constantinople and its environs,	1	17 00
	Balance paid in exchanges for U. S. Digest,		15 00
	Subscription to Southern Quarterly Review for '53,	2	5 00
	do. De Bow's Review for '53,	2	5 00
	do. N. O. Picayune, for 1851 to 1855,		48 00
	Balance paid to John Wiley, (due in 1852,)		37 38
Flemming & Tibbins,	English and French Dictionary,	2	16 00
	Map of North America,	1	7 50
Audubon's	Quadrupeds of North America, plates,	3	
	do. do. text,	3	315 00
	Freight, costs, &c.,		6 15
	Total amount paid,	189	1302 28
	Balance on hand on the 31st December, 1853,		150 50

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BOOKS ACQUIRED PER EXCHANGES,
During the year 1853.

	VOLS.	PRICE.
Pandectes de Justinien, vol. 1 to 7,	7	
Institutes & Tresor do " 8,	1	
Code do " 9 to 12,	4	$ 28 00
Nouvelles do " 13 and 14,	2	
Sydney's Discourses on Government,	3	3 00
American Remembrancer, a collection of Essays, Resolves, Speeches, &c., relative to the Treaty with Great Britian in 1795,	3	3 00
An Antiquarian Ramble in the Streets of London, by John Thos. Smith,	2	2 00
United States Digest of the Decisions of the Supreme Court, vol. 1, 2, 3,	3	
do do Supplement, " 4 and 5,	2	
do do Tables of Cases, " 6,	1	39 75
do do Annual 1847, '48, '49, vol. 7, 8, 9,	3	
English Law Dictionary, by Jacobs, vol. 1 to 6,	6	9 00
Acts of Louisiana of 1812, '23, '24, '24, '25, '26, '27, '28, '31, '33, '37 & '40,	11	9 00
Cooper's Institutes of Justinian, 1852,	1	2 00
Story on the Constitution,	2	8 00
Beck's Medical Jurisprudence,	2	11 00
Wharton's American Criminal Law,	1	7 50
United States Digest of Supreme Court Reports, vol. 10, 11,	2	12 00
American Leading Cases, Hare & Wallace,	2	10 00
Angell's Law of Carriers,	1	5 50
Angell on Tide Water,	1	4 50
Arnold's Marine Insurance,	2	11 00
British Crown Cases, from 1799 to 1840,	3	9 00
Chitty's Bills of Exchange,	1	5 00
do Pleadings,	3	9 00
do Equity Digest,	2	10 00
Collin's on Partnership,	1	5 50
Conklin's Treatise on Supreme Circuit and District Courts of the U. S.,	1	5 00
do United States Admiralty Digest,	1	10 00
Coote on Mortgages,	1	5 00
Dart's Vendors and Purchasers of Real Estate,	1	5 50
Domat's Civil Law, by Strahan,	2	11 00
Marcade's Droit Civil Français,	6	24 00
Greenleaf's Cruise of Real Property,	3	16 50
do Over-ruled Cases,	1	3 50
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Olcott's Louisiana Magistrate,	1	5 00
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Benjamin & Slidell's Digest of Supreme Court Reports, cop.	2	8 00
DeHart's United States Court Martial,	1	4 50
Roscoe on Criminal Evidence,	1	5 50
Russell on Crimes,	2	12 00
Greiner's Code of Practice of Louisiana, cop.	3	21 00
Jefferson's Manuel, "	3	2 25
Gordon's United States Digest, new edition,	1	9 00
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Ditto Elements of Phisiology,	1	3 50
Velpeau's Operative Surgery and Atlas,	4	19 00
Dunglison's Materia Medica,	2	6 00
Carried over,	.....	.....

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Rational History of Hallucinations,	1	$ 50
Wood and Bach's United States Dispensatory,	1	5 50
Braithwait's Retrospect of Practical Medicine and Surgery,	11	25 00
Woodville's Medical Botany, with colored plates of plants,	5	30 00
Half-yearly Medical Abstracts, 1852,	1	2 50
Drapers' Chemistry of Plants, in 4vo.,	1	7 00
Meig's Women and her Diseases,	1	3 75
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Mohr, Redwood and Proctor's Pharmacy,	1	3 50
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Macgilleway's British Birds History,	3	10 00
Nicholson's Mechanics,	1	2 50
Overman's Treatise on Metallurgy,	1	5 00
Lewig's Principles of Organic Chemistry,	1	3 [illegible]
Gummere's Treatise on Surveying,	1	1 [illegible]
Allen's Philosophy of Mechanics,	1	3 [illegible]
Watson's Practice of Phisic,	1	3 [illegible]
Boxes and drayage,		1 00
New York Revised Statutes, vol. 2,	1	6 [illegible]
Goodrich's British Eloquence,	1	4 [illegible]
The Queens of England, illustrated,	1	12 [illegible]
Lyell's Manual of Geology,	1	3 [illegible]
Lyell's Principles of Geology,	1	4 [illegible]
Wharton's Precedents and Indictments,	1	6 00
Constitution of the U. States, with its amendments and remarks, copies	5	5 75
Phillips on Insurance,	2	10 00
Works of Metastasio, in Italian, very rare and beautiful edition, in 8vo.	12	50 00
Orfila, Medecine Légale,	4	10 00
	420	$1397 [illegible]
Amount due by J. B. Steel, Esq., on account of Exchanges,		158 [illegible]
Total amount of Exchanges,		$1555 [illegible]

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BOOKS GIVEN IN EXCHANGES

During the year 1853.

	VOLS.		PRICE.
Martin Reports, vol. 5, 6, 7, 10, old edition, damaged	4	at $3 00	$12 00
Robinson's Reports, vol. 5 to 12	8	" 3 00	24 00
Louisiana Annual Reports, vol. 1 to 6	6		39 75
Martin's Reports, vol. 1 to 12, old edition, very much damaged,	12	" 1 50	18 00
Moreau & Carleton's Partidas, vol. 1 and 2		" 1 00	2 00
Acts of Louisiana of 1853 copies	57	" 50	28 50
Moreau & Carleton's Partidas, 10 sets	20	" 1 00	20 00
Robinson's Reports, vol. 1 to 12	12	" 3 00	36 00
Revised Statutes by Price, Taylor & King copies	6	" 1 00	6 00
Louisiana Reports, odd copies	18	" 3 00	54 00
Robinson's Penal Law	1	" 3 00	3 00
Louisiana Annual Reports, odd copies in sheets	90		298 00
Acts of Louisiana of 1853	25	" 50	12 50
Do. do. of different years	20	" 50	10 00
Moreau & Carleton's Partidas, 6 sets	12	" 1 00	12 00
Pamphlet copies of Acts of Congress	20		5 07
Louisiana Annual Reports, odd copies in sheets	30		99 38
Louisiana Reports, odd copies and very much damaged	25	" 1 00	25 00
Revised Statutes by Pearce, &c. copies	6	" 1 00	6 00
Robinson's Reports, 19 sets	228	" 36 00	684 00
Civil Code of Louisiana of 1838	1		3 00
3 Boxes			1 05
Acts of Louisiana of 1853 copies	25	" 50	12 50
Wharton's Precedents, double copy returned	1		6 00
Louisiana Reports, vol. 3 to 18	17	" 3 00	51 00
Do. do., vol. 11 damaged,	1		1 00
Acts of Louisiana, 1817 to 1853	21	" 50	10 50
Robinson's Reports, vol. 1 to 12	12	" 3 00	36 00
Louisiana Annual Reports, vol. 1 to 6,	6		39 75
Total amount of exchanges	684		$1556 00

BOOKS RECEIVED FROM GOVERNMENTS OR INSTITUTIONS,

During the year 1853.

DONATORS.	WORKS.	NOS. OF VOLUMES.
Alabama,	Supreme Court Reports, vol. XXII, 1853,	1 volume.
Arkansas,	English's Supreme Court Reports, vol. VII, 1851-52,	1 "
do.	Acts of the 9th Legislative Session, 1852-53,	2 copies.
Canada,	Annual Report of the Normal, Modèle and Common Schools in Upper Canada, 1851,	1 "
do.	Statutes of 1st Session, 4th Parliament, 1852,	1 "
do.	do. 2d 4th do. 1853,	1 "
do.	Journals of the Legislative Assembly, vol. XI, part 1, 2 and appendix, 1852-53	5 volumes.
do.	Report on Survey for the Railway Bridge over the St. Lawrence, 1853	1 "
do.	Relation abrégée de quelques Missions des Pères de la Compagnie de Jésus, dans la Nouvelle France, par le Père F. J. Bressani, réimpression de l'édition de 1653,	1 "
do.	Cathéchisme Politique, ou Elémens du Droit public et constitutionel du Canada, par A. Guérin Lajoie, 1851,	1 "
do.	Les Veillées Canadiennes, Traité Elémentaire d'Agriculture, M. F. Ossaye,	1 "
California.	Journal of the Senate, 1852,	1 "
do.	Journal of the House, "	1 "
do.	Laws of 3d Legislative Session, "	1 "
	Carried over	.. "

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DONATORS.	WORKS.	NOS. OF VOLUMES.
	Brought over - - - - - -	.. volumes.
Connecticut,	The War of the American Revolution, Historical Collection, by Royal R Hinman, - - - - -	1 "
do	Public Acts, May Session, 1853,	3 copies.
do.	Resolutions and Private Acts, "	3 "
do.	Senate Journal, "	1 "
Delaware,	Revised Code, 1852, - - - - - -	1 volume.
France,	By Mr. Alexander Vattemare—Description des Machines et Procédés pour lesquels des Brevets d'Invention ont été pris, 1850, 1851, 1852; vols. 6, 7, 8, 9, 10 -	5 "
do.	Rapport sur les Poids et Mesures métriques envoyés au Gouvernement des Etats-Unis par Mr. Alexandre Vattemare, 1852, - - - - - -	1 "
do.	Renseignemens sur la Fabrication des Monnaies Françaises, donnés par Mr. Durand, Commissaire Général des Monnaies et Médailles, pour faire suite au Rapport de Mr. Silbermann sur les Poids et Mesure, - -	1 "
Florida,	Senate Journal, 6th Session, 1852-53,	1 "
do.	House Journal, " " "	1 "
do.	Acts and Resolutions, " "	2 copies.
Georgia,	Acts of Biennal Session, 1851-52.	1 "
Indiana,	Carter's Reports of Sup. Court, vol. 2, 1850-51,	1 "
do.	Revised Statutes, vol. 1, 1852,	3 "
do.	do. do. " 2, "	3 "
do.	Laws of 37th Session, 1853,	1 "
Iowa,	Acts and Resolutions, 4th Session, "	2 "
do.	Senate Journal, do. "	1 "
do.	House Journal, do. "	1 "
Maryland,	Gill's Supreme Court Reports, vol. IX, 1850-51,	1 "
do.	Maryland Reports, vol. 2, 1852,	1 "
do.	Laws of the Session of 1852,	1 "
do.	State Documents, "	1 "
do.	Senate Journal, "	1 "
do.	House Journal, "	1 "
Minnesota,	Laws of the Territory, of 1852,	1 "
do.	Legislative Council Journal, "	1 "
do.	House Journal, "	1 "
Maine,	Acts and Resolves, 1853,	2 "
Massachusetts,	Acts and Resolves, "	3 "
Missouri,	Laws of the Session of 1852,	3 "
Michigan,	Acts of the Session of 1853,	1 "
do.	Manning's Reports, vol. 1, 1847-50,	1 volume.
New York,	65th Annual Report of the University, 1852,	1 "
do.	Bulletin of the American Geographical and Statistical Society, vol. 1, 1852, - - - - - -	1 "
do.	Transactions of the American Institute, 1850,	1 "
do.	Transactions of the N. Y. State Agricultural Society, 1850	1 "
do.	Documentary History of New York, vols. 3 and 4,	2 "
do.	Natural History of New York, by E. Emmons, part V,	1 "
do.	do. do. plates to the same,	1 "
do.	Natural History of New York, Palæontology, by James Hall, vol. 2, part 6, - - - - - -	1 "
New Hampshire,	Laws of November Session, 1852,	3 copies.
do.	Senate Journal, "	1 "
do.	House Journal, "	1 "
do.	Laws of June Session, 1853,	3 "
do.	Compiled Statutes, "	1 "
do.	Superior Court Reports, vol. 2, 1850-51,	1 "
New Jersey,	Laws of the Session of 1853,	1 "
	Carried over - - - - - -	.. "

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DONATORS.	WORKS.	NOS. OF VOLUMES.
	Brought over - - - - - -	.. copies.
New Jersey,	Halsted's Chancery Reports, vol. 3, 1848-49,	1 "
do.	Catalogue of the State Library, 1853,	1 "
North Carolina,	Laws of the Session of 1852,	1 "
do.	Supreme Court Reports, vol. VIII, 1851-52,	1 "
Ohio,	18th Report of the Young Men's Mercantile Library Association, 1853, - - - - - -	2 "
Pennsylvania,	Journal of Prison Discipline, 1852,	1 "
do.	do. do. do. 1853,	1 "
do.	Laws of the Session of 1853,	1 "
Rhode Island,	Public Laws, May 1851 to January 1853,	2 "
do.	Public Laws of January, 1853,	1 "
do.	do. " May, do.,	1 "
South Carolina,	Acts, Reports and Resolutions, 1852,	2 "
Tennessee,	Swan's Reports, vol. 1, 1851-52,	1 "
Texas,	Supreme Court Reports, vol. IV, 1849,	1 "
do.	do. do. " V, 1849-51,	1 "
do.	do. do. " VI, 1851,	1 "
do.	do. do. " VII. 1851-52,	1 "
do.	Laws of the 4th Legislature, Extra Session, 1853,	1 "
United States,	Report made to the House of Congress on the discovery of Sulphuric Ether, challenged by Doctors Morton and Jackson, 1852, - - - - - -	1 "
do.	Smithsonian Institute's Report on recent improvements in the Chemical Arts, 1852, - - - - -	1 "
do.	Smithsonian Institute, 6th Annual Report of the Regents to Congress, 1852, - - - - -	2 "
do.	Owen's Geological Survey of Wisconsin, Iowa and Minnesota, - - - - - - -	3 "
	do., plates to the same,	3 "
do.	Andrew's Report on Colonial and Lake Trade, 1852,	2 "
	Maps to the same,	2 "
do.	Annual Report of the Superintendent of the Coast Survey, 1851, - - - - - - -	1 "
	Sketches to the same,	1 "
do.	Patent Office Report, on Agriculture, 1852-53,	1 "
do.	Navy Register for 1853,	1 "
do.	Exploring Expedition by Charles Wilkes :	
	Vol. XI, Meteorology,	1 "
	" XII, Molusca and Shells,	1 "
	" XIII, part 1, Custacea,	1 "
do.	The Life and Works of John Adams, vol. VII,	1 "
do.	Congressional Globe, vol. XXIV, parts 1, 2, 3, 1st Sess., 32d Cong., 1851-52, - - - - -	3 volumes.
	Appendix to the same,	1 "
do.	American Archives, 5th series, vol. III, 1776,	1 "
do.	Annals of Congress, 7th Cong., 1st Sess 1801-02	2 "
do.	do. 7th " 2d " 1802-03	2 "
do.	do. 8th " 1st " 1803-04	2 "
do.	do. 8th " 2d " 1804 05	2 "
do.	do. 9th " 1st " 1805-06	2 "
do.	do. 9th " 2d " 1806-07	2 "
do.	do. 10th " 1st " vol. 1, 1807-08	2 "
do.	do. 10th " 1st " " 2, 1807-08	2 "
do.	do. 10th " 2d " 1808-09	2 "
do.	Statutes at large and Treaties, 2d Sess., 32d Con., 1852-53	144 copies.
do.	Senate Documents, 1st Sess., 31st Con., vol. 11, 1849-50	3 "
do.	do. do. do. " 12, "	3 "
do.	do. Special Sess. 32d Con., " 1, 1851,	3 "
	Carried over - - - - - -	.. "

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DONATORS.	WORKS.							NOS. OF VOLUMES.
	Brought over - - - - - -							.. copies.
United States,	Sen. Documents,	Special Sess.	32d Con.,	vol.	3,	1851,		3 "
do.	do.	1st Sess.,	do.	"	1,	1851-52		3 "
do.	do.	do.	do.	"	2,	"		3 "
do.	do.	do.	do.	"	3,	"		3 "
do.	do.	do.	do.	"	4,	"		3 "
do.	do.	do.	do.	"	5,	"		3 "
do.	do.	do.	do.	pt. 2,	" 5,	"		3 "
do.	do.	do.	do.	"	6,	"		3 "
do.	do.	do.	do.	"	7,	"		3 "
do.	do.	do.	do.	"	8,	"		3 "
do.	do.	do.	do.	"	9,	"		3 "
do.	do.	do.	do.	"	10,	"		3 "
do.	do.	do.	do.	"	11,	"		3 "
do.	do.	do.	do.	"	12,	"		3 "
do.	do.	do.	do.	"	13,	"		3 "
do.	do.	do.	do.	"	14,	"		3 "
do.	do.	do.	do.	"	15,	"		3 "
do.	do.	do.	do.	"	16,	"		3 "
do.	Senate Reports,	do.	do.	"	1,	"		3 "
do.	do.	do.	do.	"	2,	"		3 "
do.	Senate Miscellaneous,	do	do.			"		3 "
do.	Senata Journal,	do.	do.			"		3 "
do.	House Journal,	do.	do.			"		6 "
do.	House Miscellaneous,	do.	do.			"		3 "
do.	Reports of Committees,	do.	do.			"		3 "
do.	Executive Documents,	do.	do.	vol.	1,			3 "
do.	do.	do.	do.	"	2,	part 1,		3 "
do.	do.	do.	do.	"	2,	" 2,		3 "
do.	do.	do.	do.	"	2,	" 3,		3 "
do.	do.	do.	do.	"	3,			3 "
do.	do.	do.	do.	"	4,	" 1,		3 "
do.	do.	do.	do.	"	4,	" 2,		3 "
do.	do.	do.	do.	"	5,			3 "
do.	do.	do.	do.	"	6,			3 "
do.	do.	do.	do.	"	7,			3 "
do.	do.	do.	do.	"	8,			3 "
do.	do.	do.	do.	"	9,			3 "
do.	do.	do.	do.	"	10,	" 1,		3 "
do.	do.	do.	do.	"	10,	" 2,		3 "
do.	do.	do.	do.	"	11,			3 "
do.	do.	do.	do.	"	12,			3 "
do.	do.	do.	do.	"	13,			3 "
do.	do.	do.	do.	"	15,			3 "
Vermont,	Washburn's Reports, vol. 23, 1849-51,							1 "
do.	Washburn's Digest of Supreme Court, Reports from vol. 16 to 22, - - - - - - -							1 "
do.	Laws of October Sesssion, 1852,							2 "
do.	Senate Journal, do, "							1 "
do.	House Journal, do, "							1 "
do.	Report of Auditor of Accounts, 1852,							1 "
Virginia,	Acts of the Session of 1852-53,							1 "
United States,	Owen's Geological Survey of Wisconsin, Iowa, and Minnesota, - - - - - - -							2 "
	Plates to the same,							2 "
	Total number,							454 volumes.

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LAW BOOKS AND DOCUMENTS

Received from the State Printers, during the year 1853.

Received from Joseph Maddox, Printer of the State Convention of 1852 :

Constitution of Louisiana of 1852, in English,	525	copies.
do do do in French,	75	"

Received from Emile La Sère, State Printer :

Acts of the Legislative Session of 1853, bound, 100		
do do do do pamphlets, 1722	2000	"
do do distributed by him do 118		
do do sold by him do 60		
Senate Executive Journal of 1853, in English,	256	"
do do " in French,	260	"
Senate Journal, "	236	"
Senate Debates, "	233	"
House Journal, "	243	"
House Debates, "	208	"
Total number received,	4036	vols.

LAW BOOKS AND DOCUMENTS

Delivered to Public Officers during the year 1853.

Journal of the Convention of 1852,	54	copies.
Constitution of "	154	"
Acts of Louisiana from 1817 to 1852,	155	"
do do of 1853,	1012	"
Revised Statutes of 1852,	46	"
Senate and House Journals, 1812 to 1852	22	"
do do and Debates of 1853,	758	"
Moreau Lislet's Digest, 4 sets,	8	"
Moreau & Carletons Partidas, 4 sets,	8	"
Bertin's Index of Successions,	48	"
Civil Code of 1838,	8	"
Greiner's Digest,	2	"
Robinson's Penal Law,	3	"
Deslix's Digest of Supreme Court Reports,	2	"
Deslix's Index do	2	"
Acts of Congress from 1813 to 1852,	282	"
Martin's Reports, New Edition by T. G. Morgan, in 10 volumes, 17 sets,	170	"
Louisiana Reports from vol. 2 to 19,	64	"
Robinson's Reports, from vol. 1 to 12,	49	"
Louisiana Annual Reports, vol. 1st,	4	"
do do " 2d,	4	"
do do " 3d,	7	"
do do " 4th,	7	"
do do " 5th,	8	"
do do " 6th,	11	"
To Corson & Armstrong, Agents of the State,		
Louisiana Annual Reports, vol. 1st, in sheets,	15	"
do do " 2d, bound,	15	"
do do " 3d, "	25	"
do do " 4th, "	25	"
do do " 5th, "	25	"
Hennen's Digest of Sup. Court Reports, 10 sets,	20	"
Total number,	3013	vols.

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BOOKS DELIVERED TO THE MEMBERS OF THE LEGISLATURE,
During the Session of 1853, *not returned.*

Acts of Louisiana, in general,	143
Journals do do	55
Journal of the State Convention of 1852,	46
Debates of the Convention of 1845,	6
New Revised Statutes of 1852,	47
Constitution of Louisiana of 1852,	50
Greiner's Digest,	1
Code of Practice,	1
Civil Code of 1838,	4
Robinson's Reports, vol. 5,	1
Hennen's Digest, " 1 and 2,	2
Laws of Arkansas of 1851,	1
Acts of Congress, of different sessions,	9
DeBow's Review,	4
Total number,	370

BOOKS SOLD BY THE STATE LIBRARIAN,
During the year 1853.

Acts of Louisiana, in general,	134 copies at	50
Revised Statutes by Pearce, Taylor & King,	12 "	$1 00
Louisiana Reports, Moreau & Carleton's Partidas, very much damaged,	35 vols. at	1 00
Louisiana Reports,	18 "	3 00
Martin's Reports, old edit., damaged.	2 "	3 00
Robinson's Reports,	57 "	3 00
Martin's Reports, new edition,	10 "	4 00
Hennen's Digest, vol. 1 and 2,	2 sets, at	15 00
Total amount,		

GENERAL RECAPITULATION.

Received.

Literary Works purchased,	189
Books acquired by exchange,	420
Books received from other Governments,	454
Books received from State Printers,	4036

Delivered.

Law Books and Documents in general,	3013
Law Books given in exchanges,	684
Books not returned by members of the Legislature,	370
Books sold by the State Librarian,	272

(CERTIFIED TRUE AND CORRECT,)

Baton Rouge, December 31*st*, 1853.

HENY DROZ, *State Librarian*

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APPENDIX.

REPORT

OF THE

STATE LIBRARIAN.

NEW ORLEANS:
PRINTED BY EMILE LA SERE, STATE PRINTER.

1854.

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REPORT

OF THE

LOUISIANA STATE LIBRARY.

Baton Rouge, January 20, 1854.

To the Honorable President and Members of the Senate:

Gentlemen—In conformity to law, I have the honor to submit to your honorable body, the annexed Statement of the Expenses paid out of the Contingent Fund of the State Library, from the 1st of April to the 31st of December, 1853; the corresponding book and vouchers of which are at the disposition of a committee for examination.

I respectfully represent that, the annual appropriation of $250, allowed by law, far from being sufficient, was exhausted in the space of nine months, together with an additional sum of $109 17, for which I have provided of my own fund, and there are still some few more accounts due, as well as the necessary expenses for which I will have to provide for the three last months of the present fiiscal year, and that it is imperatively urgent to increase the Contingent Fund of this Institution.

I remain very respectfully, your obedient servant,

HENRY DROZ, *State Libarian.*

STATEMENT showing the Contingent Expenses of the State Librarian's Office, from the 1st of April to the 31st of December, 1853.

1853.			
April	7	Paid Bill of Postmaster	$ 3 10
"	7	Paid for a bundle of Books received	25
"	10	Paid bill of subscription to Louisiana Courier, 1853	10 00
"	27	Paid bill of steamer New Latona, for freight	25
"	29	Paid drayage of bundles for Clerk of Franklin Court	25
"	30	Paid do. do do of De Soto	25
May	1	Paid bill of V. Hebert, for Stationery	11 70
"	1	Paid for cleaning the Library and other services in April	6 00
"	7	Paid for boxes and boxing of 105 vols. of Annual Reports forwarded to Corson & Armstrong, and drayage	3 00
"	12	Paid drayage of two bundles, for Clerk of Pointe Poupée	25
"	12	Paid bill of subscription to the U. S. Courier, 1853	8 00
"	18	Paid for two loads of Acts of Congress received	50
"	27	Paid drayage of a box sent to Clerk of Pointe Coupée	25
"	30	Paid for Stamp Post	1 00
June	1	Paid for cleaning the Library and other services, in May	5 25
"	7	Paid for opening and removing boxes of Reports	1 00
"	7	Paid for a broom and buckets	1 35
"	20	Paid for box, boxing and drayage of 116 vols. forwarded to Judge of Sixth District Court of New Orleans	1 50
"	20	Paid bill of F. Palatin for work done at different times	20 00
July	1	Paid bill of Postmaster	2 77
"	1	Paid for cleaning Library and other services, in June	5 00
"	20	Paid bill of E. R. Stevens & Co., for half ream sampling paper, 40x48	12 75
"	20	Paid for packthread	1 50
"	28	Paid charges to steamboats for extra landing	2 50
"	28	Paid for drayage of packages of Acts of 1853, forwarded from New Orleans to Officers of forty Parishes	5 00
		Amount carried over	$ 103 42

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		Amount brought over	$ 103 42
July	31	Paid for travel and expenses in New Orleans during fifteen days, for official duties	50 00
"	3	Paid for three loads of Acts of 1853, received	75
August	1	Paid drayage of books	25
"	1	Paid for assistance in removing and opening boxes	75
"	8	Paid drayage of a box of books received	25
"	8	Paid bill of Emile Droz for keeping the Library from the 16th to the 31st of July	15 00
"	8	Paid for cleaning the Library, ice, &c., in July	5 00
"	11	Paid for boxes, boxing and drayage of 116 vols. sent to Judge of Third Judicial District	1 50
"	11	Paid for three boxes, &c., of books exchanged	3 25
"	11	Paid for drayage of books received from J. B. Steel	25
"	16	Paid for do. do. do. do.	25
"	17	Paid for do. do. do. from Congress	25
"	22	Paid bill of freight of steamer Columbus	2 00
"	25	Paid for a load of Acts of 1853, sent to other States	25
"	25	Paid for box, boxing and drayage of books sent to the State of Vermont	1 25
Sept'er	1	Paid for cleaning rooms and other expenses in August	5 00
"	1	Paid for bundles received by mail	25
"	6	Paid for three loads of Journals of 1853, received	75
"	6	Paid for opening books and carrying books	00
"	23	Paid for two loads books received from J. B. Steel	50
"	29	Paid for one load books received from Congress	25
Oct'er	1	Paid for cleaning the Library, &c., in September	5 00
"	1	Paid bill of Postmaster	4 25
"	1	Paid bill of C. Smesley for water-jar, buckets	7 00
"	8	Paid for box, boxing and drayage of three boxes for J. B. Steel	1 75
"	10	Paid for four loads of documents sent to Legislators	1 00
"	10	Paid drayage of U. S. Documents received	25
"	31	Paid bill of freight of steamer Gipsy	10 75
Nov'er	2	Paid for cleaning rooms and other services, in October	5 00
"	5	Paid bill of F. Palatin, for work done at different times	20 00
"	15	Paid for boxes, boxing and drayage for books exchanged	1 25
"	15	Paid drayage of books received from J. B. Steel	25
"	22	Paid drayage of Documents received from Canada	25
"	25	Paid do. do. do. from U. S. Government	25
"	28	Paid for three loads of books received	75
"	28	Paid for voyage to New Orleans, and ten days of sojourn for official duties	30 00
Dec'er	1	Paid bill of E. Droz, for keeping the Library, ten days	10 00
"	1	Paid for cleaning, rooms, &c., during November	5 00
"	1	Paid for books received	50
"	3	Paid for Arabic gum for paste	1 00
"	3	Paid bill of Capdevielle, for cigars	1 25
"	15	Paid bill of T. B. R. Hatch & Co., for printing three sorts of letter blanks	20 00
"	29	Paid for a bundle received	50
"	29	Paid bill of Larguier & Lanoue, for twine, hatchet	2 60
"	29	Paid bill of Peter Millet, warehouse agent	13 35
"	29	Paid bill of L. Bonnecaze, several articles	16 65
"	31	Paid for cleaning the Library and other services, in December	5 25
"	31	Paid bill of Postmaster	4 16
		Total amount paid	359 17
		Annual Contingent Fund received	250 00
		Overplus paid	$ 109 17

I certify the foregoing Statement to be true and correct.

Baton Rouge, January 20th, 1854

HENRY DROZ, *State Librarian.*

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APPENDIX.

REPORT

OF THE

AUDITOR OF PUBLIC ACCOUNTS,

FOR 1853.

NEW ORLEANS:
PRINTED BY EMILE LA SERE, STATE PRINTER.

1854.

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REPORT

OF THE

AUDITOR OF PUBLIC ACCOUNTS.

BATON ROUGE,
Auditor's Office, January, 1853.

To the General Assembly:

The Act to organize the Treasury Department, approved 20th January, 1847, requires the Auditor of Public Accounts to make to the General Assembly a full and detailed report of the fiscal operations of the State during the last year.

Statement A is, accordingly, herewith submitted, showing receipts into the Treasury for the past year — $2,148,467 65

Of which, from ordinary sources of revenue classed as General Funds,	$490,514 07	
Sale of Bonds,	750,000 00	
Loans,	100,000 00	
Deposit by Union Bank, to represent out'ding Bonds,	21,000 00	
Dividend from Stock in Union Bank,	155,529 27	
Interest from Third Municipality,	11,070 09	
Refunded by General Government for claims originating in the Mexican war,	7,325 86	
Sale of Slaves out of depot,	2,061 15	
Sales of Internal Improvement Lands,	17,272 03	
Sales of Swamp Lands,	209,170 90	
Road and Levee Fund,	5,765 73	
Mill Tax,	340,075 49	
Poll Tax,	38,683 00	$2,148,467 65
Balance on hand 1st January, 1853,		355,704 84
		$2,504,172 49

Payments during 1853, *as follows:*

For Free Public Schools, under Act No. 2, of 1853,	75,458 66	
Under Act No. 8 of 1853,	58,694 84	
Salaries of Public School Superintendents,	332 50	
Acts Nos. 65, 158, 234 and 322 of 1853,	895 18	
Under Act No. 265 of 1852, for fiscal year, 1853,	119,671 05	
Under Act 326 of 1853, for account of fiscal year, ending March 31st, 1854,	87,276 94	
Collectors for deductions and commissions, and compensation to Assessors,	51,121 31	$393,450 48
Internal Improvement Fund,		35,631 84
Levee and Drainage Fund,		11,543 73
General Funds		899,817 75
		$1,340,443 80

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Balance			1,163,729 19
As follows:			
General Funds,		$766,900 95	
Mill Tax Funds,		73,534 75	
Poll Tax Funds,		7,392 47	
Internal Improvement Fund,		27,110 75	
Road and Levee Fund,		12,360 65	
Levee and Drainage Fund,		276,429 62	
		$1,163,729 19	
Warrants outstanding.			
Nos. 624 and 625 of 1850, given in settlement to Sheriff of DeSoto,	$786 89		
Warrant of 1848,	28 00		
Warrant of 1851,	24 00	$838 89	838 89
			$1,164,568 08
Which does not correspond with the Treasurer's Report of cash on hand by this sum, which he has retained out of payments for Swamp Lands, for commissions,			2,440 73
Treasurer's balance,			$1,162,127 35

STATEMENT A.

Statement of Receipts in the Treasury, for the year ending 31st day of December, 1853. Showing the amount from each source, in each Parish, made in accordance with Eighteenth Section of an "Act to establish and regulate the Treasury Department," approved 26th January, 1847.

NAMES OF PARISHES.	State Taxes and Receipts Proper.	Mill Tax.	Poll Tax.	Taxes on Trades, Professions, etc.	TOTAL.
Ascension,	$ 6,929 00	$ 6,329 00	$ 678 00	$ 1,324 00	$ 15,257 76
Auction duties,	3 76				
Assumption,	7,351 70	6,687 73	1,219 00	1,632 00	16,890 43
Avoyelles,	3,786 47	3,436 22	842 00	524 00	8,594 69
Auction duties,	6 00				
Bienville	2,058 14	1,871 22	835 90	547 00	5,311 26
Bossier	499 50	333 72	126 00		959 22
Calcasieu	951 06	837 71	377 00		2,169 66
Auction duties,	3 89				
Caldwell	578 86	124 70	136 00	372 00	1,211 56
Carroll	7,133 93	5,985 50	750 00	619 00	14,488 43
Catahoula	5,259 57	2,417 62	759 00	1,254 80	9,690 99
Claiborne	3,110 23	2,800 90	1,257 00	1,045 00	8,213 13
Concordia	9,233 07	7,399 50	259 00	102 00	18,527 57
Auction duties,	1,594 00				
Caddo	5,046 96	4,166 00	913 00	1,612 00	11,789 92
Auction duties,	51 55				
DeSoto	3,502 95	3,309 25	756 00	588 00	8,156 20
East Baton Rouge	7,033 72	6,443 20	850 00	2,433 00	16,759 92
East Feliciana	9,340 06	8,209 81	866 00	828 00	19,246 87
Auction duties,	2 65				
Franklin	1,322 19	1,024 45	359 00	351 00	3,056 64
Iberville	9,457 65	8,599 76	947 00	1,517 00	20,686 41
Auction duties,	84 77				
Jackson	2,054 30	1,862 75	924 00	537 00	5,378 05
Jefferson	17,023 82	12,795 15	2,010 00	2,495 00	34,365 34
Auction duties,	41 37				
Lafayette	2,303 19	2,086 44	698 00	807 00	5,895 63
Carried over					

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NAMES OF PARISHES.	State Taxes and Receipts Proper.	Mill Tax.	Poll Tax.	Taxes on Trades, Professions, etc.	TOTAL.
Brought over.....	.....	.....	.....	.....	.....
Lafourche	6,182 05	5,620 05	1,285 00	1,192 00	14,348 23
Auction duties,	69 13				
Livingston	895 57	797 84	570 00	283 00	2,546 41
Madison	6,248 98	5,818 38	375 00	862 00	13,304 36
Morehouse	1,517 68	1,425 29	681 00	410 00	4,033 97
Natchitoches	4,818 79	4,380 67	1,155 00	226 00	10,613 48
Auction duties,	33 02				
Ouachita	2.585 68	2,346 43	615 00	764 00	6 311 11
Orleans, (right bank).....	1,879 07	1,708 25	472 00	1,168 00	5,227 32
Orleans.....	77,479 39	70,198 32	7,507 00	69,844 50	248,474 46
Auction duties,	23,445 25				
Plaquemines.....	5,144 60	4,677 01	617 00	658 0	11,096 61
Pointe Coupée.....	4,074 02	1,000 00			5,079 62
Auction duties,	5 60				
Rapides	7,765 94	2,604 50		0 00	11,050 44
Sabine	939 36	782 09	716 00	185 00	2,622 45
St. Bernard	2 346 51	2,044 55	281 00	444 00	5,116 06
St. Charles.....	3,877 39	3,524 90	210 00	214 00	7,826 29
St. Helena.....	1,600 05	1,454 51	555 00	296 00	3,905 89
Auction duties,	33				
St. James.....	7,519 29	6,835 81	713 00	979 00	16,051 88
Auction duties,	4 78				
St. John Baptist	4,403 20	3,994 82	617 00	1,412 00	10,493 89
Auction duties,	66 87				
St. Landry.....					80
Auction duties,	80				
St. Martin.....	5,153 74	4,685 82	999 00	731 00	11,569 56
St. Mary	10,963 80	9,987 55	821 00	1,202 00	22,982 75
Auction duties,	8 40				
St. Tammany	1,752 24	1,617 32	571 00	341 00	4,281 56
Tensas	8,634 95	7.128 09	386 00	689 00	16,838 04
Terrebonne	6,027 23	5,479 30	754 00	791 00	13,051 53
Union	2,000 99	1,834 03	1,180 00	1,232 10	6,247 12
Vermillion	729 13	667 80	256 00		1,652 93
Washington	848 39	769 54	492 00	60 00	2,169 93
West Baton Rouge.....	5,185 91	4.665 38	366 00	532 00	10.749 29
West Feliciana	8,500 00	6,695 01	534 00	1,341 00	17,070 01
Winn	466 25	423 84	394 00	128 00	1,412 09
	318,939 10	249,827 75	38,683 00	105,252 40	712,702 25
Fines paid into Treasury for use of the Charity Hospital. ...	1,060 87				1,060 87
Debts due the Louisiana State Bank.	100,000 00				100,000 00
Sale of a tract of land adjoining the Raccourci Cut-off.....	237 70				237 70
Lease of the Louisiana Penitentiary...	4,000 00				4,000 00
Redemption of lands adjudicated to individuals	385 19				385 19
Redemption of lands adjudicated to State for taxes.....	863 40				863 40
Redemption of lands forfeited to the State for taxes.....	1,863 04	1,811 44			3,674 48
Sales of 16th Sections and School lands.....	29.077 49				29,077 49
Sales of Seminary lands	3,695 83				3 695 83
Sales of Internal Improvement lands	17,272 03				17,272 03
Sales of swamp and overflowed lands,	207,197 53				207,197 53
Sales of lake lands.....	1,973 43				1,973 43
Sales of Reports of Supreme Court...	1,577 69				1,577 69
Taxes received from Public Officers paid by fees.....	19 10				19 10
Taxes on proceeds of estates due to foreign heirs.....	12,775 33				12,775 33
Amount deposited by the Union Bank of Louisiana.....	21,000 00				21,000 00
Balance of the Contingent Fund of the Secretary of State	526 20				526 20
Balance of the Contingent Fund of the Attorney General	40 90				40 90
Carried over.....	.....	.....	.....	.....	.....

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NAMES OF PARISHES.	State Taxes and Receipts Proper.	Mill Tax.	Poll Tax.	Taxes on Trades and Professions.	TOTAL.
Brought over.....	.....	.....	.....	.....	.....
Proceeds of the sales of Slaves for the year 1852.....	2,061 15				2,061 15
Excess on appropriation for a block of marble for Washington Monument.	150 00				150 00
Money refunded by General Government for advances.....	7,325 86				7,325 86
Money received from General Government.....	5,765 73				5,765 73
Money rece'd to reimburse taxes paid by purchasers of lands sold for taxes	420 00				420 00
Interest on debts due the State.....	1,854 70				1,854 70
Overplus of Bonds of purchasers of lands sold for taxes.....	1,253 57				1,253 57
Dividend received from Union Bank...	155,529 27				155,529 27
Loan for relief of State Treasury under Act No. 277 of 1853.....	750,000 00				750,000 00
Compensation and contingent expenses of the Legislature.....	12 00				12 00
Interest received from purchasers of public property in New Orleans.....	4,698 12				4,698 12
Interest on Bonds to 3d Municipality New Orleans.....	11,070 09				11,070 09
School money paid by the State Superintendent of Public Education...	80,413 97				80,413 97
Vacant estates paid into Treasury.....	938 82				938 82
Parish of Bossier..... *		342 92			342 92
" Caldwell ..... *		55 02			55 02
" Carroll ..... *		391 50			391 50
" Concordia..... *		2,770 46			2,770 46
" Avoyelles ..... *		28 44			28 44
" Iberville..... *		4,636 00			4,636 00
" Lafourche ..... *		431 81			431 81
" St. Helena..... *		238 80			238 80
	1,743,998 11	260,534 14	38,683 00	105,252 40	2,148,467 65

* School Fund paid into Treasury by Parish Superintendents, as per Act No. 310, entitled "An Act to abolish the office of Parish Superintendents of Free Schools."

Statement B is also herewith submitted, showing separately each amount and item of payments from the Treasury, during the year 1853—*classed as follows:*

From general funds and ordinary objects,	$699,817 75	
Payment of loan,	200,000 00	899,817 75
Free schools apportioned previous to beginning of fiscal year 1853,	186,502 49	
Apportioned for fiscal year 1853.	206,947 99	393,450 48
Internal improvement service,		35,631 34
Levee and drainage fund,		11,543 73
		$1,340,443 30

Balance as follows:

General funds,	$646,900 95	
Transferred from mill tax and poll tax under Act No. 265 of 1852,	120,000 00	766,900 95
Mill tax,		73,534 75
Poll tax,		7,392 47
Internal improvement fund,		27,110 75
Road and levee fund,		12,360 65
Levee and drainage fund,		276,429 62
		1,163,729 19
Warrants outstanding.		838 89
		1,164,568 08
Retained by Register and Receiver for commissions on sales swamp lands,		2,440 78
As per Treasurer's Account,		$1,162,127 30

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STATEMENT B.

atement showing the Expenditures for the year ending the 31st day of December, 1853.

mpensation and contingent expenses of the Legislature,	$127,006	62
lary of the Governor,	1,806	47
Secretary of State,	1,896	00
Auditor of Public Accounts,	4,000	00
State Treasurer,	2,987	56
Attorney General,	2,860	59
State Sup't of Public Educati n,	1,999	94
State Librarian,	999	96
Surveyor General,	900	00
Governor's Private Sec'y,	833	32
do. Messenger,	360	00
Clerk of Sec'y of State's Office,	666	66
Copying Cl'k. do do.	600	00
Regstr. Land Office at Baton Rouge,	125	00
do. do. Winnsboro',	212	50
Receiver do. do.	150	00
do. do. Baton Rouge,	147	25
Sup't of Bureau of Statistics,	148	15
Keeper of the State House,	600	00
Serg't-at-arms House Reps.,	640	00
do. Senate,	376	59
Judges of the Supreme Court,	25,136	65
do. District Courts,	55,496	62
District Attorneys,	10,505	51
Reporter of the Supreme Court,	2,500	00
Directors of the Penitentiary,	525	00
Clerk do.	1,500	00
Physician do.	600	00
Chaplain do.	400	00
State Engineer and incidental expenses of his department,	5,436	92
Clerk of 1st Dist. Court, N. O.,	2,413	86
Adjutant and Inspector General,	1,844	41
Keeper and Asst. State Arsenal,	880	00
Parish Superintendents,	332	50
ontingent expenses of the Executive,	6,650	00
Secretary of State,	900	00
Auditor of Public Accounts,	4,044	47
State Treasurer,	3,191	19
Attorney General,	250	00
State Superintendent,	375	00
Land Office at Baton Rouge,	312	50
do. Winnsboro',	100	00
Supreme Court,	842	95
State Library,	300	00
State Engineer's Office,	500	00
ommissions to Collectors of Taxes for 1850, general fund, 401 65		
do. mill tax, 312 80—	714	45
1851, general fund, 2,747 15		
do. mill tax, 1,841 67—	4,588	82
1852, general fund, 12,660 79		
do. mill tax, 11,887 88—	24,548	67
1853, on licenses,	10,192	17
Register Land Office, Baton Rouge, out of general fund,	201	48
Receiver do. do.	192	16
Register Land Office, Winnsboro',	48	52
Receiver do. do.	43	29
District Attorneys who collect bonds of defaulting tax payers,	97	67
ompensation to Assessors of '52, gen'l fund, 4,983 53—mill tax, 2,774 52		
Out of the poll tax, 358 47,	8,116	62
1853, gen'l fund, 12,062 64—mill tax, 7,308 98,	19,371	62
Deductions to Collectors of 1850, gen'l funds, 183 05—mill tax, 161 68—		
poll tax, 75 00,	419	73
1851, gen'l funds, 839 12—mill tax, 543 56—poll tax, 758 00,	2,140	68
1852, gen'l funds, 15,013 04—mill tax, 13,672 75—poll tax, 11,426,	40,111	79
Expenses in criminal prosecutions,	15,384	51
Expenses of the State Sup't of Public Education for the purchase of a seminary of learning,	50	00
Interest on Bonds to New Orleans and Nashville Railroad Company,	27,210	00
New Orleans Draining Company,	2,500	00
Charity Hospital,	7,875	00
Mexican Gulf Railroad Company,	6,090	00
Citizens' Bank of Louisiana,	15,000	00
Interest on loan from La. State Bank,	10,033	00
On bonds to the New Orleans, Opelousas and Gt. Western Railroad Co.,	2,280	00
Printing and advertising,	33,598	01
Payment to owners of slaves convicted of crime,	1,500	00
Old account,	630	60
Widow de Marans,	180	00
Payments of school moneys returned by State Sup't, Act. 2 of 1853,	75,458	66
By Parish Supt's, Act 8 of 1853,	58,694	84
Payments of Electors of President and Vice-President of the United States,	508	00
Printing and advertising for State Constitution and Convention in 1852,	16,249	25
Payments of Coupons to Mexican Gulf Railroad Co., due in 1841,	2,820	00
Expenses of the State Library,	254	10
Purchase of books for State Library,	1,000	00
Audubon's Quadrupeds of America,	321	15
Pensions for life,	1,212	00
do. allowed by law, as per Act, '53,	9,984	00
Purchase of a seminary of learning, as per Act No. 72 of 1852,	3,190	00
Premiums to builders of ships and vessels in State, Act of 1852,	3,809	55
Reimbursement of taxes erroneously paid into the Treasury,	145	00
Of moneys deposited to redeem lands sold for taxes,	149	29
Of certain moneys paid on account of school land warrants,	5,508	28
To legal heirs of proceeds of vacant estates,	1,970	42
Of moneys paid by State Librarian,	50	00
On account of school land warrants in Seventh Eastern District,	2,442	00
Support of Free Public Schools—mill tax, 98,200 05—poll tax, 21,471 00,	119,771	05
Support of Free Pub. Schools, June 30,	87,276	94
Appropriation to Charity Hospital,	10,000	00
Out of fines for its use,	1,289	87
For support of Insane Asylum at Jackson,	8,000	00
Erection of building in Insane Asylum at Jackson,	19,824	97
To Female Asylum, New Orleans, (Sister Regis,)	5,000	00
Society of Destitute Orphan Boys at Jefferson,	3,000	00
For educating deaf and dumb children,	10,305	00
To Catholic Asylum for Male Orphans,	4,000	00
Institute for Indigent Orphans, 3d Municipality,	2,000	00
Poydras Asylum,	3,000	00
St. Anne's Asylum for destitute women and children of all religious denominations,	2,000	00
Vincent Asylum, Donaldsonvill	1,00	00

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Firemen's Charitable Association,	2,000 00
Female Orphan Asylum at Baton Rouge,	2,000 00
Indigent Widows, under direction of "Les Dames de la Providence,"	2,000 00
Establish institution for deaf and dumb children,	10,900 00
To pay expenses of State Constitutional Convention of 1852,	8,199 71
To provide for building 200 additional cells in Penitentiary,	7,500 00
To refund H. Scott proceeds of sale of his slave,	441 88
To J. H. Maddox, printer to State Convention of 1852,	3,010 00
To pay persons appointed to consolidate and revise Statutes of the State,	5,250 00
For advancement of medical education in Louisiana,	6,000 00
For completion of Jackson Monument as per act of 1853,	10,000 00
To modify contract between State and Barataria and Lafourche Canal,	23,000 00
To take the census of Ouachita, Morehouse and Carroll,	150 00
Recorders who record lists of forfeited lands, as per act of 1852,	546 04
New Orleans and Washington Battalion of Artillery,	2,000 00
To the Louisiana Legion,	2,500 00
Cannoniers of Donaldsonville,	500 00
To refund Joseph Walker money due him,	106 56
Keeper of Statehouse for lamp oil and fuel,	25 00
State Treas., purchase of books, etc.,	800 00
To pay loans from La. State Bank, acts of 1852 add 1853,	200,000 00
For the relief of minor children of Jno. Sulser, dec'd,	150 00
To Corson & Armstrong for selling Reports of Supreme Court,	1,000 00
For the completion of the Jackson Monument, under act of year 1852,	10,000 00
To holders of certificates of lands sold at Baton Rouge by Richard Loucks, Register,	1,353 05
For the relief of T. P. Hall, and administration of W. J. McElroy, de'd,	160 00
To take the census of the State,	8,536 58
For the relief of Theodule Labauve,	500 00
R. M. Moore,	650 00
L. H. Latil,	20 00
Louisiana State Bank,	3,128 00
Samuel Patterson,	100 00
Emile La Sere,	3,582 50
B. F. Smith and J. H. Williamson,	300 00
William Long,	31 95
W. L. Knox, Sheriff of Carroll,	350 00
E. A. Campbell, late Superintendent of Sabine,	27 04
H. Parish and J. M. Norman,	240 03
Heirs of David Thomas, dec'd	300 00
W. D. Stevens, of Sabine,	354 14
Henry Forno,	65 00
B. L. Hodge,	250 00
Mary E. Lyons,	500 00
Wm. Joseph Dubuclet,	300 00
Purvis & Dugué, attorneys,	250 00
P. Gillusseau, late Superintendent at Iberville,	100 00
E. H. Skillman,	164 00
A. M. Gray,	6,000 00
Andrew Hesage,	18 50
Heirs of David Thomas, deceased,	300 00

Payments from Internal Improvement Fund.

Salary of State Engineer and incidental expenses of department,	5,538	
Expenses of internal improvement service,	15,815	
Expenses of internal improvement lands erroneously sold,	884	
Appropriation for completion of Barataria and Lafourche Canal,	5,736	
To pay commissions of Register and Receiver of Land Office,	894	
To authorize construction of State boats,	4,000	
For the relief of H. Kean,	253	
J. M. Lapeyre,	95	
Daniel Howard,	296	
J. Johnson,	374	
		35,631

Payments from Levee and Drainage Fund.

Commmissions to Register of Land Office at Baton Rouge,	229	
To Receiver do. do.	669	
To Register and Receiver do. do.	2,870	
Appropriation for completing the rebuilding of Grand Levee, Pt. Coupee,	5,000	
Relief of Evariste De Baillon,	1,200	
Charles Fitz,	1,200	
H. Y. Waddell,	200	
		11,543
		1,340,443

The following statement, C, contains an estimate of the probable expenditures of the fiscal year 1854.

Ordinary current expenses,	646,585	
Investment for redemption of State debt of 1855 and 1857, under Act. No. 279 of 1853,	75,000	
To refund Union Bank deposit,	21,000	
Deficiencies of appropriation for pensions,	15,000	757,585
Free public schools,		240,000
Internal improvement service,		33,000
		1,030,585
Interest on bonds to N. O. and Jackson Railroad,		13,000
Interest on bonds to N. O. and Opelousas Railroad.		10,500
		1,054,085

The receipts for the fiscal year will probably be thus:

State taxes proper, on an assessment of 300,000,000—the amount which the assessment rolls, so far received, indicate as the total taxable property of the State, at 16⅔c. per $100,	500,000
Licenses,	140,000
Auction duties,	25,000
School lands and rents,	30,000
Arrears of taxes,	40,000
Miscellaneous sources,	30,000
Total receipts for general objects for fiscal year,	765,000

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m mill tax and poll tax, after deducting expenses of collection,		260,000
es of internal improvement lands,		20,000
		1,045,000
roceeds of tax to be levied to meet the nterest on the bonds of the N. O. nd Jackson and N. O. and Opelousas Railroads, under the laws authorizing the issue of these bonds,		23,500
		1,068,500

The condition of the Treasury, then, will be as at the end of the fiscal year 1854:

Balance on hand 1st Jan., 1854:		
eneral funds,	766,900 95	
nexpended appropriations	116,900 95	650,000
eceipts during fiscal year 1854,		765,000
		$1,515,000
yments as per statement C,		757,585
Probable balance 1st April, 1855,		757,415
ill and poll tax, balance,	80,927 22	
nexpended appropriation,	49,927 22	
	31,000 00	
ecripts, less expenses of collection,	260,000 00	
	291,000 00	
xpenditure,	240,000 00	
alance 1st April, 1855, to be transferred to and added to general fund, under act of 1852,		51,000
INTERNAL IMPROVEMENT FUND.		
alance 1st Jan., 1854,	27,110 75	
eceipts,	20,000 00	
	47,110 75	
robable expenditures,	33,000 00	
alance 1st April, 1855,		14,000
		822,415
SWAMP LAND.		
alance 1st Jan., 1854,	276,429 00	
robable receipts during fiscal year 1854,	150,000 00	
	426,429 00	
robable expenditures,	100,000 00	326,429
robable sum in the Treasury, April 1, 1855, from all sources,		1,148,844

I am now enabled to congratulate the Legislature of the State on a most satisfactory condition of the public Treasury; after having urged in vain the Legislatures of 1850 and 1852 to take some steps to prevent the credit of the State being disgraced, the recommendations of this office were acted on by that of 1853; and the result is a condition of the Treasury which will enable this Legislature, without any additional taxation, to provide a sinking fund, adequate to meet its debt, and also to provide one, the interest on which will, in a few years, support public schools without a resort to taxation, and thus place them on a permanent foundation, unchangeable by any of those changes of policy which are liable to supervene under the irritation produced by yearly taxation.

The account of the public debt, submitted in this report, shows a debt by the State to the Free School Fund of $387,728 68
To the Seminary Fund of 140,627 96

These are funds of account merely, without any tangible or available representative. The Free School Fund increases at a rate under the Constitution which will, at no distant day, render the interest on the capital adequate to support the schools; but if the amount of that interest be raised by taxation, which it must be if the fund be not actually invested, the burden will be as great, and the system as easily overthrown, as if the amount were a gratuitous imposition on the people each year for their support.

The condition of the Treasury will now enable the Legislature to cancel at once the State debt, maturing in 1855 and 1857, instead of doing so by quadrennial instalments, as prescribed by Act No. 279 of 1853, to invest in some actual security, drawing interest, the surplus remaining on hand of the levee and drainage, or swamp land fund, and to dedicate one hundred thousand dollars annually to the purchase of securities intended to meet the State debt, and to represent the amount of trust funds which it has used.

The direct and collateral advantages of such a course, in economy to the State, by preventing the Treasury from being the object of combined interests for idle expenditure, and in inspiring confidence in the soundness of our legislation, cannot be overestimated.

Within the past two years, many schemes have had birth which are now in full tide of successful experiment, of the greatest public importance to the development of the wealth and prosperity of the State, all of which will be more or less injured or benefited in proportion as the credit of the State is considered bad or good.

The Legislature of 1853 acted on wise convictions of what means were necessary to retrieve the State from the embarrassments which they found it in. It is only for this Legislature to continue the same policy, so happily begun, and the financial position of the State will be unimpregnable under any ordinary contingencies.

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STATEMENT C.

Estimate of Probable Expenditures for the year 1854.

Compensation and contingent expenses of the Legislature	$30,000
Salary of the Governor	4,000
do Secretary of State	2,000
do Auditor of Public Accounts	4,000
do State Treasurer	2,500
do Attorney General	2,500
do State Superintendent of Public Education	2,000
do Adjudant and Inspector General	800
do Clerk of 1st District Court, New Orleans	4,000
do State Librarian,	1,500
do Surveyor General	600
do Governor's Private Secretary	1,500
do Governor's Messenger	300
do Clerk of Secretary of State's Office,	1,500
do Copying Clerk of Secretary of State's Office	600
do Register of the Land Office at Baton Rouge	300
do Receiver do do do	300
do Register do do Winnsboro'	150
do Receiver do do do	150
do Keeper of the State House	600
do Sergeant-at-arms of House of Representatives,	300
do Sergeant-at-arms of the Senate,	600
do Judges of the Supreme Court	25,000
do Judges of the District Courts,	62,500
do District Attorneys	11,000
do Reporter of the Supreme Court	2,500
do Directors of the Penitentiary	300
do Clerk do do	1,500
do Physician do do	600
do Chaplain do do	600
do Keeper and Assistant Keeper of State Arsenal	1,500
Contingent expenses of Executive	5,000
do Secretary of State	500
do Auditor of Public Accounts,	4,000
do State Treasurer,	2,357
do State Superintendent	500
do Land Office at Baton Rouge	250
do do Winnsboro'	150
do Supreme Court	1,500
do State Library	600
Commissions to Collector of Taxes	45,000
do District Attorneys who collect bonds of defaulting tax-payers	1,000
do Register of Land Office at Baton Rouge, out of general fund	250
do Receiver do do do	250
do Register do do out of levee and drainage fund,	1,500
do Receiver do do do	1,500
Compensation to Assessors,	25,000
Deductions to Collectors of Taxes	25,000
Expenses in Criminal Prosecutions	10,000
Interest on bonds to New Orleans and Nashville Railroad Company	30,000
do New Orleans Draining Company	9,000
do Charity Hospital, purchase of ground,	6,000
do Mexican Gulf Railroad Company	6,000
do Citizens' Bank of Louisiana	15,000
Printing and advertising	40,000
Pensions allowed by Law	30,000
Deficiencies of former appropriations	13,000
Purchase of books for State Library	1,000
Pensions for Life	2,000
Premiums to Builders of Ships and Vessels in the State	10,000
Reimbursement of taxes erroneously paid into Treasury	1,000
do of moneys deposited to redeem lands sold for taxes	1,000
do to legal heirs of the proceeds of vacant estates	5,000
Appropriation to Charity Hospital,	10,000
do for the support of Insane Asylum at Jackson,	7,500
do for tuition of deaf and dumb children,	9,000
do to Female Orphan Asylum, N. O., (Sister Regis,)	5,000
do to Society of Destitute Orphan Boys, Jefferson	3,000
do to Catholic Asylum for Male Orphans	4,000
do to Institute of Indigent Orphans, 3d District, N. O.	2,000
do to Poydras Asylum	1,500

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STATEMENT C.—*Concluded.*

ppropriation to St. Anna's Asylum for Destitute Women and Children of all religious denominations		2,000
do to St. Vincent Hospital at Donaldsonville,		1,000
do to Female Orphan Asylum at Baton Rouge,		2,000
do to Firemen's Charitable Association		2,000
do to Indigent Widows, under direction of "Les Dames de la Providence,"		2,000
do to Advancement of Medical Education in the State		.....
do to Recorders who record lists of forfeited lands		1,000
do to New Orleans and Washington Batallion of Artillery		2,000
do to Louisiana Legion		2,500
do to Cannoniers at Donaldsonville		500
do to Keeper of State House for lamp oil, fuel, &c.,		25
edemption of State Debt Fund under Act No. 277, of 1853		18,000
do do do 279, of 1853		75,000
nterest on Bonds for the relief of the State Treasury		22,500
upport of Free Public Schools, payable out of the Mill Tax and Poll Tax funds		240,000
xpenses of the Internal Improvement Service	$20,000	
alary of State Engineer and incidental expenses of department,	13,000—	33,000
nterest on Bonds to the N. Orleans, Jackson and Great Northern Railroad Co.,	13,000	
nterest on Bonds to the N. Orleans, Opelousas and Great Western Railroad Co.,	10,500—	23,500
		$1,033,085
Refunding deposit to Union Bank		21,000
		$1,054,085

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Statement D is also herewith submitted, showing separately the amount of each appropriation of public money made by law, the amount paid under the same, and the unexpended balance:

STATEMENT D.

Statement showing separately the balances of former appropriations, the amount of actual appropriations, the different amounts paid during the year, and the unexpended balances.

	Balances of former appropriat'ns.	Amount of actual appropriat'ns.	Amounts paid in 1858.	Balances.
	$	$	$	$
Compensation and contingent expenses of the Legislature	6 62	127,000 00	127,006 62	
Salary of the Governor	1,500 00	5,150 00	1,806 47	4,843 53
do do Secretary of State	500 00	2,450 00	1,896 00	1,054 00
do do Auditor of Public Accounts	1,000 00	5,000 00	4,000 00	2,000 00
do do State Treasurer	1,000 00	3,250 00	2,987 56	1,262 44
do do Attorney General	750 00	4,000 00	2,860 59	1,889 41
do do State Superintendent of Public Education	500 00	2,166 66	1,999 94	666 72
do do State Librarian	160 72	1,166 66	999 96	327 42
do do Surveyor General	1,050 00	750 00	900 00	900 00
do do Governor's Private Secretary	183 36	1,166 66	883 32	516 70
do do Governor's Messenger	90 00	390 00	360 00	120 00
do do Clerk of the Secretary of State		1,000 00	666 66	333 34
do do Copying Clerk of the Sec'ry of State		600 00	600 00	
do do Register of Land Office, Baton Rouge	62 50	312 50	125 00	250 00
do do do do Winnsboro'	113 40	150 00	212 50	51 00
do do Receiver do do	75 00	150 00	150 00	75 00
do do do do Baton Rouge	125 00	250 00	147 25	227 75
do do Superintendent of Bureau of Statistics		195 00	148 15	46 85
do do Keeper of the State House	150 00	650 00	600 00	200 00
do do Sergeant-at-Arms of House of Representatives	268 02	900 00	640 00	528 02
do do Sergeant-at-Arms of Senate	161 32	600 00	376 59	384 73
do do Judges of the Supreme Court	7,293 20	30,625 00	25,136 65	12,781 55
do do do do District Court	15,451 30	77,825 00	55,496 62	37,779 68
do do District Attorneys	3,774 41	14,900 00	10,505 51	8,168 90
do do Reporter of the Supreme Court	625 00	3,125 00	2,500 00	1,250 00
do do Directors of the Penitentiary	75 00	625 00	525 00	175 00
do do Clerk do do		2,250 00	1,500 00	750 00
do do Physician do do		900 00	600 00	300 00
do do Chaplain do do		600 00	400 00	200 00
do do State Engineer and incidental expenses of Department	2,610 74	10,250 00	10,968 48	7,892 26
do do Clerk of First District Court, N. O.		4,000 00	2,413 86	1,586 14
do do Adjutant and Inspector General		2,122 21	1,844 41	277 80
do do Keeper and Assistant Keeper of State Arsenal		1,320 00	880 00	440 00
Contingent expenses of the Executive	2,100 00	6,000 00	6,650 00	1,450 00
do do do Secretary of State	400 00	625 00	900 00	125 00
do do do Auditor of Public Accounts	1,094 38	5,000 00	4,044 47	2,049 91
do do do State Treasurer	566 19	2,625 00	3,191 19	
do do do Attorney General	250 00		250 00	
Salary of Parish Superintendents			332 50	
Contingent expenses of the State Superintendent's Office		500 00	375 00	125 00
do do do Land Office at B. Rouge		312 50	312 50	
do do do do Winnsboro'	82 60	150 00	100 00	132 60
do do do Supreme Court	1,211 60	1,500 00	842 95	1,868 65
do do do State Library	50 00	250 00	300 00	
do do do State Engineer's Office		1,000 00	500 00	500 00
Commissions to Collectors of Taxes	13,339 10	55,000 00	40,044 11	28,294 99
do do Register of Land Office, B Rouge out of General Fund		250 00	201 48	48 52
do do Receiver of Land Office, B. Rouge out of General Fund		250 00	192 16	57 84
do do Register of Land Office, B. Rouge out of Swemp Land Fund		1,200 00	289 96	910 04

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	Balances of former appropriat'ns.	Amount of actual appropriat'ns.	Amounts paid in 1853.	Balances.
'ommissions to Receiver of Land Office, B Rouge; out of Swamp Land Office		1,200 00	683 28	516 72
do do Register of Land Office at Winnsboro'	31 56	50 00	48 52	33 04
do do Receiver do do do		200 00	43 29	150 71
do do Register and Receiver of Land Office, Baton Rouge (special Act)		2,871 12	2,870 49	63
do do District Attorney who collects bonds of defaulting Collectors		1,000 00	97 67	902 33
Compensation to Assessors		33,000 00	27,488 14	5,511 86
do do publish amendments to Constitution	1,717 00			1,717 00
do do Corson & Armstrong, for selling Reports of Supreme Court		1,000 00	1,000 00	
Deductions to Collectors of Taxes		85,000 00	43,672 20	41,327 80
Expenses in Criminal Prosecutions	3,398 79	32,000 00	15,384 51	20,014 28
do of Internal Improvement service	3,982 13	2,500 00	15,815 54	13,166 59
do of State Superintendent for purchase of Seminary, under Act 72 of 1853		50 00	50 00	
Interest on bonds to New Orleans and Nashville Railroad Company	840 00	28,980 00	27,210 00	2,610 00
do do New Orleans Draining Company		2,500 00	2,500 00	
do do Charity Hospital	950 00	6,250 00	7,875 00	
do do Mexican Gulf Railroad Company	600 00	6,000 00	6,090 00	510 00
do do Citizens' Bank of Louisiana		15,000 00	15,000 00	
do on Loan from the Louisiana State Bank		10,500 00	10,033 00	467 00
do on bonds issued for relief of State Treasury		45,000 00		45,000 00
Publishing Decisions of Supreme Court	910 65	5,000 00		5,910 65
Printing and advertising	1,627 70	53,500 00	33,598 01	21,529 69
Payment to owners of slaves convicted of crime	3,600 00	6,000 00	1,500 00	8,100 00
Pensions allowed by law, as per Act No. 220 of 1853,	24 00			
do do do old account	12,451 55		630 60	11,820 95
do do to Widow de Marans	225 00		180 00	45 00
Payments of School moneys returned by State Superintendent, Act 2 of 1853		80,413 97	75,458 66	4,955 31
Payments of School moneys returned by Parish Superintendents, Act 8 of 1853			68,694 84	
Payments of Electors of President and Vice-President of the United States		1,000 00	508 00	492 00
Printing and advertising of State Convention of 1852,		16,249 25	16,249 25	
Payment of coupons to Mexican Gulf Railroad Company due in 1851		4,110 00	2,850 00	1,290 00
Payment to owners of slaves sold out of Depot by the State		3,000 00		3,000 00
Purchase of books for State Library		1,000 00	1,000 00	
do of Audubon's Quadrupeds of America		350 00	321 15	28 85
Pensioner for life		2,000 00	1,212 00	788 00
Pensions allowed by law under Act of 1853		10,000 00	9,983 00	16 00
Purchase of land for a Seminary, Act 72 of 1853		3,190 00	3,190 00	
Premiums to bidders of ships and vessels in the State, Act of 1852		5,000 00	3,809 55	1,190 45
Reimbursement of Taxes erroneously paid into the Treasury	1,901 00		146 00	1,755 00
Reimbursement of moneys deposited to redeem lands sold for Taxes		1,500 00	149 29	1,350 71
do do certain moneys paid on account of School land warrants		10,000 00	5,508 28	4,491 72
do do to Legal Heirs of proceeds of Vacant estates paid into Treasury		5,000 00	1,970 42	3,029 58
do do of Internal Improvement Lands erroneously sold		3,000 00	884 39	2,115 61
do do moneys paid by State Librarian		50 00	50 00	
do do do do on account of School land warrants in 7th East'n Dist.,		3,000 00	2,442 00	558 00
Support of Free Public Schools, under Act of 1852	119,671 05	196,313 89	206,947 99	43,052 01
do do do, Act of 1853,	87,276 94	240,000 00		
Appropriation to Charity Hospital		10,000 00	10,000 00	
do do do do out of fines for its use	2,000 00	3,000 00	1,289 87	3,710 13
do do Support Insane Asylum at Jackson	500 00	750 00	8,000 00	
do do Erection of buildings in Insane Asylum, Jackson	4,824 97	15,000 00	19,824 97	
do do Female Asylum, N.O., Sister Regis,		5,000 00	5,000 00	

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	Balances of former appropriat'ns.	Amount of actual appropriat'ns.	Amounts paid in 1853.	Balance.
Appropriation to Society of Destitute Orphan Boys, Jefferson		3,000 00	3,000 00	
do do Educating Deaf and Dumb Children	1,389 00	8,925 00	10,305 00	
do do Catholic Asylum for Male Orphans.		4,000 00	4,000 00	
do do Institute for Indigent Orphans, 3d Municipality		2,000 00	2,000 00	
do do Poydras Asylum	1,500 00	1,500 00	3,000 00	
do do St. Anna's Asylum for Destitute Women and Children of all religious denominations		2,000 00	2,000 00	
do do St. Vincent Asylum, at Donaldsonville		1,000 00	1,000 00	
do do Firemen's Charitable Association		2,000 00	2,000 00	
do do Female Orphan Asylum at B. Rouge		2,000 00	2,000 00	
do do Indigent Widows (les Dames de la Providence N. O.)		2,000 00	2,000 00	
do do Completion of Barataria and Lafourche Canal	5,736 72		5,736 72	
do do Establish an Institution for Deaf and Dumb Children	10,900 00		10,900 00	
do do Pay expenses of State Constitutional Convention of 1852	7 75	10,000 00	8,199 71	1,808 04
do do Provide for building two hundred cells in Penitentiary	7,500 00		7,500 00	
do do Pay commissions of Register and Receiver of Land Office, B. Rouge		924 23	924 23	
do do Refund H. Scott the proceeds of sale of his slave		441 88	441 88	
do do J. H. Maddox, Printer of State Convention of 1852		3,010 00	3,010 00	
do do Pay persons appointed to consolidate and revise Statutes of State		5,250 00	5,250 00	
do for advancement of Medical Education in Louisiana		6,000 00	6,000 00	
do for completion of Jackson Monument. Act of 1853		10,000 00	10,000 00	
do to modify contract between State and Barataria and Lafourche Canal		23,000 00	23,000 00	
do do take census of Washita, Morehouse and Carroll		150 00	150 00	
do do Recorders who record lists of forfeited lands, Act of 1852		2,000 00	546 04	1,453 96
do do New Orleans and Washington Battalion of Artillery		2,000 00	2,000 00	
do do Louisiana Legion		2,500 00	2,500 00	
do do Cannoniers of Donaldsonville		500 00	500 00	
do do Authorize construction of State boats		15,000 00	4,828 29	10,171 71
do do Refund Joseph Walker money due him		106 56	106 56	
do do Keeper of State House for lamp oil and fuel		25 00	25 00	
do do Erect buildings for Seminary, as per Act 72 of 1853		15,000 00		15,000 00
do do State Treasurer, for purchase of books, &c		800 00	800 00	
do do Pay Loans for Louisiana State Bank Act of 1852 and 1853		200,000 00	200,000 00	
do for repairs on the Capitol		2,000 00		2,000 00
do do completion of Jackson Monument, Act of 1852		15,000 00	10,000 00	5,000 00
do to take the census of the State		12,000 00	6,536 58	5,463 42
do for relief of T. P. Hall and administration of W. J. McElroy, dec'd.		160 00	160 00	
do do Theodule Labauve		500 00	500 00	
do do R. M. Moore		650 00	650 00	
do do L. H. Latil		20 00	20 00	
do do Louisiana State Bank		3,128 00	3,128 00	
do do E. DeBaillon		1,200 00	1,200 00	
do do H. Kean		253 32	253 32	
do do Samuel Patterson		100 00	100 00	
do do J. M. Lapeyre		986 25	986 25	
do do Charles Fitz		1,200 00	1,200 00	

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	Balances of former appropriat'ns.	Amount of actual appropriat'ns.	Amounts paid in 1853.	Balances.
Appropriation for relief of Daniel Howard		296 90	296 90	
do do Emile La Sere		3,582 50	3,582 50	
do do B. F. Smith and J. H. Williamson		300 00	300 00	
do do William Long		31 95	31 95	
do do W. L. Knox, Sheriff of Carroll		350 00	350 00	
do do E. A. Campbell, late Superintendent of Sabine		27 04	27 04	
do do H. Parish and J. M. Norman		240 03	240 03	
do do Heirs of David Thomas, deceased		300 00	300 00	
do do W. D. Stephens of Sabine		354 14	354 14	
do do H. Y. Waddell, Register Land Office, Natchitoches		300 00	300 00	
do do Holders of certificates of land sold in Baton Rouge by R. Loucks		1,500 00	1,353 05	146 95
do do Henry Forno		65 00	65 00	
do do B. L. Hodge		250 00	250 00	
do do Mary E. Lyons		500 00	500 00	
do do J Johnson		374 14	374 14	
do do Widow Joseph Dubuclet		300 00	300 00	
do do Purvis & Dugué, Attorneys		250 00	250 00	
do do P. Gellusseau, late Superintendent of Iberville		100 00	100 00	
do do E. H. Skillman		164 00	164 00	
do do A. M. Gray		10,000 00	6,000 00	4,000 00
do do Andrew Lesage		18 50	18 50	
do do Minor children of John Sulser, deceased		150 00	150 00	
do do Heirs of David Thomas, deceased		300 00	300 00	
Expenses of State Library		400 00	254 10	145 90
Appropriation for completing the building of Grand Levee, Pointe Coupée		30,000 00	5,000 00	25,000 00
Interest on bonds to New Orleans, Opelousas and Great Western Railroad Company		8,000 00	2,280 00	5,720 00
Interest on bonds to New Orleans, Jackson and Great Northern Railroad Company		11,000 00		11,000 00

Statement E, is herewith submitted, showing the Public Debt of the State and a full and detailed statement thereof.

This has been reduced during the year by this sum, being the Bonds issued to the Union Bank	$804,000 00
Bonds issued to the Second and Third Municipalities of New Orleans	188,160 00
Payment of Loan from Louisiana State Bank	200,000 00
	$1,192,160 00
And is known to have been further reduced by payments made by the two other property Banks, but of which this office has no official notice.	
It has been increased by this sum issued for Loans	750,000 00
In Trust Funds	284,559 91
Bonds to New Orleans and Jackson Railroad	165,000 00
Bonds to New Orleans, Opelousas and Great Western Railroad	137,000 00
	$1,336,559 91
Aggregate Increase	144,399 91

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E.

GENERAL STATEMENT OF THE PUBLIC DEBT,

On the 1st January, 1854.

Bonds of the State loaned the Consolidated Bank, due on the 30th June, 1854, 1857, 1860, 1863 and 1866, in equal amounts		$1,376,000 00	
Bonds of the State loaned the Citizens' Bank	$6,468,000 00		
Bonds outstanding for interest	577,888 00	$7,045,888 00	
Bonds to the Second Municipality		198,240 00	
			$8,620,128 00

LIABILITIES CLASSED AS DEBTS PROPER OF THE STATE.

Bonds to Draining Company for Stock, due 1st June, 1855	$50,000 00	
do Citizens' Bank for Loans, due 1st June, 1857	250,000 00	
do New Orleans and Nashville Railroad Company, due 1st December, 1867	483,000 00	
do Mexican Gulf Railroad Company, due 1st December, 1869	30,000 00	
do do do do do due 1st March, 1870	50,000 00	
do do do do do due 23d May, 1870	20,000 00	
do Charity Hospital, for purchase of ground, due 21st March, 1872	125,000 00	
do for the relief of State Treasury, due in 1893	750,000 00	
do to New Orleans, Opelousas and Great Western Railroad Company, due in 1893	137,000 00	
do to New Orleans, Jackson and Great Northern Railroad Company, due in 1893	165,000 00	
Amount due on Bonds to Port Hudson and Clinton Railroad Company	9,000 00	
		$2,069,000 00

TRUST FUNDS.

Balance due on Vacant Successions, per last report	$28,671 12		
Received during 1853	938 82		
	29,609 94		
Payments during 1853	1,970 42		$27,639 52
Due to purchasers of Land, for redemption of same,	1,055 02		
Received during 1853	2,058 76		
	3,113 78		
Payments during 1853	149 29		2,964 49
Amount due Gen'l Government, under Deposit Act			479,949 14
Received for Sales and Leases of 16th Sections, per last report	61,263 04		
Received during 1853	29,077 49		
Free School Fund, as per statement herewith	297,388 15		387,728 68
Seminary Fund, as per statement herewith			140,527 96
Amount of Sales of Swamp and Overflowed Lands donated by Congress to the State, per last report		113,775 82	
Received during 1853		207,197 53	
		319,973 35	
Payments during 1853		11,543 73	308,429 62
Proceeds of sale of Slaves out of depot			2,061 15

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RECAPITULATION.

Liabilities for the property Banks		8,421,888 00
" Second Municipality		198,240 00
State Debts proper, of which Trust Funds due on demand	1,221,809 41	
Due 1st June, 1855	50,000 00	
Due 1st June, 1857	250,000 00	
Due 1st December, 1867	483.000 00	
Due 1st December, 1869	30,000 00	
Due 1st March, 1870	50,000 00	
Due 23d May, 1870	20,000 00	
Due 21st March, 1872	125,000 00	
Due 18th July, 1893	750,000 00	
Due 1st July, 1893	76,000 00	
Due 1st August, 1893	210,000 00	
Due 1st November, 1893	16,000 00	

Statements F. and G. contain respectively the account of the State with the Free School and Seminary Funds.

F.

ACCOUNT OF THE STATE, WITH THE FREE SCHOOL FUND,

Up to 31*st October*, 1853.

1853.			
January 1	By total amount of Capital and Interest to credit of Fund per last report	$92,061 57	$32,065 90
	By amount received during the year on proceeds of estates descending to foreign heirs	12,775 33	
	By amount of interest accrued during the year 1853, on the U S. Deposit Fund	28,795 14	
	By amount transferred from the Mill and Poll Tax Funds to General Funds, under Act No. 265, of 1852	120,000 00	5,400 00
	By Interest on balance, due 1st January, 1854		6,290 21
		253,632 04	43,756 11
	By amount received for sales and leases of 16th Sections	90.340 53	
		$343.972 57	$43,756 11

G.

ACCOUNT OF THE STATE WITH THE SEMINARY FUND,

Up to 31*st December*, 1853.

1853.		Capital.	Interest.
January 1	By balance to the credit of the Fund, per last report	$118,375 81	$11,132 02
	By amount received during the year for sales of Seminary Lands	3,695 83	
	By Interest on $122,071 64, balance on 1st January, 1854		7 324 30
		$122,071 64	$18,456 32

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I am gratified to have it in my power to report much more general promptness in the collection and settlement of taxes than heretofore. Few tax collectors of the past year are in default, and in most of these cases satisfactory excuses can be found for the delay.

The Sheriff of Point Coupée and Collector of Rapides died during the summer, Until within a short time no Collector had been appointed in the Parish of Vermilion, but the present Sheriff is preparing to undertake the collection. The present Sheriff of St. Landry, also, is preparing to undertake the collection of the taxes of that Parish, for which two years—1851 and 1852—are in arrear.

The great cost of the assessment and collection of taxes will not fail to strike the Legislature.

The total amount of taxes, State, Mill and Poll, levied last year, was about $650,000. To assess and collect this, has cost:

For assessment, - -	28,000
Commissions, - -	40,000
Deductions, - -	44,000
Total,	$112,000

Or, at the rate of seventeen per cent.; an enormous rate, unparalled anywhere.

The provisions of law, authorizing proof to be made by Collectors of claims for deductions, requires to be amended.

The deductions of last year of the Parish of West Feliciana, paying taxes of $15,729, was only $36; of Plaquemines, paying $10,400, was about $30; of St. John the Baptist, paying $9,000, was about $5; of Iberville, paying $19,000, was less than $100, while Jefferson Parish, including 4th District of New Orleans, paying $31,828, had a deduction list of over fourteen thousand dollars, while the 1st District of New Orleans, paying $87,000, had a list of less than $3,000.

It is obvious that where there is so great a variation in result, it can only be accounted for by the fact that the law is so defective as to allow the results of its action to depend almost entirely on the individual characteristics of the officer. With the honest, intelligent and zealous officer, these qualities will produce a better result than the most stringent law, which is only needed by those who have no other guide.

The act of 1853, concerning pensions, caused to come forward within a very short time after its promulgation, two hundred and eight claimants, who drew the whole amount of the appropriation, leaving probably about as many more to be paid, and the whole of the semi-annual portion due 31st December.

From circumstances attending the proof of many of the claims, (one individual a witness figuring in many of them,) I am not inclined to believe that the act of 1853, relative to the proof, has made much improvement on the previous act of 1852, which was as imperfect as possible. Thirty thousand dollars per annum is a moderate estimate of the amount which will probably be necessary to satisfy all the claims that will be made under the law.

Under the system which existed up to 1852, the claims seldom exceeded $6,000 per annum. They underwent the scrutiny of a committee of the Legislature and then of the body, and I am convinced that although some impositions may have been practiced, yet they were fewer than under any system that can be devised.

The 31st section of the act organizing the Treasury Department, requires the Auditor, whenever a claim shall have been allowed by law, for which he may not issue his warrant, to report the fact to the next session of the Legislature, with his reasons for refusing. In obedience thereto, I have to report that Mr. Avery Breed, Sheriff of Union, caused a claim to be presented for services in matters of a criminal nature, under act No. 3 of 1848, for the sum of $100, which I declined to issue a warrant for, on the ground that he was a defaulter to the State as Sheriff and as such indebted to the State in a much larger sum.

Messrs. Van Winkle, Butler and Gross, Swamp Land Commissioners, also presented a claim for $1590, drawn under the act No. 38, "to reclaim and drain the swamp and overflowed lands donated to the State," which as there was no specific appropriation made in the act, I declined to issue a warrant for; but on the 21st June issued to them a certificate that the claim was audited. As my refusal to issue warrants for claims originating in that act has been the subject of a correspondence between myself and said Commissioners, and as it has placed me in opposition to the implied intention of the Legislature as embodied in said act, I transmit herewith a copy of the correspondence, setting forth my reasons for so refusing at length. I will merely recapitulate in brief the substance of my grounds of refusal.

The Constitution, Art. 94, prohibits any money being drawn from the Treasury, except in virtue of a "specific appropriation made by law. This is binding on every Department of the Government, and every officer of the State, and particularly, specially and directly on the Department charged with the drawing of money from the Treasury. A specific appropriation means a destination of a specific sum, not an uncertain contingent

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sums, to special and named purposes. The Constitution, moreover, prohibits an appropriation for a longer term than two years. The act under consideration organizes a system of reclamation of swamp lands, fixes the amount of the salaries of officers, and provides for the making of public works, and certainly contemplates the expenditure of public money; but for the appropriation to pay, the act is silent. Did the act contemplate the expenditure and withdrawal from the Treasury of the whole amount of sales of swamp lands then in the Treasury, or of all to be received as well as of that on hand? The amount received during last year was upwards of $200,000, and then on hand about $80,000. To suppose that the Legislature intended to authorize the expenditure of this large sum on a new and experimental system, would imply in them an abdication of their constitutional duties little complimentary. Yet, if the act is held to appropriate one dollar, it appropriates the whole amount; there is no limitation in it. The constitutional provision may be made clearer by a reference to the reasons on which it is founded.

Previous to the Constitution of 1845 there was no such provision of law, the consequence of which was that stale claims, or fresh claims under stale laws, were constantly embarrassing the Treasury to the opprobium of all system in its finances or economy in its expenditures.

The idea of the 94th Article of the Constitution is, by requiring each appropriation of public money to come before each Legislature, to enforce notice of the purpose for which it is made; to require, in effect, by by each Legislature making an appropriation, a ratification and re-sanction of the law or claim which the appropriation is made to execute and carry out. It is, in effect, to enable the Legislature to have, at short and regular periods, knowledge of the claims existing, and control of the amount of them.

If the terms of the act authorize the prosecution of the objects expressed and patent on its face beyond two years, and they undoubtedly do; and if they be held to involve an appropriation, then the singular anomaly is presented of a law which is in full vigor in every line and word of its dispositions, yet being repealed in a vital part inserted by construction. It will be admitted that whichever of its provisions make an appropriation of money is repealed at the end of two years by the operation of the 94th Art. of the Constitution—which one then is it? or is it one, or many, or all? The truth is, they all stand, and the terms of the Act show that it was intended to establish a permanent and general system of reclamation of swamp lands, not limited to two, or twenty years; and the last resource of those who contend that an appropriation is involved in its terms, is to contend that the appropriating power of the State, the highest and most jealously guarded of all, has been exercised by implication, tacitly, under provisions that cannot be located or pointed to.

Several provisions of existing laws require the Treasurer and Auditor to keep an account of the amount of each separate appropriation made by law, the amount paid, and to report the unexpended balance at certain terms; prohibits the Auditor from drawing, or the Treasurer from paying when no specific appropriation has been made. These provisions fix and interpret the terms "specific appropriation," used by the Constitution, to be specific in sum as well as in object.

In conclusion, I will refer to the following construction put on this provision of the Constitution by my immediate predecessor, who organized this office, and I think I will have shown that my course is in consonance with the plain, expressed and easily understood terms of the Constitution; that it is fortified by the reasons conducing to the incorporation of this provision in the Constitution; that it is further fortified by the interpretation uniformly placed by all branches of the Government on this provision. That to have given a contrary decision would have implied that the Legislature intended to appropriate an enormous sum, $300,000, on an experiment; that the law had a tacit, silent, understood vigor for two years, that it could not possess, after that time, its terms being the same after, as well as before; finally, that a contrary decision would have been a violation of my oath of office, as well as a destruction of the barriers by which the Constitution and laws have separated the legislative power of appropriating from the executive power of paying actual appropriations.

Extract from the report of the late D. Woodruff to the Legislature of 1848:

"When this office first went into operation, on the 19th day of March, 1847, in order to prevent any sudden check or intermission in the course of the public business, the Auditor, in regard to disbursements, followed the same course which had been adopted in the Treasury Department up to that time. The financial affairs of the Government were in a state of transition from the old to the new system, under our present Constitution.

An important change had been introduced relative to disbursement of public money from the Treasury. The 93d Article of the

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Constitution declares that "no money shall be drawn from the Treasury but in pursuance of specific appropriations made by law, nor shall any appropriation of money be made for a longer term than two years." Doubts were entertained, even by members of the Legislature, as to the true meaning of this clause of the Constitution until it began to be investigated in this office. Even the pay of members of the Legislature had been drawn for daily, and paid without a specific appropriation for that purpose, until a decision was made, and, I believe, universally acquiesced in, that the true meaning of that clause of the Constitution required an Act of the Legislature, setting aside a specific sum of money from the general or other funds of the Treasury for the payment of all claims against the State, before they could be paid, although the amount of such claims might have been previously ascertained and fixed by law."

The laws of the Legislature of 1853, authorising the issue of bonds to several railroad companies, requires the Auditor, within thirty thirty days after he shall have received the several assessment rolls, to determine and levy such tax as will extinguish the accruing interest for the year. The rolls of only about thirty-one Parishes have been as yet received; and the provisions of those Acts may become impracticable, unless some more stringent requirements be imposed on the Assessors and Recorders for the lodging of the rolls in this office. Under the text of the law, the tax could not be fixed if the rolls of even one Parish had not been received, and the probability of some one or more not being received or made is too great to permit the levying of the tax, to be made dependent on the receipt of the whole. Probably the law would be better if the Auditor were authorized on the 1st February to take the last assessment roll of any Parish then in the office, as the basis of fixing the tax in the absence of the one of the year immediately preceding.

Herewith is statement of the amount of notes countersigned up to 31st December, 1853 to the Banks organized under the Free Banking Law, and of the securities lodged by them to represent said notes:

BANK OF NEW ORLEANS.

Bank Notes issued:

27,800	notes of	$5	each,	$139,000
5,000	"	10	"	50,000
2,500	"	20	"	50,000
2,500	"	50	"	125,000
				$364,000

SECURITIES.

122	Bonds Consolidated City of New Orleans, of		$1,000 each,	$122,000
90	"	"	" "	90,000
44	" State of Louisiana,		5,00 "	22,000
260	"	"	" "	130,000
				$364,000

SOUTHERN BANK.

28,000	Notes of	$5	each,	$140,000
10,000	"	10	"	100,000
1,500	"	20	"	60,000
1,500	"	50	"	75,000
900	"	100	"	90,000
				$465,000

SECURITIES.

122	Bonds of Consolidated City of New Orleans, of		$1,000 each,	$102,000
363	"	"	" "	363,000
				$465,000

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Statement of Taxes of 1852, in each Parish, amounts paid and balance due up to 31st December, 1853.

PARISHES.	Total amount of Taxes assessed.	Total amount paid to 31st December, 1853.	Balance of Taxes due on 31st Dec., 1853.
Ascension	$13,936 00	$ 13,936 00	$ ....
Assumption	15,258 43	15,258 43	....
Avoyelles	8,064 69	8,064 69	....
Bienville	4,764 36	4,764 36	....
Bossieur	7,542 07	....	7,542 07
Caddo	10,125 98	10,125 98	....
Calcasieu	2,165 77	2,165 77	....
Caldwell	2,323 19	500 00	1,823 19
Carroll	12,644 15	12,644 15	....
Catahoula	6,244 78	2,602 11	3,642 67
Claiborne	5,482 47	5,482 47	....
Concordia	16,831 57	16,831 57	....
DeSoto	7,568 20	7,568 20	....
East Baton Rouge	14,326 92	14,326 92	....
East Feliciana	14,508 91	14,508 91	....
Franklin	3,056 78	....	3,056 78
Iberville	19,004 43	19,004 43	....
Jackson	4,841 05	4,841 05	....
Jefferson	31,828 97	31,828 97	....
Lafayette	5,088 03	5,088 03	....
Lafourche	13,087 10	13,087 10	....
Livingston	2,263 41	2,263 41	....
Madison	12,442 36	12,442 36	....
Morehouse	3,623 97	3,623 97	....
Natchitoches	10,354 46	10,354 46	....
Orleans, Right Bank	4,059 32	4,059 32	....
" First District	87,645 32	87,645 32	....
" Second "	52,172 09	52,172 09	....
" Third "	15,367 30	15,367 30	....
Plaquemines	10,438 61	10,438 61	....
Point Coupée	13,849 28	5,074 02	8,775 26
Rapides	22,452 42	10,370 44	12,081 98
Sabine	2,437 45	2,437 45	....
St. Bernard	4,672 06	4,672 06	....
St. Charles	7,612 29	7,612 29	....
St. Helena	3,609 50	3,609 50	....
St. James	15,068 10	15,068 10	....
St. John Baptist	9,015 02	9,015 02	....
St. Landry	16,652 68	....	16,652 68
St. Martin	10,838 56	10,838 56	....
St. Mary	21,772 35	21,772 35	....
St. Tammany	3,940 56	3,940 56	....
Tensas	15,014 84	15,014 84	....
Terrebonne	12,260 53	12,260 53	....
Union	4,292 82	4,292 82	....
Vermillion	....	....	....
Washington	2,109 93	2,109 93	....
Washita	5,547 11	5,547 11	....
West Baton Rouge	10,217 29	10,217 29	....
West Feliciana	15,729 01	15,729 01	....
Winn	1,284 09	1,284 09	....

LOUIS BORDELON, Auditor.

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A LIST OF DEFAULTING TAX COLLECTORS,

Showing the Amount due by them, and the Year for which the Tax accrued.

Parishes.	Year	Names of defaulters.	Amount of Taxes.	Licenses.	OBSERVATIONS.
Assumption	1830	T. Blanchard	$754 00		Execution issued by former Treasurer, and in suit.
Avoyelles	1841	Wm. Edwards	2,007 85		Execution against principal and surety, and recourse against both exhausted.
"	1842	do	7,152 75		
Bienville	1847	Benjamin Parker.	559 32		No final settlement made, as no roll of taxes from Claiborne was received. No licenses for 1848 taken out. No account rec'v'd of same. Account will nearly balance on settlement.
"	1848	do	83 20		
"	1849	do	688 06		
Bossier	1852	L. F. Steele	7,542 07		
Catahoula	1834	J. L. Stokes	394 46		Principal dead. Securities insolvent.
"	1835	do	727 59		
"	1852	D. M Pritchard	3,642 67	963 00	Execution returned, no property found.
Carroll	1845	D. C. Clary	1,394 19		
"	1848	E. K. Travis	5,887 89		
Claiborne	1850	Allen Harris	744 25		Commissions and deductions will nearly balance.
"	1851	do	994 26		
Caddo	1837	A. B. Serret	292 31		Execution issued against principal and sureties.
"	1838	do	2,314 60		Execution " " " and no bond funished.
"	1839	do	1,719 67		Execution issued against principal and sureties.
Caldwell	1840	Bowen Hill	397 62		Principal dead. Commissions and deductions will nearly balance.
"	1852	C. J. Mandeville	1,823 19	538 00	
East Feliciana	1840	J. C. Walker	7,367 64		Execution issued. Sale enjoined. No return since last report.
"	1849	J. W. Hays	5,918 87		In hands of District Att'y for collection.
Franklin	1848	A. H. Bradley	1,592 57		
"	1852	W. Hampton	3,056 78	1880 00	
Livingston	1836	H. J. Bostwick	665 91		Execution issued. No return since last report.
"	1842	L. Breed	1,089 08		Execution forthcoming. 12 months' bond taken.
Morehouse	1843	A. Livingston	588 31		Mr. Livingston alleges offsets under Act 1846; acc't not settled, some of his charges against the State not being allowed.
"	1844	do	701 03		
"	1846	A. J. Bell	1,188 93		
"	1847	A. B Winfrey	1,873 37		Dead—$991 30 allowed him by Act No. 217 of 1848. Execution issued; no return made.
"	1848	O. P. Carr	1,331 30		
Madison	1845	G. W. Tarkington	1,049 25		Dead. Sureties asked delay on promise to pay.
"	1846	do	3,104 68		
Natchitoches	1836	B. F. Chapman	1,213 47		No return made by J. A. DeRussy, sheriff, to whom execution issued.
"	1838	P. S. Burnet	2,338 94		Execution against principal and sureties returned. No property found.
"	1839	J. A. DeRussy	5,658 34		Property of prine'l and sureties exhausted.
Orleans, Right Bank	1842	L. N. Bernoudy	1,732 31		The injunction reported by Treasurer in 1836 not determined.
"	1846	do	43 00		Deductions will balance.
Plaquemines	1845	T. De Wint	3,666 72		Execution of 1849 returned. No property found. Exec'n reissued. Relief granted under Act 178 of 1850.
Pointe Coupee	1844	H. Deloux	1,139 06		Commissions and deductions will balance.
"	1845	do	8,170 70		Insolvent, and no bond taken.
"	1846	do	12,224 05		
"	1852	R. L. Carpenter	8,775 26	631 00	
Rapides	1838	A. B. Cheney	6,618 62		Execution issued, nothing transpired since last report.
"	1840	S. M. Wells	12,678 67		" " " " "
"	1841	R. R. Irion	2,089 96		" " " " "
"	1850	W. R. Leckie	5,079 02		No licenses taken out for 1851.
"	1851	C. S. Leckie	9,863 99		
"	1852	H. M. Neal	12,081 98	455 00	
St. Helena	1844	H Hemp	528 83		Bond taken and one-half paid.
Sabine	1849	K. J. McLemore	2,185 63		
St. Landry	1838	L. Andrews	8,821 62		In hands of District Attorney.
"	1846	Harrison Rogers	8,484 78		
"	1849	do	10,553 35		In hands of District Attorney.
"	1850	do	6,831 41		
St. Mary	1839	R. B. Royster	4,747 60		Execution returned, *nulla bona*.
St. Tammany	1838	S. Smith	503 22		" issued and property of principal and sureties exhausted.
Vermilllion	1843	J W. Miles	248 84		Deductions and commissions will nearly balance.
"	1845	M. Perry	597 63		

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Parishes.	Year	Names of def'rs.	Amount of Taxes.	Licenses	OBSERVATIONS.
ermillion	1847	U. J. Bernard....	1,434 63		Police Jury did not meet to take bond of Percy. No bond taken. Bernard applied in 1849 to collect the same.
"	1846	do	1,003 63		
"	1850	Eloy LeBlanc.....	2,607 67		No licenses taken out for 1851 and unaccounted for.
"	1851	A. Lacour	757 84		No bond given.
nion	1847	A. Breed.	3,153 05		No license for 1848 taken out, and no account rendered.
unchita.	1838	T. C. Scarborough	1,687 89		In hands of District Attorney.
"	1845	W. H. Conts.. ..	1,170 64		Execution issued. No return made.
"	1849	W. H. Dinkgrave.	4,590 66		In hands of District Attorney.
"	1850	do	4,638 56		
Washington	1836	W. Brumfield.. ..	719 94		Dead. Pro'ty surrend'd and sold by Syndic
"	1838	J. E. Erwin.. ..	1,050 13		
"	1840	L. Bankston.. ..	355 97		
"	1841	A. C. Bickham ..	375 80		Estimated balance. Roll not having been received.
"	1844	W W. Morris. ..	1,593 59		No bond furnished.
lossier	1848	J. M. Hooper.. ..	3,228 87		
le Soto	1848	H. H. Womack ..	1,166 01		Settled his accounts within the time, but never paid the balance due.
th Rep. Dist. N. O	1847	W. K. Stiles. ..	21,235 29		Execution against sureties enjoined.
" " "	1848	do		6662 50	Amount due by him on licenses, not accounted for.
th " " "	1847	P. Schexnayder ..	3,828 67		Dead. No bond. Commissions and deductions will nearly balance.
" " "	1848	do		738 88	Amount due by him for licenses of 1848, not accounted for.

APPENDIX.

OFFICE OF THE BOARD OF SWAMP LAND COMMISSIONERS.

Baton Rouge, June 16th, 1853.

Hon. Louis Bordelon,
Auditor of Public Accounts:

SIR—The undersigned, Swamp Land Commissioners, under the Act approved 30th April, 1853, desirous of entering fully upon the duties of their office, would be pleased to know whether you consider yourself authorized to audit warrants drawn by them in their said capacity, and respectfully submit for your consideration Sections 18 and 20 of said Act, on which they predicate their right to draw on the Swamp Land Fund. They are unanimous in the opinion that the Sections here referred to, constitute a specific appropriation, in conformity with Article 94 of the Constitution of the State.

Respectfully, your obedient servants,

(Signed,) S. VAN WICKLE, HUGH GRANT, J. W. BUTLER. } Swamp Land Commssrs

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AUDITOR'S OFFICE,
Baton Rouge, June 17th, 1853.

To Messrs. S. Van Wickle, Hugh Grant, and J. W. Butler, composing the Board of Swamp Land Commissioners:

Gentlemen—Your note of the 16th inst., came duly to hand last evening, wherein you desire to know whether I consider myself authorized to audit warrants drawn by you on the State Treasury, in your capacity of Commissioners, under the Act of the General Assembly, approved 30th April, 1853, entitled "an Act to reclaim and drain the Swamp and overflowed Lands denoted to the State of Louisiana by an Act of Congress, entitled 'an Act to aid the State of Louisiana in draining the Swamp Lands therein,'" approved March 2d, 1849; and you submit to my consideration sections 18 and 20 of said Act, on which you predicate your right to do so.

You state, moreover, that you are "unanimous in the opinion that the sections referred to constitute a specific appropriation, in conformity with article 94 of the Constitution of the State."

Under the two sections of the law which you quote, I have no hesitation in saying that the warrants which may be drawn by you as Commissioners, may be "audited;" but whether these warrants can be paid, is, I presume, the main object of your inquiry.

The 94th article of our present Constitution, which is precisely in the same language as the 93d article of the Constitution of 1845, is in the following words: "*No money shall be drawn from the Treasury but in pursuance of specific appropriations made by Law*, nor shall any appropriation of money be made for a longer term than two years. A regular statement and accounts of receipts and expenditures of all public money shall be published annually, in such manner as shall be prescribed by law."

The construction given to this article of the Constitution, from the establishment of this office, up to the present time, has been, that no money can be drawn from the Treasury except by a special and distinct appropriation, that is: a specific sum of money fixed by law.

The two sections of the law to which you call my attention, and upon which you seem to base your conclusion, read thus:

Section 18th. "Be it further enacted, &c., That all works done and expenses incurred under this Act, shall be paid for by the Commissioners, out of any moneys in

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the Treasury of the State, arising from the sales of Swamp Lands; provided that the funds arising from the sale of the swamp and overflowed lands shall be divided among the several districts in the following proportions: viz: to the First District, two-eighths; to the Second District, three-eighths; to the Third District, three-eighths.

Section 20. Be it further enacted, &c., That all expenses incurred under this Act, shall be paid by the Auditor upon the warrant of the Commissioners; provided that no warrant shall be paid unless signed by a majority of the Commissioners."

These two sections only provide the *manner* in which moneys to pay for "work done and expenses incurred," shall be drawn from the Treasury, and *how* those moneys are to be apportioned among the districts, and from what *fund* they are to be paid, which is very proper in view of an appropriation made or to be made. But I cannot see how they can possibly be construed to constitute an appropriation of money, in accordance with the provision in the Constitution. They recognise a claim against the State, but do not provide for its payment.

The 19th section of Act No. 18, entitled "an Act to establish and regulate the Treasury Department," approved 26th January, 1847, requires "That it shall be the duty of the Auditor to prepare, digest and report to the General Assembly, at the commencement of each session,

First. A full and detailed statement, &c.

Fifth. A tabular statement showing *separately* the *whole amount* of each *appropriation* of public money made by law, the amount paid under the same, and the *unexpended balance*, if any."

It is very evident that those who enacted this law, were fully aware of the requirements of the Constitution on the subject of appropriations, and knew that no appropriation could exist without a sum of money *specifically* stipulated therein; otherwise, how could it be possible to report to the Legislature "a tabular statement showing *separately* the whole amount of each appropriation," and the "unexpended balance, if any." Where is the "*amount*" specified in either the 18th or 20th section, upon which you predicate your opinion? and how can this law, which is binding upon the Auditor, be complied with, if your views be correct? As an evidence of the correctness of my position, I will call your attention to a case exactly in point. In 1848, the Legislature omitted to make an appropriation of the School moneys. The laws on the subject of Free Public Schools and on the revenue, levy a tax specially for school purposes, which is kept as a separate and distinct fund in the State Treasury, in the same manner, as the "Swamp Land fund." The law, moreover, fixed the mode of apportioning those moneys among the Parishes of the State; the mode of drawing the same from the Treasury by the Parish Superintendents their salaries; in fine, every thing requisite in detail to carry out the present school system. Many who were not familiar with the subject, at once labored under the impression that no appropriation could possibly be necessary other than the one contemplated by the existing law. The subject was fully and thoroughly investigated, and as the Legislature then met biennally, the Executive of the State, wishing to avoid a delay of over eighteen months in the payment of those school moneys, was brought to the necessity of convening the General Assembly in extra session, for the sole purpose of making an appropriation in the way directed by the Constitution. Whilst citing this particular instance, I refer you to the whole Legislature of the State on the subject of appropriations. Even the salary of an officer, though fixed by law, and the manner too of drawing the same, cannot be paid without an appropriation, as you will see by reference to the general appropriation bill which is passed at each session of the Legislature.

To remedy the evil as far as possible, in all such cases, when the law recognizes a claim against the Treasury, (as in the present instance,) and no appropriation has been made to pay the same, the 32d section of an Act already cited, entitled "an Act to establish and regulate the Treasury Department," provides "That in all cases where the law recognizes a claim for money against the State, and no appropriation by law shall have been made to pay the same, the Auditor shall audit and settle the same, and give the claimant a certificate of the amount thereof, under his official seal, if demanded, and shall report the same to the General Assembly with as little delay as possible.

As the matter at present stands, I am fully of the opinion that my authority cannot go beyond the limits marked out by the last quoted section of law, and that no money can be drawn from the Treasury by the "Swamp Land Commissioners," until the General Assembly shall make an appropriation in accordance with the 94th article of the Constitution.

It is not my province to say what the Legislature intended to do, but I must conform myself to their Acts as they are.

I am, most respectfully,

Your Obedient Servant,

LOUIS BORDELON, *Auditor.*

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APPENDIX.

REPORT

OF THE

BOARD OF

SWAMP LAND COMMISSIONERS.

NEW ORLEANS:

PRINTED BY EMILE LA SERE, STATE PRINTER.

1854.

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REPORT

OF THE

BOARD OF SWAMP LAND COMMISSIONERS.

BATON ROUGE, LOUISIANA,
Monday, January 2d, 1854.

his Excellency P. O. Hebert,
Governor of the State of Louisiana.

The undersigned have the honor to re- t that, agreably to the Act to reclaim and in the swamp and overflowed lands don- d to the State of Louisiana by act of ngress, entitled: "An Act to aid the te of Louisiana in draining the Swamp nds therein," approved March 2d, 1849, l in virtue of their commission, dated the day of June, 1853—they met at the of Baton Rouge, and having duly qua- d, organized, on the 15th day of June. 53, by appointing T. B. R. Hatch, Se- tary, and Col. S. Van Wickle, Presi- t; they made their by-laws and appoint- their Engineers as required by the law, :

Levi C. Pettees, for the First,
Vincent Kirland, for the Second, and
W. H. Peck, for the Third District.

The subject of considering the most im tant works first to be performed coming n before the Board, the Commissioners olved to apply to the Auditor of Public counts, Mr. Bordelon, in relation to the plies of money necessary for such opera- ns. He refused to audit their warrants he legal customary form, stating that the amp Land Bill, as now enacted, does not tain, or itself constitute a specific appro- ation in conformity with the ninety-fourth icle of the Constitution of the State; l the Commissioners were refused by the ectors of the Louisiana State Bank the disbursement of a warrant audited by him informally.

The presence of the epidemic and consequent long adjournment of the Court, prevented the Commissioners from complying with the advice of the Attorney General: by trying at the Auditor's legal domicil, Baton Rouge, to compel by mandamus, the due auditing of their warrants. Thus reduced to their own small resources for carrying out the intentions of the Legislature, expressed by the Act, their report on the present occasion can relate to little else than matters of preliminary import or preparation. In the 1st District, the Engineer, Mr. Levi C. Pettees, having fallen a victim to the prevailing epidemic, an assistant divided the same into Levee Wards and Draining Districts, as follows: The first comprising all plantations, the lands in rear of the same, and the banks of the Mississippi River, not otherwise protected in front, below the lower limit of the parish of Jefferson, containing the parish of St. Bernard, the portion of Plaquemines parish laying on the East side of the Mississippi, and as much of the parish of Orleans, as contemplated by the Act;

Second, comprising the parts of Jefferson, St. Charles, St. John Baptist and St. James parishes, on the East side of the Mississippi River;

Third. The parishes of Ascension and East Baton Rouge;

Fourth. The parishes of East and West Feliciana;

Fifth. Livingston and St. Helena, and the

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Sixth, comprising St. Tammany and Washington parishes.

The like melancholy misfortune resulting in the 2d District from the late fatal epidemic, Mr. Lafayette Caldwell, successor to the deceased Engineer, V. Kirkland, made the following division of that district, viz:

The First Levee Ward and Draining District, bounded on the North by the 31st degree of latitude, on the South by the Bayou Plaquemine and Grand River, on the East by the Mississippi River, and on the West by the Atchafalaya;

Second. On the North by Bayou Plaquemine, Grand River and the Mississippi River, on the South by the Southern parish boundaries of Assumption, St. Mary and St. Charles, on the East by the Mississippi River and the Eastern boundary of the parish of St. Charles, and on the West by Grand River and Lake Palourde;

Third. To comprise that portion of the parishes of Jefferson and Plaquemines, West of the Mississippi River;

Fourth. The parishes of Lafourche Interior and Terrebonne;

Fifth. The parishes of St. Mary, St. Martin and Lafayette;

Sixth. The parishes of Vermillion and St. Landry, and

Seventh. To comprise the parish of Calcasieu.

And in the Third District, the Engineer, Mr. W. H. Peck, divided his district as follows:

The First Levee Ward and Draining District, comprising the parishes of Carroll and Madison, fronting the Mississippi river, and the parishes of Caldwell, Morehouse, Ouachita and Franklin, in the rear;

Second. The parishes of Tensas and Concordia, on the Mississippi River, and the parish of Catahoula, in the rear;

Third. The parish of Avoyelles;

Fourth. All that portion of Rapides parish, on both sides of the Red River, to Bienville on one side, and Bayou Rapides on the other;

Fifth. All that part of the parish of Rapides North of Alexandria, on each side of Red River;

Sixth. The parishes of Natchitoches, Winn and Bienville;

Seventh. The parishes of Sabine and De Soto;

Eighth. The parishes of Bossier, Caddo, and Claiborne, and

Ninth. Comprising the parishes of Jackson and Union.

A much more perfect description and arrangement of the foregoing subdivisions into Levee Wards and Draining Districts better adapted to the important end in view, may likely prove necessary and can only be undertaken when such reasonable portion of the Swamp Land Fund shall be made accessible to the Commissioners as can admit of having thorough exploration and surveys made and the required levees taken.

By the totol absence of funds, operations in the First District were necessarily limited to examinations, surveys and plans of the levees and banks of the Mississippi River, chiefly in the parishes of Jefferson and St. Charles, where the well founded fears of front proprietors and planters would justify, instead of making fine mere locations, to have the repairs of old and the erection of new levees in progress, as required in the vicinity of Carrollton in the one, and near the honorable P. A. Rost's and towards the famous crevasse locality in Bonnet Carré bend in the other parish.

In the Second District, the attention of the Board of Commissioners was directed to the proper location of the Grand Levee in the parish of Pointe Coupée; this not being performed, the constructive contract special Act of appropriation more properly under the supervision of the Commissioner and Engineer of that District. We refer therefore to their reports concerning it, by which will be found that a further appropriation is required to provide for the final payment to be made on completion of that levee, which there is every reason to expect will be accomplished in all this month. The undersigned therefore respectfully urge the necessity of granting the appropriation asked for.

The Bayou's of the Atchafalya River, acting as inlets, inundating large portion of rich lands, and the levees for closing them up were, after due inspection by the three Commissioners, directed to be executed when the stage of waters would render the work more practicable, and wheaever deemed most advisable by the Engineers of those Districts. Of these, the embankments for closing up Middle, Lake, "Picket's and West's Bayous, in the Second District, have been surveyed, estimated, publicly advertised and duly placed under contract. The survey to locate a levee across the Point Mauwar, in the parish of West Baton Rouge, has been partly made and will be finished and estimates prepared with all practicable despatch.

In the Third District, after the examination of Yellow, Crockett, Cowpen and Turner's Bayous, as aforesaid, on the Atchafalaya River, attention was more particularly

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directed to parts of the District where parties interested in the construction of works, advanced the means to make the necessary preliminary surveys and measurements, as for instance at the threatened Cut-off on Cole's Creek Point, where proper surveys, plans and estimates were prepared and advertisements made; but the expected bids were not received, by reason, it is presumed, of the epidemic then prevailing everywhere in the State.

From the mouth of Bayou Rapides to Dunn's Bayou, on the left of Red River, in Rapides parish, the Engineer of the Third District surveyed, measured and estimated a levee for construction of which the advertisements were made, proposals received and contracts entered into according to law.

Similar preliminary steps have been taken from the town of Campté to the mouth of the Sabine Bayou, within the parish of Natchitoches, with exception of not having in this case advertised said works, or entered into contracts for its performance.

Unfortunately, any further acts of the Commissioners seem altogether of too little moment to deserve notice by your Excellency, owing altogether, as already stated, to the construction the Auditor of Public Accounts deemed it his duty to put on the law under which they have had to act, a subject so well understood, that they believe it superfluous to do more here, than to urge the importance of its speedy consideration.

It becomes them, however, to advert to the inadequacy of the Swamp Land Bill, as at present enacted, to the reclamation of large bodies of rich overflowed lands, especially in the 1st and 2d Districts.

The best mode of providing the means for which will mainly depend on the collective wisdom of the General Assembly of the State and on your Excellency; but works to be accomplished for the purpose we believe, would combine levees with canals of drainage and draining machinery; and portions so drained ought not, we think, to be sold at a much less valuation than would be obtained by considering the cost of works erected and improvements effected, adding to the acquired value of the land, a sum per acre sufficient to cover such outlay.

Extravagance and precipitancy in expenditure of the Swamp Land Fund, for machinery and works of this kind, could be prevented by restricting the Commissioners or other officers provided by law, from undertaking but a limited area of land to be drained at one time, in each Swamp Land District requiring the use of machinery; and in every case to have the complement last improved, disposed of by sale, before another is commenced in the same Swamp Land District.

The average annual fall of rain, in other places, is given at 26 inches; we will set it down in this State as indeed reported to be 36 inches, making for one month 3 inches; but as a safe guide, we will suppose it in excess to be as great as 6 inches for a month's fall.

This will give 3 cubic feet to the square yard, or 14,520 cubic feet to an acre of surface in so extraordinary a month.

It will seldom be necessary to raise this water higher than 1⅓ foot above the natural surface of the marsh, and we must keep down the waters in the drains at least 1½ foot below the surface of the lands designed to be cultivated: so that the lift between the surface water in the drains and that of the out fall, would be three feet.

We may cause the main drains to be excavated as much as 7½ feet deep, and have the float boards of the wheel to dip as much as 5 feet below the water surface, or 6½ feet below the land surface in the marsh, and thus have the main drains one foot deeper than the sweep of the float boards to allow for the deposition of sediment and weeds and to facilitate the flow of water to the wheel, which in technical language would thus have 8 feet head and dip, making then a horse's power of the nominal rate of 33,000 lbs., raised one foot high in a minute, we have 4,125 lbs. raised 8 feet high in the same time, and a cubic foot of water weighing 62½ pounds, gives us 66 cubic feet of water, raised eight feet high in one minute.

Now 14,520 cubic feet in excess of rain water to the acre and a horse's power raising 66 cubic feet per minute, 8 feet high, will give 220 minutes, or three hours and forty minutes, to raise 14,520 cubic feet, or the water of one acre, and eighty horses' power the water of eighty acres, in the same time, and of nearly 262 acres in one day of twelve working hours, or upwards of 7,854 acres in a month of the heaviest rains. The rain due to a given month, may fall in a few days, but the drains would have capacity enough to act as reservoirs and contain what reduced portion of water the dried up ground could not absorb and the atmosphere evaporate, besides which, the steam engine could be made to work twenty instead of twelve hours per day, when necessary.

But few persons believe or are aware how small a quantity of mechanical power is required to drain a large tract of such land. No just comparison can be made with the drainage in rear of the city of New

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Orleans, burdened as it is obliged to be with the Water Works Company's supplies and other feeders.

For many months in the year, the evaporation will be found greater than the fall down from the clouds. So that 9,000 acres to 80 horses' power would not appear too much allowance in place of the 7,854 acres calculated, and to effect the drainage of 9,000 acres, one engine of 80 horses' power, or two of forty, or one of twenty, and the other of 60 horses, could be erected according to the particular case; but in the aggregate not to exceed 80 horses' power until the 9,000 acres drained thereby would be disposed of or sold.

Lands so drained would be cheaply sold at fifteen to twenty dollars per acre, according to the location, and would not cost for main drains, machinery and buildings, at perhaps an extravagant rate, more than eight dollars per acre, or $72,000 for 9,000 acres, taking into consideration that main drains only would be executed, and that the work of smaller surface ones and clearings could be best performed by the purchasers when preparing for cultivation.

For carrying out the system in good working order, a draining tax calculated to meet expenses of repairs and superintendance, to be levied only on the lands drained or benefited.

The Board would have approached this important subject with greater diffidence, and might have confined their observations and recommendations to protection levees on the River Mississippi, with other rivers and bayous of the State, requiring such great expenditures that the public lands now available to the State, may not produce more than sufficient to guard against overflow. Were it not that the reclamation of Swamp Lands is contemplated in the Act of Congress, and provision is made in the State bill for borrowing money, and that by prosecuting a judiciously restricted system of drainage with machinery, as intended above, an amount would finally be accomplished to vastly increase the revenue of the State, making large additions from time to time to her taxable property, rendering lands now non-productive, the most valuable, and inducing, with an advanced state of cultivation, a greater salubrity of climate and atmosphere, increasing the population, and in effect reclaiming lands in lower Louisiana, to an extent to make her no less rich in resources than in progressive industry, and to constitute the whole State one of the first in the Union for wealth, public spirit and successful enterprise.

The Commissioners would further state that the Great Western or Opelousas Railroad, being a public work in which the State government and all owners of real estate are interested, they will pay particular attention to the requisition made upon them by the Directors of that road, regarding certain levees on the Bayou Lafourche, as soon as the Board will be placed in a situation to admit thereof.

They will also make the requisite examinations and surveys to enable them to judge correctly of the many suggestions and recommendations addressed to them by the published pamphlet of the State Engineer, especially those referring to overflowed lands and lakes in upper Louisiana.

And with sentiments of highest regard, they have the honor, most respectfully, to be

Your Excellency's obt. servts.,

(Signed) STEPHEN VAN WICKLE.
J. W. BUTLER.
HUGH GRANT.

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APPENDIX.

REPORT

OF

COL. S. VAN WICKLE,

COMMISSIONER

SECOND DISTRICT SWAMP LANDS.

NEW ORLEANS:
PRINTED BY EMILE LA SERE, STATE PRINTER.

1854.

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REPORT

OF

COL. S. VAN WICKLE,

COMMISSIONER SECOND DISTRICT SWAMP LANDS.

To His Excellency P. O. Hebert,

Governor of the State of Louisiana:

In compliance with the provisions of an Act of the General Assembly, entitled "an Act to reclaim and drain the Swamp and overflowed Lands of the State of Louisiana," approved 30th of April, 1853, I present you my report, as Swamp Land Commissioner for the Second Levee and Draining District.

I had the honor to receive my commission on the 4th day of June, bearing date of the first.

On the 14th same month, gave my bonds and qualified. On the 15th, met Messrs. Hugh Grant and J. W. Butler, Swamp Land Commissioners for the First and Second Districts, at Baton Rouge, and proceeded to organise under the Act creating the Board of Swamp Land Commissioners. We remained in session until the 22d of same month, during which time we visited and fixed the location of the Grand Levee of the Parish of Point Coupée, and also examined several bayous located in said Parish, and serving as outlets to the Atchafalaya River, viz: Middle Bayou, Lake Bayou, West Bayou, and Rickett's Bayou. Said bayous, during the annual high waters, overflow a valuable section of country, embracing a large quantity of swamp and public lands, situated and lying between the Atchafalaya and Mississippi Rivers.

By a unanimous vote of the Board, it was resolved that the bayous be closed.

The duty then devolved upon me of appointing an Engineer for my District, and in conformity thereto I commissioned Vincent Kirkland, of the Parish of West Baton Rouge.

In order to expedite and further the work already laid out, and which was essential in its completion to the protection of a number of the wealthiest Parishes, not only of my District, but of the State, the Board of Commissioners found it necessary to draw upon the Auditor of Public Accounts, for means to prosecute their plans. That officer positively refused to audit our drafts, upon the ground that no specific appropriation had been made as required by Article 94 of the Constitution.

After every effort to obtain the necessary means for the proper conduct of these works had failed, my operations in connection with the duties imposed upon me, were very much limited.

The season was fast advancing, when it became my duty, under an Act of the Legislature, approved April 28th, 1853, appropriating thirty thousand dollars out of the Swamp Land fund, for the completing and rebuilding of the Grand Levee of the Parish of Pointe Coupée, to try and forward the construction of this important work.

The advertisements were made as required by law. The sale of this work took place on the fifth (5th) of August last, on line of said Levee.

An offer of this work was first made in sections of about three hundred (300) feet each. Six of these sections were sold at an average of seventeen and a quarter (17 1-4) cents per cubic yard, Mr. John Toy being a contractor. No bids were made for the remaining sections under twenty-five (25) cents per cubic yard. (They were, however, subsequently all adjudicated to John Toy, at twenty (20) cents per cubic yard.) He furnished his bonds by notarial act, (passed before W. G. Bozeman, Notary Public,) which bonds were approved by Vincent Kirkland, Engineer of the Second (2nd) District.

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Mr. Toy, in conformity to his contract, commenced operations upon the Levee immediately after the adjudication of the contract, with every promise of being enabled to complete the work within the prescribed time. But in consequence of the appearance of the epidemic, which was at this period spreading terror throughout the State, and the imminent peril attending the concentration of so large a body of men as would have been necessary to complete an undertaking of such magnitude, in a vicinity which at that time was suffering from the disease and pestilence, would have been perilous in the extreme, both to the laborers and to the country. Meanwhile the time for fulfilling the terms of the contract expired, and the work was still in an unfinished condition.

The Engineer, Mr. Kirkland, while in the execution of his duties, contracted the yellow fever, and died on the 29th of September.

My own health became so much impaired and enfeebled, that I was confined in a sick room for more than two months.

In the face of so many adverse circumstances, the work was suspended until about the first of November, when the contractor was enabled to collect a small force upon the line of operations: yet notwithstanding every exertion was made, he could not obtain more than seventy (70) or eighty (80) laborers, at any one time, up to the fifth (5th) of December, when his bonds were forfeited by the limit of his contract.

On the eighth (8th) of November, I appointed L. Caldwell, Esq, Engineer of my District, to succeed Mr. Kirkland.

The season had so far advanced, and the time for the annual rise of the river so nearly approached, that a crisis had arrived when this work must be completed at any cost, to avert the calamity of an overflow.

Availing myself, therefore, of the power conferred upon the Commissioners by section twenty-sixth (26th) of the Act "to reclaim and drain the Swamp Lands, &c.," upon the recommendation of the Engineer of my District, I proceeded to let out the Grand Levee in separate and distinct sections, at the rate of twenty five (25) cents per cubic yard, to contractors, whose energy and perseverance would seem to insure the completion of the work in time to meet the high waters of the Mississippi River.

In consequence of the great difficulty of securing the services of men, prepared with the necessary implements, to prosecute the work on their own responsibility, I found it necessary to employ men to whom I furnished an outfit, in the way of wheelbarrows, spades, provisions and buildings, all of which articles it was agreed should be at the expense of the contractors, (except the lumber for buildings,) and the price of said articles to be deducted from their contracts, in making a final settlement with them. By these means I was enabled to employ upon this important public work, in the course of ten (10) days, some three hundred (300) laborers; and there is at this time every prospect of its entire completion in ample time to resist the waters when they may rise.

If the original contracts for this work could have been made, as was expected, at an average of about twenty (20) cents per cubic yard, the appropriation of thirty thousand (30,000) dollars would have been nearly sufficient for its completion. But owing to the prevalence of the epidemic, and the high rate of wages, as well as our inability to procure, even at the ruling rates, a sufficient force for our purposes, it was found necessary to enter into new contracts, at an advanced rate of twenty-five (25) cents per cubic yard.

This, in connection with the necessity for the better securing of the Levee now finished, of making of an inside ditch for the purpose of carrying off the transpiration of water, and also as there should be some provision made for the building of a Point Road, as the authorities of the Parish declare their inability to execute this work, for want of means: it will be necessary that a further appropriation of twelve thousand (12,000) dollars be made. This further appropriation I deem indispensable to the more perfect completion of this great work, a work on which the safety of nearly the whole of the south-western part of our State depends. For the full statistics of this work, I refer to the Report of L. Caldwell, Engineer, on file in the office of the Swamp Land Commissioners.

The lands upon which the Levee is situated belong to the Parish of Pointe Coupee by donation from the General Government of May 26, 1824, for the purpose of enabling the Parish to build and keep in repair said Levee.

I understand that the authorities of said Parish are desirous of transferring said lands to the State, under the general system of levying and draining, which I have reason to hope the State is about to adopt. I would respectfully suggest, in case an arrangement can be made with the Parish, that the State accept the transfer.

The greater portion of these lands are in a high state of cultivation, and would afford, by renting or sale, a sufficient fund to keep the roads and levees in repair.

The State being compelled to build and keep in repair these improvements, it is but right, in my opinion, that the means there-

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or this purpose should be placed in the hands of the party held responsible, and upon whom so large a portion of our State rely for protection against their great enemy, water.

As soon as the appointment of Mr. Caldwell was made, his attention was directed to the unfinished work on the Grand Levee, the surveying, estimating and location of points for closing up the bayous heretofore mentioned, situated on the Atchafalaya, and for a levee across the Point Manwar, situated in the upper part of the Parish of West Baton Rouge, on lands that have been principally abandoned by their proprietors.

This Parish had built at great expense a levee across this point, which for a time will afford security not only to her own citizens, but to Iberville, and others; and the attention of the Commissioners having been called to this fact by the Police Jury of said Parish, it was ordered: that a survey and location of this be made, and reported at the next regular meeting of the Board. It was not necessary that immediate action should take place, as the Front Levee now existing is a sufficient security for the present. But as it is situated on a bank that is caving, it is liable to be destroyed. Should a new levee be ordered across this point, which I think will be indispensable in a short time, I would suggest that an effort be made by the State to secure these lands that have been abandoned to the Parish.

As soon as the surveys and location on the bayous heretofore mentioned, were made, the work was advertised to be let, according to law.

The sale took place on the tenth (10th) and twelfth (12th) of December, under the supervision of the Engineer of this District. I am informed that the work was let at an average of about twenty (20) cents per cubic yard.

For this information and the subdivision of the District, I refer you to the report of the Engineer, on file in the office of the Commissioners.

There is an evident ambiguity in the present law relative to the duties of the Engineers and Commissioners, and in evidence I cite the fact that many of our worthy and intelligent citizens have so interpreted this law, that as they view it, the Parochial authorities are relieved of all responsibility, and have applied to the Engineer to locate and supervise their private levees.

I construe the law as confining us entirely to the reclaiming and draining of swamp and overflowed lands.

I would gladly interpret the law as my fellow-citizens view it, believing that it would accelerate the building, as well as placing the levees in a position that would render them more secure, and make the system more complete. I would recommend that all levees throughout the State be placed under the control of the Engineers and Commissioners. I would not relieve the front proprietors of the responsibility now resting upon them, to make and keep in repair all their front levees; but when completed, they should receive a reasonable compensation for all sacrifice and for work done, the price of work to be fixed by the cubic yard.

Should this recommendation be adopted, I am satisfied that it would result in a greater unanimity of action, which is necessary to the better carrying out of this great system, which if adopted, would require an additional aid as to Engineers; and I would therefore suggest that the Commissioners be authorized on receiving applications from any individual or individuals to locate and supervise the making and construction of any levee in his District, he shall have the power to employ any competent Engineer to make the same, and report the result of his work, which shall define the base, height, and location, with the number of cubic yards of earth required for the construction of said work, with his reasons concerning the necessity of said work, to the Commissioners of the District, which shall be laid before the first meeting of the Board of Swamp Land Commissioners; and if the work be ordered, the Commissioners of the District shall immediately take the necessary steps to have it made. The Engineer so employed to be paid for his services at the legal rates.

I would also call your attention to that clause in Act No. 328, section 16, which enacts:

"That the Engineers, and in the event of their absence, the Inspectors, are hereby empowered, within the several levee wards, to call out to work on the levees therein, in case of a crevasse or threatened crevasse, all the male slaves above the age of fifteen, and under sixty, or so many thereof as may be deemed necessary, whose owners reside on the same side of the river or bayou, within seven miles of the threatened danger; provided that this shall not apply to any person living on high lands, that is, lands not alluvial, &c." The clause that I wish particularly to direct attention, is that part which prescribes the bounds of the requisition of the authorities empowered to act in case of danger. The limits by this Act is to *seven miles*. Beyond this they cannot go.

It must be known to your Excellency, that there are points after points liable to be broken, where it would be impossible to raise a force even of one hundred men, when

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the exigencies of the times would require three times this number within the limit, thereby depriving the authorities of that assistance necessary to save perhaps a large and productive back country from all the horrors of an inundation.

I most respectfully suggest that the words "*within seven miles*" be so amended that no difficulty may arise to cripple the efforts of the authorities in preventing or closing up any crevasse as soon as possible after occurring.

I would also recommend to the careful perusal of the honorable members of our Legislature, the Report of the Senate Standing Committee, of the 21st March, 1850, on Levees, Drainage, &c., which clearly and fully shows that the State is possessed of ample means to redeem from overflow, and secure all our public lands, if said means are judiciously applied, and leaving a sinking fund sufficient to enable us for all time to keep these works in repair. In the report to which I allude may be found a summary marked D. D. D., upon which I found my opinion. I would also call attention to the Report on State Levee Districts South of Red River, which is to be found in same Reports, page 36, marked P.

I will suggest what in my opinion appears as the best means to be applied.

There has been so much said on this subject by eminent and professional men, that I feel my incapacity to add anything to the multiplicity of facts already produced upon this interesting subject Yet having been more or less connected with these works for a period of thirty five years, it may be expected that I would give my views relative to that which has for so long a period attracted my attention.

My experience compels me to adopt the conclusion, that we should not depend upon levees, but as auxiliaries.

I fully concur with the opinion of the talented and able Engineer, A. D. Wooldridge, Mr. Ellet, Hugh Grant, Civil Engineers, (who is at present the able Commissioner of the First Swamp Land District,) also of Col. Long, who was connected with the General Government survey, as well as the other eminent Engineers of our own State, who agree that we must adopt some other means of safety than those upon which we are now depending. That the means now used are insecure and inadequate, experience has but too truly demonstrated. It is now with fear and trembling that the citizens of a large portion of our State witness the annual rise of the Mississippi, not knowing at what moment the labor of years may be swept away, and all their plans for the future dissipated.

This insecurity so universally acknowledged, should awaken our State to the obligation resting on her.

Her citizens who plant and expend large amounts of wealth upon her soil, should receive her fostering care. Her whole energies should be directed to securing them means and furnishing that aid without which they have no security for the future. Upon the prosperity of her citizens depends her own existence. By private outlays, and in the face of obstacles that would have disheartened almost any other people, they have raised their State to the high position she now holds, and this should be a powerful incentive, when she has abundant means to relieve from this great responsibility and loss, those to whom she is so deeply indebted.

The means now in use, as I have above mentioned, being insufficient, I will recommend a general system of outlets. I would improve the natural ones now existing, and make such artificial ones as the necessity of the case may require to carry off the surplus water. We all agree as to the necessity of these outlets, but differ as to their location.

In my opinion there should be none constructed lower down than Morganza. That portion lying between the Atchafalaya and Morganza, nature appears to have defined as a proper place for this work. The capacity of the Atchafalaya River, since the removal of its rafts, will afford sufficient outlet, and greatly tend to our relief. It has been doubted whether the Atchafalaya is able to carry off any additional water that may be thrown into it; and I am well aware too, of the jealousy with which her citizens, and all the Parishes of the south-western part of our State, look upon any work that may be done to increase its waters. I would relieve this apprehension by stating that we have a sufficient data by which this stream can be made to carry off double or three times the amount of water that now flows through its channel, by means of the opening and improving of its natural outlets, and making a few artificial ones into the Gulf. Here then would I recommend the first operations, that the Atchafalaya may be ready for any additional water that may be thrown into it.

By opening the outlets to which I have alluded, and receiving the surplus waters of the Mississippi, the south-west not only relieves those portions of our State in the delta of the Mississippi, but she also removes the cause of great loss to herself consequent upon crevasses that may occur.

Should the State increase the power of

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the Atchafalaya to three times her present capacity to disgorge into the Gulf, and throw into its channel but twice its present amount of water, there certainly could be but little cause for fear or opposition to this measure. And this is all that is asked.

Had it been found impossible to improve the Atchafalaya or its outlets, that a greater quantity of water could be passed through its channel, I would not advise this measure. But the reverse has been clearly proved to be the fact. Our most eminent Engineers, after careful surveys, and from all the evidence that could be collected bearing upon this subject, give us their opinion that this river can be improved as to afford the means of relief to those who have labored so strenuously to obtain it.

For further information I take pleasure in referring to the able report of Hugh Grant, Esq., Chief Engineer, which is to be found in the report of the Senate Committee, of 1850, to which I have before made reference.

Had the Board of Commissioners not been crippled by these unfortunate circumstances to which I alluded in the early part of my report, their attention would have been specially drawn to these outlets, and some action would have been taken by which I would have been able to have furnished the probable estimate of the cost of these works, and also a more complete report upon this subject.

As to the location of the outlets on the Mississippi, I would recommend that one be located about seven miles above Morganza, known as Raccourci, or Tunica Bend. Commencing about the centre of the Raccourci levee, and following a low portion of land that intersects with many bayous, that would lessen the expense of excavating, and falling into the Atchafalaya about 35 miles from its confluence with the Mississippi River. Not only would this location tend much to lessen the labor, but the expense of right of way would be comparatively small to that of any other point, the State already owning the greater portion of the lands through which it would pass. It would also act as a drain for a portion of country that is now subject to inundation.

I think commencing at a point instead of a bend of the river in that vicinity, the tendency to the suction of rafts and driftwood into its channel, would be thus sufficiently obviated by its remoteness from the main channel or deep river bend. It would be fed by the old river made by the Raccourci cut-off, as well as by Mississippi proper.

Lake Moreau, located near the head of the Raccourci cut-off, has been recommended as a suitable point for a minor outlet, as is represented to be already partially formed by nature. I will however defer my recommendation relative to this point, until a thorough examination can be made.

Should the situation be found an eligible one, I will advise that measures be taken to render it available.

I would also recommend a suspension of the sale of those lands belonging to the State, that are subject to overflow, until they may be improved. By our improvements, the value of these are so greatly enhanced, that they become objects of great importance as means of revenue.

The State making outlays to render these lands valuable, should realize by direct income some of the benefits conferred These lands when improved and brought into market, should be sold by the proper authorities at auction to the highest bidder. This would give them to the actual settler, and not place them in the hands of speculators, who enter large bodies of overflowed lands at the Government price, whenever they find the attention of the Commissioners directed towards their improvement.

This system of reservation and sale of these overflowed lands until improved, would result as before stated in an increased revenue, returning to the State a part of the means expended in reclaiming them. It would also increase the population and wealth of the State by actual settlement, reasons sufficient to my mind to render the recommendation proper.

Should the authorities not be able to dispose of a sufficient number of acres to furnish the necessary funds to continue the improvements, a result hardly within the range of possibilities, I think that a resort to the means provided in section nineteenth (19th) of the swamp land law, where the Governor is empowered to meet the wants arising from the happening of any extraordinary event, would be preferable rather than continue a system that precludes the State from the benefits that would accrue in the shape of a large and increasing revenue.

I would further recommend the building of three boats, to be so constructed that in case of crevasses they could be used as pile drivers or tenders, and in low water to be used on different streams of the State for the improvement of the same, either under the direction of the Engineers, or the Commissioners.

Experience has taught us that when crevasses occur, the great difficulty is to obtain

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earth and the necessary material to close them, and they are often abandoned, when by the assistance of the means such as I have recommended, the great loss consequent upon their occurrence could be removed.

I am of opinion that this measure has been already recommended by our present able and efficient State Engineer.

It was my intention to have visited every Parish in my District, and to have made a personal examination of such points as had been recommended by the citizens, for improvement. But circumstances entirely beyond my control, I regret to say, deprived me of this pleasure.

Feeling a lively interest in the success of the great Internal Improvement system, which I hope our State is about to adopt, and being assured that the means now under her control, if properly directed, will insure to us what I have so ardently desired, it affords me great pleasure to assure your Excelleney of my continued confidence and support, hoping that by your experience you will be enabled to recommend to our next Legislature such laws as they in their wisdom may enact to meet this great emergency.

Respectfully yours,

(Signed) S. VAN WICKLE.

Pointe Coupée, December 19, 1853.

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APPENDIX.

REPORT

OF THE

ENGINEER

OF THE

SECOND DISTRICT SWAMP LANDS,

STATE OF LOUISIANA.

NEW ORLEANS:
PRINTED BY EMILE LA SERE, STATE PRINTER.

1854.

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REPORT OF THE

ENGINEER OF THE 2D DISTRICT SWAMP LANDS.

Office of Engineer 2d District Swamp Lands.

WEST BATON ROUGE, LA., December 20, 1853.

In conformity with the rules laid down by your honorable Board in the by-laws by which I am governed, I herewith submit you a brief report of my operations during the short time in which I have had the honor to serve upon the Engineer Department of this District.

On the 1st of August, 1853, I was appointed by Mr. Kirkland, Assistant Engineer for the 2d Swamp Land District, and immediately entered upon the duties of my office, and performed the labor required thereby, until the death of Mr. Kirkland, who fell a victim to the yellow fever, from exposure whilst in the active discharge of his official duties, September 29th, 1853.

This unexpected accident deprived the department of the Engineer just at a moment when his services were most needed, and my illness from a severe attack of the same fever, together with your feeble health at the same time, left us almost entirely helpless for awhile; but the prevalence of the epidemic, which scourged our land at a season when our active exertions could be most advantageously employed, effected every department alike, and the work laid out for an early commencement, was thus unavoidably delayed until the advance of the season passed upon us.

In this condition we were placed, when my selection to fill the vacancy occasioned by the death of Mr. Kirkland, was made by you, November 8th, when I took charge of the official papers left by him; and have since endeavored to perform the duties of the office to the best of my ability.

Under your instructions to me, dated November the 8th, I proceeded to the Grand Levee in the Parish of Pointe Coupée, to finish the engineering left incompleted there, and to supervise the construction of the levee.

On November 24th, I repaired to the Atchafalaya River, where I surveyed the localities and leveled the sites for dikes, or levees to be placed across Lake, Middle, Picketts and West Bayous, near their junction with the east side of the Atchafalaya River, and returning there upon the 10th of December. I let out the same work on the 10th and 12th to the lowest bidder, in accordance with advertisement made by you concerning the same.

On the 19th of December, I made a partial survey of Point Manoir, in the Parish of West Baton Rouge, in company with yourself, and since that time, when not engaged in the superintendence of the construction of the Grand Levee, I have been constantly employed in office duties.

I have already formed and divided the District over which my office extends, into Levee Wards and Draining Districts, in conformity with the requirements of the 11th section of the Act, and submit the same for your concurrence, as follows:

District No. 2 of the Swamp Lands is subdivided as follows:

Levee Ward and Drainage District No. 1—Bounded on the North by the 31st degree of latitude; South by the Bayou Plaquemines and Grand River; East by the Mississippi River, and West by the Atchafalaya River.

Levee Ward and Drainage District No. 2—Bounded on the North by Bayou Plaquemines, Grand River, and the Mississippi River; South by the southern boundaries of the Parishes of Assumption, St. Mary and St. Charles; East by the Mississippi River, and the eastern boundary of the Parish of St. Charles; West by Grand River and Lake Palorde.

Levee Ward and Drainage District No. 3—To be composed of the Parishes of Jefferson and Plaquemines, West of the Mississippi River, with their boundaries.

Levee Ward and Drainage District No. 4—To be composed of the Parishes of Lafourche Interior and Terrebonne, with their boundaries.

Levee Ward and Drainage District No. 5—To be composed of the Parishes of St. Mary, St. Martin and Lafayette, and bounded with their lines.

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Levee Ward and Drainage Distriet No. 6—To be composed of the Parishes of Vermillion and St. Landry, with their boundaries.

Levee Ward and Drainage District No. 7—To be formed by the Parish of Calcasieu.

The construction of the Grand Levee has engrossed much of my time, and I have co-operated with you as far as possible in removing the many obstacles and vexatious causes which have been thrown in our way to prevent the completion of this great bulwark of defence against the waters of the Mississippi River.

These obstacles, though at one time most formidable, have been entirely surmounted, and we can now congratulate ourselves upon an assurance of the completion of the Grand Levee before the rise of the river shall render the country in danger of an overflow.

My predecessor having surveyed and located the Grand Levee, estimated the work as containing 161,412.30 cubic yards, independent of the centre ditch required beneath the levee, and also the road and its ditches, to draw off transportation of water. For these, however, I have subsequently estimated the centre ditch of five feet width on the top, eighteen inches in the bottom, and four feet deep, measure 3,503.13 cubic yards.

The road, to be ditched and graded heavily, is to be contracted for by linear measure; but its contents are estimated at 7,166.39 cubic yards. This should be constructed as early as the work upon the levee will allow.

The first sale of this levee, in accordance with the provision of the Act, was made August 5th, 1853, at the Grand Levee, and the various sections therein were bid off separately and adjudicated to the lowest bidder, Mr. John Toy, at an average price of 19 3-4 cts. per cubic yard, which brought the cost of the levee proper to $31,217 13, not including the centre ditch and road, the estimate for which as extra work amounts to $2,866 55: 20 cents per cubic yard, bringing the whole cost of the Grand Levee to $34,083 68.

The contractor proceeded at once to arrange matters for an immediate commencement of the work, but the yellow fever made its appearance along the river coast, and sweeping over the Parish of Pointe Coupée with desolating fury, it hovered for weeks in the very vicinity of the Grand Levee, so that it was impossible for any body of men to be brought in the neighborhood of the work. Thus operations thereon were delayed until late in the season, when the scarcity of men, the extraordinary rise in the price of provisions, and materials for labor, rendered it almost impossible for the contractor to comply with his contract; but in the face of such difficulties, he prosecuted the work with what force he could with great exertions collect together, until the expiration of the limited time allowed him to complete this contract on the 1st of December, 1853.

At this time the work not being completed, the contract was declared forfeited and reverted back to this department; and I made an estimate and measurement of the work as already done, so that it might be again sold and prosecuted under your own immediate management. The measurement of this work amounted to 18,043 cubic yards, which at the average cost per cubic yard, amounted to $3,486 25, leaving an amount of 154,118.88 cubic yards to complete the levee, including the extra work of the ditches and road. An immediate arrangement was entered into with several parties, by which the work could be pushed forward most rapidly, but at an advanced rate, for it could not be sold for less than an average of 25 cents per cubic yard, which will increase the cost of constructing the Grand Levee over the first estimate of $34,083 68 to $7,932 29; so that it will require $42,015 97 to construct the work.

The appropriation of $30,000 towards this work, made during the last Legislature, then falls short $12,015 97, and I would most earnestly recommend that this amount be obtained if possible to secure the labor already expended upon this important work, an appropriation which may save millions of dollars to the State.

A careful survey of the confluence of the four bayous mentioned above, with the Atchafalaya River, convinced me of the great benefits to be derived from closing them, an act by which the State would reclaim a large body of land overflowed by the waters of that river, which could be confined to its channel without injury; and in compliance with your instructions, I located and laid off the ground for levees across the mouth of these bayous, and subsequently after the delay of the usual advertisements, I sold the construction of the levees to the lowest bidder, adjudicating them as follows:

Middle Bayou was sold to Mr. J. A. Miller, Parish of Pointe Coupée, at nineteen and three-fourths cents per cubic yard.

Lake Bayou was sold to Mr. E. S. Gordon, Parish of St. Landry, at twenty cents per cubic yard.

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Picketts Bayou was sold to Mr. E. S. Gordon, Parish St. Landry, at twenty cents per cubic yard.

West Bayou was sold to G. B. Miller as agent for others, at nineteen and one-half cents per cubic yard.

The two first to be completed before the first day of March, 1854, and the two latter next summer, and herewith I enclose you these contracts as signed and delivered in form.

The full employment of my time upon more pressing business of this department, did not allow me to make a complete survey of the Bayou Latenache at its junction with the Atchafalaya River, but from what I have seen, and the best information gleaned from unbiased sources, I am convinced that a large body of swamp and overflowed land may be reclaimed and fully drained, by closing this bayou, as well as others in that vicinity, if a proper drainage of rain water can be had either naturally or artificially. I would therefore suggest that a careful instrumental examination be made of the swamp land lying below the Bayou Latenache, as early as the season will allow.

There are other points requiring urgent attention, by their means of remunerating any outlays that we may place upon them, and to throw into our treasury rich returns; but I would respectfully call your attention in particular to the Bayou Choctaw, emptying into Plaquemine Bay, in the Parish of Iberville, which bayou by being properly cleared out for a few miles, would reclaim to us and bring into market at once a large body of land now nearly worthless, and would materially benefit one of the most important portions of this State. A survey and estimate thereon could be made at any time, and the result I am certain would justify an expenditure for such an improvement. In making surveys for improvements by which the State reclaims large and fertile portions of her overflowed lands, I am the more fully convinced day by day of the great importance of a temporary reservation from market of such lands as are about being improved, and until such improvements are made, so as to render such lands of great value, when they can be thrown into market and sold by auction to the highest bidder.

Thus the actual settler and cultivator is put upon a footing with the speculator, and the State is more properly remunerated for her expenditures in the reclamation and improvement of waste and overflowed lands, whilst the increased revenue accruing from such a step would enable her to prosecute the most enterprising measures for reclaiming to herself a rich domain.

Since my appointment to this office I have received several communications from owners of private lands, requesting me, as Engineer of this District, to survey, lay out, and build for them new levees, where the old levees require removal, upon the banks of the Mississippi River; but as my time has been entirely occupied upon more important duties connected with this office, I have not been able to attend to them, and even had I possessed time to do so, the uncertain and vague interpretation of the language of the Act, would naturally prevent my action in the premises without great assurance. The language of the Act does not in my opinion clearly define my position and duties, except when called to act in cases of emergency; and rather than commit an act not clearly approved by the letter and spirit of the law, I deem it most prudent and advisable to refer the matter to the consideration of your honorable Board of Commissioners, and await your instructions for future directions. I herewith transmit a copy of a letter addressed to me by J. L. Lobdell, Esq., of the Parish of West Baton Rouge, whose legal attainments render his opinion of great weight.

I would suggest and recommend that the 15th section of the Act be so amended as to leave the time for the completion of contracts under the requirements of said Act, to the discretion of the Board of Commissioners and the Engineers of the several Districts, as the fixed time at present specified therein, often renders the making of contracts impossible.

I would also call your attention to that part of section 16 relative to our authority to call out aid from persons living within seven miles of a threatened crevasse, and which authority may often be rendered of little service in sparsely settled districts where such assistance is most likely to be urgently needed.

The prosecution of the various duties incumbent upon this office have been greatly embarrassed by the refusal of the Auditor of the State to advance the funds required, therefore his eccentric opinion leading him to believe that there had been no specific appropriation made by the Legislature to carry out the provisions of the Act to reclaim and drain the swamp and overflowed lands; but neither my predecessor or myself have allowed this action upon the part of the Auditor to retard the work of our office when we could prevent it, and though deprived of our salaries, we have cheerfully advanced the means from our own

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found, and upon our responsibility, whenever called upon, to forward the pressing and important duties which have frequently devolved upon us.

The greatest economy has been practised, and though greatly in need of the services of an assistant, I have endeavored as far as possible to perform the duties of both offices myself, and have been obliged to furnish the same with the constant use of my own instruments.

This office being destitute of instruments required for the proper surveys and examinations to be frequently made hereafter, I request permission to purchase such instruments and drawing materials as are actually needed by the Engineers.

Before closing this report I would ask your kind indulgence in excusing its length and any omissions that I may have made in thus throwing together for your supervision such remarks as the hurried moments allowed me to perform this duty would permit.

Respectfully submitted.

(Signed) LAFAYETTE CALDWELL,
Engineer 2d Swamp Land District,
State of Louisiana.

STEPHEN VAN WICKLE, Esq.,
Com. 2d Swamp Land District.

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JOHN S. LOBDELL, ESQ., TO L. CALDWELL,

CONCERNING THE BUILDING OF HIS LEVEE BY THE STATE.

BAYOUS, Parish West Baton Rouge, }
Friday, 11th Nov., 1853. }

Mr. LAFAYETTE CALDWELL—*Dear Sir:* I have just been informed that you have received the appointment of Engineer of Levees in this District, in the place of V. Kirkland, lately deceased, and having endeavored heretofore to get the proper State and parish officers to determine the locality, extent and dimensions of the new levee, to be made on the upper part of my plantation, back of and behind that part of the front where the crevasse occurred in May last, by the caving of the bank and levee, which had been delayed in consequence of the death of Mr. Kirkland, and until another Engineer should be appointed in his place. I will now again renew my request that my new levee be located, its extent and dimensions fixed, and all other proceedings be had required by the laws, and here give you a copy of my note to the Inspector of my District:

"To Mr. JAMES DEVALL, Inspector—28th September, 1853—*My Dear Sir:* I wish to bring to your notice the necessity of preparing to make the new levee on the upper part of my plantation, back of and behind that part of the front where the crevasse occurred in May last, by the caving in of the bank and levee. Knowing that it is contemplated that all new levees and repairs of old levees are in future to be paid out of the proceeds of the swamp lands donated to the State for that and other purposes, and believing that the Act of our last Legislature intended and did direct the manner in which those new levees and repairs of old levees should be made, I now request, in conformity with the provisions of that Act, that you notify Mr. V. Kirkland, the Engineer of this District, to determine the locality, extent and dimensions of said new levee, and let out the making of said levee in conformity with law. You will readily perceive the importance of acting in this matter without delay, in order that the levee may be made and secured in time te protect not only the swamp lands in the rear, but also the plantations of the neighboring planters, as well as my own plantation. Your early attention to this will oblige yours."

Mr. Devall came up last week, and laid out the route of the new levee, but as you are the proper officer, under the law, to do this and other formalities, I would prefer your making the location, &c., without delay, as it is time to have the levee under way. It is probable I may bid off the making of it, and if so, will be willing to receive the warrant of the Commissioners on the Auditor, or any other reasonable arrangement.

I am very sincerely yours,
(Signed,) JOHN S. LOBDELL.

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MINORITY REPORT

OF THE

COMMITTEE

ON

INTERNAL IMPROVEMENTS & LEVEES.

NEW ORLEANS:
PRINTED BY EMILE LA SERE, STATE PRINTER.
1854.

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MINORITY REPORT

OF THE COMMITTEE ON

INTERNAL IMPROVEMENTS AND LEVEES.

THE undersigned, one of the committee on Internal Improvements and Levees, to whom was referred the memorial of the New Orleans, Jackson and Great Northern Railroad Company, and the New Orleans Opelousas and Great Western Railroad Company, begs leave to

Report that he cannot give his sanction to the Bill reported by the majority, favoring the prayer of petitioners.

The undersigned regrets that the few moments allowed to prepare this report precludes the possibility of submitting his views at length, or in such form as the importance of the subject demands.

The bill reported by the majority provides, that the city of New Orleans, in her corporate capacity, may subscribe for two millions of the capital stock of the New Orleans, Jackson and Great Northern Railroad Company, and for one million, five huudred thousand dollars of the New Orleans, Opelousas and Great Western Railroad Company, for which she shall issue her bonds, payable in twenty years, drawing six per cent. interest, which bonds shall be received by said corporation in lieu of the tax subscription voted by the property holders of the city upon their real estate.

The undersigned concurs with the majority, that to grant the prayer of petitioners, would facilitate their operations, and also remove much dissatisfaction that now exists, on account of the heavy burthens resting upon the tax payers of New Orleans; but the undersigned is also aware that the people in other portions of the State have burthened themselves in like manner to forward those great enterprises, and have no hope of relief, but through their industry and economy, and are totally unprepared to submit to any further demands at present. Under this view of the subject the undersigned, as one of the representatives of the people, cannot see the propriety of this Legislature extending further aid at the present moment to corporations, or of attempting to relieve the citizens of New Orleans from the consequences of their own deliberate act. It is true the eventual liability of the State would not be increased, but its *immediate* liability would.

The bill reported by the majority provides that these bondswhen issued shall be received by the corporations as *cash*, consequently the State will be called upon at once for her bonds, amounting to one-fifth, or $700,000, and this legislature to discharge the agreeable duty of passing an act taxing the people $42,000 more to meet the interest on Railroad bonds for the year 1854, which, added to the tax already imposed, will swell the amount to $92 350 00, in the shape of interest, improvement tax, &c., and for one I am unwilling to increase taxation for this or any other purpose.

The people of this State have gone to the extent of their ability to the aid of these valuable works; many of us have subscribed liberally as individuals, and others in their municipal capacity.

We have calculated to a dollar the extent of the demands against us, and the resources to meet those demands, and find that anything more at present would be burthensome in the extreme, but give us time, and we will not only discharge what we have already promised, to facilitate the improvement of our State, but will, as we become able, extend that aid.

There is one other objection to the bill presented by the majority, that has greater influence upon the undersigned than any other, which is, that this issue of three millions five hundred thousand dollars worth of bonds by the city, together with the seven hundred thousand dollars of State bonds, will be immediately converted into Banking capital. It is true that the clause, authorizing that, has been stricken out of this bill, but only for the purpose of incorporating it in another.

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The undersigned does not pretend to doubt the eventual payment of these bonds nor would he be understood as expressing theleast doubt that all the parties would act in good faith, but simply to make his solemn protest against the strong disposition that prevails in this House in favor of expensive paper currency. Twenty years experience has convinced the undersigned that it is dangerous to the interest of those whom he has the honor to represent.

All of which is respectfully submitted.

J. W. McDONALD.

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APPENDIX.

REPORT

OF THE

BOARD OF ADMINISTRATORS,

OF THE

CHARITY HOSPITAL,

FOR 1853.

NEW ORLEANS:
PRINTED BY EMILE LA SERE,
STATE PRINTER.

1854.

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CHARITY HOSPITAL OF NEW ORLEANS.

BOARD OF ADMINISTRATORS.

Gov. P. O. HEBERT, PRESIDENT.
A. FORSTER AXSON, M. D., VICE PRESIDENT,

J. M. BELL,	T. O. STARK,
J. PEMBERTON,	J. M. HOWELL,
DR. A. MERCIER,	DR. P. DUREL,

R. W. ADAMS.

H. D. BALDWIN, M. D., TREASURER AND SECRETARY,
S. CHOPPIN, M. D., HOUSE SURGEON,
E. CANTER, M. D., ASSISTANT SURGEON,
M. BOYENS, APOTHECARY.
H. VANDERLINDEN, CLERK.
G. H. SMITH, ASSISTANT CLERK.
N. SINNOTT, JR., HOSPITAL COMMISSIONER

Visiting Physicians and Surgeons of the Charity Hospital.

Doctor WARREN STONE, } Surgeons,
" A. J. WEDDERBURN, }
" E. MARTIN, }
" THOMAS HUNT, Substitute, Dr. T. S. CLAPP,
" JAMES JONES,
" G. A. NOTT,
" A. H. CENAS,
" C. BEARD,
" P. C. BOYER,
" C. R. NUTT,
" J. Q. IRWIN,
" C. B. WHITE,
" R. SCHLATER,
" D. McGIBBON,
" THOS. O. MEUX,
" E. FENNER,

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REPORT

OF THE

BOARD OF ADMINISTRATORS.

To the Honorable Senate and House of Representatives of the State of Louisiana:

The Board of Administrators of the Charity Hospital, respectfully submit the following annual statement of its affairs to your honorable body:

That during the past year the charities and care of the Hospital have been extended to 13,759 sick or disabled persons, of which number 12,383 were of foreign birth, 1,306 natives of other States of the confederacy, 120 of unknown nativity, and only 228 natives of Louisiana; that during the same period the cost of maintenance has been $54,534 68, the disbursements $69,805 62, and the amount received from passengers through the operation of the tax $53,482 51; that heretofore, while every annual statement has shown a heavy debit account against the Hospital, being for the year of 1852, $11,001 94; for 1851, $23,853 45; for 1850, $22,360 82, we are happy to state the cheering fact, that for the year just ended (1853), this large arrearage has been reduced to a cipher, leaving it for the first time since 1842, altogether free from encumbrance or debt. Doubtless much of this change and improvement is due to the contract system for supplying the Hospital, recently adopted by the Board of Administrators, and the commendable zeal and energy of the present Treasurer, in reviving and diligently prosecuting sources of revenue, which had been allowed to dry up, and in buying, whenever he was required to do it, in the cheapest market, such supplies as were not subject to contract.

It is the opinion of the Board, that this favorable change in its fiscal affairs might be made permanent, and thus relieve the State from all farther demands upon its treasury and our citizens at large from an equivalent taxation, except what may be required for the repair and preservation of the property. This opinion is predicated upon the fact that the change made by the Legislature at its last session, in the tax on passengers, will be fully adequate to meet all its expenses, except those just alluded to. It is not known whether in accordance with the suggestions of our predecessors, in reference to the tax, the State has taken such measures as will place its legality beyond the power of the parties who pay it, to contest it; if not, the Board would urgently press this matter upon the attention of the Legislature, as one of the very highest importance. Should this resource be materially curtailed, or the right to levy and collect the same be put at issue before our federal court, it would sensibly involve the ways and means of the Hospital and require the loss sustained through so untoward an event to be made good out of the State Treasury. It is needless to dwell longer upon what is self-obvious and so directly appeals to the interests of the State and its representatives.

In connection with this matter and directly germain to it, is a suggestion we venture to bring to your notice, that in legislating to to preserve the resources upon which the Hospital mainly depends, would it not be fit and expedient to establish such a system of quarantine as will exempt both our city and Hospital from the manifold expense

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of providing for, nursing and burying a large class of immigrants who bring to our shores both want and disease? Such an establishment founded by authority of the State, at localities remote from our city, under wise and enlightened direction, would diminish the mortality already burdensome to this Institution, and prevent the introduction of certain forms of disease into our city, whose habitudes are alike unknown to our clime and people. Reference is here distinctly had to the class of Fevers known as typhus or ship fever, of which annually a large *per cen'um* is introduced into both city and Hospital, and which, like a slow consuming fire, gradually extends itself into the immigrant hovel and boarding-house, and from thence, as from perennial sources, supplies no inconsiderable item of sickness, pauperism, widowhood and orphanage, to be relieved from the charities of our people and State. A well digested scheme of quarantine, it is confidently believed, would prevent all the attendant evils upon the introduction of this disease into our midst, as the uniform experience of civilized communities settles the fact that no one form of disease is more amenable to such wholesome discipline than ship fever.

Without placing in a similar category the late epidemic, whose dreadful devastations are still fresh in our memories, but concerning the origin and communicable nature of which, enough doubt is felt by some of the profession and a large portion of our non-professional citizens to entitle it to a fair and rigid experiment, it is conceived that, when a disease, like ship fever, of known contagious properties, and of which the introduction among us annually, is a well settled fact, may be prevented by such regulations, it becomes the bounden duty of the highest authorities of the land at once to devise such, and spare the dark record our indifference is registering against us. It is plainly one of the highest functions of government to make ample provision for the security and promotion of the public health; and this, which is an implied obligation of all governments, irrespective of its forms, becomes a paramount duty among those, which represent, in their essence and nature, the great fact of their derivation from the public will.

While we advocate the policy of making quarantine a measure of relief to our city and Hospital, by shutting out access to both of certain designated classes of disease, it may be well to enquire into the feasibility of making it at the same time a self-sustaining institution. This, we are of opinion, can be readily done. The great difficulty in the way of establishing a rigid and useful quarantine (and one not severe and exact in its requirements, would be worse than useless) is the expense it will involve. The purchase and preparation of suitable localities and the erection thereon of proper buildings for the accommodation of the sick, will require in the beginning a heavy outlay. This once incurred, and the State become vested in the property and its improvements, the process of making it, to a great degree, if not wholly, a self-supporting institution, is neither difficult nor impracticable.

For example, as quarantines are designed to operate only against sick immigrants and foul ships, let the State require that all such pay over at the quarantine grounds, to an officer to be designated by law, the amount of the tax due and collectable of such ships and passengers. This sum, it is believed will at the close of the year, be found quite adequate to meet the current expenses of the officers and men necessary to enforce its regulations. If the average experience of the past five years can furnish any grounds for an opinion, it is deemed decisive of this matter; inasmuch as during this whole period one-fifth of the immigrant passengers to our port were properly subjects of quarantine regulations. That this opinion is not a loose or random one, we refer to the present and previous reports from the years 1849 to 1853 inclusive, in which it will be seen that the average receipts from the passenger tax in this term of five years is $52,132 53, of which a deduction of one-fifth for sick or invalid passengers, the number deemed subject to the operation of your quarantine, would yield an annual income of $10,426 50, a sum believed to be approximatively correct and necessary for the support of the institution. This amount, it is true, will abstract from that which goes into the treasury of the Charity Hospital, but it should be remembered that while this is happening with the funds, a similar and compensatory process is happening with those, who would go into it as sick and become its dependent inmates. You will in this way keep out of the Hospital and consequently out of the city, a large class of sick, infected with a communicable disorder, and to nurse, provide for, and finally to bury, whom in the city requires immense care and increased expenditure. Were this the proper place for such details it could be shown, with all the exactness of numerical proof, that the introduction of one ship load of invalid immigrants into the city involves larger expense to the community than ten vessels freighted with ten times the number of healthy and vigorous persons. But, be this as it may, it must be apparent that in the end nothing will be lost to the Hospital by keeping out of its wards the im-

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migrant sick and deducting the equivalent for his support elsewhere—out of what he is required by your laws to pay as the condition of your hospitality. It surely will matter nothing, whether these simple duties be rendered here or elsewhere, while as to the expense and policy of such a measure, it could be justified on the clearest grounds of expediency and self-interest.

From the report of the House Surgeon the Board is informed that, beside the sick, who are the proper recipients of your charity, the hospital is burdened with the support of two hundred pensioners, or infirm paupers, who, inadequate to the support of themselves, and in the absence of suitable asylums for such an unhappy class, have no alternative between the city workhouses and the hospital. Their presence in the latter is attended with considerable expense, and gives rise, not unfrequently, to occasions in which the governance and discipline of the house require an example to be made by the summary dismissal of the more seditious among them. This has occurred within the experience of the present Board, and it has been constrained by a sense of pity and commisseration to restore the unfortunate delinquent, under conviction that the claims of humanity were stronger than the ingratitude which, at times, it seems capable of exhibiting. The fact, however, of so large a number of paupers annually dependent on the charities of our hospital, is one too significant to pass without receiving a notice at the hands of the Board. It is believed to be no unfair index of the existence in our midst of a more prevalent pauperism than is generally acknowledged. As yet no successful effort has been made by either city or State Government to take cognizance of this class by making provision for them in Asylums or Alms Houses, and bringing them under such subjection as will make their support the least burdensome to society. Beyond what has been done by the associated benevolence and enterprise of some of our citizens, our growing commercial capitol has no one public edifice consecrated to the relief, support, training, and moral care of our adult poor population. Its Orphan Asylums and Widows' Home are noble indications of the prevalence of an enlightened philanthropy, but the relief they give is necessarily confined to a limited number, leaving unprovided a large class, who, homeless and friendless, drift through society until crime or disease drive them into your workhouses or hospitals. And all this occurs, too, in a city which, by its annual contributions to the treasury of the State of more than a quarter of a million of dollars, has disabled itself from making such provision as the necessity and humanity of the case demand. Besides the infirm poor, the same authority mentions as inmates of the hospital five insane, and twenty-three blind persons, all of whom are misplaced at such an institution. Did the Board feel itself warranted to suggest the means of relief by which the good aimed to be accomplished by the establishment of such institutions, could be secured without either an additional tax or the restitution of any portion of that which is at present levied, it might call the attention of the Legislature to one single item in its ordinance defining the kinds of property and pursuits subject to taxation, and which, we are informed on the authority of the State Tax Collectors, has never been enforced, which, if revised and put in such form as to facilitate its collection, would be adequate in a few years to meet all the expenses necessary to construct and put in successful operation one, at least, of these benevolent institutions. But as this is a matter foreign to its nature and functions, it contents itself with a bare allusion to it, hoping that the wisdom and philanthropy of that body will impel it to some active exertion in behalf of this unhappy class.

On reference to the tabular statement of the diseases which have been treated in the Hospital during the past year, and which are annexed herewith, it will be seen that the number of yellow fever cases amount to 3212, against 2811 in the year of 1847, the last fatal and wide spread epidemic year; the number discharged 1487, against 1584, and the deaths, 1890 against 895 for the same season; a fact proving what few will be willing to contest, a greater malignancy and a wider diffusion of the fever of this season. Another view of the same fact shows us, that while our public charity institution received and cared for 3212 sufferers, a voluntary association of citizens, according to their own report, had the exclusive care and management of 11,088 patients, of whom 2942 died and 8146 were discharged. But exclusive of the bearing of this fact on the unwonted malignancy and general prevalence of the fever of 1853, the mind is forced to the belief that great and severe disasters, like our recent affliction, show the liability of government, unless strictly administered with reference to the growing necessities of its people, to be outstripped by the zeal and energies of voluntary associations. And were anything more needed to demonstrate this, it can be found in the anomolous condition in which this Association finds itself at the close of its arduous labors. What this is, its own state-

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ment will show for us. After being charged with the care and management of its 11,088 patients, and expending liberally of the large and handsome amount of $228,927 32, so generously donated by the spontaneous sympathies of our sister cities. to relieve the heavy hand of sickness and death pressing upon our people, its labors are blessed at the close of this scene, with a handsome balance which it has found useful and lucrative investment for. Who can doubt that it was the duty of our authorities to have done what this association did ? to have displayed the same alacrity, energy and devotion ? or who can hesitate to say that, having been alive to this exigency, and having met it in the same spirit and zeal, it would not have been its bounden duty to have made such a disposition of the surplus bounty, which would then have been its own, as to have built alms houses and such other suitable charities, as the gift-moneys were designed to aid and promote ? Comment is unnecessary, so surely and swiftly do constituencies outgrow their governments, whenever the latter become oblivious of the high ends for which they have been instituted.

Accompanying this report, the Board feel it their duty to transmit a letter from an Architect of standing and competent judgment, from which it will be perceived that numerous and important repairs will be needed during the current year, in order to preserve the usefulness of the Hospital, but which will require a sum too large for its present revenues to meet. It is hoped that the earliest attention will be given to this subject. It gives the Board pleasure to bear witness to the continued good order, system and care which characterises the internal economy and administration of the Hospital, a large portion of which is justly attributed to the admirable judgment and exact and punctual habits of the Sisters of Charity. There is much, however, that might be suggested in the way of amendment, but as this more properly belongs to the jurisdiction of the Administrators, it will be foreign to our duties to notice it here. There is but one subject more to which the Board would respectfully call the notice of the Legislature. It will be observed that during the year, there were born in the Hospital 159 children. Now it is not generally known that there are no wards assigned for maternity uses outside the wing in which are collected all the female patients of the house. Looking to the interests and welfare of society, in having well instructed accoucheurs, and to the direct relations, such an institution would have, on medical education, in your State College, it becomes a question of the first importance for you to consider the propriety of instituting a Maternity, where all the poor who may desire the skill and aid of educated attendants, could have access in that critical and important epoch. Such an institution should be erected on a separate lot of ground, and built with reference to its objects. As an adjunct to the Hospital, it would become a powerful incentive to medical education, and collect annually classes of students, whose admission to, and use of its advantages for a small fee, would, in a very short space of time, refund the original cost of its erection.

A. FORSTER AXSON, V. P

NEW ORLEANS, Jan. 2d, 1854.

To the Board of Administrators of the Charity Hospital of New Orleans:

Gentlemen—I have the honor to submit to you the following report and estimate of the cost for erecting the new additions, and making all the necessary alterations and extensive repairs required throughout the premises known as the Charity Hospital.

The present old brick building now occupied for dead houses and dissecting rooms, and the adjoining narrow wooden building known as the Cottage, are both in a bad condition, and altogether insufficient and unsuitable for the purposes for which they are used. I would recommend to have them taken down, and cause new and suitable buildings to be erected in their place, according to plans and specifications which I intend to prepare and submit for your approval.

The main centre building fronting towards Common street, is in a state of dilapidation, and will require extensive repairs, to be made without delay.

The rear galleries, the roofs and gutters are very bad, and I must say unsafe and dangerous should they remain much longer in such a condition. Most all the lower flooring, and, I have no doubt, a great many of the floor joists will have to be made new; the plastering, both inside and out, need extensive repairs, coloring and whitewashing; the wood work, usually painted throughout the building, should receive two coats of best white lead and oil, mixed with such plain colors as may be chosen.

The offices on Common street, require to be repaired, cleaned and painted; and a new addition suitable for an out door consultation office and students' room, erected adjoining one of them.

The other buildings on the premises (not herein mentioned) will require more or less repairs, cleaning and painting.

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The cost of erecting the new additions, and for making all the necessary alterations and extensive repairs throughout in the most careful, substantial, and good workmanlike manner, agreeably to my views and rough estimate, will be in the neighborhood of *Forty Thousand Dollars.* It may be necessary to remark that, should the buildings be left for another year or more in their present condition, the cost will no doubt far exceed that amount.

I remain, Gentlemen,
Very Respectfully,
Your Obedient Servant,
HENRY HOWARD,
Architect.

OFFICE,
13 Commercial Place,

COST OF MAINTENANCE OF CHARITY HOSPITAL—1853.*

For disbursements by Sister Superior for sustenance, groceries, ice, lumber, provender, &c.,	$19,383 83
For pay of nurses, laborers, attendents, &c.,	5,189 47
For sisters' clothing and traveling expenses,	2,053 28
For medicines,	6,393 34
For meat,	6,056 64
For bread,	5,800 00
For salary of Surgeon, $1,200, Treasurer, $1,200, Apothecary, $1,000,	3400 00
do. Clerk,	1,130 00
do. Asst. Clerk,	600 00
do. do. Surgeon,	700 00
For insurance against fire,	720 00
For burials for 1853,	1,072 48
For coal and wood,	1,759 75
For general charges, stationery, repairs, &c.,	275 89
	$54,534 68

TOTAL EXPENDITURES AND PAYMENTS ON ACCOUNT OF CHARITY HOSPITAL.†

For the year 1853, *including payments for articles purchased and consumed in* 1852, *and paid for in* 1853.

Cash paid Sister Superior for disbursement for groceries, dry goods, lumber, ice, &c., as per Sister's vouchers,			$19,383 83
Laborers, attendants, nurses, &c., as per Sister's vouchers,			5,189 47
Sister's clothing,			1,315 53
Traveling expenses of Sisters from Baltimore,			737 75
Medicines from Frederickson,	1,313 09		
Featherston'h,	310 22		
H. Bonnabel,	587 79		
E. J. Hart & Co.,	3,416 25		
Valls, (sugar for dispensary,)	472 59		
Gottschalk,	44 02		
Voights & Jeanrenaud,	280 25		
P. L. Massy,	12 59		
P. P. Crane & Co.,	660 59		
Chinn & Bolton,	111 21		
H. Kennedy,	157 53		
Powers & Weightman,	521 11		
R. W. Adams, sugar for dispensary,	130 81		
Jarvis & Woodman,	9 60		
H. D. Seaman, castor oil,	37 15		
Ducongé,	55 80		
Wolf, elm bark,	37 25		
A. Palmer, flaxseed cake,	73 50		
H. Kleeach, mustard,	311 00	—8,493 84	

* This table gives the cost of maintaining patients for the year.

† This table exhibits every disbursement for all purposes during the year.

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Verges, beef,	1,531 46	
Lovering & Dambreau, beef and mutton,	6,537 59	—8,069 [illegible]
Widow Buony, bread,	$7,875 91	
Lefebvre, do.	1,010 62	—8,886 [illegible]
H. Bier, former Treasurer, salary to 15th May,	450 00	
Treasurer, from 10th May,	768 88	
Dr. Foster, former House Surgeon,	433 33	
Dr. Choppin, present do.	768 88	
H. Vanderlin, Clerk,	1,130 00	
Dr. Nye, former Asst. Surgeon,	208 33	
Asst. Surgeon, Dr. Canter,	488 58	
Asst. Clerk,	600 00	
Mr. Boyens, apothecary,	1000 00	—5,849 [illegible]
Insurance premium,	720 00	
Rent of office for Hospital Commissioner to August,	210 00	
Burials for 1853, to D. Merritt,	1,072 48	
Cash returned, borrowed last year,	5,000 00	
Willard, for coal,	270 00	
Vandyne, do.	100 00	
Miltenberger,	55 00	
J. Nimick,	1,172 25	
Printing and advertising to True Delta, Delta and Courier—includes printing blanks for Hospital Commissioner,	208 00	—8,907 [illegible]
Petty expenses for Dispensary, M. Boyens,	31 40	
Rub, for wood,	162 50	
Gallier, Turpin & Co, repairs, Feb. 4th,	312 50	
E. K. Sanborne, for splint,	12 00	
Jackson Fire Co. Watching Cotton Press, March 7th,	50 00	
Peters & Millard, brandy, March 7th,	5 00	
Strawbridge, attorney, $100, cab hire to cemetery, $2 50, April 4,	102 00	
Fincke, dental instruments,	5 00	
Felt & Co., stationery, April 13,	14 75	
Passage of blind man to New York,	10 00	
Blanchard, for surveying cemetery, April 29,	82 50	
Felt & Co., stationery,	1 40	
Horse for Hospital, paid Garnett,	250 00	
Funeral of Limerick, student, and metallic coffin,	104 00	
State tax on Union Cotton Press,	73 50	
H. Bier, refunded money stolen from him in 1851,	600 00	
Cook & Morehouse, repairs of Hospital—apothecary's room,	841 35	
J. Bridge, for iron safe,	91 50	
J. B. Steel, stationery and record book for Clerk's office,	75 60	—2,825 [illegible]
Sundries, general expenses, sharpening surgical instruments, &c., &c.,		29 [illegible]
		69,305 [illegible]
Cash on hand,		17,413 [illegible]

DEBTS DUE BY THE CHARITY HOSPITAL, DEC. 31, 1853—NONE

DEBTS DUE TO THE CHARITY HOSPITAL, DEC, 31, 1853.

		AVAILABLE.
R. H McNair's mortgage notes, due semi-annually,—27 notes, $352 each,	$9,504 00	McNair's 2 notes, 304 [illegible]
Note of Medical College, due in May, 1854,	1,218 03	Med. College, 1,218 [illegible]
Lease of Union Cotton Press, payable half yearly,	3,475 40	Cotton Press, 3,475 [illegible]
State appropriation, 1854,	.....	
	$15,657 43	

Errors and omissions excepted.

H. D. BALDWIN, M. D., *Treasurer.*

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INCOME OF THE CHARITY HOSPITAL FOR THE YEAR 1853.

FR[illegible]	JANUARY	FEB'RY.	MARCH.	APRIL.	MAY.	JUNE.	JULY.	AUGUST.	SEPTEM.	OCTOBER	NOV'R.	DECEMBER.	TOTAL.
Tax on Passengers, -	7512 96	1719 90	3652 75	4691 66	6650 13	4872 16	1868 20	176 20	81 10	1619 61	9526 05	11,520 75	53,482 51
Ball Licenses, -	423 50	306 00	201 00	36 00	54 00	36 00	10 00	....	....	136 00	564 00	611 50	2,378 00
Exhibition Licenses. -	210 00	49 50	76 50	....	72 00	....	....	....	....	....	225 00	22 50	655 50
State Appropriation, -	....	....	....	....	....	....	....	10,000 00	....	....	....	....	10,000 00
R. H. McNair's Mt'ge. Notes	852 00	....	....	....	....	....	852 00	....	....	....	....	....	704 00
Donations, - - -	....	....	....	† 50 00	121 11	‖ 50 00	....	39 30	20 00	5 00	....	....	285 41
Rent of Union Cotton Press,	....	1737 70	....	....	....	....	....	1737 70	....	....	....	....	3,475 40
Insurance Account Dividend,	....	....	....	....	....	....	....	....	....	....	....	41 70	41 70
Gate Money, - -	251 96	181 15	172 25	156 58	139 45	137 80	193 35	262 20	147 80	114 80	108 41	123 10	1,978 45
Pay Patients, - -	433 25	626 50	446 00	310 50	281 00	356 50	576 25	1093 70	585 50	386 00	340 50	385 00	5,841 58
Deceased Patients, -	68 85	24 25	35 20	23 90	26 90	12 45	61 75	155 70	66 25	40 80	40 80	188 99	745 84
Sales of Sundries, -	68 85	57 45	34 35	36 90	67 05	34 75	42 95	146 50	36 00	28 70	35 15	77 05	666 30
Succession of dec'd patients,	....	....	....	100 00	....	....	....	....	....	† 21 00	....	....	121 00
Md. College for amphitheatre,	....	....	....	....	285 82	....	....	....	....	....	....	....	285 82
Sale of nine cows, -	....	....	....	....	215 60	....	....	....	....	....	....	....	215 60
Firemen's Ass'n pay patients	....	....	....	....	....	290 00	....	....	....	....	....	....	290 00
Fines on gam'ng fm. State Tr.	....	....	....	....	....	....	....	728 67	....	....	561 20	....	1,289 87
Howard Ass'n pay patients,	....	....	....	....	....	....	....	....	220 00	417 00	....	21 00	658 00
From Recorder Vaught,	....	....	....	....	....	10 00	....	....	....	....	....	....	10 00
Error in Sisters' acct overpaid	....	....	....	....	....	....	....	....	....	....	....	....	16 95
													$83,141 93

* From Benoist, Shaw & Co., (P. Faley). † Lecebre.
‡ Arbitration case, Houghton. Errors and omissions excepted.
‖ Hyams, Sheriff, Natchitoches.
Judge Morgan, Baton Rouge, $10. Anonymous, $5.

H. D. BALDWIN, M. D., *Treasurer.*

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REPORT FROM THE OSTETRICAL WARD, SHOWING THE NUMBER OF BIRTHS WHICH OCCURRED IN THAT DEPARTMENT.

Males	61
Females	74
Still Born	24
Total	159

ANOTHER VIEW OF THE YEARLY REPORT.

	1853.	Total
Admissions—Males	10126	
Females	8633	1875
Discharges—Males	7971	
Females	2762	1073
Deaths—Males	2426	
Females	738	316

COMPARATIVE TABLEAU—1852.

Admissions	18631
Discharges	15057
Deaths	2098

STATEMENT OF PASSENGERS ARRIVED IN THE CITY OF NEW ORLEANS, FROM JAN. 1 TO DEC. 31, 1853.

Passengers arrived in 1853,	25,954
Children exempt from tax,	8,916
	34,870

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YEARLY RECAPITULATION OF COUNTRIES FOR 1854.

UNITED STATES.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	TOTAL.
ew York,	26	14	20	20	21	18	24	34	18	15	22	21	253
ouisiana,	19	12	24	27	24	24	25	12	16	18	13	14	228
hio,	13	8	6	2	1	5	7	8	8	5	4	12	79
ennsylvania,	12	16	16	17	11	16	17	17	14	2	6	17	161
irginia,	8	4	8	4	4	5	4	3	4	7	4	7	62
lassachusetts,	6	2	4	10	6	4	11	6	3	2	4	6	44
ermont,	4	1	1				1	2	1		1		11
eorgia,	4	3	4	1	1	2	2	2	1		3	1	24
entucky,	4	6	5	3	3	3	6	6	4	1	7	5	53
ennessee,	4	6	5	4	1	4	7	2	2	2		1	38
aryland,	3	3	2	4	2	6	7	10	2	3	10	5	57
istrict Columbia,	2		1	1			1	1					6
aine,	2	5	3	6	7	5	10	5	6		6	6	61
outh Carolina,	1	3	3	1	2	1	1	2	2	1	3	3	23
onnecticut,	1	2	2	1	1	1	2		1	2			15
ndiana,	1	3			1	1	1	2		1			10
issouri,	1	1	3		3	3	3	2	2	4	1	2	25
ichigan,	1				1	1	1						4
labama,	1	3	2	3	1			1	1	1	4	1	19
hode Island,	1	2	1			1			1	1	1		11
ississippi,	1	2	2	2		3		3	2	2	1		18
elaware,		2	1				1	2	1	1			8
orth Carolina,		2	3	1	1		4			3		3	17
ew Jersey.		2	4		1	2	2	2	6	1	5		25
linois,		1		2	1	1	1	2		4			12
ew Hampshire,			1	1		2			2		4	2	12
exas,				1	1		1						3
lorida,					1						1		2
rkansas,					1	1		1	1				4
isconsin.								1					1
Total,	115	103	121	111	96	109	142	126	98	76	100	109	1306

RECAPITULATION OF THE REPORT OF COUNTRIES.

United States	1,306
Foreign Countries	12,333
Unknown	120
Totals	13,759

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YEARLY RECAPITULATION OF COUNTRIES FOR 1854—CONTINUED.

FOREIGN COUNTRIES.	Jan'ry.	Feb.	March.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Ireland,	660	527	528	538	497	610	1097	1003	413	413	463	468	7217
Germany,	167	114	126	94	117	157	435	409	155	167	150	169	2260
France,	50	39	63	49	52	75	115	125	60	58	69	79	843
England,	46	45	30	38	47	40	69	50	43	29	37	43	519
Prussia,	37	20	16	17	22	29	80	68	21	37	32	36	415
Switzerland,	22	4	8	7	15	16	29	40	11	8	17	18	195
Scotland,	17	14	6	8	16	18	22	10	12	11	3	7	144
Sweden,	12	2	3	4	2	11	6	12	5	6		11	74
Canada,	11	4	5	5	5	3	7	7	3	4	10	4	68
Denmark,	11	5	5	3	2	4	13	4	3	2	3	6	61
Holland,	4	1	2	2	1	1	5	3	1	6		2	28
Saxony,	4		1	2	2	2	1	3	3	7		6	31
Austria,	3	5	3	2		3	12	8	7	4	4	3	54
West Indies,	4	4			3	1			1		2	1	15
Belgium,	3	4	3	4	2	2	2	5		3	1	4	33
Italy,	3	4	1	1	1		2	7		2	3	1	25
Spain,	3	4	3	2	6	6	3	10	5	4	4	1	56
East Indies,	2			2		4	4	1		2		1	16
Isle of Man,	2			1									3
Sardinia,	2	3	6	3	2	5	4	5	6	3	5	1	45
Poland,	2							1	2		2		7
Sicily,	3	1	1		1	4	4	5	1	1	2		23
Manilla,	1						3	3					7
Norway,	1	1	5	2	1	2	4	5	2		1	2	26
Mexico,	1	1	2	5	3	5		1	2	2	3		25
Portugal,	1	2	2		1	1	4	2	1	2	1		15
Minorca & Maj.	1					2						1	4
Malta,	1		1	1	1	2	1	1				2	10
New Foundland,	1	1		1			1			1			5
Prussian Poland		1											1
N. and S. Wales,		2	1	2		2		3		2	1	2	15
New Brunswick,		1					1		2	1			5
Russian Poland,		1			3	1	1		1		2	1	10
Brazil,		1					1		1	1			4
Guernsey Island,		1			1		1		1			1	5
Greece,		1	1	2	1		2		4	2			12
Nova Scotia,		1		1	2	1		2			4	1	12
Western Islands,		1	4	2	1			2	2				11
Orkney Islands,		1	1										2
Bohemia,			2					3	2	1			8
Gibraltar,			1		2								3
Turkey,			1					1				1	3
Prince Ewd. Isl.,										1	1		4
Tuscany,					2				1				3
Guadaloupe,						1							1
Hungary,							2	1			1		4
Corsica,							1			1			2
Buenos Ayres.							1						1
Corfu Island,							1						1
Jersey Island,							1						1
Madeira Island,							1	1	1				3
New Zealand,								1					1
Russia,									1	1		1	3
Wight's Island,												1	1
Algeria,												1	1
	1075	816	831	798	812	1008	1938	1800	772	782	821	879	12330
Unkn'n countr's.	6	9	20	9	8	10	15	14	4	12	2	10	112

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YEARLY REPORT OF DISEASES FOR 1853.

DISEASES	Admissions. Color. White.	Black.	Discharges.	Deaths.
Abscess	101		113	
Ditto Urinary	1			1
do of Liver	4	1	1	7
Albumisauria	3		3	2
Anguiola			1	
Amaurisos	2		1	
Abortion	5		7	1
Arachnitis			1	
Amputation of leg			5	1
Ditto of thigh			2	1
do of arm			2	
do of fingers			4	
Arthritis	7		11	
Anus, excoration of	1		1	
Apoplexy	9		2	7
Anæmia	30		24	4
Ascites	27	1	18	14
Amenohrrea	21		19	1
Amputation of toe	1		1	
Anchylosis	2		3	
Anasarca	13		13	2
Age, "old"	3	2		3
Asthma	1		1	
Aneurism Popliteal	1		1	
Anthrax	6		5	
Adenitis	3		2	
Ascarides	1			1
Aphtha	1		1	
Artropathie	2		3	
Bronchitis	211	4	219	12
Burn	32	3	27	6
Bite of a dog	1		1	
Blepharitis	30		13	
Blenorrhagia	92		112	
Blindness	1			
Catarrh	43	2	41	3
Constipation	76		77	
Congestion of brain	13		7	9
Concussion of brain	8	1	1	1
Conjunctivitis	45		50	
Ditto Granular	13		7	
Cephalagia	7	1	5	4
Contusion	194	1	197	
Colica Pictonum	49		48	2
Colic	51		47	
Cornea, opacity of	3		3	
Croup	1		2	
Cough, whooping	2		2	
Cystitis	7		5	
Choroiditis	2		2	
Congestion of Retina	3		2	
Cerebritis	4			1
Cornea Ulcerated	8		9	
Caries	10		10	
Chlorosis	17		20	
Congestive Chills	2		1	
Cholera Morbus	13		7	4
Ditto Asiatica	187	7	41	115
do Infantum	2		2	2
Coxalgia	2		6	
Carbuncle	13		10	
Chorea	1		1	
Convulsions	3		2	1
Ditto Puerperal				1
Cancer of liver	1			1
Ditto of neck	1			
do of breast	2		1	1
do of womb	1			1
do of stomach	5			5
do of heart			1	
Cirrhosis of Liver	7			6
Cynanche Parotidea	4		2	2
Cataract	3			
Debility	71		81	7
Delirium Tremens	[illegible]		114	52
Carried forward				

DISEASES.	Admissions. Color. White.	Black.	Discharges.	Deaths.
Dyspepsia	22		25	3
Dysmenorrhœa	9		9	
Dentition	1		1	
Dropsy	43		22	18
Diarrhœa	656	11	520	117
Dysentery	250		103	110
Dislocation of humerus	9		11	
Ditto of hip	1		2	
do of cervical vertebrain	1			1
do of radius	2		1	
do of cartilage of knee	4		4	
Deafness	4		3	
Enteritis	25		30	3
Eczema	21		26	
Erysipelas	52	1	53	5
Exposure, effects of	2		1	1
Enlargement of spleen	2		1	
Ecthyma	3			2
Enteralgia	1			
Encephalitis	1			2
Epydidimitis	1			
Epistaxis	4		2	
Emphysema of lungs	4		2	1
Epilepsy	18		13	6
Ectropium			2	
Endo-carditis	1			
Exostosis	1		1	
Erythema	2		5	
Elephanthasis Græcoum	1		1	
Ditto Arabica	1			
Exhaustion nervous	3			2
Enlargement of uterus	1			
Eruption vesicular	1		1	
Ecchymosis of the eye	1		1	
Fever, intermittent	2631	4	2462	6
Ditto remittent	372	1	393	12
do typhus	213		182	59
do typhoid	162	5	155	57
do bilious	57	2	67	2
do congestive	23		5	18
do continued	78		78	3
do ephemoral	73	2	66	
do bilious remittent	10		4	2
do pernicious intermittent	30		7	20
do scarlet	8		6	2
do puerperal				2
do inflammatory	3		2	
do typhoid remittent	5			6
do hectic	1			2
do yellow	3212	7	1427	1890
Fracture of clavicle	22		19	
Ditto of humerus	11		6	1
do of scull	5		1	3
do of leg	24	1	27	1
do of thigh	15		16	2
do of fore arm	13	1	7	
do of metatarses	1		1	
do of ribs	12	1	8	1
do of maxillary bone	6		6	1
do of scapula	1		1	
do of fingers	1		1	
do of sternum	1		1	
do of glenoid cavity of scapula	1			
do of patella	3		1	
do of malliolos	1		1	
do of wrist			2	
Furnunculi	8		10	
Fissures of lips	1		2	
Fistula perinæum	1		4	
Ditto in ano	13		13	
do vertigo vaginalis	5	1	2	
do recto vaginalis	1		2	
Carried forward				

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YEARLY REPORT OF DISEASES FOR 1853—*Continued.*

DISEASES.	Admissions. Color. White.	Black.	Discharges.	Deaths.
Amount brought forward				
Gangrena		1	1	
Ditto of lungs	4			4
do hospital	2		1	3
Gastro hepatitis	1		1	
Gastralgia	17		18	
Gastritis	91		85	4
Gastro enteritis	9		4	4
Gout	1		1	
Gastric disorder	16		9	
Gum boil	1		1	
Gastro-duo-denitis	2		1	
Hygroma	1		1	
Hepatitis	35		30	6
Hysteritis	2		3	
Hydrothorax	3		1	1
Hæmoptysis	7		4	2
Heart, disease of	33		11	12
Hæmatemesis	1		2	
Hæmaturea	1			
Heart, palpitation nervous	6		5	
Hydrocele	5		3	
Herpes-zoster	1		1	
Hernia inguinal	9		5	
Ditto scrotal	6		11	
Hysteria	7		5	
Hysteralgia			1	
Hæmorrhoides	20		22	
Hemorrhage passive	2			
Hypertrophy of liver	2			
Hemiplegia	2	1	2	
Hemorrhage purpura	5		5	1
Hypertrophy of spleen	2		5	
Hemorrhage of scretum	1			1
Hemicrania	3		4	
Hydro-pneumo-thorax				1
Hypochondriasis	2			
Influensa	11	1	9	
Itch	18		24	
Injury of brain	1		1	
Ditto of spine	2		3	1
do of spinal marrow	2			2
Irritation of sprine	4		1	
Iritis	16		12	
Iritis syphilitic	4		2	
do with vascular kegatitis	1		1	
Ischuria vesicalis	1		1	
Insanity	20		14	
Infection Purulent				1
Intemperance	88		80	7
Indigestion	7	1	6	
Impetigo	1		2	
Irido Choroiditis	1			
do keratitis	1			
Induratim of Mamma			1	
Incontinence of Urine	1		1	
Intoxication of Chloroform				1
Jaundice	27		25	1
Keratitis	8		7	
do ulcerated	2		1	
Laryngitis	8		9	
Lumbago	7		8	
Leucorrhœa	11		10	
Luxation of Vertibræ			1	
Lipoma	1		1	
Lupus	1		1	
Laceration of Urethra	1			
Labor Premature	1		1	
Marasmus	11		2	13
Mania-a-potu	13		11	2
Meningitis	7	1	2	6
Mania puerperal	2			1
Menstruation Vicarious	1		1	
Measels	28	6	32	1
Menorrhagia	5		5	
Carried forward				

DISEASES.	Admissions. Color. White.	Black.	Discharges.	Deaths.
Amount brought forward				
Metritis	3		4	
Metro Peritonitis	2		1	
Mamma, superation of	1			
Morbus Pediculosis	4		4	
Myelitis			1	
Nothing	299		285	
Neuralgia	25		25	
Nostalgia	2		1	
Necrosis	4		3	
Nephritis	1		1	
Opthalmia	2		5	
do granular	2		1	
do strumous	4		1	
do catarrhal	33	2	27	
do purulent	11		10	
Otitis	4		2	
Orchitis Tuberculosis	2		2	
Oedema of lungs	1			1
do of legs	9		10	
Opacity of Cornea	4		11	
Onysis	1		1	
Orobitis	33	1	31	
Ostitis	3		2	
Onanism	2			
Paraplegia	1		1	
Pertussis	4		5	
Phthisis Pulmonatis	318	5	165	18
Pregnancy	209		35	
Parturition	3		15	1
Pneumonia	17	2	9	5
do typhoid	4	1	1	
Pleuro Pneumonia	16	1	8	1
Pleuritis	62	3	54	4
Pleurodinia	11		10	
Paralysis	31		19	1
Paraplegia	1		1	
Pneumo Thorax	2			1
Panus	3		2	
Ptyalismus	19		18	43
Paronychia	27	1	26	
Prurigo	5		5	
Phimosis	1		3	
Pericarditis	3	1	4	1
Peritonitis	10		6	4
Paraphimosis	3		3	
Phlegmon of eye	1		2	
Phlebitis	3		2	
Psoriasis	33		1	
Pustules Malignant	1		1	
Pemphigus	1		1	
do of face	5		5	
Parotitis	1			
Periositiris	1		1	
Pharyngitis	1		1	
Prostatitis	1		1	
Prolapsus of Rectum	1		1	
do of Uteri	11		10	
do of Anus	1		1	
Retention of Urine	2		6	
Rupia	2		1	
do syphilitic	4		5	
Retroversio Uteri	1		1	
Rheumatism	28	7	15	1
Syphilis primitive	9		36	
Syphilis secondary	1		17	
do tertiary	4	1	3	
Sprain	5	1	2	
Scald	2		13	1
Scrofula	20		8	12
Sun Stroke	1			
Stricture of Oesophagus	17		15	1
do of Urethra			1	
Suppuration of parotid gland				1
Spina Ventosa				
Carried forward				

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YEARLY REPORT OF DISEASES FOR 1853—*Concluded.*

DISEASES.	Admissions. Color. White.	Black.	Discharges.	Deaths.	DISEASES.	Admissions. Color. White.	Black.	Discharges.	Deaths.
Amount brought forward	.....	....	.....	....	Amount brought forward	.....	....	.....	....
Scorbutus	70	....	1	1	Tyroiditis	1	....	.....	....
Sclerœma	1	....	.....	....	Ulcer	362	2	390	....
Swelling of Clavicle Gland	1	....	.....	....	Uncertain	120	3	87	48
Sarcoma Medullary	1	....	.....	1	Ulcer Phagedenic	4	....	2	....
Sciatica	7	....	10	....	Urticaria	1	....	1	....
Sclerotitis	1	....	1	....	Ulceration of the ear	1	....	1	....
Suppression of Urine	1	....	.....	....	do of bowels	2	....	.....	2
Splenitis	1	....	.....	....	Incised wound	99	....	97	1
Softening of the Brain	1	....	.....	....	Lacerated wound	49	2	55	....
Staphyloma	3	....	2	1	Penetrating wound	15	....	12	5
Torticolis	1	....	1	....	Contused wound	70	....	72	....
Tonsilitis	29	....	32	....	Gunshot wound	14	....	9	1
Tonsils, enlargement of	1	....	1	....	Punctured wound	7	....	5	2
Tumour Benignant	6	....	14	....	Poisoned wound	3	1	2	....
Tubes mesenterica	2	....	.....	3	Worms	1	....	1	....
Temulentia	5	....	5	....	Varicella	1	....	.....	....
Tinea Capitis	5	....	5	....	Varices	7	1	8	....
Tetanus idiopathic	3	....	2	1	Variola	5	....	5	....
do traumatic	7	1	2	3	Variolid	8	....	7	....
Tremor mercurial	1	....	1	....	Vagenitis	11	....	9	....
Tœnia solium	1	....	1	....	Vertigo	3	....	2	....
Carrried forward	.....	....	.....	....	Total	13653	106	10733	3164

N. B. In some instances the number of discharges and deaths will exceed the number of admissions, and *vice versa*. This proceeds from the patients having several diseases, at the time of their entrance, and therefore of their being discharged cured, or dying of a different disease from that which they are subsequently treated and finally discharged.

I may also mention that when the discharges or deaths exceed the number of admissions, it may be owing to the number of patients who are remaining in the hospital, at the end of the last year, who have since mostly all died, or been discharged, and *vice versa*. When the admissions exceed the number of discharges and deaths, it is owing to the number of patients still in the hospital, who have neither died nor been discharged.

In the above list of diseases I have inserted the words *nothing* and *uncertain*. The former explains thus: many of the patients admitted have been discharged, there being no ailment requiring an admission. It may also be worth mentioning that often it happens that children who are in good health, have to be admitted, their mothers being at the time very sick, and *vice versa*.

Uncertain. It occurs often that patients are brought in and die before they have reached their wards, and unseen by the attending physician, and their ticket subsequently signed as *uncertain*. It also happens that patients have absconded the premises, and having left their ticket in the ward, and in the impossibility of ascertaining what ailment they had when admitted, the word uncertain is therefore written down in place of the disease.

(Signed) H. VENDERLINDEN, Clerk.

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APPENDIX.

FIRST ANNUAL REPORT

OF THE

PRESIDENT

OF THE

VICKSBURG, SHREVEPORT AND TEXAS

RAILROAD COMPANY.

NEW ORLEANS:

PRINTED BY EMILE LA SERE, STATE PRINTER.

1854.

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FIRST ANNUAL REPORT

OF THE PRESIDENT OF THE

VICKSBURG, SHREVEPORT AND TEXAS RAILROAD.

MONROE, La.,
September 26, 1853.

To the Stockholders of the Vicksburg, Shreveport and Texas Railroad Company:

GENTLEMEN—In pursuance of the requirements of the 15th section of the Charter, the President and Directors of the Company beg leave to make a Report of the "operations and business of the past year, and of the financial affairs of the Company." In performing this duty, we would first remark, that the prevalence of a fatal epidemic has materially retarded our operations for the last month, and perhaps may continue to delay our progress for some weeks to come.

The Charter of the Company was adopted in Convention at this place on the 5th day of July, 1852. By the 4th section, the "corporation was to go into effect and be organized as soon as shares of Capital Stock to the amount of $250,000 were subscribed." On the 24th January, 1853, (more than $250,000 having been subscribed,) the Company was organized by the election of a Board of fifteen Directors, who, at a meeting held the next day, proceeded to elect officers and fixed the salary of the President at $2,500 per annum; that of the Treasurer at $500; and that of the Secretary at $1000—payable in quarterly instalments.

Under resolutions of the Board, the President addressed a memorial to the Congress of the United States, asking a grant of land to aid in the enterprise, and also a memorial to the Legislature of the State of Louisiana, requesting amendments to the Charter, and, likewise, State aid. The application to Congress was too late to be available at the last session; but the Directors entertain a strong conviction that at the approaching session a grant of lands will be made, which will be suitable to the magnitude and importance of the work.

The application to the Legislature of the State was entirely successful. The restrictions imposed upon works of Internal Improvement, by the old Constitution, were removed; the Charter was greatly amended, and a law was passed, authorizing a subscription of $800,000 in the Stock of the Company.

The private subscriptions of stock amount to $521,250, distributed as follows, viz: the city of Vicksburg, $111,550; parish of Madison, $55,250; parish of Morehouse, $41,825; parish of Carroll, $2,200; parish of Ouachita, $109,800; parish of Jackson, $53,825; parish of Bienville, $47,750; parish of Claiborne, $58,725; parish of Bossier, $7,500; parish of Caddo, $30,525; and the parish Caldwell, $2,300.

In addition to the State and private subscriptions, the parish of Caddo, in its parochial capacity, has subscribed $100,000, payable in five years, and the parish of Ouachita $150,000, payable in ten years. The city of Shreveport has also subscribed $30,000 by her corporate authorities.

It is due, in this connection, to state that the Police Jury of Ouachita denies the legality of the subscription on the part of the parish, and the subject is now before the proper judicial tribunal. A recapitulation shows the following amount of Stock Subscriptions, viz:

State subscription, - -	$800,000
Private do. - -	521,250
Parish of Caddo, - -	100,000
Parish of Ouachita, -	150,000
City of Shreveport, - -	30,000

The receipts into the Treasury of 5 per cent., which is required at the time of subscribing, amount to $15,752 50; and the disbursements of the Company, from the commencement of the enterprise to the present period, amount to $10,175 80, (as will be perceived by the report of the Treasurer, hereto annexed) leaving a balance on hand of $5,576 70.

The difference between the 5 per cent. on the whole amount subscribed, and 5 per cent. received into the Treasury, is thus explained: The late subscriptions in Vicksburg, Morehouse, Ouachita, Jackson, Bienville and Claiborne have not been paid in full into the Treasury, in consequence of the prevailing epidemic; and the 5 per cent. on the original subscriptions in Caddo and Claiborne, from some cause unknown to the Directors, is still unpaid, although repeated applications have been made to the commissioners to have the

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same adjusted. The Directors entertain no doubt that these amounts will be settled and paid up within a very short period, nor have they any doubt that the late subscriptions will be collected in due time for the necessities of the Company.

The Convention which adopted the original Charter, appointed an Executive Committee composed of the following gentlemen: H. L. Douglass, of Caddo; Richard Featherston, of Madison; John Ray, James H. Stevens, and James P. Crosley, of Ouachita. This Committee was required to transact all the business necessary to accomplish the objects of the Convention, and first and especially to cause to be executed a preliminary survey of the route. On the 9th of August, 1852, the Executive Committee contracted with P. J. Tournadre, Esq., a competent engineer, who, with a suitable corps of assistants, explored and surveyed the route according to agreement, and to the satisfaction of the Board of Directors in office at the time of receiving his report on the 2d May, 1853.

As the report of the Engineer has been published by order of the Board, it is not deemed necessary to recapitulate its contents, except to state that the whole length of the road, from the Mississippi to the Texas line, is 207 miles; and that the estimate of the cost of construction and preparation for business, is $3,153,342, or an average of $15,233 per mile. [See Engineer's Report.]

On the 2d day of May, 1853, the Board of Directors elected Mr. Tournadre, the Chief Engineer of the Company, at a salary of $300 a month, during the continuance of his services.

The Engineer has completed the work of locating the road from Shreveport to the Texas line, and contracts have been made to open and clear the track seventy-five feet on each side. He has also located about fifteen miles west of the Ouachita river, and is now ready to commence the location of that section between the Mississippi and the town of Richmond. These operations of the Engineer have been performed under resolutions of the Board in May last, instructing the President to commence work on the sections west of the Mississippi, Ouachita and Red rivers, so soon as the sum of $150,000 should be subscribed and designated by stockholders to each of those three sections, respectively.

In the opinion of the Board, the Company may safely undertake to commence actual work, with a confident belief that a sufficient sum has been subscribed to complete these three sections of twenty miles in extent each, and also that a commencement of operations will inspire *confidence* in the final consummation of the whole enterprise, whereby a large accession of stock subscriptions will be secured.

The Board of Directors have not applied to the State for a payment on its subscription, because, from the small amount of payments actually received into the Treasury, the *pro ra'a* payment by the State would scarcely justify an issuance of the Bonds of the State; and because the necessities of the Company have not, as yet, required more money than they have at command.

As soon as it may become necessary to pay contractors, the application should be, and of course will be made, for a payment on the part of the State.

Which is most respectfully submitted.

N. D. COLEMAN,
President.

Office of the Vicksburg, Shreveport and Texas Railroad Company.
MONROE, Sept. 26, 1853.

To N. D. COLEMAN, Esq., *President:*

Sir,—To enable the Directors of the Company to comply with the 15th section of the Charter, I beg leave to present the following Tables, marked "A" and "B," showing the financial condition of the Company.

The whole 5 per cent. received into the Treasury, being the payment required upon subscribing, amounts to $15,752 50. The whole disbursement, up to date, amounts to $10,175 80—leaving a balance in the Treasury of $5,576 70. See Tables annexed.

Very respectfully,
JNO. RAY, *Treasurer.*

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TABLE "A."

STATEMENT of the affairs of the Vicksburg, Shreveport and Texas Railroad Company, from commencement to date.

[CAPITAL STOCK AUTHORIZED BY THE CHARTER—$4,000,000.]

Subscription by the State, 32,000 shares, at $25 each....		$800,000 00
Subscribed by parish of Caddo, 4,000 shares, at $25 each		100,000 00
Subscribed by city of Shreveport, 1,200 shares " "		30,000 00
Subscribed by individuals, 20,850 shares, " "	521,250 00	
		$1,451,250 00
Amount of State's subscription unpaid.....	$800,000 00	
" of Individual " "	505,497 50	
" of subscription of parish of Caddo.....	100,000 00	
" " by city of Shreveport.....	30,000 00	
" expended for survey.....	7,665 00	
" " for contingent expenses.....	10 00	
" " for office expenses	130 00	
" " for salaries of officers.....	1,770 00	
" " for printing	600 80	
" cash on hand, as per Statement "B".....	5,576 70	
		$1,451,250 00

O. D. STILLMAN, *Secretary pro. tem.*

MONROE, Sept. 26, 1853.

TABLE "B."

STATEMENT of the Cash Receipts and Disbursements of the Vicksburg, Shreveport and Texas Railroad Company, from commencement to date.

RECEIPTS:		
Amount received from individual subscribers on account of first instalment of Capital Stock,		$15,752 50
DISBURSEMENTS:		
Paid for salaries of officers.....	$1,770 00	
Paid for printing.....	600 80	
Paid for office expenses, viz: furniture, postage, &c.....	130 00	
Paid Chief Engineer for surveying.....	7,665 00	
Paid contingent expenses	10 00	
Balance in hands of Treasurer	5,576 70	
		$15,752 50

O. D. STILLMAN, *Secretary pro. tem.*
JNO. RAY, *Treasurer.*

MONROE, Sept. 26, 1853.

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STATEMENT of Cash Receipts and Disbursements of the Vicksburg, Shreveport and Texas Railroad Company, from September 26th, 1853, to date.

Balance Cash on hand per last Annual Report.....		$5,576 70
RECEIPTS.		
Amount received from individual subscribers on account of first instalment of Capital Stock,		2,190 00
		$7,766 70
DISBURSEMENTS.		
Paid for salaries of officers.....	975 00	
Paid for printing.....	277 50	
Paid for surveying and engineering.....	3,923 05	
Paid for right of way.....	13 50	
Paid for contingent expenses.....	520 00	
Paid for office expenses.....	5 00	
Balance in Treasury this date	2,052 65	
		$7,766 70

Errors and omissions excepted,

JOHN RAY, *Treasurer.*

MONROE, La., January 1, 1854.

Office of the Vicksburg, Shreveport and Texas Railroad Company.

MONROE, La., Jan. 10, 1854.

To the honorable the Senate and House of Representatives of the State of Louisiana:

In pursuance of the 10th Section of an Act of the Legislature of the State of Louisiana, entitled an Act to provide for the manner of giving the aid of the State to Railroad and Plankroad Companies, approved April 28, 1853: the President and Directors of the Vicksburg, Shreveport and Texas Railroad Company, beg leave to make the following Report:

At the date of the passage of the beforementioned act, the private subscriptions of Stock in said Company amounted to the sum of ($285,000) two hundred and eighty-five thousand dollars. Since that period the private subscriptions have been increased to the sum of five hundred and forty-four thousand six hundred dollars ($544,600), which is distributed as follows, viz: Vicksburg, $111,550; Madison parish, $66,300; Morehouse, $41,825; Carroll, $4,500; Ouachita, $109,800; Jackson, $53,825; Bienville, $47,750; Caddo, $30,525; Caldwell, $2,300; New Orleans, $10,000; Claiborne, $58,725; Bossier, $7,500.

The parochial and city subscriptions of Stock are as follows, viz: the parish of Madison, $100,000, payable in five years; the parish of Ouachita, $150,000, payable in ten years, and the parish of Caddo, $160,000, payable in five years; to which must be added a subscription of $30,000 by the corporate authorities of the city of Shreveport, making the sum of ($380,000) three hundred and eighty thousand dollars.

It is proper to state, that the President of the Board of Police, for the parish of Ouachita, denies the legality of the subscription, by that parish, and the question is now before the proper judicial tribunal. It is also due, to state that the police jury of Caddo, has passed an ordinance, resubmitting the subject of a parish subscription to the landholders, and although the election was to be held or was holden on the last day of December past, the result has not been communicated to the Board.

If these two parish subscriptions shall be held good, a recapitulation shows the condition of the Stock subscriptions, as follows, viz:

Private subscriptions -	$544,600
Parish and city subscriptions	380,000
State subscriptions - -	800,000
See Act.	$1,724,600

The Engineer of the company has furnished surveys of the route, and finds the distance from the West bank of the Mississippi river, opposite to the city of Vicksburg, to the Texas line, to be a fraction under two hundred and seven miles, passing through the parishes of Madison, Carroll, Morehouse, Ouachita Jackson, Bienville, Bossier and Caddo.

The Engineer has also located and staked out for contracts, twenty miles, extending from Vicksburg to Richmond, the seat of justice in Madison parish. Twenty miles, extending from Shreveport to the line of

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xas, and about fifteen miles extending m the Ouachita river westward.

Contracts have been made to open the ck of the road from Shreveport to the xas line, and opening ten miles of the d on the section between Vicksburg and hmond, and the work is progressing.

The company has advertised for contracts open the line and embanking the whole tion between Vicksburg and Richmond, ; as yet, none have been closed, except as ore stated.

For a more particular account of the con- ion of the Company, as well as for a speci- statement of the receipts and expendi- es, the Directors beg leave to refer to ir First Annual Report, a printed copy which, is hereunto appended, marked A, l made a part of this Report.

That Report was made on the 26th day of September last, since which time, collections have been made by the commissioners, of the five per cent. payments, but not yet reported to the Board. The only expenditures since that period, consist in the payment of salaries to the officers and the expenditures of the Engineering Department, for which amounts, the Directors refer to the statement of the Treasurer.

The Company has not needed money, as yet, therefore no money has been borrowed, nor has any application been made for an issuance of the Bonds of the State.

In conclusion, the Board of Directors confidently hope, that in a very short time, they will have under contract, the section from Vicksburg to Richmond, and that from Shreveport to the line of Texas.

Which is respectfully submitted.

N. D. COLEMAN, *President.*

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APPENDIX.

REPORT

OF THE

JOINT COMMITTEE

ON THE

NEW ORLEANS, OPELOUSAS AND GREAT WESTERN AND NEW ORLEANS, JACKSON AND GREAT NORTHERN

RAILROADS.

NEW ORLEANS:
PRINTED BY EMILE LA SERE, STATE PRINTER.
1854

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REPORT OF THE JOINT COMMITTEE

ON THE

NEW ORLEANS, JACKSON AND GREAT NORTHERN AND NEW ORLEANS, OPELOUSAS AND GREAT WESTERN RAILROADS.

To the Hon. W. W. FARMER,
President of the Senate, and

Hon. J. M. SANDIDGE,
Speaker of the House of Representatives:

The Joint Committee of the Senate and House of Representatives who were directed by joint resolutions to make an examination of the condition of the two great Railroad Companies in the city of New Orleans, viz:

The New Orleans, Jackson and Great Northern Railroad, and the New Orleans, Opelousas and Great Western Railroad, have performed the duty assigned to them, and ask leave to report.

The committee, clothed with full powers by the resolutions creating them, proceeded to prepound to each of the companies above stated, the following interrogatories, requiring answers to same, and also a submission of their books. And the committee are gratified to be able to state that these requisitions were met by most prompt and obliging compliance on the part of both the companies:

1st. The surveys: by whom, and when made? Their cost? Whole expense of same, including incidental disbursements appertaining thereto.

2d. The location of depots. What governed their selection and location? Their cost? What would have been the comparative cost with locations for same upon other points in the city? Could or could not the Jackson road have crossed the New Orleans canal with equal, or greater public benefit?

3d. Actual condition of the roads? What section, or sections, if any, may be considered finished? What test, if any has been made as to its capability of bearing up weight? If such test was made, what was the result? What sections are unfinished? How much of the roads are now under contract?

4th. Financial affairs of the Road: State the selling of all Bonds; to whom? Whether all the formalities required by law have been complied with? Whether any of the officers or directors have been under advances to the company? If any, what officers? What amount was so advanced? And have any charges on said advances been other than such as are usually made?

The answers to the foregoing interrogatories were promptly made; the Committee have compared them with the books of the companies and find them correct. The data from which they are made is of record in said books, viz:

The letter book, the book registering the sessions and acts of the Board of Direction, and the several books of accountability—all of said answers are annexed hereto in appendix form, and are respectfully submitted.

The Opelousas Road Company have furnished by way of replies, six documents, viz:

No. 1—Surveys.
No. 2—Depots.
No. 3—Condition of Road.
No. 4—Financial Statement.
No. 5—Company's Bonds.
No. 6—State Bonds.

These documents were compared with the books of the company, and were found to be correct. The road is in very good progress and the committee are entirely satisfied with the excellent management of its Board of Directors.

The replies of the Jackson Railroad Company are accompanied with a report and general statement of its affairs, herewith annexed in the appindix, by its President, James Robb, Esq., some portions of which require special notice from the Committee.

In answer to the first interrogatory, the Engineer of the Company is brief, but refers to the report made to the Legislature in January last, from which with other data the following information was gathered:

In the spring of 1851, in anticipation of legal organization, provisional arrangements were made, and about 300,000 dollars paid in, 5 per cent. of which was collected to defray expenses of preliminary surveys and reconnaissances, under the direction of W. S. Campbell, Esq., who had been elected Chairman of Committee on Surveys; various routes were examined, amounting to about three hundred miles, with a view of determining the best, and a definitive location was made under the direction of the said Chairman, to the Pine Hills, a distance of about forty-seven miles.

The professional services of Mr. Campbell were at this time rendered gratuitously. He receiving no compensation whatever for them.

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Cost including purchases of teams, hire of boats, camp equipage, &c.	$14,669 20
Preliminary surveys by Mr. Winchester, from Canton to Aberdeen, - - -	7,845 80
Surveys under Mr. Clark, chief engineer of first division, comprising salaries of Engineers superintending construction, &c. - -	36,951 31
Surveys under Mr. Grant, chief engineer, 2d division embracing final location from Canton to Aberdeen, and preliminary surveys and location from Aberdeen to the State line - - - -	16,415 33
Surveys under the direction of S. M. Fox, embracing final location from State line to Jackson, Miss. - -	7,692 92
Surveys under direction of Chief Engineer, embracing salaries, incidental disbursements and location, the whole way from Tennessee River to Nashville, Tenn.	34,656 16
	$118,230 22
Subsequent to that time, additional surveys and superintendance of engineers in modifying previously adopted routes up to day of examination, about - -	8,000 00
Total - - - -	$126,230 22

These large disbursements for surveys, location of road, depots and their incidental expenses, at first sight may appear extravagant. The Committee, however, are of opinion that, in considering the difficulty of the different routes proposed in the beginning, and the very many lines run, leveled, and otherwise examined. They are merely such as experience in like operations renders entirely reasonable. There has been from the first a conflict of opinion in reference to the line of road to be adopted, and it was important to find a preference upon certain positive basis, which in the judgment of the Committee, has been done.

Documents A, B and C, are answers to the second interrogatories, and show conclusively that the best judgment has been given of the proper location for the *main depot*. In the estimation of the Committee, none other could have combined the same advantages; and they are confident that they will be concurred with by any who are willing to be informed on the subject. The principal cotton presses (as well from position, as from their amount of business.) The proximity of the great bulk of the ocean and river shipping. The peculiar curve of the water line, or river bank, making the main depot nearly central to a semicircle of about three miles, (the shortest radius of which would be to the foot of Canal street,) besides the utter impracticability of crossing the Orleans Canal, with a railroad whose train must be estimated to extend to something like from 1,500 to 2,000 feet, all are causes the most cogent for the selection made. Their explanations are unnecessary to those who have known that in every case, (in our own country and elsewhere) where depots have originally been situated in cities, or very near to their suburbs, they have been decided to be nuisances, and have been removed to more remote points. In the city of Boston, the main depots of the roads are so remote as to create a necessity for a peculiar sort of labor providing an honest living for thousands—it has been estimated that the drayage and porterage alone from those depots are more productive than the whole business of the city of Memphis.

Documents D, E, F, G, I, J, K, relate to the financial condition of the company. They are specific in details, and exhibit the various financial operations of the company from the time of its Creation to the day of this examination; the Committee have given to this subject the fullest examination, and as the agents of the State, feel authorised to report that the most efficient supervision of the interests of the stockholders has never been lost sight of.

It will be seen by these documents, that the President of the Company, James Robb, Esq., has advanced largely to the company, and that his exertions have, more than any other auxiliary means, (until the protecting hand of the State came in support) kept up the progressing accomplishment of this great enterprise.

This gentleman is, in the estimation of the Committee, entitled to high commendation, indeed, for his untiring energy and zeal in forwarding by the application of private means, to an enormous amount, a work of public utility in which, if he be more largely interested than others, results only from a fostering spirit towards an improvement to which he gave origin and life, and for the accomplishment of which, he is willing to make sacrifices.

LOUIS G. DeRUSSY,
Chairman Senate Committee.

JAMES H. CALDWELL,
Chairman House Committee.

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REPORT

OF THE

OPELOUSAS RAILROAD COMPANY.

nquiries to be propounded to the New Orleans, Opelousas and Great Western Railroad Company, viz:

1st. The surveys—By whom and when ıade? Their cost, how far they extend? hole expense of same; with such inciden- ıl disbursements as appertain to them, such s boats, carts, &c.

2d. The location of depot, &c.—What overned the selection and adoption of same? 'heir cost?

3d. The present condition of the road—What sections are yet to be finished? What ections may be considered finished, and if o, what test, if any, has been made in reerence to its capability of bearing up? and vhat is the result?

4th. The condition of the financial affairs of the road—Selling of all Bonds? to whom, ıt what rate? How much of their proceeds ıave been expended? How much on hand?

The following interrogatories were added, on motion of Mr. Kenner:

And whether all the formalities required by law with regard to publication, &c., have been complied with?

Whether any of the officers or directors of the Company have been under advances to the Company, if any, what officers; what ımount advanced, and whether the charges on said advances have been such as are usually made?

SURVEYS.

In December, 1851, and April, 1852, the first surveys were made for the Road, by A. S. Phelps and Major Blanchard, under the directions of the Executive Committee.—Those surveys embraced an examination of several different routes between Algiers and Berwicks Bay, a distance of eighty-two miles. The cost of these surveys amounted to $3,500.

After the organization of the Company, the surveys were renewed in September, 1852, under the direction of Mr. Gibbes, the chief engineer, by Mr. G. W. R. Bayley and A. S. Phelps, assistant engineers. By the 1st of April, 1853, the experimental lines and actual location had been completed as far as Washington, one hundred and sevety-three miles. Experimental lines had also been run as far as the Texas line, striking the Sabine at Logansport and at Darnell's Ferry. The location was under the immediate direction of Mr. Bayley, and the experimental surveys under that of Mr. Phelps.

The total number of miles surveyed amounted to over one thousand, and was accomplished at an aggregate cost of $25,500, including the necessary instruments and an outfit of two wagons, four mules and two small boats.

(Signed) J. H. OVERTON,
President.

DEPOTS.

Land for two depots has been purchased, one at Algiers to suit the business of the 2d and 3d Districts, and the other at Gretna to suit that of the 1st and 4th Districts.

The first has a front on the river of 375 feet, and a depth of 24 arpents, containing about 46 square arpents, and was purchased for $20,000.

That at Gretna has a front of 4 arpents and a depth of 40 arpents, and was purchased for $39,600.

(Signed) J. H. OVERTON,
President.

CONDITION OF ROAD.

The road from Algiers to Washington, one hundred and seventy-three miles, and a branch of road to Breaux's Bridge of nineteen miles, has all been put under contract. Little or no work has been done above Berwick's Bay, and most of the hands now employed on the road, (500 in number) are engaged on the first sixty-five miles, the whole of which has been cleared and the quarter part graded, twenty-six miles of track has been laid, much of it over swamps and prairies.

Heavy trains have been passing over the greater part of the track for the last four or five months, testing it fully, and the road stands fully as well as could be expected, and that too, under the weight of very heavy engines—from 18 to 25 tons.

(Signed) J. H. OVERTON,
President.

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RECEIPTS AND DISBURSEMENTS TO 20TH FEBRUARY, 1854.

RECEIPTS FROM		
Amount " Private Stock,		$439,291 25
" " City Tax of New Orleans,		160,333 2
" " Parish of Orleans, Right Bank,		11,572 34
" " Parish St. Landry,		10,223 8
" " Parish St. Mary,		16,803 3
" " Parish Lafayette,		2,854 3
" " State Louisiana Bonds,		153,000 0
" " Suspense account,	$6,789 52	
" " Passengers,	1,071 53	
" " Completion,	300 46	8,161 31
" " Bills Payable,		134,536 3
" " Company Bonds, secured by City Tax of 1856,		50,000 0
" " Company " " " " 1857,		9,000 0
		$997,145 0
DISBURSEMENTS ON ACCOUNT OF—		
Preliminary Expenses, Executive Committee,		$6,053 3
Real Estate,	$64,875 00	
Depots and Stations,	25,992 05	90,867 5
Iron,		306,526 8
Locomotive,	27,099 77	
Cars,	21,580 19	48,679 9
Timber for Track,		65,671 8
Right of Way,	2,813 65	
Contingent Expenses, Counsel fees, &c.,	8,515 25	11,328 9
Reimbursement, City Tax New Orleans,	8,810 36	
" Right Bank,	3,594 75	
" St. Landry Tax,	684 00	
" St. Mary Tax,	1,191 00	14,280 11
Discount, on Instalments prepaid,	3,713 82	
Interest,	13,631 41	17,345 23
Bridge at des Allemands,		5,710 0
Bridging, Piling and Materials for road,		44,683 6
Lafourche Bridge,		15,681 39
Grading and Clearing,		61,742 56
Track Laying, Transportation of Materials and Maintenance of Way,		56,229 65
Bates, Benson & Co., on account of contract for construction of Road from des Allemands to Tigerville,		71,000 0
Engineering and Surveying whole Road,		30,697 3
Office Expenses, Salaries and Printing,		26,328 0
Cash, balance on hand,		995 2
		$997,145 0

(Signed) J. H. OVERTON, President.

(Signed) BENJAMIN F. FLANDERS, Secretary.

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On the 28th of July last, the Board of Directors resolved to issue one thousand two hundred and fifty Bonds on pledge of the Tax subscription of the City of New Orleans, due in 1854, 1855, 1856, 1857 and 1858, two hundred and fifty Bonds payable in each of those years. The accompanying advertisements No. 1, was published in the papers of New Orleans and New York, in June.

In August the Board withdrew the Bonds from market, on account of the unfavorable state of the money market, but authorized their agents, Messrs. Lanfear & Fallon, to purchase Iron at market price, with the Bonds at par. Those gentlemen did purchase 8,000 tons of iron at $49 12 per ton, free on board, in Wales, to be paid in the Bonds at par, due in 1854 and 1855, with interest at 6 per cent. from the day of delivery in New Orleans. The Bonds to be handed over to cover each shipment after arrival.

The Board have changed the rate of interest of the Bonds due in those years to 6 per cent.

Three cargoes of iron of the above contract are now being delivered, and the Bonds are preparing for their payment.

The series of 1856 and 1857, have been issued, a part disposed of as per annexed statement, under special resolutions of the Board.

(Signed) J. H. OVERTON, President.

New Orleans, 16th January, 1854.

COMPANY BONDS.

Under Resolution of the 28th July, 1853, issued by order of the Board, two hundred and fifty Company Bonds, secured by tax of 1856, of the City, each for $1000.	$250,000 00
Under Resolution of the 1st August, 1853, issued by order of the Board, two hundred and fifty Company Bonds, secured by Tax of 1857, of the City, each for $1000.	250,000 00
	$500,000 00

DISPOSITION OF COMPANY BONDS.

1853.	
November 14—Gave twenty-five Company Bonds to Bates, Benson & Co., in payment of work on their contract, at par	25,000 00
November 14—Gave ten Company Bonds to Maxwell, Briggs & Co., in payment of work on their contract, at par	10,000 00
November 22—Sold one Company Bond to T. C. Buddecke, for cash, at par	1,000 00
December 31—Sold two Company Bonds to R. H. Bayley, at auction, by H. W. Palfrey, at 93	2,000 00
1854.	
January 2—Sold one Company Bond to J. Armstrong, on account of contract, at par	1,000 00
January 2—Sold four Company Bonds to J. Trentom, on account contract, at par	4,000 00
January 2—Sold seven Company Bonds to Maxwell, Briggs & Co., on account of contract, at par	7,000 00
January 4—Sold nine Company Bonds to B. Fallon, at par	9,000 00
Febuary 20—Sold nine Company Bonds to A. Lanfear, of the series 1857, at par	9,000 00
	$68,000 00

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PLEDGED BONDS.

1853.

November 1—Pledged 60 Bonds to F. W. Tilton on account of Rails.
" 26, " 9 " " "
December 1, " 26 " " "
" 1, " 13 " " "
" 8, " 5 " " "
1854. Jan. 9, " 21 " " "
" 17, " 31 " " " of the issue of 1857.

165

RECAPITULATION.

Issued Series,	1856	250	
" "	1857	250	
			500
Sold Series,	1856	59	
" "	1857	9	
			— 68
Pledged Series,	1856	134	
" "	1857	31	
			—165
On hand, Series	1856	57	
" "	1857	210	
			—267
			—500

RECEIPT AND DISPOSITION OF STATE BONDS.

1853—June.....	76	State Bonds,		$76,000
August.....	45	"		45,000
December	16	"		16,000
1854—February.	16	"		16,000
	153			$153,000

1853—August.....	12	Gave 10 State Bonds to Bates, Benson & Co., in payment for works, at par,		$10,000
November	28	Sold 35 State Bonds to Corning & Co., at 97.		35,000
"	30,	" 76 " " " "		76,000
December,		" 16 " " " "		16,000
1854—February..	4,	" 16 " " " 95.		16,000
		153		$153,000

NOTE.—The advertisement attached for the sale of Bonds of the State, was published for some time in the papers of this City, without any proposals or offers being made for the purchase of the Bonds, when they were disposed of in November and December last at 97 per cent., the best terms that could be had.

The last 16 Bonds were sold during the late pressure in the money market, to meet existing engagements, and no other or better price could be had for them at the time.

(Signed) J. H. OVERTON, President.

New Orleans, 16th January, 1854.

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$1,250,000 ***Bonds of the New Orleans, Opelousas and Great Western Railroad Company.***

Sealed proposals will be received until the 15th of September next, at the office of Hewitt, Lees & Co., in the City of New York, for the purchase of 1,250 Bonds, of one thousand dollars each, all dated 1st August, 1853, and payable at the office of the Company, in the City of New Orleans, as follows, to-wit :

250	Bonds of $1000 each, on	1st Aug.,	1854.
250	"	"	1855.
250	"	"	1856.
250	"	"	1857.
250	"	"	1858.

Said Bonds bearing interest at the rate of seven per cent. per annum from date, interest payable semi-annually, at the office of the Company, in New Orleans, with coupons for same attached. Said Bonds are issued by order of the Board of Directors, the proceeds of which to be expended in the construction of the road.

The New Orleans, Opelousas and Great Western Railroad Company was organized 1st May, 1852. Its present capital, by Act of Incorporation, is $6,000,000. Its Charter provides for the construction of a trunk railway from the City of New Orleans westwardly, to some point on the boundary between the States of Louisiana and Texas, favorable for its extension across the latter State to the Pacific Ocean.

The entire line or first division of road to Washington, in the Parish of St. Landry, 173 miles, with a branch of 20 miles in addition, is now under contract with parties of the highest responsibility, and is to be entirely completed by the first of January, 1855.

The rails are already laid for 20 miles, and 66 miles will be finished and in operation on the first of January next.

The cost of the division to Washington, complete with equipments, depots, &c. &c., will be $3,300,000.

The tributaries to the division of the road under contract, and to the probable line of its extension to the limits of the State, are the Bayous Lafourche, Terrebonne, Black, Téche, Vermillion, Courtableau, Bœuf, Robert, Rapids, Cotile, Red and Sabine Rivers.

The Parishes traversed by it, embrace portions of the deltas of the Mississippi and Red Rivers, and the magnificent prairies of the Attakapas and Opelousas, forming the finest planting and grazing region of the South.

Besides other and abundant resources, both for travel and transportation, they produced last year 126,309 hhds. of sugar, and about 7,580,000 gallons of molasses, being more than one-half of the entire crop of the State ; export annually about 40,000 head of live stock, and about 300,000 bales of cotton reach this terminus by the present channels of commerce tapped by this line of road, or grown in the country penetrated by it.

The subscriptions to the Capital Stock of the Company now amount to the sum of $4,243,600 as follows, viz :

Individual subscriptions,		$1,063,000
Municipal Corporations, payable part in five and part in six annual payments, viz :		
City of New Orleans,	$1,500,000	
Parish of Orleans,	75,000	
" St. Mary,	156,000	
" St. Martin,	103,775	
" Lafayette,	33,400	
" St. Landry,	115,625	
" Natchitoches,	250,000	
" DeSoto,	100,000	
		$2,334,400
		$3,397,400

At the last Session of the Legislature the State of Louisiana subscribed one-fifth of the capital stock of the Company, viz :— $1,200,000, payable, however, only in the same proportion as other subscribers ; consequently the actual State subscription at this time is $846,200, making our present available subscription amount to the sum of $4,243,600.

The Bonds now offered for sale are secured by special pledge, according to law, of the subscription to the capital stock made by the City of N. Orleans, viz : $1,250,000, due 1st June, 1854 to 1858, inclusive, $250,000 per annum ; and the interest on said Bonds is secured by pledge of unmatured instalments of the Parishes of Orleans, St. Mary, St. Martin and Lafayette, amounting to $300,240.

The Board of Directors in offering this loan to the public, do so with full confidence that the security offered is of the most undoubted character. No mortgage of any kind now exists upon the property of the Company, and the Board do not contemplate to issue any bonds secured by mortgage upon the road until the line to Washington is completed and in working order, a distance of 173 miles, and then the amount of funds to be raised by mortgage will be but a very moderate amount compared with the actual cost and value of the road, and will be employed in its further extension.

The subscription of the City of New Orleans is payable annually, by a tax levied on

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the whole landed estate of the City, authorized not only by an act of the Legislature, but approved by the tax-payers, and declared legal and constitutional by the Supreme Court of the State. The security therefor, for the payment of said subscription, is the entire landed estate of the City of New Orleans, amounting to one hundred millions of dollars. Payers of this tax receive an equal amount in the stock of the Company.

For all further information in regard to this loan, apply to Messrs. Hewitt, Lees & Co., New York, or at the office of the Company, New Orleans.

By order of the Board.

(Signed) J. H. OVERTON,
President.

New Orleans, June, 1853.

BONDS OF THE STATE OF LOUISIANA.

Office of the N. Orleans, Opelousas and Great Western Railroad Company,
New Orleans, July 29, 1853,

This Company offers for sale one hundred and thirty bonds, of one thousand dollars each, granted by the State of Louisiana, in payment of the subscription of the State to the capital stock of the Company. Said bonds are payable in forty years, with interest semi-annually, at the rate of six per cent. per annum.

Apply at the office of the Company, corner of Bienville Street and Exchange Alley.

By order of the Board.

(Signed) B. F. FLANDERS,
Secretary

NOTICE.

The New Orleans, Opelousas and Great Western Railroad Company offer for sale 100 bonds of the State of Louisiana for $1,000 each, bearing six per cent. interest. Also, 100 bonds of the Company, for $1000 each, issued by the Board of Directors and payable August 1st, 1856, secured by pledge of the City subscription to the capital stock of the Company, bearing seven per cent. per annum interest, payable semi-annually.

Proposals will be received at the office of the Company, corner of Bienville Street and Exchange Alley.

By order of the Board.

(Signed) BENJ. F. FLANDERS,
Secretary.

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REPORT

OF THE

GREAT NORTHERN RAILROAD COMPANY.

The following enquiries were propounded to the Great Northern Railroad, viz:

1st. The surveys. By whom and when made? Their cost? How far they extend? Whole expense of same, with such incidental disbursements as appertain to them, such as boats, carts, &c.?

2d. The location of depots, &c. What governed the selection and adoption of same? Their cost? What would the same have cost if made upon some lower point of the city? Could or could not the road have crossed the Orleans Canal with equal or more benefit? The situation of the several cotton presses and ocean shipping in reference to the said location?

3d. The present condition of the road.—What sections are yet to be finished? What sections may be considered finished, and if so, what test, if any, has been made in reference to its capability of bearing up, and what is the result?

4th. The condition of the financial affairs of the road. Selling of all bonds. To whom, at what rate? How much of their proceeds have been expended? How much on hand?

Additional interrogatories by Mr. Kenner.

And whether all the formalities required by law with regard to publication, &c., have been complied with?

Whether any of the officers or directors of the Company have been under advances to the Company; if any, what officers—what amount advanced, and whether the charges on said advances have been such as are usually made?

Report of the President of the New Orleans, Jackson and Great Northern Railroad Company to the Joint Committee of Investigation appointed by the Legislature.

To the Joint Committee of Investigation:

Gentlemen,

I respectfully refer you to document A. as containing the views that governed the directors in the selection of the site for the main depot, and as detailed in the first annual report to the stockholders on the 5th May, 1853. If the Company were compelled to purchase below the New Orleans Canal the grounds necessary for its main depot, the cost would be very considerable, perhaps four or five times the sum expended and to be expended on the site already selected. In the report of the Chief Engineer, accompanying, he expresses full concurrence in the views submitted to the stockholders, not only as to the impracticability of the road crossing the canal, but the large additional expenditure to be incurred in the constructing, maintenance and superintendence of drawbridges.

Documents B and C contain a statement of the situation of the various cotton presses and ocean shipping in reference to the location of the main depot.

Document D contains a resolution of the Directors instructing the President to issue 300,000 of notes, bearing eight per cent. interest and payable on the 1st July, August and September, with a pledge of the real estate tax of 1853 as security.

This issue of notes was partly used as security for the advances of Messrs. Jas. Robb & Co. and Mr. Slidell, and have since been cancelled.

Document E contains a resolution passed at a meeting of stockholders held on 22d January, authorizing the Board of Directors to issue bonds on a pledge of the real estate taxes, and a resolution passed by the Directors on the 2d May, directing the issue of $1,500,000 bonds, payable in 1854, 1855, 1856, 1857 and 1858, bearing eight per cent. interest, with instructions to the finance committee to advertise for the sale of $600,000 of this issue. The advertisement was duly published in the Courier, Bee, Delta and Picayune, from the 12th of May to the 1st of June, and is as follows:

Office of the New Orleans, Jackson and Great Northern Railroad Company.

NEW ORLEANS, May 12, 1853.

In conformity with the following resolutions, adopted by the Board of Directors of this Company on the 2d inst., proposals will be received by the undersigned, at the office of the Company, No. 45 Carondelet street, until Wednesday, the 1st day of June, 1853, at 12 o'clock, M, for the purchase of the whole or any portion of six hundred of the bonds of $1000 each described in said resolution, 20 per cent. payable on the 1st day of June, 1853, and 20 per cent. on the 1st

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day of July, August, September, and October following.

Resolved, That this Company issue 1500 bonds for $1000 each, bearing interest at the rate of eight per cent. per annum, payable semi-annually, with coupons for the interest attached, said bonds to be signed by the President, countersigned by the Secretary, and made payable as follows: 300,000 on the first of August, 1854, fixed, and the like sum on the first of August, 1855, 1856, 1857 and 1858, and that to secure the payment of said bonds a pledge be made of the tax levied by the city for subscription to the stock of the Company, the tax falling due in each of said years being separately pledged for the series of bonds maturing in the same year.

Resolved, That proposals be advertised for the sale of 600 of said bonds, the purchaser having the option of selecting bonds of the series which they prefer.

Resolved, That the Finance Committee be charged with the immediate execution of the foregoing resolutions.

(Signed) H. S. BUCKNER, J. P. HARRISON, THOMAS HALE, } Finance Committee.

Mr. Buckner, as chairman, verbally reported that no bid had been made, or any proposition been received to purchase the whole or any portion of the bonds offered for sale.

On the 8th of June the Board of Directors received a bid from Messrs. A. M. Nathan & Co. to purchase $600,000 of the real estate tax bonds, payable in 1857 and 1858, at 90 per cent.

Document F contains their letter and the resolution of the Board of Directors accepting its terms.

The financial condition of the Company at this period, besides many other considerations affecting its welfare and interests, suggested the necessity of a sale of its securities. Commissioners had been appointed to proceed to London to provide by negotiation for a large sum, in addition to its subscriptions, sufficient to construct the road to the Tennessee river, and in order to present its affairs in the most favorable aspect, it was indispensable not only to be able to show that all its matured engagements had been met, but that means were secured to insure the prosecution of its works under existing contracts, and it will not be supposed that the exhibition of the affairs of any company without these requisites, and overdrawn with its banker for a sum exceeding three hundred thousand dollars, would otherwise operate than to totally destroy all chance of success in obtaining the loan of capital in foreign markets.

These important considerations, coupled with the failure of the Company to receive any bid whatever for the real estate tax bonds advertised by the Finance Committee, called for aid from some quarter, and as there was every reasonable ground for concluding that no person or persons would take the responsibility of extending it to the Company on a scale commensurate with its wants, Messrs. A. M. Nathan & Co. received instructions from Messrs. James Robb & Co. to make the bid to purchase six hundred thousand dollars of the real estate bonds of the Company, which bid was accepted by the directors. These instructions were given by Jas. Robb & Co. under the supposition that the purchase would be assumed by non-resident parties, with whom they had corresponded respecting the sale of the Company's securities. This expectation was not realised. The purchase was declined by said parties, and the bonds left on the hands of Messrs. James Robb & Co.

At a meeting of the Directors, held on the 31st October, 1853, they were informed of the foregoing, and the circumstances under which the bid of Messrs. Nathan & Co. had been made, and Messrs. James. Robb & Co. offered the Board the privilege of cancelling the sale and receiving back the bonds on the terms at which they had been sold. A committee was appointed to confer with Messrs. James Robb & Co., which resulted in the adoption of the agreement contained in Document G, and the cancelling and surrender of $150.000 of the real estate tax bonds at 90 per cent., the price at which they had been sold.

The dealings between the Company and those in any way connected with its service, as directors or officers, with the exception of its transactions with Messrs. James Robb & Co., are confined to a loan of $20,000, received by the Company from Mr. John Slidell in April last, which was repaid in July, August and September, with eight per cent. interest, and to an arrangement made for the endorsement of the paper of the Company by Directors, as will appear by resolutions of the Board contained in Document H.

The Bank account of the Company was opened with Messrs. James Robb & Co. on the 12th of November; 1852, and I respectfully refer you to Document I for its details, which is certified by the Secretary from the books and records in the office of the Company.

Document J contains a statement of the receipts and expenditures of the Company to the 15th instant, a statement of its financial resources for the current year, and of subscriptions to its capital stock. The resources of the Company will be modified and

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altered according to the action of the Legislature, the City Council of New Orleans, and its voters, in the proposition to substitute city bonds in lieu of the real estate taxes.

This measure, if successful, will prove one of great relief, and insure a final prosecution of the works of the Company and the realization of important and speedy results, not only affecting favorably the interests of the State and the stockholders, but the public welfare, which otherwise may be indefinitely postponed.

Document K contains a copy of the resolution of the Directors directing the President to purchase 20,000 tons of railroad iron, and his letters addressed to Messrs. R. Wilson, Hallett & Co, of Liverpool, with the resolution of the Board of Directors confirming the order and guarantee.

All of which is respectfully submitted in answer to the interrogatories proposed by the Joint Committee of the Senate and House of Representatives of the State of Louisiana.

(Signed) JAMES ROBB, President.

New Orleans, Feb. 20, 1854.

STATEMENT OF CHIEF ENGINEER,

In Answer to First Question.

The surveys extend from New Orleans to Nashville, and embrace the final location of the road to Chickasaw, on Tennessee river, a distance of 408 miles. The expenses include the usual outfit for field operations, such as tents, camp wagons, mules, boats, &c

Second Question.

The objections to crossing the New Orleans Canal with our tracks, independent of the cost of drawbridges and expenses incidental to them, are insuperable, as such a location would be either ruinous to the canal or to the trafic operations of the road, for either the trains must wait for the passage of the steamboats and sailing vessels, thereby throwing them out of time, and deranging the whole system of running, or the canal would be blocked up continually with boats and craft waiting for the passage of the trains.

Third Question.

From the following table it will be seen that the road bed is prepared for the reception of the superstructure for the entire distance to the State line (87½ miles) with the exception of about five and a quarter miles of swamp crib-work between the city and South Pass Manchac, filling the temporary crib-work between the North Pass and the Piney Woods, and completing the graduation of about five miles at the State line, and that the track has been laid for a distance of twenty-four miles.

Progress of Work under contract from the city of New Orleans to the State line, 87½ miles.

Sections 1 to 3, Thos. C. Bates & Co., road bed finished and track laid.

Sections 3 to 11, Coleman & O'Shaughnessy, road bed finished and track laid half-way.

Sections 11 to 14, Coleman & O'Shaughnessy, road bed two-thirds finished.

Sections 14 to 19, George G. Kirk & Co., all crib-work four-fifths finished

Sections 19 to 22, G. B. Parsell & Co., road bed two-thirds finished.

Sections 22 to 24, Cornelius Sweeney, road bed finished.

Sections 24 to 27, Cornelius Sweeney, road bed finished.

Sections 27 to 30, Charles Wuinsch, road bed nearly finished.

Sections 30 to 36, Waters, Hoey & Keeling, road bed three-fourths done and one mile of track laid.

Sections 36 to 87½, Thos. C. Bates & Co., from sections 36 to 39, including North and South Passes, piling and crib-work complete and track one-half done.

From 39 to 45½ to be embanked. Temporary crib-work and temporary track laid.

From 45½ to 82, graduation all finished, and eight miles of track laid, with the ties delivered to the Company for the remainder of the distance on the roads.

From 82 to 87½, graduation one-half complete.

The pile bridge over the North Pass Manchac has been completed and subjected to a test sufficient to prove beyond the possibility of a doubt its ability to support the heaviest trains that can be passed over it without yielding in the least to the weight, as 300 tons of iron rails were piled on a distance of 100 feet of the bridge (30 tons to every 10 feet) and suffered to remain on it for eight or ten days, without the slightest settling being perceptible from this great weight.

The South Pass Manchac pile bridges will sustain a greater weight than the bridge over the North Pass, having two additional brace piles to every bent, placed 10 feet apart. All the piles are driven for the South Pass bridge except the brace piles, also about half the caps and stringers are on.

No difficulty is anticipated with that portion of the road crossing the swamps and prairies on crib-work. The portion that has been tested by the locomotive at the North Pass has yielded much less to the weight than was expected.

Grading forces have been placed on the road for a distance of about 20 miles above the State line.

The graduation of the division between

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Jackson and Canton, embracing a distance of 23¼ miles, is about two-thirds complete.

The work of graduation has been commenced in Monroe county, Miss.

(Signed) JAS. H. GRANT,
Chief Engineer.

ENGINEER'S OFFICE,
New Orleans, Feb. 20, 1854.

DOCUMENT A.

Extract from the First Annual Report of the President and Directors of the New Orleans, Jackson and Great Northern Railroad Company.—May 5th, 1853.

The Directors have purchased ten squares of ground situated on the upper line of the New Canal, for a main depot. The price paid is fifty eight thousand nine hundred and thirty four dollars and fifty-three cents, being less than six thousand dollars for each square. The expenses of filling up these grounds is estimated at seventeen thousand five hundred dollars, based on the calculation of seventy thousand cubic yards of earth, at twenty-five cents per yard. The location of the depot has been a subject which the Directors have duly considered, and their action in the premises has been taken with entire reference to the wants of the Company and the public interests.

The shortest distance from the site selected to the river is at the upper end of Canal street. It is also equi-distant from the points of the landing of the shipping in the First and Second Districts, and from the Lower Cotton Press in the Third District, and the upper limits of the city. No selection could have been made more central to the entire city, and no one District, in its commerce and trade, is more favored than another by reason of this selection. But apart from this, other considerations had to be taken into account suggestive of difficulties of greatly increased expenditure in the purchase of land, and the impracticability of crossing the canal without subjecting the Company to great cost and inconvenience.

If the Directors, in obedience to a spirit of sectional interest, had sought to establish the depot of the Company at the intersection of Canal and Claiborne streets, the outlay would have been increased fourfold in the cost of the land, which in that vicinity is distributed among numerous proprietors and claimants, besides the expense of opening a portion of Claiborne street through private property, which has been estimated by commissioners appointed for this purpose at one hundred and twenty-five thousand dollars.

Important as these facts are, they are insignificant in comparison with the cost and inconvenience of crossing a canal of considerable traffic, and whose chief basin is located within the limits of a large city.

The business and wants of the Company, when the line of road is opened to the Tennessee river, will require a number of tracks in the vicinity of its depot, and the slightest attention to the fact that the constant arrival and departure of trains and cars would establish a conflict with the vessels navigating the canal, should convince the most prejudiced mind of its insuperable difficulties, without taking into account the expense of maintaining and superintending bridges and draws, which it would be no exaggeration to estimate at an annual cost to your Company of forty thousand or fifty thousand dollars—a sum too considerable to be expended on improvements of doubtful utility or convenience.

DOCUMENT B.

Cotton Presses in the City of New Orleans.

1. Alabama, corner of Tchoupitoulas and Robin streets.
2. Crescent, corner Poydras and Baronne streets.
3. Factors', corner Tchoupitoulas and Henderson streets.
4. Freret's, on St. Mary, between Perdido and Poydras streets.
5. Louisiana, corner St. Thomas and Basin streets.
6. Mississippi, corner Tchoupitoulas and Richard streets.
7. Mississippi Branch, corner Tchoupitoulas and Market streets.
8. Merchants', corner New Levee and Louise streets.
9. Orleans, corner Levee and Roffignac sts.
10. Planters', corner Annunciation and Richard streets.
11. Shippers', corner Henderson and New Levee streets.
12. Union, corner New Levee and Roffignac streets.
13. Independent, corner New Levee and Roffignac streets.
14. Wood's, corner Canal & Robinson sts.
15. Levee Steam, on Levee between St. Ferdinand and Montegut streets.
16. Picayune, on Levee, Third District.
17. New, on Levee between Montegut and Clouet streets.

RECAPITULATION.

Above Canal street, - - -	13
On Canal street, - - -	1
Below Canal street, - - -	3
	17

NOTE.—Proprietors of Cotton Presses allege that all the cotton received in New Or-

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s pressed in the presses above Canal with the exception of about 250,000 ,000 bales.

ruary 15, 1854.

C.

tion of Ocean Shipping, &c., in the rt of New Orleans, Feb. 15, 1854.

CLASS.	1st District	2d District	3d District	4th District	Total
nships, - - -	2	1		1	4
s, - - - - -	55	11	29	15	110
ues, - - - -	19	8	5	6	38
s, - - - - -	5	11	2		18
	81	31	36	22	170

RECAPITULATION.

ove Canal street (1st Dist.),	81	
" " " (4th Dist.),	22	—103
low Canal street (2d Dist.),	31	
" " " (3d Dist.),	36	— 67
tal - - - - - - - - -	170	

STEAMBOATS.

above Canal street, - - - - -	25
elow Canal street, - - - - -	16
	41

Resolved, That the President of the rd be authorized to borrow at such time on such terms as he may deem expedient, rate of interest not exceeding eight per per annum, the sum of three hundred sand dollars, on a pledge of the tax for first instalment of the subscription of the of New Orleans.

Passed 19th January, 1853.

F.

Resolved, That the President and Direc- of the New Orleans, Jackson and Great rthern Railroad Company, be and hereby horized to contract a loan for two millions dollars, at such time and on such condi- as they may deem best for the interests the Company, and to pledge in whole or part the real estate tax subscription of the y of New Orleans, to the stock of the e, provided that said tax, when collected, ll be deposited in one of the Banks of City, to pay the principal and interest of loan contracted in virtue of this resolu-

Passed by the Stockholders, January 22, 53.

Resolved, That this Company issue fif- hundred bonds, for one thousand dollars , bearing interest at the rate of eight per cent. per annum, payable semi-annually, with coupons for the interest attached; said bonds to be signed by the President, countersigned by the Secretary, and made payable as follows: three hundred thousand on the 1st of August, 1854, fixed; and the like sum on the 1st of August, 1855, 1856, 1857 and 1858; and that to secure the payment of said bonds, a pledge be made of the tax levied by the City for subscription to the stock of this Company, the tax falling due in each of said years being separately pledged for the series of bonds maturing in the same year.

Resolved, That proposals be advertised for the sale of six hundred of said bonds, the purchasers having the option of selecting bonds of the series which they prefer.

F.

Resolved, That the Finance Committee be charged with the immediate execution of the foregoing resolution

Passed 2d May, 1853.

F.

New Orleans, 8th June, 1853.

Gentlemen—We propose to negotiate for, or purchase from you the bonds of the "New Orleans, Jackson and Great Northern Railroad" Company, bearing "eight per cent. interest," and payable on the first of August. 1857 and 1858, and secured by a pledge of the "real estate tax" to the extent of six hundred thousand dollars, viz: ($300,000) three hundred thousand dollars of each series due as above, and offer for same "*ninety per cent.*" If accepted, we propose to pay in cash say $300,000, on the 1st July, prox., and the remainder of the proceeds on the 1st August next.

We remain,

Very respectfully,

(Signed) A. M. NATHAN & CO.

To Messrs. H. S. Buckner, J. P. Harrison, Thos. Hale, } Finance Committee.

P. S. The conditions of the foregoing to be binding only in case of a decision of the Supreme Court affirming the legality of the tax.

(Signed) A. M. N. & Co.

Resolved, That the offer from Messrs. A. M. Nathan & Co., for six hundred thousand dollars of the bonds of this Company be accepted.

Passed June 10th, 1853.

Extracts from Proceedings of November 2d, 1853.

DOCUMENT G.

Mr. Pinckard, as Chairman of a Special Committee, presented the following report, which on motion was unanimously adopted.

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We, the undersigned Committee appointed to confer with Messrs. James Robb & Co., and receive from them a proposition to furnish the New Orleans, Jackson and Great Northern Railroad Company, money for their use, would respectfully recommend the acceptance of their proposition attached, embracing the annexed statement as a basis of the amount agreed to be furnished.

(Signed) GEO. M. PINCKARD,
W. P. CONVERSE,
CHAS. PRIDE.
Committee.

New Orleans, November 2, 1853.

Gentlemen—We are informed by Messrs. R. Wilson, Hallett & Co., of Liverpool, that freight engagements have been made by them for the shipment of 3600 tons of railroad iron, for the New Orleans, Jackson and Great Northern Railroad Company, purchased under our guarantee, and for the cost of which settlement will have to be made with us in all this month. As the amount will be considerably in excess of the available cash means of the Company and its payment cause a suspension of its works for many months, we are willing to undertake the engagement on the basis of the following arrangement, besides providing such sums as may be needed to meet the monthly estimates and expenditures, not available from the Company's resources.

That the Directors shall consent to receive from us one hundred and fifty thousand dollars ($150,000) of the Real Estate Tax Bonds of the Company, due in 1858, and place the same to our credit at 90 per cent, and deliver to us in exchange one hundred and sixty five thousand dollars ($165,000) of the six per cent. bonds of the State, with the condition that their sale shall be advertised in this city and New York for sixty days. In case of their sale, the proceeds to be paid to us, otherwise, if no sale is made at the expiration of sixty days, then we are to take the bonds in payment of our advances, and give the Company credit for them at par.

In consideration of the foregoing, we are to receive interest at 8 per cent. on our advances, and such a commission as may be directed and deemed proper by the directors.

Very respectfully,
Your obedient servants,
(Signed) JAMES ROBB & CO.

To Messrs. W. P. CONVERSE, G. M. PINCKARD, CHAS. PRIDE. } Committee.

P. S. If the receipts of the Company fall short of the sum necessary to cover our advances, on the conditions within stated, up to the 1st May next, we agree to receive in final payment of any balance, then due, the tax bonds of the Company.

Probable Expenditures of the New Orleans, Jackson, and Great Northern Railroad Company, to 31st January 1854.

Engineering Department and Contractors, for October, November, December and January	[illegible]
Iron Rails,	[illegible]
Cars,	[illegible]
Contingencies,	[illegible]
Reduction of Stock,	[illegible]
Bills payable,	[illegible]
	$465,[illegible]

Resources.

Cash on hand,	82,600
Collection an account of capital stock,	45,000
Collection on account of arrear of taxes,	50,000
State Bonds,	165,000
	$[illegible]
	$[illegible]

New Orleans, November 1, 1853.
(Signed) J. CALHOUN,
Secretary.

Document H.

Resolved, That the President be authorized to obtain the endorsement of Messrs. J. P. Harrison, Kelly & Frazier and Geo. M. Pinckard & Co. on the notes of this company for $43,333 32, and to pledge with said parties a sufficient amount of the Real Estate Tax Bonds of the Company, as security, and that this Company pay to Messrs. Kelly & Frazier and Geo. M. Pinckard & Co., a commission of two and a half per cent. for their endorsement, the same being necessary to obtain money now required to meet expenditures.

Passed 28th January, 1854.

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I.

Statement of Advances by James Robb & Co. to the New Orleans, Jackson and Great Northern Railroad Company.

DATES.	Cash on Hand.	Cash overdrawn	Notes.	Bonds.	Total Advances.
853—February. 16	$48,953 86		$50,000 00		$1,046 14
" 23	46,980 11		50,000 00		3,019 89
March.. 2	44,419 89		50,000 00		5,580 11
" 9	14,791 91		50,000 00		35,208 09
" 16	22,684 65		50,000 00		27,315 35
" 23	32,604 33		50,000 00		17,395 67
" 30	36,519 08		50,000 00		13,480 92
April..... 6	41,688 09		100,000 00		58,311 91
" 13	27,631 77		100,000 00		72,368 23
" 20	130,086 52		180,000 00		49,913 48
" 27	80,635 35		180,000 00		99,364 65
May..... 4	9,218 97		180,000 00		170,781 03
" 11		$8,516 36	180,000 00		188,516 36
" 18		30,341 11	180,000 00		210,341 11
" 25		14,176 48	180,000 00		194,176 48
June..... 1		14,929 97	180,000 00		194,929 97
" 8		106,054 57	180,000 00		286,054 57
" 15		318,636 13			318,636 13
" 22		316,440 41			316,440 41
" 29		182,578 51		$100,000 00	282,578 51
July..... 6	7,110 65			300,000 00	292,889 35
" 13	1,839 69			300,000 00	298,160 31
" 20		6,562 56		300,000 00	306,562 56
" 27		10,656 28		300,000 00	310,656 28
August..... 3	220,088 91			540,000 00	319,911 09
" 10	210,989 95			540,000 00	329,010 05
" 17	206,489 93			540,000 00	333,510 07
" 24	179,487 11			540,000 00	360,512 89
" 31	178,538 31			540,000 00	361,461 69
September 7	154,702 32			540,000 00	385,297 68
" 14	140,312 02			540,000 00	399,687 98
" 21	139,008 49			540,000 00	400,991 51
" 28	138,096 46			540,000 00	401,903 54
October..... 5	107,380 44			540,000 00	432,619 56
" 12	97,178 64			540,000 00	442,821 36
" 19	96,414 05			540,000 00	443,585 95
" 26	95,421 72			540,000 00	444,578 28
November.. 2	82,668 94			540,000 00	457,331 06
" 9		85,489 63		405,000 00	490,489 63
" 16		103,118 84		405,000 00	508,118 84
" 23		112,822 23		405,000 00	517,822 23
" 30		126,464 00		405,000 00	531,464 00
December.. 7		149,178 07		405,000 00	554,178 07
" 14		149,013 40		405,000 00	554,013 40
" 21		152,365 59		405,000 00	557,365 59
" 28		191,522 29		405,000 00	596,522 29
854—January..... 4		191,651 40		405,000 00	596,651 40
" 11		203,808 62		405,000 00	608,808 62
" 18	19,258 16		75,000 00	405,000 00	460,741 84
" 25	20,903 75		75,000 00	405,000 00	459,096 25
February... 1		34,969 82	75,000 00	405,000 00	514,969 82
" 8		20,536 30	75,000 00	405,000 00	500,536 30
" 15		21,975 27	75,000 00	405,000 00	501,975 27

I certify the foregoing to be a correct statement of advances made by Messrs. James Robb & Co. to the New Orleans, Jackson and Great Northern Railroad Company, as appears by the books of said Company. Messrs. James Robb & Co. have credited the Company with interest, at the rate of five per cent. per annum on all cash balances in its favor, and charged the Company with interest at the rate of eight per cent. per annum on all advances.

(Signed) J. CALHOUN, Treasurer.

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J—1.

Statement of the Receipts and Expenditures of the New Orleans, Jackson and Great Northern Railroad Company, to 15th February, 1854.

	RECEIPTS.		
CAPITAL STOCK—			
Collected on subscriptions in New Orleans,		$426,045 06	
" " Mississippi,		92,088 75	
" Railroad Tax for 1853,		233,592 62	
" from State of Louisiana, in bonds at 40 years, for $1,000 each,		186,000 00	
			$937,726 43
Railroad Tax Bonds, due in 1856, for construction,		$30,000 00	
" " 1857, for loan,		300,000 00	
" " 1858, for loan,		150,000 00	
			480,000 00
Bills payable, issued for real estate,		$28,313 22	
" " loan,		43,333 32	
			71,646 54
James Robb & Co., on note payable on demand,		$75,000 00	
" in cash,		21,975 27	
			96,975 27
			$1,586,348 24
	EXPENDITURES.		
Surveys under W. S. Campbell,		$14,669 20	
" A. P. Winchester,		7,845 30	
" Chief Engineer 1st Division,		36,951 31	
" Chief Engineer 2d Division,		17,461 15	
" S. M. Fox, Principal Assistant Engineer,		7,692 92	
" Chief Engineer,		38,556 16	
			$123,176 04
Construction,			827,497 38
Iron Rails,			367,388 [illegible]
Locomotive Engines,			27,500 00
Chairs and Spikes,			12,170 [illegible]
Cars,			12,157 [illegible]
Real Estate—for depot in New Orleans,		$58,957 48	
" for depots out of New Orleans,		16,051 32	
			75,008 80
Right of Way,			10,596 [illegible]
Expense Account,			32,911 [illegible]
Reduction of Stock,			21,732 [illegible]
Advertising and Printing,			8,365 [illegible]
Commission Account,			1,559 [illegible]
Interest Account,			9,857 [illegible]
Depot,			3,095 [illegible]
Fencing,			1,529 [illegible]
Taxes,			52 [illegible]
Coupons, No. 1, on Railroad Tax Bonds, due in 1856,		$1,000 00	
" " " " 1857,		12,000 00	
" " " " 1858,		6,000 00	
			19,000 00
			$1,554 20[illegible]
Louisiana State Bonds on hand,		$21,000 00	
Cash in hands of Agent at Aberdeen, Mississippi,		5,626 57	
" " Canton, "		5,170 00	
" " Gallatin, "		346 25	
			32,142 [illegible]
			$1,586,348 24

New Orleans, February 15th, 1854. (Signed) J. CALHOUN, Treasurer

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J—2.

tatement of subscription to the capital stock of the New Orleans, Jackson and Great Northern Railroad Company.

New Orleans,		
y City Council, - -		$2,000,000
y individuals, - -		617,750
		$2,617,750
ess reduction under Railroad tax law,		159,225
		$2,458,525
ate of Louisiana, -		1,600,000
ontractors, (about) - -		200,000
Mississippi—		
onroe County,	460,000	
adison "	100,000	
ttala "	72,075	
inds "	39,600	
piah "	6,925	
anton and Jackson Railroad,	39,000	717,600
		$4,976,125

New Orleans, Feb. 20, 1854.

Estimated resources of the New Orleans, Jackson and Great Northern Railroad Company, from February 15th to December 31st, 1854.

rrear subscriptions (probable collections),		$40,000
rrear taxes, - - - -		70,000
ailroad tax for 1854, - -		333,000
stalments due on subscription in New Orleans, in March and May,		110,000
stalments due on subscriptions in Mississippi,		175,000
ate bonds on hand,	21,000	
Do do to be received during the year,	180,000	201,000
		$929,000

ew Orleans, February 20th, 1854.

Document K—1.

Resolved, That five thousand tons of iron ith the necessary spikes, chairs, &c., be at ice contracted for, deliverable to the Comany, one thousand tons on the first of March ext, and the rest in equal portions, in the onths of April, May, June and July.

Resolved, That if a contract can be made r a further supply of fifteen thousand tons, n terms equal, or nearly so, to those on hich the contract for five thousands tons all be made, it is the opinion of this oard that such contract should be made.

Resolved, That the President *pro tem.* e requested to correspond with James Robb Esq., now at the North, and communicate to him the above resolution, with a request that he shall make contracts in behalf of the Company, on as advantageous terms as he can, for five thousand tons, at all events, and for the other fifteen thousand tons, if practicable.

Resolved, That Mr. Robb be further requested to contract for two engines, deliverable, one in April and the other in May next, according to specifications to be furnished by the engineer.

Passed October 18th, 1852.

Document K—2.

Philadelphia, Nov. 16th, 1852.

Messrs. Wilson, Hallett & Co.,
Liverpool.

Gentlemen:—I enclose a specification for five thousand tons of railroad iron, which I have to request you purchasing on the most favorable terms, for account of the New Orleans, Jackson and Great Northern Railroad Company, conditioning for the delivery of the same to you for shipment as follows, viz: in June, 1,000 tons; July, 1,000; August, 1,500; September, 1,500, and your effecting insurance on the cargoes in London.

On receipt of the bills of lading and invoices, addressed to the above Company in New Orleans, it is understood that remittances will be immediately made to cover you, in first class bills on London; your commissions on the above not to exceed that usually charged by the merchants of your city, on such business.

We may conclude to send out an Inspector to examine and approve the iron, when delivered.

Yours respectfully,
(Signed) JAMES ROBB, President.

[guarantee.]

We hereby guarantee the faithful fulfilment of the foregoing, on the part of the New Orleans, Jackson and Great Northern Railroad Company.

(Signed) JAMES ROBB & CO.

Document K—3.

Philadelphia, Nov. 30th, 1852.

Messrs. R. Wilson, Hallett & Co.,
Liverpool.

Gentlemen: I addressed you, on the 16th inst., and herewith enclose, a copy, with duplicate specifications and plans for railroad iron, which you are therein requested to purchase for account of the New Orleans, Jackson and Great Northern Railroad Company.

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On perusing my letter of the 16th inst., I find I have awkwardly expressed myself about Insurance; as this is a matter we can arrange hereafter, I will leave it open for future instructions.

I do not deem it important that you should close a contract for the iron immediately, unless your information be such as to render it necessary for the interests of the Company. Our object is to make all the gain we can in price, and at the same time secure the delivery of the iron at the dates enumerated.

Very respectfully,
Your obt. servt.
(Signed) JAMES ROBB, Pres't.

DOCUMENT K—4.

Philadelphia, Dec. 10th, 1852.

MESSRS. WILSON, HALLETT & Co.,
Liverpool.

Gentlemen:—I have been treating with some parties in New York, for 5,000 tons of iron rails, and not having come to terms with them, I have to request your purchasing the above quantity, according to the patterns and specifications enclosed in my letter of the 16th ult., and to ship the same as follows, viz: 1,000 tons in January, 1,000 tons in February, 1,000 tons in March, 1,000 tons in April, 1,000 in May, (5,000 tons.) I think it very possible you may find it difficult to obtain deliveries as early as the above dates, but in this matter, I have to request your meeting our wishes as early as possible.

The insurance we can make in New Orleans, on more favorable terms than can be made in England, and we desire that the insurance shall be left to us and to be managed with your Mr. Hallett.

You can exercise your discretion as to the mode of shipment, and if any advantage can be secured by despatching the iron in small cargoes, it will be agreeable to us, if lower freight may be obtained in this way, and the price of insurance will probably be less than on vessels where the total cargo is composed of iron. Remittances of bills on London will be made for your reimbursement of the cost of your purchases of railroad iron, according to the conditions stipulated in my letter of the 16th ult.

It is of the utmost consequence that there should be no defect in the quality of the iron, and I particularly invite your special attention to this matter.

Very respectfully,
Your obt. servt.,
(Signed) JAMES ROBB, Pres't
N. O., J. & G. N. R. R. Co.

DOCUMENT K—5.

We guarantee Messrs. Wilson, Hallett & Co. the completion of the payment of the foregoing, by the New Orleans, Jackson and Great Northern Railroad Company.

(Signed) JAMES ROBB & CO

Resolved, That the action of the President of the Company, in relation to the purchase of iron rails, as shown by the correspondence between him and Messrs. Wilson Hallett & Co., read this evening, be approved and ratified, and that the thanks of the Board be tendered to Mr. Robb, for the order which he has made of the guarantee of his house for the contracts made in England for said iron rails.

Passed January 19th, 1853.

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APPENDIX.

REPORT

OF

JAMES ROBB,

PRESIDENT OF THE

EW ORLEANS, JACKSÓN AND GREAT NORTHERN

RAILROAD COMPANY.

NEW ORLEANS.
PRINTED BY EMILE LA SERE, STATE PRINTER.

1854.

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New Orleans, January 20, 1854.

on. J. M. Sandidge,

Speaker House of Representatives:

Sir :—Herewith please find a Report on the condition and affairs of the New leans, Jackson and Great Northern Railroad Company, with accompanying documents.

I am, very respectfully,

Your obedient servant,

JAMES ROBB, President.

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REPORT

OF

JAMES ROBB,

PRESIDENT OF THE

NEW ORLEANS, JACKSON AND GREAT NORTHERN RAILROAD CO.

To the Honorable the Senate and House of Representatives of the State of Louisiana:

In compliance with the tenth section of an Act entitled "an Act to provide for the manner of giving the aid of the State to Railroad and Plankroad Companies," I have the honor to report on behalf of the Board of Directors of this Company, a statement of its receipts and expenditures, which are as follows:

RECEIPTS.

Capital Stock collected on subscription in New Orleans	$417,664 31		
Capital Stock collected on subscription in Mississippi	92,088 75		
Capital Stock collected on Railroad Tax for 1853	233,592 62		
	$743,345 68		
Collected from State of Louisiana in Bonds at 40 years, sold at par	165,000 00—		$908,345 68
Real Estate Bonds due in 1857, issued for loan	300,000 00		
Real Estate Bonds due in 1858, issued for loan	150,000 00		
Real Estate Bonds due in 1856, issued for construction	30,000 00		
	480,000 00		
Less discount on $450,000 at 10 per cent	45,000 00—		435,000 00
Bills Payable, issued for Real Estate	28,313 22		
Bills issued for Loan	75,000 00—		103,313 22
			$1,446,658 90

EXPENDITURES.

Surveys under direction of W. S. Campbell	14,669 20		
Surveys under direction of A. P. Winchester	7,845 30		
Surveys under direction of Chief Engineer, 1st division	36,951 31		
Surveys under direction of Chief Engineer, 2d division	16,415 33		
Surveys under direction of S. M. Fox, present Assistant Engineer,	7,692 92		
Surveys under direction of Chief Engineer	34,656 16—		118,230 22
Construction			749,673 27
Iron rails			332,377 17
Locomotive engines			26,863 43
Chairs and spikes			11,706 13
Cars			10,397 18
Real Estate			72,742 14
Right of Way			10,596 77
Expense account			32,201 37
Reduction of Stock			21,732 55
Advertising and Printing			8,404 97
Commission account			1,389 41
Interest account			8 5 0 58
Depot			3,075 31
Fencing			1,520 54
Taxes			549 45
			$1,409,970 44
Cash in New Orleans	$19,258 16		
Cash in hands of Agent at Aberdeen, Miss.	11,914 05		
Cash in hands of Agent at Gallatin, Miss.	346 25		
Cash in hands of Agent at Canton, Miss.	5,170 00—		36,688 46
			$1,446,658 90

Accompanying this Report, I beg leave to submit the Annual Report of the Directors to the Stockholders in May last, also a general Report from the Chief Engineer, Jas. H. Grant, and myself, made to the Board of Directors on the 23d November last. By reference to the Annual Report to the Stockholders, your honorable bodies will find that the total expenditure of the Company on the 31st March last, amounting to $254,424 33, and by reference to the Report of the 23d November, that it had increased to $1,196,662 82, since that date, this item is shown by the present Report to have augmented $213,307 62, making the total expenditure $1,409,970 44.

I respectfully invite the attention of your honorable bodies to the report of the Chief Engineer of

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the 23d November, as containing a statement of the number of miles of road under contract, and the progress made towards the completion of that portion of it lying within the limits of the State of Louisiana. Since the date of that Report, the work has steadily progressed, and the Contractors have resumed active operations on all the unfinished sections, which have at no time been suspended since the commencement of the work, except during the interval of the prevalence of the epidemic. The track laying commenced at the main depot, and from the North Pass Manchac is progressing at the rate of one mile per week from each point, and up to the present time the Assistant Engineer reports about twelve miles of finished tract on the two divisions, and there is a reasonable hope that the entire road can be opened to the State line not later than next July. Satisfactory arrangements are now in progress with Messrs. Benson Grant & Co., to prosecute the work on their contract for the graduation and masonry of forty-five miles of the Company's road, North of the State line, and there is a reasonable expectation that the division between Jackson and Canton may be prosecuted without interruption, until final completion. In consequence of the completion of surveys, the Engineer service of the Company has been very much reduced, and is now composed of James H. Grant as Chief Engineer, at a salary of five thousand dollars per annum, and George H. Hazelhurst as Chief Assistant, at twenty-five hundred dollars per annum. The Company have one resident engineer on the line of the road, whose salary is fixed at two thousand dollars per annum.

The surveys of the road were commenced in May, 1851, and only recently completed. They embrace an examination of the country between New Orleans and Nashville, a distance of five hundred and forty miles; and a location between New Orleans and Chickasaw, a distance of four hundred and nine miles.

The most diligent care has been taken to explore the country in every practicable direction, that the final decision of location might be founded on a result of comparison of the different routes, as combining shortness of distance with cheapness of execution; and the maps, profiles and drawings, now in possession of the Company, while they possess great value, will remain as evidences of the skill and ability that have directed and executed so important a branch of the Company's service.

All of which is most respectfully submitted.

JAMES ROBB, *President.*

NEW ORLEANS, JACKSON AND GREAT NORTHERN RAILROAD COMPANY.

At a meeting of the Board of Directors of the New Orleans, Jackson and Great Northern Railroad Company, held on the 24th instant, the following report was read, and its publication ordered:

To the Directors of the New Orleans, Jackson and Great Northern Railroad Company:

GENTLEMEN—The undersigned has the honor to lay before you a report from James H. Grant, Chief Engineer, which will inform you of the progress made in the surveys and location of the Company's road, and the condition of its work, with an estimate of the cost of completing the same from the city to the State line. I also beg leave to submit the annexed statement, from the Secretary, of receipts and expenditures.

The estimates of the Chief Engineer exhibit $1,027,099 as the sum necessary to complete the road from the city to the State line, and to meet this expenditure, the means and resources of the Company available within the period when needed, are deemed sufficient.

The resources of the Company, over and above the cost of the road to the State line, amounting to about two millions of dollars, will be applicable to the grading and construction of the road from thence to the Tennessee river, and there is a reasonable expectation that the citizens of Mississippi on the line of the road, with proofs in favor of its ultimate completion, will have every motive to accelerate its progress by increasing their subscriptions; and I would respectfully recommend the early adoption of a plan best calculated to effect this purpose. With the means secured to grade the road from the State line to the Tennessee river, a distance of three hundred and twenty-two miles, there is no reason to distruct our ability to command, when required, on the faith of the works of the Company, the means necessary to procure the iron and complete equipment.

The undersigned, with Mr. Slidell, appointed as your Commissioners to negotiate the mortgage bonds of the Company, with a view of providing a sufficient fund, in addition to resources already secured, to complete, at an early period, the entire road from New Orleans to the Tennessee river, proceeded to London in July last. On our arrival in that city, we ascertained that owing to the advancing rates of interest, caused by the apprehension of a serious deficiency in the harvests, and the probability of political troubles, calculated to disturb confidence among capitalists, it was quite impracticable to effect the sale of new loans. Finding this unfavorable state of affairs, we deemed it advisable to defer placing the bonds on the market for sale, and what has since transpired, in respect to the general depreciation in the value of public stocks and railroad securities, will, I hope, be deemed a sufficient and satisfactory reason for the postponement of negotiations, which we are not without encouragement to renew on the appearance of a favorable change in monetary affairs. If the Company had been prepared to sell its bonds a few months earlier, I am entirely satisfied that the basis of their security and the promises of the scheme, would have ensured success. Now that its works are more advanced, and in a few months the section between the city and the State line will be finished and in operation, with over two millions of dollars of expenditure, there is still more reason to regard success as neither equivocal nor doubtful, on the revival of confidence and a demand for stocks of acknowledged security.

If we look to the history of improvements commenced in other States of the Union, the progress we have already made will compare favorably with any similar enterprise. We have before us a certainty of being able to complete nearly ninety miles of road on or before the ensuing July, besides having overcome in its construction, difficulties, by many deemed insurmountable, but now ascertained by the Chief Engineer to be of no serious importance.

While daily experience is demonstrating that natural channels of commerce are inefficient in competition with those of an artificial character, and is suggestive of the necessity of counteracting the powerful efforts made to impair our commercial superiority, we have derived from the late afflicting epidemic fresh motives to animate our zeal, and to persevere in the prosecution of the works of the Company. Aside from the immense commercial importance they possess, the convenience and facility they will afford to our citizens and those of the interior States cannot be over-

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estimated in value, when, with the connections of our road with others completed and in progress under the fostering aid of the States of Tennessee and Virginia, Washington City may be reached in two days, at a speed of twenty-five miles per hour.

In the present condition of the Company, the progress made in its works, and the remaining resources for their extension, we have everything to hope and no cause for discouragement.

Very respectfully, your obedient servant,

JAMES ROBB, *President.*

NEW ORLEANS, JACKSON AND GREAT NORTHERN RAILROAD.

ENGINEER DEPARTMENT,
New Orleans, Nov. 24, 1853.

JAMES ROBB, Esq. President.

Sir—In compliance with your request, communicating the wishes of the Board of Directors, that I should submit to them an accurate statement of the condition and progress of the works of the Company under my charge, I respectfully report as follows:

SURVEYS, LOCATION AND CONTRACTS.

The entire line of road from New Orleans to Nashville, a distance of 540 miles, has been carefully surveyed, and a final location made of 409 miles between New Orleans and Chickasaw, on the Tennessee river, intersecting the Memphis and Charleston road in Bear Creek Valley, 400 miles from New Orleans; 256½ miles have been placed under contract, viz: 87½ miles from New Orleans to the State line, 95¾ miles from the State line to Jackson, 23½ miles from Jackson to Canton, and 50 miles from Aberdeen south. The entire line of road is free from any engineering difficulty, and the route will compare favorably with any in the Union; not only with reference to the gradients, alignments, facility and cheapness of construction, but in the elements of travel and traffic necessary to insure a certain and profitable return on its cost.

PROGRESS OF THE WORK.

The graduation, cribbing and piling of near seventy miles, have been constructed between this city and the State line, sixty-two of which are ready for the reception of the cross-ties and iron rails. The track laying has been commenced at the main depot, also between the North Pass and the "Piny Woods," and from the latter point it is progressing towards the State line. The bridges at the North and South Pass Manchac are in a state of forwardness, and will be speedily completed in a substantial manner. In regard to this portion of the work of the Company, I am entirely satisfied that the plans adopted for crossing the Passes are attended with no practical difficulty whatever, and that the structures will be permanent and safe for the passage of your trains. The same remarks apply equally to the cribwork in progress of construction across the Swamp Prairie, and the whole series of swamp between the city and the "Piny Woods," will be passed without encountering any material engineering difficulty.

COMPLETION OF THE ROAD TO THE STATE LINE.

The agreement as to the time for the completion of the contract of Messrs. Thos. C. Bates & Co., from the South Pass Manchac to the State line, a distance of fifty-one miles, will enable them to deliver it in a finished condition on or before the 1st of July next, and the state of forwardness of the work between the city and the South Pass is such as to insure its completion within the same period of time. This being done, there are no obstructions in the way of having the entire road, from the city to the State line, in operation, with a daily train of cars running, on and after the 1st of July next.

COST OF FINISHING TO STATE LINE.

The following is an estimate of the expenditure necessary to cover the cost of completing the road to the State line:

Thos. C. Bates & Co., balance of their contract,	$295,619
Contracts from Depot to South Pass,	178,500
Expenses for laying track,	56,500
Iron rails, chairs and spikes for 87½ miles, less amount received and on hand	471,987
Engineering and superintendence	25,500
Total	$1,027,999

Plans for the main depot buildings have not been prepared, and it is not deemed advisable to commence their erection until the road is completed to the State line. The temporary building constructed on the Company's grounds will answer all purposes for the present. Any further expenditures at this time for that purpose would be premature and uncalled for. The Company have received 3,700 tons of iron rails, and have advices of the further shipment of 3,300 tons expected to arrive in December and January, making in all 7,000 tons, which will iron the road for a distance of 65½ miles. The remaining 3,000 tons due on the contracts for 10,000 tons made by Messrs. R. Wilson, Hallet & Co., of Liverpool, are deliverable in February next. Three locomotive engines have been purchased; also a sufficient number of barthen cars to transport the necessary materials for laying the track.

OPERATIONS IN MISSISSIPPI.

In Mississippi, between the State line and Jackson, a portion of the clearing for the road way is opened, and on the division between Jackson and Canton, embracing a distance of 23½ miles, about one-half of the graduation is finished. From Aberdeen south, the work has been commenced, and for the present will be prosecuted to the extent of collections made from the subscribers in Monroe county.

The foregoing is respectfully submitted as a general out line of the operations of the company up to this time, defering to the period of the annual meeting of the stockholders the detailed report made up from plans, maps, profiles and notes belonging to surveys and location, exhibiting the progress of the work, rolling stock on hand, description of location, grades and curves, and a careful estimate of the entire line to Chickasaw, on the Tennessee river, including a complete equipment of engines and cars.

Very respectfully, your obedient servant,

JAMES H. GRANT, *Chief Engineer.*

STATEMENT of the Receipts and Expenditures of the New Orleans, Jackson and Great Northern Railroad Company to 23d November, 1853.

RECEIPTS.

Capital Stock received on account	$635,919 62	
165 Bonds, on account of the subscription of the State of Louisiana, for $1000 each, on which the Company have received advances at par	165,000 00	
		850,919 62

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Real Estate Tax Bonds due in 1857, sold at 90 per cent	$300,000 00	
Real Estate Tax Bonds due in 1858, sold at 90 per cent	150,000 00	
	450,000 00	
Less 10 per cent discount	45,000 00	
		405,000 00
Bills payable, issued and assumed for real estate		29,063 22
		$1,284,982 84

EXPENDITURES.

Construction		645,245 32
Iron rails		270,968 72
Surveys and engineering, (including location of road to the Tennessee river, 409 miles, and surveys to Nashville, Tenn., 540 miles)		104,090 87
Locomotive engines		24 949 21
Chairs and spikes		11,205 13
Cars		6,795 45
Real Estate—Cash paid	29,894 26	
Bills payable	29,063 22	
		58,957 48
Right of way		6,125 17
Expense account (salaries, office rent, office furniture, books, stationery, and contingent expenses)		24,853 [illegible]
Advertising and printing		7,353 [illegible]
Reduction of Stock, refunded to tax payers		21,377 [illegible]
Commission account		1,339 41
Interest account, including discounts on pre-paid stock		8,427 44
Depot (clearing depot grounds and building enginehouse)		2,996 61
Fencing on line of road in Louisiana.		1,520 54
Taxes, city and State taxes on Real Estate		512 56
Total expenses		1,196,662 [illegible]
Cash on hand	$52,177 77	
Cash in the office of the Company at Aberdeen, Miss	36,142 25	
		88,320 [illegible]
		$1,284,982 [illegible]

New Orleans, November 23, 1853.

JOHN CALHOUN, *Secretary*

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APPENDIX.

REPORT

OF THE

COMMITTEE

APPOINTED TO

APPORTION

THE REPRESENTATION OF THE STATE.

NEW ORLEANS:
PRINTED BY EMILE LA SERE.
STATE PRINTER.
1854.

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REPORT OF THE COMMITTEE

APPOINTED TO

APPORTION

THE REPRESENTATION OF THE STATE.

The Committee appointed to divide the State Senatorial Districts, and to apportion the representation among the several Parishes and Election Districts, submit the following report.

The census returns from the several Parishes and Election Districts of the State, with the exception the Parishes of St. Charles, Rapides, Caddo and Vermillion, have been filed in the office of the Secretary of State.

The estimated population of those Parishes from which no returns have been received, was ascertained by adding to their population in 1850, as shown by the United States Census taken that year, the average ratio of increase, which was ascertained to be four per cent per annum, or twelve per cent. for three years.

The population of the several Parishes from which returns have been received, and the estimated population of the others, is shown by the statement annexed marked "A."

To divide the State into Senatorial Districts, your committee deducted the population of the city of New Orleans, say 153,007, from 585,312, being the total population of the State; and divided the remainder by 27, which gave 16,011 as the Senatorial ratio.

They then divided the State into twenty-one Senatorial Districts, giving thirty-two Senators, as set forth in Statement.

They then proceeded to apportion the representation among the several Parishes and Election Districts, and for this purpose adopted seven thousand (7,000) as the representation number giving eighty-eight members to the House of Representatives.

Statement C, annexed, shows the number of Representatives to which each Parish and Election District will be entitled, with its population, and the fraction over or under the representative number.

All of which is respectfully submitted.

U. B.P HILLIPS, Chairman.

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"A."

Census of the Parish of , State of Louisiana,

Made by the undersigned Assessor, this day of , 1853.

NAMES OF PARISHES.	Qualified Electors.	No. of Free White People.	No. of Free People of color.	Number of Slaves.	No. of free white males between 18 and 45 years.	Total Population.
Plaquemines	608	2.045	377	3 926	623	6,348
St. Bernard	373	1,447	78	1.794	369	4,011
Orleans, Right Bank	, 280	2 312	128	964	631	3 404
" 1st Representative District	1,951	11,290	435	1 732	2 639	13,457
" 2d do	2 623	16 374	228	2,077	3 733	18 679
" 3d do	2.750	20,183	824	2,236	5.629	23.243
" 4th do	2.021	12 681	1.200	1 172	4,000	15.053
" 5th do	1,167	10 356	2.214	1 845	3.056	14 4 5
" 6th do	1,793	11 795	2 441	1,669	1,479	15.905
" 7th do	1.007	7.239	3 011	2.201	1 560	12,451
" 8th do	1,453	10,100	1 286	373	3,032	17,769
" 9th do	798	8.252	196	1,001	1 731	9 449
" 4th Lafayette	1,885	16.615	441	1,530	3.921	18.586
Jefferson	1,074	9.254	791	4 580	3.004	14 625
St. Charles	209	971	136	4 628	.....	5,734
St. John the Baptist	388	2 336	2 8	4.050	350	6.674
St. James	628	3.440	92	8 930	719	12 402
Ascension	673	3,520	203	6 8 9	660	10.622
Assumption	1,107	6.095	70	6,407	1.080	12.572
Lafourche	1,219	6.423	110	5 690	1.346	12,134
Terrebonne	578	4.409	349	5,195	808	9 963
St. Mary	827	3 670	585	10,846	767	15 101
St. Martin	1,074	5.573	731	6.673	985	12,977
Iberville	860	5 426	169	9.517	1,092	15,112
West Baton Rouge	381	1,782	106	4 178	325	6.060
East Baton Rouge	995	7,895	700	7 320	2,200	15,916
Livingston	649	2 799	19	9 6	577	3 734
St. Helena	494	2.021	4	2 487	484	5,105
Washington	502	2 3 7	0	1 094	365	3.491
St. Tammany	498	2.588	447	1.374	382	4.409
East Feliciana	880	3,796	39	9.990	724	13 825
West Feliciana	560	2 331	70	10.278	523	12 679
Point Coupée	720	3,042	695	8,000	865	11,737
Avoyelles	803	4,264	121	5,468	786	9.853
Madison	402	1,361	16	7.351	429	8,726
Tensas	313	1,078	13	9,142	323	10 233
Concordia	376	1,221	14	8.559	348	9.784
Carroll	606	2,499	1	7.859	590	10,359
Catahoula	702	3 090	37	3,834	598	5.961
Calcasieu	441	2,367	280	853	386	3.500
Natchitoches	1.131	5,141	982	7.670	982	13,793
Ouachita	570	2,531	7	3,237	499	5,775
Bossier	656	3,130	14	5 648	588	3,792
Caldwell	389	1.906	0	1.460	357	3 366
Lafayette	720	3,767	215	3.649	682	7,631
St. Landry	1,888	10,003	2,298	10.783	1,437	22,084
Morehouse	734	2,701	27	2,698	672	5 426
Franklin	393	1,703	10	1,728	376	3.441
DeSoto	864	3,764	0	5 416	832	9,180
Sabine	717	3 472	2	1,218	624	4.692
Bienville	865	4,451	18	3 020	727	7.489
Union	1.236	5.863	0	3.530	1, 80	9,393
Winn	354	2,032	33	567	360	2.632
Claiborne	1.221	6,709	0	3.890	1,000	10 599
Rapides	976	5.641	260	12.701	.....	18 548
Caddo	459	4,073	44	5.833	.....	9 950
Jackson	857	4,662	2	2.911	858	7,575
Vermillion	458	2,607	16	1,195	.....	3.818
	50,376	301,103	28,820	261,692	.....	85,312

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"B."

SENATORIAL RATIO, 16,011.

No. of Districts	Senatorial Districts.	Population.	No. of Senators	No. of District	Senatorial Districts.	Population.	No. of Senators
No. 1	Plaquemine,	6.348		13.	Madison,	8 726	
	St. Bernard,	4,011			Carroll,	10.359	
	Orleans, right bank,	3,404					
						14 08	1
		13,763	1				
				14.	Morehouse,	5 426	
2.	The City of New Orleans.	153 007	5		Ouachita,	5 775	
					Jackson,	7.575	
3.	Jefferson,	14,625	1		Union,	9 393	
						28,169	2
4.	St. Charles,	5.734					
	Lafourche Interior,	12 134		15.	Catahoula,	6 961	
					Caldwell,	3 366	
		17,868	1		Franklin,	3 441	
5.	St John the Baptist,	6 674				13.768	1
	St. James,	12,462					
		19.136	1	16.	Claiborne,	10,599	
					Bossier,	8,792	
6.	Ascension,	10,622			Bienville,	7.489	
	Assumption,	12.574			Winn,	2.639	
	Terrebonne,	9,96.					
						29,512	1
		33,159	2				
				17.	De Soto,	9. 80	
7.	Iberville,	15.112	1		Caddo,	9 954	
					Sabine,	4 692	
8	East Baton Rouge,	15.916	1		Natchitoches,	13.793	
9.	West Baton Rouge,	6.166				37,615	1
	Point Coupée,	11.73					
	West Feliciana,	12 679		18.	St. Landry,	22.084	
					Lafayette,	7 631	
		30 476	2		Calcasieu,	3.500	
10.	East Feliciana,	13,825	1			33 215	1
11.	Washington,	3 491		19.	St. Martin,	12.977	
	St. Tammany,	4,4 9			Vermilion,	3 818	
	St Helena,	5,105					
	Livingston,	3,734				16,795	1
		16 739	1	20	St. Mary,	15.101	1
12	Concordia,	9.794		21	Rapides,	18.549	
	Tensas,	10,233			Avoyelles,	9.853	
		20,027	1			28,401	1

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"C."

APPORTIONMENT OF REPRESENTATION IN THE HOUSE OF REPRESENTATIVES.

REPRESENTATIVE NUMBER 7,000.

PARISHES AND DISTRICTS.	Population.	No. of Representatives.	Fractions under.	Fractions over.
Plaquemines	6,348	1	652	.....
St. Bernard	4,011	1	2 989	.....
Orleans, Right Bank	3,404	1	3,596	.....
" 1st Representative District	13,457	2	143	.....
" 2d do	18.679	3	2,321	.....
" 3d do	23 243	3	.....	2,243
" 4th do	15,053	2	.....	1,053
" 5th do	14 415	2	.....	415
" 6th do	15 905	2	.....	1,905
" 7th do	12,451	2	1,549	.....
" 8th do	11 769	2	2,231	.....
" 9th do	9.449	1	.....	2,449
Fourth District, Lafayette	18 586	3	2,414	.....
Jefferson	14 625	2	.....	625
St. Charles	5 734	1	1,266	.....
St John Baptiste	6 674	1	326	.....
St. James	12.464	2	1,536	.....
Ascension	10 62?	2	3 378	.....
Assumption	12,572	2	1,428	.....
Fafourche Interior	12 134	2	1,866	.....
Terrebonne	9,963	1	.....	2,963
St. Mary	15 101	2	.....	1,101
St. Martin	12 977	2	1,023	....
Iberville	15,112	2	.....	1,112
West Baton Rouge	6,060	1	940	.....
East Baton Rouge	15.916	2	.....	1,916
Livingston	3,734	1	3 266	.....
St. Helena	5.105	1	1 895	.....
Washington	3,491	1	3 09	.....
St. Tammany	4,409	1	2,591	.....
East Feliciana	13,825	2	175	.....
West Feliciana	12,679	2	1.321	.....
Point Coupée	11,739	2	2,261	.....
Avoyelles	9.853	1	.....	2,853
Madison	8 726	1	.....	1,726
Tensas	10,253	1	.....	3.233
Concordia	9.794	1	.....	2 794
Carroll	10,359	1	.....	3,359
Catahoula	6,961	1	39	.....
Calcasieu	3,500	1	3,500	.....
Natchitoches	13,793	2	290	.....
Ouachita	5 775	1	1,225	.....
Bossier	8 792	1	.....	1,792
Caldwell	3,366	1	3,634	.....
Lafayette	7,631	1	.....	631
St. Landry	22,084	3	.....	1,084
Morehouse	5 426	1	1.574	.....
Franklin	3,441	1	3 559	.....
De Soto	9,180	1	.....	2,180
Sabine	4 692	1	2,308	.....
Bienville	7,489	1	.....	489
Union	9.393	1	.....	2,393
Claiborne	10.599	2	3,401	.....
Winn	2.632	1	4,368	.....
Rapides	18,548	3	2,452	.....
Caddo	9.950	1	.....	2,950
Jackson	7,575	1	.....	575
Vermillion	3,818	1	.....	3,182
		88		

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APPENDIX.

REPORT

OF THE

ATTORNEY GENERAL.

NEW ORLEANS.
PRINTED BY EMILE LA SERE, STATE PRINTER.

1854.

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REPORT OF THE ATTORNEY GENERAL.

BATON ROUGE, January 19th, 1854.

Hon. JOHN M. SANDIGE, *Speaker of the House of Representatives:*

Dear Sir—Agreeably to the provisions of the Act of the Legislature of the 23d April, 1853, I have the honor to present my official report.

ISAAC E. MORSE, *Attorney General.*

From the period of my election to the office of Attorney General, and particularly from the passage of the Act of the Legislature of the 23d April last, defining more minutely the duties of that office, I have given as much time as could be spared from the active duties of the office to a careful examination of the defects in our present system of criminal jurisprudence, and if I shall succeed in bringing to your notice some of the most striking errors and omissions, I will be content with making some few suggestions, being fully satisfied that the intelligence of the two Houses of the Legislature will be better able to discover the proper remedies.

I presume it will be admitted that crimes in general, but certainly those of the higher order, such as murder, felonious killing, and deadly assaults with dangerous weapons, have fearfully increased in our large cities at least within a few years. The youngest of your body must recollect how startling used to be the cry that a murder had been committed; newspapers multiplied all the horrid details with wonderful minuteness; the likeness of the man who had done a deed of blood was exhibited as something of a most extraordinary character; but at present it is of so common occurrence that it hardly rises to the importance of a paragraph, and the names formerly used to express the character of the crimes have become softened down, and we hear no more of murder, assassination, &c., &c., but often read of "unfortunate rencontres," "melancholy affairs," "painful incidents," &c., &c. With all our admitted progress in science and civilization, it would be a painful admission to make, that we are not a law abiding people, and that we are growing more lax in morals, or that the increase of crime is the consequence of the degeneracy of the age. It would form a strange commentary upon our public school system, and the general diffusion of knowledge, the increase of churches, charitable institutions, and other benevolent societies which are constantly springing up in every direction throughout our country, if this fearful increase of crime must go hand in hand with all these boasted evidences of a moral and religious people. Some other reason must be discovered, and though it is not absolutely possible to account for it altogether, yet we may safely say that one of the strongest reasons for this apparent recklessness of human life, is attributable, in a great degree, to the delays, the difficulties and uncertainty of punishment of persons guilty of crime—a speedy and certain punishment, even a slight one, would have the effect of diminishing crime.

Let me illustrate this by reference to the offence of dueling. You need not be told how common, nay, almost universal, this custom was in Louisiana only a few years since. Scarcely a week passed in New Orleans that did not witness the open violation of the law, which made killing in a duel murder, and yet how many of our best citizens have we had to mourn, victims of that practice.

We have not grown much wiser or better within the last few years, and yet the disfranchising operation of our Constitution has almost entirely put a stop to this practice.

The habit of carrying concealed weapons is the cause why so many homicides occur—often from the slightest provocation. Possibly a legislative enactment might reach that case without the necessity or intervention of a trial. If every hasty expression, or even a blow in a moment of passion, will justify the taking of human life, it would be better that men should wear arms openly, and meet on equal terms. The subject of dueling is only

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alluded to, to show that the Constitutional disqualification, from its *certainty*, and the impossibility of evasion, or relief by the Legislature, has entirely done away with this fashionable and gentlemanly practice, and as the desire for office appears to be on the increase, it might be thus made instrumental in terminating some other not very reputable habits.

Assuming that the uncertainty of punishment is the principal cause of the increase of crime, it becomes our duty to examine and ascertain what modifications can be made in our present system of criminal jurisprudence, to make the punishment of crime, if possible, more certain. One thing in which I am sustained by all Judges and members of the bar who have had much experience in criminal affairs, is the necessity for a *Code of Practice in criminal cases*, instead of the vague and uncertain practice of the common law, to which we are referred in the 33d Section of the Act of 1805, and which is at variance with the spirit of the 117th Article of our present Constitution.

Should the Legislature determine to frame a Code of Practice in criminal cases, "divested of unnecessary prolixity, and changing what ought to be changed," as required by the Act of 1805, the system of pleading and practice might be greatly simplified, as in our civil practice; and as no man ever lost his property, or suffered any serious inconvenience by any clerical or technical error, so there is no reason to believe that any person would suffer in life or liberty, by sweeping away all useless and ridiculous formalities.

The necessity of a *speedy trial* is of much more importance for the punishment of crime, than for the benefit of the accused. Any unusual delay in the trial of a person accused diminishes the means of the State in procuring testimony, and when prolonged, changes the feeling of horror of the crime into a sympathy for the accused. In cases of mistrial, or after an appeal to the Supreme Court, should a second trial become necessary, it is almost an impossibility to procure the attendance of the witnesses on a former trial, from the migratory character of our population, and particularly of those who are witnesses of the commission of crimes generally; and it is astonishing how the recollection of witnesses fades away in a short space of time: the sympathy of the public extends to jurors and witnesses, and the officers of the State, in endeavoring to bring in a second trial, are looked upon rather as persecutors than prosecutors.

There should be some means devised for perpetuating testimony, and if a person has had an opportunity of meeting the witness face to face on a former trial, or before committing magistrate, it seems to me that the requirements of the Constitution are fulfilled, and I can see no good reason why testimony taken on a former trial should not be used, should the witness die or absent himself beyond the jurisdiction of the Court, upon a proper showing of such facts.

Continuances are often applied for on account of the absence of witnesses, and the court is often compelled to continue the case, or to require the prosecuting officer of the State to admit as a fact what the prisoner expects to prove, instead of admitting that the witness would swear so, which might be safely done in many cases where other witnesses present could disprove it. In the case of the State *vs.* Brette, tried at Opelousas, and reported in 6th Annual, Judge Preston held that the amendment of the Code only applied to civil cases, and we are again thrown back upon the common law. Perhaps it would be as well to enact that no motion for a new trial, or in arrest of judgment, should be entertained upon any informality or irregularity to which the defendant has once pleaded.

A very large proportion of the time of the First District Court in New Orleans is occupied with trials of cases of assault and battery and petty larcenies which, if some prompt means could be devised for their speedy trial, would save an enormous expense. A law authorizing the Recorder of the several districts to try all such cases summarily might be so framed as to obviate any constitutional objections.

I have not deemed it necessary to enter at length into an argument in favor of the adoption of a Code of Practice in criminal cases. This subject will require the serious consideration and discussion of the Legislature, and every possible view of the subject will be presented, and more light will be thrown upon it than could be given in a report of this kind. If I could for one moment believe that any of these cumbrous and verbose formalities of the common law were at all necessary to secure the rights of persons accused of crime, absurd as many of them seem, I would be very cautious in recommending the total abolition, or even a modification of them.

Living under a simple form of government, in an age so peculiarly utilitarian and progressive, it may be that my prejudices against the formalities and fictions of the common law are in some measure unfounded, and if so, I hope that the pride of consistency, with me, will never outweigh the love of justice.

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The penal statutes in regard to embezzlement, swindling and breach of trust, I think demand some modification. They are often used as a means of coercing the payment of debts in ordinary commercial transactions, and the services of the officers of the State are frequently invoked to enforce the collection of money. In many of our sister States the grand and petit juries are authorized, where no crime appears to have been committed, or probable cause shown, to make the prosecutor pay the costs; whether a similar provision in these or other cases might not be advantageously made is a matter for our sound discretion. The objection that persons would not prosecute in many cases has some force, and, on the other hand, charging an innocent person without sufficient grounds, with the commission of crime, would seem to require at least the penalty of the payment of costs.

The Act of 1805, adopting the forms and proceedings of the common law, "divested of unnecessary prolixity and changing what might to be changed," leaves it entirely discretionary, with the judge to consider what are prolix and unnecessary, and the natural consequence is that the criminal practice and pleading varies in every district, and with every judge.

Whether any of the useless and absurd forms of the common law are at all essential for the protection of persons accused of crime, is a matter of conjecture; *the fact* is, that hundreds of persons in all parts of our country, annually escape the penalties for the commission of the highest crimes after a trial and conviction, from the omission of the words "*then and there*," or others deemed to be sacramental, or the failure to repeat "*said and aforesaid*," a sufficient number of times in an indictment.

There is another subject which requires some additional legislation, I allude to the cases of persons accused of crime, who may be found to be insane; among all nations, even the savage, great tenderness is felt for the condition of persons deprived of reason, and while no one so heavily afflicted, is ever deemed morally or legally responsible, still the safety of the public requires that they should be protected from injury from such unfortunate persons. Whenever a jury is satisfied that any prisoner is really insane, upon their finding all such persons should be, by order of the Judge, sent to a proper and safe asylum, and there to remain until discharged by order of the Executive, whenever he shall become satisfied that they are restored to reason. What means the State has at Jackson for the safe keeping of such persons, I do not know, but a humane care for such unfortunate beings, might be exercised with a due regard for the safety of others.

These are among the most important matters to which, in obedience to law, I have deemed it my duty to present to your consideration, the details, amendements of existing laws, and other remedies, are properly and wisely assigned to you, with these views and recommendations, I leave the subject in your hands, fully satisfied that it is in your power to frame a system of criminal jurisprudence from which the dust and cobwebs of time may be brushed off without injuring or defacing the structure and making the Criminal Code of Louisiana an honor to our own, and a model for our sister States, whose shield will be a protection for all, and whose sword shall be the safeguard of the good, and the terror of the bad.

Tabular statements marked A, B, C, D, E, accompanying this report, will show the amount of labor performed since the 23d of April last, making, after an allowance for adjournment during the epidemic, until the close of the year, little more than five months.

Besides the cases contained in the schedules, I have appeared for the State before the committing magistrates, in many cases in which I thought the ends of justice required it, and have assisted the District Attorney in cases where he desired my services, and I cannot close this report without bearing testimony to the valuable aid I have received from Mr. Tappan in the capital cases which belong peculiarly to the Attorney General. Among the 20 cases tried, in which the prisoners were defended by some of the ablest members of the bar, sixteen were convicted, two acquitted and one mistrial, and one *nolle prosequi* were had.

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EXHIBIT A.

First District Court of New Orleans.

	NAME.	CRIME.	SENTENCE.
1	Cornelius Boyle - - -	Murder - - - - - - - - -	Death.
2	Stephen Day- - - -	do. conviction of manslaughter - - - - - - -	20 years Penitentiary.
3	John Martinez - - -	ditto	ditto
4	John Beard - - - -	ditto	ditto
5	Thomas Stanton - - -	ditto	15 years "
6	Daniel McCluskey - -	Murder, guilty without capital punishment,	Penitentiary for life.
7	Luke Burke - - -	ditto	ditto
8	Frank Davis - -	ditto	ditto
9	John Muldoon - - -	ditto	ditto
10	A. M. Ballon - -	ditto	ditto
11	Daniel Nolan - - -	Murder, one mistrial, 2d trial plead guilty of manslaughter,	Penitentiary 10 years.
12	John G. Hanning - -	Murder, mistrial.	
13	James Heedan - -	" entered a *nolle prosequi*, not being able to make out a case.	
14	Ambrose Dartigue - -	Murder, guilty of manslaughter,	" 1 year.
15	Agnes Anderson -	Murder,—not guilty.	
16	Geo. Hicks - - -	Manslaughter—*nolle prosequi*, not able to make out a case.	

EXHIBIT B.

Persons now indicted in Jail or on bail for high crimes, who have not had their trial, on account of the resignation of Judge Larue.

	NAME.	CRIME	SENTENCE.
1	State *vs.* Wm. Gallagher,	Murder - - - - - - -	On bail.
2	Ernest Segists - - -	do. - - - - - - -	In Jail.
3	Wm. Laugster - -	do. - - - - - - -	On bail.
4	John G. Hanning - -	do., one mistrial - -	In Jail.
5	Charles D. Potter -	do. - - - - - - -	do.
6	John Poole - - - -	do. - - - - - - -	do.
7	Wm. Johnson - -	do. - - - - - - -	do.
8	Andrew Melville - -	do. - - - - - - -	do.
9	James Patten - -	do. - - - - - - -	do.
10	James Dyson - - -	Attempt to excite discontent among the colored population,	do.
11	John Sullivan - -	Manslaughter - - - - -	On bail.
12	N. Saltzman - - -	do. - - - - -	do.
13	H. Brewer - - -	do. - - - - -	do.
14	Magallanos - - -	do. - - - - -	do.
15	Alex. Soublette,	Murder. f. p. c.	On bail.
16	George Morgan,		
17	Petit Dauphin,		

Since the adjournment of the Court, three or four persons have been sent from the Recorders' Court to the First District Court, for murder and manslaughter, and will require the new Judge to be qualified to be indicted.

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EXHIBIT C.

Cases of Slaves tried before a special tribunal consisting of the Judge of the First District Court and six slave owners.

	NAME.	CRIME.	SENTENCE.
1	Albert, slave of Dr. Rushton	Insurrection	Penitentiary for life.
2	Dabney, slave of Mr. Casey	Murder	To work in irons 1 year.
3	Alfred, slave of J. K. Collins	Cutting a white man	25 lashes.
4	Henry, slave of Janney,	Murder	Acquitted.

Three others confined in Jail, the information not having been filed on account of the failure of the Court.

EXHIBIT D.

Cases tried in the Supreme Court.

State *vs.* A. D'Angelo, Parish of Orleans,	Murder, Penitentiary for life,	Under advisement.
John Muldoon, Parish of Orleans,	Penitentiary for life, Murder,	Judgment confirmed.
Cornelius Boyle—Murder—Death—Under advisement.		
Lethee, Binor, Hal, Chloe, Slaves. East Feliciana.	Murder. Death.	Under advisement.
John Kentuck, slave, Parish of Jefferson,	Cutting a white person. Death—Died before execut'n.	Judgment confirmed.
Chas. Cammeyer et al. Parish of Orleans,	Larceny. 2 years Penitentiary.	ditto.
Wm. B. Kinney et al.,	ditto.	ditto.
Thomas May, Parish of Jefferson,	Receiving stolen goods. No sentence.	Appeal dismissed.
John Geze, Parish of Ascension,	Selling liquor to slaves	Judgment reversed.
Wm. Foster, Parish St. Bernard,	Manslaughter. 5 years Penitentiary.	Judgment confirmed

EXHIBIT E.

Cases not finally disposed of in Supreme Court.

State *vs.* Ambrose Dartigues,	Murder. Penitentiary for one year.	Not decided.
Luke Burke, Parish of Orleans,	Penitentiary for life.	Not tried.
James W. Pratt, Parish E. B. Rouge,	Shooting with intent to murder.	Motion to dismiss.
John C. Hendry, East Baton Rouge,	Shooting with intent to kill.	Not tried.
Wm. Gates, Madison Parish,	Larceny. Certiorari to perfect record.	
Wm. Jones, Parish of Orleans,	Breach of trust. 2 years Penitentiary.	
R. C. Anderson,	Breach of trust—3 years Penitentiary.	
James Desmond, Parish of Assumption,	Wounding less than mayhem. Fined $1 and Par. P'n 6 mos.	Motion to dismiss.
State *vs.* McGraw,	Larceny,	Not tried.
" " Sellers,	do.	do.

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CIVIL CASES.

State *vs.* Heirs of B. P. De Lalande,	Judgment L. Court, $15,000.	Tried, not decided.

State *vs.* Cunningham & Goey—Forfeited bond $2,500—Not decided.
State *vs.* Rebossa—For coffee-house Tax—Not decided.

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APPENDIX.

REPORT

OF THE

BOARD OF DIRECTORS

OF THE

LOUISIANA PENITENTIARY.

NEW ORLEANS:
PRINTED BY EMILE LA SERE, STATE PRINTER.

1854.

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REPORT

OF THE

BOARD OF DIRECTORS OF THE LOUISIANA PENITENTIARY.

To His Exc llency, P. O. Hebert,

Governor of the State of Louisiana.

Sir—We, the undersigned Directors of the Louisiana Penitentiary, have the honor respectfully to report, that we entered upon the duties immediately on our appointment, and have held regular monthly meetings, and called meetings since.

That we were petitioned by the Selectmen of the city of Baton Rouge, to grant to them the use of fifty feet of ground, on the rear of the Penitentiary grounds, for a street: which we granted, until such time as the Legislature would meet and act upon the same.

We found that the prisoners had scarcely sufficient time allowed them at meal time to eat, not being more than about ten minutes. We increased the time to one hour at 12 o'clock.

We required that a record should be kept of the punishments inflicted upon convicts; and that a copy of the same be furnished at the monthly meetings of the Board of Directors, and that no punishments should be inflicted, unless adjudged by the Captain of the guard, and Clerk of the Penitentiary; that no guard should use harsh language to the prisoners, or even menace them with threats of punishment—their duty being simply to inform their superior officers of delinquencies and misconduct.

These, with other necessary changes, we made in the rules for the government of the Penitentiary.

We appropriated sixty dollars in payment for a box of books for the use of the convicts, furnished by Miss D. L. Dix.

A convict by the name of Jules Moret, (alias,) under sentence of fourteen years and three days, for the crime of publishing forged orders, who was received at this Penitentiary on the 22d February, 1841, and escaped 4th November, 1842, was retaken and returned on 21st July, of this year, for which an expense of $48 50 was incurred for his recapture and expenses for conveying him back to the Penitentiary; the said Moret declaring himself not to be the man. We gave him every opportunity to disprove his identity, and he utterly failed; leaving no doubt in the mind of every member of he Board of his being the man.

It being the duty of the Board of Directors to elect State officers for the government of the Penitentiary, for the year commencing on 1st October last, we elected the following, viz:—William Hubbs, Clerk; J. A. Williams, Physician; A. E. Goodwin, Chaplain.

We make the following statement in regard to the old accounts and notes due the State, and placed in the hands of Amos Adams, Esq., for collection, viz:

Amount given in the hands of Amos Adams, Esq., for collection,	$5,084	71
Amount collected by him and paid over,	1,056	31
Leaving uncollected a balance of	$4,028	40

A small portion of said balance of $4,028 40 uncollected, Mr. Adams states he will be able to collect this winter; but a great part of which will be lost to the State, as the claims are against insolvents.

The following is a statement of account of the Board of Directors with the Lessees:

Amount received by the Lessees from Amos Adams as before stated,	$1,056	31
Amount of the valuation of old materials used from the old building, in the new cells,	449	44
Amount charged to Lessees,	$1,505	65

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CR.

By balance to the debit of the Board of Directors on the 1st Jan., 1853,	$21 76	
Amount appropriated by the Board for newspapers, &c., for the use of convicts, and postage on the same,	81 00	
Amount appropriated by the Board in payment of Miss Dix for books,	60 00	
Amount allowed the Lessees by the Board for clothing, and money furnished by them to discharged convicts up to 1st January, 1853,	873 00	
Amount paid by the Lessees for the apprehension and expense of Jules Moret, an escaped convict recaptured,	48 50	1,084 26
Cach balance in favor of Board of Directors,		$421 49

A negro boy by the name of Joseph, having arrived at the age of ten years, the issue of Angeline, a slave condemned to the Penitentiary for life, was handed over to the Sheriff of the Parish of East Baton Rouge, to be sold. The said boy brought the price of eight hundred dollars, the net proceeds being seven hundred and eighty dollars and sixty-five cents, which was duly paid over to the State Treasurer, to be placed in the school fund, agreeably to law.

Agreeably to the Act of the Legislature, approved 28th April, 1852, we authorised the construction of another story upon the north building, and to be covered with a slate roof. The said work is now in progress of construction, and will shortly be completed.

The new Cell Room, with two hundred additional cells, has been completed, and received by the Board of Directors, agreeably to the plan laid down by the Legislature, for which an appropriation of forty thousand dollars was made; the Lessees having furnished their account and vouchers for the same, amounting to forty-one thousand three hundred and forty-one dollars and eighteen cents, exceeding the amount appropriated by one thousand three hundred and forty-one dollars and eighteen cents. We hereby suggest that your Excellency will refer the same to the Legislature, that the said Lessees may be reimbursed the said overplus.

It was contemplated, and so prescribed by the Legislature, that the white convicts and colored, work separately. We think it desirable that they do so, but the Lessees deem it impracticable by the present arrangement of work shops and yard; that it cannot be effected without a change is made in their employment, or in said arrangement.

We would here call the attention of your excellency to the fact of slave convicts who have been heretofore pardoned by the Legislature, were taken possession of by their former owners, without any expression thereto by the said Legislature, and think, without any just title on their part—they having relinquished their title to the State.

For a full and minute statement in regard to the convicts, we will respectfully refer your Excellency to the Clerk's report herewith transmitted, and marked as follows, viz:

Schedule A. Being a statement of prisoners now confined in the Penitentiary, their term, crime, and when received.

Schedule B. Being a statement of prisoners discharged, their term, crime, and expiration of sentence.

Schedule C. Being the names of prisoners who have died, their term of sentence, crime, and date of death.

Schedule D. Being the prisoners who have been pardoned by the last Legislature, their crime, term, and date of pardon.

Schedule E. Prisoner pardoned by the President of the United States, his crime, term, and date of pardon.

Schedule F. Being a recapitulation of Schedules A, B, C, D and E.

Schedule G. Being the ages of prisoners now confined in the Penitentiary.

Schedule H. Statement showing the crimes of those now in prison.

Schedule I. Statement showing the Parishes from which the convicts now in prison were sent.

Schedule J. Statement showing the States and countries of which the convicts now in prison are natives.

Schedule K. Statement showing the occupations of the convicts now in prison, before their sentences.

For the general health, treatment, and condition of the convicts, the Board refers you to the report of the Physician, herewith transmitted and made a part of this report.

For the moral and religious instruction of the prisoners, we will respectfully refer you to the Chaplain's report, herewith transmitted and made a part of this report.

This being the last year of the present lease of the Institution, it may not be amiss for the Board to express an opinion in regard to the re-leasing of the same. Your Board are decidedly opposed to the system of leasing the labor of crime in our State to

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a company, whereby creating a monopoly, and enriching a few to the detriment of many, and at the same time changing the spirit and intention of the Institution from a place where punishment for crime is meted out; but that the criminal may have the opportunity of reformation, where even-handed justice may be dealt out, where the force of example, instruction, and advice of officers connected with the Institution may have full and proper effect; and not where dollars and cents is the controlling interest, either in the scanty allowance of food and raiment, or the low price paid to the officers and guard employed in the Institution. The great importance of every office connected with the Institution, and having proper and competent men assigned to the various stations, is not in general fully understood, and can scarcely be appreciated by the public at large, who have no adequate means of obtaining the proper information to enable them to judge of the capacity and qualifications required in this branch of the public service. Those who are entrusted with the care and direction of this Institution, are called to perform not only the ordinary duties of public officers, but they are charged with the additional and responsible task of controlling, governing, correcting, improving and elevating the erring man committed to their care; and by their example, and the influence of their personal character and authority, endeavor to prepare them for a life of industry and respectability when they shall again enter society, at the expiration of their terms of sentence. To discharge this duty acceptably, requires a peculiar adaptation by nature and cultivation, which few men possess, and in which many would utterly fail, who are nevertheless fully competent to conduct any ordinary business or pursuit. Could it be expected that men possessing the requisite qualifications of a warden, or even a guard, could be had for the prices of fifteen or twenty dollars per month—for which service is now paid by the Lessees—especially in a country like this, where common labor commands from $1 to $1 50 per day?

We are fully of opinion that the Institution can amply support itself under good and efficient State officers, continuing the employments now carried on in the establishment, which has been a source of great profit to the Lessees, having sixty looms in operation, manufacturing about 2,000 yards of coarse cottons daily; machines for manufacturing batting, which is very profitable. Should the cotton machinery be increased to an extent sufficient to employ all the convicts in prison, we have no doubt it would afford quite a large revenue to the State.

We think it a plain proposition, that the labor of 283 hands for their food and clothing, including sufficient salaries to officers and guard, would be remunerative, especially here in this country where labor is so well awarded. There is ample room to increase the number of looms and cotton machinery to the extent to employ nearly all the convict labor, without the construction of any additional building, with but little trouble, and with but the expense of procuring the looms, spindles, and attachments thereto. Could that be the case, and but one branch of business, (say the manufacture of coarse cotton and woolen goods,) the discipline of the prison could be more easily kept up, and the convicts less exposed, with less chance of making their escape.

As it has been customary for the Board of Directors to recommend a few of the convicts for pardon every year, for good and meritorious conduct; as an incentive to good conduct, and a stimulant to those remaining, we therefore recommend the following, viz:

Wm. Ryan or Riley, who was sentenced August 2d, 1845, for robbery, for 10 years. He was recommended by the former Board.

Mat. J. Edwards, who was sentenced Nov. 13th, 1846, for life, for entering a house to commit felony.

Thomas Crawford, who was sentenced July 28th, 1849, for 5 years, for counterfeiting.

Isaac Vanbibber, who was sentenced September 11th, 1847, for 7 years, for stealing a slave.

Jackson, (a slave,) sentenced 27th September, 1850, for life, for arson.

Harry, (a slave,) sentenced 5th March, 1849, for life, for assaulting a white man. This Harry saved the life of Capt. Parry, the predecessor of the present Captain of the guard, when in imminent danger by a revolt of the convicts.

We would most earnestly recommend that the entire report of the Penitentiary should be published in pamphlet form for distribution, and that a hundred copies of the same be left with the Clerk of the Penitentiary, for distribution to the different Penitentiaries in the United States.

All of which is respectfully submitted,

G. W. CHRISTINE,
President.

TIMOTHY FAY,
V. BLANCHARD,
LEVI SPILLER,
E. HIRIART.

Baton Rouge, January, 2, 1854.

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PHYSICIAN'S REPORT.

To the Board of Directors
Louisiana Penitentiary:

For the year ending Jan. 1, 1854, the general health of the prison has been ordinarily good, excepting the occurrence of an epidemic of yellow fever, which continued for 1 month or six weeks, and fortunately was not very general nor very malignant in its prevalence. Not probably more than one-fourth of the whole number of prisoners suffered from that disease. The total mortality from the epidemic I am unable to give with exactness, from the fact that my illness prevented me from attending during its prevalence in the prison, and the medical attendant did not register the diseases, as required by a law governing my conduct; hence my excuse for being unable to give statistics on this subject. Previous and subsequent to this period there was no marked difference, either in the amount or the character of the sickness among the prisoners, from what was experienced in former seasons, the diseases most common to the climate constituting the principal part of the sickness, such as intermittent and remittent fevers, dysentery, diarrhœa, &c. There has occurred none of the diseases which sometimes prevail and are thought to be peculiar to prison life and confinement to factories, such as scurvy, &c., the absence of which I think are attributable to care and attention paid to diet, dress, &c. The total mortality for the year numbers thirteen, and are as follows, viz:

G. Holmes, died March, 28, of typhus fever; S. Dalton, Sept. 11, of yellow fever; J. Moore, Sept. 14, of yellow fever; old woman, Sept. 27, aged 100 or 120 years; Joshua Lowell, Oct. 6; A. H. Hess, Oct. 8; William Flood, Oct. 10; J. W. Wilson, Oct. 12; A. J. Perdue, Oct. 19; H. L. Johnson, Oct. 22; J. Kenehen, Oct 25; Henry Hughes, Dec. 11, from amenia, caused by an attack of yellow fever; Joseph Fountain, chronic diarrhœa.

It will be observed from the date of these deaths, that but one occurred previous to the epidemic, and but two after, one of which was caused from the consequences of yellow fever. Those names to which no disease is attached, are supposed to have died from the same disease, from the date of their occurrence.

The hospital for the Institution furnishes all necessaries for the sick, such as attention, nursing, suitable diet, medicines, &c., and nothing is omitted that is necessary for their comfort and proper treatment. The hospital diet is such, always, as the physician thinks necessary and prescribes. The general fare of the prisoners is under the supervision of the physician, and subject to whatever changes he may think proper. It has always been ample in quantity, and suitable in quality for vigorous health and strength.

Very respectfully,
J. M. WILLIAMS.

CHAPLAIN'S REPORT.

The Chaplain respectfully submits the following report:

On the 1st of October, 1853, I entered upon the discharge of my duties in this department, under a deep sense of the importance of the station, and in possession of lively sympathy for the spiritual welfare of the souls committed to my religious training. From that time to the present I have labored with increasing interest and diligence to elevate the thoughts and feelings of the prisoners, and to inspire them with the noble ambition of reforming, and becoming worthy and useful citizens after they shall have suffered the penalty due their crimes.

No one imbued with the spirit of christianity can long be in charge of this important department without feeling that he is peculiarly honored of God in being permitted to carry the glad tidings of the gospel to the most degraded class of human beings—men, immortal, created in the image of God, and yet, outcast from human society, deprived of the common liberties of life, and the honor and confidence of their fellows. 'Tis no mean office to bear the bread of life to such, and to inspire them with aspirations after purity of heart and the dignity of sons of God.

With such feelings it has been my constant aim to attend to and keep alive those finer sensibilities of the soul, which, like silken chords, draw the heart in all its rarest wanderings to the path of virtue and heaven.

The remembrance of a mother's love, her unceasing vigilence and care, of a sister's tender affection and hope, of a father's deep interest in his own boy, and above all the remembrance of the sympathy of a Saviour, and the unexampled love of God must do more towards the elevation of the hearts, and the reformation of the lives of these unhappy prisoners than all the other appliances that can be brought to bear, however essential these may be in their proper places. Hence I would respectfully suggest to the Board the importance of continuing and fostering this department.

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At an early day of my Chaplaincy I took uch pains to collect, number, and properly range all the books belonging to the Li-ary, which I found to contain many useful id interesting books, though far from sup-ying the demand. There is especially eat demand for books in foreign languages. I would respectfully solicit, through the oard, an appropriation from the Legislature r the purchase of a good library. I have ideavored to furnish each prisoner, who de-res it, with a Bible in his own language, it have not succeeded altogether in this, iere being a deficiency of Bibles in foreign nguages, especially in the French and Ger-an. I can but indulge the hope that this de-iency will at least be speedily supplied, for who can deny to these unhappy souls the light which Heaven would shed into their dark and gloomy cells. Justly may men deprive them of all the liberties of society, and require them in close confinement, to atone for their crimes against the laws of the land; but who will dare shut the door of Heaven against them, and forbid them the only true chart of life's dangerous sea—the blessed Bible of Him who said to the dying thief, "This day shalt thou be with me in Paradise."

Yours, very truly,

A. E. GOODWYN.

To the Board of Directors
of the Louisiana Penitentiary.

Baton Rouge, La., Dec. 31, 1853.

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BATON ROUGE, Jan. 2, 1854.

o the President and Board of Directors Louisiana Penitentiary, Baton Rouge:

GENTLEMEN:—I have the honor to hand you herewith the usual annual report as lerk of the Louisiana Penitentiary, for the year 1853, which I hope will be found rrect.

Very respectfully,

Your obedient servant,

WM. HUBBS.

SCHEDULE A.

risoners now confined in the Louisiana Penitentiary, shewing their term, crimes and when received.

O.	NAMES.	CRIMES.	TERM.	WHEN RECEIVED
1	Allen, slave,	Murder,	Life.	May 26, 1853.
2	Alvarez, Ben,	do	"	June 9, 1852.
3	Augustus, slave,	Arson,	"	Oct. 24, 1850.
4	Augustus, slave,	Murder,	"	July 4, "
5	Amos, slave,	Striking white man,	"	June 5, 1846.
6	Alfred, slave,	Murder,	"	May 5, 1845.
7	Allen, slave,	do	"	May 2, "
8	Alfred, slave,	Arson,	"	Aug. 5, 1844.
9	Anthony, slave,	Assault with intent to kill,	"	July 22, 1837.
10	Azeline, slave,	Attempt to poison,	"	March 15, 1839
11	Ament, George,	Uttering forged note,	3 years.	May 19, 1853.
12	Andrieux, Chas.	Larceny,	4 "	June 8, 1851.
13	Auguste, F. Piere	do	5 "	May 21, "
14	Albert, slave,	Insurrection,	Life.	Dec. 25, 1853.
15	Badley, Hiram	Murder,	"	April 18, 1852.
16	Bradley, Jos.	do	"	July 31, 1851.
17	Baptiste, slave,	Attempt to poison,	"	June 30, 1850.
18	Bailey, Wm.	Murder,	"	June 25, 1849.
19	Bell, John	Robbery,	7 years.	July 14, 1853.
20	Bermot, Henry	Horse stealing,	3 "	June 8, 1853.
21	Beard, John	Manslaughter,	20 "	May 12, 1853.
22	Bowman, Jas. F.	Burglary,	7 "	March 19, 1853.
23	Burdwell, L.	do	5 "	Jan. 6, "
24	Budd, Daniel	Larceny,	5 "	Nov. 24, 1852.
25	Bordole, Stephen	Manslaughter,	5 "	Sept. 21, "
26	Bradley, Hugh	Entering house with intent to steal,	5 "	May 27, "
27	Budd, Wm.	Robbery,	7 "	April 12, "
28	Barny, Edw.	do	7 "	June 29, 1851.
29	Bernard, A. R.	Larceny,	4 "	June 8, "
30	Blount, Jared	Inveighling a slave,	4 "	April 24, "
31	Bostick, O. F.	Possessing moulds,	4 "	Feb. 1, "
31	Brooks, John	Larceny,	1½ "	July 1, 1852.
33	Bailey, Wm.	do	1 "	Sept. 5, 1853.
34	Bellair, John, f m c.	Swindling,	1 "	May 2, "
35	Bell, James	Larceny,	2 "	Feb. 23, 1852.
36	Bartholemy, C, f m c.	do	1 "	March 28, 1853.
37	Brown, Thomas J.	Shooting with intent to kill,	10 "	Dec. 20, "
38	Cazieu, Pierre	Arson,	Life.	Aug. 22, "
39	Croitz, Jacob	Murder,	"	June 10, 1849.
40	Charlot, Jac. f m c.	do	"	Nov. 18, 1847.

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SCHEDULE A.—*Continued.*

NO.	NAMES.	CRIMES.	TERM.	WHEN RECEIVED.
41	Courcelle, Etienne	Murder,	Life.	Nov. 26, 1846.
42	Carmalite, slave,	Arson,	"	May 29, 1840.
43	Celeste, slave,	Murder,	"	Jan. 13, 1836.
44	Clifton, William	Robbery,	7 years.	July 14, 1853.
45	Collier, L. Joseph	Entering house to steal,	2½ "	June 26, "
46	Clark, Michael	Manslaughter,	5 "	April 14, "
47	Clark, John	Burglary,	3 "	April 11, "
48	Clammin, Isaac	Larceny,	2 "	March 28, "
49	Cliff, Isaac	Burglary,	10 "	Dec. 2, 1852.
50	Carson, William	Entering a house,	5 "	July 19, "
51	Clanson, Joseph	do	3 "	April 5, "
52	Calahan, Jeremiah	Robbery,	7 "	April 27, 1851.
53	Celestine, f w c.	Burglary,	4 "	March 11, "
54	Cuffy, slave,	Murder,	10 "	Dec. 18, 1848.
55	Crawford, Thomas	Forgery and Counterfeiting,	5 "	Nov. 29, 1849.
56	Carr, Frederick	Entering a house,	3 "	Dec. 25, 1851.
57	Coyle, Patrick	Larceny,	1 "	March 26, 1853.
58	Curtis, Black (slave,)	Murder,	Life.	Feb. 17, 1850.
59	Claiborne, slave,	do	"	Feb. 17, "
60	Charlotte, slave,	Forfeited to the State,	"	March 13, 1845.
61	Cook, Charles	Larceny,	1 year.	Dec. 13, 1853.
62	Davis, Frank	Murder,	Life.	April 8, "
63	Day, Stephen	Manslaughter,	20 years.	May 16 "
64	Davis, J. M.	Counterfeiting,	10 "	May 31, 1852.
65	Davis, Charles	Robbery,	7 "	April 5, "
66	Diamond, John	Entering a store,	3 "	Feb. 9, "
67	Divine, James	Robbery,	7 "	June 21, 1851.
68	Davis, Isaac T.	Negro stealing,	5 "	March 21, 1851.
69	Daugherty, Joseph	Murder,	15 "	May 27, 1849.
70	Duffy, Phillip	Manslaughter,	14 "	Feb. 8, "
71	Dupré, Paul	Larceny,	2 "	Nov. 13, 1852.
72	Duprest, Harrison	Assault with dangerous weapons,	1 yr. 10 ds.	Nov. 14, 1853.
73	Durham, Jas. f m c.	Contravention,	1 year.	Aug. 22, "
74	Davidson, William	Stealing letters,	2 "	April 5, 1852.
75	Dumont, Alph.	Larceny,	2 "	June 7 "
76	Donehan, Peter	do	1 "	April 28, 1853.
77	Devine, John	do	1 "	June 6, "
78	Dango, Antonio	Assault with intent to kill,	2 "	Dec. 18, "
79	Euvenie, slave,	Arson,	Life.	March 3, 1851.
80	Edwards, M. J.	Entering house to commit felony,	"	Nov. 2, 1846.
81	Eliza, slave,	Poisoning,	"	Jan. 6, 1833.
82	Edingous, Charles	Larceny,	2 years.	March 7, 1853.
83	Evans, John	Assault by willfully shooting,	2 "	Dec. 18, "
84	Flory, Ramon	Murder,	Life.	May 22, 1850.
85	Fleming, slave,	do	"	March 27, 1848.
86	Frances, slave,	Arson,	"	April 6, 1846.
87	Frey, Aug. E.	Larceny,	2 years.	Feb. 10, 1853.
88	Fagan, William	Manslaughter.	15 "	Nov. 11, "
89	Ferry, Thomas	Slave stealing,	6 "	June 23, 1851.
90	Frank, slave,	Arson,	10 "	Dec. 22, 1845.
91	Fitzgerald, John	Larceny,	1 "	Jan. 27, 1853.
92	Fitzsimmons, Thos.	do	1 "	Jan. 10, "
93	Green, slave,	Murder,	Life.	June 2, 1845.
94	Greaves, Thomas	Robbery,	7 years.	June 9, 1853.
95	Gibbons, Thomas	Manslaughter,	5 "	April 14, "
96	Garner, John T.	Negro stealing,	7 "	Feb. 8, "
97	Guerera, Antonio	Manslaughter,	20 "	Dec. 13, 1852.

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SCHEDULE A.—*Continued.*

).	NAMES.	CRIMES.	TERM.	WHEN RECEIVED.
18	Gauldin, Sam. F.	Murder,	5 years.	Aug. 4, 1852.
19	Garcia, Man, f m c.	Swindling,	3 "	April 12, "
10	Goeth, George	Manslaughter,	5 "	Feb. 9, "
11	Gilienti, Rap, f m c.	Horse stealing,	4 "	Feb. 18, 1851.
12	Gasparel, John	Robbery,	7 "	May 13, 1848.
13	Goodwin, Isaac, f m c.	Contravention,	1 "	Aug. 15, 1853.
14	Glover, Dick	State property,	Life.	April 6, 1845.
15	Griffin, John	Larceny,	2 years.	Dec. 25, 1853.
16	Hull, Abr slave,	Murder,	Life.	July 18, "
17	Helvese, slave,	Striking white man,	"	May 11, "
18	Holmes, Henry L.	Murder,	"	Nov. 21, 1852.
19	Harris, James, slave,	Assault to kill,	"	Oct. 4, "
10	Hypolite, slave,	Wounding,	"	Dec. 23, 1849.
11	Harry, slave,	Assaulting white person,	"	March 13, "
12	Henry, slave,	Wounding,	"	June 21, 1847.
13	Hughes, Henry	Larceny,	2 years.	June 13, 1853.
14	Hertzberger, John	Perjury,	5 "	April 25, "
15	Philip, Harbe	Burglary,	2 "	Jan. 27, "
16	Hicky, Thomas	Manslaughter,	15 "	July 19, "
17	Henrietta, slave,	Murder,	5 "	May 20, 1852.
18	Hanks, John	Manslaughter,	20 "	March 26, 1849.
19	Harris, Richard	Entering house,	3 "	Dec. 25, 1851.
20	Husband, J. H.	Uttering forged check,	3 "	June 29, "
21	Hart, Joseph	Larceny,	1 "	May 19, 1853.
22	Hartwell, Charles	Horse stealing,	2 "	Feb. 19, 1852.
23	Hammel, John	Larceny,	2 "	Dec. 18, 1853.
24	Houck, John	do	1 "	" " "
25	Hines, Dr.	Obt'g. money under false pretences	1 "	" " "
26	Hinman, Cato, slave,	Murder,	Life.	Feb. 17, 1850.
27	Harris, Phil. slave,	Forfeited to the State,	"	March 13, 1845.
28	Isaac, slave,	Wounding white man,	"	Oct. 26, 1846.
29	Isadore, slave,	Murder,	"	Jan. 13, 1836.
30	Irving, Henry	Larceny,	2 years.	Nov. 11, 1852.
31	John, slave,	Wounding white man,	Life.	June 3, 1853.
32	James, slave,	Arson,	"	March 18, 1852.
33	Johnson, M.	Murder,	"	Dec. 26, 1852.
34	Jackson, slave,	Arson,	"	Sept. 6, 1851.
35	Jouchim, slave,	Stabbing,	"	March 25, 1850.
36	Joe, slave,	do	"	May 2, 1847.
37	Joe, slave,	do	"	May 11, 1845.
38	Jack, slave,	Poisoning,	"	Oct. 24, 1836.
39	John, slave,	Assaulting white man,	"	Feb. 8, 1845.
40	Jones, J. M.	Larceny,	2 years.	May 2, 1853.
41	Julien, Jacques	do	2 "	Nov. 13, 1852.
42	Johnson, William	Entering a vessel,	3 "	April 27, 1351.
43	Johnson, James	Breaking in store,	5 "	Feb. 8, 1849.
44	Jane, slave,	Forfeited to the State,	Life.	March 13, 1845.
45	Johnson, John	do	"	" " "
46	Johnson, Jack, slave,	do	"	" " "
47	Kearney, Michael	Murder,	"	May 31, 1852.
48	Kelley, Thomas	Robbery,	7 years.	Jan. 6, 1853.
49	Kane, Henry	Larceny,	1 "	Jan. 27, 1852.
50	Kelly, Patrick	do	1 "	Feb. 10, "
51	Kelley, Ed. slave,	Murder,	Life.	Feb. 17, 1850.
52	King, slave,	Forfeited to the State,	"	March 13, 1845
53	Lewis, slave,	Arson,	"	Sept. 27, 1852.
54	Lintel, Robert	Murder,	"	Jan. 26, 1851

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SCHEDULE A.—*Continued.*

NO.	NAMES.	CRIMES.	TERM.	WHEN RECEIVED.
155	Louis, slave,	Murder,	Life.	May 13, 1848.
156	Lovis, Patrick	Robbery,	7 years.	June 9, 1853.
157	Lattimore, William	Larceny,	2 "	May 16, "
158	Lasse, Andres	Entering a house,	3 "	March 19, "
159	Logan, John	do	5 "	May 27, 1852.
160	Lacouture, Octave	Robbery,	13 "	May 9, "
161	Lasseau, Adolph,fmc.	Horse stealing,	5 "	Feb. 19, "
162	Livingston, Samuel	Robbery,	7 "	June 13, 1850.
163	Lundy, Michael	Manslaughter,	20 "	June 1, 1849.
164	Lesner, Henry	do	10 "	March 13, "
165	Lewis, slave,	Murder,	20 "	May 13, 1848.
166	LeBordais, Ch.	Forgery,	4 "	Oct. 15, 1850.
167	Lechaise,	Burglary,	14 "	April 3, 1845.
168	Loyd, Tom, slave,	Murder,	Life.	Feb. 17, 1850.
169	Loyd, Tytus, slave,	do	"	" "
170	McCluski, Dan	do	"	July 21, 1853.
171	Michael, slave,	Attempt to rape,	"	July 19, 1852.
172	McCauley,	Rape,	"	Dec. 8, 1850.
173	Michael, Ark. slave,	Attempt to kill,	"	March 14, "
174	Moore, Sandy	Robbery,	7 years.	July 14, 1850.
175	McKinney, Hez.	Larceny,	2 "	June 13, "
176	Martinez, John	Manslaughter,	10 "	May 12, "
177	Marceline, slave,	Assault white person,	5 "	April 7, "
178	Meyer, Frederick	Having mould for coin,	10 "	March 7, "
179	Meyer, Emile	Larceny,	2 "	Feb. 10, "
180	Mullen, John	Robbery,	7 "	April 12, 1852.
181	Mack, William	do	7 "	April 5, "
182	Merriman, J. B.	Assault to kill,	10 "	Dec. 6, 1851.
183	Martin, Joseph	Perjury,	5 "	Dec. 22, 1850.
184	McCann, S.	Robbery,	7 "	Dec. 8, "
185	McQuade, H.	Attempt to set fire,	10 "	Nov. 25, "
186	Minor, W. H.	Robbery,	7 "	Feb. 28, "
187	Moret, Jules	Publishing forged orders,	14 ys. 3 ds.	Feb. 22, 1841.
188	Manwaring, S. P.	Stealing slave,	7 years.	Oct. 15, 1847.
189	Mier, Charles	Larceny,	1 "	July 21, 1853.
190	Miller, Albert	do	1 "	Aug. 18, "
191	Marshall, Frederick	Entering store,	3 "	June 21, 1851.
192	Morgan, Thomas	Larceny,	2 "	April 5, 1852.
193	McDonald, Mc.	do	1 "	April 11, 1853.
194	Mullens, Thomas	do	1 "	April 28, "
195	Meyers, William	do	1 "	Jan. 27, "
196	McGinnis, John	do	1 "	Feb. 25, "
197	Monroe, Andrew	do	1 "	Dec. 18, "
198	Melinda, slave,	Forfeited to the State,	Life.	March 13, 1845.
199	Morel, Wm. slave,	Murder,	"	" "
200	March, Owen S.	Larceny,	2 years.	Dec. 25, 1853.
201	Neville, Tim.	Robbery,	7 "	Feb. 24, "
202	Nerigle, David	Forgery,	7 "	Jan. 6, "
203	Nicholdson, John	Uttering counterfeit bank bills,	5 "	Dec. 13, 1852.
204	Nibolo, Salvador	Manslaughter,	7 "	March 18, "
205	Nell, John	Robbery,	7 "	Feb 9, "
206	Nancy, slave,	Forfeited to the State,	Life.	March 13, 1845.
207	Ned, slave,	do	"	" "
208	Otto, Bernard	Murder,	"	July 10, 1849.
209	Ogle, L. U.	Forgery,	7 years.	Jan. 2, 1852.
210	Purcel, Michael	Murder,	Life.	March 21, 1853.
211	Phœbe, slave,	Wounding,	"	April 1, 1847.

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SCHEDULE A.—*Continued.*

NO.	NAMES.	CRIMES.	TERM.	WHEN RECEIVED.
212	Philip, slave,	Crime not mentioned,	Life.	Sept. 13, 1834.
213	Phillippi, Pierre	Horse stealing,	5 years.	June 8, 1853.
214	Powers, George	Manslaughter,	5 "	Feb. 21, "
215	Pew, William	Larceny,	4 "	Nov. 13, 1852.
216	Parker, William	Robbery,	7 "	Feb. 9, "
217	Polador, Jose, f m c.	Horse stealing,	5 "	June 21, 1851.
218	Poulard, J. B. f m c.	Larceny,	2 "	June 12, 1852.
219	Phister, Joseph	do	3 "	Feb. 16, 1851.
220	Perrin, John	do	2 "	March 18, 1852.
221	Powers, Philip	do	1 "	March 26, 1853
222	Patterson, Thomas	do	2 "	Dec. 18, "
223	Pocus, John	do,	1 "	" "
224	Quarles, George	Having mould for coining,	14 "	Dec. 13, 1851.
225	Quintan, Edw.	Larceny,	1 "	May 9, 1853.
226	Ross, Geo. slave,	Striking white man,	Life.	Jan. 11, 1849.
227	Raphael, slave,	Murder,	"	Oct. 16, 1846.
228	Ralph, slave,	Wounding white man,	"	Aug. 28, "
229	Richard, slave,	Shooting and wounding,	"	Aug. 12, 1843.
230	Rhoda, slave,	Arson,	"	March 8, 1839.
231	Ribbell, Edward	Intent to burn,	10 years.	July 21, 1853.
232	Robinson, Bob, f m c.	Stabbing,	15 "	July 29, 1852.
233	Regan, John	Robbery,	7 "	April 12, "
234	Riley, William	do	10 "	Aug. 4, 1845.
235	Rideau, Louis	Larceny,	2 "	Nov. 13, 1852.
236	Ray, John	Assault to kill,	1 "	Sept. 8, 1853.
237	Robertson, Thomas	Larceny,	1 "	May 9, "
238	Reider, Michael	do	1 "	June, 6, "
239	Randolph, David	do	1 "	June 27, "
240	Roy, Alexander	do	1 "	March 21, "
241	Reed, George, slave,	Murder,	Life.	Feb. 17, 1850.
242	Sam, slave,	Assault white person,	"	April 6, 1853.
243	Susan, slave,	Poisoning,	"	Jan. 11, 1851.
244	Stocks, George,	Assault to rob,	2 years.	Sept. 8, 1853.
245	Stanton, Louis	Manslaughter,	15 "	June 16, "
246	Smith, Geo. M.	Burglary,	5 "	May 20, "
247	Shady, Dan	do	3 "	Feb. 10, "
248	Smith, Thomas	Aiding a slave to escape,	6 "	May 26, 1851.
249	St. Clement, R.	Robbery,	7 "	Feb. 28, 1850.
250	Summers, Henry	do	7 "	Feb. 1, 1849.
251	Spencer, Geo. f m c.	Contravention,	1 "	Aug. 15, 1853.
252	Shaw, William	Entering house,	5 "	April 10, 1849.
253	Sherman, George	Entering store,	2 "	April 12, 1852.
254	Stephenson, Charles	Larceny,	1 "	June 7, 1853.
255	Schmidt, Henry	do	1 "	Jan. 27, 1852.
256	Spencer, Charles	do	1 "	Feb. 28, 1853.
257	Turner, slave,	Murder,	Life.	Dec. 27, 1852.
258	Tyler, Alexander H.	do	"	Oct. 24, 1850.
259	Tillotson, C. slave,	do	"	Feb. 7, 1833.
260	Tuttle, N. J.	Having mould for coining,	14 years.	Dec. 13, 1851.
261	Turner, Boswell	Assault with intent to kill,	4 "	July 12, 1850.
262	Tom, slave,	Forfeited to the State,	Life.	March 13, 1845.
263	Vicioni, Vincent	Murder,	"	Dec. 13, 1852.
264	Virgil, slave,	Manslaughter,	5 years.	July 18, "
265	Verdon, Charles	Entering house,	5 "	June 21, 1851.
266	Van Bibber, J.	Stealing slave,	7 "	Oct. 9, 1847.
267	Viaux, Alexander	Manslaughter,	2 "	Nov. 16, 1852.
268	Wesley, slave,	Murder,	Life.	Nov. 22, 1853.

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SCHEDULE A.—*Concluded.*

NO.	NAMES.	CRIMES.	TERM.	WHEN RECEIVED
269	Wilson, slave,	Wounding two white persons,	Life.	June 23 185
270	William, slave,	Murder,	"	Sept. 13, 184
271	Westerfield,	Horse stealing,	5 years.	Nov. 22, 185
272	Wahl, Anthony	Manslaughter,	16 "	March 7, "
273	Wooldridge, Thomas	do	14 "	Jan. 11, "
274	Walsh, William	Robbery,	7 "	March 1, 185
275	Walters, W. L.	Inveighling a slave,	10 "	Nov. 28, 185
276	Welsh, John	Larceny,	1 "	Aug. 18, 185
277	Wood, Anthony	do	1 "	Jan. 27, 1852
278	Woods, John C.	do	1 "	Jan. 10, "
279	William, slave,	Arson,	Life.	July 19, 185
280	Wanzer, Dick, slave,	Murder,	"	Feb. 17, 185
281	Young, John	Burglary,	10 years.	April 12, 185
282	Young, James	Larceny,	1 "	Feb 24 185
283	Zilberger, Wolf A.	do	2 "	Sept. 21, 185

SCHEDULE B.

Prisoners discharged from the Louisiana Penitentiary, their term, and expiration of sentence, from January 1, 1852, *to December* 31, 1853.

NO.	NAMES.	CRIMES.	TERM.	EX. OF SENTENCE
1	Adkins, Charles	Receiving stolen goods,	6 months.	Jan, 1, 1852
2	Ahern, James	Assault by shooting,	3 "	March 13, "
3	Auguste, Julien P.	Larceny,	2 years.	May 22, "
4	Adams Dan	do	1 "	Nov. 4, "
5	Brown, Charles	do	18 months.	Jan. 31, "
6	Brown, Thomas	do	1 year.	June 7, "
7	Boyce, George	do	2 "	June 29, "
8	Barry, Michael	Swindling,	1 "	July 1, "
9	Bourgeois, Jean	Receiving stolen goods,	1 "	Nov. 4, "
10	Connelly, Michael	Larceny,	1 "	Jan. 26, "
11	Carter, Thomas	do	2 "	March 2, "
12	Castillo, James	do	2 "	May 8, "
13	Campbell, Thomas	do	1 "	June 7, "
14	Curtis, Henry	do	18 months.	July 26, "
15	Corchars, George	Receiving stolen goods,	2 years.	May 2 "
16	Dewitt, Charles	Larceny,	2 "	Jan. 26, "
17	Derause, Joseph	do	2 "	June 1, "
18	Depass, Isaac	do	1 "	Nov. 4, "
19	Davis, John	do	1 "	Nov. 4, "
20	Delisle, Henry	Receiving stolen goods,	1 "	Nov. 4, "
21	Ettinger, Charles	Horse stealing,	2½ "	Feb. 1, "
22	Edwards, John	Entering a vessel,	2 "	Feb. 16, "
23	Edwards, Simon	Larceny,	2 "	March 2, "
24	Estinford, Aug. f m c.	Assault with dangerous weapon,	1 "	Nov. 11, "
25	Farley, James	Manslaughter,	1 "	March 18, "
26	Frugen, Joseph	Larceny,	1 "	April 8, "
27	Ferguson, Thomas	do	2 "	May 8, "
28	Foster, John	do	1 "	May 20, "
29	Foster, Thomas	Receiving stolen goods,	1 "	Nov. 4, "

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SCHEDULE B.—*Concluded.*

o.	NAMES.	CRIMES.	TERM.	EX. OF SENTENCE
30	Galvin, John	Larceny,	1 year.	March 18, 1853,
31	Griffin, John	do	1 "	Nov. 4, "
32	Gonzales, Jesus	do	1 "	Nov. 11, "
33	Grand, Charles	do	1 "	Nov. 11, "
34	Garra, T. Garva	Swindling,	1 "	Dec. 13, "
35	Hachi, Pierre	Horse stealing,	2 "	Oct. 1, "
36	Heuger, Joseph	Attempt to commit a rape.	2 "	Oct. 30, "
37	Igo, Thomas	Larceny,	1 "	June 7, "
38	Johnson, George	do	1 "	June 17, "
39	Lundy, Edward	do	1 "	Feb. 9, "
40	Leggett, Gill	Assault to kill,	18 months.	June 3, "
41	Letcher, George	Larceny,	1 year.	June 7, "
42	Land, J. M.	do	6 months.	Oct. 1, "
43	McCarthy,	do	1 year.	Jan. 26, "
44	Myers, Charles	do	2 "	Feb. 23, "
45	McRea, Robert	Forgery,	2 "	May 1, "
46	Mills, R. A.	Larceny,	1 "	June 17, "
46	McAvoy, John	do	2 "	July 31, "
48	Madison, slave,	Cutting and wounding,	2 "	Aug. 11, "
49	Marshall, John	Larceny,	1 "	Nov. 11, "
50	Nichols John	do	2 "	March 6, "
51	Norris, M.	do	2 "	Dec. 11, "
52	Powell, Thomas	Burglary,	7 "	Dec. 27, "
53	Quebano, J.	Larceny,	2 "	Nov. 27, "
54	Reiley, William	do	1 "	June 7, "
55	Rochet, Jean	do	2 "	June 8, "
56	Robinson, Henry	Entering house to steal,	2½ "	June 11, "
57	Richardson, John	Larceny,	1 "	June 17, "
58	Roman, Joseph	do	1 "	June 17, "
59	Renaud, Jean	Receiving stolen goods,	1 "	Nov. 4, "
50	Riley John	Larceny,	2 "	Nov. 27, "
51	Robinson	Entering house to steal,	3 "	Dec. 6, "
52	Ryan, Daniel	Larceny,	2 "	Dec. 8, "
53	Robinson, C.	Entering house,	2 "	Dec. 11, "
54	Searls, Bill	Larceny,	2 "	March 16, "
55	Smith, Richard	do	1 "	May 20, "
56	Smith, John	do	1 "	May 20, "
57	Smith, Samuel	Entering house to steal,	2 "	Dec. 10, "
58	Thomas, George	Larceny,	2 "	March 16, "
59	Thompson, H. F.	Entering house,	2 "	May 8, "
70	Thomas, John	Larceny,	1 "	July 19, "
71	Valentine, Hank	do	2 "	March 6, "
72	Willow, William	do	4 "	Jan. 22, "
73	Walker, John	do	2 "	March 6, "
74	Watchin, James	do	2 "	April 8, "
75	Watchford, Thomas	Entering house,	2 "	May 4, "
76	Williams, John	Larceny,	1 "	June 7, "
77	Wested, George	do	1 "	Dec. 13, "
78	Ximenes, Philip	do	1 "	Nov. 11, "

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SCHEDULE C.

Prisoners who have died at the Louisiana Penitentiary, their term, crime, and date of death, from January 1, 1853, to December 31, 1853.

NO.	NAMES.	CRIMES.	TERM.	DATE OF DEATH
1	Johnson. H. L.	Forgery,	3 years.	Oct. 22, 1853
2	Celeste, slave,	Assault and wounding,	Life.	Sept. 27, "
3	Flood, William	Larceny,	1 year.	Oct. 9, "
4	Fuentes, Jose	Murder,	Life.	Dec. 15. "
5	Holmes, Gab.	do	"	March 18, "
6	Hess, A. H.	Forgery,	3 years,	Oct. 7, "
7	Hughes, John	Larceny,	1 "	Dec. 11, "
8	Lowell, Joshua	do	1 "	Oct. 5, "
9	Moore, John	Manslaughter,	7 "	Sept. 14, "
10	Perdue, A. J.	do	10 "	Oct. 18, "
11	Russette, James	Larceny,	1 "	Sept. 11, "
12	Renehan, John	Murder,	Life.	Oct. 25, "
13	Wilson, G. W.	do	"	Oct. 12, "

SCHEDULE D.

Prisoners pardoned out of the Louisiana Penitentiary by the State Legislature at last session, crime, term, and date of pardon.

NO.	NAMES.	CRIME.	TERM.	WHEN PARDONED
1	Donough, James	Manslaughter,	20 years.	May 2, 1853
2	Daugherty, Barney	Robbery,	7 "	" "
3	Durand, Man	do	8 "	" "
4	Florey, John	Murder,	Life.	" "
5	Lewis, Bishop	Passing Counterfeit,	14 years.	" "

SCHEDULE. E.

Prisoner pardoned by the President of the United States, his crime, term, and date of pardon.

NO.	NAME.	CRIME.	TERM.	WHEN PARDONED
1	Watson, A. B.	Forgery,	10 years.	Feb. 13, 1853

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STATEMENT F,

And recapitulation of Schedules A, B, C, D and E.

ners in confinement on 1st January, 1853		273
ners received during the year		106
ped prisoner retaken		1
		380
harged during the year	78	
loned by the State Legislature	5	
loned by the President of the United States	1	
during the year	13	97
aining in prison, 1st January, 1854		283
Colored men	82	
" women	15	
White men	186	283

SCHEDULE G.

Ages of prisoners now confined in Louisiana Penitentiary.

d between 15 and 20 years	14
" 20 and 30 years	133
" 30 and 40 years	84
" 40 and 50 years	41
" 50 and 60 years	7
" 60 and 70 years	4
	283

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SCHEDULE H.

Showing the crimes of those now in prison.

1 Arson,	10
2 Publishing forged orders,	1
3 Assaulting a white man,	1
4 Crime not mentioned,	1
5 Murder,	44
6 Poisoning,	2
7 Assault with intent to kill,	6
8 Shooting and wounding,	1
9 Negroes forfeited to the State,	10
10 State property,	1
11 Stabbing white men,	3
12 Robbery,	27
13 Striking white men,	8
14 Wounding white men,	8
15 Entering houses to steal,	14
16 Negro stealing,	5
17 Manslaughter,	22
18 Counterfeiting,	1
19 Attempt to poison,	2
20 Forgery,	4
21 Attempt to set fire,	1
22 Inveighling slaves,	2
23 Rape,	1
24 Perjury,	2
25 Possessing moulds for coining,	4
26 Larceny,	68
27 Horse stealing,	7
28 Burglary,	6
29 Entering vessel,	1
30 Aiding slave to escape,	1
31 Uttering forged check,	2
32 U. States convict for stealing letters,	1
33 Stabbing with intent to kill,	1
34 Attempt to commit rape,	1
35 Uttering counterfeit bank bills,	1
36 Swindling,	1
37 Preparing combustibles with intention to burn,	2
38 Contravention,	3
39 Assault to rob,	1
40 Assault with a dangerous weapon,	4
41 Obtaining money under false pretences,	1
42 Shooting with intent to kill,	1
43 Insurrection,	1
	283

SCHEDULE I.

Statement showing the Parishes from which the convicts now in the Louisiana Penitentiary were sent.

1 Lafayette,	1
2 New Orleans,	181
3 St. James,	1
4 St. Martin,	5
5 St. Mary,	10
6 St. Charles,	1
7 Natchitoches,	5
8 Ascension,	1
9 East Feliciana,	7
10 St. John Baptiste,	1
11 East Baton Rouge,	5
12 Plaquemines,	3
13 Jefferson,	19
14 Caddo,	3
15 St. Landry,	13
16 Assumption,	1
17 Iberville,	3
18 Madison,	1
19 St. Bernard,	1
20 Concordia,	8
21 Avoyelles,	1
22 Lafourche Interior,	2
23 St. Tammany,	1
24 Tensas,	1
25 Claiborne,	1
26 West Feliciana,	1
27 Pointe Coupée,	2
28 DeSoto,	1
29 Ouachita,	1
30 Carroll,	1
31 Caldwell,	1
	283

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SCHEDULE J.

Statement showing the States and Countries of which the convicts now in the Louisiana Penitentiary, are natives.

1	Louisiana,	45
2	France,	14
3	Virginia,	38
4	Africa,	1
5	Maryland,	8
6	Kentucky.	8
7	New York,	13
8	South Carolina,	4
9	Ireland,	50
0	Tennessee,	3
1	Mississippi,	5
2	North Carolina,	7
3	Missouri,	2
4	England,	8
5	Germany,	15
6	Pennsylvania,	14
7	Vermont,	2
8	Spain,	2
9	Alabama,	2
0	Canada,	2
1	Connecticut,	4
2	Georgia,	5
3	West Indies,	1
4	Massachusetts,	3
5	Indiana,	2
6	New Jersey,	1
7	Ohio,	8
8	Jamaica,	1
9	Trieste,	1
0	Sicily,	2
1	Scotland,	2
2	Cuba,	1
3	Russia,	1
4	Gibraltar,	1
5	Italy,	2
6	Prussia,	2
7	South America,	1
8	Mexico,	1
9	Portugal,	1
		283

SCHEDULE K.

Statement showing the occupations of the convicts now in the Louisiana Penitentiary, before their sentences.

1	No occupation,	173
2	Servants,	13
3	Farmers,	17
4	Lawyer,	1
5	Blacksmiths,	5
6	Carpenters,	9
7	Butchers,	3
8	Bricklayers,	3
9	Waggoner,	1
10	Coopers,	3
11	Washerwoman,	1
12	Shoemakers,	5
13	Wheelwrights,	3
14	Seamen,	3
15	Clerk,	1
16	Turners,	3
17	Tailors,	9
18	Harness makers,	1
19	Cabinet makers,	2
20	Physicians,	2
21	Bakers,	1
22	Machinists,	2
23	Tobacconists,	1
24	Barbers,	3
25	Locksmiths,	1
26	Confectioners,	1
27	Plasterers,	1
28	Cigar-makers,	2
29	Book-binder,	1
30	Printers,	2
31	Cooks,	1
32	Sail maker,	1
33	Type founder,	1
34	Engineer,	1
35	Carriage maker,	1
36	Tinner,	1
37	Ship carpenter,	1
38	Painter,	1
39	School teacher,	1
40	Stone cutter,	1
		283

WM. HUBBS,

Clerk of Louisiana Penitentiary.

Baton Rouge, Jan. 2, 1854.

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APPENDIX.

REPORT

OF THE

JOINT COMMITTEE

ON THE

PENITENTIARY.

NEW ORLEANS:
PRINTED BY EMILE LA SERE, STATE PRINTER.

1854.

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REPORT

OF THE

JOINT COMMITTEE ON THE PENITENTIARY.

To the Honorable the President of the Senate and Speaker of the House of Representatives.

The Joint Committee on the Penitentiary begs leave to submit the following report:

In the discharge of the duty devolving on them, your committee have visited the Penitentiary, and examined the premises generally: the cells, the food furnished the prisoners, and also their personal appearance.

The examination and enquiries of your committee were minute and particular, from certain expressions contained in the report of the Directors of the Penitentiary. The expressions alluded to are as follows:

"We found the prisoners had scarcely sufficient time allowed them at meal time to eat, not being more than about ten minutes. We increased the time to one hour at 12 o'clock."

And on page 5:

"Your board are decidedly opposed to the system of leasing the labor of crime in our State to a company, thereby creating a monopoly, and enriching a few to the detriment of the many, and at the same time changing the spirit and intention from a place where punishment for crime is meted out, but that the criminal may have the opportunity of reformation where even-handed justice may be dealt out, where the force of example, instruction and advice of the officers connected with the institution may have full and proper effect, and not where dollars and cents are the controlling interest, either in the scanty allowance of food and raiment, or the low price paid to the officers and guard employed in the institution. The great importance of every office connected with the institution, and having competent and proper men assigned to the various stations, is not in general fully understood and can scarcely be appreciated by the public at large, who have no adequate means of obtaining the proper information to enable them to judge of the capacity and qualifications required in this branch of the public service."

Enquiries were made of the prisoners themselves as to the quality and quantity of their food, also the time allowed them at dinner, &c.

They stated that they were well fed, and that they preferred the plan heretofore pursued of going to work as soon as they finished their dinners, in preference to being locked up for an hour, which is the present rule.

They stated that they had as much time as they wanted to eat, and were not called to their work, but went as each finished his meal.

Your committee have since been informed by members of the Board of Directors that the expressions referred to were not intended in any way to reflect or disapprove of the management of the lessees, but that they endorsed fully the statement of the physician that the food of the prisoners had always been ample in quantity and suitable in quality for vigorous health and strength.

The attention of your committee has been called to the fact that the present lease expires on the first day of October, 1854, and to the necessity of recommending some plan for the future management of the Penitentiary.

By the term of the lease the State is obliged at is termination to take from the lessees, at their appraised value, the stock of raw materials and manufactured articles.—The stock usually on hand in the fall, at about the time of the termination of the lease, is large—say from $100,000 or more. It is smallest in the spring, say about the first of May. The lessees are willing to give up their lease in the spring or fall, as may be thought best. If the spring is preferred, they will give it up in the ensuing spring, provided they are compensated for the time their lease has to run; or they are willing to extend the lease, on the terms on which it is at present held, to the spring of 1855.

In the event of the lessees giving up the lease in the coming spring they would claim the sum of $10,000 as a compensation for the time the lease has to run. Taking into

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consideration the financial condition of the State, your committee are of the opinion that it is best to terminate the lease in the spring of 1855 rather than 1854, as it will give time to ascertain the best plan for conducting its affairs hereafter.

Upon the dissolution of the present lease the very important question will be presented for the decision of the General Assembly, whether the present system of leasing shall be adhered to, or some other plan adopted.

This subject has received much attention in the other States of the Union, and much valuable information might be obtained from them. By extending the lease to the spring of 1855, an opportunity would be afforded of visiting or corresponding with the other States on this subject.

The attention of your committee has also been called to the large number of slaves confined in the Penitentiary, either as State prisoners or as property of the State.

After a careful consideration of the matter, your committee is satisfied that slaves convicted of crimes ought not to be sent to the Penitentiary, and that those who are now there, for crimes committed by them, ought to be removed from it, because confinement is to them no adequate punishment, but in many cases is actually preferred to their former condition.

They might be employed to advantage on the public works of the State, if properly guarded and confined so as to prevent them from having any intercourse whatever with other slaves.

No slaves of the State, not sentenced to imprisonment for crimes, ought to be removed and sold, or otherwise disposed of.

Provision can be made by law to provide some punishment for slaves as a substitute for imprisonment in the Penitentiary; but the slaves already there cannot be withdrawn without the consent of the lessees until the termination of the lease.

For the purpose of carrying out the views expressed above, your committee beg leave to report the following resolutions:

Resolved, That the Judiciary Committee be instructed to report a law abolishing imprisonment of slaves in the Penitentiary as a punishment for crime, and to provide a substitute therefor.

Resolved, That the contract of lease with the present lessees of the Penitentiary be extended from the first day of October, 1854, to the first day of May, 1855, upon their ratifying the Governor of their acceptance of the extension of said lease.

[Signed] HARVEY RICHARDSON,
Chairman of the Senate Committee on the Penitentiary

[Signed] W. B. PHILIPS,
Chairman of the House Committee on the Penitentiary

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APPENDIX.

REPORT

OF THE

ADJUTANT GENERAL.

PRINTED BY EMILE LA SERE, STATE PRINTER.

1854.

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REPORT

OF THE

DJUTANT GENERAL.

Adjutant & Inspector Gen'ls Office,
Baton Rouge, Jan'y 15, 1854.

VERNOR:

I have the honor to submit my report the Militia for the past year, for transsion to the Legislature. Entering on duties, by your appointment, in March , my attention was first directed to some nished correspondence with the Ordce Department of the United States Arrelative to the quota of arms due the te from the General Government. When was arranged, the quota due the State, hundred and thirty six percussion mus- s and one hundred and thirty six percus- n rifles, were received by me. On my it to New Orleans to inspect the State senal, I found the roof of the building such a condition as to require immediah, pairs, which I ordered, the cost of whicof d the sums necessary for the payment te bills for coal and water for the Arsenal, re paid out of the Contingent Fund of the ecutive, by your direction, although not operly chargeable to it, as there was no ner fund from which they could be paid.

An agent for a manufacturing Arms mpany being in New Orleans, made me a oposition to percussion all the State arms old pattern, for $1 per piece, and several oppositions to take fifty-two Hall's rifles, longing to the State, in part payment, ere made. The final offer of his house, itchcock & Co., I annex, as some action the Legislature is necessary before any ntract can be entered into on the subject.

—

New York, August 15, 1853.

EN. S. M. WESTMORE,

Dear Sir:

Yours of the 8th inst., is at hand; would ay in reply, are willing to alter the arms of a., as proposed, and take the Hall's rifles t their full market value among the trade, ay $2 50; at which price we sold the rifles ssued to the State of New York, which had never been out of the cases. We purchased them at $2. We are anxious to alter the arms of your State, and are willing and able to do it cheaper than the United States can afford to work, but do not want to take arms in payment for more than market value. The offer our Mr. B. made was, alteration $1, taking in payment muskets in fair shooting condition, at $1 87½. That you may see how fair we are, would say, we have purchased several large lots, during the past two months, at $1 75; and we are now in treaty with one of the largest Northern States for all their old arms at $1 50.

Yours, etc.,
HITCHCOCK & CO.

—

The reorganization of the Militia, under the law of the last Legislature, has proceeded but slowly. Commissions have been declined by some who were relied on to aid in the important work—others have not been heard from in reply, and but few of those accepting commissions have complied with the requirements of the law. Indifference, approaching repugnance, appears to exist to a great extent among our citizens, which cannot be overcome without a tour through all the parishes of the State, to be made by the Adjutant General, to excite emulation and induce gentlemen to aid in executing the law. The present insignificant salary allowed this officer, precludes any such tour, unless at the sacrifice of all his pecuniary interests. In the parish of Orleans, the limits of the fifteen Regiments, numbering from one to fifteen, into which it is divided, have been defined, and as the other parishes each furnish a regiment, they have been designated by the names of the parishes, without numbering them.

The Volunteer Corps of the City of New Orleans are well equipped, well commanded and in a state of good discipline. Their importance to the City and State cannot be magnified, and no public money is better applied than the usual annual allowance made by the Legislature for their partial support.

The law of the last Legislature needs amendment, and I respectfully call attention

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to the following sections. The 17th section, which regulates the rank of Staff Officers, omits the rank of Quarter Master and Paymaster of Division, which officers the 14th section establishes.

The 23d section requires Colonels to be elected by officers of the line of the *Division*, instead of the *Regiment*, thus making an *inferior* (a Colonel) elective by a larger body than his *superior* (a Brigadier General). It requires the election to be ordered by the Commander in Chief, instead of the Brigadier General of the Brigade, to which the Regiment is attached, when a Brigadier General's election is ordered by the Major General.

The 24th section, relative to the election of Lieutenant Colonels and Majors, is defective in a similar manner.

S. M. WESTMORE,
Adj't & Ins. Gen. of La.

Gov. P. O. HEBERT,
of Louisiana.

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APPENDIX.

PROCEEDINGS

OF THE

BOARD OF CURRENCY,

DURING THE YEAR 1853.

NEW ORLEANS:

PRINTED BY EMILE LA SERE, STATE PRINTER.

1854

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PROCEEDINGS

OF

THE BOARD OF CURRENCY,

DURING THE YEAR 1853.

To the Senate and House of Representatives in General Assembly convened:

In conformity to law, we submit to your honorable bodies the Proceedings of the Board of Currency during the year 1853. By the documents annexed, to which we call your attention, you will see that the Banks of the State are in the most satisfactory condition.

Respectfully,

ANDREW S. HERRON, *Secretary of State,*
C. E. GRENEAUX, *State Treasurer.*

PROCEEDINGS OF THE BOARD OF CURRENCY,

DURING THE YEAR 1853.

1853, April 26th. This day the Board met and proceeded to the examination of the following Banks, viz: the Canal Bank, the Union Bank, the Mechanics' and Traders' Bank, the Louisiana Bank, the Louisiana State Bank, and the Citizens' Bank, and having found them in a satisfactory condition, adjourned to to-morrow at 10 o'clock, A. M., to examine the Consolidated Association of Louisiana, The Board does not undertake at this meeting to give any opinion as to whether the Louisiana State Bank has exceeded in her discounts, loans, etc., the limits of her charter, but postpones the consideration of that question until the next quarterly meeting of the Board.

Signed ANDREW S. HERRON,
Secretary of State.
C. E. GRENEAUX,
State Treasurer.

1853, April 27th. This day the Board met and proceeded to the examination of the Consolidated Association of the Planters of Louisiana, and having found said Institution in a satisfactory condition, adjourned *sine die.*

Signed ANDREW S. HERRON,
Secretary of State.
C. E. GRENEAUX,
State Treasurer.

1853, December 15th. This day the Board met. A. S. Herron, Secretary of State, with the consent of his colleague, C. E. Greneaux, State Treasurer, proceeded to the examination of the following Banks: the Mechanics' and Traders' Bank, the Southern Bank, the New Orleans Bank, and the Union Bank, and found them all in a sound and satisfactory condition, Adjourned to to-morrow at 10 o'clock, A. M.

Signed A. S. HERRON,
Secretary of State.

1853, December 16th. Pursuant to adjournment the Board met and proceeded to the examination of the following Banks: the New Orleans Canal and Banking Company, the Louisiana Bank, the Louisiana State Bank, the Citizens' Bank, and the Consolidated Association, and found all these Institutions in a sound and prosperous condition. The Board then adjourned *sine die.*

Signed A. S HERRON,
Secretary of State.

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COMPARATIVE STATEMENT

Of the affairs of the BANK OF LOUISIANA, *from the returns made to the Board of Currency.*

DEAD WEIGHT.	1853, January 29.	1853, July 30.	1853, December 31.
Capital of the Branches	$300,253 81	$259,926 61	$248,339 22
Real Estate	193,688 43	192,357 72	192,351 72
Loans on Stock	120,420 00	184,848 78	126,290 00
Other Loans not due within 90 days	2,000,156 49	2,658,108 91	1,727,973 45
Other Assets do. do.	31 50	17 50	17 50
Protested Paper	55,138 42	106,359 14	111,496 50
Total	$2,669,688 65	$3,401,618 66	$2,406,459 39
Deduct Liabilities other than Movement	....	....	....
Balance of Dead Weight	$2,669,688 65	$3,401,618 66	$2,406,459 39
MOVEMENT.			
Assets—Specie	$2,930,940 09	$2,192,093 94	$1,743,489 24
Short Paper	3,726,557 52	3,120,328 78	3,940,742 76
Exchange and other Cash Assets	2,821,079 82	2,111,332 01	2,135,997 49
Total	$9,478,577 43	$7,423,754 73	$7,820,139 49
Liabilities—Circulation	$1,661,409 00	$1,918,594 00	$1,550,939 00
Deposits	4,661,316 54	3,359,370 66	2,863,147 51
Other Cash Liabilities	943,592 77	467,995 14	559,631 00
Total	$7,266,318 31	$5,745,959 80	$4,973,717 51
Excess of Assets over Liabilities	$2,212,259 12	$1,677,794 93	$2,846,476 10
Deficiency of do. do.	....	....	....
Total of Dead Weight and Movement.			
Assets	12,148,266 08	10,825,357 39	10,226,653 88
Liabilities	7,266,318 31	5,745,959 80	4,973,717 51
Balance of Assets	$4,881,947 77	$5,079,397 59	$5,252,935 61
Capital, nominal, $4,000,000; paid up	3,992,600 00	3,993,560 00	3,993,460 00
Nominal Surplus in favor of the Bank	$889,347 77	$1,085,837 59	$1,259,475 61

OFFICE BOARD OF CURRENCY,
New Orleans, Dec. 31, 1853.

Signed, ANDREW S. HERRON,
Secretary of State.
C. E. GRENEAUX,
State Treasurer.

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COMPARATIVE STATEMENT

Of the Affairs of the CANAL BANK, *from the returns made to the Board of Currency.*

DEAD WEIGHT.	1853, January 29.	1853, July 30.	1853, December 31.
Capital of the Branches	$245,972 76	$149,346 05	$144,358 61
Real Estate	330,685 53	318,928 50	....
Loans on Stock	....	....	305,628 50
Public Improvements	1,130,015 07	1,111,615 07	1,093,125 07
Loans not due within 90 days	592,376 99	2,584,309 71	525,691 24
Other Assets do. do.	....	....	....
Protested Paper	180,354 61	124,600 65	124,600 65
Total	$2,479,404 96	$3,888,799 98	$2,193,404 07
MOVEMENT.			
Assets—Specie	$1,743,625 86	$1,313,697 60	$1,230,383 75
Short Paper	4,166,855 89	2,493,493 54	4,106,878 94
Exchange and other Cash Assets	1,610,303 15	800,018 88	780,881 68
Total	$7,520,784 90	$4,607,210 02	$6,118,139 37
Liabilities—Circulation	$2,377,792 50	$2,077,252 50	$2,079,220 00
Deposits	2,997,048 36	1,617,760 47	1,292,695 87
Other Cash Liabilities	394,173 02	409,318 13	594,987 79
Total	$5,769,013 88	$4,104,331 10	$3,966,903 66
Excess of Assets over Liabilities	1,751,771 02	502,878 92	2,151,235 61
Total of Dead Weight and Movement.			
Assets	10,000,189 86	8,[illegible]010 00	8,311,543 44
Liabilities	5,769,013 88	4,104,331 10	3,966,903 66
Balance of Assets	$4,231,175 98	$4,391,678 90	$4,350,639 78
Capital, nominal, $4,000,000; paid up	3,164,000 00	3,164,000 00	3,164,000 00
Nominal Surplus in favor of the Bank	$1,067,175 98	$1,227,678 90	$1,186,639 78

OFFICE BOARD OF CURRENCY,
New Orleans, Dec. 31, 1853.

Signed,

ANDREW S. HERRON,
Secretary of State.

C. E. GRENEAUX,
State Treasurer.

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COMPARATIVE STATEMENT

Of the Affairs of the LOUISIANA STATE BANK, *from the returns made to the Board of Currency.*

DEAD WEIGHT.	1853, January 29.	1853, July 30.	1853, December 31.
Capital of the Branches - -	$233,328 95	$224,476 51	$223,976 51
Real Estate - - - -	156,820 48	156,884 78	156,884 78
Loans on Stock - - -	401,185 00	394,585 00	398,585 00
Other Loans not due within 90 days	612,755 76	841,482 05	651,087 21
Other Assets do. do.	103,143 65	1,339 17	1,157 40
Protested Paper - - -	38,396 01	46,471 06	55,113 45
Total - -	$1,535,629 85	$1,665,138 57	$1,486,804 35
MOVEMENT.			
Assets—Specie - - -	$2,984,193 71	$2,627,482 90	$2,188,525 35
Short Paper - -	4,204,113 28	3,960,608 02	3,850,065 26
Exchange and other Cash Assets	1,214,078 24	1,260,717 09	1,292,600 00
Total - - -	$8,402,385 23	$7,849,808 01	$7,331,191 22
Liabilities—Circulation -	$1.861,235 00	$2,102,645 00	$1,737,985 00
Deposits - -	4,955,603 67	4,370,364 80	3,933,041 56
Other Cash Liabilities	856,096 36	681,747 28	683,119 91
Total - - -	$7,672,935 03	$7,145,757 28	$6,354,146 47
Excess of Assets over Liabilites	$729,450 20	$704,050 73	$977,044 75
Total of Dead Weight and Movement.			
Assets - - - -	$9,938,015 08	$9,515,046 58	$8,817,995 57
Liabilities - - -	7,672,935 03	7,145,757 28	6,354,146 47
Balance of Assets -	$2,265,080 05	$2,369,289 30	$2,463,849 10
Capital nominal, $2,000,000; paid up	1,986,280 00	1,989,960 00	1,989,960 00
Nominal Surplus in favor of the Bank	$278,800 05	$379,329 30	$473,889 10

OFFICE BOARD OF CURRENCY,
New Orleans, Dec. 31, 1853.

Signed,

ANDREW S. HERRON,
Secretary of State.

C. E. GRENEAUX,
State Treasurer.

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COMPARATIVE STATEMENT

Of the Affairs of the CITIZENS' BANK, *from the returns made to the Board of Currency.*

DEAD WEIGHT.	1853, January 31.	1853, July 30.	1853, *December 30.
Real Estate	$446,489 87	$478,563 70	$442,939 73
Loans on Stock	4,060,189 66	4,006,815 41	3,939,791 14
Other Loans not due within 90 days	565,619 84	747,749 80	1,192,010 73
Other Assets do. do. do.	581,782 67	1,089,058 38	903,399 74
Protested Paper	20,228 76	20,114 40	20,091 90
Total	$5,674,310 80	$6,342,301 69	$6,498,233 24
Liabilities other than Movement	6,235,533 25	6,147,962 45	6,131,266 58
Balance of Assets	....	$194,339 24	$366,966 66
Balance Liabilities †	$561,222 45	....	....
MOVEMENT.			
Assets—Specie	70,507 61	78,303 71	
Short Paper	....	....	
Exchange and other Cash Assets	184,183 19	8,144 59	
Total	$254,690 80	$86,448 30	
Liabilities—Circulation	5,987 75	5,932 75	
Deposits	4,990 70	3,652 01	
Other Cash Liabilities	....	....	
Total	$10,978 45	$9584 76	
Excess of Assets over Liabilities	$43,712 35	$76,863 54	
Total of Dead Weight and Movement.			
Assets	$5,929,001 60	$6,428,749 99	
Liabilities	6,246,511 70	6,147,962 45	
Deficiency of Assets	$317,510 10		
Balance of Assets		$280,787 54	

OFFICE BOARD OF CURRENCY,
New Orleans, Dec. 31, 1853.

Signed, ANDREW S. HERRON,
Secretary of State.
C. E. GRENEAUX,
State Treasurer.

* See note, page 8.

† This deficit has been since made up by a call of $7 per share upon the stockholders, on the 144,000 shares composing the capital of this Bank.

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STATEMENT OF THE AFFAIRS

Of the Banking Department of the CITIZENS' BANK, *for the month of December,* 1853, *from the returns made to the Board of Currency.*

[The Citizens' Bank was divided into two departments in the month of July, the Banking and Mortgage State Department—all the Assets of the latter were declared "*dead* weight by Article 3d of the compact of the 26th of July, 1853, adopted between the Mortgage and Cash Stockholders.]

DEAD WEIGHT.	
Loans not due within 90 days	$137,872 66
MOVEMENT.	
Assets—Specie	801,334 33
Short Paper	2,366,390 29
Exchange and other Cash Assets	65,149 94
Total	$3,232,874 66
Liabilities—Circulation	$1,069,455 00
Deposits	1,174,335 40
Other Cash Liabilities	....
Total	$2,243,790 40
Excess of Assets over Liabilities	$989,084 26
Total of Dead Weight and Movement.	
Assets	$3,370,747 32
Liabilities	2,243,790 40
Balance of Assets	$1,126,956 92
Capital Nominal, paid in	1,091,800 00
Nominal Surplus in favor of the Bank	35,156 92

OFFICE BOARD OF CURRENCY,
New Orleans, Dec. 31, 1853.

Signed, ANDREW S. HERRON,
Secretary of State.
C. E. GRENEAUX,
State Treasurer

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STATEMENT OF THE AFFAIRS

Of the UNION BANK, *in liquidation, on the* 31*st December*, 1853, *from the returns made to the Board of Currency.*

DEAD WEIGHT.	Dec. 31, 1853.
Capital of Branches	$75,777 33
Real Estate	15,081 45
Loans on Stock	14,441 36
Other Loans not due within 90 days	150,701 52
Other Assets not realizable within 90 days	2,894 97
Protested Paper	8,487 53
Total	$267,384 16
MOVEMENT.	
Assets—Specie	$5,210 51
Short Paper	417,169 19
Other Cash Assets	....
Total	$422,379 70
Liabilities—Circulation	$25,430 00
Deposits	2,747 37
Other Cash Liabilities	30,110 23
Total	$58,287 60
Total of Dead Weight and Movement.	
Assets	$689,763 86
Liabilities	58,287 60
Balance of Assets	$631,476 26
Capital [Returned]	....
Surplus	$631,476 26

OFFICE BOARD OF CURRENCY,
New Orleans, Dec. 31, 1853.

Signed, ANDREW S. HERRON
Secretary of State.
C. E. GRENEAUX,
State Treasurer.

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STATEMENT OF THE AFFAIRS

Of the CONSOLIDATED ASSOCIATION OF LOUISIANA, *in liquidation, on the 31st December, 1853, from the returns made to the Board of Currency.*

DEAD WEIGHT.	
Real Estate	$24,11[illegible]
Loans on Stock	651,55[illegible]
Other Loans not due within 90 days	303,04[illegible]
Other Assets not realizable within 90 days	125,05[illegible]
Protested Paper	47,52[illegible]
Total	$1,151,[illegible]
Liabilities other than Movement	1,439,[illegible]
Balance of Liabilities	$288,[illegible]
MOVEMENT.	
Assets—Specie	....
Short Paper	....
Other Cash Assets	42,61[illegible]
Total	$42,61[illegible]
Liabilities—Circulation	28,52[illegible]
Deposits	35[illegible]
Other Cash Liabilities	....
Total	$28,61[illegible]
Excess of Assets over Liabilities	14,00[illegible]
Total of Dead Weight and Movement.	
Assets	$1,194,15[illegible]
Liabilities	[illegible],49[illegible]
Excess of Liabilities	$274,33[illegible]

OFFICE BOARD OF CURRENCY,
New Orleans, Dec. 31, 1853.

Signed, ANDREW S. HERRON,
Secretary of State.

C. E. GRENEAUX,
State Treasurer.

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STATEMENT OF THE AFFAIRS

of the FREE BANKS, *on the* 31*st December*, 1853, *from the returns made to the Board of Currency.*

	Mechanics' and Traders' Bank.	Bank of New Orleans.	Southern Bank.
DEAD WEIGHT.			
Real Estate	....	$9,002 08	$20,661 58
Other Assets not realizable within 90 days	$6,671 24	....	....
Balance of Dead Weight	$6,671 24	$9,002 08	$20,661 58
MOVEMENT.			
Assets—Specie	$755,221 59	$615,012 43	$128,311 65
Short Paper	1,802,986 49	804,872 15	500,057 12
Foreign and Domestic Banks and Exchange	66,608 51	91,610 10	380,683 74
Bonds	97,000 00	*374,000 00	†602,000 00
Total	$2,721,816 59	$1,885,494 68	$1,611,052 51
Liabilities—Circulation	....	$327,335 00	$151,120 00
Deposits	$1,153,644 07	1,030,335 17	292,847 46
Other Cash Liabilities	541,266 81	22,589 45	....
Total	$1,694,910 88	$1,380,259 62	$443,967 46
Excess of Assets over Liabilities	$1,026,905 71	$505,235 06	$1,167,085 05
Total of Dead Weight and Movement.			
Assets	$2,727,987 83	$1,894,496 76	$1,631,714 09
Liabilities	1,694,910 88	1,380,259 62	443,967 46
Balance of Assets	$1,033,076 95	$514,237 14	$1,187,746 63
Capital paid in	995,000 00	501,775 00	1,172,000 00
Surplus	$38,076 95	$12,462 14	$15,746 63
		*Deposit'd with State Auditor.	†$465,000 of which deposited with State Auditor.

OFFICE BOARD OF CURRENCY,
New Orleans, Dec. 31, 1853.

Signed, ANDREW S. HERRON,
Secretary of State.

C. E. GRENEAUX,
State Treasurer.

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REPORT

OF THE

STATE TREASURER.

NEW ORLEANS.
PRINTED BY EMILE LA SERE, STATE PRINTER.

1854.

APPENDIX.

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REPORT OF THE STATE TREASURER.

To His Excellency P. O. Hébert, Governor of the State of Louisiana:

In conformity with the 6th Section of an Act of the General Assembly, entitled "an Act to establish and regulate the Treasury Department," approved January 26th, 1847, I have the honor of transmitting herewith a Report, giving "a detailed statement of the condition of the Treasury and its operations" during the fiscal year ending December 31st, 1853.

The balance remaining in the Treasury on that day is - - $1,162,127 30

General funds,	$647,363 75
Mill Tax "	173,910 84
Poll Tax "	27,392 47
Internal Improvement funds,	27,110 75
Levee & drainage,	273,988 84
Road and Levee,	12,360 65
	$1,162,127 30

The statement, I trust, is sufficiently detailed, and needs no further explanation on my part.

I think it my duty, however, to call the attention of the Legislature to certain matters and claims, not mentioned in said statement:

The Municipalities of the City of New Orleans were indebted to the State in a considerable amount, for interest advanced by the State on bonds issued by virtue of Act No. 40 of the General Assembly, approved in 1839. Also for the difference of 1 per cent. in favor of the State, on the stipulated interest, between the bonds given in exchange by the said Municipalities to the State, for those issued by the State in their favor.

I have caused a settlement to be made for the advances made by the State, and they were allowed, together with 6 per cent. interest, from the time these advances were made. The amount thus collected is $11,070 09.

Separate accounts were presented against each Municipality, on the 21st of May, 1853, to the commissioners of the consolidated debt of the city of New Orleans, for the amount accruing to the State for the difference of 1 per cent. interest, as above mentioned, amounting in the aggregate to $57,444 96. This amount has not, as yet, been accounted for by the Municipalities, and I think some legislative action should be had on the subject.

A suit was instituted by one of my predecessors against the heirs and legal representatives of Poydras, for the 10 per cent. accruing to the State on the amount of his estate. The inferior Court has rendered judgment in favor of the State for some $45,000, and I have reason to believe that its judgment will be affirmed by the Supreme Court, before which the case is now pending.

The sucessions of Germain Musson and Martin Gordon are indebted to the State in an amount of about $50,000, for the purchase by them of the Nashville and Mexican Gulf Railroads, at Sheriff's sale, in the year 1844. Steps were taken early last spring, both by myself and the Attorney General, towards the collection of this claim, but thus far we have been unsuccessful. In answer, however, to a letter which I lately wrote to him on the subject, he states that this claim will probably be shortly settled.

All of which is respectfully submitted.

January, 1854.

C. E. GRENEAUX,
State Treasurer.

TREASURER'S OFFICE,
Baton Rouge, January, 1854.

In compliance with the third section of Act No. 265, approved in 1852, a transfer was made by the Treasurer and Auditor of Public Accounts, on the 1st of January, 1854, of the remaining surplus of the Mill and Poll Tax fund to the general fund, after the payment of the annual appropriations for the support of Free Public Schools, to bear an interest of six per cent. per annum in favor of the Mill and Poll Tax fund. The amount thus transferred is one hundred and twenty thousand dollars, to-wit.:

From the Mill Tax fund, $100,000
From the Poll Tax fund, 20,000

Which added to the amount of the general fund in the above statement, increases it to $767,363 75, now on hand to the credit of the general fund.

C. E. GRENEAUX,
State Treasurer

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STATEMENT OF THE TREASURER OF THE STATE OF LOUISIANA,

In conformity with the seventh section of an Act entitled "An Act to establish and regulate the Treasury Department, approved 26th January, 1847.

RECEIPTS IN 1853.

Amount deposited by Union Bank of Louisiana, to secure the State against liabilities on account of bonds missing,	$21,000 00
Amount paid by R. C. Nicholas, State Superintendent, on account of school moneys remaining in his hands,	80,413 97
Amount borrowed by the State from the Louisiana State Bank,	100,000 00
Amount paid by Jos. A. S. Aiklen for the purchase of the land of Mrs. Thompson on the Raccourci Cut-off,	237 70
Amount overpaid for contingent expenses of the Legislature,	12 00
Amount refunded to the State for interest on bonds of the Third Municipality, paid by the State,	11,070 09
Amount received from the Union Bank of Louisiana on account of the profits accruing to the State in settlement with said Bank,	47,000 00
Amount refunded to the State by the U. S. Government for advances made for equipping regiments during the Mexican war,	7,325 86
Amount of State taxes received from the following Parishes:	
Ascension,	6,929 00
Assumption,	7,351 70
Avoyelles,	3,786 47
Bossier,	499 50
Bienville,	2,058 14
Claiborne,	3,110 23
Caddo,	5,046 98
Calcasieu,	951 06
Caldwell,	578 86
Carroll,	7,133 93
Catahoula,	5,259 57
Concordia,	8,680 87
De Soto,	3,502 95
East Baton Rouge,	7,033 72
East Feliciana,	9,340 00
Franklin,	1,322 19
Iberville,	9,457 65
Jackson,	2,054 30
Jefferson,	17,023 82
Lafayette,	2,303 59
Lafourche Interior,	6,182 05
Livingston,	895 57
Madison,	6,248 98
Morehouse,	1,517 68
Natchitoches,	4,818 79
Orleans, Right Bank,	1,879 07
First District, New Orleans,	43,266 84
Second do.	26,743 79
Third do.	7,468 76
Fourth do.	
Plaquemines,	5,144 60
Point Coupée,	4,074 02
Rapides,	7,765 94
Sabine,	939 36
St. Bernard,	2,346 51

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Amount of State taxes received from the following Parishes—*Continued.*

St. Charles,
St. Helena,
St. James,
St. John Baptist,
St. Landry,
St. Martin,
St. Mary
St. Tammany,
Tensas,
Terre Bonne,
Union,
Vermilion,
Washington,
Washita,
West Baton Rouge,
West Feliciana,
Wien,

Balance Contingent Fund of the Secretary of State's Office, paid by Chas. Gayarre, late Secretary of State,

Balance Contingent Fund of the Attorney General's Office, paid by Isaac Johnson, late Attorney General,

Duties on Sales at Auction,

Dividend received from the Union Bank of Louisiana,

Excess on appropriation to procure a block of marble for the Washington Monument paid in the Treasury,

Fines paid for the use of the Charity Hospital,

Interest paid by the Third Municipality of New Orleans on amount disbursed by the State, for payment of coupons of interest on bonds issued by the State to said Municipality,

Interest paid on redemptions of property adjudicated to the State,

Licenses on trades, professions, &c., for 1852,

Leases of 16th sections of land,

Loan effected by the State Treasury,

Lease of the La. Penitentiary,

Money received for Overplus Bonds,

Mill Tax of 1850,

Mill Tax of 1851,

Mill Tax of 1852,

Mill Tax of 1849,

Money deposited in the Treasury to reimburse taxes paid by purchasers of lands sold for taxes,

Poll Tax of 1850,

Poll Tax of 1851,

Proceeds of the sale of certain slaves for the year 1852,

Poll Tax for the year 1852,

Proceeds of the sale of public property in New Orleans,

Principal paid on redemptions of lands adjudicated to State,

Payments made on redemptions of lands adjudicated to individuals,

Proceeds of vacant estates paid into the Treasury,

Road and Levee funds,

Redemption of lands forfeited to the State, general fund paid,

do do do mill tax fund paid,

Sales of Reports of the Supreme Court,

Sales of Internal Improvement Lands at Winnsboro',

Sales of 16th Sections of Land,

Sales of School Lands,

Sales of Lake Lands,

Sales of Seminary Lands,

Sales of Internal Improvement Lands at Baton Rouge,

Sales of Swamp and Overflowed Lands,

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ool Funds paid into the Treasury,		$8,894 95
tes on Trades, Professions, &c., for 1853,		102,807 80
tes received from public officers, paid by fees,		19 10
tes levied on successions accruing to foreigners,		12,775 33
ounts balance on hand on the 31st December, 1852,		354,479 61
		$2,502,988 26
d balance being composed of		
General Fund,	$647,363 75	
Mill Tax,	173,910 84	
Poll Tax,	27,892 47	
Internal Improvement Fund,	27,110 75	
Levee and Drainage Fund,	273,988 84	
Road and Levee Fund,	12,360 65	
	$1,162,127 30	

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EXPENDITURES IN 1852.

Appropriation	to Poydras Asylum,	[illegible]
do.	for completion of Barataria and Lafourche Canal,	6,756 72
do.	in favor of the Lunatic Asylum at Jackson,	[illegible]
do.	for erection of buildings for Insane Asylum at Jackson,	[illegible]
do.	to establish an institution for the deaf, dumb and the blind,	[illegible]
do.	to provide for the building of 200 cells in the Penitentiary,	[illegible]
do.	to pay the expenses of the Convention of 1852,	[illegible]
do.	for relief of L. H. Latil,	[illegible]
do.	for relief of R. M. Moore,	[illegible]
do.	to Female Orphan Asylum, New Orleans,	[illegible]
do.	to Female Orphan Asylum, Baton Rouge,	[illegible]
do.	to Firemen's Charitable Association,	[illegible]
do.	to the Cannoniers of Donaldson,	[illegible]
do.	to Female Orphan Asylum, Baton Rouge, for purchase of lot of ground. (This item is null.)	
do.	to the keeper of the State House,	[illegible]
do.	for relief of Samuel Patterson,	[illegible]
do.	to T. P. Hall, and the administrator of Wiley J. McElroy, deceased,	[illegible]
do.	to Louisiana State Bank,	[illegible]
do.	to Theodule Labauve,	[illegible]
do.	to Evariste De Baillon,	[illegible]
do.	to H. Kean,	[illegible]
do.	for payment of commissions to the Register and Receiver of the Land Office, Baton Rouge,	[illegible]
do.	to J. M. Lapeyre,	[illegible]
do.	to refund Henry Scott proceeds of sale of his slave,	[illegible]
do.	to Charles Fitz,	[illegible]
do.	to Emile La Sére,	[illegible]
Act for the relief of the holders of certificates of entry of lands at the State Land Office, issued by R. Loucks, Register,		[illegible]
Appropriation	to Benj. F. Smith and H. Williamson,	[illegible]
do.	to William Long,	[illegible]
do.	for revising and consolidating the Statutes of the State,	[illegible]
do.	in favor of Wm. L. Knox, Sheriff of Carroll,	[illegible]
do.	to E. A. Campbell, Parish Superintendent of Sabine,	[illegible]
do.	for establishing a seminary of learning,	[illegible]
do.	to Corson & Armstrong for selling reports of the Supreme Court,	[illegible]
do.	for educating deaf and dumb children,	[illegible]
do.	to J. H. Maddox,	[illegible]
do.	to Recorders for recording list of forfeited lands,	[illegible]
do.	to State Superintendent of Public Education,	[illegible]
do.	for relief of Andrew Le Sage,	[illegible]
do.	to Daniel Howard,	[illegible]
do.	to St. Mary's Catholic Boys' Asylum, New Orleans,	[illegible]
do.	to State Treasurer for purchase of books, furniture, &c.,	[illegible]
do.	to A. M. Gray,	[illegible]
do.	to St. Vincent Hospital,	[illegible]
do.	to Henry Parish and J. M. Norman,	[illegible]
do.	to heirs of David Thomas, deceased,	[illegible]
do.	to W. D. Stephens, of Sabine,	[illegible]
do.	to refund Joseph Walker, late Governor, money due him,	[illegible]
do.	to authorise the construction of State boats,	[illegible]
do.	to H. Y. Waddell, Register of Land Office at Natchitoches,	[illegible]
do.	to Indigent Widows, under the direction of Les Dames de la Providence,	[illegible]
do.	to E. H. Skillman,	[illegible]
do.	J. Johnson,	[illegible]
do.	Mrs. Widow Dubuclet,	[illegible]

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ppropriation	to Purvis & Dugué,	$250 00
do.	to Pierre Gelusseau, late Superintendent of Iberville,	100 00
do.	to Mary C. Lyons,	500 00
do.	to B. L. Hodge.	250 00
do.	to take the census of the Washita, Morehouse and Carroll Parishes,	150 00
do.	to take the census of the State,	8,536 58
do.	for the advancement of medical education in the State,	6,000 00
do.	to Charity Hospital,	10,000 00
do.	for erecting the Jackson Monument,	20,000 00
ppropriation	to Charity Hospital, out of fines received,	1,289 87
do	to modify contract between the State and the Barataria and Lafourche Canal Company,	23,000 00
do	to Henry Forno,	65 00
do	for relief of Destitute Orphan Boys of Jefferson,	3,000 00
do	for relief of the Louisiana Legion,	2,500 00
do	to Institute for Indigent Orphans of the 3d District of New Orleans,	2,000 00
do	to pay loans from the Louisiana State Bank,	200,000 00
do	to New Orleans and Washington Batallion of Artillery,	2,000 00
do	for the relief of minor children of John Sulser, deceased,	150 00
do	do of the heirs of David Thomas, deceased,	300 00
do	to St. Anna's Asylum for the relief of destitute women and helpless children, of all denominations,	2,000 00
do	for the purchase of Audubon's quadrupeds,	321 15
do	for completing the rebuilding of the Grand Levee at Point Coupée,	5,000 00
ntingent expenses	of the Legislature,	127,006 62
do do	of the Executive,	6,650 00
do do	of the Supreme Court,	842 95
do do	of the Auditor's Office,	4,044 47
do do	of the Treasurer's Office,	3,191 19
do do	of the Secretary of State's Office,	900 00
do do	of the Attorney General's Office,	250 00
do do	of the State Library,	554 10
do do	of the Land Office at Baton Rouge,	312 50
do do	of the State Superintendent of Public Education,	375 00
do do	of the State Engineer's Office,	500 00
mmissions	to Register of Land Office, Winnsboro',	48 52
do	Collectors of 1850 on State Tax,	401 65
do do	do on Mill Tax,	312 80
do do	1851 on State Tax,	2,757 32
do do	do on Mill Tax,	1,841 67
do do	do on Poll Tax,	451 45
do do	1852 on Licenses, &c.,	12,660 79
do do	do on State Tax,	11,887 88
do do	do on Mill Tax,	9,730 55
do do	1853 on Licenses, &c.,	1,809 80
do	Register of Land Office on the sale of Swamp Lands,	2,402 09
do	Receiver of Land Office on same sales,	201 48
do	Register of Land Office at Baton Rouge,	192 16
do	Receiver of Public Moneys do	43 29
do	Receiver Land Office at Winnsboro',	100 00
ntingent expenses	of the Land Office at Winnsboro',	97 67
mmissions	to District Attorneys for collecting bonds of defaulting tax collectors,	107 76
npensation	to Assessors for the years 1852 and 1853 on Poll Tax,	17,046 17
do	on General Fund for the years 1852 and 1853,	10,083 50
do	on Mill Tax Fund do do	358 47
luctions	to Collectors of 1850 on State Tax,	161 68
do do	do on Mill Tax,	75 00
do do	do on Poll Tax,	

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Deductions of Collectors of 1851 on State Tax,	
do do do on Mill Tax,	
do do do on Poll Tax,	
do do 1852 on State Tax,	
do do do on Mill Tax,	
do do do on Poll Tax,	
Expenses of the Internal Improvement Service,	
Expenses of Criminal Prosecutions,	
Interest on Bonds to New Orleans, Opelousas and Great Western Railroad Company,	
do Bonds to New Orleans and Nashville Railroad Company,	
do Mexican Gulf Railroad Company,	
do Bonds to Charity Hospital,	
do Loan from the Louisiana State Bank to the State of Louisiana,	
do Bonds to Draining Company,	
do do to Citizens' Bank for loans obtained.	
Printing and Advertising,	
Pensions allowed by Law,	
Payment to owners of slaves convicted of crimes,	
Payment to Electors of President and Vice President of the United States,	
Printing and advertising the Constitution of 1852,	
Payment of Coupons to Mexican Gulf Railroad Company, for the year 1841,	
Pensions for Life,	
Premium to Builders of Ships or Vessels in the State,	
Pensions allowed as per Act No. 293, of 1853,	
Purchase of Books for State Library,	
Payment of moneys returned by Parish Superintendents for support of Free Public Schools,	
Reimbursement of moneys deposited with the State to redeem lands sold for taxes,	
Reimbursement of certain moneys paid on account of School Land Warrants,	
Reimbursement of moneys paid by State Librarian,	
Reimbursement of Internal Improvement Lands erroneously sold by the State,	
Reimbursement of moneys paid on account of School Land Warrants in South Eastern Land District,	
Reimbursement of taxes already paid,	
Reimbursement of moneys erroneously paid into the Treasury,	
Support of Free Public Schools,	
Support of the Keeper and Assistant Keeper of the State Arsenal,	
Salary of the Governor,	
Salary of the Secretary of State,	
Salary of the State Treasurer,	
do Auditor,	
do Attorney General,	
do State Superintendent of Education,	
do State Engineer and incidental expenses of his department,	
do Governor's Private Secretary,	
do Register of the Land Office at Baton Rouge,	
do Reporter of the Supreme Court,	
do State Librarian,	
do Adjutant and Inspector General,	
do Superintendent of the Bureau of Statistics,	
do Surveyor General,	
do Sergeant-at-arms of the House of Representatives,	
do do Senate,	
do Governor's Bearer of Despatches,	
do Copying Clerk of the Secretary of State,	
do Clerk of Secretary of State's Office,	
do Judges of the Supreme Court,	
do Judges of the District Courts,	
do District Attorneys,	

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ary of the	Register of the Land Office at Winnsboro',	$212 50
do	Receiver do do	150 00
do	Keeper of the State House,	600 00
do	Parish Superintendents of Public Education,	332 50
do	Clerk of the First District Court of New Orleans,	2,413 86
do	Treasurer and Receivers of Public Moneys,	147 25
do	Directors of State Penitentiary,	525 00
do	Clerk of the Penitentiary,	1,500 00
do	Physician do	600 00
do	Chaplain do	400 00
ount	Successions, money refunded by the State,	1,970 42
lance	on hand on the 31st December, 1853,	1,162,127 30
		$2,502,938 25

C. E. GRENEAUX, State Treasurer.

Treasurer's Office,
Baton Rouge, January, 1854.

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APPENDIX.

REPORT

OF THE

SUPERINTENDENT

OF

PUBLIC EDUCATION,

FOR 1853.

NEW ORLEANS:
PRINTED BY EMILE LA SERE, STATE PRINTER.

1854.

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REPORT

OF THE

SUPERINTENDENT OF PUBLIC EDUCATION.

OFFICE OF STATE SUPERINTENDENT OF PUBLIC EDUCATION,
BATON ROUGE, January 20th, 1854.

o Hon. W. W. FARMER, *President of the Senate:*

I have the honor herewith to submit a Report of the condition of Free Public Schools the State during the year 1853.

Yours respectfully, J. N. CARRIGAN,

Superintendent Public Education.

'o the Honorable the Members of the General Assembly of the State of Louisiana.

By the 10th Section of " n Act to re-organize Free Public Schools in the State of Louisiana," approved April 28th, 1853, it is enacted That the State Superintendent shall prepare nd submit a report to each and every General ssembly, within the first week of its session, ontaining a statement of the condition of the 'ree Public Schools of the State, estimates and ccounts of expenditures of the school moneys, lans for the improvement and management of ie free school funds, the number of children, umber of schools, the time schools are taught i each parish, the number of scholars in attenance, the amount paid for tuition, and the ources whence the different items of school unds are derived; also, to give information of he number of school houses, the amount exended from year to year in erecting school ouses, and all other matters in reference to the perati on of the public school system, which he ay deem important. He shall, through the ifferent District Attorneys, inquire annually nto the condition of the school sections and nstitute such proceedings as may be necessary or the recovery of the lands which may be held legally by individuals, or for the collection of laims originating in the sale of school lands vhich may be in arrears, and it shall be the duty f said District Attorney to prosecute said suits; said money, when collected, shall be placed in the State Treasury, and the intreest thereof shall be placed to the credit of the District to which it belongs."

Under the requirement of "a statement of the condition of the Free Public Schools of the State," may be included, "the number of schools, the time schools are taught in each parish, the number of scholars in attendance, the amount paid for tuition, the number of school houses, and the amount expended from year to year in erecting them."

Circumstances have occurred during the season just passed, which have rendered it impossible to obtain any valid information of the actual condition of the Public schools in the country parishes.

The frequent and radical change in the laws governing our public school system has created great embarrassment in every quarter; and the Act of 1852 threw the whole system into confusion, by suddenly abolishing the office of the only responsible agent from whom full and accurate information could be obtained.

A few meagre and imperfect reports from District Directors have been received, but not sufficient in number or importance to form any reliable data.

The Reports of about a dozen Parish Treasurers have been received up to the 1st of January, and will be found herewith annexed.

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The Act of 1853, making the Parish Treasurer the disbursing agent of the school funds in each parish, was not published until near the close of the month of June last, and the 12th section thereof provided, That no moneys should be paid over to that officer, either by the State Superintendent, or the collector of taxes, until notified by the President of the Police Jury that each Treasurer had given a satisfactory bond as required by law.

A circular was immediately prepared and transmitted, agreeably to the provisions of said 12th Section, showing the number of children of the proper age in each parish, and the amount of the bond to be given by the Treasurer.

The irregularity and tardiness of the mails; the failure of the Police Juries to assemble except at their stated periods of meeting; the absence from the State of some Parish Treasurers, and the prevailing epidemic, were causes operating against a ready compliance with the require ments of the law.

Notice has been received, however, from all but four parishes of the State, that the Treasurers have given bond and entered upon their functions; and from a personal knowledge of the character and abilities of more than half of the number who have accepted of the office, the Superintendent discovers a sure gurantee that their duties will be efficiently and faithfully performed.

The reports of Assessors from thirty-nine parishes have been received, which, in the aggregate, show the number of white youths, between the ages of six and sixteen years, to be 51,987. If to this we add the number as returned by the Assessors in 1851, in those parishes from which reports have not yet been received, the total number of educable children in the State would be 60,274, an increase of 2750 over the assessment of 1851.

Parish Treasurers, although not reporting officially, tell me that in nearly every district a school is in operation a considerable portion of the year; it is fair, I think, to presume that at least 35,000 or 40,000 children are in attendance at our common schools during a portion of the year.

At any rate, there are but few out of the 700 or 800 districts in the State, that have not drawn their quota of the quarterly apportionments.

The estimates and accounts of the expenditures of the school moneys, will be more fully seen by reference to the tables herewith annexed to this report.

The amount of school moneys returned into the Treasury in conformity to Act No. 2 of the Acts of 1853, by the late State Superintendent, Robt. Carter Nicholas, was, as appears from a statement of the Auditor, eighty thousand four hundred and thirteen dollars and ninety-seven cents. ($80,413 97.)

From this fund there was paid out to teachers in the several districts of the State up to June 30, 1853, the sum of fifty-one thousand, eight dollars and twenty-one cents, ($51,008 21) leaving a balance of twenty-nine thousand, four hundred and five dollars and seventy-six cents, (29,405 76;) from which has since been paid upon the warrants of Parish Treasurers, the sum of twenty-two thousand, three hundred, thirteen dollars and forty-two cents, ($22,313 42,) leaving up to the 2d of January, 1854, an unpaid balance of six thousand and ninety-two dollars and thirty-four cents, ($6,092 34.)

The sum of fifty-nine thousand, eighty-seven dollars and nineteen cents, ($59,087 19) has been returned into the Treasury under the Acts Nos. 310 and 311 of 1852 by late Parish Superintendents, of which amount the sum of twenty-seven thousand, two hundred and two dollars and seventy-six cents, was paid out as above to teachers, and the sum of thirty-one thousand, two hundred and forty-six dollars and ninety-four cents ($31,246 94.)

The total amount apportioned during the quarters ending March 31st, June 30th, September 30th, and December 31st, 1853, was as follows:

March 31st, 1853,	$59,917 18
June 30th, "	50,203 98
Sept. 30th,	63,067 76
Dec. 31st,	63,067 76
	$236,256 68

From the March apportionment the sum of twenty-nine thousand, nine hundred and eight dollars and fifteen cents was paid to teachers previous to June 30th, 1853, and the sum of twenty thousand, six hundred and forty-nine dollars and twenty-one cents, has been paid over to Parish Treasurers, leaving a balance uncalled for of nine thousand, three hundred and forty-nine dollars and eighty-two cents.

Of the June apportionment there has been paid over to Parish Treasurers the sum of forty-three thousand three hundred and seventy-six dollars and fifty cents, ($43,376 50,) leaving an unpaid balance of six thousand eight hundred and twenty-seven dollars and forty-eight cents.

Of the September apportionment there has been paid over to Parish Treasurers the sum of forty-one thousand and ninety-nine dollars and forty cents, (41,099 40.) From the December apportionment, thirty-two thousand three hundred and nine dollars and thirty-two cents, and on the apportionment for March 31st, 1854, there has been paid by State Tax Collectors to Parish Treasurers the sum of eight thousand four hundred and forty-seven dollars and sixty-one cents, ($8,447 61.)

The total amount of moneys apportioned to the Parishes and Districts of the State, including the City of New Orleans, Jefferson, &c., it will be seen, is three hundred and seventy-five thousand three hundred and sixty five dollars and forty-nine cents, ($375,365 49.)

The moneys returned by the late State and Parish Superintendents are comprised in the foregoing amount.

The total amount paid out for school purposes by the present Superintendent, including payments made by State Tax Collectors to Parish Treasurers is two hundred, seventy-eight thousand, seven hundred and thirty dollars and forty-eight cents, ($278,730 48.)

Act No. 8, of Acts of 1853, provided, That the several sums of money which have been or may be hereafter paid into the State Treasury, by the different Parish Superintendents

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in compliance with the Acts approved March, 1952, be and the same are hereby appropriated for the use of Free Public Schools in the parishes to which they are or may be respectively credited, &c. Upon making out a general statement of the moneys due and unpaid to the several parishes, it was found that the sum of nine thousand, nine hundred, seventy-two dollars and ninety-five cents ($9,972 95) had been paid out by the former State Superintendents, of moneys thus returned previous to the passage of the above entitled Act, under the impression that a re-appropriation of those moneys was not necessary.

It will be seen that some of the Tax Collectors have paid the quarterly apportionments up to the 31st March, 1854. Sections 8 and 15 conflict, and are contradictory in their provisions.

Section 8 makes it the duty of the State Superintendent to proceed on the last day of June, 1853, and quarterly thereafter, to apportion the funds which may be paid into the State Treasury, to the credit of the school fund for the support of Free Public Schools among the different parishes of the State, &c. And Section 15 provides "That the sums due to each of the parishes in the State from the annual collection of the school tax, shall be paid quarterly to the Treasurer thereof by the State Tax Collector.

The amount of the funds paid into the Treasury to the credit of the school fund, on the last day of June, 1853, was fifty thousand, two hundred and eight dollars, ($50,208) which was apportioned agreeably to the 8th Section, but as there was no Parish Treasurers yet qualified, notice of the sums apportioned could not be given.

The State Tax Collectors were at a loss how to proceed in conformity with the 15th Section of the Act of 1853. The 5th Section of No. 281 of the Acts of 1852, makes it obligatory on the several Tax Collectors to make their final payments into the Treasury on or before the 1st day of December, and if the Collectors fail to do so, they are considered and proceeded against as defaulters. If they retain the money due the parishes in their own hands, they must be declared defaulters, and if they complied with the 5th Section of the Act of 1852, they could not obey the injunctions of the 15th Section of the Act of 1853. In this dilemma some Collectors paid to the Treasurers the amount for the three ensuing quarters—whilst the greater part of them paid their taxes in full into the State Treasury, in conformity to the 5th Section of the Act of 1852.

From this statement, the Legislature will perceive the absolute necessity of altering or repealing the 15th Section of the Act of 1853.

A portion of the 16th Section of the Act of 1853 has caused considerable difficulty among those whom it was intended to benefit.

The plan of issuing certificates for balances due on the warrants of Teachers, should never have been adopted by State Superintendents, and ought strenuously to be avoided by Parish Treasurers. No record of such certificates was kept by my predecessor, and of course the notification could not be given. Such of his certificates as were signed by his clerks were not recognized by the Auditor as valid.

To remedy this evil, as far as could be done, the holders were directed to send the certificates to this office, in order that the signature might be verified.

The Treasurers have been notified of such outstanding certificates as have been recorded, so soon as notice was received at this office of bond having been given by them.

The requirement of "plans for the improvement and management of the free school funds" is a matter of deep interest to every citizen of the State, and opens an extensive field for suggestion and investigation.

Coming fresh from among the people, the honorable members of the Legislature should be the best judges of the wants and necessities of their constituents upon this subject.

My own impression is, that within the last few years too many plans for the improvement and management of the free school funds have been adopted.

Had the motto "Let us alone" been adhered to more strictly from the first organization of the system, the schools in the country parishes might have been in an equally flourishing condition with those in the 1st, 2d and 4th districts of the city of New Orleans, which, in point of discipline, order and progressive scholarship are unsurpassed by similar institutions in those States where all the advantage and experience of a century past, in the operation of the free school system, has been enjoyed.

The appointment of Parish Treasurers to be the depositaries of the school funds, was a partial return to the original office of Parish Superintendent. With an increase of remuneration for services, give this officer an increase of duties of a supervisory character, and you will have the Parish Superintendent restored, without creating any sudden and radical change.

A local parochial and State supervision of the schools is what is most needed. There should be, in every parish, a Board of Examiners, consisting of three or more, whose duty it should be to examine applicants for the situation of teacher. In some districts, the directors are totally incapable of performing this duty, for the very potent reason that they themselves do not know how to read or write. In looking over the warrants of teachers on file in this office, there were found in one parish the ordinary mark of twelve different directors; in two or three of the districts, there were two out of three who signed their mark. This is truly a deplorable fact, and one of which unprincipled teachers have not failed to turn to their own pecuniary advantage. Two out of every three of the directors should be required to know how to read and write.

The section enumerating the duties of the State Superintendent, provides, also, that "He shall, through the different District Attorneys, inquire annually into the condition of the School Sections, and institute such proceeding as may be necessary for the recovery of the lands which may be held illegally by individuals, or for the collection of claims originating in the sale of school lands which may be in arrears, and it shall

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be the duty of said District Attorney to prosecute said suits."

The notes given by purchasers of the 16th Sections of school lands are generally punctually paid, and if unpaid at the time when due, they are paid at a future period with the accrued interest.

Very little is known of the actual condition of the school sections. I have enquired of several District Attorneys if they knew the number and location of the school sections within their district, and they have invariably answered, that they did not know, nor had they the means of ascertaining what school sections, situated within their respective districts, were sold or unsold.

The subject of the 16th Sections of school lands belonging to the State demands the immediate attention of the General Assembly.

The quantity of land (16th sections) appropriated by Congress for the use of Common Schools in the State of Louisiana, computed by townships, was in 1846, upwards of 770,000 acres, a large portion, however, of the choicest of those lands, was covered by private claims, whilst at least one-half of all the land appropriated is composed of sea-marsh, pine barrens and impenetrable swamps.

The Legislature of 1847, passed a series of resolutions requesting our Senators and Representatives in Congress to pass a law with such provisions as would give to the State of Louisiana the quantity of six hundred and forty acres of school land fit for cultivation, (parts of townships in the same proportion) within said State, in lieu of all overflowed or worthless sections sixteen, or in lieu of those sections sixteen appropriated for other purposes, or where any legal interference whatever may exist, and in lieu of any deficiency in the contents thereof, to be taken from any lands within the State not sold or otherwise appropriated, and which are subject to entry at the date of such selection."

Subsequent to the passage of said resolutions, several selections were made in the Ouachita district to replace the original 16th Sections which were interfered with, and those selections were approved.

No selections appear to have been made in either of the other districts.

In his report of 1850 to the Legislature, the Register states that "the great body of lands due the townships, are in the South eastern, South-western, and Greensburg districts, which appear to have been most sadly neglected. The sections were made by the Registers, but from some cause or other, the selections were never approved, and the land selected was permitted to be taken up by purchasers, and has since been patented to them."

Were a Surveyor or proper officer employed to take the lists prepared by Mr. Kerr, in 1850, it would be neither difficult nor expensive, so to classify the sections, as to show at a glance their situation and area within the limits of each parish. This classification would also serve to facilitate the sale of the lands as ordered by the 4th Section of the Act to reorganize free public schools.

Had the School Lands (16th Sections) been donated to the State, instead of the townships, the proceeds of the sales would have been more available, and the organization of the system far more effective than at present. As it is, the disposition of those lands has been very unfortunate; and unless some more feasible and efficient legislative action is had in regard to them, that which was intended to be a liberal and generous endowment, will, for a long time to come, prove of little value to the Free School Fund.

By the report of the Auditor of Public Accounts, the capital and interest of the Free School Fund, on the 1st of January, 1852, amounted to the sum of one hundred and twenty-five thousand one hundred and twenty-seven dollars and forty-seven cents. Since that period the proceeds of the sales of 16th sections has amounted to nineteen thousand twenty-two dollars and thirty-five cents. If we add to this the interest on the fund, say about seven thousand five hundred dollars, together with the amount of interest which has accrued during the year 1853, on the United States Deposit Fund, supposing it to be the same as reported in 1852, twenty-eight thousand seven hundred and ninety-five dollars and fourteen cents, the capital and interest of the Free School Fund will, on the 1st of January, 1854, amount to upwards of one hundred and eighty thousand dollars. This does not include the proceeds of the estates of deceased persons, fines, forfeitures &c.

The Auditor's report will exhibit the condition of those funds with more exactness. Not having the information at hand, the foregoing is only an approximate estimation.

Act No. 43 of the Acts of 1853, made it the duty of the State Superintendent of Public Education to notify the District Attorneys of the State of the names of the Parish Superintendents, who had not in compliance with the provisions of Acts Nos. 310 and 311 of Acts of 1852, settled their accounts, and paid over the balances remaining in their hands into the State Treasury. In conformity to the provisions of the Act, a list of the names of the Superintendents who had not complied with the Act No. 311 of 1852, together with the amounts they had severally received from the School Fund, was obtained from the State Treasurer, and a circular and statement were sent to the District Attorneys as directed by law.

It was necessary to send a statement of the whole amount received by them, in order that they should make a showing of their disbursements, otherwise it was impossible for the Treasurer to know what amount was due the State or what amount had been disbursed by them. Several Parish Superintendents had settled in full with their successors in office, but have not conformed to the Act No. 311 of 1852. Annexed is a statement of the names of Superintendents and amounts received by them.

Act No. 72, entitled an "Act for establishing a Seminary of Learning," authorized and required the Superintendent of Public Education to purchase from Mrs. E. R. Williams, a certain tract of land near the town of Alexandria, in the Parish of Rapides, containing four hundred and thirty-eight acres of land, at a price not to

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xceed the sum of three thousand one hundred nd ninety dollars.

In obedience to the requirement of the 2d ection of said Act, the Superintendent proeeded to the Parish of Rapides, on the 1st of pril last, and made the purchase for the price rerein mentioned. Trustees have been appointd by the Governor, agreeably to the provisions f the 4th section. An appropriation of fifteen ousand dollars was made by the last Assemly, which I learn from the Auditor's office, has ot been drawn.

Proposals were advertised for materials and ie construction of suitable buildings—but what rogress has been made towards the organizaon of the Seminary, I have not been able to scertain.

'he amount of the Seminary Fund per Auditor's report of last year was $129,507 83
ales of Seminary Lands, 1853, 2,052 82
nterest, probably about the same as per last report, - - 5,665 84

Total of the fund, - $137,226 29

The appropriations amounting to $18,190, are ot included in the above calculation.

The site for this Institution has been admirbly selected. The land is beautifully undutting, covered with a forest of pine and oak.

On the hill side, where it is intended the main uildings shall be erected, crystal fountains of ure, cool water gush forth, and soon unite with ie clear, peaceful stream in the valley below.

For health and convenience, it is doubtful if better location for the purpose could have been elected throughout the entire State. This eminary may be made auxiliary to the advancement of free school education, by providing for he State a great desideratum, a corps of well ducated and competent teachers upon the plan f Normal schools, which, for some years past as met with great success in the Eastern, Midle and some of the Western States.

The object and design of Normal schools is learly defined in the 1st section of the "Act for he establishment of a State Normal School in he State of Connecticut, passed June 22d, 1849, there shall be established as hereafter provided, ne Normal School or Seminary, for the training of teachers in the art of instructing and gorning the common schools of this State; the bject of which Normal school or seminary, shall e, not to educate teachers in the studies now equired by law, but to receive such as are ound competent in those studies, and train them n the best methods of teaching and conducting ommon schools.'"

In some of the States, Normal Schools are stablished, having for their sole object the eduation of teachers, while in other States, Norial departments are erected. A class or department might be organized with good effect n our State Seminary of Learning, so soon as t commences operations.

I would also suggest the adoption of a system of Union Schools, in such towns and districts where the population is sufficiently dense o admit of it. The schools in New Orleans re conducted somewhat upon the plan of Union Schools, being divided into primary, secondary and high schools. Such a plan might be adopted in the city of Baton Rouge and other places where there are two or more contiguous districts. By such an arrangement or classification, the time of the teacher is not divided among a number of classes, but is limited to one or two, to which he is better able to give his undivided attention.

The school should be situated in a central position and divided into the necessary number of separate apartments. This method is said to possess the advantage of imparting a more thorough education, and at a less expense, than is attained by the usual course.

I have already alluded to a serious defect in our school system—the want of a more efficient general and local supervision, without which the system can never be made harmonious in all its proportions. A rigorous and vigilant central influence must be brought to bear upon it, in order to insure concert of purpose and of action throughout the various members of the system, and this central influence must be exerted through the medium of local and intermediate agents, who will take an interest in assisting the Superintendent in reforming and improving the system.

Perhaps the following plan might be effective: Let the members of the Police Juries be *de-facto* or *ex-officio* directors each in their respective districts, let them report to the Parish Treasurer at each meeting, or as often as may be deemed necessary, the condition of the school or schools of the district; from such reports an abstract or summary could be transmitted to the office of the State Superintendent.

Three or five competent persons should be appointed by the Police Jury to form a Board of Examiners, by whom teachers should be examined and licensed, and the State Superintendent should be required again to visit and inspect as many of the schools in the State as his time would permit.

The Superintendent has deeply felt the necessity of some channel through which communications of general importance could be addressed to the several officers connected with the public schools. The correspondence of the office occupies more than half of his time. In the State of New York, the following article is incorporated in the school law, and a similar section might be adopted by us to advantage:

"The Superintendent of common schools, from year to year, shall be authorized to subscribe for so many copies of any periodical published at least monthly, in this State, exclusively devoted to the cause of education, and not partaking of sectarian or party character, as shall be sufficient to supply one copy to each organized school district in the State; in which periodical, the statutes relating to common schools passed at the present, or any future session of the Legislature, and the general regulations and decisions of the superintendent made pursuant to any law, shall be published gratuitously."

In this report it has been my object to confine myself, as nearly as possible, to the requirements of the law. The business of the office is gradually emerging from the "confusion and embarrassment" mentioned in the report of my pre-

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decessor. But few changes are necessary to make the law effective—the 15th and 16th sections should be repealed, and some few amendments introduced.

The free public school system, is yet in its chrysalis condition, with us—if nourished with care, it may and will assume a more beautiful form, from which a fabric may be constructed, that will at once be the pride and glory of the State. It is no part of my intention to dwell upon the necessity of educating the youth of our State. We have had enough of theory upon this subject—what is now needed is practical experience and action.

In his report to the Legislature of 1850, that eminent scholar, and ardent advocate of public education, Prof. Dimitry, forcibly and truthfully remarked: that "the property of the State in some form, must educate the children of the State. It is not so much the law of nature, as the law of society, that imposes the duty upon us. And if the laws of society can and do regulate the relations of parent and child in the domestic order, they may certainly direct the destinies of that child in the social scheme. The superintendent of public education, whilst admitting the freedom of instruction, in all its bearings, hopes that he is not advancing a principle of unsound morality, when he suggests that no parent has the right to allow his child to grow up as a useless, if not mischievous member of society;—and ignorance in a republic is mischief in its most insidious form—the mischief that grows out of the unquestionable right to participate in the action of government, without the information that should control its action to salutary ends."

This is a doctrine now universally admitted by every true friend of republicanism. "In a republican government," says Montesquieu, in his "Spirit of Laws" that the whole power of education is required.

The fear of despotic governments rests naturally of itself, amidst threats and punishments; the honor of monarchies is favored by the passions, and favors them in return: but virtue is self-renunciation which is always arduous and painful. This virtue may be defined, the love of our laws, and of our country.

Everything therefore depends on establishing this love in a republic, and to inspire it ought to be the principal business of education.

You may extend your fields of sugar and cotton—erect your palatial mansions—establish manufactories—construct your magnificent living palaces, expend millions for railroads, and accumulate illimitable wealth, but if you neglect to educate the people, you are but making a richer prize for some bold and crafty Cæsar, some Santa Anna, or Louis Napoleon, who will ultimately, be hailed as a welcome deliverer from anarchy and confusion.

J. N. CARRIGAN,
Superintendent of Public Education

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TABULAR STATEMENT, No. 1,

Showing Amount Appropriations to each Parish from March 31st to December 31st, 1853.

NAMES OF PARISHES.	¼ mill tax reserved, and poll tax passed to credit of the Parish. Remaining ¾ appt. pro rata $50,917 13 apportionment.	Total amount, mill and poll tax apportioned, 85 4-5 cents per head, $50,208.	Total mill and poll apportionment, $108 00 per scholar.	Mill and poll tax apportioned at $108 per scholar.	Amounts paid by Tax Collectors to Parish Treasurers on the apportionment of Dec. 31st, 1853.	Amounts paid by Tax Collectors to Parish Treasurers on the apportionment of March 31st, 1853.
	Apport. March 31st, 1853.	Apport. June 30th, 1853.	Apport. Sept. 30th, 1853.	Apport. Dec'r 31st, 1853.		
Ascension	$1230 31	$ 745 59	$ 938 52	$ 938 52	$	$ .....
Assumption	1664 20	1369 36	1723 68	1723 68	.....	.....
Avoyelles	931 27	848 56	1068 12	1068 12	.....	1068 12
Bienville	976 44	1070 78	1347 84	1347 84	.....	.....
Bossier	819 70	693 36	872 64	872 64	.....	.....
Caddo	888 87	898 32	1130 76	1130 76	.....	.....
Calcasieu	569 46	620 33	780 84	780 84	.....	.....
Caldwell	532 18	415 27	522 72	522 72	.....	.....
Catahoula	1770 97	866 58	901 80	901 80	.....	.....
Carroll	863 72	429 85	541 08	541 08	.....	.....
Claiborne	1427 40	1332 47	1677 24	1677 24	1192 29	.....
Concordia	988 79	254 82	320 76	320 76	.....	.....
De Soto	931 41	888 88	1118 88	1118 88	.....	1118 88
East Baton Rouge	1398 70	1077 22	1359 72	1359 72	640 28	.....
East Feliciana	1317 35	850 99	1072 44	1072 44	.....	.....
Franklin	740 31	305 04	384 48	384 48	.....	.....
Iberville	2062 69	670 09	843 48	843 48	.....	.....
Jackson	779 53	813 38	1023 84	1023 84	.....	132 57
Jefferson	971 01	797 08	1001 16	1001 16	.....	.....
Jefferson City	394 02	511 12	446 76	644 76	.....	.....
Carrolton	326 70	426 71	534 60	534 60	.....	.....
Lafayette	872 74	858 00	1080 00	1080 00	.....	.....
Lafourche	1695 32	1433 71	1804 68	1804 68	.....	.....
Thibodaux	89 10	115 83	.....	.....	.....	.....
Livingston	521 16	586 87	738 72	738 72	468 83	.....
Madison	762 09	242 81	305 64	305 64	.....	.....
Morehouse	489 37	471 04	592 92	392 92	.....	240 12
Natchitoches	1425 35	1240 66	1561 68	1561 68	.....	1561 68
Orleans Right Bank	366 72	296 01	372 60	372 60	.....	.....
" 1st district	4026 84	4337 19	.....	.....	.....	.....
" 2d "	3726 28	2942 94	16006 68	16006 68	.....	.....
" 3d "	2239 35	2636 63	.....	.....	.....	.....
" 4th "	2153 58	2799 65	.....	.....	.....	.....
Plaquemines	746 41	326 89	411 48	411 48	.....	.....
Pointe Coupée	1123 52	800 81	1020 60	1020 60	9 72	.....
Rapides	1759 61	1533 24	1939 96	1939 96	.....	.....
Sabine	669 93	797 94	1004 40	1004 40	287 21	.....
St. Bernard	449 38	309 73	389 88	389 88	.....	389 88
St. Charles	556 30	231 22	287 08	287 08	.....	.....
St. Helena	550 06	627 19	789 48	789 48	.....	.....
St. James	1028 06	838 26	1055 16	1055 16	.....	1055 16
St. John Baptiste	634 26	404 03	760 32	760 32	.....	.....
St. Landry	1737 12	2258 25	2842 56	2842 56	.....	.....
St Martin	1091 57	1087 08	1368 36	1368 36	.....	1368 36
St. Mary	1629 30	771 34	970 92	970 92	.....	970 92
St. Tammany	713 35	701 84	883 44	883 44	.....	.....
Tensas	885 78	192 19	241 92	241 92	.....	241 92
Terrebonne	1210 10	894 03	1125 36	1125 36	.....	.....
Union	1206 03	1376 23	1732 32	1732 32	.....	.....
Vermillion	835 64	655 51	825 12	825 12	.....	.....
Washington	541 07	604 03	760 32	760 32	.....	.....
Ouachita	636 74	540 54	680 40	680 40	.....	.....
West Baton Rouge	784 90	447 16	561 60	561 60	.....	.....
West Feliciana	910 17	441 01	555 12	555 12	.....	.....
Winn	244 86	318 32	589 68	589 68	167 54	.....
	39917 18	50203 98	63067 76	63067 76	2765 87	8447 61

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TABULAR STATEMENT No. 2,

Showing Amount of School Funds paid out during the year **1853.**

PARISHES.	Amounts paid out of moneys returned by State Superintendent, under No. 2, of Acts of 1853, to Teachers, up to June 30th, 1853.	Amounts paid out of moneys returned by State Superintendent to Parish Treasurers, subsequent to June 30th, 1853.	Amounts paid out of moneys returned by Parish Superintendents from February 2nd, to June 30th, 1853, to Teachers.	Amounts paid out of money returned by Parish Superintendents to Parish Treasurers, subsequent to June 30th, 1853.	Amounts paid by Teachers out of the apportionment of March 31st, 1853, ending June 30th, 1853	Amount of money paid to Parish Treasurers, out of the apportionment of March 31st, 1853.	Amounts paid to Parish Treasurers out of the apportionment of June 30th, 1853.	Amounts paid out of the apportionment of Sept. 30th, 1853, up to Jan. 1st, 1854.	Amounts paid by Tax Collectors out of the apportionment of Dec 31st, 1853, and subsequent to 31st of Dec. 1853.	Amounts paid by Tax Collectors on the apportionment of March 31st, 1854.	Amount paid out of moneys returned by Parish Superintendents by R. C. Nicholas.
Ascension	$1105 81	$ 42 13	$1815 36	$1732 78	$857 87	$ 475 43	$ 745 59	$ 938 52	$	$	$1635 64
Assumption	1964 21	....	1431 37	127 62	971 25	673 00	1369 36	1723 68	....	....	762 75
Avoyelles	1131 49	1148 83	305 50	951 97	151 47	778 25	848 56	1068 12	1068 12	1068 12	....
Bienville	299 50	2327 29	....	....	91 10	854 44	1070 78	....	....	....	....
Bossier	645 46	2426 08	....	....	12 30	....	693 36	....	....	....	....
Caddo	692 49	....	....	....	205 86	....	....	....	....	....	....
Calcasieu	85 65	....	2 5 60	....	333 05	....	....	....	....	....	....
Caldwell	191 61	639 21	....	55 02	59 67	463 87	415 27	....	....	....	....
Catahoula	220 09	....	....	....	427 81	....	....	....	....	....	....
Carroll	417 22	....	1582 61	....	151 06	....	....	....	....	....	575 74
Claiborne	1206 79	990 83	....	....	412 20	....	1332 47	1677 24	1192 29	....	....
Concordia	432 68	843 64	733 95	1791 58	117 15	893 08	254 82	....	....	....	....
De Soto	569 57	....	....	....	146 25	....	888 88	1116 88	1118 88	1113 88	....
East Baton Rouge	628 61	....	244 73	539 79	916 76	191 17	1078 22	1359 72	1359 72	....	741 80
East Feliciana	1292 28	728 23	1140 18	966 83	257 74	844 98	850 99	....	....	....	393 86
Franklin	119 97	221 4[illegible]	....	....	114 34	637 32	305 [illegible]4	....	....	....	....
Iberville	1633 84	1044 96	111 51	4790 29	916 45	1129 09	670 09	....	....	....	....
Jackson	735 68	334 72	259 79	187 38	309 71	371 22	813 38	1023 84	1023 84	132 57	418 11
Jefferson	1208 69	....	....	....	971 01	....	797 08	....	....	....	....
Jefferson City	1282 55	....	....	....	394 02	....	511 12	....	....	....	....
Carrolton	....	....	....	....	326 70	....	425 71	....	....	....	....
Lafayette	199 75	140 37	....	....	642 30	37 14	858 00	1080 00	....	....	....
Lafourche	969 22	....	3972 08	5766 57	172 69	1370 11	1433 71	1804 68	1804 68	....	1253 03
Thibodeaux	229 50	....	....	....	89 10	....	116 83	....	....	....	....
Livingston	537 71	533 01	19 22	235 52	170 49	309 32	586 87	738 72	738 72	....	112 66
Madison	91 80	....	1734 80	2768 39	....	600 56	242 81	....	....	....	268 85
Morehouse	724 87	39 45	....	..	408 86	62 67	471 04	592 92	592 92	546 12	....
Natchitoches	795 46	1901 28	115 33	1205 66	146 50	1246 02	1240 66	1561 68	1561 68	1561 68	17 23
Orleans Right Bank	994 79	....	....	....	366 72	....	296 01	....	....	....	....
" 1st District				....	....	....	4337 19	....	....	....	....
" 2d District	10951 47			....	12146 05	....	2942 94	16006 68	16006 68	....	....
" 3d District				....	....	....	2636 63	....	....	....	....
" 4th District				....	....	....	2799 65	....	....	....	....
Plaquemines	1217 52	....	1652 72	....	283 21	....	....	....	....	....	....
Pointe Coupée	925 06	729 74	....	434 32	297 65	685 83	800 8[illegible]	1020 6[illegible]	9 72	....	545 23
Rapides	2432 52	738 95	....	....	718 69	884 90	1533 24	....	....	....	....
Sabine	501 39	....	700 60	....	....	....	797 94	1004 40	287 21	....	349 30
St. Bernard	197 10	363 07	....	....	....	447 64	309 73	389 88	389 88	389 88	....
St. Charles	....	....	1571 56	....	....	....	....	....	....	....	252 68
St. Helena	1056 07	433 6[illegible]	64 44	116 70	251 33	316 29	627 19	789 48	789 48	....	....
St. James	887 02	163 90	29 63	20 86	898 94	156 45	838 16	1055 16	1055 16	1055 16	....
St. John Baptist	516 40	565 06	....	....	278 78	286 20	604 0[illegible]	....	....	....	....
St. Landry	3116 16	....	....	....	1075 66	....	....	....	....	....	....
St. Martin	808 07	115 23	....	....	886 50	305 07	1087 08	1368 36	1368 36	1368 36	....
St. Mary	1334 0[illegible]	2034 31	2417 24	2316 55	....	1629 71	771 34	970 92	970 92	970 92	....
St. Tammany	652 25	431 84	627 91	1853 41	53 15	556 54	701 84	....	....	....	....
Tensas	768 45	1958 55	377 26	1022 74	30 0[illegible]	854 80	192 19	241 92	241 92	241 92	....
Terrebonne	850 59	663 10	2160 32	2507 59	67 28	1134 08	894 02	....	....	241 92	446 27
Union	1651 55	....	573 97	....	398 72	806 06	1376 23	1732 32	....	....	172 91
Vermillion	56 06	....	617 41	....	578 51	604 03	....	....	....	....	431 11
Washington	449 62	....	....	43 94	339 00	....	....	....	....	....	....
Ouachita	4[illegible]8 40	....	....	....	163 62	....	....	680 40	....	....	....
West Baton Rouge	155 99	129 80	669 77	....	726 44	48 96	446 16	561 6[illegible]	561 60	....	526 88
West Feliciana	536 65	615 04	2068 10	1878 59	379 90	518 86	441 01	....	....	....	1069 32
Winn	168 74	....	....	....	192 19	196 95	318 32	389 68	167 54	....	....
	51008 37	22313 42	27202 76	33313 90	29908 15	20659 21	43376 50	41099 40	32309 32	8447 61	9972 96

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TABULAR STATEMENT No. 3,

Showing the number of Educable Children in 1851 *and* '53, *as per Assessor's Returns, and the gross amount of Mill and Poll Tax for the year* 1852.

PARISHES.	Number of educable children in 1851.	Number of educable children in 1853.	Male.	Female.	Gross amount of Mill Tax for the year 1852.	Gross amount of Poll Tax for the year 1852.
Ascension	869	882	425	457	$ 6329 00	$ 678 00
Assumption	1396	*.....	.....	.....	6687 73	1219 00
Avoyelles	918	1270	661	609	3436 22	842 00
Bienville	1248	1382	718	664	1871 22	126 00
Bossier	808	924	495	429	333 72	126 00
Caddo	1047	1218	667	351	4166 00	913 00
Calcasieu	723	772	401	891	837 71	377 00
Caldwell	484	569	300	269	124 70	136 00
Catahoula	1010	765	385	380	2417 62	759 00
Carroll	301	606	414	292	5983 50	750 00
Claiborne	1553	1933	1041	912	2800 90	1257 00
Concordia	297	335	187	168	7339 50	259 00
DeSoto	1036	1210	628	582	3309 25	756 00
East Baton Rouge	1259	1481	771	710	6443 20	850 00
East Feliciana	993	1008	520	488	8209 81	866 00
Franklin	356	455	241	212	1024 45	359 00
Iberville	781	855	453	402	8599 78	947 00
Jackson	948	*.....	.....	.....	1862 75	924 00
Jefferson	927	999	521	478		
Jefferson City	597	551	267	284	2795 15	†2010 00
Carrollton	495	450	214	236		
Lafayette	1000	1032	559	473	2086 45	698 00
Lafourche	1671	1850	928	922	5620 95	1285 00
Thibodaux	135	.....	.....	.....	.....	.....
Livingston	684	*.....	.....	.....	797 84	570 00
Madison	283	323	175	148	5818 38	375 00
Morehouse	549	*.....	.....	.....	1425 29	681 00
Natchitoches	1446	1370	740	630	4380 67	1155 00
Orleans, Right Bank	345	302	146	156	1708 25	472 00
" First District	5055	4282				
" Second "	3430	4523	‡.....	‡.....	70198 32	7507 00
" Third "	3073	3253				
" Fourth "	3263	3284				
Plaquemines	381	273	.....	.....	4677 01	417 00
Point Coupée	945	742	.....	.....	1000 00	.....
Rapides	1787	*.....	.....	.....	26 4 50	.....
Sabine	930	1099	579	520	782 09	716 00
St. Bernard	361	402	228	178	2044 55	281 00
St. Charles	266	*.....	.....	.....	3524 90	210 00
St. Helena	731	785	430	355	1454 51	555 00
St. James	977	1035	510	515	6855 81	713 00
St. John Baptist	704	*.....	.....	.....	3694 82	617 90
St. Landry	2632	2333	1276	1057	.....	.....
St. Martin	1167	1356	‡.....	‡.....	4685 82	999 00
St. Mary	899	*.....	.....	.....	9987 55	821 00
St. Tammany	818	780	396	384	1617 32	571 00
Tensas	224	264	137	127	7128 00	386 00
Terrebonne	1042	1234	666	568	5479 30	754 00
Union	1604	1720	911	809	1834 03	1180 00
Vermillion	764	*.....	.....	.....	667 80	256 00
Washington	704	*.....	.....	.....	769 54	592 00
Washita	630	966	396	270	2346 43	615 00
West Baton Rouge	520	476	‡.....	‡.....	4665 38	366 00
West Feliciana	514	579	317	362	6695 01	534 00
Winn	371	630	348	282	423 84	394 00
	58,524	52,457	17,951	16,360		
Total amount Mill Tax					249,827 75	38,683 00
Total amount Poll Tax					38,683 00	
					$288,510 75	
Amount of deduction to tax collectors					42,672 20	
Nett amount Mill and Poll Tax					$245.838 55	

(*) 10 Parishes no returns for 1853. † This includes 4th District New Orleans. ‡ Sex not mentioned.

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STATEMENT OF THE NAMES OF PARISH SUPERINTENDENTS

Who have failed to comply with the provisions of the Act. No. 43, *approved March* 10, 1853. (*Those marked with an asterisk are known to have settled with their successors, but have not had their accounts and vouchers verified by the Recorder.*

A. G. Battle, Caddo—Amount	received	from the	State	during	the year 1850,	$4281 70
	do	do	do		1851,	4854 66
*Peter Burke, Natchitoches—	do	do	do		1849,	
P. A. Broussard, Vermillion—	do	do	do		1850,	
J. Boullenhagen, Caldwell—	do	do	do		1849,	
*A. Bondy, Point Coupee—	do	do	do		1849,	
Thomas D. Carruth, Catahoula	do	do	do		1852,	
Philip Crooks, Catahoula	do	do	do		1852,	
Henry S. Dunbar, St. Landry	do	do	do		1850,	
	do	do	do		1851,	
James Ford, Bossier	do	do	do		1850,	2617 26
	do	do	do		1851 & '52,	2949 33
Thomas D. Gray, Caddo	do	do	do		1849,	
G. S. Hart, De Soto	do	do	do		1850,	
	do	do	do		1851,	
Thomas P. Hall, De Soto	do	do	do		1849,	
C. C. Henderson, Morehouse	do	do	do		1850,	1968 43
	do	do	do		1851,	1905 12
William Kibbie, Vermillion	do	do	do		1849,	
Richard Loucks, E. Baton Rouge	do	do	do		1849,	
A. Mouton, Lafayette	do	do	do		1850,	
B. McCleskey, Claiborne	do	do	do		1849,	
J. T. Morrough, Calcasieu	do	do	do		1852,	
J. Neven, Lafayette	do	do	do		1849,	
M. J. Newsom, St. Helena	do	do	do		1850,	2209 48
	do	do	do		1851,	2916 48
T. B. Pollard, Union	do	do	do		1849,	
David Pipes, East Feliciana	do	do	do		1850,	3882 34
	do	do	do		1851,	2919 25
A. Pride, Morehouse	do	do	do		1852,	
Cullen Packard, Concordia	do	do	do		1849,	
S. G. Parsons, Morehouse	do	do				
John Russell, East Feliciana	do	do	do		1849,	
T. A. Routon, Catahoula	do	do	do		1850 & '51,	
B. Richardson, Washington	do	do	do		1849,	
G. W. Raines, Bienville	do	do	do		1849,	
Victor Recard, St. Bernard	do	do	do		1849,	
Manuel Serpas, St. Bernard	do	do	do		1851 & '52,	
*C. D. Strickland, St. Helena	do	do	do		1849,	
*O. D. Stillman, Ouachita	do	do	do		1850,	
Alessis Sappington, Carroll	do	do	do	'49, '50 & '51,		
R. M. Sawyer, St. Mary	do	do	do	'49, '51 & '52,		
S. A. Southwell, Caldwell	do	do	do		1849,	
J. C. Taylor, St. Helena	do	do	do		1849,	
W. Wallace, Madison	do	do	do		1849,	
David Wood, Livingston	do	do	do	1849 & '50,		
Vincent Walker, Bossier	do	do	do		1852,	
*J. B. Wilkinson, Plaquemines	do	do	'49, '50, '51 & '52,			
John R. Wooldrige, Franklin	do	do			1852,	
*L. A. Villars, Jefferson	do	do			1851,	
Total amount,						

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REPORTS FROM PARISH TREASURERS.

HOMER, September 22d, 1853.

DEAR SIR—I herewith transmit to you the mount paid over to me by the State Tax Collector of the poll and mill tax, which you will nd enclosed, and in accordance to the instructons of yours of the 5th of September, I have nade a draft of nine hundred and ninety dollars nd eighty-three cents, made payable to the rder of Marshall & James, of New Orleans, as er your statement, which, if paid, the money vill be paid here by Price & Clemmons, of Homer, merchants.

I wish to inform you that I am not prepared o give a full statement of the nature of the Free Public Schools in this Parish, as I have never had the proper statement of the number of children in each district as yet, nor the amount of money each district has received from the former authorities, which leaves me in an awkvard condition as to that part; and further, I ind it a hard matter to understand the nature of he law, for we had it only in the State papers and have not received the Acts of the Legislature in the Parish, so that I stand greatly in need of your instructions until we receive the aw more fully.

Yours respectfully,
JAMES A. MILLICAN,
Parish Treasurer.

STATE OF LOUISIANA,
Parish of Claiborne.

Mr. J. N. Carrigan—Dear Sir: In accordance with the requirements of the law; I transmit to you a statement of the amount of taxes received by me from the State Tax Collector of Claiborne Parish, up to September 2d, 1853.

The amount of Poll Tax is	$261 00
" Mill "	658 07½

Amount of Poll Tax is two hundred and sixty-one dollars, and the amount of Mill Tax is six hundred and fifty-eight dollars and seven and a half cents, making the total amount nine hundred and nineteen dollars and seven and a half cents.

Given under my hand, officially, at Homer, September 15th, 1853.

JAMES A. MILLICAN,
Treasurer of Claiborne Parish.

STATE OF LOUISIANA,
Parish of Caldwell, Dec. 15, 1853.

J. N. Carrigan—Dear Sir: The amount of money received into the Treasury of this Parish for the benefit of Public Schools is $1572 57

From the General School Fund,	639 21
March Apportionment,	463 07
Money Returned,	55 02
June Apportionment,	414 27
I have paid out of that to Dist. No. 1,	100 00
" " " 3,	75 00
" " " 8,	153 00

District No. 1 reports number of schools, for a term of six months, 1.
Number of children taught in the district, 32.
Number living out of the district attending school, 4.
Number not attending school in the district, not stated.
District No. 3 reports one school of a term of three months.
Number of children taught, 15.
Number not attending school, 23.
Dist. No. 9 reports one school, term of seven months.
Children taught in said school, 40.
Children not attending school, 20.
District No. 8 reports two schools, the 1st, term three months, 2d school, fifty three days.
Number of children taught in said school, 38.
Number not attending school, 47.

Very respectfully submitted,
MARTIN HAGAREL, Parish Tr.

REPORT OF THE TREASURER OF EAST BATON ROUGE.

To J. N. CARRIGAN, Esq., Superintendent of of Public Education for the State of Louisiana:

The undersigned, Treasurer of the Parish of East Baton Rouge, in compliance with section 25, of the law to reorganize the Free Public Schools, approved 28th April, 1853, begs leave to submit the following report:

That he has received since his appointment in June last, 1853—

On the 16th July, 1853, from the State Treasurer, amount due this Parish for the June apportionment,		$1,078 22
On the 12th Aug., 1853, from State Treasurer, for moneys returned by Parish Superintendent,	539 70	
For balance March apportionment,	191 17	730 96
On the 18th August, 1853, from H. V. Babin, Sheriff, on account of moneys due this Parish, from the collection of school tax for 1852,		2,000 00
		3,809 18
Deduct amount paid the several school districts, as per statement below,	1602 75	
Amount paid for expenses, Treasurers compensation 2 quarters, and advertising,	109 15	
Am't standing to the credit of School Districts after the September apportionment, as per statement,	1457 00	
		3168 90
Balance to go towards the apportionment of December,		640 28

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Districts.	Amount paid to Districts.	Amount standing to credit of	Whole number of children.	No. children attending school.	No. of children not attending.
No. 1	332 95		180	105	75
" 2	286 49	107 50	213	93	120
" 3	142 31	3 82	79		
" 4	114 99	246 96	150		
" 5		593 69	77		
" 6	81 42	70 25	82	16	66
" 7	96 90	39 98	74		
" 8	77 69		42	10	32
" 9	48 94	36 15	46		
" 10	136 80	116 92	115	48	67
" 11	75 00	56 33	71		
" 12	68 16	123 03	20		
" 13	107 08	18 70	68	43	25
" 14	34 02	43 67	42		
	1602 75	1475 00	1259 00		

REMARKS.

No. 1—No return of election.

No. 2—Directors—J. L. Violet, H. Tomlinson, P. A. Walker.

No. 3—Directors—Jacob Zug, H. M. Kerr, J. Carmena.

No. 4—Directors—Ben. A. Williams, Henry C Young, Wm. Shaw.

Nos. 5, 6, 7, 8 and 9—No returns.

No. 10—Directors—B. Williams, Jessee Edwards, D. Sullivan.

No. 11—Directors—W. Stockwell, Sam. Goodrich, O. G. Diehr.

No. 12—No return.

No. 13—Directors R. M. Cullum, R. L. Knox, A. Dixon.

No. 14—Directors—A. T. Aucoin, T. Smith, F. Ranker.

The reports of the School Directors are so incomplete that it is impossible to state accurately the average time the schools have been taught.

L. SHEPPERS, Parish Treasurer.

Baton Rouge, Nov. 19, 1853.

Eugene Rochereau in Account with School Fund of Lafourche, November 25, 1853.

July—To cash received of the State Superintendent of Public Education, through the State Treasurer, being at the rate of 85 4-5 cents per head, viz: 1671		
Apportionment of 30th June,	$1433 71	
Sept.—To cash received of M. Bourg, Sheriff, being at the rate of $1 08 per head, viz: 1671		
Apportionment of 30th September,	1804 68	
Sept. 30—To cash received of State Superintendent of Public Education, for balance remaining in State Treasury, under old system,	7136 68	
	$10,375 07	
Sums paid,	5041 31	
Cash on hand,	5333 13	
Omitted fractions,	63	
	$10,375 07	

Districts.	Children.	Sums paid.	Cash balances on hand.
1	50	125 00	293 40
2	67	107 48	72 36
3	180	1332 84	310 48
4			
5	58	100 00	367 89
6	83	225 00	390 25
7	63	250 03	369 66
8	102	249 99	47 24
10	50	114 00	54 09
11	102	185 58	12 68
12	48	250 00	73 44
13	58	125 00	10 30
14	56	249 99	470 90
15	60	233 33	37 77
16	113	148 47	589 26
17	48	160 00	659 12
18	118	260 00	38 97
19	115	222 87	268 41
20	101	195 73	88 66
21	86		653 21
22	55	166 00	396 39
23	58	340 00	179 30
	1671	5041 31	5333 13

PARISH OF ST. JAMES, Nov. 29, 1853

J. N. Carrigan, Superintendent of Public Education, Baton Rouge:

Sir—I have the honor to inform you that I on the 26th inst., received from Eugene Orr, collector of State Taxes, in and for the Parish St. James the sum of three thousand and ninety-nine dollars and seventy-three cents, ($3099 73) the public schools of this Parish.

I am, sir, with great regard, your ob't serv't,

U. E. VILLAVASO, Treasurer of the school fund in and for Parish St. James, La.

PARISH TERREBONNE, LA.,

Houma, Nov. 9th, 1853.

Hon. J. N. Carrigan, Superintendent of Public Education State Louisiana:

Sir—In conformity to Section 25 of an "Act to reorganize Free Public Schools in the State Louisiana," approved 28th April, 1853, I have honor to transmit to you the following report:

1st — Amount received from State Treasury on 12th Aug., as per apportionment, Superintendent of Pub. Education,		$4304 73	
Amount rec'd from same source, same date, apportioned by myself to districts in the parish,		694 03	5
Paid Dist. No. 3, 16 Aug.,	112 50		
do do 20 Oct.,	112 50		
		225 00	
do do 4, 20 Aug.,	150 00		
do do 30 Aug.,	100 00		
do do 6 Oct.,	75 00		
do do 10 Oct.,	100 00		
		425 00	
do do 5, 22 Sept,		100 00	
do do 6, 28 Oct.,		74 03	
do do 7, 28 Aug.,	75 00		
do do 6 Oct.,	75 00		
		150 00	

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Dist. No 8, 18 Aug.,	160 00		
do do 6 Oct.,	130 00		
		280 00	
do do 9, 20 Aug,	125 00		
do do 22 Sept,	112 50		
do do 16 Oct,	125 00		
		362 50	
do do 10, 20 Aug,	130 00		
do do 20 Oct,	130 00		
		260 00	
do do 12, 27 Aug,	105 00		
do do 6 Oct,	105 00		
		210 00	
do do 13, 6 Oct,		150 00	
do do 14, 22 Sept,		105 00	
ance,		2857 17	
			5198 76
ance as above,			2857 17
annual salary,		200 00	
lance,		2657 17	
			2857 17

nt on hand as shown above to the
credit of the several districts, 2657 17
ld—From the 1st Aug., 1853, (the date I was
alified as Treasurer of the school funds, for the
rish of Terrebonne,) up to the 1st November,
53, three hundred and eighty-five children have
ended school.
4th—The average time of the schools taught,
m the 1st August last, up to the 1st inst, is two
nths and six days
Respectfully submitted,
F. GAGNE, Treasurer
School Funds, Parish Terrebonne, La.

STATE OF LOUISIANA, Parish of St. Bernard.
eport of the Treasurer of the Parish of St. Bernard, to the State Supt. of Public Education, showing the amount of money received and paid by him, as follows, to wit:

1st—The sum of eleven hundred and twenty dollars and forty-four cents, of which sum the amount three hundred and sixty-three dollars and seven nts, were of General School Fund.

March apportionment four hundred and fifty-even dollars and sixty-four cents.

June apportionment, $309 73. All said sums ere by me received on the 23d day of Sept., 1853.

2d—On the 1st day of October, 1853, I have aid Mr. Phillippe Toca, Teacher of the Second cholastic District of this Parish, the sum of two undred and eighty-three dollars and twenty-three ents, on his warrant, signed by the Directors of he said Second Scholastic District, with the cer-ificate of said Teacher, mentioning the number nd names of the children assisting the said school s follows, to wit: seventy-four males, and sixty-wo females, of which forty-six boys and thirty-six irls attending school regularly.

3d—On the first day of October, 1853, I have aid Mr. Victor De Bouchel, teacher of the First Scholastic District of this Parish, the sum of three undred and seven dollars and seven cents, on his warrant, signed by the Directory of the said First Scholastic District, with the certificates of said eacher, mentioning the number and names of the hildren attending the said school, as follows, to wit: seventy-seven males and females, of which twenty-three boys and four girls attending school regularly.

4th—On the eighth day of October, 1853, I have paid Mr. P. A. Rousseau, teacher of the Third Scholastic District of this Parish, the sum of five hundred and thirty dollars and fifteen cents, on his warrant, signed by the Directors of the said Third Scholastic District, with the certificate of said teacher, mentioning the number and names of the children, attending the said school, as follows, to wit: one hundred and forty-seven males and females, of which forty-seven boys and girls attending school regularly.

Parish of St. Bernard, this 17th day Nov., 1853
J. M. SERPAS, Treasurer.

STATE OF LOUISIANA,
Parish of Franklin, Nov. 30, 1853.

In compliance with the 25th Section of Act No. 250 of 1853, the undersigned, Treasurer of the Parish of Franklin, reports as follows:

Amount of money received from the Treasurer of the State, $1163 16. Amount paid to 2d Dist. for school purposes, $76 90; 4th District, 119 01; 7th District, 16 66; 8th District, 11 70; 13th District, 46 65—total, $270 92.

The number of children who have attended school in the above Districts is ninety-five.

The average time schools have been taught cannot be correctly reported, not being fully informed.

JOHN M. WILLIS, Parish Treasurer.
Hon. J. N. Carrigan, Supt. Public Education.

PARISH OF POINT COUPEE,
False River, 10th Nov. 1853

Sir—Conformably to the provisions of the 25th Section of the Act to reorganise Free Public Schools in the State of Louisiana, approved the 28th of April, 1853, I have the honor of addressing you the annual report required by said section, and which comprises the time elapsed since the said law went into effect, up to the present day.

You will find in the table accompanying my report:

1st—The amount of the several sums I have received for the public schools of this Parish, and the source whence they come.

2d—The several sums carried to the credit of each district, also of those to which each district is debited, and the balance in their favor.

3d—The total number of children comprised in the limits of each district, and the number of those frequenting each school.

4th—The time during which each school has been held.

I also herewith enclose some reports from district directors, which I have received.

The Superintendent will observe that the reports are few in number, the 24th Section of the law not having made these reports *sine qua non*, to the payment of teacher's warrants; some of the directors have omitted them. This omission has rendered it impossible for me to give you the necessary information relative to the several districts—the number of children who frequent the various schools and the time during which they are held.

In conclusion, the Superintendent will perceive that many of the districts have made no use of the funds standing to their credit; some, I suppose, because there exists no school within their limits, others because they are without directors—and this circumstance has not been made known to the President of the Police Jury, who is authorized to fill such vacancies.

I have the honor to be, sir, your ob't serv't,
E. MAJOR, Parish Treasurer.

PARISH OF POINT COUPEE—SITUATION OF THE SCHOOLS—SUMS RECEIVED.

Sept 1—Amt of general funds,		$729 74
do	Sums returned by Parish Supt.,	434 32
do	Repartition of March 30, 1853,	685 83
do	Repartition of June 30, 1853,	800 81
Oct 17—Amt paid to the Parish by the Collector, upon the school tax, quarter ending Sept.,		1030 32
Total of same received for public schools,		$3681 02

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SPRINGFIELD, January 10, 1854.

REPORT OF THE TREASURER OF THE PUBLIC SCHOOL FUND OF THE PARISH OF LIVINGSTON FOR THE YEAR 1853.

Number of District.	Number of schools in each district.	Number of children taught.	Amount for each district.
1	1	35	$120 00
2	0		
3	1		9 50
4	0		12 36
5	1		81 67
6	0		
7	0		28 20
8	1		14 64
9	1		55 00
10	1		230 00
11	1	22	98 72
12	0		
13	1		62 32
14	0		18 50
15	1		45 00
16	0		
17	0		
18	0		68 00
19	0		49 80
20	1		52 20
21	0		
22	0		
23	0		20 90
24	0		
25	1		59 00
Treasurer's fees,			50 00
			$1075 76

Money received from all sources.

From State Superintendent,	$1664 72
From Sheriff,	1208 55
	2873 27
	1075 76
Balance on hand,	$1797 51

D. B. CASAN, Parish Treasurer.

J. N. Carrigan—Dear Sir—Attached you find my report of the school funds of our parish for the year A. D. 1853. I regret I could not further ascertain the number of children in each district, as negligence on the part of the Assessor and indifference on the part of the Directors and Trustees baffled all my exertions. The system has not heretofore worked well with us. There is an elevating feeling now prevailing among us in regard to education and public schools; and I hope by nourishing and fostering this sentiment that my next report will be as ample and as detailed as could be required to test the system.

I am, most respectfully, your ob't serv't,
D. B. CASAN, Parish Treasurer.

P. S.—Enclosed please find my receipt in your favor for two hundred and sixty-nine dollars and ninety cents, which amount please send me by the return mail if practicable. D. B. C

PARISH OF ST. JOHN THE BAPTIST
REPORT OF TREASURER.

District 1—Amt of funds received total,	$[illegible]
2—Amount paid out for this district,	[illegible]
3—No. of children attending,	[illegible]
4—School's open the year round,	–
6—Amount paid out,	[illegible]
7—No. children in attendance,	[illegible]
8—No. which have not attended school greater part of the year,	[illegible]
3—No report—amount due district,	[illegible]
4—No report— do do	[illegible]
5—Amount paid out for schools,	[illegible]
No. who attend school,	[illegible]
School from 1st April to 30th Sept., 1853	
6—No. school houses,	–
Amount due to the district,	[illegible]
7—Amount paid out for schools,	[illegible]
No. attending school.	[illegible]
Schools in operation the whole year,	
Amount paid out for schools,	[illegible]

J. N. Carrigan—Sir—If this report is not such as the law requires, it is on account of the apathy and negligence of the Directors.

I have the honor, &c.,
FELIX WEBER, Parish Treasurer.

PARISH OF POINT COUPEE—CONDITION OF THE SCHOOLS.

No. of District	Amounts to the credit of the dist.	Amounts paid out	Balances due to each District.	Total No. of schools tau't in each dist	Total No. of childrenm in each dist.	No. attend'g each school	Time each school
1	$269 76		$269 76		40		
2	105 21		105 21		13		
3	530 65	300 00	330 65	1	121		
4	87 69		87 69		46		
5	63 47	63 47		1	35		
6	174 50	110 80	63 70	1	62		
7	206 65	200 00	6 65	2	66		9 mos.
8	335 53		335 53	1	72		
9	74 70	74 40		1	41		
10	589 21	332 00	257 21	1	121		12 mos.
11	230 34	230 34	230 34	1	127		
12	125 75		125 75	1	42		
13	94 30	94 30		1	52		
14	362 28		362 28		39		
15	219 96		219 96		49		
16							
17	110 74		110 74		37		
	3580 44	1405 31	2175 13		954		

REMARKS—The schools generally are held throughout the whole year.

Total amount to districts,	3580 44
Commissions,	100 00
Balance,	58 00
Total,	$3681 02

E. MAJOR, Treasurer.

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APPENDIX.

LIST

OF THE

TITLES OF ACTS,

PASSED BY

BOTH HOUSES OF THE

GENERAL ASSEMBLY

DURING THE SESSION OF 1854,

AND WHERE ORIGINATED.

NEW ORLEANS:
PRINTED BY EMILE LA SERE, STATE PRINTER.

1854.

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LIST OF THE TITLES OF ACTS

PASSED BY BOTH HOUSES OF THE GENERAL ASSEMBLY DURING THE SESSION OF 1854, AND WHERE ORIGINATED.

SENATE.—An act to apportion the representation in the Senate and House of Representatives of the State of Louisiana, according to the first census, made in 1853, under the 8th Article of the Constitution.

HOUSE.—An act to provide for the payment of officers, members and contingent expenses of the General Assembly.

H.—Resolution authorizing the State Engineer to appoint a Special Assistant for the purpose of examining bayou Lafourche.

H.—An act for the relief of W. E. Murphy.

H.—An act to enable W. A. Shaffer, of the parish of Terrebonne, administrator on the estate of Benjamin and Anastastia Cross, of Lafourche, to give security without the limits of said parish.

H.—An act to extend the time allowed to parochial officers for the purpose of procuring certificates of not being defaulters, in virtue of the second section of an act to secure the collection and prompt payment of public moneys.

H.—An act to make effective the provisions of an act entitled an act to reclaim and drain the swamp and overflowed lands donated to the State of Louisiana by act of Congress, entitled an act to aid the State of Louisiana in draining the swamp and overflowed lands therein, approved March 2d, 1849.

S.—An act authorizing Hypolite Chretien and wife to dispose of, by deed of sale, of the slave Julia and her two children.

S.—An act for the relief of Pierre Caze, Bertrand Caze and Jaques Caire.

S.—An act for the relief of H. M. Neal.

H.—An act to increase the compensation of jurors in the parish of East Baton Rouge.

H.—An act to authorize James M. Meredith and Josephine Lurch, his wife, of the parish of Caldwell, to adopt Eliza Jane Rice, an orphan, and to change her name to Eliza Jane Meredith.

H.—An act changing the time of holding the terms of the District Court of the Ninth and Eleventh District Courts of this State.

H.—An act to authorize Pierre Whip to change his name from Pierre Whip to that of John Reames

H.—Resolution instructing our Senators and Representatives in Congress to use their utmost exertions to procure the passage, by Congress, of several bills now pending, having for their object a grant of lands by the General Government for the Vicksburg, Shreveport and Texas Railroad.

H.—An act to repeal so much of the third section of an act entitled an act to regulate the terms of the District Courts, (the parish of Orleans excepted,) approved April 29th, 1853, as relates to the Courts of the Eighth Judicial District, and regulate the holding thereof.

H.—Resolution instructing our Senators and Representatives in Congress to procure a weekly mail between Stony Point, in the parish of East Baton Rouge, and Springfield, in the parish of Livingston.

H.—An act for the relief of Samuel Patterson, Sheriff of the parish of Livingston.

H.—An act for the relief af Francis L. Glover.

H.—An act for the relief of Antonio Mario, late State Tax Collector for the parish of St. Bernard.

S.—An act to continue in force and amend the act entitled an act to incorporate the Presbyterian Church and congregation for the city and parish of New Orleans, approved March 1, 1834.

S.—An act to emancipate Mary F. Saunders, a minor, wife of Andrew S. Herron.

H.—An act for the relief of Thomas Killgore.

H.—An act for the relief of R. A. Silby, Sheriff of the parish of Sabine.

H.—An act to increase the pay of jurors in the parish of Carroll.

H.—An act for the relief of James H. Dillard, Tax Collector for the parish of De Soto.

H.—An act to provide for the execution of sentences to death in the parish of Orleans.

S.—An act to change the time of holding terms of court in the Sixth Judicial District, and making jury terms.

H.—Resolution relative to establishing a postoffice in the parish of St. James.

S.—An act to provide for the payment of coupons of interest detached from the bonds issued by the State, and which coupons may be past due.

S.—An act for the relief of Matthew Watson, Sheriff of the parish of Caddo.

S.—Joint Resolution requesting Swamp Land Commissioners and their Engineers to furnish account of the contingent and other expenses, &c.

S.—An act for the relief of Wm. M. Barris.

S.—An act to emancipate Abner Nash Ogden, Jr., of the parish of Jefferson.

S.—An act authorizing Louis Bonnemer to adopt Charles Louis and Henrietta Orilly.

S.—An act to emancipate W. Hewett.

S.—An act for the relief of Louis F. Steele, Sheriff and Tax Collector for the parish of Bossier.

S.—An act to authorize Robert M. and Letitia M. Lea to adopt Eleanor Lombard.

S.—An act to authorize Joseph Emile Vallee to adopt Elizabeth Brunet as his legal heir.

S.—An act to emancipate Geo. E. Gilmer, of the parish of Bossier.

S.—An act to emancipate Eliza Maurin, of the parish of Ascension.

S.—An act to provide for the permanent establish-

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ment of the seat of justice in and for the parish of Vermillion.

S.—An act to repeal an act entitled an act to incorporate the New Iberia Lodge, No. 36, of the Independent Order of Odd Fellows of the State of Louisiana.

S.—An act to emancipate George H. Packwood.

S.—An act to emancipate Washington J. Thigpen.

H.—An act to emancipate Wm. Henry Boatner

H.—An act to create an additional justice of the peace and constable in and for the parish of Washington.

H.—An act authorizing the courts, in certain cases, to receive judicial sureties residing out of the parish.

H.—An act to emancipate James T. and Emily L. Williams, of the parish of East Baton Rouge.

H.—An act to authorize Edward D. Woods to accept the tutorship of Louis E. Woods, a minor

S.—Joint Resolution requesting the Postmaster General of the United States to establish a daily mail between New Orleans, Baton Rouge and the intermediate post offices.

S.—Memorial and resolution in relation to granting public lands within the State of Louisiana for railroad purposes.

H.—An act authorizing W. C. Wilson to emancipate his slave David.

H.—An act to authorize John Cousin, of the parish of St. Tammany, to emancipate the slave Frances and her three children.

S.—An act to authorize Mrs. J. A. Withers, wife of Joseph M. Kennedy, to emancipate her female slave Clarisse, with permission to remain in the State.

S.—An act to emancipate Andrew Lawson, Jr., of the parish of Bossier.

H.—Resolution requiring the State Engineer to repair immediately to bayou Plaquemine, and remove the obstructions in the navigation of said bayou.

H.—An act to emancipate John McWillie, Jr., and Annie McWillie.

H.—Resolution requesting our Senators and Representatives in Congress to procure a weekly mail from New Orleans to Buras settlement in the parish of Plaquemines.

S.—An act in relation to Bond No 128 of the State of Louisiana, in favor of the New Orleans and Nashville Railroad Company.

S.—An act for the relief of Asa Emanuel, State Tax Collector for the parish of Winn.

S.—An act to authorize Robert Hine, of the parish of Rapides, to adopt an orphan boy named James Roach.

S.—An act for the relief of H. A. Drew.

S.—An act for the relief of James J. Odom.

H.—Resolution relative to a railroad from the Mississippi river to the Pacific ocean.

H.—An act for the relief of Mathurin Bourg, Sheriff and Tax Collector for the parish of Lafourche.

H.—An act entitled an act to amend an act entitled an act to increase the salary of the Clerk of the First District Court of New Orleans.

H.—An act for the relief of Edgar E. Voorhies.

H.—An act to regulate parish taxation in the parish of Concordia.

H.—An act for the relief of Joy F. Thompson.

H.—An act to authorize Eugene Tastel and wife to adopt Louise Anneth Hermann.

H.—An act for re-districting of the parish of Concordia into police jury wards.

H.—An act for the protection of merchants or vendors of agricultural products in the city of New Orleans.

H.—An act to amend and re-enact the [illegible] section and thirty-second section of an act entitled an act to provide for the assessment and collection of taxes in this State, approved March 15, 1850, to provide for the Board of Assessors, and the compensation of the Board.

H.—An act for the relief of Peter K. Wagner.

H.—An act for the relief of James Upshaw.

H.—An act for the relief of Jesse Sykes, L. W. Baker, A. G. Milbank and Samuel Wilson.

H.—An act to amend an act entitled an act to amend an act entitled an act granting to Louis Ambroise Aucoin the privilege of keeping ferry across the Coupé of bayou Boeuf, and other purposes, approved March 16, 1848

H.—An act to incorporate the college of New Orleans.

S.—An act to repeal an act relative to the cessation of the Judges of the Supreme Court

S.—An act to amend and re-enact Article 1111 of the Civil Code.

S.—An act for the relief of Antonio Marrero of the parish of St. Bernard.

S.—An act to authorize the city of New Orleans to subscribe to the stock of Pontchartrain Railroad Company to construct a railroad from New Orleans to Mobile.

H.—An act to fix the terms of Courts of the Fifth Judicial District of the State of Louisiana.

S.—Resolution authorizing the Auditor to grant quietus to A. O. Bickham, Tax Collector of the parish of Washington for the year 1841.

S.—An act to regulate the terms of Court in the Sixth Judicial District.

S.—An act to incorporate the Benevolent Association of the Roman Catholic Ladies of Baton Rouge.

S.—An act to amend the Charter of the New Orleans Gaslight Company.

S.—An act for the relief of Fergus Fusilier.

S.—An act to authorize Mrs. Widow Nelson Cardenna to adopt Agratha Graw and Ezperanza Graw.

S.—An act to amend the third section of the act No. 59, entitled an act supplementary to an act entitled an act to incorporate the town of Madisonville, approved March 10th, 1853.

S.—An act for the relief of Martin Kohler.

S.—Resolution to cancel the bond of the late Treasurer, Hon. George C. McWhorter.

S.—An act to repeal an act entitled an act to reorganize the police jury of the parish of St. Landry, being Act No. 131, approved April 2d, 1853.

S.—Resolution for the purchase of the political history of the United States, by Bernard Marigny.

H.—An act requiring a survey of school lands before sale.

H.—An act to abolish the probate terms of the District Court for the Fifteenth Judicial District, composed of the parishes of St. Landry, Lafayette and Calcasieu.

H.—An act to emancipate A. Guedry, a minor.

H.—An act to emancipate Robert H. Ward.

H.—An act to emancipate Jno. Fletcher Wyche.

S.—An act to emancipate Offuy F. Hornsby

S.—An act to authorize the wardens of the parish of New Orleans to employ deputies and clerks.

H.—An act for the relief of Bernard Marigny.

H.—An act providing for the subscription by the city of New Orleans to the stock of the New Orleans, Opelousas and Great Western Railroad Company.

H.—An act providing for the subscription by the

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city of New Orleans to the stock of the New Orleans, Jackson and Great Northern Railroad Company.

H.—An act to amend and re-enact the 4th, 15th, 17th and 18th sections of an act entitled an act to reorganize free public schools in the State of Louisiana, approved April 28th, 1853, and to authorize police juries to establish boards within their respective parishes for the examination of applicants for the place of teacher in the district schools.

H.—An act to provide for a deficiency in the appropriation for payment of pensions, under the act entitled an act granting pensions to the veterans of 1814 and 1815, approved April 30, 1853.

H.—An act to make provision for the revision of the statutes of the State.

H.—An act relative to proceedings on judgments rendered by justices of the peace in the parish of Orleans.

H.—An act to amend an act entitled an act to provide for the removal of certain public records from the Fourth District of the city of New Orleans to the parish of Jefferson, approved April 30, 1853.

H.—An act entitled an act authorizing and instructing the State Engineer to make a thorough examination and survey of the Ouachita river and Little river.

I.—An act to incorporate the Grand Conclave of the Order of S. W. M.'s for the State of Louisiana.

I.—An act to incorporate the Independence Fire Company, No. 2, of the city of Baton Rouge

I.—An act to provide for the disbursements of the public school funds apportioned to the parishes of Union and De Soto.

S.—An act to amend and re-enact an act entitled an act to increase the revenue of the State, to redeem the salaries of certain officers, and for other purposes, approved March 10, 1845.

I.—An act to exempt the clerks, workmen and employees of the Branch Mint of the United States, at New Orleans, from serving as jurors in the District Courts of New Orleans.

I.—An act to change the name of Alfred Wharton Clifton to to Alfred Clifton Wharton.

I.—An act relative to a removal of the seat of justice in the parish of Concordia.

I.—An act making an appropriation to repay the State Librarian certain moneys expended by him.

I.—An act creating a Harbormaster for the 4th District of New Orleans.

I.—An act for the relief of C. J. Mandeville, late Tax Collector for the parish of Caldwell.

I.—An act for the relief of Samuel Smith, a veteran of 1814 and 1814.

I.—An act to authorize the Common Council of the city of New Orleans, and the police jury of the parish of Orleans, on the right bank of the Mississippi river, to establish ferries across said river, and to regulate the same.

I.—An act to increase the pay of the jurors of the parish of Terrebonne.

I.—An act to authorize Parish Treasurers to employ the Sheriff, or auctioneer, to make sales of the sixteenth section.

—An act to provide for the payment of the salary of the Reporter of the Decisions of the Supreme Court for a part of the year 1852.

—Resolution ordering the State Engineer to repair to Red River to remove snags, &c., therein.

—Resolution to carry into effect section 32 of an act entitled an act to establish a general system of free banking in the State of Louisiana.

S.—An act to authorize Judath Foutant, wife of Alexander Le Gendre, to sell certain slaves.

S.—An act authorizing the appointment of Charles M. Shepherd as tutor of his minor brothers and sister.

S.—An act for the relief of Benjamin Berel, of the parish of St. Mary.

S.—An act for the relief of J. H. Maddox, growing out of the failure on the part of the State to comply with the contract made with the said Maddox, relative to the printing of the debates of the Convention held in 1852.

S.—An act relative to the Citizens' Bank of Louisiana.

H.—An act to amend an act relative to District Attorneys, approved May 29th, 1846.

S.—Resolution instructing the State Engineer to perform certain improvement at the mouth of bayou St. Malo, in the parish of St Bernard.

S.—Resolution relative to deepening the channel of the Atchafalaya bay.

S.—An act concerning forfeited bonds and recognizances throughout the State, (the parish of Orleans excepted.)

S.—An act for the relief of Moses Lee, a veteran of the wars of 1814 and 1815.

S.—An act to complete the improvement of the falls of the Red River at Alexandria.

S.—An act to amend an act entitled an act to prevent trespassers, approved April 6, 1843.

S.—An act to incorporate the Ladies' Benevolent Society of New Orleans.

S.—An act authorizing the Auditor of Public Accounts, and the State Treasurer, to credit the Union Bank of Louisiana with a certain amount, and for the relief of John Pemberton, for settling the interest of the State in said Bank.

H.—An act to authorize Samuel Harby to adopt Francis Samuel.

H.—An act for the relief of Henry O. McEuery, late Register of the Land Office at Ouachita, La.

H.—An act to revive an act entitled an act to revive an act to incorporate a congregation of the Roman Church of St. Francis, in Natchitoches.

H.—An act to regulate the sessions of the police jury of the parish of Tensas.

H.—An act relative to judicial advertisements.

H.—An act for the relief of Sheriffs and State Tax Collectors throughout the State for the licenses for the years 1850 and 1851.

H.—An act to incorporate the Vienna Male and Female Institute in the parish of Jackson.

H.—An act to authorize the police jury of the parish of Ascension to establish a public road between New River and Donaldsonville.

S.—An act for the relief of the heirs of Dr. Jos. Shannon, deceased.

H.—An act to provide for the repairs to be made to the State Capitol.

H.—An act authorizing the Board of Swamp Land Commissioners to receive and adopt as a part of the general levee system such levees as have been built by the parishes of Carroll, Madison and Catahoula, under the provisions of an act entitled an act forming a levee district composed of the parishes of Carroll, Madison and Catahoula, for the better protection of the same from inundation, approved the 18th day of March, 1852, and to appropriate the sum of fifty thousand dollars from the general swamp land fund to pay for the same.

H.—An act to amend an act entitled an act to amend the several acts relative to patrols, approved January 9th, 1821.

H.—An act entitled an act to reclaim and drain

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the swamp and overflowed lands of the State of Louisiana, approved 30th April, 1853, and to appropriate the sum of three thousand dollars to carry out the provisions of this act.

H.—Resolution extending the present lease of the Penitentiary to May, 1855.

H.—An act to make the interest on the bonds issued by the State payable in the city of New Orleans.

H.—An act to purchase additional copies of the Civil Code and Code of Practice, compiled by Thomas Gibbs Morgan, and also of the Louisiana Reports.

H.—An act to provide for the improvement of the grounds surrounding the State House.

H.—An act to re-district the parish of St. Bernard

H.—An act to amend an act entitled an act to regulate the terms of the District Courts, (the parish of Orleans excepted,) approved April 29th, 1853.

H.—An act fixing the salary of the Sergeant-at-Arms of the Senate and House of Representatives of the State of Louisiana.

H.—An act to change the name of Henry Lightfoot Williams.

H.—An act to authorize railroad companies to mortgage their roads.

H.—An act to incorporate the Louisiana German Drayman's Association of New Orleans.

H.—An act granting certain powers to the town of Donaldsonville.

H.—Resolution donating the picket fence surrounding the State House grounds, occupied by the Sergeant-at-Arms to the Baton Rouge Orphan Asylum.

S.— Preamble and resolution requesting a grant of public lands, by Congress, for educational purposes for the Blind, the Deaf and the Dumb.

S.—An act concerning the licensing of drinking houses, and the sale of intoxicating liquors in this State.

H.—An act to provide additional means for the payment of the members, officers and contingent expenses of the General Assembly.

S.—An act for the relief of Daniel Martindale.

S.—An act granting to Sarah Barber a pension, under the acts of 1852 and 1853.

H.—An act defining the boundary line of Sabine parish, and legalizing certain acts resulting from the uncertainty of said boundary.

S.—Resolution relative to the abolition of slavery in the Island Cuba.

S.—An act for the relief of Thos. L. Buffington, M.D.

H.—Resolution inviting John Mitchel to the seat of government of the State.

S.—Resolution granting leave of absence to the Register of the Land Office at Baton Rouge.

S.—An act to emancipate John Lamier, of the parish of Union.

S.—An act for the relief of John K. Elger, of Rapides, and Marie F. L. Ledoux, his wife.

H.—An act for the relief of Henry C. Forno.

H.—An act for the relief of Hugh Y. Waddill, late Register of the Land Office at Natchitoches.

H.—An act to incorporate a fire company in the town of Shreveport.

H.—An act to grant to the Mayor and Trustees of the town of Shreveport, and to the police jury of the parish of Caddo, to establish work houses.

H.—An act to authorize the construction of a draw bridge across the bayou Lafourche.

H.—An act to change the name of James Madison Williams to that of James Madison Cretolins Williams

H.—An act for the relief of Dr. C. R. Finch.

S.—An act to amend the third section of an act entitled an act to regulate the term of the District Courts, (the parish of Orleans excepted,) approved April 29th, 1853.

H.—An act to establish an interchange of the Judges for the trial of recused cases.

S.—An act for the relief of Thomas B. Sanders

H.—An act for the relief of persons who have entered or located internal improvement warrants, or school warrants, on the lands donated to this State by the United States.

H.—An act for the relief of William Hennigan, Sheriff of the parish of Franklin.

S.—An act to allow further time to the Sheriff of the parish of St. Landry to make his final settlement with the Auditor of Public Accounts, for the collection of taxes for the years 1851, 1852 and 1853.

S.—An act to amend and re-enact an act entitled an act to incorporate the Shreveport Mutual Insurance Company.

S.—An act to provide for the registry of the name and residence of all qualified electors in the city of New Orleans.

H.—An act to appropriate a further sum of money to erect works at the mouth of bayou Pap mine.

S —An act to amend the first and seventh sections of an act to incorporate the St. Joseph's Plank Road Company.

S —An act concerning the payment to owners of slaves condemned to death or the Penitentiary by the State.

S.—An act for the relief of Martin Casey.

H.—An act to incorporate the German Society of the First District of New Orleans.

H.—An act to enable the city of New Orleans to drain and reclaim the swamp and overflowed lands within the corporate limits of the said city and its vicinity.

S.—An act to authorize the justice of the peace in and for that portion of the parish of Orleans situated on the right bank of the Mississippi river, to act as Coroner, in certain cases.

S.—An act to exempt the Seaman's Home Association, of the city of New Orleans, from taxation.

H.—An act to modify the right of appeal in cases brought before the justices of the peace of Orleans.

H.—An act for the relief of A. F. Voorhies.

H.—An act to amend the first section of an act entitled an act authorizing executors, administrators and others to purchase, in certain cases and for other purposes.

S.—An act to amend the eleventh section of an act entitled an act to provide for carrying into effect the judiciary system, approved 25th May, 1846. relative to jurors in the parishes of Orleans, East and West Feliciana, Jefferson, St. Bernard, Plaquemines, St. Landry and Calcasieu excepted.

S.—An act to repeal an act entitled an act to regulate the terms of the District Courts, (the parish of Orleans excepted,) approved April 29, 1853.

S.—An act for the relief of Josias Reams.

S.—An act for the relief of the succession of the late Alexander Gordon.

S.—An act authorizing Matilde Laure Odiorne to mortgage her property.

H.—An act granting relief to John P. Watson, D. Stewart and James Cotton, securities of L. L. Carpenter, deceased, Sheriff of the parish of Point Coupee

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H.—An act amending an act entitled an act to revise and reduce the fee bill of Clerks, Sheriffs and Notaries Public, and other purposes, approved March 10, 1845.

S.—An act supplemental to an act entitled an act to establish a general system of free banking in the State of Louisiana.

H.—Resolution requiring a survey to be made of Yellow Bayou, in the parish of Avoyelles, by the Commissioner of the Third District.

S.—An act to authorise the State Engineer to build a boat, without steam, to improve the navigation of the navigable waters of the parishes of Washington, St. Tammany, Livingston, East Baton Rouge and St. Helena.

S.—An act to amend the charter of the town of Carrollton.

H.—Resolution requiring the State Engineer to open a passage from bayou de Glaize to lake Pearl, in the parish of Avoyelles; also to clear out Little Bayou Rouge.

H.—An act to amend and re-enact an act entitled an act to incorporate Perseverance Fire Company, No. 13, of the city of New Orleans.

H.—An act to incorporate the Mitden Female College, and to merge the Female Seminary of said town into said college.

H.—An act for the relief of Phillip Burg.

S.—An act to emancipate Moses C. Cavett and James R. Cavett.

H.—An act for the relief of Drury M. Prichard, late Sheriff and Tax Collector for the parish of Catahoula.

H.—An act to incorporate Star Hose and Ladder Company, No. 1, of the town of Carrollton, parish of Jefferson, La.

H.—An act to amend the fifth section of the act to incorporate the town of Homer, in the parish of Claiborne, approved 13th March, 1850.

H.—An act to authorize the police jury of Point Coupee to issue bonds to an amount sufficient to cover the existing indebtedness of the parish.

H.—An act authorizing the State Engineer to appoint assistants.

S.—An act for the relief of Charles S. Leckie, Collector of State taxes for the parish of Rapides, for the year 1850.

S.—An act to improve the navigation of Red River.

S.—An act creating two additional Notaries for the parish of Rapides.

S.—An act to authorize Joseph H. Harvey, of the parish of Jefferson, to construct a lock to connect the Distrahan canal with the Mississippi river.

S.—An act for the relief of James H. Barbin, Francis B. Barbin, Fabius Ricord, of the parish of Avoyelles, and of Charles Pitts, of the parish of Orleans.

S.—An act to change the name of James Roach to James Huie.

S.—An act supplementary to an act entitled an act supplementary to an act granting an extension of time, to actual settlers, to make application and proof and payment of the swamp and overflowed lands granted to the State of Louisiana, approved March 2d, 1849, and September 25, 1850, approved March 16, 1853, approved 28th March, 1853.

S.—An act for the relief of Armand Hulot, of the parish of Lafayette.

S.—An act for the relief of Theophile Lucas, of the parish of East Baton Rouge.

S.—An act for the relief of James H. Stokes, Assessor of the parish of Vermillion.

S.—An act for the relief of John Mountjoy, a veteran of the wars of 1814 and 1815.

S.—An act to improve the navigation of the Atchafalaya river.

S.—An act for the relief of Willis P. McGuire, of the parish of St. Tammany.

S.—Resolution for the extension of the port of New Orleans to Jefferson, and for a postoffice in the parish of Jefferson.

S.—An act to establish a permanent fund for the support of the free public schools of the State of Louisiana.

S.—An act to emancipate John Ricket, a minor, of the parish of Bossier.

S.—An act giving to the securities, upon a twelve months' bond, the right of subrogation in certain cases.

H.—Resolution for making a road from the Mississippi river to Opelousas.

H.—An act authorizing an instrumental survey by the State Engineer, with the view of improving the navigation of bayou Boeuf.

H.—An act to improve the navigation of the Sabine river.

H.—An act granting the right of way, with authority to improve and construct works, for navigable purposes, around the raft in Red River.

H.—An act to incorporate the Louisiana Saving Company of New Orleans.

H.—An act making appropriations for the general expenses of the State for the fiscal year ending the 31st day of March, 1855.

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APPENDIX.

REPORT

OF

SPECIAL COMMITTEE

ON

INSANE ASYLUM,

AT

JACKSON, LA.

NEW ORLEANS:
PRINTED BY EMILE LA SERE, STATE PRINTER.

1854.

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REPORT

OF SPECIAL COMMITTEE ON

INSANE ASYLUM, AT JACKSON, LA.

JACKSON, La., April 29, 1853.

To his Excellency, Governor Hébert:

By virtue of authority vested in us by our Excellency, the undersigned Committee (Mr. McVea being absent,) beg leave respectfully to report:

That they repaired to the establishment occupied by the Insane of Louisiana, and forthwith proceeded to discharge their responsible functions. Our visit was made just before the dinner hour, which gave us an opportunity to inspect every article of food, and as our visit was not anticipated, we are satisfied that the dinner was a fair average. We found each subject supplied with a piece of good fresh beef, a pint of very good soup, and a sufficiency of fresh (baker's) bread. We next proceeded to the sleeping apartments, where we found every thing neat and clean.

Four witnesses were examined on oath, three of whom testified to the fact that the establishment was well managed; that the patients were humanely treated, and supplied with a plenty of good wholesome food. The other witness (a gentleman who furnishes the Asylum with fresh beef,) testified that the beef furnished was of the same quality as that furnished the citizens of Jackson.

The establishment is visited daily (and oftener when necessary,) by a physician, who stands high in this community as a practitioner. An examination of his books satisfied us that he had not been remiss in his duty. We therefore report the facts as they came under our observation, and were testified to by respectable witnesses, and necessarily conclude that the establishment is kept in a manner creditable to the State, and to the best interests of the unfortunate inmates.

All of which is respectfully submitted.

JAS. PERKINS.

A. G. CARTER.

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APPENDICE.

RAPPORT ANNUEL

DE

L'INGENIEUR D'ETAT

POUR 1853.

NOUVELLE-ORLEANS:
IMPRIME PAR EMILE LA SERE, IMPRIMEUR D'ETAT.
1854.

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RAPPORT

DE

L'INGENIEUR D'ETAT.

au Sénat et à la Chambre des Représentans de l'Etat de la Louisiane.

BUREAU DE L'INGENIEUR DE L'ETAT.

Bâton-Rouge, Janvier, 1854.

Dans mon rapport à la dernière Législature, au commencement de la session, je informai que j'avais, le 2 décembre, expédié le capitaine Barker avec vingt ouvriers pour travailler sur le chemin planchéié de Bâton-Rouge et Grosse-Tête ; le capitaine Hardy à la Nouvelle-Orléans avec le bâteau général Walker pour faire réparer ce bateau et le capitaine Marks avec seize ouvriers pour prendre le commandement du bateau à vapeur Florida, et enlever les embarras qui se trouvaient dans le bayou Rlack ; tous les ouvriers de l'Etat, quelque temps auparavant, ayant été employés à l'écluse du Canal de Barataria et Lafourche, à Lock; port.

Je viens maintenant vous rendre compte, d'une manière aussi claire et aussi précise que possible, de nos travaax durant l'année dernière.

Les travaux sur les écluses furent continués, sous la direction du capitaine Kent, avec cinquante nègres, jusqu'au 23 de mai : à cette époque, neuf de ces nègres furent envoyés sur le Général Walker pour aider à enlever la brélle qui se trouve sur le bayou Sorrell ; avec les autres ouvriers restant on continua les travaux pour achever l'écluse, à l'exception des ouvrages en fer nécessaires pour ouvrir et fermer la seconde porte. Le bassin qui se trouve entre les portes a été creusé et l'écluse terminée le 8 juin, à l'exception de quelques accessoires et du travail mécanique mentionné plus haut.

Le 15 janvier, le Walker ayant été complètement réparé, partit de la Nouvelle-Orléans, avec dix-huit nègres, sous le commandement du capitaine Hardy, pour se rendre dans le bayou Sorrel, où une brélle s'était formée depuis près d'un mois. Le bateau arriva à sa destination et l'on commença les travaux le 21. La brelle se trouvait dans la baie du bayou Sorrell et celle qui se trouvait dans le lac Chicot furent enlevées et l'on réussit le 31 à ouvrir un passage assez large à travers celle qui existait dans les bayou Sorrell pour permettre aux bateaux des Aattakapas de passer dans le bayou le 23 février ; après quoi le bateau revint et continua à travailler dans la baie et le lac Chicot jusqu'au premier mai, avec l'assistance du Florida, qui étant très mal construit, et se trouvant en si mauvais état, n'arriva sur les lieux que le 26 février après un voyage de 18 jours du bayou Black. A cette époque, le capitaine Hardy remonta le bayou à l'effet de couper les arbres qui se trouvaient sur les bords ; mais revint, le 8 février, pour travailler avec le Florida à enlever la brelle. Le 23, il se rendit avec son bateau et les ouvriers pour enlever la brélle de la Grande Rivière, où il continua à travailler jusqu'au 1er avril ; le capitaine Blackston avec le Florida vint se joindre à lui le 22, venant de la Sorrell où il travaillait.

Le 4 avril, après avoir ouvert un passage à travers la brelle dans la Grande Rivière, le Florida se rendit dans le bayou Courtableau, à Little Devil, où il continua à travailler jusqu'au 21. La brelle dans le lac Chicot et celle du bayou Sorrell s'étant refermées, ce bateau fut expédié pour les ouvrir de nouveau, et resta là jusqu'au 29, et se rendit ici pour être réparé.

Le 1er avril, le Walker partit de la Grande Rivière pour se rendre au bayou Cyrus, où il continua à nettoyer ce cours d'eau jusqu'au 22 ; ayant terminé ce travail, et les eaux étant assez basses pour travailler sur le Têche, le capitaine Hardy laissa le bateau à la Butte à la Rose, et se rendit avec ses hommes jusqu'à ce bayou, où il continua à travailler jusqu'au 9 août, à l'exception de quelques jours où il fut employé à réparer les chemins de la paroisse après une grande pluie ; et six autres jours sur le bayou Sorrell ; les eaux du Têche étant trop hautes dans le moment pour continuer à y travailler avec profit.

A cette époque tous les bayous étaient navigables ; mais sachant qu'à la moindre crue des eaux, ils seraient de nouveau obstrués, et n'ayant qu'un bateau en état de servir, je ne crus pas devoir éloigner ce bateau de ces lieux ; j'ordonnai donc au capitaine Hardy de veiller à la navigation de ces bayous, et dans le cas où il s'y formerait des radeaux, de suspendre les travaux sur le

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Têche et se rendre immédiatement avec le bateau sur les lieux pour les enlever. Cette précaution fut utile, car le 21 de mai, il fut obligé de laisser le Têche et de recommencer à ouvrir la brelle qui s'était refermée dans le bayou Sorrell ; là il remit le commandement du bateau au capitaine Blackston, le 27, et revint prendre les travaux sur le Têche.

Blackston acheva le travail sur la Sorrell, le 8 juin ; après quoi, le Walker fut employé comme bateau de transport jusqu'au 3 août, (à l'exception de quelques jours que l'on employa à le réparer et dix autres jours à travailler sur le Little Devil) ; après cela il fut expédié avec cinquante ouvriers pour la Rivière Rouge, ayant pris les 20 ouvriers qui se trouvaient sous les ordres du capitaine Marks, au débarcadère de la Vacherie, et les dix-huit qui se trouvaient sous les ordres du capitaine Hardy. Ce bateau arriva au bayou Loggy le 19 août. Le capitaine Marks fut employé avec 31 ouvriers sous ses ordres à travailler sur les bords de ce bayou, et il continua le même travail sur les bords de la Rivière Rouge jusqu'au 29 septembre ; à cette époque, les eaux du lac Bistineau étant assez basses, je l'expédiai sur ce lac à l'effet d'y creuser un chenal à travers ; ce lac a soixante milles de long, à peu près, et sa largeur varie de deux à cinq milles. La navigation, dans ce lac, a toujours été très difficile, à cause de la grande quantité de vieux troncs d'arbres qui s'y trouvent. Ces troncs d'arbres ont une hauteur qui varie de 1 jusqu'à 15 pieds au-dessus de la marque des eaux basses. Il y a plusieurs débarcadères sur les bords de ce lac, où sont portés les produits du pays qui l'entoure pour être expédiés, savoir : au débarcadère de Stephenson, l'année dernière, on expédia 300 balles de coton ; à Buena Vista, 300 balles à peu près ; à Spring Bayou, 1500 balles à peu près ; au débarcadère de Graggs, 1500 balles de coton à peu près ; à celui de Pine Bluffs 700 balles à peu près ; à celui de Port Bolivar, 1,200 balles à peu près ; à Barefield, 1,200 balles ; à Moscou, 2000 balles de coton ; à Boon, 1800 balles de coton ; au débarcadère de Howard, sur le Doréchiti, 350 balles de coton ; au débarcadère de Overton, 3000 balles de coton ; au débarcadère de Minden on n'a pas de données, quant au nombre de balles, mais certainement on a dû expédier un nombre de balles beaucoup plus grand, disons 5000 balles. —Total des balles de coton expédiées l'année dernière : 19849.

On a ouvert des chenals pour arriver à ces différents débarcadères ; ils ont 160 pieds de large durant les plus basses eaux ; des enseignes sont placées à une distance d'un demi-mille les unes des autres, à une hauteur de 20 à 25 pieds, sur des cyprès ébranchés ; lesquelles enseignes sont bien marquées et indiquent la direction de chacun des débarcadères ; lesquels sont parfaitement nettoyés et libres de tout embarras, de manière que les bateaux peuvent atterrer dans quelque position que ce soit.

La profondeur de ce lac, aux différents points, durant les plus basses eaux, au niveau desquelles on a coupé les troncs d'arbres, est comme suit :

Au débarcadère de Stephenson 9 pieds ; à celui de Buena Vista 7 pieds ; à Shingle Point 5½ pieds ; à Mud Bar de 12 à 15 pouces ; au débarcadère de Spring la même profondeur ; à celui de Graggs 5½ pieds ; à Pine Bluff, 9 pieds ; à Port Bolivar, 5½ pieds ; à Barefield, 8 pieds ; à celui de Boon 9 1-2 ; à Moscou, 7 pieds ; à la Barre Bark Point, la profondeur varie de 12 à 14 pouces ; à la tête du lac, 15 pouces ; à partir de Bark Point jusqu'à l'embouchure du bayou Dorchiti, la profondeur varie de 12 à 15 pouces ; en dedans, à l'embouchure du bayou, 7 pieds ; au débarcadère de Howard, sur le bayou, 5 pieds ; au débarcadère de Longreach, sur le bayou, 8 pieds ; au débarcadère de Ovorson, sur le bayou, 3 pieds, sur les battures, entre le débarcadère de Overton et Minden, 12 pouces ; au débarcadère de Minden, 9 pieds.

Le surintendant des travaux dans cette partie de l'Etat, remarque que le bayou au nord de Minden peut être rendu navigable pour les Barges jusqu'à 70 milles de cet endroit.

Les ouvriers de l'Etat, en revenant à travers le lac jusqu'à la Rivière Rouge, nettoyèrent les rives du bayou Loggy, et enlevèrent tous les troncs d'arbres qui se trouvaient dans ce cours d'eau et qui gênaient sa navigation ; à l'exception des chicots les plus dangereux qui déjà avaient été enlevés par le bateau sous le commandement du capitaine Blackston.

D'après les informations que j'ai reçues de personnes n'ayant aucun intérêt dans cette affaire, et sur lesquelles on peut compter, et aussi d'après le rapport du surintendant chargé des travaux dans cette partie de l'Etat, il est résulté un grand bien des travaux qui ont été exécutés ici dans très peu de temps.

Des personnes bien informées assurent que la meilleure navigation pour se rendre de la Rivière Rouge au lac Bodreau serait, de prendre le lac Bistineau, par la rivière Flat, le lac Swan, le bayou Red Shoal et le bayou Bodeau jusqu'au lac Bodeau, au lieu d'entrer dans le Red Shoal à partir du lac Bistineau ; cette première est considérée

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plus courte et plus facile que la dernière qui est obstruée par une batture à l'embouchure du Red Sheal.

Les ouvriers sous les ordres du capitaine Marks, revinrent dans la Rivière Rouge le 7 décembre et continuèrent les travaux qu'ils avaient commencés. Je donnai des ordres pour que tous les embarras qui empêchaient le passage des eaux fussent enlevés jusqu'à la marque des eaux les plus basses, espérant augmenter le courant, à l'effet d'ouvrir le chenal à partir de l'embouchure du bayou Loggy jusqu'à la source du bayou Jones. Le chenal a été ouvert dans une longueur de 12 milles en amont et de quatre milles en aval de l'embouchure du bayou Loggy. Tous ceux qui ont vu ce travail, en parlent de la manière la plus flatteuse.

« Le Walker continue, jusqu'à présent, à enlever les chicots et les bois de dérive dans ce bayou avec autant de succès que l'on pouvait attendre d'un bateau aussi usé. Une fois il a brisé sa grue et presque tous ses gros cables sans pouvoir enlever des troncs d'arbres très lourds qui était fortement enterrés dans le fonds de la rivière. Quelques fois nous avons employé deux haussières neuves ayant huit pouces et demi de diamètre et nous avons été obligés d'abandonner ce travail, la machine du bateau n'étant pas assez forte pour réussir. Je mentionne ce fait afin que l'on sache pourquoi ils n'ont pas été enlevés. J'ai déjà fait le dessin d'une machine que j'emploirai, qui aura une force suffisante pour arracher ces chicots.

Les chicots sont en si grand nombre dans cette rivière que je fus obligé d'ordonner au capitaine du bateau de n'arracher que ceux qui génaient le plus la navigation durant les eaux basses ; autrement, si nous avions entrepris de les enlever tous, nous n'aurions pu remonter qu'à une petite distance, et par conséquent faire moins de bien. Nous avons réussi à arracher les chicots qui gênaient le plus la navigation, à partir des rigolets en aval de St. Maurice, jusqu'au Goude du Diable, un peu au-dessous de Shreveport.

Bien que des plaintes m'aient été portées, durant les derniers jours, au sujet du travail de ce bateau, je suis certain, d'après ce que j'ai vu moi-même, que les ouvriers qui étaient à bord ont beaucoup travaillé ; mais le résultat de ce travail n'est pas visible, car une fois arraché, le chicot disparait ; et si quelques uns restent, le travail n'est pas achevé et les passants croient que l'on a fait, pour parceque ils voient du travail à faire. Les mêmes conséquences se présentent dans l'enlèvement des brelles.

Nous travaillons pendant la moitié de l'année à les enlever de ces cours d'eau, dans les parties inférieures ; et après la première crue des eaux ces brelles se forment de nouveau. J'ai fait voir que nous avions été obligés de les enlever deux fois, l'année dernière, et malgré cela, elles se sont encore si bien formées que je suis obligé de me préparer à les enlever encore une fois.

Le public, en général, comprend très peu ce genre de travail. Il croit que, les brelles étant une fois ouvertes et les chicots enlevés, qu'il ne doit plus rester rien à faire ; mais il se trompe... On doit recommencer souvent ce travail et continuer tant que les bois de dérive continuent à descendre ; et si les bateaux n'avaient pas été continuellement employés, des cours d'eau seraient maintenant impénétrables. Les défrichés, qui sont faits continuellement sur les bords de ces cours d'eau, depuis nombre d'années, par les occupants des terres qui y font face, a augmenté le mal, attendu qu'ils ne faisaient que cerner les gros arbres afin de les faire mourir, et lorsqu'arrivaient les éboulis, ces arbres tombaient en entier dans les cours d'eau et y restaient ; mais quoique le mal ait été augmenté par cela, cependant il en résultera par la suite un grand bien.

Il serait très difficile de changer l'opinion du public, tant qu'il n'aura pas pensé et réfléchi sur ce sujet. Celui qui n'aurait pas vu la condition de l'un de nos grands cours d'eau, avant d'avoir été nettoyé, par un bon bateau avec son équipage, pendant une année entière, ne pourrait, en y passant, s'imaginer les travaux qu'on a exécutés.

Sans doute, on pourra faire beaucoup plus l'année prochaine qu'on n'a fait l'année dernière, attendu que nous aurons de bons bateaux pour exécuter les travaux.

Tandis que nous sommes sur ce sujet, je ferai remarquer que, par un acte de la Législature, l'ingénieur de l'État a été requis de cerner les arbres qui se trouvent sur les bords de la Rivière Rouge ; ce qui, jusqu'à un certain point, a été exécuté au commencement de l'année dernière. M'étant aperçu que ce travail n'avait été d'aucune utilité, j'adoptai le plan de faire abattre les arbres. En conséquence, j'ordonnai au capitaine Marks d'abattre et de couper tous les arbres qu'il croirait susceptibles de tomber dans la rivière. Ce qui me décida à adopter ce plan fut d'avoir découvert que les chicots qui se trouvent dans ce cours d'eau sont les mêmes vieux arbres qui après avoir été cernés, sont tombés dans le bayou avec assez de terre attachée à leurs racines pour en faire caler les troncs, et la tête ou le corps étant en partie séchés sont restés au-dessus de l'eau et forment les chicots les plus dangereux. Pour rendre ces rivières entièrement navigables, il faut absolument

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abattre et couper par morceaux les arbres qui se trouvent sur les rives qui sont susceptibles d'ébranlement, afin de les empêcher de se former en radeaux. Nos ouvriers maudissent les arbres cotonniers de la Rivière Rouge qui bouchent le bayou Sorrell et la Grande Rivière.

Attaquons le mal dans sa racine et détruisons-le avant d'éprouver ses effets. Si ce plan pouvait être mis à exécution dans l'année, il en résulterait de grands avantages et on épargnerait beaucoup de dépenses et de travaux pour l'avenir. Les bateaux et les ouvriers que nous avons à notre disposition ne sont pas assez nombreux pour mettre à exécution ce projet ; de sorte que dans notre position actuelle, nous ne pouvons qu'abattre une faible partie des arbres et arracher ceux qui sont déjà dans la rivière et qui offrent le plus de dangers.

Le capitaine Barker continua les travaux sur le chemin planchéié jusqu'au 14 mai, et construisit huit ponts, savoir : un sur le bayou Johnston, ayant 25 pieds de long sur 16 de large ; un sur le bayou Thomas, ayant 50 pieds de long sur 16 de large ; un sur le bayou Woolfork, ayant 25 pieds de long sur 16 de large : un sur le bayou Erwin, ayant 25 pieds de long, sur 16 de large ; un sur le bayou Crocodile, ayant 170 pieds de long sur 16 de large ; un sur le bayou Poydras, ayant 50 pieds de long sur 16 de large ; un sur le Grand Bayou, ayant 50 pieds de long sur 16 de large ; un sur le bayou Nicholas, ayant 45 pieds de long sur 16 de large.

Il a aussi construit 8 conduits souterrains ayant 20 pieds de long sur 14 de large ; en outre, il a enfoncé à dix ou douze pieds de profondeur 78 pilotis sur lesquels ont été construits les ponts ; et il a équarri dix-huit pièces nécessaires à la construction des conduits souterrains et pour la couverture des ponts. Tout le bois nécessaire a été scié sur les lieux par les ouvriers de l'Etat. Tout le travail a été solidement fait et aussi bien qu'on pouvait l'espérer.

Le 9 juin, le capitaine Marks ayant réussi à enlever, autant que possible, les bois de dérive qui génaient la navigation du bayou Black, et comme depuis longtems on avait promis de faire un chemin sur une des rives de ce bayou, pour le tonage des bateaux, je profitai de l'occasion pour expédier tous les ouvriers qui se trouvaient dans les environs pour achever ce travail. A la date du 24 juin un bon chemin était ouvert. La navigation de ce bayou est de la plus grande importance pour cette partie du pays à travers laquelle il passe ; mais cette navigation ne sera jamais bonne tant que l'on n'établira pas des écluses dans le Terrebonne, le Caillou et le bayou Black même ; ce que la Compagnie de Barataria et Lafourche a promis de faire conformément aux suggestions faites par moi en date du 18 juin 1858, aux commissaires nommés par le Gouverneur, en vertu de l'acte No. 321 pour changer et modifier le contrat passé entre l'ingénieur de l'Etat et la Compagnie.

Conformément aux instructions des commissaires, je remis à la Compagnie un [illegible] qui était requis dans le contrat, à l'exception d'une certaine somme d'argent pour [illegible] matériaux qui n'étaient pas nécessaires pour achever la construction des écluses, et qui ont été vendus à terme. J'ai encore à [illegible] d'autres comptes qui absorberont presque [illegible] faible somme dûe pour des objets vendus [illegible] la balance sera payée au Président de la Compagnie aussitôt que les comptes seront réglés.

Je suis convaincu, d'après ce que j'ai vu, que les terres qui se trouvent dans ce voisinage sont les meilleures de l'Etat, et les cultivateurs ne peuvent qu'avec grand profit envoyer leurs produits au marché. En conséquence, je crois que les travaux qui sont nécessaires pour améliorer la navigation de cette partie de l'Etat devraient être exécutés le plus tôt possible.

Le chemin de fer assurera un grand avantage aux habitans de cette partie du pays, mais ils sentiront bien mieux la nécessité d'une bonne navigation après que ce chemin sera achevé ; car, tout en attirant une population sur ces terres, il ne pourra, ainsi que les bayous, passer devant la porte de chaque habitant.

Les planteurs préfèrent expédier leur sucre et leur melasse, en les embarquant à leurs portes que de les faire transporter à une certaine distance pour être expédiés par une autre voie, quand même le temps pour arriver au marché serait plus long.

Le 25 juin, le Walker, étant arrivé à Lockport, a été chargé avec tout ce qui appartenait à l'Etat, les nègres y compris, et arriva à Bâton-Rouge le 27 ; il resta ainsi la journée du 28 pour être réparé, et partit le 29 avec 57 ouvriers pour le "Pont Noble", où il resta dix jours à peu près occupé à ouvrir la brelle ; ce travail étant achevé il se rendit à l'embouchure de bayou Bonne, le 14 juillet, et débarqua le capitaine Kent avec 50 ouvriers. Il ne put commencer à couper les arbres dans le haut de la Bonne que le 25 du même mois, les eaux étant trop hautes avant ce temps pour travailler avec avantage) et continua avec ses nègres le même travail qu'il avait rempli l'année dernière.

A la même époque, Mr White, avec 25 ouvriers sous les ordres du capitaine Kent

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commença à couper les arbres sur le bayou Corney au "Feagell Bluff". Les travaux sur ces deux cours d'eau furent terminés, et les embarras qui se trouvaient dans le bas du bayou Darbonne jusqu'au Ouachita étaient enlevés à la date du 27 août.

Alors tous les ouvriers de l'Etat se rendirent sur le bayou Barthélemy, et commencèrent à travailler le 31 août. Toutes les obstructions furent enlevées; après quoi ils se rendirent jusqu'à la ligne des Arkansas et continuèrent les travaux jusqu'à une distance de 75 milles en descendant, et où jamais on n'avait travaillé. Ce travail fut achevé le 25 novembre. Tous les travaux dans ces deux cours d'eau ont été bien exécutés; mais à cause du grand nombre d'arbres qui y ont été jetés, il sera nécessaire d'envoyer un bateau pour enlever les bois de dérive qui s'y accumuleront avec la crue des eaux. Les eaux étant à cette époque à une hauteur convenable, les ouvriers se rendirent sur le bayou Corney pour ouvrir un passage, pour les barges, au-dessus de Feagell Bluff; ils arrivèrent à cet endroit le 30 novembre, et travaillèrent jusqu'au 12 de décembre, pour finir ce travail jusqu'au (Ferry) bac de Louvié, après quoi il fut ordonné au capitaine Kent de se rendre à Bâton-Rouge avec 30 ouvriers, où il arriva le 23 avec son bateau et ses esquifs. Il fut ordonné au capitaine White de demeurer avec les 20 ouvriers restant, sur le bayou Corney, et de continuer à y travailler jusqu'à la crue des eaux.

Ainsi donc, ce district a profité pendant près de six mois du travail de la moitié des ouvriers de l'Etat; travail qui a été très bien conduit et pour lequel le capitaine Kent mérite des louanges, attendu qu'il a travaillé avec beaucoup d'énergie et de persévérance durant les plus mauvais temps, sans perdre un seul de ses hommes.

Les ouvriers sous les ordres du capitaine Barker furent expédiés sous les ordres du capitaine Marks le 15 mai, pour travailler sur le chemin de la Vacherie, où il resta jusqu'au 4 août. Durant ce temps ils construisirent 4 ponts solides et élargirent le chemin. On ne passe sur ce chemin que durant les saisons pluvieuses, et il ne sera jamais en bon état tant qu'on n'emploiera pas de meilleurs matériaux pour résister au frottement des roues de charettes. Si l'on continuait à placer en travers de ce chemin des dosses de cypre on en ferait un chemin passable; mais tant qu'on n'adoptera pas ce moyen il sera impossible d'arriver au but qu'on se propose.

Ici se termine mon compte-rendu des travaux exécutés par les ouvriers de l'Etat; et quant à moi, je suis convaincu qu'ils ont mieux rempli leurs devoirs et exécuté des travaux plus pénibles qu'aucun autre assemblage d'hommes, du même nombre, dans quelque partie de l'Etat que se soit.

Il ne nous est arrivé aucun accident sérieux. Nous n'avons perdu qu'un vieux nègre qui, accablé sous le poids des années, a été placé en soins près d'ici; il est mort durant l'été d'une affection de poumons.

Le nombre de nègres appartenant à l'Etat, s'élève maintenant à 106; la plupart d'entre eux ont été employés a tant de travaux différents, qu'on pourrait même les employer avec avantage à des ouvrages purement mécaniques.

Je n'ai rien à dire pour ce qui concerne les travaux à faire cette année; il y a tant à faire dans chaque district, avec un nombre d'ouvriers si limité, qu'il est vraiment difficile de satisfaire l'une ou l'autre partie de l'Etat.

D'abord il y a tant à faire pour maintenir une navigation passable dans les cours d'eau qui conduisent aux Attakapas et aux Opelousas, qu'on n'aurait pas le temps d'améliorer ceux des autres parties de l'Etat. La Rivière Rouge demande aussi beaucoup de temps pour la rendre à peu près passable durant les eaux basses. La navigation de ces deux cours d'eaux est de la plus haute importance pour l'Etat, elle doit être maintenue s'il est possible.

Le plan que j'ai adopté, et que je désire continuer, s'il est possible, est d'employer un grand nombre d'ouvriers sur un point jusqu'à ce qu'ils aient réussi à faire quelque chose de bien.

En divisant les ouvriers en petit nombre, toutes les parties de l'Etat espèrent obtenir quelque chose, tandis qu'à la fin rien n'est fait et elles sont désappointées.

Je dois dire que durant l'année dernière les paroisses de la Floride ont été entièrement négligées, et n'ont pas profité du travail des ouvriers de l'Etat. Pour leur rendre justice, il me semble qu'on devrait leur donner cette année plus que leur part des travaux publics.

A moins d'en être autrement requis, j'irai examiner moi-même quels sont les endroits où peut être effectué le plus de bien dans le plus court espace de temps; après quoi j'ordonnerai les travaux en temps propice.

Il serait très nécessaire de placer une "barrière flottante" à l'embouchure du bayou Courtableau, à l'effet d'empêcher les bois de dérive de sortir de la Grande Rivière et d'obstruer ce cours d'eau.

Mon prédécesseur en avait fait le dessein; le bois nécessaire pour sa construction avait été coupé, mais nous n'avons pas eu assez de

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temps l'année dernière pour achever ce travail.

Le capitaine Johnston, du bateau Sydonia, employa quelques uns de ces bois à la construction d'une barrière flottante qui lui fut payée conformément à l'acte No. 198, passé par la Législature l'année dernière. Ce travail fut bien vite emporté ; ce qui prouve qu'il n'était pas bien construit. Il faudrait en construire une autre qui pût durer longtemps ; mais je doute qu'il soit possible de le faire avec les ouvriers de l'Etat, après avoir terminé les travaux nécessaires dans ce district, sans priver les autres parties de l'Etat des améliorations qu'elles ont droit d'exiger.

Dans mon rapport de l'année dernière, j'avais recommandé de construire des écluses pour empêcher les eaux du vieux chenal de la Rivière Rouge de passer dans le bayou Tones et dans le Pascagoula.

La rivière, à partir du bayou Tones en descendant jusqu'à l'embouchure du bayou Loggy, se comble ; le courant étant diminué par rapport à ces débouchés. Plusieurs personnes m'ont mal compris sur ce sujet. Celles qui habitent les terres au-dessous de l'embouchure de ces bayous pensaient que ce travail causerait l'inondation de leurs terres : tandis que, si elles avaient examiné avec plus d'attention les opinions émises dans mon rapport, elles auraient vu que ce résultat ne pouvait avoir lieu.

Mon but était seulement d'empêcher par des constructions en bois, les eaux de ces bayous de passer par ces débouchés pendant la décrue des eaux, et aussi lorsqu'elles sont à une hauteur ordinaire, désirant en même temps augmenter la largeur de ces débouchés jusqu'à la hauteur des rives du bayou, afin d'augmenter la force du courant pendant la crue des eaux.

En nettoyant les bords afin que les eaux puissent passer plus facilement, serait d'un grand avantage ; c'est un des moyens les plus sûrs pour élargir et creuser les chenals.

Cette partie de la rivière a été abandonnée depuis trop longtemps, elle est trop sinueuse, et les terres qui se trouvent sur ses bords ont tellement augmenté en hauteur par les dépôts qui se sont faits en amont des cyprières qui les avoisinent, pour chercher plus longtemps à la rendre navigable ; à moins que les mesures déjà proposées ne soient mises à exécution. Les travaux à faire pourraient être exécutés par les ouvriers de l'Etat seulement.

Je crois que les écluses peuvent être construites solidement avec des poteaux non équarris, enfoncés dans le fond des bayous. Je crois qu'en empêchant les eaux de se jeter dans le bayou durant la saison des eaux basses, on pourrait travailler facilement dans le lit de ces bayous et construire les écluses sans difficulté.

Les seules dépenses à faire, dans le cas où on emploirait les ouvriers de l'Etat pour exécuter ce travail, serait de payer pour le transport des bois que l'on trouve immédiatement dans le voisinage.

L'acte de la Législature No. 259, approuvé le 29 avril, autorise l'ingénieur de l'Etat à construire des bateaux convenables pour l'usage de ce département ; mais cet acte n'ayant passé que vers la fin de la session, et l'épidémie s'étant présentée parmi nous presqu'immédiatement après, je ne pus continuer les travaux que j'avais à peine commencés. En conséquence, la construction de ces bateaux est loin d'être terminée. On a réparé et changé la construction du Florida ; un des nouveaux bateaux est sur le chantier, et se construit sous la direction de Mr Jno. F. Durgin qui est considéré comme un ouvrier capable et entreprenant. L'Agnès aussi est en réparation, et sa coque a été refaite par Messrs. Robertson Penegar and Martin d'Alger.

Tous ces bateaux une fois réparés et mis étant en bon état, rendront de grands services ; mais la somme allouée pour la construction et les réparations de ces bateaux sera insuffisante pour payer le coût de construction et des réparations, à cause de l'augmentation dans le prix du travail et des matériaux. Depuis que j'ai fait l'estimation ou depuis l'année dernière, la main d'œuvre et les matériaux ont augmenté d'un tiers à peu près.

Il faudra donc allouer une somme additionnelle ; et plus tard, durant cette session, après que je me serai assuré du montant nécessaire pour achever la construction de ces bateaux, j'en ferai un rapport spécial à la Législature.

Durant la saison où je devais faire les levés ordonnés par la Législature précédente, l'épidémie faisait tant de ravages que je ne crus pas devoir m'exposer ni permettre à mon assistant de le faire.

J'avais aussi beaucoup de travail à faire dans mon bureau : des tracés pour l'exécution des travaux par les nouveaux bateaux, y inclus ceux des nouvelles machines de ces bateaux.

J'ai fait les tracés du bayou Plaquemines avec beaucoup de soin. Le premier fut fait pendant les eaux hautes, faisant voir les courbes et les lignes du courant, et représente une vue topographique de la rivière et du bayou à cette époque. Le second fait durant les eaux basses, représente une vue complète de la topographie et de l'hydrogra-

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phie des lieux, avec les changements qui ont eu lieu depuis le premier tracé. Les deux, d'une exactitude parfaite, ont été faits par mon habile assistant Mr Chs. Ritter.

Nous pourrons avec ces tracés développer les faits qui peuvent être nécessaires pour établir une juste opinion concernant les constructions qui doivent être faites à l'embouchure du Bayou. L'Etat a déjà dépensé beaucoup d'argent sans avoir obtenu aucun bon résultat; je n'ai jamais voulu et m'opposerai encore à ce que l'on fasse de nouvelles dépenses dans ce but, tant que les travaux publics seront sous ma direction, et que je ne serai pas convaincu qu'on peut en obtenir de bons résultats.

Je n'ai pas cru devoir faire le relevé des chûtes près d'Alexandrie, conformément à l'acte No. 80 de la dernière Législature, attendu que je savais que les travaux qui devaient être exécutés pour enlever les obstructions à cet endroit étaient déjà commencés sous la direction du Col. DeRussy, l'habile ingénieur nommé par les commissaires. Je présume que d'après l'examen et les tracés qu'il a faits, il pourra démontrer l'utilité du travail déjà commencé.

Un cours d'eau qui, bien que ses ressources ne soient pas à moitié dévelopées, sert déjà à porter au marché trois cent mille balles de coton, une moitié desquelles paie une piastre extra à cause des difficultés de transport, sans compter le coût extra du transport d'autres articles, doit être amélioré le plus convenablement possible.

J'aurais voulu faire usage de l'appareil à explosion sous-marine de Messrs. Maillefort et Raslorff et obtenir d'eux leur avis et la manière de m'en servir, pour enlever les carcasses de quelques bateaux qui se trouvent dans les chenals de nos cours d'eau; et aussi faire une expérience avec de la poudre sur quelques radeaux et chicots; par exemple, sur des brleles semblables à celles qui se forment dans la Sorrell, et sur les chicots qui gènent beaucoup la navigation des lacs des Attakapas.

Je ne crois pas que je puisse légalement obtenir les services de ces messieurs sans un acte de la Législature, lequel, je pense, sera décrété le plus tôt possible. Leur brevet ne s'étend pas à l'usage de la poudre pour faire l'expérience que je propose; mais comme ils l'ont employée souvent, ils ont sans doute acquis une expérience qui serait d'une grande utilité pour celui qui voudrait commencer à en faire usage.

Je suis heureux de vous informer que ces messieurs ont promis de se conformer à mes souhaits et de m'aider autant qu'il leur sera possible. Ils doivent bientôt me faire savoir ce que doivent coûter quelques unes des expériences dont il est question plus haut; ce qui me permettra de demander une allocation spéciale pour cet objet.

D'après ce que l'on dit du grand travail d'améliorations exécuté par Mr Maillefort dans Hell Gate, près de New York, et d'après les observations que j'ai faites aux chûtes d'Alexandrie, où ces messieurs sont occupés, je n'ai aucun doute que le mode d'explosion de Mr Maillefort serait d'une grande utilité dans nos cours d'eau, et qu'il serait de l'intérêt de l'Etat d'employer un agent si puissant pour enlever les carcasses de bateaux, les brelles, &c. qui se trouvent si souvent dans nos rivières et bayous navigables.

Bien que j'aie besoin de votre indulgence pour n'avoir pas faits tous les relevés que j'avais ordre de faire l'année dernière, je dirai que la surveillance de la construction de trois bateaux en même temps et les changements que j'ai été obligé de faire dans la forme des nouvelles machines pour les rendre plus convenables, ont pris presque tout mon temps.

Jusqu'à présent, nos machines ont été trop faibles pour exécuter les travaux pour lesquels elles ont été construites; ce qui a été cause d'une grande perte de temps et de la non-réussite de nos travaux.

Depuis plusieurs années, les différents ingénieurs d'Etat ont conseillé d'augmenter le nombre de nègres employés aux améliorations intérieures. On ne l'a pas fait peut-être parce que les finances de l'Etat ne le permettaient pas; mais la raison, je crois, (et c'est la plus probable) est que le public pense que les nègres appartenant à l'Etat ne remplissent pas leurs devoirs. Cette opinion, en général, est erronnée, bien que dans certaines occasions elle ait été justifiée.

Voici à peu près les faits sur lesquels cette opinion est basée:

1o. Il y a plusieurs années, quelques aspirants aux faveurs publiques, afin d'assurer leur élection, promirent de faire exécuter les travaux publics sur tels points particuliers dans leur voisinage, ignorant complètement les effets qui devaient résulter de ces travaux; d'autres, mûs par les sentiments les plus purs, voyant la nécessité des travaux dans leur voisinage, promirent aussi de faire exécuter ces travaux. Aussi la Législature, depuis 1847 jusqu'à cette date inclusivement, a-t-elle décrété 132 actes à cet effet, que j'ai été obligé de consulter dans le cours de mes travaux officiels.

Quelquefois chacun de ces messieurs demandait des améliorations dans plusieurs cours d'eau différents; de sorte qu'un seul d'entre eux faisait ordonner le trajet de mille milles au moins pour améliorer ces cours d'eau.

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Je vous réfère à un seul de ces actes passé en 1847 sous le No. 268, qui est trop long pour le copier ici. L'étendue qu'il a fallu parcourir dans ces cours d'eau pour les rendre navigables conformément à ces divers actes et à d'autres passés précédemment, n'est pas moins de 5000 milles. Et cependant nous ne pouvions parcourir qu'un demi-mille par jour là où il fallait couper les arbres dans les bayous et sur leurs rives; en outre de ce, il nous a fallu nettoyer ces cours d'eau, faire des digues, des ponts et autres travaux ordonnés.

Si pour chaque dix milles de travail nous avions un bon travailleur au lieu d'un pour chaque 50 milles, nous aurions à notre disposition 500 hommes; alors nous pourrions exécuter toutes les améliorations nécessaires dans très peu de temps.

Dans une conversation que j'eus sur ce sujet avec l'un de nos surintendants les plus capables, je lui demandai combien il fallait de temps pour exécuter les travaux déjà ordonnés. Il me répondit: que si le nombre d'ouvriers était augmenté du double, et qu'ils fussent forcés de bien travailler pendant leur vie durante, que peut-être alors, ils les achèveraient. Celui qui voudrait examiner ce sujet verrait de suite qu'avec le nombre d'ouvriers que nous avons sous nos ordres, nous ne pouvons achever, dans une année, tous les travaux ordonnés; de là ce mécontentement. Si ces plaintes viennent seulement de ceux qui ont contribué à passer ces lois, leur nombre serait encore assez grand pour rendre compte du mécontentement général.

Presque tous ceux qui obtiennent le décret d'une loi pour améliorer la navigation d'un cours d'eau près de chez eux, pensent que ce cours d'eau est beaucoup plus important qu'un autre; et comme la loi en ordonne l'amélioration, ils se plaignent si les travaux ne sont pas exécutés; mais ils oublient que d'autres ont les mêmes raisons qu'eux de se plaindre, et que nos ressources étant fort limitées nous ne pouvons satisfaire que quelques uns en raison du grand nombre.

Les habitans de chaque section veulent l'exécution des travaux particuliers dans leur section. Tous les habitans de l'Etat veulent l'exécution des travaux en entier. Qu'on ne s'étonne pas alors que presque tous soient mécontents.

2o. Après qu'on a enlevé les chicots et les radeaux dans un bayou, comme je l'ai déjà dit, il ne reste plus aucune trace des travaux exécutés.

3o. Nos ouvriers sont si peu nombreux, que nous ne pouvons les diviser dans chacune des sections de l'Etat; en conséquence, nous perdons un temps considérable en les faisant voyager d'une section à une au

4o. Les passagers à bord des bateaux passent souvent dans les cours d'eau où sont stationnés les bateaux de l'Etat, étant gés de voyager pour leurs affaires le samedi après-midi, le dimanche et le jour de N. oublient que ces jours là sont des jours riés; et voyant nos ouvriers inoccupés, plaignent que les travaux ne s'exécutent pas. Les journaux s'en emparent et soulèvent contre nous l'opinion publique au de s'informer pourquoi nos ouvriers sont inoccupés.

On s'est plaint aussi que les bateaux restaient amarrés au rivage, ne faisant rien en apparence, tandis que, de fait, les ouvriers sont tous très occupés, ou avec leurs canots dans les cours d'eau avoisinants, ou bien sur les bords où les bateaux ne peuvent pas passer.

Durant la saison des eaux basses, il est très souvent obligé de laisser le bateau dans des cours d'eau où il puisse flotter, tandis que les ouvriers vont, avec leurs canots, camper à une grande distance de là.

Sans doute, il a existé et il existe encore jours des sujets de mécontentement par rapport à la conduite des ouvriers; mais je crois, ne rend pas compte du mécontentement qu'on a manifesté au sujet des travaux en général.

Pour ma satisfaction je demande à votre honorable corps de faire examiner par un comité des améliorations intérieures la conduite des travaux de ce département durant l'année dernière, et je le réfère aux habitans des bayous Black, Barbière, Labonne, Corney, des bords de la Rivière Rouge, du lac Bistineau, et aux environs du chemin planchéié, et à tous ceux des autres parties de l'Etat où l'on peut voir que nos ouvriers ont fait; et si, dans divers endroits, ils ont fait leur devoir, pourquoi ne l'auraient-ils pas fait là où il n'y a plus aucune trace de leurs travaux? Je commanderai d'augmenter le nombre des ouvriers; et afin que chaque partie de l'Etat reçoive son contingent des travaux publics, construisons des chemins là où il n'y a pas de cours d'eau à améliorer. Il a été prouvé dans la construction du chemin planchéié, que les nègres de l'Etat peuvent exécuter les travaux les plus difficiles.

L'augmentation dans la valeur des terres dans la partie inférieure de l'Etat, occasionnée par la construction de ces chemins, est une preuve qu'on gagnerait à en construire d'autres.

Les terres qui se trouvent le long de la ligne du chemin de Bâton-Rouge et de Grosse-Tête, sont déjà vendues, et il en serait de même des autres terres, si on faisait

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emin à chaque dix milles de latitude sur
bords du Mississipi.

Si les travaux publics doivent être conti-
ués, mon opinion est qu'on ne doit employer
e des nègres pour les exécuter. Les dé-
nses seraient de moitié moindres que celles
casionnées par le travail des blancs, (et je
is prêt à le prouver par le registre de ce
ıreau), et chacun sait que les noirs sont
›ins sujets que les blancs aux intempéries
notre climat. Les travaux exécutés l'an-
e dernière, sans compter ceux exécutés
années précédentes, sont une preuve
faveur de ce que j'avance.

L'année dernière, dans le moment même
l'épidémie, par ses ravages, empêchait
xécution des travaux par les blancs, les
gres travaillaient avec autant d'énergie
ıe s'il n'existait aucune maladie dans le
ys. Il n'y a pas eu de mortalité parmi
x, à l'exception de quelques uns qui sont
orts de maladies inhérentes à la vieillesse,
en qu'ils fussent exposés aux influences de
pidémie qui existait à Trenton sur le ba-
ıu Barthélemy, et dans la Rivière Rouge,
r les rives de laquelle la fièvre faisait au-
nt de ravages parmi la population blanche
ıe dans aucune partie de l'Etat.

Les dépenses de ce département, à partir
1er janvier 1853 jusqu'au 1er janvier
54, sont comme suit :

our les améliorations in-
érieures - - - - -	$ 15,815 54
ılaire de l'Ingénieur d'E-
at et dépenses incidentes
le ce bureau - - - -	10,968 48
onstruction de bateaux de
'Etat - - - - - -	4,828 29
anal de Lafourche et Ba-
ataria - - - - - -	5,663 13
épenses casuelles - - -	190 67
	$ 37,466 11

alance des allocations en
aisse à la date du 1er
janvier 1854 :

our améliorations à l'in-
térieur - - - -	$ 13,166 59
Salaire de l'Ingénieur d'E-
tat, et dépenses inciden-
tes de ce bureau - - -	7,892 26
Pour construction des ba-
teaux - - - - - -	10,171 71
Somme appartenant à la
Cie du canal de Lafour-
che et Barataria - - $ 73 59	
Billet échu payable à
l ordre du Trésorier
de l'Etat - - - - 640 00	
Compte - - - - 125 00	
	838 59
Somme affectée aux dé-
penses casuelles, en caisse	809 33
Montant total en caisse - -	$ 32,878 48

On verra d'après ce compte que nos dépenses ordinaires durant l'année dernière sont de $ 7,025.31 moins que les allocations ordinaires. J'ai fait mon possible pour faire exécuter les travaux avec la plus grande économie; et si nos dépenses n'ont pas été aussi fortes l'année dernière qu'elles l'ont été les années précédentes, cela vient de ce que nous n'avons employé qu'un seul bateau vers la fin de l'année.

Celui qui a la moindre idée de ce que coûte le service des bateaux à vapeur, doit savoir que leurs dépenses sont très fortes, surtout lorsqu'ils sont employés au service de l'Etat; chacune de leurs membrures, chaque partie de leur machine étant forcées constamment, ne peuvent que s'user très vite.

Les dépenses pour les cordages, les poulies, les palans &c. sont trés grandes; et comme nous aurons quatre bateaux au service de l'Etat cette année, je vous conseillerais de mettre la somme ordinaire à la disposition de ce Bureau pour l'année courante.

Le tout vous est respectueusement soumis.

G. W. MORSE,
Ingénieur de l'Etat.

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APPENDIX.

RAPPORT

DU

SURINTENDANT

DE

L'EDUCATION PUBLIQUE,

POUR 1853.

NOUVELLE ORLEANS :
IMPRIME PAR EMILE LA SERE, IMPRIMEUR D'ETAT.

1854.

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RAPPORT

DU

SURINTENDANT DE L'EDUCATION PUBLIQUE.

BATON ROUGE, JANVIER, 1854.

Aux membres de l'Assemblée Générale de l'Etat de la Louisiane.

Par la 10me section d'un acte intitulé: "Acte pour réorganiser les écoles publiques gratuites dans l'Etat de la Louisiane," approuvé le 28 avril 1853, est décrété, "Que le Surintendant de l'Education Publique de l'Etat devra préparer et soumettre à chaque Assemblée Générale, dans la première semaine de sa session, un rapport sur la situation des écoles publiques gratuites de l'Etat, contenant l'état des comptes et des dépenses desdites écoles, les suggestions pour l'administration des fonds des écoles gratuites de l'Etat, le nombre d'enfants, des écoles, le temps pendant lequel les écoles sont enseignées dans chaque paroisse, le nombre d'élèves qui y assistent, les sommes payées pour l'enseignement, et les différentes sources d'où proviennent les fonds des écoles; il donnera aussi le nombre de maisons d'école, les sommes dépensées année par année, pour la construction desdites maisons d'école. Il donnera généralement toutes informations relatives à la manière que fonctionne le système et qui pourront être nécessaires. Il s'enquerra annuellement, par l'intermédiaire des divers avocats de district, de la condition des sections de terre des écoles, et instituera les procédures légales et nécessaires, afin de recouvrer les terres qui auront été illégalement prises par des individus, ou les réclamations résultant de la vente des terres des écoles, qui pourront être prétérées; et il sera du devoir desdits avocats de district de conduire lesdits procès. Et lorsque les dites réclamations seront satisfaites, les sommes qui en proviendront seront déposées dans le trésor de l'Etat, et les intérêts sur ces sommes seront portés au crédit du district auquel ils appartiendront.

Sous le titre de "l'état de la condition des écoles publiques gratuites de l'Etat," peut être inclus le nombre d'écoles, le temps pendant lequel les écoles ont enseignées dans chaque paroisse, le nombre d'élèves qui y assistent, le montant payé pour leur enseignement, le nombre de maisons d'école et le montant des sommes dépensées d'année en année pour leurs constructions.

Des circonstances sont survenues pendant la saison dernière, qui ont rendu impossible d'obtenir des informations positives sur l'état des écoles publiques dans les campagnes.

Les changements fréquents et radicaux des lois qui régissent le système d'école publique, ont occasionné presque partout de grands inconvénients, et la loi de 1852 a semé dans tout le système une grande confusion en abolissant la place du seul agent responsable duquel on pouvait obtenir les informations les plus positives.

J'ai reçu des différents districts quelques rapports très imparfaits, qui ne sont pas suffisants, ni par leur nombre ni par leur importance, pour arriver à aucun résultat.

J'ai reçu jusqu'au 1er janvier, une douzaine ou environ de rapports des différents trésoriers de paroisse, qui sont ci-annexés.

La loi de 1853, qui fait de la place de trésorier de paroisse, le payeur des fonds des écoles appartenant à chaque paroisse, n'a été publiée que vers la fin du mois de juin dernier, et la 12me section pourvoit "qu'aucune somme d'argent ne sera payée à cet officier, soit par le Surintendant d'Etat ou par le Collecteur des taxes, jusqu'à ce qu'il soit notifié par le Président du Jury de Police, que chaque trésorier a fourni un cautionnement ainsi qu'il est pourvu par la loi.

Une circulaire fut immédiatement préparée et transmise, conjointement aux dispositions de la 12me section susdite, démontrant le nombre d'enfants, avec l'âge requis, dans chaque paroisse, et le montant du cautionnement que doit fournir le trésorier.

L'irrégularité et le retard de la poste, les jurys de police ne s'étant assemblés qu'à l'époque fixée pour leur réunion spéciale, et l'absence de l'Etat de plusieurs des trésoriers, et l'épidémie qui a existé, sont les causes qui ont empêché de se conformer à l'exigence de la loi.

Cependant j'ai été avisé qu'à l'exception de quatre paroisses de l'Etat, les trésoriers avaient fourni leurs cautionnements et étaient entrés en fonctions; et de la connaissance personnelle que j'ai du caractère et des capacités de plus de la moitié de ceux qui ont accepté cet emploi, je crois voir une sûre garantie qu'ils accompliront leurs devoirs avec zèle.

Les retours des Assesseurs de 39 paroisses ont été reçus, lesquels, dans leur ensemble, montrent le nombre des enfants blancs de l'âge de six à seize ans, est de 51,987; à ceci, si nous ajoutons les retours fournis par les Assesseurs en 1851, pour les paroisses dont les retours n'ont pas été reçus, le nombre total des enfants à instruire dans l'Etat serait de 60,274, montrant un accroissement de 2,750, sur l'assessement de 1851.

Les trésoriers de paroisse, bien que leurs rapports ne soient pas officiels, m'informent que dans presque toute l'année, il est à présumer par là qu'au moins 35 à 40,000 enfants assistent à nos écoles pendant une partie de l'année

Dans tous les cas, il n'y a que peu de districts de l'Etat, du nombre de 700 à 800 qui n'ont pas tiré leur proportion dans la dernière répartition.

L'état des comptes et des dépenses des fonds des écoles vous apparaîtra plus amplement en vous référant à l'état ci-annexé.

Le montant du fonds des écoles publiques payé dans le trésor par Mr. Roberts Carter Nicolas, ex-Surintendant des Ecoles Publiques de l'Etat, conformément à l'acte No. 2 des Actes de 1853, ainsi

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qu'il appert du rapport de l'Auditeur, se monte à la somme de $80,413 97.

De ce montant, il faut déduire la somme de $51,108 21, qui a été payée aux professeurs dans les divers districts de l'Etat, jusqu'au 30 du mois de juin 1853, ce qui laisse une balance de la somme de $29,405 76, de laquelle la somme de $22,313 42 cts a depuis été payée sur le mandat de deux trésoriers de paroisse, laissant au 2 du mois de janvier 1854, une balance de la somme de $6,092 34.

La somme de $51,087 19 a été payée dans le trésor par les surintendants de paroisse, d'après les dispositions des actes Nos. 310 et 311 de la loi de 1852, laquelle montant la somme de $27,202 16 a été payée aux professeurs ainsi qu'il est dit ci-dessus, de même que la somme de 31,246 94.

Le montant total réparti pendant les trimestres expirant le 31 mars, 30 juin, 30 septembre et 31 décembre 1853, est ainsi qu'il suit, savoir :

Le 31 mars 1853		$59,917 18
Le 30 juin	"	50,213 98
Le 30 septembre 1853		63,067 76
Le 31 décembre	"	63,067 76
Total		$236,256 68

Du montant de la répartition de mars, la somme de $29,908 15 a été payé aux professeurs avant le 30 juin 1853, et la somme de $20,649 21 a été payée aux trésoriers de paroisse, laissant une balance de la somme de $9,349 82

Du montant de la répartition de juin, la somme de $43,376 50 a été payée aux trésoriers de paroisse, laissant une balance de la somme de $6,827 48 cts.

Du montant de la répartition de septembre, la somme de $41,099 40 a été payée aux trésoriers de paroisse.

Du montant de la répartition de décembre, la somme de $32,309 32 a été payée, et sur le montant de la répartition du 31 mars 1854, la somme de $8,447 61 a été payée par les collecteurs de taxes d'Etat aux trésoriers de paroisse.

Le montant total des sommes réparties et dues aux paroisses et aux districts de l'Etat, en y incluant la ville de la Nouvelle-Orléans, Jefferson, etc., ainsi qu'il apparaîtra, est de la somme de $375,365 49 cts.

Le montant retourné par le ci-devant Surintendant de l'Etat et les divers surintendants de paroisse, est compris dans le montant ci-dessus.

Le montant total payé par le Surintendant actuel aux divers trésoriers de paroisse, y compris les paiements faits par les collecteurs de taxes d'Etat pour l'usage et l'entretien des écoles, est de la somme de $278,730 48.

L'acte No. 8 des Actes de 1853, pourvoit que les différentes sommes d'argent qui ont été, ou seront payées du trésor de l'Etat, par les différents surintendants de paroisse, conformément aux dispositions des actes approuvés en mars 1852, seront appropriées à l'usage des écoles publiques gratuites dans les paroisses qui sont ou pourront être respectivement créditées de ces sommes, etc. En faisant l'état général des sommes dues et non payées aux différentes paroisses, il paraît que la somme de $9,972 95 a été payée par l'ex-Surintendant, de sommes survenues antérieurement à l'adoption de l'acte ci-dessus relaté, sous l'impression qu'une nouvelle répartition n'était pas nécessaire.

L'on verra que quelques-uns des collecteurs de taxes ont payé les répartitions trimestrielles jusqu'au 31 mars 1854. Les sections 8 et 15 sont en opposition et contradiction avec leurs mesures.

La section 8 impose au Surintendant de l'Etat l'obligation du dernier jour du mois de juin 1853, et par la suite tous les trois mois, de faire la répartition des fonds qui pourront être payés au trésor de l'Etat, au crédit des écoles gratuites, entre les différentes paroisses de l'Etat, etc. Et la section 15 pourvoit à ce que les sommes dues à chacune des paroisses de l'Etat sur la collecte annuelle de la taxe des écoles, seront payées par trimestre au trésorier de paroisse, par le collecteur des taxes d'Etat.

Le montant des fonds payés au trésor, au crédit du fonds des écoles, le dernier jour du mois de juin 1853, était de la somme de $50,266, laquelle appropriée conformément à la section 8; mais comme il n'y avait pas de trésorier de paroisse nommé, il fut impossible de faire connaître le montant des sommes appropriées.

Les collecteurs des taxes ne auraient comment procéder en conformité avec la section 15 de l'acte de 1853. La 5me section de l'acte No. 311 des Actes de 1852, impose aux divers collecteurs de taxes l'obligation de faire leurs règlements avec le trésor, le ou avant le premier jour de décembre, dans le cas que lesdits collecteurs manqueraient à faire lesdits règlements, ils seraient considérés concussionnaires et poursuivis en conséquence. En retiennent le montant dû aux paroisses, ils devraient être déclarés concussionnaires, et s'ils se conformaient à la section 5 de l'acte de 1852, ils ne peuvent pas obéir à l'injonction contenue dans la 15e section de l'acte de 1853. Dans ce dilemme, quelques collecteurs ont payé aux trésoriers le montant des trois derniers trimestres, tandis que le plus grand nombre ont payé leurs taxes en plein au trésor de l'Etat, d'après les dispositions de la 5me section de l'acte de 1852.

La Législature verra la nécessité d'amender ou de rapporter la 15me section de l'acte de 1853.

Une partie de la 16me section de l'acte de 1853 a occasionné beaucoup de difficultés sans cesse qu'elle avait pour but d'être utile.

Le mode d'émettre des certificats pour les balances dues sur les mandats des professeurs, n'aurait jamais dû être adopté par le Surintendant de l'Etat, et devrait être hardiment évité par les trésoriers de paroisse. Aucune minute de ces certificats n'a été tenue par mon prédécesseur, et nécessairement la notice n'a pu être donnée. Quelques-uns des certificats qui avaient été signés par ses commis, n'ont pas été reconnus par l'Auditeur.

Pour remédier à cet état de choses, en tant que faire se pourrait, j'ai avisé aux propriétaires de ces certificats de les envoyer à ce bureau, afin que les signatures soient vérifiées.

Les trésoriers ont été informés de l'enregistrement de ces certificats qui n'avaient pas été payés aussitôt que j'ai été informé qu'ils avaient été [illegible] caution.

La requisition des plans pour l'amélioration de l'administration des fonds des écoles publiques gratuites, est un objet de grand intérêt à tout égard de l'Etat.

Les honorables membres de la Législature, sortant du sein du peuple, sont les meilleurs juges des nécessités de leurs constituants sur ce sujet.

Ma propre impression est que trop de plans ont été adoptés pour améliorer le système d'écoles publiques gratuites.

Si la devise "Laissez-nous seuls" eût été plus strictement adhérée, dès le principe de l'organisation du système, les écoles dans les campagnes seraient dans un état aussi florissant que le sont celles des 1er, 2me et 4me districts de la ville de la Nouvelle-Orléans, qui, sous le rapport de la discipline, de l'ordre et de la littérature, ne peuvent être surpassées par des institutions semblables dans cet

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Etats qui jouissent de l'avantage et de l'expé-
ce de près d'un siècle, du système d'école gra-
e.

a nomination de trésoriers de paroisse comme
ositaires du fonds des écoles, est un retour par-
à l'emploi primitif de surintendant de paroisse.
ne une plus forte compensation pour ses services,
mentez les devoirs de cet officier comme sur-
lant, et vous aurez la place de surintendant de
isse rétablie, sans créer de changements radi-
x et soudains.

Une surintendance paroissiale et d'Etat pour les
les est ce qui est demandé. Il devrait exister
s chaque paroisse, un bureau d'examinateurs,
nombre de tiers ou plus, les devoirs desquels se-
nt d'examiner les candidats aux places de pro-
eurs. Dans quelques districts, les directeurs
t entièrement incapables de remplir ce devoir,
la simple raison qu'ils ne peuvent ni lire ni
ire. En se référant aux mandats des profes-
rs déposés en ce bureau, il appert que dans une
oisse douze directeurs ont fait leurs marques ;
s deux ou trois districts, sur trois directeurs,
x ont fait leurs marques. Ceci est vraiment un
déplorable et duquel des professeurs sans prin-
es n'ont pas manqué à tourner à leurs propices
ntages. Sur trois directeurs, deux devraient
oir lire et écrire.

La section qui énumère les devoirs du Surin
dant de l'Etat, décrète qu'il sera de son devoir
s'enquérir annuellement, par l'entremise des di-
s Avocats de Districts, de la situation des terres
cordées aux écoles, et d'instituer telles procé-
es nécessaires pour le recouvrement des récla
tions arriérées, provenant de la vente des terres
écoles, et il sera du devoir desdits Avocats de
strict d'en faire les poursuites.

Les billets fournis par les acquéreurs des sections
ze des terres publiques, sont généralement ponc-
llement payés, et s'ils ne sont pas payés à échéa-
ce, ils sont payés à une époque reculée avec un
érêt pour le délai.

La situation actuelle des terres affectées aux
oles, m'est presque inconnue. Je me suis infor-
i de leur nombre et de leur localité près des divers
ocats de District, et j'ai eu pour toute réponse
ils ignoraient et qu'ils n'avaient aucun moyen
savoir lesquelles des terres affectées aux écoles,
aient vendues ou non, dans leurs districts respec-
s.

Il appartient à l'Assemblée Générale de s'enquér
immédiatement des terres affectées aux écoles.
La quantité de terre allouée à l'usage des écoles
bliques de l'Etat de la Louisiane, par le Congrès,
tribuée par districts (*townships*), se montait, en
46, à 770,000 acres ; une grande partie du choix
ces terres est réclamée comme terres privées,
dis que plus de la moitié des terres ainsi appro-
ées, sont des marais, des ravins et des marécages
pénétrables.

La Législature, en 1847, a passé une série de ré-
lutions requérant nos Sénateurs et nos Repré-
tants au Congrès, de passer telle loi qui pourrait
nuer à l'Etat de la Louisiane une quantité de
0 acres de terre d'école, propre à la culture, dans
limites de l'Etat, au lieu des sections seize qui
nt submergées et propres à rien, ou au lieu de ces
ctions seize qui sont affectées à d'autres usages,
qui pourraient être prises de toutes terres dans
limites de l'Etat, qui ne seraient pas vendues
affectées à d'autres usages, sujettes à être en-
ées à la date dudit choix, lorsqu'il y aurait empê
ement légal.

Subséquemment à l'adoption de ces résolutions,
ieurs choix ont été faits dans le district du Oua-
chita pour remplacer les sections (seize) primitives
où il y avait intervention légale, et ces choix furent
approuvés.

Aucun choix n'a été fait dans aucuns des autres
districts.

Le Register, dans son rapport à la Législature,
en 1850, dit que la grande quantité des terres dues
aux Townships (districts), se trouve dans les dis-
tricts sud-est, sud-ouest et Greensburg, lesquelles
paraissent avoir été pitoyablement négligées. Les
choix ont été faits par les Registers, mais par quel-
ques causes ou autres, ils n'ont jamais été approu-
vés, et les terres choisies ont été prises par les ac-
quéreurs aux noms desquels des patentes ont été
émises.

Il serait ni difficile ni dispendieux d'employer un
ingénieur ou autre officier pour prendre les listes
préparées par M Kerr, en 1850, et de classifier les
sections de manière à montrer à vue d'œil la situa-
tion et l'air de vent des terres dans les limites de
chaque paroisse. Cette classification servirait
aussi à faciliter la vente des terres ainsi qu'il est
ordonné par la 4me section de l'acte pour la réor-
ganisation des écoles publiques gratuites.

Si les terres affectées aux ecoles eussent été
données à l'Etat, au lieu des townships (districts),
le produit des ventes en aurait été plus avantag-
euse et l'organisation du système plus effective
que la présente. Ainsi qu'il est prouvé, la dispo-
sition de ces terres a été très favorable, et à moins
d'une législation plus sage et plus efficace, ce qui
était fait dans un but généreux et libéral, serait,
pour un long espace de temps, de peu de valeur au
système des écoles publiques.

Par le rapport de l'Auditeur des Comptes Publics,
le fonds capital des écoles publiques gratuites, tant
en capital qu'en intérêts, se montent, jusqu'au 1er
janvier 1853, à la somme de $125,127 47. Depuis
cette époque, le produit des ventes des sections
seize s'est monté à la somme de $19,022 35. Si
nous ajoutons à cela l'intérêt sur le fonds, savoir :
sept mille cinq cents piastres ou environ, avec
l'intérêt qui a accru pendant l'année 1853 sur le
fonds des terres des Etats-Unis, en supposant qu'il
soit le même que celui rapporté en 1852, savoir : la
somme de $28,795 14, le montant en capital et
en intérêt du fonds des écoles publiques, se monte-
rait, au 1er janvier 1854, à une somme au delà de
$180,000. Dans cette somme, le produit des suc-
cessions vacantes et des amendes n'est pas com-
pris.

Le rapport de l'Auditeur démontre plus exacte-
ment la condition de ces fonds. N'ayant pas ces
informations, ce qui précède n'est qu'une estima-
tion approximative.

L'acte No. 43 des Actes de 1853, impose au
Surintendant de l'Education Publique de l'Etat, le
devoir de notifier aux divers Avocats de District les
noms des Surintendants de Paroisse qui n'avaient
pas réglé et payé dans le trésor de l'Etat, le mon-
tant dû par eux, conformément aux dispositions des
actes Nos. 310 et 311, des Actes de l'année 1852.
D'après les dispositions de l'acte, une liste des noms
des Surintendants qui ne s'étaient pas conformés à
l'acte No. 311, de l'année 1852, ainsi que le mon-
tant qu'ils ont respectivement reçu du fonds des
écoles, a été obtenu du Trésorier de l'Etat ; et une
circulaire ainsi qu'un état ont été envoyés aux
Avocats de District, comme le requiert la loi.

Il était nécessaire de leur envoyer un état du
montant total reçu par eux, afin qu'ils puissent
montrer leurs dépenses, autrement il aurait été de
toute impossibilité au Trésorier de savoir le mon-
tant dû à l'Etat des dépenses faites par eux. Plu-
sieurs Surintendants de Paroisse ont réglé avec

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leurs successeurs, mais ne se sont pas conformés à l'acte No. 311 de l'année 1852 Ci-annexé se trouve l'état des noms des Surintendants et des sommes reçues par eux.

L'acte No. 72, intitulé, " Acte pour établir une Université," autorise et requiert le Surintendant de l'Education Publique d'acheter de Mme E. R. Wiliams un lot de terre près de la ville d'Alexandrie, dans la paroisse des Rapides, et contenant 438 acres de terre à un prix qui n'excèdera pas la somme de $3,190.

En obéissance des dispositions de la seconde section dudit acte, le Surintendant s'est rendu à la paroisse des Rapides, et le 1er d'Avril dernier, a fait l'acquisition de la terre ci-dessus décrite et au prix ci-dessus mentionné. Les Directeurs ont été nommés par le Gouverneur, conformément à la 4me section. Une appropriation de quinze mille piastres a été faite par la dernière Législature et a été tirée, ainsi que j'en suis informé par l'Auditeur. Des propositions ont été affichées pour des matériaux et pour la construction des bâtisses nécessaires, et je n'ai pas été informé dans quelle situation était l'Université, quant à son organisation.

Le montant du fonds de l'Université, ainsi qu'il appert du rapport de l'Auditeur fait l'année dernière, est de	$129,507 83
La vente des terres de l'Université, en 1853	2,052 82
Intérêt probable, étant le même que dans mon dernier rapport	5,665 84
Montant total	$137,226 29

Les appropriations au nombre de la somme de $18,190, ne sont pas inclues dans le calcul ci-dessus.

Le site de l'Université a été admirablement choisi. Le sol en est productif et les environs sont couverts d'une forêt de pins et de chênes.

Sur le côté de la colline où est destinée la bâtisse principale, coule avec abondance une eau pure, fraiche et limpide, qui s'unit au ruisseau au bas de la vallée.

Sous le rapport de la salubrité, il est à douter qu'un endroit plus propice eût pu être choisi dans tout l'Etat. Cette Université peut être auxiliaire à l'avancement de l'instruction publique et gratuite, en pourvoyant pour l'Etat ce qui manque, un corps de professeurs compétents, sur le plan de l'école normale qui, pour plusieurs années, a été d'un grand succès dans différents Etats.

L'objet et l'intention de l'école normale sont clairement définis dans la première section d'un acte pour l'établissement d'une Ecole Normale d'Etat dans l'Etat du Connecticut, approuvé le 22 juin 1849 : " Il sera établi, ainsi qu'il est par le présent pourvu, une Ecole ou Université Normale, pour discipliner les professeurs dans l'art d'instruction publique de cet Etat, le but de quelles Ecoles et Universités Normales ne sera pas d'enseigner aux professeurs les études maintenant requises par la loi, mais de recevoir tels professeurs qui seraient capables et les discipliner dans le mode d'enseignement et de conduite desdites Ecoles."

Dans quelques Etats les Ecoles Normales sont établies dans le seul but de discipliner les professeurs ; tandis que dans d'autres Etats, les départements sont exigés. Une classe ou département pourrait avec efficacité être organisé dans l'Université d'Etat, aussitôt qu'elle sera en opération.

Je suggèrerai aussi l'adoption d'un système d'Ecoles d'Union, dans tels bourgs ou districts où la population serait assez forte pour l'admettre. Les écoles à la Nouvelle-Orléans sont dirigées d'après ce système et sont divisées en écoles primaires, secondaires et supérieures. Un pareil système pourrait être adopté pour la ville du Baton Rouge et ailleurs, où il y a deux ou plusieurs districts contigus. Par un pareil ménagement, le temps des professeurs n'est pas divisé parmi un nombre de classes, mais est seulement limité à une ou deux auxquelles il peut mieux porter son attention.

L'école devrait être située dans un point central et divisée en plusieurs compartiments. Ce moyen, dit-on, est plus avantageux à une éducation parfaite, et moins dispendieux.

J'ai déjà fait allusion à deux défauts sérieux dans notre système d'école : de manquer d'une surintendance locale, générale et plus efficace, et sans laquelle le système ne peut être en harmonie à ses proportions

Une influence centrale, rigoureuse et vigilante dans le but d'assurer une prompte activité parmi les divers membres du système, et cette influence centrale doit être déployée par l'intermédiaire d'agents qui prendront un intérêt direct à aider le Surintendant dans l'accomplissement et l'amélioration du système.

Peut-être le plan suivant serait efficace. Que les membres du Juri de Police soient de leur d'office, Directeurs chacun pour leurs districts respectifs ; qu'ils rapportent au Trésorier, à cette séance, ou aussi souvent qu'ils le jugeront convenable, la condition de l'école ou des écoles de ces districts ; un extrait de leurs rapports pourrait être transmis au bureau du Surintendant d'Etat.

Trois ou cinq personnes compétentes pourraient être nommées par le Juri de Police pour former un bureau d'examinateurs, par lequel les professeurs pourraient être examinés et approuvé, et le Surintendant d'Etat pourrait être requis de visiter et inspecter autant d'écoles de l'Etat que lui permettrait son temps. Le Surintendant a souvent senti la nécessité d'avoir un moyen par lequel des communications générales pourraient être adressées aux diverses personnes qui ont rapport aux écoles publiques. La correspondance de bureau occupe plus de la moitié de son temps. Dans l'Etat de New York, l'article suivant est incorporé à la loi des écoles et pourrait avec avantage être adopté par nous: " Le Surintendant des écoles communes sera autorisé, d'année en année, à souscrire pour autant de copies de périodiques publiés mensuellement dans l'Etat, et qui sont exclusivement vouées à la cause de l'éducation, qui n'appartiennent à aucune secte ou parti quelconque, et qui seront suffisantes en nombre pour supplier une copie à chaque district d'écoles organisées sur l'Etat ; dans lesquelles périodiques les lois relatives aux écoles, passées par la présente ou par une Législature subséquente, les réglements généraux et les décisions du Surintendant, faites conformément à toute loi, seront gratuitement publiés.

Mon but dans ce rapport a été de me borner autant-qu'il m'a été possible, aux dispositions de la loi. Le travail de ce bureau sort graduellement de la confusion et de l'embarras mentionnés dans le rapport de mon prédécesseur. Peu de changements sont nécessaires pour rendre la loi efficace. La quinzième et la seizième sections devraient être rappelées, et quelques amendements devraient être faits.

Le système d'Ecoles Publiques gratuites est encore chez nous dans une condition chrysalide. S'il est nourri avec soin, il assumera indubitablement une forme plus belle, et fera la gloire et l'orgueil de l'Etat. Mon intention n'est pas d'appuyer sur la nécessité d'instruire la jeunesse de notre

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nous avons eu assez de théorie à ce sujet. Ce nécessaire, est l'expérience pratique et l'ac-

is son rapport à la Législature, en 1850, cet e de lettre éminent, ce défenseur ardent de ation publique, le Professeur A. Dimitry, re- e avec force et avec vivacité : "Que le devoir tat est d'instruire ses enfants. Ce n'est pas -fait la loi de la nature, mais celle de la so- qui nous impose cette obligation. Et si les la société règlent les relations de pères et nts dans l'ordre domestique, elles doivent cer- nent diriger les destinées de cet enfant à social. Le Surintendant de l'Education que, tout en admettant la liberté de l'instruc- ans toute sa force, ose espérer qu'il n'avance mme un principe de moralité hétérodoxe, lors- uggère qu'aucun parent n'a le droit de laisser ifant grandir comme un membre inutile, sinon ant de la société ; et l'ignorance dans une blique, est la méchanceté dans sa forme la erfide—la méchanceté qui dérive du droit in- stable de participer aux affaires du gouverne- sans les informations nécessaires qui doivent ôler cette action à ses fins salutaires."

est la doctrine universellement admise par tout du républicanisme. "C'est un gouvernement républicain," dit Montesquieu dans son Esprit des Lois, "que tout le pouvoir de l'éducation est re- quis."

La crainte des gouvernements despotiques s'élève naturellemest d'elle-même parmi les menaces et les punitions ; l'honneur des monarchies est favorisé par les passions qui les flattent en retour ; mais la vertu est une renonciation d'elle-même qui est toujours ardue et pénible. Cette vertu est définie par l'amour des lois de notre pays.

C'est pourquoi tout dépend de l'établissement de cet amour dans notre République, et pour l'inspirer le but principal doit être l'éducation.

Vous pouvez augmenter vos champs de cannes et de coton, vous pouvez bâtir des palais magnifiques, établir des manufactures, construire de magnifiques palais flottans, dépenser des millions pour les chemins de fer, accumuler des fortunes illimitées, mais si vous négligez d'instruire le peuple, vous ne faites que préparer de plus riches butins pour quelque insolent et rusé Catilina, quelque Santa Anna ou Louis Napoléon, qui, par la suite, pourrait être salué comme un bienveillant libérateur de l'anarchie et de la confusion.

J. N. CARRIGAN,
Surintendant de l'Instruction Publique

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ETAT TABULAIRE No. 1,

Montrant le Montant des Appropriations faites à chaque Paroisse, du 31 *Mars* 31 *Décembre* 1853.

NOMS DES PAROISSES.	¾ de la taxe d'un p. cent par mille et de la taxe de capitation, passé au crédit de la paroisse, laissant ¾ la répartition au pro rata. Répart'n. de Mars 31, 1853.	Montant total d'un pour cent par mille et de la taxe de capitation, réparti à 85 45 cts. par tête. Répart'n. de Juin 30, 1853.	Total de la taxe d'un p. cent par mille et de la taxe de capitation, $108 00 par écolier. Répart'n. de Sept. 30, 1853.	La taxe d'un pour cent par mille et la taxe de capitation, à $108 par écolier. Répart'n. de Déc. 31, 1853.	Montants payés par les collecteurs de la taxe aux trésoriers de paroisse sur la répartition de décembre 31, 1853.	Montants payés par les collecteurs de la taxe aux trésoriers de la paroisse, d'après la répartition de mars 31, 1853.
Ascension	$1230 31	$ 745 59	$ 938 52	$ 938 52	$	$ .....
Assomption	1664 20	1369 36	1723 68	1723 68	.....	.....
Avoyelles	931 27	848 56	1068 12	1068 12	.....	1068 12
Bienville	976 44	1070 78	1347 84	1347 84	.....	.....
Bossier	819 70	693 36	872 64	872 64	.....	.....
Caddo	888 87	898 32	1130 76	1130 76	.....	.....
Calcasieu	569 46	620 33	780 84	780 84	.....	.....
Caldwell	532 18	415 27	522 72	522 72	.....	.....
Catahoula	1770 97	866 58	901 80	901 80	.....	.....
Carroll	863 72	429 85	541 08	541 08	.....	.....
Claiborne	1427 40	1332 47	1677 24	1677 24	1192 29	.....
Concordia	988 79	254 82	320 76	320 76	.....	.....
De Soto	931 41	888 88	1118 88	1118 88	.....	1118 88
Est Baton Rouge	1398 70	1077 22	1359 72	1359 72	640 28	.....
Est Feliciana	1317 35	850 99	1072 44	1072 44	.....	.....
Franklin	740 31	305 04	384 48	384 48	.....	.....
Iberville	2062 69	670 09	843 48	843 48	.....	.....
Jackson	779 53	813 38	1023 84	1023 84	.....	132 57
Jefferson	971 01	797 08	1001 16	1001 16	.....	.....
Jefferson City	394 02	511 12	446 76	644 76	.....	.....
Carrolton	326 70	426 71	534 60	534 60	.....	.....
Lafayette	872 74	858 00	1080 00	1080 00	.....	.....
Lafourche	1695 32	1433 71	1804 68	1804 68	.....	.....
Thibodaux	89 10	115 83	.....	.....	.....	.....
Livingston	521 16	586 87	738 72	738 72	468 83	.....
Madison	762 09	242 81	305 64	305 64	.....	.....
Morehouse	489 37	471 04	592 92	392 92	.....	340 12
Natchitoches	1425 35	1240 66	1561 68	1561 68	.....	1561 68
Orléans Rive Droite	366 72	296 01	372 60	372 60	.....	.....
" 1er district	4026 84	4337 19	.....	.....	.....	.....
" 2d "	3726 28	2943 94	16006 68	16006 68	.....	.....
" 3me "	2239 35	2636 63	.....	.....	.....	.....
" 4me "	2153 58	2799 65	.....	.....	.....	.....
Plaquemines	746 41	326 89	411 48	411 48	.....	.....
Pointe Coupée	1123 52	800 81	1020 60	1020 60	9 72	.....
Rapides	1759 61	1533 24	1939 96	1939 96	.....	.....
Sabine	669 93	797 94	1004 40	1004 40	287 21	.....
St. Bernard	449 38	309 73	389 88	389 88	.....	389 88
St. Charles	556 30	231 22	287 08	287 08	.....	.....
Ste. Hélène	550 06	627 19	789 48	789 48	.....	.....
St. Jacques	1028 06	838 26	1055 16	1055 16	.....	1055 16
St. Jean Baptiste	634 26	404 03	760 32	760 32	.....	.....
St. Landry	1737 12	2258 25	2842 56	2842 56	.....	.....
St. Martin	1091 57	1087 08	1368 36	1368 36	.....	1368 36
Ste. Marie	1629 30	771 34	970 92	970 92	.....	970 92
St. Tammany	713 35	701 84	883 44	883 44	.....	.....
Tensas	885 78	192 19	241 92	241 92	.....	241 92
Terrebonne	1210 10	894 03	1125 36	1125 36	.....	.....
Union	1206 03	1376 23	1732 32	1732 32	.....	.....
Vermillion	835 64	655 51	825 12	825 12	.....	.....
Washington	541 07	604 03	760 32	760 32	.....	.....
Ouachita	636 74	540 54	680 40	680 40	.....	.....
West Baton Rouge	784 90	447 16	561 60	561 60	.....	.....
West Feliciana	910 17	441 01	555 12	555 12	.....	.....
Wn	244 86	318 32	589 68	589 68	167 54	.....
	9917 18	50203 98	63067 76	63067 76	2765 87	8447 61

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ETAT TABULAIRE No. 2,

Montrant le Montant tiré des Fonds de l'Ecole et payé pendant l'année 1853

PAROISSES.	Montants payés des sommes versées par le Surintendant d'Etat, sous le No. 2 des Actes de 1 53, aux professeurs, jusqu'au 30 juin 1853.	Montants payés des sommes versées par le Surintendant d'Etat, aux trésoriers de paroisse, jusqu'au 30 juin 1853.	Montants payés des sommes versées par les Surintendants de Paroisse, du 2 février au 30 juin 1853, aux professeurs.	Montants payés des sommes versées par les Surintendants de Paroisse, aux Trésoriers de Paroisse, au 30 juin 1853	Montants payés aux professeurs des fonds de la répartition de mars 31, jusqu'à la fin de juin 1853	Montant payé aux Trésoriers de Paroisse provenant de l'argent de la répartition du 31 juin 1853	Montants payés aux Trésoriers de Paroisse, provenant de la répartition du 30 juin 1853.	Montants payés des sommes reçues de la répartition du 30 septembre 1853 au 1er janvier 1854	Montants payés par les collecteurs de taxe des sommes provenant de la répartition du 31 décembre 1853 au 31 décembre 1853	Montants payés par les Collecteurs de taxe d'après la répartition du 31 mars 1854	Montants payés des sommes versées par les Surintendants de Paroisse et par R. C. Nicholas.
ccension	$1105 81	$ 42 13	$1815 36	$1732 78	$857 87	$ 475 43	$ 745 59	$ 938 52	$	$	$1685 64
ssomption	1964 21	....	1431 37	127 62	971 25	473 00	1369 36	1724 68	....	....	762 75
royelles	1131 49	1148 83	305 50	951 97	151 47	778 25	843 50	1068 12	1068 12	1068 12	....
enville	299 50	2327 29	....	....	91 10	854 44	1070 78	....	....	....	....
ssier	645 46	2426 08	....	....	12 30	....	693 36	....	....	....	....
ddo	692 49	....	....	....	205 86	....	....	....	....	....	....
lcasieu	85 65	....	205 60	....	333 05	....	....	....	....	....	....
ldwell	191 61	639 21	....	55 02	59 67	463 87	415 27	....	....	....	....
tahoula	220 09	....	....	....	427 81	....	....	....	....	....	....
rroll	417 22	....	1582 61	....	151 06	....	....	....	....	....	575 74
ilborne	1206 79	990 83	....	....	412 20	....	1333 47	1677 24	1192 29	....	....
ncordia	432 68	843 64	733 95	1791 58	117 15	893 08	254 82	....	....	....	....
Soto	509 57	....	....	....	146 25	....	888 88	1116 88	1118 88	1118 88	....
st Baton Rouge	628 61	....	244 73	539 79	916 76	191 17	1078 22	1359 72	1359 72	....	741 80
st Feliciana	1292 28	728 23	1140 18	966 83	257 74	844 98	850 96	....	....	....	393 86
anklin	119 97	221 4	....	....	114 34	637 32	305 4	....	....	....	....
erville	1633 84	1044 96	111 51	4790 29	916 45	1129 09	670 09	....	....	....	....
ckson	735 68	334 72	259 79	187 38	309 71	371 22	813 38	1023 84	1023 84	132 57	418 11
fferson	12 8 69	....	....	....	971 01	....	797 08	....	....	....	....
fferson City	1282 55	....	....	....	394 02	....	511 12	....	....	....	....
rrolton	....	....	....	....	326 70	....	42 71	....	....	....	....
fayette	199 75	140 37	....	....	642 30	37 14	858 06	1080 00	....	....	....
fourche	969 22	....	3972 08	5766 57	172 69	1370 11	1433 7	1804 68	1804 68	....	1253 03
hibodaux	229 50	....	....	....	89 1	....	119 83	....	....	....	....
ivingston	537 71	533 01	19 22	235 52	176 49	309 32	686 87	738 72	738 72	....	112 66
dison	91 80	....	1734 80	2768 39	....	600 56	242 81	....	....	....	268 83
orehouse	724 87	39 45	....	....	408 86	62 67	471 04	592 92	592 92	540 12	....
tchitoches	795 46	1901 28	115 33	1205 66	146 50	1246 02	1249 66	1561 68	1561 68	1561 68	17 23
rléans, Rive droite	994 79	....	....	....	366 72	....	296 01	....	....	....	....
" 1er District					....	....	4337 19	....	....	....	....
" 2me Dist.	10951 47				....	12146 05	....	2942 94	16006 68	....	....
" 3me Dist.					....	....	....	2636 63	....	....	....
" 4me Dist.					....	....	....	2799 65	....	....	....
Plaquemines	1217 52	....	1652 72	....	283 21	....	....	....	....	....	....
Pointe Coupée	925 06	729 74	....	434 32	297 65	685 8	800 8	1020 6	9 72	....	545 23
Rapides	2432 52	738 95	....	....	718 69	884 9	1533 4	....	....	....	....
Sabine	501 39	....	700 60	....	....	....	797 94	1004 4	287 21	....	349 30
St. Bernard	197 10	363 07	....	....	....	447 64	309 7	389 88	389 88	389 88	....
St. Charles	....	....	1571 56	....	....	....	....	....	....	....	252 68
Ste. Hélène	1056 07	433 6	64 44	116 70	251 33	316 29	627 19	789 48	789 48	....	....
St. Jacques	887 02	163 90	29 63	20 86	898 94	156 45	838 26	1055 16	1055 16	1055 16	....
St. Jean Baptist	516 40	565 06	....	....	278 78	286 20	601 0	....	....	....	....
St. Landry	3116 16	....	....	....	1075 66	....	....	....	....	....	....
St. Martin	808 07	115 23	....	....	886 50	305 07	1087 08	1368 36	1368 36	1368 36	....
Ste. Marie	1334 0	2034 31	2417 24	2316 55	....	1629 71	771 34	970 92	970 92	970 92	....
St. Tammany	652 25	431 84	627 91	1853 41	53 15	556 54	791 84	....	....	....	....
Tensas	768 45	1958 55	377 26	1022 74	30 0	854 8	192 19	241 92	241 92	241 92	....
Terrebonne	850 59	663 10	216 32	2507 59	67 28	1134 08	894 03	....	....	241 92	446 27
Union	1651 55	....	573 97	....	398 72	806 06	1376 23	1732 32	....	....	172 51
Vermillion	56 06	....	617 41	....	578 51	604 03	....	....	....	....	431 11
Washington	449 62	....	....	43 94	339 00	....	....	....	....	....	....
Ouachita	408 40	....	....	....	163 62	....	....	680 40	....	....	....
West Baton Rouge	155 99	129 80	669 77	....	726 44	48 96	446 16	561 6	561 60	....	526 88
West Feliciana	546 65	615 04	2068 10	1878 39	379 90	518 86	441 01	....	....	....	1069 32
Winn	168 74	....	....	....	192 19	196 95	318 32	589 68	167 54	....	....
	51008 37	22313 42	27202 76	33313 90	29908 15	20659 21	43376 50	41099 40	32309 32	8447 61	9972 95

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ETAT TABULAIRE No. 3,

Montrant le nombre d'Enfants élevés dans les Ecoles en 1851 '53, *d'après les retours des Assesseurs, et du Montant brut de la Taxe d'un pour cent par Mille et de la Taxe de Capitation pendant l'année* 1852.

PAROISSES.	Nombre des enfans instruits en 1851.	Nombre des enfans instruits en 1853.	Garçons.	Filles.	Montant brut de la taxe de un p. cent par mille pour l'année 1852	Montant brut de la taxe de capitation, pr. l'année 1852.
Ascension	869	882	425	457	$ 6329 00	$ 678 00
Assomption	1396	*.....	.....	.....	6687 73	1219 00
Avoyelles	918	1270	661	609	3436 22	842 00
Bienville	1248	1382	718	664	1871 22	126 00
Bossier	808	924	495	429	333 72	126 00
Caddo	1047	1218	667	351	4166 00	913 00
Calcasieu	723	772	401	891	837 71	377 00
Caldwell	484	569	300	269	124 70	136 00
Catahoula	1010	765	385	380	2417 62	759 00
Carroll	301	606	414	292	5983 50	750 00
Claiborne	1553	1933	1041	912	2800 90	1257 00
Concordia	297	335	187	168	7339 50	259 00
DeSoto	1036	1210	628	582	3309 25	756 00
East Baton Rouge	1259	1481	771	710	6443 20	850 00
East Feliciana	993	1008	520	488	8209 81	866 00
Franklin	356	455	241	212	1024 45	359 00
Iberville	781	855	453	402	8599 78	947 00
Jackson	948	*.....	.....	.....	1862 75	924 00
Jefferson	927	999	521	478	2795 15	†2010 00
Jefferson City	597	551	267	284		
Carrollton	495	450	214	236		
Lafayette	1000	1032	559	473	2086 45	698 00
Lafourche	1671	1850	928	922	5620 95	1285 00
Thibodaux	135	.....	.....	.....	.....	.....
Livingston	684	*.....	.....	.....	797 84	570 00
Madison	283	323	175	148	5818 38	375 00
Morehouse	549	*.....	.....	.....	1475 29	681 00
Natchitoches	1446	1370	740	630	4380 67	1455 00
Orléans, Rive droite	345	302	146	156	1708 25	472 00
" 1er District	5055	4282				
" 2me "	3430	4523	‡.....	‡.....	70198 32	7507 00
" 2me "	3073	3253				
" 4me "	3263	3284				
Plaquemines	381	273	.....	.....	4677 01	417 00
Point Coupée	945	742	.....	.....	1000 00	.....
Rapides	1787	*.....	.....	.....	26 4 50	.....
Sabine	930	1099	579	520	782 09	716 00
St. Bernard	361	402	228	178	2044 55	281 00
St. Charles	266	*.....	.....	.....	3524 90	210 00
St. Hélène	731	785	430	355	1454 51	555 00
St. Jacques	977	1035	510	515	6855 81	713 00
St. Jean Baptist	704	*.....	.....	.....	3694 82	617 90
St. Landry	2632	2333	1276	1057	.....	.....
St. Martin	1167	1356	‡.....	‡.....	4685 82	999 00
St. Mary	899	*.....	.....	.....	9987 55	821 00
St. Tammany	818	780	396	3 4	1617 32	571 00
Tensas	224	264	137	127	7128 00	3?6 00
Terrebonne	1042	1234	666	568	5479 30	754 00
Union	1604	1720	911	809	1834 03	1180 00
Vermillion	764	*.....	.....	.....	667 80	256 00
Washington	704	*.....	.....	.....	769 54	592 00
Washita	630	966	396	270	2346 43	615 00
West Baton Rouge	520	476	‡.....	‡.....	4665 38	366 00
West Feliciana	514	579	317	362	6695 01	534 00
Winn	371	630	348	282	423 84	394 00
	58,524	52,457	17,951	16,360		
Montant total de la Taxe Milliere					249.827 75	38,683 00
Montant total de la Taxe de Capitation					38 683 00	
					$288.510 75	
Montant de la liste de déduction des collecteurs de taxe					42,673 20	
Montant net de la taxe de 1 p 0|0 et de capitation					$245.838 55	

(*) Pas de retours de 10 paroisses pour 1853. † Comprenant le 4me Dist. de la N. Orléans. ‡ Pas de mention du sexe.

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TABLEAU DES NOMS DES SURINTENDANTS DE PAROISSE

ui ont manqué de se conformer aux Dispositions de l'Acte No. 43, *approuvé le* 10 *Mars* 1853. (*Les noms marqués d'une astérique, sont ceux qui ont réglé avec leurs Successeurs, mais dont les pièces justificatives et les comptes n'ont pas été vérifiés par le Recorder.*

G. Battle, Caddo — Montant	reçu de l'Etat	pendant	l'année	1850,	$4281 70	
	do	do	do	1851,	4854 66	$9136 36
'eter Burke, Natchitoches—	do	do	do	1849,		7678 83
A. Broussard, Vermillion—	do	do	do	1850,		5040 66
Boullenhagen, Caldwell—	do	do	do	1849,		2244 46
ı. Bondy, Pointe Coupee—	do	do	do	1849,		4554 62
ıomas D. Carruth, Catahoula	do	do	do	1852,		2610 12
ıilip Crooks, Catahoula	do	do	do	1852,		1683 24
enry S. Dunbar, St. Landry	do	do	do	1850,		10409 82
	do	do	do	1851,		6534 69
ames Ford, Bossier	do	do	do	1850,	2617 26	
	do	do	do	1851 & '52,	2849 33	5466 59
homas D. Gray, Caddo	do	do	do	1849,		5080 09
. S. Hart, De Soto	do	do	do	1850,		4927 81
	do	do	do	1851,		2750 48
homas P. Hall, De Soto	do	do	do	1849,		3945 25
. C. Henderson, Morehouse	do	do	do	1850,	1968 43	
	do	do	do	1851,	1905 12	3873 55
'illiam Kibbie, Vermillion	do	do	do	1849,		3165 45
ichard Loucks, E. Baton Rouge	do	do	do	1849,		6622 73
. Mouton, Lafayette	do	do	do	1850,		5320 55
. McClosky, Claiborne	do	do	do	1849,		6813 96
. T. Morrough, Calcasieu	do	do	do	1852,		1837 60
. Neven, Lafayette	do	do	do	1819,		5126 62
[. J. Newsom, Ste. Hélène	do	do	do	1850,	2209 48	
	do	do	do	1851,	2916 48	5135 96
'. B. Pollard, Union	do	do	do	1849,		4868 43
David Pipes, Est Féliciana	do	do	do	1850,	3992 21	
	do	do	do	1851,	2919 25	6911 49
ı. Pride, Morehouse	do	do	do	1852,		1595 34
Cullen Packard, Concordia	do	do	do	1849,		1807 52
). G. Parsons, Morehouse	do	do				2299 84
ohn Russell, Est Féliciana	do	do	do	1849,		5602 97
C. A. Routon, Catahoula	do	do	do	1850 & '51,		8239 85
3. Richardson, Washington	do	do	do	1849,		3453 68
). W. Raines, Bienville	do	do	do	1849,		1904 14
Victor Recard, St. Bernard	do	do	do	1849,		1621 55
Manuel Serpas, St. Bernard	do	do	do	1851 & '52,		3665 71
*C. D Strickland, Ste. Hélène	do	do	do	1849,		316 98
*O D. Stillman, Ouachita	do	do	do	1850,		1149 21
Alexis Sapington, Carroll	do	do	do	'49, '50 & '51,		6418 10
R. M. Sawyer, St. Mary	do	do	do	'49, '51 & '52,		19,682 86
B. A. Southwell, Caldwell	do	do	do	1849,		1301 55
J. C. Taylor, Ste. Hélène	do	do	do	1849,		1670 50
W. Wallace, Madison	do	do	do	1849,		1382 60
David Wood, Livingston	do	do	do	1849 & '50,		3584 15
Vincent Walker, Bossier	do	do	do	1852,		1082 32
*J B. Wilkinson, Plaquemines	do	do	'49, '50, '51 & '52,			10,626 78
John R. Wooldrige, Franklin	do	do		1852,		1149 24
*L. A. Villars, Jefferson	do	do		1851,		3877 89
Montant total,						$206,393 08

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RAPPORTS DES TRESORIERS DE PAROISSE.

HOMER, 22 Septembre 1853.

Monsieur,

Ci joint, je vous transmets le montant qui m'a été payé par le Collecteur de la Taxe d'Etat et provenant de la Taxe d'un Millième et de Capitation que vous trouverez ci inclue, et conformément aux instructions de votre lettre du 5 septembre, j'ai tiré une traite de $990 83, payable à l'ordre de Marhall & James, de la Nouvelle-Orléans, et qui, si elle est payée, l'argent sera remis, d'après votre tableau, à la maison Price & Clemmons, d'Homer.

Je desire vous informer que je ne suis pas préparé à vous donner un tableau général de la situation des Ecoles Publiques Gratuites de cette paroisse, n'ayant jamais encore eu un tableau exact du nombre des enfants dans chaque district, ni du montant de l'argent que chaque district a reçu des autorités précédentes, ce qui me laisse dans une position embarrassante de ce côté, et de plus, il m'est difficile de comprendre la dernière loi, ne l'ayant jamais vue que dans les journaux de l'Etat, et n'ayant point reçu dans la paroisse les Actes de la Législature. Ainsi je me trouve dans un grand besoin de vos instructions à ce sujet, jusqu'à ce que je reçoive la loi d'une manière plus explicite.

Je suis respectueusement, votre, &c.,

JAMES A MILLICAN,
Trésorier de Paroisse.

ETAT DE LA LOUISIANE,
Paroisse Claiborne.

Mr. J. N. Carrigan.

Mon cher Monsieur—Conformément aux exigences de la loi, je vous transmets un tableau du montant des taxes que j'ai reçu du Collecteur de la Taxe de l'Etat, pour la paroisse Claiborne, jusqu'au 2 septembre 1853.

Montant de la taxe de capitation,	$261 00
" " " d'un millième,	658 07

Le montant de la taxe de capitation est de deux cent soixante-et-une piastres, et celui de la taxe d'un pour mille, est de six cent cinquante-huit piastres et sept cents et demi, faisant un total de neuf cent dix-neuf piastres et sept cents et demi.

Donné sous ma signature officielle, à Homer, ce 15 septembre 1853. JAMES A. MILLICAN,
Trésorier de la Paroisse Claiborne.

ETAT DE LA LOUISIANE.
Paroisse Caldwell, 15 décembre 1853.

J. N. Carrigan, Esq.

Mon cher Monsieur—Le montant des sommes reçues dans le trésor de cette paroisse au profit des Ecoles Publiques, est de $1,572 57

Des fonds généraux de l'Ecole,	639 21
Distribution du mois de mars,	463 07
Argent renvoyé,	55 02
Distribution du mois de juin,	414 27

De ces montants, j'ai payé au district

No. 1,	100 00
" " " " " No. 3,	75 00
" " " " " No. 8,	153 00

Le district No. 1 rapporte le nombre des écoles, pour le terme de six mois—une école.

Nombre d'enfants enseignés dans le district—32.

Nombre d'enfants demeurant hors du district et venant à l'école—4.

Nombre d'enfants n'y allant pas—inconnu.

Le district No. 3 rapporte une école, pour le terme de trois mois.

Nombre d'enfants enseignés—15.

" " ne suivant pas l'école—23.

Le district No. 9 rapporte une école, pour le terme de sept mois.

Les enfants suivant le cours desdites écoles, sont au nombre de 40.

Les enfants qui n'y vont pas—20.

Le district No. 8 rapporte deux écoles, la première pour un terme de trois mois, la seconde pour un terme de 53 jours.

Le nombre d'enfants suivant le cours desdites écoles est de 38

Le nombre d'enfants n'y allant pas est de 47.

Bien respectueusement, votre dévoué serviteur,

MARTIN HAGAREL.
Trésorier de Paroisse.

RAPPORT DU TRESORIER D'EST BATON ROUGE

A Mr. J N Carrigan, Surintendent de l'Education Publique de l'Etat de la Louisiane.

Le soussigné, Trésorier de la paroisse d'Est Baton Rouge, en vertu de la section 25 de l'acte qui organise les Ecoles Publiques Gratuites, approuvé le 28 avril 1853, prend la liberté de soumettre le rapport suivant: Qu'il a reçu depuis sa nomination en juin dernier (1853)—

Le 16 juillet 1853, du Trésorier d'Etat, montant dû à cette paroisse pour la répartition de juin,		$1,078 22
Le 12 Août 1853, du Trésorier d'Etat, les sommes remboursées par le Surintendant de paroisse,	$539 79	
La balance pour la répartition de mars,	191 17	780 96
Le 18 août, de H. V. Babin, shérif, en accompte dû à cette paroisse, de la collecte de la taxe d'école, pour 1852,		2,000 00
		$3,809 18
A déduire, montant payé aux divers districts d'école, d'après le tableau ci-dessous,	$1,602 75	
Montant payé pour dépenses—Deux quarts de compensation du trésorier, et des avis publics,	109 15	
Des districts, après la répartition de septembre, comme par le tableau,	1,457 60	$3,168 90
Balance en main par la répartition de décembre,		$640 28

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Districts.	Montant payé aux districts.	Montant restant au crédit de	Nombre total des enfans.	Nombre des enfans suivant le cours de l'école.	Nombre des enfans n'assistant pas à l'école.
No. 1	332 95		180	105	75
" 2	286 49	107 50	213	93	120
" 3	142 31	3 82	79		
" 4	114 99	246 96	150		
" 5		593 69	77		
" 6	81 42	70 25	82	16	66
" 7	96 90	39 98	74		
" 8	77 69		42	10	32
" 9	48 94	36 15	46		
" 10	136 80	116 92	115	48	67
" 11	75 00	56 33	71		
" 12	68 16	123 03	20		
" 13	107 08	18 70	68	43	25
" 14	34 02	43 67	42		
	1602 75	1475 00	1259 00		

REMARQUES.

No. 1—Pas de retours d'election.

No. 2—Directeurs élus: J. L. Violet, H. Tomlinson, P. A. Walker.

No. 3—Directeurs: Jacob Zug, H. M. Kerr, J. Carmena.

No. 4—Directeurs: Ben. A. Williams, Henry C. Young, Wm. Shaw.

No. 5—Pas de retour.

No. 6— " "

No 7— " "

No. 8— " "

No. 9— " "

No. 10—Directeurs: B. Williams, Jesse Edwards, D. Sullivan.

No. 11—Directeurs: W. Stockwell, Sam. Goodrich, O. G. Dicbr.

No. 12—Pas de retour.

No. 13—Directeurs élus: R. M. Cullum, R. L. Knox, A. Dixon.

No. 14—Directeurs: A. T. Aucoin, T. Smith, F. Ranker.

Les rapports des Directeurs des Ecoles sont tellement incomplets, qu'il est impossible d'établir correctement et avec proportion, le temps qu'elles ont été ouvertes.

L. SHEPPERS,
Trésorier de Paroisse.

BATON ROUGE, 19 novembre 1853.

Eugène G. Robichaux en compte courrant avec le fonds des Ecoles de Lafourche.

Juillet—A caisse, reçu du Surintendant de l'Education Publique, du Trésorier d'Etat, à raison de 85 4/5 cents par tête,	$1,671	
Répartition du 30 juin,		$1,433 71
Septembre—Pour autant reçu de Mr. M. Bourg, à raison de $1 8 cts. par tête, savoir:	$1,671	
Répartition du 30 septembre,		$1,804 68
Sept. 30—A caisse, pour autant reçu du Surintendant de l'Education Publique, pour balances restant dans le trésor de l'Etat, sous l'ancien système,		7,136 68
		$10,375 07
Sommes payées - - - -		$5,041 31
Balance en main - - - -		5,333 13
Fractions omises - - - -		63
		$10,375 07

Districts.	Enfans.	Sommes payées.	Balance en main en argent.	Certificats.
1	50	125 00	293 40	
2	67	107 48	72 36	94 99
3	180	1332 84	310 40	
4				
5	58	100 00	367 80	
6	83	225 00	390 25	
7	63	250 03	369 66	
8	102	249 99	47 24	
10	50	114 00	54 00	10 44
11	102	185 58	12 09	
12	48	250 00	73 44	
13	58	125 00	10 80	
14	56	249 99	470 40	
15	60	233 33	37 77	
16	113	148 47	589 26	
17	48	160 00	659 12	
18	118	260 00	38 97	
19	115	222 87	288 41	
20	101	195 73	88 86	
21	86		653 21	
22	55	166 00	326 39	
23	58	340 00	179 30	
	1671	5041 31	5333 13	105 43

PAROISSE ST. JACQUES, 29 novembre 1853.

J. N. Carrigan, Surintendant de l'Education Publique, Bâton-Rouge.

Monsieur—J'ai l'honneur de vous informer que j'ai reçu le 26 courant, de M. Eugène Ory, Colecteur des Taxes d'Etat dans et pour la paroisse St. Jacques, la somme de trois mille soixante neuf piastres et soixante-treize sous, ($3.069 73,) pour les Ecoles Publiques de cette paroisse.

Je suis, Monsieur, avec considération,

Votre obt. servtr., U. E. VILLAVASO,
Trésorier des fonds des Ecoles
dans et pour la paroisse St. Jacques, Le.

ETAT DE LA LOUISIANE, }
Paroisse Franklin. }

Conformément à la 25me section de l'acte No 250 de l'année 1853, le soussigné, Trésorier de la Paroisse Franklin, rapporte ainsi qu'il suit, savoir:

Montant reçu du Trésorier de l'Etat, $1,163 16

Montant payé pour les Ecoles:

Au 2me District,	$76 90		
Au 4me "	119 01		
Au 7me "	16 66		
Au 8me "	11 70		
Au 13me "	46 65	270 00	

Le nombre d'enfants qui ont assisté aux écoles, est de quatre-vingt quinze.

L'époque et le temps de l'enseignement ne peuvent être rapportés, aucune information n'ayant été reçue.

30 Novembre 1853. JOHN M. WILLIS,
Trésorier de Paroisse.

A l'Hon. J. N. CARRIGAN,
Surintendant de l'Instruction Publique.

PAROISSE TERREBONNE, Louisiane, }
Houma, le 9 novembre 1853. }

A l'Hon. J. N. Carrigan, Surintendant de l'Education Publique, Etat de la Louisiane.

Monsieur—Conformément à la section 25 d'un acte intitulé: "Acte réorganisant les Ecoles Pu-

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bliques dans l'Etat de la Louisiane, approuvé le 28 avril 1853," j'ai l'honneur de vous transmettre le rapport suivant, savoir :

1o. Montant reçu du Trésorier de l'Etat, le 12 août, ainsi qu'il appert de la répartition de l'Education Publique, $4,304 73

2o. Montant reçu de la même source à la même date, réparti par moi dans les districts de ladite paroisse, 894 03

$5,198 76

Payé au 3me dist., 16 aout,	$112 50			
" " " 20 oct.,	112 50	$225 00		
" " 4, 20 aout,	150 00			
" " " 30 "	100 00			
" " " 6 oct.,	75 00			
" " " 10 "	100 00	425 00		
" " 5, 22 sept.		100 00		
" " 6, 28 oct.,		74 00		
" " 7, " "	75 00			
" " " " "	75 00	150 00		
" " 8, 18 aout,	160 00			
" " " 6 oct.,	130 00	280 00		
" " 9, 20 aout,	125 00			
" " " 22 sept.	112 50			
" " " 15 oct.,	125 00	362 50		
" " 10 20 aout,	130 00			
" " " 20 oct.,	130 00	260 00		
" " 12 27 aout,	105 00			
" " " 6 oct.,	105 00	210 00		
" " 13, 6 oct.,		150 00		
" " 14, 22 sept.,		105 00		
Balance - - - -		2,857 17	5,198 76	
Balance ainsi que dessus,			2,857 17	
Mon salaire annuel - -		200 00		
Balance - - - -		2,657 17	2,857 17	

Montant en caisse, ainsi qu'il est ci dessus démontré, au crédit des divers districts, $2,657 17

3o. A partir du 1er aout 1853, (époque à laquelle je suis entré en fonctions comme Trésorier du fonds des Ecoles Publiques de la paroisse Terrebonne,) jusqu'au 1er novembre 1853, trois cent quatre-vingt-cinq enfants ont été à l'école.

4o. Le temps que les classes ont été ouvertes depuis le 1er aout dernier jusqu'au 1er courant, est de deux mois et six jours.

Le tout vous est respectueusement soumis.

F. GAGNE, Tréserier du fonds des Ecoles, paroisse Terrebonne.

ETAT DE LA LOUISIANE,
Paroisse St. Bernard.

Rapport du Trésorier de la Paroisse St. Bernard au Surintendant d'Etat pour l'Instruction Publique, montrant le montant reçu et payé par lui, ainsi qu'il suit, savoir :

1o. La somme de onze cent vingt piastres et quarante-quatre sous, de laquelle somme trois cent soixante-trois piastres et sept cents proviennent du fonds général des Ecoles Publiques.

L'appropriation du mois de mars est de quatre cent cinquante-sept piastres et soixante-quatre cents.

L'appropriation du mois de juin est de [illegible] neuf piastres et soixante-treize cents.

Toutes lesdites sommes ont été reçues par [illegible] le 23 septembre 1853.

2o. Le 1er octobre 1853, j'ai payé à Mr. Philippe Toca, professeur du 2d district d'école de paroisse, la somme de $283 23, sur son mandat, signé par les Directeurs dudit 2d district d'école, avec le certificat dudit professeur, mentionnant le nombre et les noms des élèves qui assistent régulièrement à ladite école, savoir : 74, garçons et filles.

3o. Le 1er octobre 1853, j'ai payé à Mr. [illegible] de Bouchel, professeur du 1er district d'école de paroisse, la somme de trois cent sept piastres et sept cents, sur son mandat, signé par les Directeurs dudit district d'école, avec le certificat du professeur, mentionnant le nombre et les noms des enfants qui assistent régulièrement à ladite école, savoir : 77 enfants, garçons et filles.

4o. Le 8 d'octobre 1853, j'ai payé Mr. P. A. Rousseau, professeur du 3me district d'école de cette paroisse, sur son mandat, signé par les Directeurs dudit district d'école, avec un certificat du professeur, mentionnant le nombre et les noms des enfans qui assistant généralement aux écoles, savoir : 147, garçons et filles.

PAROISSE DE ST. BERNARD, le 17 novembre 185[illegible]
J. M. SERPAS, Trésorier.

RAPPORT DU TRESORIER DE LA PAROISSE ST. JEAN BAPTISTE.

District 1—Total des fonds reçu, $374 [illegible]
2—Montant payé pour ce district, 374 [illegible]
3—Nombre d'enfants allant à l'école, 22
4—Ecole ouverte toute l'année.
5—Montant déboursé - - - 119 [illegible]
6—Nombre d'enfants allant à l'école, 50.
7—Nombre d'enfants qui n'assistent pas à l'école, 60.
8—Ecole ouverte presque toute l'année.
3—Aucun rapport.
Montant dû au district, - - [illegible]
4— do do do - - [illegible]
5—Montant payé pour l'école - - 75 [illegible]
Nombre d'enfants allant à l'école, [illegible]
Ecole ouverte du 1er avril au 30 septembre 1853.
6—Maisons d'école, ——.
Montant dû au district - - 370 [illegible]
7—Montant payé aux écoles - - 122 [illegible]
Nombre d'enfants allant à l'école, 14.
Ecoles ouvertes toute l'année, ——.
8—Aucun rapport reçu.
Montant payé aux écoles - - 55 [illegible]

MR. J. N. CARRIGAN :

Monsieur—Si ce rapport n'est pas fait conformément à la loi, la faute doit être supportée par l'apathie et la négligence que les Directeurs mettent dans l'accomplissement de leurs devoirs.

Je suis, monsieur, respectueusement,
FELIX WEBRE, *Trésorier de la Paroisse.*

PAROISSE DE LA POINTE COUPEE.

Au Surintendant de l'Instruction Publique, Bâton Rouge (Louisiane).

Monsieur—Conformément aux dispositions de la 25me section de l'acte pour la réorganisation des Ecoles Publiques Gratuites dans l'Etat de la Louisiane, approuvé le 28 avril 1853, j'ai l'honneur de vous adresser mon rapport annuel, ainsi que le requiert ladite section, lequel rapport comprend depuis l'époque que la loi est entrée en opération jusqu'à la date de ce jour.

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Vous trouverez dans un tableau qui accompagne n rapport :

1o. Le montant des diverses sommes reçues par i, affectées à l'usage des Ecoles Publiques, et les rces dont elles proviennent.

2o. Les diverses sommes portées au crédit de aque district, ainsi que celles débitées à chaque trict et la balance en leur faveur.

3o. Le nombre total d'enfants compris dans les aites de chaque district, et le nombre d'enfants i assistent à chaque école.

4o. Le temps que chaque école a été ouverte.

Je vous envoie ci-inclus les rapports de divers recteurs.

Le Surintendant observra que le nombre des pports est un petit nombre, la 24me section ayant pas fait de ces rapports la condition *sine qua non* du paiement des mandats des professeurs, lusieurs districts ayant omis de rapporter. Ces missions m'ont placé dans l'impossibilité de vous onner les informations nécessaires relativement ux divers districts d'école—le nombre d'enfants ui vont à l'école, et le temps que lesdites écoles ont tenues.

Le Surintendant s'apercevra que beaucoup de districts n'ont fait aucun usage de la somme qui était portée à leur crédit ; dans quelques cas, par la raison qu'il n'y a pas d'école, et dans d'autre cas, parce qu'il n'a pas de directeurs ; et ce fait n'a pas été communiqué au Président du Jury de Police qui est autorisé à remplir de telles vacances.

J'ai l'honneur d'être, monsieur,
Votre obéissant serviteur, E. MAJOR,
Trésorier de Paroisse.

FAUSSE RIVIERE, le 10 novembre 1853.

PAROISSE DE LA POINTE COUPEE.

SITUATION DES ECOLES.

	Sommes reçues.
1er sept.—Montant du fonds général,	$729 74
Sommes retournées par le Surintendant de Paroisse,	434 32
Répartition du 30 mars 1853,	685 83
Répartition du 30 juin 1853,	800 00
17 oct.—Montant payé à la paroisse par le Collecteur, sur la taxe d'école, (trimestre échéant en septembre) - - -	1,050 32
Montant total des sommes reçues et affectées aux Ecoles Publiques,	$3,681 02

SPRINGFIELD, le 10 janvier 1854.

Mr. J. N. Carrigan.

Mon cher Monsieur—Ci-inclus vous trouverez mon rapport du fonds des écoles de notre paroisse, pour l'année 1853. Je regrette de ne pouvoir vous donner le nombre exact d'enfants, la négligence de la part de l'Assesseur, et l'indifférence de la part des directeurs et des professeurs, ont déjoué tous mes projets. Le système n'a pas jusqu'à présent bien opéré chez nous. L'éducation et les écoles publiques sont pour nous d'un intérêt vital. J'ose espérer dans mon prochain rapport de pouvoir vous donner des détails plus satisfaisants.

Je suis très respectueusement,
Votre obéissant serviteur,
D. B. CASAN, Trésorier de Paroisse.

P. S.—Vous trouverez ci-inclus mon reçu en votre faveur pour la somme de $269 90 ; veuillez m'envoyer ce montant, si c'est en votre pouvoir, par la prochaine poste.

Rapport du Trésorier des Ecoles Publiques, du fonds approprié aux Ecoles Publiques de la paroisse Livingston, pour l'année 1853.

Nombre de District.	Nombre d'écoles dans chaque district.	Nombre d'enfans enseignés.	Montant dû à chaque district.
1	1	35	$120 00
2	0		
3	1		9 50
4	0		12 36
5	1		81 67
6	0		
7	0		28 20
8	1		14 64
9	1		55 00
10	1		230 00
11	1	22	98 72
12	0		
13	1		62 32
14	0		18 50
15	1		45 00
16	0		
17	0		
18	0		68 00
19	0		49 80
20	1		52 20
21	0		
22	0		
23	0		20 90
24	0		
25	1		59 00
Frais du Trésorier,			50 00
			$1075 76

Montant reçu de toute source quelconque.		
Du Surintendant d'Etat,	$1664 72	
Du Shérif, - - -	1208 55	2873 27
Balance en caisse - - -		$1797 51

D. B. CASAN, Trésorier de Paroisse.

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PAROISSE DE LA POINTE COUPEE.—CONDITION DES ECOLES.

No. des districts.	Montants au crédit des districts.	Montants payés.	Balance due à chaque district.	Nombre des écoles ouvertes dans chaque district.	Nombre total d'enfans dans chaque dist.	Nombre assistant à chaque école.	Durée des écoles qui ont été suivies.
1	$269 76		$269 76		40		
2	105 21		105 21		13		
3	530 65	300 00	330 65	1	121		
4	87 69		87 69		46		
5	63 47	63 47		1	35		
6	174 50	110 80	63 70	1	62		
7	206 65	200 00	6 65	2	66		9 mois.
8	335 53		335 53	1	72		
9	74 70	74 40		1	41		
10	589 21	332 00	257 21	1	121		12 mois.
11	230 34	230 34	230 34	1	127		
12	125 75		125 75	1	42		
13	94 30	94 30		1	52		
14	362 28		362 28		39		
15	219 96		219 96		40		
16							
17	110 74		110 74		37		
	3580 44	1405 31	2175 13		954		

REMARQUES.—Les écoles sont généralement tenues pendant toute l'année.

Montant total pour les districts,	3580 44
Commissions,	100 00
Balance,	58 00
Total,	$3681 02

E. MAJOR, Trésorier.

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APPENDIX.

RAPPORT

DU

TRESORIER DE L'ETAT.

NOUVELLE-ORLEANS :
IMPRIMÉ PAR EMILE LA SÈRE, IMPRIMEUR D'ÉTAT

1854.

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PPORT

DU

TRESORIER DE L'ETAT.

Son Excellence, P. O. HEBERT,

Gouverneur de l'Etat de la Louisiane.

Conformément à la sixième section d'un
e de l'Assemblée Générale intitulé, "Acte
ur établir et régler le département du
ésor, approuvé le 26 janvier, 1847," j'ai
onneur de vous transmettre ci joint un rap-
rt donnant un état détaillé de la situation
Trésor et ses opérations, pendant l'année
ale finissant le 31 décembre, 1858.

lance dans le Trésor ce jour	$1,167,127 30
nds généraux - -	$647,363 75
xe de millième -	193,910 84
xe de capitation - -	27,392 47
nds des améliorations à l'intérieur	27,110 75
vées et desséchements	273,988 84
emins et levées -	12,360 05
	$1,162,127 30

Cet état, je le pense, est suffisamment dé-
llé et n'exige pas de plus ample explica-
n.

Je crois, néamoins, de mon devoir, d'ap-
ler l'attention de la Législature sur certai-
s affaires et réclamations qui ne sont pas
entionnées au dit état.

Les municipalités de la ville de la Nou-
lle Orléans devaient un montant consider-
le à l'Etat, provenant d'intérêts sur les
ns de l'Etat, émis en vertu de l'acte No.
de l'Assemblée Générale de cet Etat,
prouvé en 1839. Ainsi que pour la dif-
rence d'un pour cent en faveur de l'Etat,
r l'intérêt stipulé, entre les bons donnés
échange par les dites municipalités à
Etat, que pour ceux émis par l'Etat en leur
veur.

J'ai fait faire un réglement pour les avan-
ces faites par l'Etat, et ils ont été alloués, avec six pour cent d'interêt à partir de la date des dites avances. Le montant ainsi collecté est de $11,070 09. Le 21 mai, 1853, des comptes ont été présentés aux commissaires de la dette consolidée de la ville de la Nouvelle-Orléans, pour le montant dû à l'Etat par chaque municipalité respectivement pour la différence de l'interêt d'un pour cent, ainsi qu'il est ci-dessus mentionné, s'élevant à la somme totale de $57,444 96. Jusqu'à présent ce montant n'a pas été payé par les municipalités, et je crois que quelques dispositions législatives devraient être passées à ce sujet.

Un de mes prédécesseurs à institué un procès contre les héritiers et les représentants légaux Poydras, pour les dix pour cent dû à l'Etat sur le montant de la succession. La cour inférieure à rendu un jugement en faveur de l'Etat pour un montant de près de $45,000; et j'ai des raisons de croire que ce jugement sera maintenu par la Cour Suprême, devant laquelle l'affaire est maintenant pendante.

Les successions de Germain Musson et de Martin Gordon doivent à l'Etat un montant d'à peu près $50,000, pour l'acquisition par eux faite à la vente du shérif en 1844, des chemins de fer de Nashville et du Golfe du Mexique; des mesures ont été prises l'automne dernière, aussi bien par moi que par l'avocat général pour collecter cette réclamation, mais jusqu'à présent nous n'avons pas réussi. Cependant en réponse à une lettre que j'ai dernièrement écrite à ce sujet à l'avocat général, il m'informe que ce réglement sera probablement fait sous peu.

Le tout vous est respectueusement soumis.

C. E. GRENEAUX,
Trésorier d'Etat.

Janvier 1854.

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BUREAU DU TRESORIER,
Bâton Rouge, janvier 1854.

Conformément à la 3me. section de l'Acte No. 265, approuvé en 1852, le Trésorier et l'Auditeur des Comptes ont transféré le 1er. janvier, 1854, du surplus des fonds de la taxe de millième et de capitation au fond général, après avoir payé les allocations annuelles pour le maintient des écoles publiques gratuites, portant intérêt au taux de six pour cent par an en faveur du fond de la taxe de millième et de capitation. Cette somme ainsi transférée, s'élève à la somme de cent-vingt-mille piastres.

Fond de la taxe de millième,	$100,000
Fond de la taxe de capitation.	20,000

Laquelle somme ajoutée au fonds général de l'Etat ci-dessus s'élève à la somme de $767,363 75, maintenant en caisse et placée au crédit du fond général.

C. E. GRENEAUX,
Trésorier d'Etat.

Etat fait par le Trésorier de l'Etat, conformément à la septième section d'un acte intitulé : "Acte pour établir et régler le département du Trésor, approuvé le 26 janvier, 1847."

RECETTES DE 1853.

Montant déposé par la banque de l'Union de la Louisiane, pour garantir l'Etat du paiement des bons en circulation,	$21,000 00
Montant payé par R. C. Nicholas, surintendant de l'Etat, la balance restant entre ses mains, appartenant aux écoles publiques.	80,413 97
Montant emprunté par l'Etat de la banque de l'Etat de la Louisiane,	100,000 00
Payé par J. A. S Aiklen, prix de l'acquisition de la terre de Mme. Thompson du Raccourci Cut-off,	237 70
Payé en plus pour les dépenses casuelles de la Législature.	12 00
Montant payé à l'Etat, pour les interêts sur les bons de la 3me. municipalité payé par l'Etat	11,070 09
Montant reçu par l'Etat de la banque de l'Union de la Louisiane, pour sa part dans ses bénéfices dans la dite institution	47,000 00
Montant reçu par l'Etat du Gouvernement Général des Etats-Unis, pour les avances faites pour équiper les régimens pendant la guerre du Mexique.	7,325 86
Montant des taxes d'Etat reçues des paroisses suivantes:	
Ascension,	6,927 00
Assumption,	7,351 70
Avoyelles,	3,786 4[illegible]
Bossier	499 50
Blenville	2,058 14
Claiborne	3,110 23
Caddo.	5,046 98
Calcasieu	951 06
Caldwell	578 86
Carroll	7,133 93
Catahoula	5,269 57
Concordia	[illegible]
DeSoto	[illegible]
Est Baton Rouge	[illegible]
Est Féliciana	[illegible]
Franklin	[illegible]
Iberville	[illegible]
Jackson	[illegible]
Jefferson	[illegible]
Lafayette	[illegible]
Lafourche Interieur	[illegible]
Livingston	[illegible]
Madison	[illegible]
Morehouse	[illegible]
Natchitoches	[illegible]
Orléans, rive droite	[illegible]
1er. District Nelle.-Orléans	[illegible]
2d. do do	[illegible]
3e. do do	[illegible]
4me. do do	[illegible]
Plaquémines	[illegible]
Pointe Coupée	[illegible]
Rapides	[illegible]
Sabine	[illegible]
St. Bernard	[illegible]
St. Charles	[illegible]
Ste. Hélène	[illegible]
St. Jaques	[illegible]
St. Jean Baptiste	[illegible]
St. Landry	[illegible]
St. Martin	[illegible]
Ste. Marie	[illegible]
St. Tammany	[illegible]
Tensas	[illegible]
Terrebonne	[illegible]
Union	[illegible]
Vermillion	[illegible]
Washington	[illegible]
Ouachita	[illegible]
Ouest Baton Rouge	[illegible]
Ouest Feliciana	[illegible]
Winn	[illegible]
Balance du fond casuel du bureau de Secrétaire d'Etat, payé par C. Gayarré ex Secrétaire d'Etat	[illegible]
Balance du fond casuel du bureau de l'Avocat Général, payé par Isaac Johnson, ex Avocat Général	[illegible]
Droits sur les ventes à l'encan	[illegible]
Dividende reçu de la banque de l'Union de la Louisiane	[illegible]
Excédant payé au Trésor sur l'allocation à l'effet de se procurer un marbre pour le monument de Washington	[illegible]
Amendes à l'usage de l'Hôpital de Charité	[illegible]
Interêt payé par la 3me. municipalité de la Nelle.-Orléans, sur le montant déboursé par l'Etat, pour le paiement des coupons d'interêt sur les bons émis par l'Etat à la dite municipalité	[illegible]
Interêts payés pour le rachat des propriétés adjugés à l'Etat	[illegible]
Licences sur les métiers, professions, etc., pour l'année 1852	[illegible]
Baux des sections seize	[illegible]
Emprunts effectués par le Trésorier d'Etat	[illegible]
Bail du Penitentiaire.	[illegible]
Montant reçu pour le surplus des bons	[illegible]
Taxe de millième de 1850	[illegible]
" " 1851	[illegible]
" " 1852	[illegible]
" " 1849	[illegible]

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Montant déposé dans le Trésor pour rembourser les taxes payés par les acquéreurs des terres vendues pour taxes	420 00
Taxe de capitation de 1850	75 00
" " 1851	2,202 00
Produit de la vente de certains esclaves pour l'année 1852	2,061 15
Taxe de capitation pour l'année 1852	36,406 00
Produit de la vente du domaine public à la Nouvelle-Orléans	4,698 12
Capital payé sur le rachat des terres adjugées à l'Etat	655 28
Capital payé sur le rachat des terres adjugées à divers	385 19
Produit des successions vacantes versés au Trésor	938 82
Fonds appropriés aux chemins et levées	5,765 73
Rachat des terres saisis par l'Etat, payé au fond général	1,863 04
Rachat des terres saisis par l'Etat, payé au fond de la taxe de millième	1,811 44
Vente des Rapports de la Cour Suprême	1,577 69
Vente des terres appartenant aux améliorations à l'interieur à Winnsboro'	4,330 11
Ventes des terres connues sous le nom de sections 16	14,440 21
Vente des terres distinées aux écoles	14,530 22
Vente des lacs desséchés	1,973 43
Ventes des terres destinées à l'université	3,695 83
Vente des terres destinées aux améliorations à l'intérieur à Baton Rouge	12,941 92
Vente des terres marécageuses et submergées	207,197 53
Fonds alloués aux écoles payés au Trésor	8,894 95
Taxe sur métier, profession, etc., pour l'année 1853	103,697 30
Taxe payé par les officiers publics, à cause de frais et d'émoluments	19 11
Taxes sur les successions vacantes	12,775 33
Balance en caisse le 31 décembre, 1852	354,470 61
	$2,502,938 26

La dite balance est composée ainsi qu'il suit, savoir :

Fond général	$647,363 75	
Taxe de millième	173,910 84	
Taxe de capitation	27,392 47	
Fond alloué aux améliorations à l'intérieur	27,110 75	
Fond alloué aux levées et aux desséchements	273,988 84	
Fond alloué aux chemins et levées	12,360 65	
	$1,162,127 30	

DEPENSES DE L'ANNEE 1853.

Allocation—	
A l'Asile Poydras	$3,000 00
Pour compléter le canal de Barataria et Lafourche	5,736 72
En faveur de l'Asile des aliénés à Jackson	8,000 00
Pour bâtir l'Asile des aliénés à Jackson	19,824 97
Allocation—	
Pour établir l'Institution des sourds, des muets et des aveugles	10,900 00
Pourvoyant la construction de 200 cellules dans le Pénitentier	7,500 00
Pour payer les dépenses de la Convention de 1852	8,199 71
Pour venir au secours de L. H. Latil	20 00
" " " R. M. Moore	650 00
A l'Asile des Orphelines à la Nelle. Orléans	5,000 00
A l'Asile des Orphelines à Baton Rouge	2,000 00
A l'Association Charitable des Pompiers	2,000 00
Aux Cannoniers de Donaldsonville	500 00
A l'Asile des Orphelines à Baton Rouge, pour l'achat d'une terre, (cet item est nul.)	
Au gardien de la Maison d'Etat	25 00
Pour venir au secours de Samuel Patterson	100 00
A T. P. Hall et à l'administrateur de Wiley J. McElroy, décédé	160 00
A la banque de l'Etat de la Louisiane	3,128 00
A Théodule Labauve	600 00
A Evariste Debaidon	1,200 00
A H. Kean	253,32
Pour le paiement des commissions aux Register et Receveur des terres publiques à Baton Rouge	924 23
A J. M. Lapeyre	986 25
Pour rembourser Henry Scott, pour produit de la vente de son esclave	441 88
A Charles Fitz	1,200 00
A Emile La Sère	3,582 50
Acte pour venir au secours des porteurs de certificats émis par R. Loucks, register des terres au bureau des terres	1,353 05
A Benj. F. Smith et H. Williamson	300 00
A William Long	31 95
Pour reviser et consolider le Digeste des Lois de l'Etat	5,250 00
En faveur de W. L. Knox, shérif de la paroisse Carroll	350 00
En faveur de E. A. Campbell, surintendant de la paroisse de Sabine	27 04
Pour établir une université	3,190 00
En faveur de Carson & Armstrong, pour la vente des Rapports de la Cour Suprême	1,000 00
Pour l'éducation des enfans sourds et muets	10,305 00
En faveur de J. H. Maddox	3,010 00
Aux Recorders pour l'enregistrement des listes des terres saisies	546 64
Au surintendant de l'instruction publique de l'Etat	50 00
Pour venir au secours d'Andrew Lesage	18 50
A Daniel Howard	296 00
En faveur de l'Asile des enfans Catholiques de Ste. Marie à la Nouvelle Orléans	4,000 00
En faveur du Trésorier pour l'achat des livres, bureaux, etc	800 00
En faveur de A. M. Gray	6,000 00
En faveur de l'hôpital St. Vincent	1,000 00
En faveur de Henry Parish et J. M. Norman	240 03
En faveur des héritiers de David Thomas, décédé	300 00
En faveur de W. P. Stephens, de la parosse Sabine	354 14

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Allocation—

Pour rembourser au Gouverneur, Joseph Walker, ce qui lui est dû...	106	56
Pour autoriser la construction des bateaux de l'Etat	4,898	29
En faveur de N. Y. Waddell, register des terres à Natchitoches	300	00
En faveur des veuves indigentes, sous la direction des dames de la Providence	2,000	00
En faveur de E. H. Skillman.....	164	00
" de J. Johnson	374	14
" de Mme. veuve Dubuclet	300	00
" de Parvis & Dugué.....	250	00
" de Pierre Gelusseau, ex surintendant d'Iberville	100	00
" de Mary C. Lyons.....	500	00
" de B. L. Hodge.....	250	00
Pour prendre le recensement des paroisses de Ouachita, de Moorehouse, et de Carroll	150	00
Pour prendre le recensement de l'Etat	8,536	58
Pour l'avancement de l'Education Médicale dans l'Etat	6,000	00
En faveur de l'Hôpital de Charité....	10,000	00
Pour élever le Monument de Jackson	20,000	00
En faveur de l'Hôpital de Charité, tirés des amendes reçues	1,289	87
Pour modifier le contrat entre l'Etat et la Compagnie du Canal de Barataria et Lafourche.....	23,000	00
En faveur de Henry Forse.....	65	00
En faveur de l'Asile des Orphelins de la paroisse Jefferson.....	3,000	00
En faveur de la Légion de la Louisiane.....	2,500	00
Pour l'Institut des Orphelins indigens du 3me. district de la Nlle.-Orléans	2,000	00
Pour payer les emprunts de la banque de l'Etat de la Louisiane.....	200,000	00
En faveur du Bataillon de la Nouvelle-Orléans et de Washington...	2,000	00
En faveur des enfans mineurs de feu John Sulser.....	150	00
En faveur des héritiers de David Thomas.....	300	00
En faveur de l'Asile Ste. Anne, pour le secours des femmes délaissées et des enfans abandonnés, de toute dénomination.....	2,000	00
Pour l'achat des quadrupèdes d'Audubon.....	321	15
Pour completer et refaire la Grande Levée de la Pointe Coupée.....	5,000	00

Dépenses Casuelles—

De la Législature	127,000	00
De l'Exécutif.....	6,650	00
De la Cour Suprême.....	842	95
Du bureau de l'Auditeur.....	4,044	47
Du bureau du Trésorier.....	3,191	19
Du bureau du Secrétaire d'Etat.....	900	00
Du bureau de l'Avocat Général.....	250	00
Du Bibliothécaire.....	554	10
Du bureau des terres à Baton Rouge	312	50
Du Surintendant de l'Education Publique de l'Etat	375	00
De bureau de l'Ingénieur d'Etat.....	500	00

Commission—

Du Régister du bureau des terres à Winnsboro'.....	48	52
Des Collecteurs des Taxes d'Etat en 1850.....	401	65
Des Collecteurs des Taxes de Millième en 1850.....	312	80

Commission—

Des Collecteurs des Taxes d'Etat en 1851.....	2,757 25
Des Collecteurs des Taxes de Millième en 1851	1,841 [illegible]
Des Collecteurs des Taxes de Capitation en 1851	.....
Des Collecteurs des Taxes sur Licenses en 1852.....	61 45
Des Collecteurs des Taxes sur l'Etat en 1852	12,69[illegible]
Des Collecteurs des Taxes de Millième en 1852.....	11,267 [illegible]
Aux Collecteurs de taxes sur licenses 1853.....	3,730 [illegible]
Au Register du bureau des terres sur les terres marecageuses.....	1,700 [illegible]
Du Receveur du bureau des terres sur les mêmes terres.....	2,402 [illegible]
Du Register du bureau des terres à Baton Rouge.....	221 [illegible]
Du Receveur des fonds publics à Baton Rouge.....	132 [illegible]
Du Receveur des terres publiques à Winnsboro'	41 [illegible]
Dépenses casuelles du bureau des à Winnsboro'.....	100 [illegible]
Commissions aux Avocats de Districts pour collecter les cautionnemens des commissionnaires.....	97 [illegible]
Compensations aux Asseseurs sur la taxe de Capitation, pour les années 1852 et 1853.....	167 [illegible]
Compensation du fond général pour les années 1852 et 1853	17,866 [illegible]
Compensation du fond de la taxe de millième des années 1852 et 1853	10,802 [illegible]

Déduction aux Collecteurs—

Des taxes d'Etat, 1850.....		355 [illegible]
" de millième, 1850,.....		161 [illegible]
" de capitation, 1850.....		75 [illegible]
" d'Etat de 1851.....		220 [illegible]
" de millième, 1851.....		547 [illegible]
" de capitation, 1851.....		276 [illegible]
" d'Etat de 1852.....		15,013 64
" de millième, 1852.....		13,672 75
" de capitation, 1852.....		11,486 [illegible]
Dépenses pour le service des améliorations à l'intérieur.....		15,615 54
Dépenses en matières criminelles....		15,384 51
Intérêts sur les bons de la compagnie du chemin de fer des Opélousas et de l'Ouest.....		2,300 [illegible]
Intérêts sur les bons de la compagnie du chemin de fer de Nashville et de la Nouvelle-Orléans.....		27,216 [illegible]
Intérêts du chemin de fer du Golfe du Mexique.....		6,000 [illegible]
Intérêts sur les bons de l'Hôpital de Charité.....		7,575 [illegible]
Intérêts sur l'emprunt de la banque de l'Etat de la Louisiane à l'Etat de la Louisiane		10,000 [illegible]
Intérêt sur les bons de la compagnie de Dessechement		2,500 [illegible]
Intérêts sur les bons émis pour des emprunts obtenus de la banque des Citoyens.....		15,000 [illegible]
Impressions d'avis.....		33,550 [illegible]
Pensions allouées par la loi.....		910 [illegible]
Payé aux propriétaires d'esclaves condamnés.....		1,300 [illegible]
Payé aux Electeurs du Président et Vice-Président des Etats-Unis....		540 [illegible]

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iduction aux Collecteurs—		
ıpressions de la Constitution de 1852	16,249	25
iement des coupons du chemin de fer du Golfe du Mexique, pour l'année 1841	2,820	00
nsions à vie	1,212	00
compense donnée aux contracteurs des navires dans cet Etat	3,809	55
nsions allouées en vertu de l'acte No. 293 de la loi de 1853	9 984	00
hats des livres pour la bibliothèque	1,000	00
iement des sommes versées par les surintendants de paroisse à l'usage des écoles publiques gratuites	58,094	84
mboursement des sommes déposées au Trésor pour le rachat des terres vendues pour taxes	149	29
mboursement de certaines sommes payées à compte des mandats des terres d'école	5,508	28
mboursement des sommes payées au bibliothécaire	50	00
mboursement des terres affectées aux améliorations à l'intérieur, lesquelles sont vendues par l'Etat par erreur	884	39
mboursement des sommes payées à compte des mandats des terres l'école dans le district sud-est	2,442	00
mboursement des taxes déjà payées	.....	
mboursement des sommes payées par erreur dans le Trésor	146	00
mmes affectées au maintien des écoles publiques libres	282,406	65
mmes allouées pour le gardien et l'aide gardien de l'arsenal de l'Etat	880	00
laire du—		
uverneur	1,806	47
crétaire d'Etat	1,896	00
ésorier de l'Etat	2,987	56
Auditeur	4,000	00
Avocat Général	2,860	59
rintendant de l'instruction publique	1,999	94
Ingénieur d'Etat et les dépenses... ncidentes de son département	10,968	48

Salaire du—		
Secrétaire privé du Gouverneur	833	32
Register du bureau des terres à Baton Rouge	125	00
Rapporteur de la Cour Suprême	2,500	00
Bibliothécaire	999	96
De l'Adjudant et Inspecteur Général	1,844	41
Du Surintendant du bureau des statistiques	148	15
L'Arpenteur Général	900	00
Du Sergent d'Armes de la Chambre des Représentants	640	00
Du Sergent d'Armes du Sénat	376	59
Du Porteur des dépêches du Gouverneur	360	00
Du Copiste du Secrétaire d'Etat	600	00
Du Commis du Secrétaire d'Etat	666	66
Des Juges de la Cour Suprême	25,136	65
Des Juges des Cours de District	55,496	62
Des Avocats de District	10,505	51
Du Register du bureau des terres à Winnsboro'	212	50
Du Receveur du bureau des terres à Winnsboro'	150	00
Du Gardien de la Maison d'Etat	600	00
Du Surintendant de paroisses pour l'instruction publique	332	50
Du Greffier de la 1re. Cour de District de la Nouvelle-Orléans	2,413	86
Du Trésorier et des Receveurs des deniers publics	147	25
Des Directeurs du penitentier	525	00
Du Commis du "	1,500	00
Du Médecin du "	600	00
De l'Aumonier "	400	00
Pour autant payé en remboursement des successions vacantes	1,970	42
Balance en caisse le 31 décembre, 1853	1,162,127	30
	$2,502,938	26

BUREAU DU TRESORIER,
Bâton Rouge, janvier, 1854.

C. E. GRENEAUX,
Trésorier d'Etat.

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APPENDICE.

RAPPORT

DU

BUREAU DES ADMINISTRATEURS

DE

L'HOPITAL DE CHARITÉ,

POUR 1853.

NOUVELLE-ORLEANS.

IMPRIME PAR EMILE LA SERE, IMPRIMEUR D'ETAT.

1854.

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HOPITAL DE CHARITE DE LA NOUVELLE-ORLEANS.

BUREAU DES ADMINISTRATEURS.

Gov. P. O HEBERT, PRESIDENT.
A. FOSTER AXSON, M. D., VICE PRESIDENT.

J. M. BELL,
J. PEMBERTON,
DR. A. MERCIER,
T. O. STARK,
J. M. HOWELL,
DR. P. DUREL,
R. W. ADAMS.

H. D. BALDWIN, M. D., TRESORIER ET SECRETAIRE,
S. CHOPPIN, M. D., CHIRURGIEN DE L'HOPITAL,
E. CANTER, M. D., do ASSISTANT do.,
M. BOYENS, PHAMACIEN,
H. VANDERLINDEN, COMMIS,
G. H. SMITH, ASSISTANT do.,
M. SINNOTT, Jr., COMMISSAIRE DE L'HOPITAL.

Médecins et Chirurgiens de l'Hopital de Charité.

DR. WARREN STONE,
DR. A. J. WEDDERBURN,
DR. E. MARTIN,
} Chirurgiens.
DR. THOS. HUNT, remplaçant le Dr. T. S. CLAPP,
DR. JAMES JONES,
DR. A. H. CENAS,
DR. C. BEARD,
DR. P. C. BOYER,
DR. C. R. NUTT,
DR. J. Q. IRWIN,
DR. C. B. WHITE,
DR. R. SCHLATER,
DR. D, McGIBBON,
DR. THOS. O. MEUX,
DR. E. FENNER.

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RAPPORT

DU

BUREAU DES ADMINISTRATEURS.

: *Honorables Membres du Sénat et de*
: *Chambre des Représentans de l'Etat*
: *Louisiane:*

es Administrateurs de l'Hôpital de Cha- soumettent, respectueusement à votre rable corps, le tableau annuel suivant eurs affaires:

endant l'année dernière les soins chari- es de l'Hopital ont été donnés à 13,759, ades ou personnes impotentes; dans ce bre se trouvent 12,383 étrangers de sance, 1,306 natifs d'autres Etats de ion, 120 dont le lieu de naissance est nnu, et seulement 228 natifs de la Loui- e; pendant la même période le montant r le soutien de la dite institution s'est é à $54,534 68, les débours à $69,- 62, et le montant reçu en vertu de ération de la taxe, à $53,482 51; quoi- auparavant, chaque tableau annuel laissât énorme déficit contre l'Hopital, savoir: r l'année 1852, $11,001 94; pour l'an- 1851, $23,853 45; pour l'année 1850, 380 82. Nous sommes fort heureux vous dire que pendant l'année qui vient s'écouler (1853) ce grand déficit a été uit à zéro, l'aissant pour la première fois uis 1842 cette institution libre d'hypo- que ou de toute autre dette. Nul doute une grande partie de ce changement et élioration est dûe au système de fourni- es par contents pour subvenir aux besoins l'Hopital, système récemment adopté par Bureau des Administrateurs; ainsi qu'au e et à l'énergie recommendables du Tré- ier actuel qui tout en s'occupant consecien- usement des moyens de faire les rentrées revenu de l'Hopital jusqu'alors négligées, netait, l'orsqu'il en était requis, au prix plus avantageux, tels objets qui n'étaient s soumis à un contrat.

L'opinion des membres du Bureau est que changement favorable dans les affaires cales de l'Hopital aurait pu durer, et par moyen aurait exonéré l'Etat de toutes mandes ultérieures de son trésor et nos oyens en général d'une taxe équivalente; l'exception cependant des fonds néces- ires pour les réparations et l'entretien de propriété foncière.

En effet cette opinion est bâsée sur le changement fait par la Législature à sa dernière session, dans la taxe sur les passagers, qui sera suffisante pour payer toutes les dépenses, excepté celles mentionnées plus haut. On ne sait pas si d'après les suggestions de nos prédécesseurs, à l'égard de la taxe, l'Etat à pris les mesures nécessaires pour mettre sa légalité à l'abri de toute contestation de la part des parties qui la paient; s'il en est autrement, les membres du Bureau, recommandent fortement à l'attention de la Législature, ce sujet de la plus haute importance. Si cette ressource était matériellement diminuée ou que le droit de l'imposer et de la collecter fut discuté devant notre cour fédérale, cela affecterait sensiblement les ressources et moyens de l'Hopital et obligerait le Trésor de l'Etat à subvenir au montant de la perte occasionnée par cet évènement fortuit. Il est inutile d'insister plus long temps sur un sujet d'une importance aussi vitale pour les intérêts de l'Etat et de nos Représentants.

Relativement à ce sujet, vient en ligne droite une réflection sur laquelle nous désirons appeler toute votre attention; c'est-à-dire, que tout en passant des lois afin de conserver des ressources qui sont la base du soutien de l'Hopital, ne serait-il pas à propos d'établir un système de quarantaine, qui épargnerait, à notre ville ainsi qu'à l'Hopital, l'énorme dépense causée par les soins à donner à un grand nombre d'émigrants qui ne nous apportent qu'indigence et maladies, et qu'il nous faut encore enterrer à nos frais. Un établissement de cette nature, fondé par autorité de l'Etat dans un lieu éloigné de notre ville, sous la direction de personnes sages et éclairées, diminuerait la mortalité, déjà à charge à cette Institution et empêcherait l'introduction de certains symptômes de maladies, inconnus à nos habitants et dans notre climat.

Nous nous référons ici distinctement à la classe des fièvres connues sous le nom de fièvre typhoïde (dite ship fever) qui est considérablement introduite dans la ville et à l'Hôpital, chaque année et qui, comme un feu qui consume lentement, s'étend graduelle-

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ment dans les cabanes et les pensions des pauvres émigrants—et de là naissent les maladies, la pauvreté, le veuvage, et les orphelins que le peuple et l'Etat doivent secourir. Nous croyons fortement qu'un système de quarantaine bien établi empêcherait tous les malheurs qui résultent de l'introduction de cette maladie dans notre communauté, ainsi que le prouvent toutes les corporations civilisées qu'aucune autre maladie ne peut être aussi facilement contrôlée que la fièvre typhoïde (ship fever) par un moyen aussi salutaire.

Sans placer dans la même catégorie la dernière épidémie dont les terribles ravages sont encore présents à notre mémoire, mais en considérant son origine et sa nature contagieuse tellement douteuses selon quelques médecins et selon un grand nombre de citoyens qui n'appartiennent pas à cette branche, cela seul doit provoquer une enquête rigoureuse et consciencieuse, lorsque le fait est connu qu'une maladie telle que la fièvre typhoïde (dite ship fever) ayant des propriétés contagieuses et dont l'introduction annuelle parmi nous est un fait averré peut être empêchée par de tels réglements, il est du devoir des plus hautes autorités du pays de prendre de suite telles mesures qui nous mettraient à l'abri des reproches amers que nous attire notre indifférence. Il est certain qu'un des plus hauts attributs d'un gouvernement est de pourvoir à la sécurité et à l'avancement de la salubrité publique et ce qui devient une obligation forcée de tous les gouvernements de quelque nature qu'ils soient, devient pour ainsi dire un devoir pour ceux qui représentent, dans leur essence et leur nature, le fait incontestable qu'ils dérivent de la volonté publique.

Tout en prêchant l'utilité d'une quarantaine, comme moyen de soulagement pour notre ville et pour l'Hopital, en fermant tout accès à certaines classes de maladies désignées, il convient de s'enquérir des moyens à employer pour que cette Institution puisse se soutenir par elle même ; ceci, nous sommes d'opinion, peut se faire facilement. La grande difficulté d'établir une quarantaine ferme et utile (et non rigide et exact dans ses demandes, ce qui serait pire qu'utile,) est la dépense à laquelle cela entraînera. L'achat et la préparation d'endroits convenables et la construction à y faire de bâtisses nécessaires pour la commodité des malades, nécessiteront d'abord un fort débours. Ceci une fois fait, et l'Etat devenant propriétaire du terrain et des dépendances, la manière d'en faire, jusqu'à un certain point, si ce n'est en totalité, une institution qui puisse se soutenir par elle-même, n'est ni difficile, ni impraticable.

Par exemple, comme les quarantaines sont désignées pour opérer contre les émigrants malades et les navires empestés, que l'Etat exige qu'ils paient sur les lieux mêmes de la quarantaine à un officier désigné par la loi, le montant de la taxe dûe et exigible sur de tels bâtiments et passagers. Cette somme, nous pensons, sera, à la fin de l'année, suffisante pour défrayer les dépenses courantes des officiers et des personnes employées au maintien des réglements de l'établissement. Si l'expérience des cinq dernières années peut fournir matière à former une opinion, elle doit être décisive dans cette affaire ; d'autant plus que pendant toute cette période un cinquième des passagers émigrants qui sont arrivés dans notre port étaient de vrais sujets pour être soumis aux réglements de la quarantaine.

Pour démontrer que cette opinion n'est ni exagérée ni malicieuse qu'on se réfère au tableau actuel et aux anciens rapports depuis les années 1849 et 1853 inclusivement par lesquels on verra que la récette moyenne provenant de la taxe sur passagers pendant le dit espace de cinq ans, s'élève à $52,132 58, de laquelle, en déduisant un cinquième pour malades ou passagers invalides, nombre considéré comme sujet à subir la quarantaine, rapporterait un revenu actuel de $10,426 50, somme jugée approximativement correcte et nécessaire pour le maintien de l'Institution. Cette somme, il est vrai, diminuera celle qui rentre dans le trésor de l'Hopital de Charité, mais il faut se rappeler que s'il existe une diminution, il y aura une compensation par le nombre de ceux qui voudraient y entrer comme malades et en devenir les hôtes. De cette manière vous éloignerez de l'Hopital et par conséquent de la ville un grand nombre de malades infectés de maladies contagieuses et vous vous épargnerez la peine de les soigner, les entretenir et même les enterrer, ce qui coûte à la ville un soin immense et une dépense additionnelle.

Si c'était ici la place pour de pareils détails, on pourrait démontrer le chiffre en main que l'introduction dans la ville d'une cargaison d'émigrants invalides coûtera plus à la communauté que dix bâtiments chargés de dix fois plus de passagers vigoureux et en bonne santé. Mais quoiqu'il en soit, il est évident qu'au bout du compte, l'Hopital ne perdra rien en éloignant de son sein l'émigrant malade, même en déduisant l'équivalent pour son entretien ailleurs, du montant de ce qu'il est requis de payer d'après nos lois pour prix de notre hospitalité. Il serait certainement indifférent que ces simples soins fussent rendus ici ou ailleurs tandis que la dépense et l'avantage d'une tele

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esure serait pleinement justifiés au point
vue de la nécessité et de l'intérêt person-
el.

D'après le rapport du chirurgien de l'Ho-
tal, il appert qu'outre les malades qui sont
ellement les sujets de votre charité, l'In-
itution à sur les bras le soutien de deux
nts pensionnaires ou pauvres infirmes, qui
ns aucuns moyens par eux-mêmes et pri-
és d'asiles convenables pour une classe
ssi indigente, n'ont d'autre alternative que
maison de travail et l'Hopital. Leur ad-
ission est la source d'une dépense considé-
able, et souvent du renvoi des plus obstinés
'entre eux, afin de servir d'exemple pour
maintien de l'ordre et la discipline de
établissement. Ce fait est à la connais-
ance du Bureau actuel, qui s'est vu forcé
ar un sentiment de pitié et de commisséra-
ion d'admettre de nouveau les délinquents
vec la conviction que le sentiment de l'hu-
anité était plus fort que l'ingratitude qui
e manifestait, par fois, parmi eux. Cepen-
ant le fait d'une si grande quantité de pau-
res dépendant annuellement sur les soins
e notre hopital, est tellement flagrant qu'il
e peut pas être passé sous silence. D'après
e que nous venons de dire le nombre des
endiants et des pauvres est plus grand
u'on ne peut se l'imaginer, et cependant
usqu'à présent, aucun effort couronné de
uccès n'a été fait encore par une ville ou
n Etat afin d'ariver un moyens nécessaires
our entretenir cette classe d'individus, soit
n les plaçant dans des asiles ou maisons de
auvres et de faire en sorte de rendre leur
ntretien le moins onéreux que possible à la
ociété. Sauf ce qui a été fait par la bien-
eillance et l'entreprise réunies de quelques
ns de nos concitoyens, notre ville dont le
ommerce s'accroit de jour en jour, n'a au-
un établissement pour pourvoir au main-
ien, aux secours et à l'éducation morale de
otre jeune population pauvre. Les asiles
l'orphelins et les maisons destinées aux veu-
es démontrent d'une manière significative
l'existence d'une philantropie éclairée, mais
les secours qu'ils donnent sont nécessaire-
ment restreints à un nombre limité de per-
sonnes et laissent un grand nombre d'indi-
vidus qui sans feu ni lieu et sans amis se
fourvoient dans la société jusqu'à ce que le
crime ou la maladie les force d'entrer dans
les maisons de refuge ou dans les hopitaux.
Et tout ceci arrive dans une ville qui par ses
contributions annuelles dans le trésor de
l'Etat, montant à plus d'un quart de million
de piastres, se rend dans l'impossibilité de
faire ce que, dans ce cas, l'humanité exige.
Outre les infirmes pauvres nous voyons d'a-
près le même rapport, comme hôtes de l'éta-
blissement, cinq fous et vingt-trois aveugles
qui sont certainement, tout déplacés dans
une semblable institution.

Si le Bureau se croyait dans le droit de
suggérer les moyens de secours pour les-
quels le bien désiré pourrait s'accomplir par
la création de telles institutions sans une
taxe additionnelle, ou une restitution parti-
elle de celle exigée maintenant, nous appel-
lerions l'attention de la Législature sur un
seul fait dans la loi qui définit les propriétés
et les occupations sujettes à la taxe et qui,
nous le savons par les collecteurs de taxes
d'Etat, n'a jamais été mise en vigueur ; la-
quelle loi, si elle était revisée et faite de
manière à en faciliter la collecte serait suffi-
sante dans peu d'années pour subvenir aux
dépenses nécessaires pour construire et faire
prospérer au moins un de ces établissements
de charité et de bienveillance.

Mais comme ceci est tout-à-fait étranger à
sa nature et à ses fonctions, il se contente
seulement d'en faire mention, dans l'espoir
que la sagesse et la philantropie de la Lé-
gislature la pousseront à faire promptement
quelque chose en faveur de cette classe mal-
heureuse.

En se référant an tableau des maladies
traitées à l'Hopital pendant l'année dernière
et ci annexée, on s'apercevra que le nombre
des cas de fièvre jaune s'élève à 3212, contre
2,811 pendant l'année 1847, dernière épo-
que d'une épidémie aussi étendue et fatale ;
le nombre des guérisons 1487 contre 1584,
et la mortalité 1890 sur 895 dans la même
saison ; fait incontestable de la violence, de
la malignité et de l'étendue de la maladie
cette année.

Un autre fait qui nous est démontré, est
que tandis que notre institution charitable
recevait et soignait 3212 malades, une asso-
ciation volontaire de citoyens, (d'après leur
propre rapport) ont exclusiment soigné et
traité 11,088 malades, sur le nombre des-
quels 2942 sont morts et 8146 ont été gué-
ris. Mais malgré la malignité et l'étendue
de l'épidémie pendant l'année 1853, on est
forcé d'admettre que des désastres pareils
doivent occuper l'attention du gouvernement,
à moins que les besoins croissants des cito-
yens ne lui permettent de le faire et néces-
sairement il doit se voir surpasser par le
zèle et l'énergie des associations volontaires,
et s'il fallait quelque chose de plus afin de
démontrer ce fait, nous le trouverions en
voyant la manière étrange dans laquelle se
trouve cette institution à la fin de ses péni-
bles fonctions. Le tableau parle de lui seul.
Après avoir traité et soigné 11,088 mala-
des et libéralement dépensé l'énorme somme
de $228,927 32 données avec tant de gé-
nérosité spontanée par nos concitoyens pour
venir au secours de nos malheureux souf-

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frants, il lui reste un assez joli montant dont on à fait un placement avantageux et lucratif—qui doute, un seul instant, qu'il était du devoir de nos autorités de faire ce que cette association à accompli? De n'avoir pas déployé le même zèle, la même énergie et la bonne volonté, et qu'après, il était de leur devoir de disposer du surplus des sommes reçues et qui leur appartenaient de droit afin de bâtir des maisons pour les pauvres ou toutes autres institutions charitables, objet auquel tendait la charité des donnations Il est inutile de faire aucun commentaire pour prouver que de pareilles societés surpassent les autorités constituées de leur pays, lorsque celles-ci oublient les hautes fonctions pour lesquelles elles ont été créées.

Accompagnant le rapport, le Bureau se croit en devoir de vous transmettre une lettre d'un architecte capable et compétent, d'après laquelle on verra que les réparations nombreuses et importantes à faire dans le courant de cette année, pour conserver le but utile de l'Hopital, nécessiteront une somme plus forte que ses revenus ne lui permettent de dépenser. Nous espérons que ce fait attirera votre attention immédiate.

Nous sommes heureux de pouvoir certifier que le même bon ordre ainsi que les soins et le système économique existent dans l'administration de l'Hopital, ce qui est dû presqu'en totalité à l'admirable jugement et aux habitudes ponctuelles des Sœurs de Charité. Nous pourrions suggérer quelques amendements, mais comme c'est plutôt du ressort de la juridiction des Administrateurs, il est par conséquent inutile d'en parler ici. Il n'y a qu'un sujet de plus sur lequel le Bureau désire appeler l'attention de la Législature. On observera que pendant l'année, il est né dans l'Hopital 159 enfents et et tout le monde ignore qu'il n'y a aucune place spéciale assignée à la maternité, excepté l'endroit commun qu'habitent toutes les femmes malades de l'établissement. Par égard au bien commun et si l'intéret de la société, en ayant des accoucheurs bien instruits et vu les relations directes qu'une telle institution aurait avec l'éducation médicale du collége de l'Etat, il s'élève une question de la plus haute importance qui vous est soumise afin de juger de la nécessité d'établir une maison de maternité où tous les pauvres qui désireraient avoir l'aide et l'expérience d'élèves instruits, pourraient être admis à cette époque critique et importante. Une Institution de cette nature devrait être érigé sur un terrain séparé et construite de manière à répondre à l'objet désiré; étant adjointe à l'Hopital, elle servirait d'une manière considérable à l'éducation médicale et engagerait chaque année une masse d'étudiants à profiter de cet avantage, dont l'admission quoiqu'elle serait peu coûteuse suffirait dans très-peu de temps à rembourser les frais occasionnés pour une bâtisse de ce genre.

A. FOSTER AXSON, V. P.

NOUVELLE-ORLEANS, janvier 2, 1854.

Au Bureau des Administrateurs de l'Hopital de Charité de la Nlle.-Orléans:

Messieurs: J'ai l'honneur de vous soumettre le rapport et l'estimation suivant concernant les dépenses à faire pour les nouvelles bâtisses, les additions, les changements nécessaires et les réparations couteuses à faire aux bâtisses connues sous le nom d'Hopital de Charité.

La vieille bâtisse maintenant occupée comme chambre mortuaire et de dissection et l'étroite maison connue sous le nom de Cottage, sont toutes les deux dans un mauvais ét t, tout-à-fait insuffisantes et d'aucune utilité pour l'objet auquel elles sont appliquées. Je vous recommande de les faire abattre et de faire bâtir à leur place des édifices convenables d'après les plans et les spécifications que je vais préparer et soumettre à votre approbation.

Le centre de la bâtisse faisant face à la rue Commune est dans une état décrépit et demande des réparrations considérables qui devront être faites sans délai.

Les galeries de l'arrière, les toits, les tuyaux sont dans un très-mauvais ordre, et je dois dire même dans un état dangereux s'ils restent plus longtemps tels qu'ils sont présentement. Je n'ai aucun doute que presque toute la charpente inférieure et les lambourdes devraient être renouvellées; le plâtrage tant intérieur qu'extérieur demande des dépenses énormes et en outre à être peinturé et blanchi à la chaux; la partie boiseuse qui d'ordinaire est peinturée dans tout l'établissement devrait recevoir deux couches de la meilleure peinture blanche à l'huile, mélangée avec telle autre couleur que l'on pourrait choisir.

Les bureaux sur la rue de la Commune exigent des réparations et demandent à être nettoyés et peinturés, et de plus que l'on bâtisse une chambre additionnelle pour servir de bureau de consultations et pour l'usage des étudiants, contigüe à l'une d'elles.

Le coût pour l'érection des nouvelles bâtisses, pour les changements et les énormes

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réparations en général à faire à l'établissement d'une manière substantielle et ne laissant rien à désirer, d'après mon idée et mes calculs à vue d'œil, s'élèvra environ à la somme de quarante mille piastres.

Il faut ici remarquer que si les bâtisses restent dans un pareil état pendant une ou plusieurs années, le coût excédera certainement le montant ci-dessus.

Je suis, Messieurs,
très-respectueusement
Votre obéissant serviteur,
HENRY HOWARD, *Architecte*.
Bureau, 13 Place du Commerce.

COUT DE L'ENTRETIEN DE L'HOPITAL DE CHARITE—1853. *

Dépenses faites par la Sœur Supérieure pour subvenir à l'entretien des patients.

Payé pour épiceries, glace, planches, fourrage, etc.		$10,883 63
" les gardes-malades, ouvriers, domestiques, etc.		5,189 47
" vêtements des Sœurs, et les dépenses de leur voyage,		2,053 28
" les médicaments,		6,393 84
" viande de boucherie,		6,056 64
" le pain,		5,800 00
Salaire du chirurgien, $1,200; du trésorier, 1,200; du pharmatien, $1,000,		3,400 00
" commis,		1,130 00
" do assistant,		600 00
" chirurgien assistant,		700 00
Payé pour assurance contre le feu,		720 00
" inhumations de 1853,		1,072 48
" charbon et bois de chauffage,		1,750 75
" dépenses générales, papier, plumes et réparations, etc.,		275 89
		$54,534 68

DEPENSES TOTALES PAYEES POUR COMPTE DE L'HOPITAL DE CHARITE, †

Pendant l'année 1853, *y compris les achats d'articles consumés en* 1852, *et qui ont été payés en* 1853.

Argent compté à la Sœur Supérieure pour achat d'épiceries, marchandises sèches, planches, glace, etc., d'après les pièces justificatives de la dite Sœur,			$10,883 63
pour payer les ouvriers, domestiques, gardes malades, do do			5,189 47
" habillements des Sœurs			1,315 53
" dépenses du voyage des Sœurs de Baltimore,			737 75
Médicaments pris chez Frederickson,	1,313 09		
" " Featherston'h,	310 22		
" " H. Bonnabel,	537 79		
" " E. J. Hart & Co.,	3,416 25		
" " Valls, (pour consommation de sucre)	472 59		
" " Gottschalk,	44 02		
" " Voights & Jeanrenaud,	280 25		
" " P. L. Massy.	12 59		
" " P. P. Crane & Co.,	660 59		
" " Chinn & Bolton,	111 21		
" " H. Kennedy,	157 53		
" " Powers & Weightman,	521 11		
compte de R. W. Adams (pour consommation de sucre,)	130 81		
" Jarvis & Woodman,	9 60		
" H. D. Seaman, (pour huile de palmachristy,)	37 15		
" Dhoongé,	55 80		
" Wolf, pour écorce d'orme,	37 25		
" A. Palmer, pour meules de graine de lin,	73 50		
" H. Kleesch, pour moutare,	311 00		8,493 34

* Ce tableau donne le coût de l'entretien des malades pendant l'année.
† Ce tableau démontre tous les déboursements pendant l'année.

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Verges, pour viande de bœuf,	$1,531 46	
Lovering & Dambreau, pour viande de bœuf et mouton,	6,537 59	$8,069 05
Veuve Bouny, pour pain,	$7,875 91	
Lefebvre, do	1,010 62	8,886 53
H. Bier, ancien trésorier, son salaire jusqu'au 15 mai,	$450 00	
Le Trésorier, du 10 mai	768 88	
Dr. Foster, ancien chirurgien,	433 33	
Dr. Choppin, do actuel,	768 88	
Vanderlinden, commis,	1,130 00	
Dr. Nye, ancien assistant chirurgien,	208 33	
Assistant chirurgien, Dr. Carter,	488 88	
" commis,	600 00	
Mr. Boyens, pharmacien	1,000 00	5,348 40
Prime d'assurance	720 00	
Loyer de bureau pour le commissaire de l'Hopital au mois d'août,	210 00	
Inhumations pour l'année 1853, au D. Merritt	1,072 48	
Argent emprunté l'année dernière et remis,	5,000 00	
Willard, pour charbon,	270 00	
Vandyne, do	100 00	
Mittenberger do	55 00	
J. Nimick,	1,172 25	
Impressions et publications dans le True Delta, le Delta, et le Courrier, y compris les impressions en blanc à l'usage du Commissaire de l'Hopital,	208 00	8,907 73
Petites dépenses du dispensarie, Mr. Boyens,	31 40	
Payé à Rub. pour du bois,	162 50	
" Gallier, Turpin & Co., pour réparations, février 4,	312 50	
" E. K. Sanborne, pour éclisses,	12 00	
" La compagnie des pompiers Jackson, pour surveiller la presse à coton, mars 7,	50 00	
Peters & Millard, compte brandy, mars 7,	5 00	
Strawbridge, avocat, $100; pour loyer de voiture au cimitière $2 50, le 4 avril,	102 50	
Finke, pour instruments de dentiste,	5 00	
Felt & Co., pour papier et plumes, avril 13,	14 75	
Passage d'aveugle à New York,	10 00	
Blanchard, pour garder le cimitière, avril 29	82 50	
Felt & Co., pour papier, etc.,	1 40	
Payé à Garnett, achat d'un cheval à l'usage de l'Hopital,	250 00	
Enterrement de l'étudiant Limerick, et achat d'un cercueil métallique,	104 00	
Taxes d'Etat sur le presse à coton de l'Union,	73 50	
H. Bier, retrise d'argent à lui volé en 1851,	600 00	
Cook & Morehouse, réparations faites à l'Hopital, à la chambre du pharmacien,	841 35	
I. Bridge, pour un coffre fort en fer,	91 50	
J. B. Steel & Co., pour papier, plumes, livres d'enrégistrement pour le bureau du commis,	75 60	2,826 08
Divers, dépenses générales, repassage des instruments chirurgicaux,		950 95
		$17,133 16
Balance en main,		

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PROVENANT DES	Janvier.	Février.	Mars.	Avril.	Mai.	Juin.	Juillet.	Août.	Sept.	Octobre.	Nov'bre.	Déc'bre.	TOTAL.
Taxes sur passagers,	7512 87	1719 90	3652 78	4391 66	6550 18	4872 16	1868 20	176 20	81 10	1619 61	9526 05	11,520 75	53,482 51
Licences sur les bals,	423 50	306 00	201 00	36 00	54 00	36 00	10 00	....	....	136 00	564 00	611 50	2,378 00
do do spectacles,	210 00	49 50	76 50	....	72 00	....	....	....	....	....	225 00	22 50	655 50
Allocation faite par l'Etat,	....	....	....	....	....	....	....	10,000 00	....	....	....	....	10,000 00
Billets hypothécaires de R. M. McNair,	352 00	....	....	....	....	....	352 00	....	....	....	....	....	704 00
Donations,	....	....	....	‡ 50 00	121 11	‖ 50 00	....	39 30	20 00	5 00	....	....	285 41
Loyer de la presse à coton de l'Union,	....	1737 70	....	....	....	....	....	1737 70	....	....	....	....	3,475 40
Dividende sur les actions d'assurance,	....	....	....	....	....	....	....	....	....	....	....	41 70	41 70
Droit d'entrée,	251 96	181 15	172 25	156 58	139 45	137 80	193 35	262 20	147 80	114 30	108 41	123 10	1,978 45
Malades payant,	433 25	626 50	446 00	310 50	281 00	356 50	576 25	1093 70	585 50	386 00	340 50	385 00	5,841 58
Malades morts,	68 85	24 25	35 20	23 90	26 90	12 45	61 75	155 70	66 25	40 80	40 80	188 99	745 84
Ventes diverses,	68 85	57 45	84 95	36 90	67 05	34 75	42 95	146 50	36 00	28 70	35 15	77 05	666 30
Succession des malades morts,	....	....	....	*100 00	....	....	....	....	....	† 21 00	....	....	121 00
Collége Médical pour son amphithéatre,	....	....	....	....	285 82	....	....	....	....	....	....	....	285 82
Vente de neuf vaches,	....	....	....	....	215 60	....	....	....	....	....	....	....	215 60
Association des pompiers, argent donné par elle aux malades,	....	....	....	....	....	290 00	....	....	....	....	....	....	290 00
Amendes sur les jeux reçues du Trésorier d'Etat,	....	....	....	....	....	....	....	728 67	....	....	561 20	....	1,289 87
L'association Howard, argent reçu,	....	....	....	....	....	....	....	....	220 00	417 00	....	21 00	658 00
Reçu du Recorder Vaught,	....	....	....	....	....	10 00	....	....	....	....	....	....	10 00
Surplus payé par erreur dans les comptes des Sœurs,	....	....	....	....	....	....	....	....	....	....	....	....	16 95
													$83,141 93

‡ Cause d'arbitrage, Houghton, † Lefebre. * De Benoist, Shaw & Co., (P. Falay). ‖ Hyams, shérif des Natchitoches. Juge Morgan, Baton Rouge, $10. Anonyme, $5.

H. D. BALDWIN, M. D., *Trésorier.*

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PAS DE DETTES DUES PAR L'HOPITAL DE CHARITE—DEC. 31, 185

DETTES DUES A L'HOPITAL DE CHARITE—DEC. 31, 1853.

				DETTE VALABLE
27 billets hypothécaires de R. H. McNair, de $352, chaque, payables tous les 6 mois,	$9,504	00	2 billets de McNair	$704 00
Billets du Collége Médical, dûs en mai 1854,	1,218	03	Collége Médical,	1,218 03
Bail de la presse à coton de l'Union, payable tous les 6 mois,	3,475	40	Presse à coton,	3,475 40
Allocation de l'Etat, 1854,	.....			
	$ 15,657	43		

Erreurs et omissions exceptées,

H. D. BALDWIN, M. D., *Trésorier.*

RAPPORT DE LA SALLE D'ACCOUCHEMENTS,

Donnant le nombre des naissances qui ont eu lieu dans ce département.

Garçons,	61
Filles,	74
Nés morts,	24
Total,	159

AUTRE VUE DU RAPPORT ANNUEL.

		1853. Total.
Admissions—	Hommes	10,196
	Femmes	3,633 13,829
Renvoyés —	Hommes	7,971
	Femmes	2,762 10,733
Décès —	Hommes	2,426
	Femmes	738 3,164

TABLEAU COMPARATIF—1852.

Admissions	18,031
Renvoyés	15,057
Décès	2,098

TABLEAU DES PASSAGERS

Arrivés dans la ville de la Nouvelle-Orléans du 1er *Janvier au* 31 *Décembre* 1853.

Passagers arrivés en 1853,	25,654
Enfants exemptés de la taxe,	8,916
	34,570

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RECAPITULATION ANNUELLE DES PERSONNES VENUES DES DIFFERENTS ETATS PENDANT L'ANNEE 1853.

ETATS-UNIS D'AMERIQUE.	Janvier.	Février.	Mars.	Avril.	Mai.	Juin.	Juillet.	Août.	Septembre.	Octobre.	Novembre.	Décembre.	TOTAL.
New York,	26	14	20	20	21	18	24	34	18	15	22	21	253
Louisiane,	19	12	24	27	24	24	25	12	16	18	13	14	228
Ohio,	13	8	6	2	1	5	7	8	8	5	4	12	79
Pennsylvanie,	12	16	16	17	11	16	17	17	14	2	6	17	161
Virgine,	8	4	8	4	4	5	4	3	4	4	4	7	62
Massachusetts,	6	2	4	10	6	4	11	6	3	2	4	6	44
Vermont,	4	1	1				1	2	1		1		11
Georgie,	4	3	4	1	1	2	2	2	1		3	1	24
Kentucky,	4	6	5	3	3	3	6	6	4	1	7	5	53
Tennessee,	4	6	5	4	1	4	7	2	2	2		1	38
Maryland,	3	3	2	4	2	6	7	10	2	3	10	5	57
District Colombie,	2		1	1			1	1					6
Maine,	2	5	3	6	7	5	10	5	6		6	6	61
Caroline du Sud,	1	3	3	1	2	1	1	2	2	1	3	3	23
Connecticut,	1	2	2	1	1	1	2		1	2			15
Indiana,	1	3			1	1	1	2		1			10
Missouri,	1	1	3		3	3	3	2	2	4	1	2	25
Michigan,	1				1	1	1						4
Alabama,	1	3	2	3	1			1	1	1	4	1	19
Rhode Island,	1	2	1			1			1	1	1		11
Mississippi,	1	2	2	2		3		3	2	2	1		18
Delaware,		2	1				1	2	1	1			8
Caroline du Nord,		2	3	1	1		4			3		3	17
New Jersey,		2	4		1	2	2	2	6	1	5		25
Illinois,		1		2	1	1	1	2		4			12
New Hampshire,			1	1		2			2		4	2	12
Texas,				1	1		1						3
Floride,					1						1		2
Arkansas,					1	1		1	1				4
Wisconsin.								1					1
Total.	115	103	121	111	96	109	142	126	98	76	100	109	1306

RECAPITULATION DU RAPPORT DES DIFFERENTS PAYS.

Etats-Unis,	1,306
Pays étrangers,	12,333
Pays inconnus,	120
Totaux,	13,759

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RECAPITULATION ANNUELLE DES PAYS ETRANGERS—1853.

Des Pays Etrangers.	Jan.	Fév.	Mars.	Avril.	Mai.	Juin.	Juillet	Août.	Sept	Oct.	Nov.	Déc.	Total.
Irelande, . . .	660	527	528	538	497	610	1097	1003	413	413	463	468	7,217
Germanie, . . .	167	14	126	94	117	157	435	409	155	167	150	169	2,260
France, . . .	50	39	63	49	52	75	15	125	60	58	69	79	843
Angleterre, . .	46	45	30	38	47	40	69	50	43	29	37	43	519
Prusse, ...	37	20	16	17	22	29	80	68	21	37	32	36	415
Suisse, ...	22	4	8	7	15	16	29	40	11	8	17	18	195
Ecosse, ...	17	14	6	8	16	18	22	10	12	11	3	7	144
Suède, ...	12	2	3	4	2	11	6	12	5	6		11	74
Canada, . . .	11	4	5	5	5	3	7	7	3	4	10	4	68
Danemark, . .	11	5	5	3	2	4	13	4	3	2	3	6	61
Hollande, . . .	4	1	2	2	1	1	5	3	1	6		2	28
Saxon, ...	4		1	2	2	2	1	3	3	7		6	31
Autriche, . . .	3	5	3	2		3	12	8	7	4	4	3	54
Indes Occidentales,	4	4			3	1			1		2	1	15
Belgique, . . .	3	4	3	4	2	2	2	5		3	1	4	33
Italie, ...	3	4	1	1	1		2	7		2	3	1	24
Espagne, . . .	3	4	3	2	6	6	3	10	5	4	4	1	56
Indes Orientales,	2			2		4	4	1		2		1	16
Isle of Man, . .	2			1									3
La Sardaigne, .	2	3	6	3	2	5	4	5	6	3	5	1	45
La Pologne, . .	2							1	2		2		7
La Sicile, . . .	3	1	1		1	4	4	5	1	1	2		23
Manille, . . .	1						3	3					7
La Norvège, . .	1	1	5	2	1	2	4	5	2		1	2	26
Le Mexique, . .	1	1	2	5	3	5		1	2	2	3		25
Le Portugal, . .	1	2	2		1	1	4	2	1	2	1		15
Minorque et Major,	1					2						1	4
Malte, ...	1		1	1	1	2	1	1				2	10
Terre Neuve, . .	1	1		1			1			1			5
Prusse-Pologne, .		1											1
Galles, S. et N., .		2	1	2		2		3		2	1	2	15
New Brunswick,		1					1		2	1			5
Pologne-Russe, .		1			3	1	1		1		2	1	10
Brésil, ...		1					1		1	1			4
Guernsey Island,		1			1		1		1			1	5
La Grèce, . . .		1	1	2	1		2		4	2			13
Nova Scotia, . .		1		1	2	1					4	1	10
Western Islands,		1	4	2	1		2	2					11
Orkney Islands, .		1	1										2
Bohemia, . . .			2					3	2	1			8
Gibraltar, . . .			1		2								3
Turquie, ...			1					1				1	3
Prince Edward Isl.,										1	1		4
Toscane, . . .					2				1				2
Guadeloupe, . .						1							1
Hongrie, . . .							2	1			1		4
Corse, ...							1			1			2
Buenos Ayres, .							1						1
Corfu Island, . .							1						1
Jersey Island, .							1						1
Mederia Island, .							1	1	1				3
La Nelle. Zélande,								1					1
Russie, ...									1	1		1	3
Wight's Island, .												1	1
Algérie, . . .												1	1
	1075	816	831	798	812	1008	1938	1800	772	782	821	879	12,333
Pays inconnus, .	6	9	20	9	8	10	15	14	4	12	2	10	112

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RAPPORT ANNUEL DES MALADIES PENDANT L'ANNEE 1858.

MALADIES.	Admissions. Blanc.	Noir.	Renvoyés.	Décès.
ès	101	....	113	.....
e l'urète	1	....	.....	1
au foie	4	1	1	7
aminuria	3	....	3	2
uiola	.....	....	1	.....
aurisos	2	....	1	.....
rtion	5	....	7	1
chnitis	.....	....	1	.....
putation de la jambe	.....	....	5	1
le la cuisse	.....	....	2	1
lu bras	.....	....	2	.....
les doigts	.....	....	4	.....
aritis	7	....	14	.....
s, écorchure à l'	1	....	1	.....
plexie	9	....	2	7
emia	30	....	24	4
hites	27	1	18	14
enohrrea	21	....	19	1
putation d'un orteil	1	....	1	.....
chylosis	2	....	3	.....
sarca	13	....	13	2
llesse	3	2	.....	3
hme	1	....	1	.....
urism Popliteal	1	....	1	.....
hrax	6	....	5	.....
nitis	3	....	2	.....
arides	1	....	.....	1
ntha	1	....	1	.....
ropathie	2	....	3	.....
nchites	111	4	219	12
lure	32	3	27	6
rsure d'un chien	1	....	1	.....
pharitis	30	....	13	.....
norrhagia	92	....	112	.....
cité	1	....	.....	.....
tarre	43	2	41	3
stipation	76	....	77	.....
gestion du cerveau	13	....	7	9
njunctivitis	8	1	1	1
Granular	45	....	50	.....
phalagia	13	....	7	.....
ntusion	7	1	5	4
lica pictonum	194	1	197	.....
lique	49	....	48	2
rnea, opacité de	51	....	47	.....
oup	3	....	3	.....
queluche	1	....	2	.....
stitis	2	....	2	.....
roiditis	7	....	5	.....
gestion de retina	2	....	2	.....
rebritis	3	....	2	.....
rnea ulcéré	4	....	.....	1
ries	8	....	9	.....
lorosis	10	....	10	.....
èvre congestive	17	....	20	.....
oléra Morbus	2	....	1	.....
asiatique	13	....	7	4
infantum	187	7	44	115
xalgia	2	....	2	2
rbuncle	2	....	6	.....
orea	13	....	10	.....
nvulsions	1	....	1	.....
puerperal	3	....	2	1
ancer au foie	.....	....	.....	1
au cou	1	....	.....	1
à la poitrine	1	....	.....	.....
au sein	2	....	1	1

MALADIES.	Admissions. Blanc.	Noir.	Renvoyés.	Décès.
Cancer à l'estomac	5	.....	.....	5
do. au cœur	.....	.....	1	.....
Cirrhosis du foie	7	.....	.....	6
Cynanche Parotidea	4	.....	2	2
Cataracte	3	.....	.....	.....
Débilité	71	.....	81	7
Delirium Tremens	162	.....	114	52
Dyspepsie	22	.....	25	3
Dysmenorrhœa	9	.....	9	.....
Dentition	1	.....	1	.....
Hydropisie	43	.....	22	18
Diarrhée	656	11	520	117
Dysenterie	250	.....	103	110
Dislocation d'humeurs	9	.....	11	.....
do. de la hanche	1	.....	2	.....
do. de la cervelle	1	.....	.....	1
do. radius	2	.....	1	.....
do. tendon du genou	4	.....	4	.....
Surdité	4	.....	3	.....
Enteritis	25	.....	30	3
Eczema	21	.....	26	.....
Erysipèles	52	1	53	5
Exposition, effets de	2	.....	1	1
Elargissement du spleen	2	.....	1	2
Ecthyma	3	.....	.....	2
Enteralgia	1	.....	.....	.....
Encephalitis	1	.....	.....	2
Epydimistis	1	.....	.....	.....
Epistaxis	4	.....	2	.....
Emphysema des poumons	4	.....	2	1
Epilepsie	18	.....	13	6
Ectropium	.....	.....	2	.....
Endo carditis	1	.....	.....	.....
Exostosis	1	.....	.....	1
Erythema	2	.....	5	.....
Elephanthasis Graecorum	1	.....	1	.....
do. Arabica	1	.....	.....	.....
Epuisement nerveux	3	.....	.....	2
Elargissement de l'uterus	1	.....	.....	.....
Eruption de la vessie	1	.....	1	.....
Ecchymosis de l'œil	1	.....	1	.....
Fièvre intermittente	2651	4	2462	6
do. remittente	372	1	393	12
do typhus	213	.....	182	59
do typhoïde	162	5	155	57
do. bilieuse	57	2	67	2
do. congestive	23	.....	5	18
do. continuée	78	.....	78	3
do. éphémère	73	2	66	.....
do bilieuse remittente	10	.....	4	2
do, pernicieuse intermit.	30	.....	7	20
do. scarlatine	8	.....	6	2
do. puérile	.....	.....	.....	2
do. inflammatoire	3	.....	2	.....
do. typhoide remittente	5	.....	.....	6
do hectique	1	.....	.....	2
do. jaune	3212	7	1427	1890
Fracture de clavicle	22	.....	19	.....
do. humerus	11	.....	6	1
do du crane	5	.....	1	3
do. de la jambe	24	1	27	2
do. de la cuisse	15	.....	16	2
do du bras	13	1	7	.....
do. de metatarse	1	.....	1	.....
do. de la côte	12	1	8	1
do. des os maxillaires	6	.....	6	1
do. du scapula	1	.....	1	.....

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RAPPORT ANNUEL DES MALADIES PENDANT L'ANNÉE 18[illegible]

MALADIES.	Admissions. Blanc	Nègre	Renvoyés	Décès.
Fracture au doigt	1		1	
do. au carpium	1		1	
do. carpé au scaphoïde	1			
do. du poignet	2		1	
do. des métatarses	1		1	
do. au poignet			2	
Furoncles	6		19	
Fourure aux lèvres	1		2	
Fausse perforation	1		4	
do. in ano	13		13	
do. vergo vaginale	5	1	2	
do. recto vaginale	1		2	
Gangrène		1	1	
do. des poumons	4			4
do. d'hospital	2		1	3
Gastro hepatitis	1		1	
Gastralgie	17		19	
Gastritis	91		85	4
Gastro enteritis	9		4	4
Goute	1	16	1	
Désordre gastrique	16		9	
Mal aux gencives	1		1	
Gastro duo-denite	35		30	6
Hygroma	2		3	
Hepatitis	3		1	1
Hysterism	7		4	2
Hydrothorax	23		11	12
Hæmoptysis	1		2	
Maladie du cœur	1			
Hæmatemesis	6		5	
Hæ naturea	5		5	
Palpitation du cœur	1		1	
Hydrocele	9		5	
Herpes-zoster	6		11	
Hernia ingunal	7		5	
do. scrotal			1	
Hysteria	20		22	
Hysteralgia	2			
Hémorhoides	2			
Hemorhagi- passive	2	1	2	
Hypertrophie du foie	5		5	1
Hémiplegia	2		5	
Hæmorhagie de l'allnette	1			1
Hypertrophy de spleen	3		4	
Hemorhagie scrotum				1
Hemicrania	2			
Hydro-pneumo-thorax	11	1	9	
Hypochondriasis	18		24	
Influenza	1		1	
Gale	2		3	1
Maladie de cervelle	2			2
do. de l'épine dorsale	4		1	
do. Moelle du dos	16		12	
Irritation d'épine dorsale	4		2	
Iritis	1		1	
do. syphilitique	1		1	
do. keratitis vasculaire	20		14	
Ischuria vesicalis				1
Insanité	88		80	7
Infection purulente	7	1	6	
Intempérance	1		2	
Indigestion	1			
Impetigo	1			
Irido choroiditis			1	
do. keratitis	1		1	
Induratim de Mamma				1
Incontinence d'urine	97		25	1

MALADIES.	Admissions. Blanc	Nègre	Renvoyés. Décès.
Envenimement de chirurgien			
Jaunisse	2		
Kyrosis	1		
do. uterè	2		
Laryngite	2		1
Lumbago	1		
Leucorrhée	11		
Luxation de vertèbre			
Lepra	1		
Lupus	1		
Lacération de l'uretre	1		
Travail prématuré	1		
Marasmus	11		1
Mania-a-potu	14		
Meningite	1	4	1
Manie puerperal	2		
Menstruation vicarious	1		
Nœvus	29	6	2
Menorrhagia	5		
Metritis	3		
Metro peritonitis	2		
Mamma suppuration de	1		
Morbus pediculosis	4		
Myelitis			
Nostalgia	29		20
Neuralgia	25		2
Neuralgia	2		
Necrosis	4		
Nephritis	1		
Odthalmia	7		
do. granulaire	2		
do. stamous	3		
do. catarrhal	33		2
do. purulent	11		10
Otitis	4		
Orchitis Tuberculosis	2		
Oedema des poumons	1		1
do. des jambes	9		8
Opacité cailleuse	4		1
Onyxis	1		
Orchitis	33	1	3
Ostitis	3		3
Onanisme	2		
Paraplegia	1		1
Pertussis	4		3
Pothisis pulmonatis	316	5	16
Grossesse	209		20
Enfantement	3		19
Pneumonia	17	2	4
do. typhoide	4	1	
Pleuro pneumonia	16	1	2
Pleuritis	62		3
Pleurodinia	14		1
Paralysis	34		1
Paraplegia	1		
Pneumo Thorax	2		
Pinus	3		2
Ptyalismus	19		1
Paronychia	27	1	9
Prurigo	8		5
Phimosis	1		3
Pericarditis	3	1	4
Peritonitis	10		6
Paraphimosis	3		3
Inflamation aux yeux	1		1
Phlebitis	3		3
Psoriasis	2		1

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APPORT ANNUEL DES MALADIES PENDANT L'ANNEE 1853—*Continué.*

MALADIES.	Admissions. Blanc.	Admissions. Noir.	Renvoyés.	Décès.	MALADIES.	Admissions. Blanc.	Admissions. Noir.	Renvoyés.	Décès.
ıstules malignes	1		1		Staphyloma	3		2	1
mphigus	1		1		Torticolis	1		1	
do. à la figure	1		1		Tonsilitis	29		32	
ırotitis	7		8		Tonsils, élargissement des	1		1	
ırio:itis	4				Tumeur benigne	6		14	
ıaryagitis	1				Tubes mesenterica	2			3
ostatitis	1		1		Temulentia	5		5	
olapsus du rectum	2				Tinea Capitis	5		5	
de. d'uteri	11		10		Tetanus idiopathic	3		2	1
do. de l'anus	1		1		do. traumatic	7	1	2	3
Stention d'urine	7		6		Tumeure mercurielle	1		1	
ıpia	2		1		Tænia solium	1		1	
do. syphilitic	4		3		Tyroiditis	1			
;troversio Uteri	1		1		Ulcer	362	2	390	
ıumatisme	469	5	455	2	Incertain	120	3	87	43
;philis primitif	380	2	361	4	Ulcer Phagedenie	4		2	
;philis secondaire	55	1	17	3	Urticaria	1		1	
do. tierce	18		8	3	Ulcer à l'oreille	1		1	
oulure	43	1	38		do. aux entrailles	2			2
chaudure	5	1	7	1	Blessure incisée	99		97	1
;rofula	23		17	1	do. lacérée	49	2	55	
oup de soleil	20		8	12	do. pénétrée	15		12	5
etrécissement oesophagus	1				do. contusée	70		72	
do. dans l'eurètre	17		18	1	do. coup de fusil	14		9	1
ıpuration de glande parot			1		do. picure	7		5	2
;ina ventosa			1		do. empoisonée	3	1	2	
corbus	70		1	1	Vers	1		1	
clerœma	1				Variola	1			
ranspi. de glande clavicle	1				Variolid	7	1	8	
arcoma Medullary	1			1	Vagenitis	5		5	
ciatica	7		10		Vertige	8		7	
clerotitis	1		1			11		9	
upression d'urine	1					3		2	
plenitis	1								
ervelle molle	1				Total	13653	106	10733	3164

N. B. Par exemple le nombre des renvoyés et des décès surpassera celui des admissions et, vice ersa. Cela provient des malades, ayant plusieurs maladies, à l'époque de leur admission et par conséuent étant renvoyés guéris ou morts de maladie contraire à celle pour laquelle ils étaient subséquemıent en traitement et renvoyés definitivement.

Je dois aussi mentionner que quand le nombre de ceux qui sont renvoyés ou morts excède celui des dmissions, celu vient du nombre des malades qui restent à l'hôpital, à la fin de la dernière année, qui ont presque tous morts ou renvoyés, et vice versa. Quand le nombre des malades admis excède le ombre de ceux qui sont renvoyés et morts, c'est dû au nombre des malades qui sont encore à l'hôpital, t qui ne sont ni morts ni renvoyés.

Dans la liste ci-dessus des maladies, j'ai mis les mots "rien" et "incertain", le premier explique eci: Plusieurs des malades admis ont été renvoyés n'ayant aucun mal pour être admis Il est bon ussi de dire que souvent les enfans qui se portent bien, ont été admis, leurs mères étant fort malades, t vice versa.

Incertain.—Il arrive souvent que des malades sont apportés à l'hôpital et meurent avant d'atteindre leurs salles sans être même vus du médecin, et leurs billets d'entrée sont souscrits subséquemment comme incertain. Il arrive aussi que les malades s'évadent, jetant leurs billets d'entrée dans la cour et l est impossible alors de dire quelle était la nature de leur maladie à l'époque de leur admission: le mot "incertain" est par conséquent écrit au bas, à la place de la maladie.

H. VENDERLINDEN, Commis.

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APPENDICE.

SECOND RAPPORT ANNUEL

DE

L'INSTITUTION

POUR,

LES SOURDS-MUETS ET LES AVEUGLES

DE LA LOUISIANE,

PRESENTÉ A L'ASSEMBLÉE GÉNÉRALE

EN

FEVRIER 1854.

NOUVELLE ORLEANS:

IMPRIME PAR EMILE LA SERE, IMPRIMEUR D'ETAT.

1854.

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OFFICIERS:

ADMINISTRATEURS.

B. F. HARNEY, M. D., PRESIDENT DU BUREAU,
WILLIAM S. PIKE, SECRETAIRE ET TRESORIER,

COL. NOLAN STEWART,
HON. JAMES N. BROWN,
THOMAS J. BUFFINGTON, M. D.,
HON. AUGUSTIN DUPLANTIER,
HON. ANDREW S. HERRON.

JAMES S. BROWN, A. M., SURINTENDANT GENERAL.
MME. ALICE H. H. PARK, MONITRICE,
MR. MARCUS S. CHEATHAN, MONITEUR,
THOMAS J. BUFFINGTON, M. D., MEDECIN.
MME. THEREZA MARIA BROWN, MATRONE.

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SECOND RAPPORT ANNUEL

DE

L'INSTITUTION POUR LES

SOURDS-MUETS ET LES AVEUGLES.

BUREAU DE L'EXECUTIF,
Bâton-Rouge, le 15 Février, 1854.

u Président et Membres du Sénat :

J'ai l'honneur de vous transmettre les Rapports ci-joints du Bureau des Administrateurs et du Surintendant de l'Institution pour les Sourds-muets et les Aveugles.

L'augmentation rapide du nombre d'élèves admis dans cet asile, et le grand nombre aveugles qui se trouvent maintenant dans l'hôpital de Charité, et qui doivent entrer ns la première institution, demandent que la Législature s'occupe sans délai à faire :écuter les travaux déjà commencés, en prêtant à cette institution l'assistance dont le à besoin pour accomplir les fins charitables quelle à en vue.

En conséquence, j'appellerai particulièrement l'attention de votre honorable corps sur :tte partie du rapport du Bureau, qui demande une allocation additionnelle pour conruire des édifices, laquelle je l'espère sera accordée par vous.

(Signé) P. O. HEBERT.

RAPPORT,

es Administrateurs de l'Institution pour les Sourds-muets et les Aveugles de la Louisiane à l'Assemblée Générale.

Les Administrateurs de " l'Institution our les Sourds-muets et les Aveugles de la ouisiane, " soumettent respectueusement ur second rapport annuel.

Conformément à l'acte approuvé le 18 ars, 1852, nous nous sommes occupés de ire construire des édifices convenables pour usage des deux institutions confiées à nos oins. Désirant établir, autant que possile, une concurrence parmi les contracteurs, ous avons fixé le 18 du mois d'août dernier our l'ouverture des soumissions cachetées; les avis des soumissions soit pour la fourniture de tous les matériaux et de la ain d'œuvre nécessaires à la construction es édifices, soit pour la tourniture des natériaux seulement, ou pour l'exécution es travaux de maçonnerie ou de la charente, séparément ou ensemble, furent puliés dans les gazettes de la Nouvelle-Oréans, de Vicksburg, de Natchez et de Bâton Rouge. Les plans et spécifications distincts ayant été au préalable, faits et exposés à l'examen du public.

Le jour fixé pour l'ouverture des soumissions cachetées, le Bureau fit choix parmi un grand nombre de celles qui fixaient les prix les plus bas, et adjugea les travaux de maçonnerie et la fourniture de tous les matériaux à des soumissionnaires differents, au prix de $12 65 pour chaque 1000 briques posées; les travaux de charpente de tous les édifices furent adjugés pour $6,800 et la fourniture du bois de charpente délivré sur le bord du fleuve au prix de $10 à $30 le millier de pieds. Ces divers contracts ont été signés et les contracteurs s'occupent d'une manière satisfaisante de l'extention de leurs contrats respectifs.

Dans ces divers contrats, il n'est fait mention que de la construction des édifices jusqu'au toit exclusivement; lequel doit être préparé pour être couvert en ardoises. Comme tous les travaux ne pourraient être faits en même tems, nous n'avons pas cru devoir, jusqu'à présent, demander des soumissions pour les travaux d'achèvement; mais nous le ferons aussitôt que les premiers travaux seront assez avancés pour le rendre nécessaire.

Afin que les travaux puissent être exécutés sans retard, nous demanderons, pour le moment, une allocation de vingt-cinq mille piastres pour arriver à ce but.

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Le rapport du Trésorier qui accompagne celui-ci, fait voir le montant des dépenses, à partir du mois de mars jusqu'au 28 janvier, 1854. Le compte du surintendant général fait voir le montant détaillé des dépenses de l'institution, à dater de son organisation jusqu'au 31 décembre, 1853; l'allocation de $8,925 qu'il demande pour subvenir aux dépenses courantes de cette institution pour l'année finissant le 31 mars, 1855, est, dans notre opinion moins que suffisante.

Notre premier désir était d'admettre, le plus tôt possible, les aveugles dans cette institution; mais nous doutons maintenant de la possibilité de recevoir ces malheureux avant l'ouverture de la prochaine session de la Législature. Cependant nous avons encore l'intention de les recevoir bientôt, surtout depuis que nous avons lû le rapport du Bureau des Administrateurs de l'Hôpital de Charité, pour l'année 1853, qui fait voir qu'on à admis, dans cette belle institution, vingt-trois aveugles. Si des allocations sont faites pour l'achèvement des édifices, nous pourrons presser les travaux et préparer un certain nombre de chambres dans la nouvelle bâtisse pour les aveugles qui voudront être admis; laissant les muets dans l'ancien édifice jusqu'à ce que les nouvelles bâtisses soient achevées.

Nous faisons entourer, dans ce moment, d'une barrière en planches, le terrain qui se trouve derrière les bâtisses, la quelle sera remplacée, plus tard, lors quelle sera usée, par une haie assez élevée. Ce terrain est non seulement assez vaste pour que les élèves puissent s'y récréer et prendre l'exercice qui leur est nécessaire, mais peut être en même tems cultivé en jardin potager pour l'usage de l'institution.

Nous soumes heureux de pouvoir vous informer que l'institution, jusqu'à présent est dans une condition prospère. Le surintendant général à rempli les devoirs de sa charge avec déligence, energie et fidélité et ce Bureau à raison de se féliciter d'avoir nommée une personne si capable, comme les rapports, d'occuper cette place. La plus grande harmonie règne parmi tous les employées. Les élèves sont bien soignés et ont tout ce dont ils ont besoin; et l'exterieur de cette institution, en tout et partout, ressemble à une réunion d'un grande et heureuse famille; enfin, nous sommes satisfait quelle est, dans toute l'acception du mot, un asile où les infortunés peuvent par le bonheur qui les entoure, oublier quelque un leur malheur, et espérer, d'après les soins qu'ils reçoivent, être rendus plus indépendants et plus utils.

Nous croyons qu'il est inutile de faire un long rapport sur cette institution. Nous n'avons aucun intérêt soit personnel ou sentionnel pour la favoriser, si ce n'est la satisfaction que nous éprouvons de voir soulager le malheur, et l'orgueuil que nous ressentons devoir prospérer une pareille Institution dans notre Etat; sentiments qui, nous croyons, sont partagés par tous les bons citoyens de la Louisiane. Comme représentans du peuple, c'est à vous de juger ce que la justice, la charité et l'humanité réclament en faveur de cette institution.

Bâton-Rouge, le 2 février, 1854.

B. F. HARNI,
Président.

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LLIAM S. PIKE, *Trésorier, en compte avec l'Institution pour les Sourds-muets et les Aveugles de la Louisiane.*

[DR.]

853.	Par balance apperte le tableau de cette date		$14,513 31
rier 28	Par montant reçu du Trésorier de l'Etat, en vertu de l'allocation pour le soutien de l'Institution pour l'année 1853		8,920 03
r. 18	Par montant reçu du Trésorier de l'Etat, comme balance de l'allocation de l'année 1852		1,024 10
			$24,457 44
854.			
vier 28	Balance		16,773 37

[CREDIT]

		Reçu les justificatives	
1853.			
ars 1	Check J. S. Brown, surintendant—		
	A Wm. Markham, un mois de pension pour douze élèves	1	$144 00
"	Pour dépenses courantes	2	100 00
5	A Hall & Piper, pour vaisselles, etc	3	10 68
7	A Wood, pour frêt et provisions	4	87 85
14	A A. Monget, pour du bœuf et du porc	5	39 44
18	Pour dépenses courantes	6	100 00
"	Pour imprimer et relier 2,000 exemplaires des règlements.	7	150 00
28	Son salaire, trimestre finissant le 31 mars 1853	8	750 00
"	M. M. Hanson, salaire comme professeur, jusqu'au 31 mars 1853	9	200 00
vril 4	G. S. Bacon, pour une pendule	10	18 00
7	Dépenses courantes	11	100 00
8	T. B. R. Hatch & Co., pour imprimer des rapports	12	110 00
"	Payé à J. M. Brunot, avocat, pour établir les titres de l'Asile aux terres achetées pour son usage	13	100 00
	Check J. S. Brown, surintendant—		
9	Provisions et meubles	14	60 46
"	Travaux de charpente et bois de constructions	15	16 50
"	J. Beal, provisions	16	59 17
21	Son salaire jusqu'au 30 juin 1853	17	750 00
23	Dépenses courantes	18	100 00
lai.... 14	S. M. Hart & Co., provisions et frêt	19	74 78
18	T. J. Buffington, médecin, salaire jusqu'au 30 juin 1853	20	129 00
19	J. Beal, provisions et groceries	21	23 36
21	Dépenses courantes	22	100 00
in 9	J. Beal, provisions et groceries	23	18 66
14	Dépenses courantes	24	100 00
23	J F. Blanchard, provisions et groceries	25	30 55
25	Lannier & Lanoux, ferrailles	26	19 77
27	J. Beal, provisions et groceries	27	70 52
"	J. Beal, provisions et groceries	28	16 64
29	T. J. Buffington, services de domestique	29	34 00
illet .. 5	T. Wood Gardner, salaire au 30 juin 1854	30	125 00
7	Dépenses courantes	31	100 00
9	Salaire au 30 septembre 1853		150 00
"	MM. Hobson, instituteur, salaire au 30 juin 1853	33	200 00
"	MM. Hanson " " 30 septembre 1853	34	200 00
11	H. & W. Waller, pour arpentage	35	20 00
16	Dépenses courantes, boucheries, A. Monget	36	99 78
"	" "	37	50 00
27	" "	38	50 00
oût ...18	" "	39	50 00
ctobre 10	" "	40	50 00
lov 26	V Blanchard & Co., bois	41	15 00
"	A. Roger, pour peinture et vitrerie	42	16 44
"	J. B R. Hatch & Co., pour avis	43	30 00
Déc 8	J. Beal, provisions	44	146 07
16	Dépenses courantes	45	200 00
	Payé au Picayune de la Nouvelle-Orléans, pour avis	46	16 00
	" True Delta, "	47	20 00
24	Check à J. J. Brown, surintendant, J. Holt, service de domestique	48	12 50
28	Son salaire trimestre 31 Dec. 1853	49	750 00
	Sarah Wood et son mari, services jusqu,à ce jour	50	161 00

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1854.				
Jan.....	2	J. M. Hart & Co., provisions, frêt et charrois.....	51	
	3	J. Beal, provisions, meubles et charrois.....	52	
		Payé à La Comet et au Daily Trader de Natchez, avis de propositions....	53	
	4	Payé au Courrier de la Louisiane, "	54	
		Payé au Delta de la Nouvelle-Orléans. "	55	
	9	Check à J. S. Brown, surintendant, M. Hanson, salaire.....	56	
		Dépenses courantes.....	57	
	11	W. P. Phillips, habillements et couvertures.....	58	
	14	Bois et réparations.....	59	
	19	Dr. T. J. Buffington, salaire au 31 Décembre 1853...	60	
	25	Payé à S. Skolfield pour enrégistrement de vente.....	61	
		Payé à J. McNabb, pour charrois de bois de construction.....	62	
	28	Balance		

Baton-Rouge, le 28 janvier, 1854.

(Signé) W. S. PIKE, *Trésn.*

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RAPPORT

DU

RINTENDANT GENERAL AUX ADMINISTRATEURS.

[ESSIEURS : En vous faisant mon second ort annuel je remplis un devoir agéable etraçant les preuves de l'utilité permate de la prospérité que l'histoire de cette itution à présenté durant l'année der-e.

a santé de nos élèves, chose première à rer dans toute maison d'éducation, et out dans celle-ci, a été bonne, en géné—bien qu'une peste épouvantable ait fait grands ravages dans tout l'Etat, elle à é près de nous sans atteindre nos élèves, me si elle en eût été empêchée par un voir qui l'éloignait de ceux qui avait déjà à souffrir.

On craignait, que la présence de l'épéie empêcherait beaucoup de parents d'enr leurs enfants à l'asile, et en conséncè. diminuerait le nombre d'élèves dut l'année dernière. Cependant nous ns vu le contraire. Les élèves dans notre le, ainsi qu'on peut le voir dans la liste accompagne ce rapport, ont presque dous en nombre durant l'année dernière. cune des écoles de cette nature, dans nion, bien quelles soient établies dans des ats où la population est plus grande que le de la Louisiane, n'a pu faire voir dans première année de son existence une augntation aussi rapide. Si le nombre conue à augmenter dans la même proportion, ant une autre année, les édifices nouveaux ervés pour les sourds-muets seront rems.

Je prends plaisir à mentionner un fait au et des nouveaux élèves, c'est que sans ception, ils ont tous un bon caractère et nt intelligents, et par conséquent ce seront ux là qui profiteront le plus des leçons i leur seront enseignées. C'est un deir et ce devrait être un plaisir pour ceux qui sont confiés ces infortunés, d'aider les s faibles en intelligence à acquérir au ins les premiers principes d'une éducan. Mais, pour des raisons qu'il est inue de mentionner ici, le public prend plus plaisir à examiner les progrès des élèves une intelligence supérieure. Avec ce penant il est impossible du lutter avec avantage surtout au commencement d'une institution. Il est donc heureux pour cet asile que les premiers élèves admis ait eu un caractère tel qu'à l'avenir on pourra mieux juger de l'habileté des professeurs par les progrès qu'auront faits les élèves d'une même intelligence. Il est rare de voir dans une institution des élèves plus heureux que les nôtres. Ils sont encore assez peu nombreux, pour faire croire qu'ils ne forment qu'une seule et même famille, et nous n'exagérons pas en disant qu'ils sont aussi attachés aux employés et les uns aux autres que le sont les enfans d'une même famille, à leurs parents ou à leurs frères et sœurs. Les premiers élèves admis font tout ce qu'ils peuvent pour contenter le nouveau venu. Ils n'ont à essuyer aucune des vexations aux quelles sont sujets les nouveaux venus dans une école où les enfans jouissent de toutes leurs facultés. Il est immédiatement reçu et caressé comme un frère. La plus grande harmonie règne parmi eux et tend beaucoup à diminuer la tâche des professeurs et de ceux qui les gouvernent.

Ceux qui ont visité cette institution ont paru satisfaits des élèves et de l'école, et ont toujours exprimé leur admiration pour une institution qui verse tant de bienfaits sur les malheureux. Lorsque le département destiné aux aveugles sera entièrement en opération ; lorsque l'expérience aura muri notre système actuel, et qu'avec le tems nos opérations seront assises sur des bâses solides, lorsque nous pourrons démontrer, non seulement les résultats que l'on espère, mais les bienfaits qu'ont déjà reçu les infortunés, nous pourrons nous attendre alors que les sympathies du peuple en général, après qu'il aura été convaincu, assureront à l'institution une amélioration et une utilité durables.

Le premier rapport annuel annonçait que le département pour les aveugles serait ouvert au commencement de la session, dans l'automne de la présente année. Bien qu'il y ait peu de probabilités que tous les nouveaux édifices soient prêts sitôt, cependant nous ne croyons pas devoir dans ce moment, annoncer que l'ouverture de l'édifice des-

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tiné aux aveugles se fera plus tard. On pourra peut être finir quelques chambres dans le nouvel édifice à l'usage de ces élèves, de manière que s'ils n'ont pas toutes les facilités pour recevoir une éducation, ils pourront au moins être reçus convenablement en attendant qu'on puisse les instruire. Le nombre d'aveugles dans l'Etat égale presque celui des sourds-muets, et ils peuvent réclamer, dans cet asile au moins, les mêmes droits pour être instruits, cette institution ayant été établie également pour ces deux classes d'infortunés. Cependant si, par des circonstances imprévues on ne pourait admettre les aveugles à l'époque fixée, on en donnera avis à tems.

D'après le tableau suivant on verra que les dépenses courantes de cette institution, à dater de son organisation, c'est à dire le 8 décembre 1852, jusqu'au 31 décembre 1853, (une période de treize mois à peu près) y compris l'acquisition de plusieurs objets d'un usage permanent, s'élèvent à $9,188 14

Montant dépensé avant le 31 mars 1853 - - -	4,063 70
Montant dépensé du 1er. avril 1853 au 31 déc. 1853 -	5,124 44
Montant dû et non encore payé	500 00
Dépenses probables durant le dernier trimestre de l'année fiscale	2,200 00
Dépenses probables de l'année finissant le 31 mars 1854	7,823 44
Montant alloué par l'acte faisant une allocation pour l'année fiscale finissant le 31 mars 1854	8,926 00
Balance probable de l'allocation, entre les mains du trésorier de l'institution le 1er. avril 1854	1,100 56
Allocation additionnelle requise pour l'année fiscale finissant le 31 mars 1855 - -	8,925 00

L'allocation pour l'année finissant le 31 mars 1854, a été basée sur l'estimation des diverses espèces de dépenses; laquelle aurait été presque épuisée, si non entièrement, durant cette période, si l'épidemie qui a régné n'avait pas renvoyé l'ouverture de la présente session. Nous ne voyons rien qui puisse changer l'estimation faite l'année dernière, si ce n'est une faible dépense additionnelle pour la nourriture, qu'on sera obligé de faire si l'on admet un nombre additionnel d'élèves durant l'année qui vient. Cependant cette dépense pourra être couverte par la balance en caisse; de sorte que pour les dépenses courantes, comme je l'ai déjà dit, nous n'aurons à demander à la Législature qu'une allocation égale en somme, à celle faite par la Législature précédente.

Bien que la santé de nos élèves ait été bonne en général, nous avons eu à regretter la mort, occasionnée par la fièvre jaune, de deux de nos meilleurs employés: Mr. Thomas Wood, mort le 13 Septembre, et M. James M. Hanson mort le 8 décembre.

Mr. Wood avait été employé, pendant peu de tems, comme économe et jardinier à l'institution; places qui ne pouvaient être mieux remplis. Son talent comme jardinier de jardins était bien connu ainsi que ne fut employé ici, et s'il eut vécu encore quelques années auraient rappelé constamment à souvenir de son bon goût. Il avait été riche et avait vécu dans l'opulence, et cependant ne redoutait pas les travaux les plus rudes que sa nouvelle position lui imposait et semblait éprouver le même plaisir en exerçant son talent pour la satisfaction des autres que celui qu'il éprouvait, durant des jours meilleurs, en embellissant des terres qui devaient un jour lui appartenir. Même, durant sa maladie, son désir à remplir fidèlement les devoirs qu'il s'était imposés, nous regrettons de le dire, a, peut être, contribué à terminer les jours de cet homme aussi modeste qu'utile.

Mr. Martin M. Hanson était l'aîné des premier professeur dans l'école des sourds-muet lui-même, il ne reculait devant aucun travail, aucune peine pour le bien de ses élèves. Comme professeur il a été rarement surpassé, et il à toujours su s'attirer l'affection et l'amitié des élèves de sa classe. L'uniformité de son esprit jointe à la grande énergie de son caractère, en faisaient un professeur parfait; son bon cœur, son amabilité et son intégrité en faisaient un ami et un compagnon précieux. Lorsqu'il apprit la perte que nous avions déjà éprouvée, il était loin de nous, et malgré les prières de ses parents qui voulaient le retenir, il a préféré revenir remplir ses devoirs dans l'institution. La mort à terminé sa carrière utile—il repose maintenant dans une tombe qui sera souvent, dans l'avenir, visitée par ses élèves reconnaissants qui aimeront à redire à ceux qui ne le connaissaient pas, les belles qualités de leur professeur et ami de leur jeunesse.

Ainsi, sur trois hommes, qui, il y a quelques mois, étaient occupés comme de vrais amis, à atteindre le but de cette institution, deux sont déjà rendus dans le champ de repos, laissant le troisième pour tracer ces quelques lignes comme un faible témoignage de leur mérite. De tous les compagnons de ma jeunesse, les plus chers, les plus fidèles et, pour mettre à exécution cette noble entreprise, les plus capables ont succombé. Tous deux occupaient jadis des places honorables dans un autre État, lorsque pour des considérations d'amitié pour celui qui écrit ces lignes, ils ont accepté les places qui les

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étaient offertes ici. Bien qu'il sache, qu'il est possible, que ce rapport sera le dernier peut être qu'il aura le plaisir de présenter à votre honorable corps, et que le prochain, écrit par un successeur, parle avec avantage de celui qui n'est plus, il n'a aucun regret, (si ce n'est celui qu'il éprouve pour ses amis qui sont morts,) de s'être engagé dans une entreprise de laquelle doit résulter tant de bien pour les enfans malheureux dans cet Etat. D'autres peuvent échouer; mais un pouvoir plus grand que celui de l'homme veille à la destinée de toutes les entreprises semblables à celle-ci; et d'après les succès que nous avons abtenus jusque ici, nous devons croire que, aussi sûr que le soleil se lèvera demain, il se lèvera toujours pour faire voir cette institution florissante et verser sa clarté bienfaisante sur les infortunés enfans muets et aveugles de la Louisiane.

Pour terminer, permettez moi, messieurs les administrateurs, de vous témoigner ici toute ma reconnaissance pour la bonté et la courtaisie avec lesquelles vous avez reçu et adopté mes suggestions, et pour les bons conseils et l'assistance que vous m'avez donnés dans la direction de cette institution. Je ferai de mon mieux, durant tout le tems que j'occuperai ma place, pour mériter votre confiance que j'estime tant et que vous m'avez accordée si généreusement.

Respectueusement,

JAMES S. BROWN.

LISTE DES ELEVES

Admis dans le département des Muets, depuis son ouverture, le 22 décembre, 1852.

	Noms des Elèves.	Paroisse de leur résidence.	Jour de leur admission.
1	Jean Baptiste Daigle,	Assomption,	December 22, 1852.
2	Marcus Cheatham,	Est Bâton Rouge,	" " "
3	Huldah O. Way,	Orléans,	" " "
4	Theop. F. Kendall,	Ste. Marie,	" " "
5	Philimon A. Chataigner,	Terrebonne,	" " "
6	Eve Eloïse Chataigner,	"	" " "
7	Joseph S. Chataigner,	"	" " "
8	J. M. Dunham,	Rapides,	" " "
9	Amélie Anslem,	St. Landry,	" " "
10	Désiré Achez,	Assomption,	Décembre 28, "
11	Eugène Achez,	"	" " "
12	Paméla Trahant,	"	" " "
13	Sylvanus Allison,	Claiborne,	Février 25, 1853.
14	Etelvina Daigle,	Assomption,	Avril 14, "
15	Erenule Daigle,	"	" " "
16	Chs. P. Himes,	"	Mai 15, "
17	Joseph Lobrano,	Orléans,	Novembre 28, "
18	John R. Nurell,	Assomption,	Décembre 31, "
19	Catherine E. Jacques,	Orléans,	" 15, "
20	Elvira C. Clark,	Est Féliciana,	Janvier 2, 1854.
21	Zalmon C. McCarstle	"	" " "
22	Justelun Barbier,	Ascension,	" 16, "
23	Albert Izriele Roth,	Iberville,	" 19, "
24	Cordelia Nash,	Ste. Marie,	" 24. "

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Les Administrateurs de l'Institution pour les Sourds-muets et les Aveugles de la Louisiane, en compte avec James S. Brown, Surintendant Général.

		DR.		
1853, Décembre	31	Pour autant payé pour provisions et groceries		$1,796 35
		do do	Livres, papiers, etc	410 69
		do do	Réparations	195 78
		do do	Services	576 30
		do do	Habillements	115 32
		do do	Frais de poste	7 44
		do do	Frais d'impression	53 50
		do do	Frêt	81 90
		do do	Charrois	33 45
		do do	Télégraphe	22 50
		do do	Combustibles	166 50
		do do	Garnitures	98 39
		do do	Dépenses de voyage	29 35
		do do	Quincaillerie	279 40
		do do	Bois de lits et matelats	248 31
		do do	Meubles	141 04
		do do	Vaisselles	102 56
		do do	Vitres et mastic	14 13
		do do	Salaires	4,587 00
		do do	Pension des élèves à l'hotel	144 00
		do do	Appareils	32 00
		do do	Divers, propriété personnelle	26 95
		do do	Arbrisseaux	1 10
		do do	Graines de jardinage	3 10
		do do	Arpentage et nivellement	20 00
		do do	Dentiste	1 96
				$9,188 14
1854, Janvier	1	A balance		26 63
		CREDIT.		
1852, Décembre	31	Pour autant reçu par checks Nos. 1 à 10, inclusivement, tirés par W. S Pike, Trésorier		$1,157 77
1853, Mars	31	Pour autant reçu par checks No. 11 à 30, inclusivement, tirés par W. S. Pike, Trésorier		2,912 16
Juin	30	Pour autant reçu par checks Nos. 31 à 50, inclusivement, tirés par W. S. Pike, Trésorier,		2,138 43
Décembre	31	Pour autant reçu par checks Nos. 51 à 69, inclusivement, tirés par W. S. Pike, Trésorier		2,953 15
		Balance porté au nouveau compte		26 63
				$9,188 14

JAMES S. BROWN, Surintendant Général

Institution pour les Sourds-muets et les Aveugles,
Bâton-Rouge, le 5 janvier, 1854.

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REGLEMENTS

POUR L'ADMISSION DES ELEVES, &c.

I. Tous les sourds-muets de cet Etat, âgés de dix à trente ans, et tous les aveugles âgés de huit à vingt-cinq ans, seront admis dans cette Institution pour y être logés ou instruits sans frais. Toute personne qui désirera placer un élève dans l'école, devra d'abord informer par écrit, le surintendant général, du nom, de l'âge et de la résidence du muet ou de l'aveugle quelle veut faire admettre, et de la cause, s'il y en a eu, qui a rendu le dit élève muet ou aveugle. Le surintendant général devra immédiatement faire une réponse, fixant l'époque à laquelle l'élève pourra être admis. * Cette information doit toujours être donnée, bien qu'on ne doive pas refuser d'admettre ceux qui se présenteront avant l'ouverture de la session. Les demandes qui seront faites en faveur de personnes d'un âge audessus ou moindre de celui fixé par ce réglement, seront prises en considération par les administrateurs, qui se réservent le droit d'accorder ou de rejetter cette demande, selon qu'ils le jugeront convenable.

II. Les élèves des autres Etats seront admis dans l'institution, si leurs parents, leurs tuteurs ou leurs gardiens paient d'avance, chaque année, la somme de cent cinquante piastres.

III. Le cours des études comprendra le tems qui sera nécessaire pour que tout élève, possédant une intelligence ordinaire et désirant s'instruire, puisse acquérir une bonne éducation; ce qui exigera sept années. Les élèves qui se trouveront dans une condition exceptionnelle ou ceux d'un mérite transcendant, qui seront recommandés par le surintendant général et avec l'approbation du Bureau des administrateurs, pourront rester quelques années de plus.

IV. Ceux qui voudront mener des élèves dans cette institution, sont invités à faire par écrit, avant de partir, les réponses aux questions suivantes, lesquelles réponses devront être remises entre les mains du surintendant général:

1. Quel est le nom de l'enfant?

2 L'époque de sa naissance? l'année, le mois, le jour.

3. L'enfant est-il né aveugle ou muet? Si non, à quel âge et comment est il devenu aveugle ou muet?

4. Est-il entièrement aveugle ou muet, ou l'est-il par moments? S'il n'est pas aveugle ou muet tout à fait, que peut il voir ou entendre?

5. S'il est aveugle, a-t-il appris à former des lettres avec la plume? S'il est aveugle, a-t il appris à épeler?

6. A-t-on jamais essayé de lui rendre l'ouïe ou la vue? Si on l'a essayé qu-a-t-on obtenu,

7. L'enfant a-t-il été vacciné, a-t-il jamais eu la fièvre scarlatine, la rougeole, l'esquinancie ou la coqueluche?

8. L'enfant est-il né en Louisiane? S'il ne l'est pas, depuis combien de temps y est-il venu?

9. L'enfant a-t-il aucune maladie reconnu, ou est-il sujet à aucune attaque de maladie.

10. A-t-il des parents aveugles ou muets. S'il en existe, quel est le dégré de parenté.

11. Quels sont les noms et l'adresse des parents ou du gardien de l'enfant.

12. Quels sont les noms des frères et sœurs de l'enfant?

V. Les parents ou gardiens de chaque élève devra fournir, annuellement, les vêtements suivants:

Pour les garçons: deux habits de draps, deux d'une étoffe légère, deux gilets épais, deux autres d'une étoffe légère, deux paires de pantalons en laine, deux autres en étoffe légère, six chemises, six paires de chaussettes, trois paires de souliers ou bottes, deux chapeaux ou casquettes, et un chapeaux de paille, deux peignes fins, deux peignes en bois, deux paires de bretelles, quatre mouchoirs de poche et trois cravattes.

Pour les filles: quatre robes d'indienne et une blanche, un chapeau, un gar-soleil, trois robes de dessous, cinque paires de bas, trois paires de bottines, une paire de pantoufles, deux robes de nuit, deux bonnets de nuit, quatre mouchoires de poche, un schâle, trois peignes pour retenir les cheveux, un gros peigne et deux peignes fins.

Tous ces vêtements doivent tous être marqués avec de l'encre indélébile. Chaque élève devra avoir une malle. En outre, on devra déposer une some de $5 00 entre les mains du surintendant général, pour les dépenses incidentes; si toute la somme n'est

* Les élèves aveugles, voyez le règlement X, ne pourront être admis avant le mois d'octobre 1854.

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pas dépensée, la balance sera remboursée à la fin de chaque terme.

VI. Les vêtements sont fournis par l'institution aux enfants seulement dont les parents ou les gardiens n'ont pas les moyens de le faire.

VII. Les personnes qui mèneront ou qui veindront retirer des élvèves ne seront ni nourries ni logées et ne trouveront pas de place pour leur chevaux dans l'institution.

VIII. Les classes s'ouvriront le premier mercredi d'octobre et se fermeront le mercredi qui précèdera le vingt du mois de juillet de chaque année. Les élèves doivent entrer à l'ouverture des classes et y rester jusqu'à la clôture.

VX. Cependant, les élèves seront admis dans le département destinée aux muets, en tout tems durant la session, jusqu'en juillet 1854, après cette époque ils ne devront être envoyés qu'à l'ouverture de la session.

X. Les élèves seront admis dans le département destiné aux aveugles, à l'ouverture de la session en octobre 1854, et au commencement de chaque session à l'avenir.

XI. Aucune opinion de secte ou de parti en religion ou en polltique ne sera inculqué aux élèves dans cette Institution, et le dimanche les élèves seront libres d'aller à l'église que leurs parents aurant choisie.

XII. Le gouvernement de l'institution sera celui d'une famille bien réglée; on veillera avec soin à la santé et aux besoins des élèves, et rien ne sera épargné pour les rendre contents et heureux dans l'asile.

XIII. L'institution est placée dans un endroit des plus salubres. Lorsqu'ils seront malades, ils seront soignés par un bon médecin attaché à l'institution, et s'ils sont atteints d'une maladie serieuse, le surintendant général devra immédiatement en avertir le parent ou le gardien.

XIV. Toutes lettres d'affaires ou lettres d'enquête concernant les élèves dans cet asile, ou ceux qu'on voudra faire admettre ici, devront être adressées à "James S. Brown, surintendant général de l'Institution pour les Sourds-muets et les Aveugles, Baton Rouge, Louisiane." Toutes les lettres addressées aux élèves devront être affranchies et devront porter sur l'addresse les mots, "Institution pour les muets et les aveugles." On doit bien faire attention à ce réglement, attendu que, si lon adressait différemment les lettres, elles pourraient ne pas se rendre à leur destination.

ADMISSION DES VISITEURS.

Les citoyens de l'Etat et les étrangers seront admis à visiter les salles d'écoles chaque jour, de 10 heures à midi, les samedis et les dimanches exceptés.

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APPENDIX.

RAPPORT

DU

BUREAU DES DIRECTEURS

DU

PENITENTIAIRE DE LA LOUISIANE.

NOUVELLE-ORLEANS:
IMPRIME PAR EMILE LASERE, IMPRIMEUR D'ETAT.
1854.

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RAPPORT

DU

BUREAU DES DIRECTEURS

DU

ENITENTIAIRE DE LA LOUISIANE.

Son Excellence P. O. Hebert,
Gouverneur de l'Etat de la Louisiane.

Comme Directeurs du Pénitentiaire de la
isiane, nous avons l'honneur de rappor-
: Que nous sommes entrés dans l'exer-
ios fonctions immédiatement après notre
ination, et que depuis, nous nous som-
réunis une fois par mois régulièrement.
a corporation de la ville de Bâton Rouge
s ayant demandé l'usage de 50 pieds de
e sur l'arrière du Pénitentiaire, pour
verture d'une rue, nous avons accordé
e demande, sujette cependant à l'appro
on de la Législature.
e temps accordé aux prisonniers pour
ndre leurs repas n'étant que de dix mi-
es, nous l'avons augmenté en leur accor-
une heure pour prendre leur repas du
i.
Nous avons ordonné qu'un régistre des
itions infligées aux prisonniers fut tenu,
u'une copie fut soumise aux Directeurs à
r réunion mensuelle ; de n'infliger au-
e punition à moins qu'elle ne soit ordon-
par le Capitaine de la garde et le Com-
du Pénitentiaire ; il a été défendu aux
les de parler durement aux prisonniers
le les menacer de punition. Leur devoir
nt simplement d'informer les officiers su-
ieurs des fautes ou de la mouvaise con-
te des prisonniers.
Nous avons affecté une somme de soixante
stres au paiement d'une caisse de livres
nis par D. L. Dix, pour l'usage des con-
nés.
In individu du nom de Jules Moret, con-
né pour quatorze ans et 3 jours, pour le
ne de faux, et emprisonné dans le Péni-
tiaire le 22 février 1841, s'étant évadé
novembre 1842, fut repris et emprison-
de nouveau le 21 juillet de cette année.
s dépenses pour sa capture et pour le con-
re dans le Pénitentiaire, s'élèvent à $48
50 cts. Ledit Moret déclare qu'il n'est pas le même homme qui s'est évadé. Nous lui avons donné toutes les facilités pour prouver sa déclaration, mais il n'a pas réussi, ce qui ne laisse aucun doute dans l'esprit des membres de ce Bureau, sur l'identité de cet homme.

Les Directeurs, en vertu de la loi, ont élu les officiers suivants pour la conduite du Pénitentiaire, pour l'année commençant le 1er octobre dernier :

William Hubbs, commis ;
J. A. Williams, médecin ;
A. E. Goodwin, aumonier.

Nous donnons ci après le montant des anciens comptes et billets dûs à l'Etat et remis à Amos Adams pour en faire la collecte :—

Montant des comptes et billets remis à Amos Adams pour en faire la collecte,	$5084 71
Montant collecté et versé par lui,	1056 31
	$4028 40

M. Adams pense qu'il pourra, cet hiver, collecter une faible portion de cette balance, ($4028 40 ;) mais la plus grande partie sera perdue pour l'Etat, attendu que ces comptes sont dûs par des personnes insolvables.

Le tableau suivant fait voir le compte du Bureau des Directeurs avec les fermiers à bail du Pénitentiaire :

Montant reçu par les formiers, de A. Adams,	$1,056 31
Montant de l'évaluation des vieux matériaux pris de l'ancien édifice et employés à construire les nouvelles cellules,	449 44
Montant au débit des fermiers,	$1,505 75

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Balance au débit du Bureau des Directeurs, à la date du 1er janvier 1853,	$21 76	
Montant affecté par la direction pour gazettes, etc., pour l'usage des prisonniers,	81 00	
Montant affecté par la direction, au paiement de livres fournis par Dix,	60 00	
Montant alloué par la direction pour habillements et argent fournis par eux aux prisonniers libérés, jusqu'au 1er janvier 1853,	873 00	
Montant payé par les fermiers pour l'arrestation de Jules Moret, un des prisonniers qui s'était échappé et qui a été repris,	48 50	$1,084 26
Balance en caisse en faveur du Bureau des Directeurs,		421 49

Un jeune nègre âgé de dix ans, fils de Azeline, esclave condamnée à perpétuité aux travaux forcés dans le Pénitentiaire, a été remis entre les mains du Shérif de la paroisse d'Est Bâton Rouge, pour être vendu. Ce jeune nègre fut adjugé pour $800. Le produit net de cette vente, $780 65, a été versé dans le Trésor de l'Etat, pour être placé au crédit des Ecoles Publiques, conformément à la loi.

Conformément à l'Acte de la Législature, approuvé le 28 avril 1852, nous avons autorisé la construction d'un autre étage sur l'édifice Nord, qui devra être couvert en ardoises. Ce travail est déjà commencé et sera achevé sous peu.

Les deux cents cellules additionnelles ont été achevées conformément au plan soumis à la Législature, et acceptées par le Bureau des Directeurs. La somme affectée pour cette construction est de $40,000 ; et les fermiers ayant présenté leur compte, accompagné de pièces justificatives, s'élevant à la somme de $41,341 18, et excédant la somme allouée de $1,341 18, nous prions votre Excellence de soumettre cette question à la Législature, afin que les fermiers puissent toucher le montant qu'ils ont payé en plus.

Il a été entendu et ordonné par la Législature que les blancs et les gens de couleur condamnés aux travaux forcés dans le Pénitentiaire, travailleraient séparément, et c'est ce que désirent les Directeurs ; mais les Fermiers disent que la chose est impossible tant qu'on ne fera pas de changements dans l'arrangement et la distribution des ateliers et des cours.

Nous appellerons ici l'attention de votre Excellence sur le fait que des esclaves qui ont été autrefois pardonnés par la Législature, ont été repris en esclavage par leurs premiers maîtres, sans en être autorisés par la loi et, nous pensons, sans aucun titre, parce qu'ils avaient abandonné leurs droits illégaux.

Pour ce qui concerne les condamnés, nous référerons votre Excellence au rapport du Commis, que nous avons l'honneur de soumettre ci-joint, savoir :

Tableau marqué A fait voir les noms des prisonniers dans le Pénitentiaire, le temps pour lequel ils ont été condamnés, la nature du crime et le jour de leur emprisonnement.

Tableau B fait voir les noms des prisonniers qui ont été libérés, le temps pour lequel ils avaient été condamnés, la nature de leur crime, et l'expiration de leur condamnation.

Tableau marqué C fait voir les noms des prisonniers qui sont morts, le temps pour lequel ils avaient été condamnés, leur crime et la date de leur décès.

Tableau D fait voir les noms des prisonniers qui ont été pardonnés par la dernière Législature, la nature de leur crime, le temps pour lequel ils avaient été condamnés, et la date de leur pardon.

Tableau E—Prisonnier pardonné par le Président des Etats-Unis, la nature de son crime, le temps pour lequel il avait été condamné, et la date de son pardon.

Tableau F fait voir la récapitulation des tableaux A, B, C, D, E.

Tableau G fait voir l'âge de chaque prisonnier maintenant dans le Pénitentiaire.

Tableau H fait voir la nature des crimes commis par les prisonniers qui sont maintenant dans le Pénitentiaire.

Tableau I donne le nom des paroisses d'où viennent les prisonniers.

Tableau J donne le nom des Etats et des pays où sont nés les prisonniers.

Tableau K fait connaître la profession ou les occupations des prisonniers avant leur condamnation.

Pour ce qui concerne la santé, le traitement, etc., des condamnés, les Directeurs vous réfèrent au rapport du Médecin, qui accompagne ce rapport.

Pour ce qui concerne l'éducation morale et religieuse des prisonniers, nous vous référons au rapport de l'Aumonier qui accompagne ce rapport.

Cette année étant la dernière du bail actuel de cette institution, la Direction a cru devoir exprimer son opinion à l'égard de la location à bail. Elle est entièrement opposée au système de louer à bail à une compagnie, le travail provenant du crime dans l'Etat, parce que ce système, non seulement

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crée un monopole et enrichit quelques-uns au détriment d'un grand nombre, mais il détruit l'esprit et l'intention d'une institution où la punition doit être proportionnée au crime, la justice égale pour tous, et où le criminel doit trouver l'occasion de se réformer par le bon exemple, l'instruction et les bons avis des officiers qui y sont attachés, et en fait une institution où il n'est question que d'argent.

L'importance de chaque emploi dans cette institution et la nécessité de nommer à ces divers emplois des personnes convenables, ne sont pas bien comprises et ne peuvent être appréciées par le public en général, qui n'a pas les moyens d'obtenir les informations nécessaires pour juger de la capacité et des qualités que doivent avoir les personnes nommées aux divers emplois dans cette institution. Ceux qui sont appelés à diriger cette institution, ne doivent pas seulement remplir les devoirs ordinaires des officiers publics, mais ils sont aussi chargés de contrôler, gouverner, corriger et améliorer les êtres malheureux qui sont confiés à leurs soins, et les préparer à rentrer dans la société à l'expiration de leur condamnation.— Pour bien remplir ce devoir, il faut avoir un caractère et une habitude que peu d'hommes possèdent. Peut-on croire que des hommes possédant ces qualités s'emploiraient comme gardiens pour la modique somme de quinze ou vingt piastres par mois, (salaire que paient aujourd'hui les Fermiers,) surtout dans un pays comme celui-ci, où la main d'œuvre se paie $1 et $1 50 par jour ?

Nous sommes d'opinion que cette institution peut facilement s'entretenir sous la direction de bons officiers nommés par l'Etat, en continuant le même genre de travail qui a donné un bénéfice immense aux Fermiers, ayant 60 métiers à tisser, manufacturant 2,000 yardes d'étoffes communes de coton par jour; des machines pour la fabrique de la ouatte. Si on augmentait le nombre des machines pour la fabrication des étoffes de coton, pour employer tous les condamnés, nous sommes certains que l Etat en retirerait un grand revenu.

Nous croyons que le produit du travail de 283 ouvriers suffirait amplement pour payer leur nourriture et leurs vêtements, ainsi que les salaires des officiers et du gardien, surtout dans ce pays où le travail est si bien payé. On peut augmenter le nombre de métiers à tisser et des machines pour la fabrication des étoffes de coton, pour employer presque tous les condamnés, sans être obligé de construire de nouveaux édifices, ce qui ne coûtera qu'un peu de peine et le prix d'achat des métiers à tisser avec leurs accessoires. Si ce projet était adopté et qu'on n'employât les ouvriers qu'à une seule branche d'industrie (la fabrication des étoffes communes de laine et de coton,) la discipline de la prison serait plus facile et les condamnés auraient moins d'occasion de s'évader.

Comme il a été d'usage, chaque année, de recommander quelques-uns des condamnés qui avaient, par leur bonne conduite, mérité le pardon, les Directeurs vous recommandent ceux dont les noms suivent :

Wm. Ryan ou Riley, qui a été condamné pour vol, le 2 août 1845, pour 10 ans ; il a déjà été recommandé par l'ancienne Direction.

Mat. J. Edwards, qui a été cendamné à perpétuité, le 13 novembre 1846, pour être entré dans une maison avec l'intention d'y commettre un crime.

Thomas Crawford, qui a été condamné pour faux, le 28 juillet 1849, pour 5 ans.

Isaac Van Bibber, qui a été condamné pour 7 ans, le 11 septembre 1847, pour avoir volé un esclave.

Jackson, esclave, condamné à perpétuité le 27 septembre 1850, comme incendiaire.

Harry, esclave, condamné à perpétuité, le 5 mars 1849, pour avoir assailli un blanc.— Ce Harry sauva la vie au Capitaine Parry, le prédécesseur du Capitaine actuel, lors de la révolte des condamnés.

Nous désirons instamment que le rapport en entier sur le Pénitentiaire soit publié en forme de pamphlets pour être distribués, et que cent exemplaires de ce rapport soient remis au Greffier du Pénitentiaire, pour être transmis aux différents Pénitentiaires des Etats Unis.

Le tout vous est respectueusement soumis.

G. W. CHRISTINE,
Président,
TIMOTHY FAY,
V. BLANCHARD,
LEVI SPILLER,
E. HIRIART.

Bâton Rouge, le 2 janvier 1854.

RAPPORT DU MEDECIN.

Aux Directeurs du Pénitentiaire de la Louisiane :

Durant l'année qui vient de s'écouler, les prisonniers, en général, ont joui d'une bonne santé, excepté lors de l'épidémie [fièvre jaune] qui a duré un mois ou six semaines, et qui, heureusement, a fait peu de ravages, n'étant pas d'un caractère très dangereux. Parmi le grand nombre de prisonniers, il n'y eût qu'un quart à peu près qui fut atteint de cette maladie. Je ne puis donner le nombre exact de ceux qui y ont succom-

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bé, attendu que j'étais moi-même malade à cette époque, et que le médecin qui soignait les malades n'a pas pris note des décès : cela explique mon incapacité à fournir la liste. Avant et après cette époque, il y a eu peu de différence, soit dans le nombre ou le caractère des maladies parmi les prisonniers, avec les maladies qui ont existé les années précédentes. Les maladies les plus communes au climat, et qui ont régné dans le Pénitentiaire, sont : les fièvres intermittentes et remittentes, la dyssenterie, la diarrhée, etc. Il n'a existé aucune des maladies qui règnent quelquefois et qui sont considérées comme particulières aux prisonniers et à la vie sédentaire que l'on mène dans les manufactures, telles que le scorbut, etc. L'absence de ces maladies, je crois, ne doit être attribuée qu'à la bonne nourriture et à la propreté des prisonniers.

Le nombre des décès durant l'année s'élève à 13, savoir :

G. Holmes, mort le 28 mars de la fièvre typhoïde ;

S. Dalton, mort le 11 septembre de la fièvre jaune ;

J. Moore, mort le 14 septembre de la fièvre jaune ;

Une femme âgée de 100 ou 120 ans, décédée le 27 septembre ;

Josua Lowell, mort le 6 octobre ;
A. H. Hess, " " 8 "
Wm. Flood, " " 10 "
J. W. Wilson, " " 12 "
A. J. Perdue, " " 19 "
H. L. Johnson, " " 22 "
J. Kenehen, " " 25 "
Henry Hughes, " " 11 déc., d'une anhémie causée par la fièvre jaune ;

Joseph Fountain, mort d'une diarrhée chronique.

D'après les dates des décès, on verra qu'il n'est mort qu'un seul prisonnier avant l'épidémie, et que deux après. Un de ces prisonniers est mort des suites de la fièvre jaune. Il est à supposer, d'après les dates des décès, que tous les autres sont morts de la même maladie.

On trouve dans l'hôpital tout ce qui est nécessaire aux malades ; la diette est celle que prescrit le médecin. La nourriture des prisonniers, en général, est distribuée sous la surveillance du médecin, qui a le droit de la faire changer lorsqu'il le juge nécessaire. Les aliments sont bons et abondants, et sont de nature à conserver et à entretenir la santé et la force des prisonniers.

Très-respectueusement,

J. M. WILLIAMS.

RAPPORT DE L'AUMONIER

L'Aumonier soumet respectueusement le rapport suivant :

Le 1er octobre 1853, j'entrai dans l'exercice de mes fonctions comme Aumonier de cette institution, bien pénétré de l'importance de cette charge, et le cœur plein de sympathies pour les êtres malheureux que j'avais à conduire dans la vie spirituelle. Depuis cette époque, j'ai fait de mon mieux pour l'élévation des sentiments et des pensées des prisonniers, en leur inspirant la noble ambition de devenir meilleurs en rentrer dans la société, après avoir subi leur peine de leurs crimes.

Tout être imbu de l'esprit du Christianisme, qui remplit cette mission, doit se voir l'élu de Dieu, lorsqu'il est appelé à enseigner les divins préceptes de l'Evangile à la classe la plus dégradée de la société — des êtres, immortels, créés à l'image de Dieu, qui cependant sont rejetés de la société, privés de toute liberté, de l'estime et de la confiance de leurs semblables. On ne doit pas considérer comme un devoir ordinaire une mission qui nous appelle à porter à ces âmes le pain de la vie et à leur inspirer le désir de devenir purs et de jouir des biens célestes réservés aux élus de Dieu.

Mû par ces sentiments, j'ai toujours cherché à réveiller en eux, en touchant à la corde des plus sensibles de leur âme, les pensées qui conduisent dans le chemin de l'honneur et de la vertu : le souvenir de l'amour maternel, de sa sollicitude, d'une sœur tendre et affectionnée, d'un bon père, et mieux encore, le souvenir de la sympathie de notre Sauveur, de l'amour de Dieu, devaient agir plus puissamment à élever l'âme et améliorer l'existence de ces malheureux prisonniers, que toutes les prières qui pourraient leur être faites et les bons exemples qu'on pourrait leur donner, dans quelque occasion que ce soit. En conséquence, je demanderai respectueusement à la Direction de maintenir la place d'Aumonier dans cette institution.

Dès le premier jour où je fus installé comme Aumonier, je m'occupai à renumeroter et arranger avec ordre tous les livres appartenant à la bibliothèque, qui bien qu'elle contienne beaucoup de livres utiles et intéressants, n'est pas encore complète ; elle a besoin de livres écrits en langues étrangères.

Je prierai respectueusement la Direction de demander à la Législature une allocation pour acheter de bons livres à l'usage de cette bibliothèque. J'ai fait de mon mieux pour fournir à chaque prisonnier une Bible écrite

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ns sa langue maternelle ; mais je n'ai pas ussi complètement. Les Bibles en langues rangères manquent, surtout celles écrites français et en allemand. Je ne puis 'espérer qu'on se procurera immédiate-ent celles qui manquent, car, qui voudrait iver ces malheureux de la lumière de Dieu ns leurs sombres et solitaires cellules.— s hommes peuvent les priver de leur li-rté sociale, en les faisant emprisonner pour pier les crimes qu'ils ont commis contrai-ment aux lois du pays; mais qui osera leur fermer les portes du ciel et les priver de la seule vraie carte qui doit les guider sur cette mer orageuse qu'on appelle la vie,—la divine Bible de Celui qui dit au larron mourant: "Ce jour tu seras avec moi dans le Paradis."

Très-respectueusement,

A. E. GOODWYN.

Au Bureau des Directeurs
du Pénitentiaire de la Louisiane.

BATON ROUGE, le 31 décembre 1853.

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BATON ROUGE, 2 janvier 1854.

Président et Directeurs du Pénitentiaire de la Louisiane, Bâton Rouge :

MESSIEURS :—Comme Commis du Pénitentiaire de la Louisiane, j'ai l'honneur de soumettre mon rapport annuel ci-après, pour l'année 1853, qui, je l'espère, sera correct.

Très-respectueusement,

Votre obéissant serviteur,

WM. HUBBS.

TABLEAU A.

Prisonniers maintenant enfermés dans le Pénitentiaire, montrant leur terme, leurs crimes, et quand ils furent reçus.

NOMS.	CRIMES.	TERME.	QUAND REÇU.
Allen, esclave,	Meurtre,	Perpétuité.	Mai 26, 1853.
Alvarez, Ben,	do	"	Juin 9, 1852.
Augustus, esclave,	Incendiaire,	"	Oct. 24, 1850.
Augustus, esclave,	Meurtre,	"	Juil. 4, "
Amos, esclave,	Frappant un blanc,	"	Juin 5, 1846.
Alfred, esclave,	Meurtre,	"	Mai 5, 1845.
Allen, esclave,	do	"	Mai 2, "
Alfred, esclave,	Incendiaire,	"	Août 5, 1844.
Anthony, esclave,	Assaut avec intention de tuer,	"	Juil. 22, 1837.
Azeline, esclave,	Tentative d'empoisonnement,	"	Mars 15, 1839
Ament, George,	Emettant un billet contrefait,	3 ans.	Mai 19, 1853.
Andrieux, Chas.	Larcin,	4 "	Juin 8, 1851.
Augusté, F. Piere	do	5 "	Mai 21, "
Albert, esclave,	Insurrection,	Perpétuité.	Déc. 25, 1853.
Badley, Hiram	Meurtre,	"	Avril 18, 1852.
Bradley, Jos.	do	"	Juil. 31, 1851.
Baptiste, esclave,	Tentative d'empoisonnement,	"	Juin 30, 1850.
Bailey, Wm.	Meurtre,	"	Juin 25, 1849.
Bell, John	Vol,	7 ans.	Juil. 14, 1853.
Bermot, Henry	Vol de cheval,	3 "	Juin 8, 1853.
Beard, John	Homicide,	20 "	Mai 12, 1853.
Bowman, Jas. F.	Vol avec effraction	7 "	Mars 19, 1853.
Burdwell, L.	do	5 "	Jan. 6, "
Budd, Daniel	Larcin,	5 "	Nov. 24, 1852.
Bordole, Stephen	Homicide,	5 "	Sept. 21, "
Bradley, Hugh	Entrant dans une maison p. voler,	5 "	Mai 27, "
Budd, Wm.	Vol,	7 "	Avril 12, "
Barny, Edw.	do	7 "	Juin 29, 1851.
Bernard, A. R.	Larcin,	4 "	Juin 8, "
Blount, Jared	Détournant un esclave,	4 "	Avril 24, "
Bostick, O. F.	Possédant des outils de faussaire,	4 "	Fév. 1, "
Brooks, John	Larcin,	1½ "	Juil. 1, 1852.
Bailey, Wm.	do	1 "	Sept. 5, 1853.
Bellair, John, h c l.	Escroquerie,	1 "	Mai 2, "
Bell, James	Larcin,	2 "	Fév. 23, 1852.
Bartholemy, C, h c l.	do	1 "	Mars 28, 1853.
Brown, Thomas J.	Tirant avec intention de tuer,	10 "	Déc. 20, "
Cazieu, Pierre	Incendiaire,	Perpétuité.	Août 22, "
Croitz, Jacob	Meurtre,	"	Juin 10, 1849.
Charlet, Jac. h c l.	do	"	Nov. 18, 1847.

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TABLEAU A.—*Continué.*

NO.	NOMS.	CRIMES.	TERME.	QUAND
41	Courcelle, Etienne	Meurtre,	Perpétuité.	Nov. 26, 1[illegible]
42	Carmalite, esclave,	Incendiaire,	"	Mai 2, 1[illegible]
43	Celeste, esclave,	Meurtre,	"	Jan. 1[illegible]
44	Clifton, William	Vol,	7 ans.	Juil. 1[illegible]
45	Collier, L. Joseph	Entrant dans une maison p. voler,	2½ "	Juin 2[illegible]
46	Clark, Michael	Homicide,	5 "	Avril 1[illegible]
47	Clark, John	Vol avec effraction,	3 "	Avril 11,
48	Clammin, Isaac	Larcin,	2 "	Mars 2[illegible]
49	Cliff, Isaac	Vol avec effraction,	10 "	Déc. 2, 1[illegible]
50	Carson, William	S'introduisant dans une maison,	5 "	Juil. 1[illegible]
51	Clanson, Joseph	do	3 "	Avril 1[illegible]
52	Calahan, Jeremiah	Vol,	7 "	Avril 2[illegible]
53	Célestine, f c l.	Vol avec effraction,	4 "	Mars 11
54	Cuffy, esclave,	Meurtre,	10 "	Déc. 1[illegible]
55	Crawford, Thomas	Faussaire et Contrefacteur,	5 "	Nov. 2[illegible]
56	Carr, Frederick	S'introduisant dans une maison,	3 "	Déc. 2[illegible]
57	Coyle, Patrick	Larcin,	1 "	Mars 2[illegible]
58	Curtis, Black esclave,	Meurtre,	Perpétuité.	Fév. 1[illegible]
59	Claiborne, esclave,	do	"	Fév. 1[illegible]
60	Charlotte, esclave,	Faussant l'Etat,	"	Mars 1[illegible]
61	Cook, Charles	Larcin,	1 an.	Déc. 1[illegible]
62	Davis, Frank	Meurtre,	Perpétuité.	Avril [illegible]
63	Day, Stephen	Homicide,	20 ans.	Mai 1[illegible]
64	Davis, J. M.	Contrefaçon,	10 "	Mai 31, 1[illegible]
65	Davis, Charles	Vol,	7 "	Avril 5
66	Diamond, John	S'introduisant dans un magasin,	3 "	Fév. 9,
67	Divine, James	Vol,	7 "	Juin 2[illegible]
68	Davis, Isaac T.	Vol de nègre,	5 "	Mars 2[illegible]
69	Daugherty, Joseph	Meurtre,	15 "	Mai 2[illegible]
70	Duffy, Phillip	Homicide,	14 "	Fév. 8,
71	Dupré, Paul	Larcin,	2 "	Nov. 1[illegible]
72	Duprest, Harrison	Assaut avec des armes dangereuses	1 an 10 jrs.	Nov. 1[illegible]
73	Durham, Jas. h c l.	Contravention,	1 an.	Août 2[illegible]
74	Davidson, William	Vol de lettres,	2 "	Avril 3, 1[illegible]
75	Dumont, Alph.	Larcin,	2 "	Juin 1
76	Donehan, Peter	do	1 "	Avril [illegible], 1[illegible]
77	Devine, John	do	1 "	Juin 6,
78	Dango, Antonio	Assaut avec intention de tuer,	2 "	Déc. 1[illegible]
79	Euvenie, esclave,	Incendiaire,	Perpétuité.	Mars 3, 1[illegible]
80	Edwards, M. J.	Violation de domicile,	"	Nov. 2 1[illegible]
81	Eliza, esclave,	Empoisonnement,	"	Jan. 6, 1[illegible]
82	Edingous, Charles	Larcin,	2 ans.	Mars 7, 1[illegible]
83	Evans, John	Tirant volontairem't sur quelqu'un,	2 "	Déc. 1[illegible]
84	Flory, Ramon	Meurtre,	Perpétuité.	Mai 2[illegible]
85	Fleming, esclave,	do	"	Mars 27, 1[illegible]
86	Frances, esclave,	Incendiaire,	"	Avril 6, 1[illegible]
87	Frey, Aug. E.	Larcin,	2 ans.	Fév. 10, 1[illegible]
88	Fagan, William	Homicide,	15 "	Nov. 11,
89	Ferry, Thomas	Vol d'esclave,	6 "	Juin 2[illegible]
90	Frank, esclave,	Incendiaire,	10 "	Déc. 2[illegible]
91	Fitzgerald, John	Larcin,	1 "	Jan. 2[illegible]
92	Fitzsimmons, Thos.	do	1 "	Jan. 10,
93	Green, esclave,	Meurtre,	Perpétuité.	Juin 2, 1[illegible]
94	Greaves, Thomas	Vol,	7 ans.	Juin 9, 1[illegible]
95	Gibbons, Thomas	Homicide,	5 "	Avril 14,
96	Garner, John T.	Vol de nègre,	7 "	Fév. 8,
97	Guerera, Antonio	Homicide,	[illegible]	Déc. 13, 1[illegible]

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TABLEAU A.—*Continué.*

NO.	NOMS.	CRIMES.	TERME.	QUAND REÇU.
98	Gauldin, Sam. F.	Meurtre,	5 ans.	Août 4, 1852.
99	Garcia, Man, h c l.	Escroquerie,	3 "	Avril 12, "
100	Goeth, George	Homicide,	5 "	Fév. 9, "
101	Gilienti, Rap, h c l.	Vol de cheval,	4 "	Fév. 18, 1851.
102	Gasparel, John	Vol,	7 "	Mai 13, 1848.
103	Goodwin, Isaac, h c l.	Contravention,	1 "	Août 15, 1853.
104	Glover, Dick	Propriété de l'Etat,	Perpétuité.	Avril 6, 1845.
105	Griffin, John	Larcin,	2 ans.	Déc. 25, 1853.
106	Hull, Abr. esclave,	Meurtre,	Perpétuité.	Juil. 18, "
107	Helvese, esclave,	Frappant un blanc,	"	Mai 11, "
108	Holmes, Henry L.	Meurtre,	"	Nov. 21, 1852.
109	Harris, Jas., esclave,	Assaut avec intention de tuer,	"	Oct. 4, "
110	Hypolite, esclave,	Blessant,	"	Déc. 23, 1849.
111	Harry, esclave,	Assaut sur une personne blanche,	"	Mars 13, "
112	Henry, esclave,	Blessant,	"	Juin 21, 1847.
113	Hughes, Henry	Larcin,	2 ans.	Juin 13, 1853.
114	Hertzberger, John	Parjure,	5 "	Avril 25, "
115	Philip, Harbe	Vol avec effraction,	2 "	Jan. 27, "
116	Hicky, Thomas	Homicide,	15 "	Juil. 19, "
117	Henrietta, esclave,	Meurtre,	5 "	Mai 20, 1852.
118	Hanks, John	Homicide,	20 "	Mars 26, 1849.
119	Harris, Richard	S'introduisant dans une maison,	3 "	Déc. 25, 1851.
120	Husband, J. H.	Emettant un faux mandat,	3 "	Juin 29, "
121	Hart, Joseph	Larcin,	1 "	Mai 19, 1853.
122	Hartwell, Charles	Vol de cheval,	2 "	Fév. 19, 1852.
123	Hammel, John	Larcin,	2 "	Déc. 18, 1853.
124	Houck, John	do	1 "	" " "
125	Hines, Dr.	Obtn't de l'arg't sous faux prétexte	1 "	" " "
126	Hinman, C., esclave,	Meurtre,	Perpétuité.	Fév. 17, 1850.
127	Harris, Phil. esclave,	Faussant l'Etat,	"	Mars 13, 1845.
128	Isaac, esclave,	Blessant un blanc,	"	Oct. 26, 1846.
129	Isadore, esclave,	Meurtre,	"	Jan. 13, 1836.
130	Irving, Henry	Larcin,	2 ans.	Nov. 11, 1852.
131	John, esclave,	Blessant un blanc,	Perpétuité.	Juin 3, 1853.
132	James, esclave,	Incendiaire,	"	Mars 18, 1852.
133	Johnson, M.	Meurtre,	"	Déc. 26, 1852.
134	Jackson, esclave,	Incendiaire,	"	Sept. 6, 1851.
135	Jouchim, esclave,	Blessant,	"	Mars 25, 1850.
136	Joe, esclave,	do	"	Mai 2, 1847.
137	Joe, esclave,	do	"	Mai 11, 1845.
138	Jack, esclave,	Empoisonnement,	"	Oct. 24, 1836.
139	John, esclave,	Assaut sur un homme blanc,	"	Fév. 8, 1845.
140	Jones, J. M.	Larcin,	2 ans.	Mai 2, 1853.
141	Julien, Jacques	do	2 "	Nov. 13, 1852.
142	Johnson, William	S'introduisant à bord d'un navire,	3 "	Avril 27, 1851.
143	Johnson, James	Effraction dans un magasin,	5 "	Fév. 8, 1849.
144	Jane, esclave,	Faussaire à l'Etat,	Perpétuité.	Mars 13, 1845.
145	Johnson, John	do	"	" " "
146	Johnson, J., esclave,	do	"	" " "
147	Kearney, Michael	Meurtre,	"	Mai 31, 1852.
148	Kelley, Thomas	Vol,	7 ans.	Jan. 6, 1853.
149	Kane, Henry	Larcin,	1 "	Jan. 27, 1852.
150	Kelly, Patrick	do	1 "	Fév. 10, "
151	Kelley, Ed. esclave,	Meurtre,	Perpétuité.	Fév. 17, 1850.
152	King, esclave,	Faussaire à l'Etat,	"	Mars 13, 1845
153	Lewis, esclave,	Incendiaire,	"	Sept. 27, 1852.
154	Lintel, Robert	Meurtre,	"	Jan. 26, 1851.

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TABLEAU A.—*Continué.*

NO.	NOMS.	CRIMES.	TERME.	QUAND REÇU.
155	Louis, esclave,	Meurtre,	Perpétuité.	Mai 13, 1848.
156	Lovis, Patrick	Vol,	7 ans.	Juin 9, 1853.
157	Lattimore, William	Larcin,	2 "	Mai 16, "
158	Lasse, Andres	S'introduisant dans une maison,	3 "	Mars 19, "
159	Logan, John	do	5 "	Mai 27, 1852.
160	Lacouture, Octave	Vol,	13 "	Mai 9, "
161	Lasseau, Adolph, hcl.	Vol de cheval,	5 "	Fév. 19, "
162	Livingston, Samuel	Vol,	7 "	Juin 13, 1850.
163	Lundy, Michael	Homicide,	20 "	Juin 1, 1849.
164	Lesner, Henry	do	10 "	Mars 13, "
165	Lewis, esclave,	Meurtre,	20 "	Mai 13, 1848.
166	LeBordais, Ch.	Faux,	4 "	Oct. 15, 1850.
167	Lechaise,	Vol avec effraction,	14 "	Avril 3, 1845.
168	Loyd, Tom, esclave,	Meurtre,	Perpétuité.	Fév. 17, 1850.
169	Loyd, Tytus, esclave,	do	"	" "
170	McCluski, Dan	do	"	Juil. 21, 1853.
171	Michael, esclave,	Tentative de viol,	"	Juil. 19, 1852.
172	McCauley,	Viol,	"	Déc. 8, 1850.
173	Michael, Ark.esclave,	Tentative de meurtre,	"	Mars 14, "
174	Moore, Sandy	Vol,	7 ans.	Juil. 14, 1850.
175	McKinney, Hez.	Larcin,	2 "	Juin 13, "
176	Martinez, John	Homicide,	10 "	Mai 12, "
177	Marceline, esclave,	Assaut sur une personne blanche,	5 "	Avril 7, "
178	Meyer, Frederick	Ayant un moule pour la fausse monnaie,	10 "	Mars 7, "
179	Meyer, Emile	Larcin,	2 "	Fév. 10, "
180	Mullen, John	Vol,	7 "	Avril 12, 1852.
181	Mack, William	do	7 "	Avril 5, "
182	Merriman, J. B.	Assaut avec intention de tuer,	10 "	Déc. 6, 1851.
183	Martin, Joseph	Parjure,	5 "	Déc. 22, 1850.
184	McCann, S.	Vol,	7 "	Déc. 8, "
185	McQuade, H.	Tentative d'incendie,	10 "	Nov. 25, "
186	Minor, W. H.	Vol,	7 "	Fév. 28, "
187	Moret, Jules	Emettant de faux mandats,	14 ans 3 jrs	Fév. 22, 1841.
188	Manwaring, S. P.	Vol d'esclave,	7 ans.	Oct. 15, 1847.
189	Mier, Charles	Larcin,	1 "	Juil. 21, 1853.
190	Miller, Albert	do	1 "	Août 18, "
191	Marshall, Frederick	S'introduisant dans un magasin,	3 "	Juin 21, 1851.
192	Morgan, Thomas	Larcin,	2 "	Avril 5, 1852.
193	McDonald, Mc.	do	1 "	Avril 11, 1853.
194	Mullens, Thomas	do	1 "	Avril 28, "
195	Meyers, William	do	1 "	Jan. 27, "
196	McGinnis, John	do	1 "	Fév. 25, "
197	Monroe, Andrew	do	1 "	Déc. 18, "
198	Melinda, esclave,	Faussaire à l'Etat,	Perpétuité.	Mars 13, 1845.
199	Morel, Wm. esclave,	Meurtre,	"	" "
200	March, Owen S.	Larcin,	2 ans.	Déc. 25, 1853.
201	Neville, Tim.	Vol,	7 "	Fév. 24, "
202	Nerigle, David	Faux,	7 "	Jan. 6, "
203	Nicholdson, John	Emett't de faux billets de banque,	5 "	Déc. 13, 1852.
204	Nibolo, Salvador	Homicide,	7 "	Mars 18, "
205	Nell, John	Vol,	7 "	Fév. 9, "
206	Nancy, esclave,	Faux à l'Etat,	Perpétuité.	Mars 13, 1845.
207	Ned, esclave,	do	"	" "
208	Otto, Bernard	Meurtre,	"	Juil. 10, 1849.
209	Ogle, L. U.	Faux,	7 ans.	Jan. 2, 1852.
210	Purcel, Michael	Meurtre,	Perpétuité	Mars 21, 1853.
211	Phœbe, esclave,	Blessant,	"	Avril 1, 1847.

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TABLEAU A.—*Continué.*

No.	NOMS.	CRIMES.	TERME.	QUAND REÇU.
12	Philip, esclave,	Le crime n'est pas mentionné,	Perpétuité.	Sept. 13, 1834.
13	Phillippi, Pierre	Vol de cheval,	5 ans.	Juin 8, 1853.
14	Powers, George	Homicide,	5 "	Fév. 21, "
15	Pew, William	Larcin,	4 "	Nov. 13, 1852.
16	Parker, William	Vol,	7 "	Fév. 9, "
17	Polador, Jose, h c l.	Vol de cheval,	5 "	Juin 21, 1851.
18	Poulard, J. B. h c l.	Larcin,	2 "	Juin 12, 1852.
19	Phister, Joseph	do	3 "	Fév. 16, 1851.
20	Perrin, John	do	2 "	Mars 18, 1852.
21	Powers, Philip	do	1 "	Mars 26, 1853
22	Patterson, Thomas	do	2 "	Déc. 18, "
23	Pocus, John	do	1 "	" "
24	Quarles, George	Ayant un moule p. fausse monnaie	14 "	Déc. 13, 1851.
25	Quintan, Edw.	Larcin,	1 "	Mai 9, 1853.
26	Ross, Geo. esclave,	Frappant un blanc,	Perpétuité.	Jan. 11, 1849.
27	Raphael, esclave,	Meurtre,	"	Oct. 16, 1846.
28	Ralph, esclave,	Blessant un blanc,	"	Août 28, "
29	Richard, esclave,	Tirant et blessant,	"	Août 12, 1843.
30	Rhoda, esclave,	Incendiaire,	"	Mars 8, 1839.
31	Ribbell, Edward	Tentative d'incendie,	10 ans.	Juil. 21, 1853.
32	Robinson, Bob, h c l.	Poignardant,	15 "	Juil. 29, 1852.
33	Regan, John	Vol,	7 "	Avril 12, "
34	Riley, William	do	10 "	Août 4, 1845.
35	Rideau, Louis	Larcin,	2 "	Nov. 13, 1852.
36	Ray, John	Assaut avec intention de tuer,	1 "	Sept. 8, 1853.
37	Robertson, Thomas	Larcin,	1 "	Mai 9, "
38	Reider, Michael	do	1 "	Juin, 6, "
39	Randolph, David	do	1 "	Juin 27, "
40	Roy, Alexander	do	1 "	Mars 21, "
41	Reed, George, esclave	Meurtre,	Perpétuité.	Fév. 17, 1850.
42	Sam, esclave,	Assaut sur une personne blanche,	"	Avril 6, 1853.
43	Susan, esclave,	Empoisonnement,	"	Jan. 11, 1851.
44	Stocks, George,	Assaut pour voler,	2 ans.	Sept. 8, 1853.
45	Stanton, Louis	Homicide;	15 "	Juin 16, "
46	Smith, Geo. M.	Vol avec effraction,	5 "	Mai 20, "
47	Shady, Dan	do	3 "	Fév. 10, "
48	Smith, Thomas	Aidant un esclave à s'échapper,	6 "	Mai 26, 1851.
49	St. Clement, R.	Vol,	7 "	Fév. 28, 1850.
50	Summers, Henry	do	7 "	Fév. 1, 1849.
51	Spencer, Geo. h c l.	Contravention,	1 "	Août 15, 1853.
52	Shaw, William	S'introduisant dans une maison,	5 "	Avril 10, 1849.
53	Sherman, George	S'introduisant dans un magasin,	2 "	Avril 12, 1852.
54	Stephenson, Charles	Larcin,	1 "	Juin 7, 1853.
55	Schmidt, Henry	do	1 "	Jan. 27, 1852.
56	Spencer, Charles	do	1 "	Fév. 28, 1853.
57	Turner, esclave,	Meurtre,	Perpétuité.	Déc. 27, 1852.
58	Tyler, Alexander H.	do	"	Oct. 24, 1850.
59	Tillotson, C. esclave,	do	"	Fév. 7, 1833.
60	Tuttle, N. J.	Ayant un moule p. fausse monnaie	14 ans.	Déc. 13, 1851.
61	Turner, Boswell	Assaut avec intention de tuer,	4 "	Juil. 12, 1850.
62	Tom, slave,	Faux à l'Etat,	Perpétuité.	Mars 13, 1845.
63	Vicioni, Vincent	Meurtre,	"	Déc. 13, 1852.
64	Virgil, esclave,	Homicide,	5 ans.	Juil. 18, "
65	Verdon, Charles	S'introduisant dans une maison,	5 "	Juin 21, 1851.
66	Van Bibber, J.	Vol d'esclave,	7 "	Oct. 9, 1847.
67	Viaux, Alexander	Homicide,	2 "	Nov. 16, 1852.
68	Wesley, esclave,	Meurtre,	Perpétuité.	Nov. 22, 1853.

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TABLEAU A.—*Terminé.*

NO.	NOMS.	CRIMES.	TERME.	QUAND EXT
269	Wilson, esclave,	Blessant deux personnes blanches,	Perpétuité.	Juin 22, 18
270	William, esclave,	Meurtre,	"	Sept. 13, 18
271	Westerfield,	Vol de cheval,	5 ans.	Nov. 22, 18
272	Wahl. Anthony	Homicide,	16 "	Mars 7, "
273	Wooldridge, Thomas	do	14 "	Jan. 11, "
274	Walsh, William	Vol,	7 "	Mars 1, 18
275	Walters, W. L.	Détournant un esclave,	10 "	Nov. 28, 18
276	Welsh, John	Larcin,	1 "	Août 18, 18
277	Wood, Anthony	do	1 "	Jan. 27, 18
278	Woods, John C.	do	1 "	Jan. 10, "
279	William, esclave,	Incendiaire,	Perpétuité.	Juil. 19, 18
280	Wanzer, D., esclave,	Meurtre,	"	Fév. 17, 18
281	Young John	Vol avec effraction,	10 ans.	Avril 12, 18
282	Young James	Larcin,	1 "	Fév. 24 18
283	Zilberger, Wolf A.	do	2 "	Sept. 21, 18

TABLEAU B.

Prisonniers libérés du Pénitentiaire, leur terme, et l'expiration de la sentence,

1er janvier 1852, *au* 31 *décembre* 1853.

NO.	NOMS.	CRIMES.	TERME.	EX. DE SENTENCE
1	Adkins, Charles	Recel de marchandises,	6 mois.	Jan, 1, 18
2	Ahern, James	Assaut avec un arme à feu,	3 "	Mars 13, "
3	Auguste, Julien P.	Larcin,	2 ans.	Mai 22, "
4	Adams Dan	do	1 "	Nov. 4, "
5	Brown, Charles	do	18 mois.	Jan. 31, "
6	Brown, Thomas	do	1 an.	Juin 7, "
7	Boyce, George	do	2 "	Juin 29, "
8	Barry, Michael	Escroquerie,	1 "	Juil. 1, "
9	Bourgeois. Jean	Recel de marchandises,	1 "	Nov. 4, "
10	Connelly, Michael	Larcin,	1 "	Jan. 26, "
11	Carter, Thomas	do	2 "	Mars 2, "
12	Castillo, James	do	2 "	Mai 8, "
13	Campbell, Thomas	do	1 "	Juin 7, "
14	Curtis, Henry	do	18 mois.	Juil. 26, "
15	Corchars, George	Recel de marchandises,	2 ans.	Mai 2 "
16	Dewitt, Charles	Larcin,	2 "	Jan. 26, "
17	Derause, Joseph	do	2 "	Juin 1, "
18	Depass, Isaac	do	1 "	Nov. 4, "
19	Davis, John	do	1 "	Nov. 4, "
20	Delisle, Henry	Recel de marchandises,	1 "	Nov. 4, "
21	Ettinger, Charles	Vol de cheval,	2½ "	Fév. 1, "
22	Edwards, John	S'introduisant à bord d'un navire,	2 "	Fév. 16, "
23	Edwards, Simon	Larcin,	2 "	Mars 2, "
24	Estinford, Aug. h c l.	Assaut avec une arme dangereuse,	1 "	Nov. 11, "
25	Farley, James	Homicide,	1 "	Mars 18, "
26	Frugen, Joseph	Larcin,	1 "	Avril 8, "
27	Ferguson, Thomas	do	2 "	Mai 8, "
28	Foster, John	do	1 "	Mai 20, "
29	Foster, Thomas	Recel de marchandises,	1 "	Nov. 4, "

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TABLEAU B.—*Terminé.*

	NOMS.	CRIMES.	TERME.	EX. DE SENTENCE
0	Galvin, John	Larcin,	1 an.	Mars 18, 1853,
1	Griffin, John	do	1 "	Nov. 4, "
2	Gonzales, Jésus	do	1 "	Nov. 11, "
3	Grand, Charles	do	1 "	Nov. 11, "
4	Garra, T. Garva	Escroquerie,	1 "	Déc. 13, "
5	Hachi, Pierre	Vol de cheval,	2 "	Oct. 1, "
6	Heuger, Joseph	Tentative de viol,	2 "	Oct. 30, "
7	Igo, Thomas	Larcin,	1 "	Juin 7, "
8	Johnson, George	do	1 "	Juin 17, "
9	Lundy, Edward	do	1 "	Fév. 9, "
0	Leggett, Gill	Assaut avec intention de tuer,	18 mois.	Juin 3, "
1	Letcher, George	Larcin,	1 an.	Juin 7, "
2	Land, J. M.	do	6 mois.	Oct. 1, "
3	McCarthy,	do	1 an.	Jan. 26, "
4	Myers, Charles	do	2 "	Fév. 23, "
5	McRea, Robert	Faux,	2 "	Mai 1, "
6	Mills, R. A.	Larcin,	1 "	Juin 17, "
6	McAvoy, John	do	2 "	Juil. 31, "
8	Madison, esdlave,	Coupant et blessant,	2 "	Août 11, "
9	Marshall, John	Larcin,	1 "	Nov. 11, "
0	Nichols, John	do	2 "	Mars 6, "
1	Norris, M.	do	2 "	Déc. 11, "
2	Powell, Thomas	Vol avec effraction,	7 "	Déc. 27, "
3	Quebano, J.	Larcin,	2 "	Nov. 27, "
4	Reiley, William	do	1 "	Juin 7, "
5	Rochet, Jean	do	2 "	Juin 8, "
6	Robinson, Henry	Entrant dans une maison p. voler,	2½ "	Juin 11, "
7	Richardson, John	Larcin,	1 "	Juin 17, "
8	Roman, Joseph	do	1 "	Juin 17, "
9	Renaud, Jean	Recel de marchandises,	1 "	Nov. 4, "
0	Riley John	Larcin,	2 "	Nov. 27, "
1	Robinson	Entrant dans une maison p. voler,	3 "	Déc. 6, "
2	Ryan, Daniel	Larcin,	2 "	Déc. 8, "
3	Robinson, C.	S'introduisant dans une maison,	2 "	Déc. 11, "
4	Searls, Bill	Larcin,	2 "	Mars 16, "
5	Smith, Richard	do	1 "	Mai 20, "
6	Smith, John	do	1 "	Mai 20, "
7	Smith, Samuel	Entrant dans une maison p. voler,	2 "	Déc. 10, "
8	Thomas, George	Larcin,	2 "	Mars 16, "
9	Thompson, H. F.	S'introduisant dans une maison,	2 "	Mai 8, "
0	Thomas, John	Larcin,	1 "	Juil. 19, "
1	Valentine, Hank	do	2 "	Mars 6, "
2	Willow, William	do	4 "	Jan. 22, "
3	Walker, John	do	2 "	Mars 6, "
4	Watchin, James	do	2 "	Avril 8, "
5	Watchford, Thomas	S'introduisant dans une maison,	2 "	Mai 4, "
6	Williams, John	Larcin,	1 "	Juin 7, "
7	Wested, George	do	1 "	Déc. 13, "
8	Ximenes, Philip	do	1 "	Nov. 11, "

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TABLEAU C.

Prisonniers qui sont morts dans le Pénitentiaire de la Louisiane, leur terme, leur crime, et la date de leur décès, du 1er janvier au 31 décembre 1853.

NO.	NOMS.	CRIMES.	TERME.	DATE DE DECES.
1	Johnson, H. L.	Faux,	3 ans.	Oct. 22, 1853.
2	Celeste, esclave,	Assaut et blessure,	Perpétuité.	Sept. 27, "
3	Flood, William	Larcin,	1 an.	Oct. 9, "
4	Fuentes, Jose	Meurtre,	Perpétuité.	Déc. 15, "
5	Holmes, Gab.	do	"	Mars 18, "
6	Hess, A. H.	Faux,	3 ans,	Oct. 7, "
7	Hughes, John	Larcin,	1 "	Déc. 11, "
8	Lowell, Joshua	do	1 "	Oct. 5, "
9	Moore, John	Homicide,	7 "	Sept. 14, "
10	Perdue, A. J.	do	10 "	Oct. 18, "
11	Russette, James	Larcin,	1 "	Sept. 11, "
12	Renehan, John	Meurtre,	Perpétuité.	Oct. 25, "
13	Wilson, G. W.	do	"	Oct. 12, "

TABLEAU D.

Prisonniers du Pénitentiaire pardonnés par la Législature d'Etat à sa dernière session, crime, terme et date de pardon.

NO.	NOMS.	CRIMES.	TERME.	QUAND PARDONNÉ
1	Donough, James	Homicide,	20 ans.	Mai 2, 1853.
2	Daugherty, Barney	Vol,	7 "	" "
3	Durand, Man	do	8 "	" "
4	Florey, John	Meurtre,	Perpétuité.	" "
5	Lewis, Bishop	Passant de la fausse monnaie,	14 ans.	" "

TABLEAU E.

Prisonnier pardonné par le Président des Etats-Unis, son crime, son terme et la date de son pardon.

NO.	NOM.	CRIME.	TERME.	QUAND PARDONNÉ.
1	Watson, A. B.	Faux,	10 ans.	Fév. 13, 1853.

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TABLEAU F,

Et Récapitulation des Tableaux A, B, C, D et E.

sonniers au Pénitentiaire le 1er janvier 1853		273
sonniers reçus pendant l'année		106
sonnier échappé et repris		1
		380
ɔérés pendant l'année	78	
rdonnés par la Législature d'Etat	5	
do par le Président des Etats-Unis	1	
ɔrts pendant l'année	13	97
stant en prison le 1er janvier 1854		283
voir : Hommes de couleur	82	
Femmes " "	15	
Hommes blancs	186	283

TABLEAU G.

Age des Prisonniers enfermés dans le Pénitentiaire de la Louisiane.

Agés	entre	15	et	20	ans	14
"	"	20	et	30	"	133
"	"	30	et	40	"	84
"	"	40	et	50	"	41
"	"	50	et	60	"	7
"	"	60	et	70	"	4
						283

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TABLEAU H.

Montrant les crimes de ceux qui sont maintenant en prison

1	Incendiaire,	10
2	Emettant de faux mandats,	1
3	Assaut sur un blanc,	1
4	Pas de mention du crime,	1
5	Meurtre,	44
6	Empoisonnement,	2
7	Assaut avec intention de tuer	6
8	Tirant et blessant,	1
9	Nègres faussaires à l'Etat,	10
10	Propriété de l'Etat,	1
11	Poignardant des blancs	3
12	Vol,	27
13	Frappant des blancs,	8
14	Blessant des blancs,	8
15	Entrant dans des maisons pour voler,	14
16	Vols de nègres,	5
17	Homicides,	22
18	Contrefaçon,	1
19	Tentative d'empoisonnement,	2
20	Faux,	4
21	Tentative d'incendie,	1
22	Détournements d'esclaves,	2
23	Viol,	1
24	Parjure,	2
25	Ayant des moules p. fausse monnaie,	4
26	Larcin,	68
27	Vol de chevaux,	7
28	Vol avec effraction,	6
29	S'introduisant à board de navire,	1
30	Aidant un esclave à s'échapper,	1
31	Emettant de faux mandats	2
32	Galérien des E.-Unis, our vol de lettres,	1
33	Poignardant avec intention de tuer,	1
34	Tentative de viol,	1
35	Emettant de faux billets de banque,	1
36	Escroquerie,	1
37	Préparant des combustibles pour mettre le feu,	2
38	Contravention,	3
39	Assaue avec intention de voler,	1
40	Assaut avec une arme dangereuse,	4
41	Obtenant de l'arg. sous faux prétexte	1
42	Tirant avec intention de tuer,	1
43	Insurrection	1
		283

TABLEAU I.

Montrant les Paroisses d'où les Prisonniers maintenant dans le Pénitentiaire de la Louisiane ont été envoyés.

1	Lafayette,	1
2	Nlle. Orleans,	181
3	St. Jacques,	1
4	St. Martin,	5
5	Ste. Marie,	10
6	St. Charles,	1
7	Natchitoches,	5
8	Ascension,	1
9	Est Feliciana,	7
10	St. Jean Baptiste,	1
11	Est Bâton Rouge,	5
12	Plaquemines,	3
13	Jefferson,	19
14	Caddo,	3
15	St. Landry,	13
16	Assomption,	1
17	Iberville,	8
18	Madison,	1
19	St. Bernard,	1
20	Concordia,	8
21	Avoyelles,	1
22	Lafourche Intérieure,	2
23	St. Tammany,	1
24	Tensas,	1
25	Claiborne,	1
26	Ouest Féliciana,	1
27	Pointe Coupée,	2
28	DeSoto,	1
29	Ouachita,	1
30	Carroll,	1
31	Caldwell,	1
		283

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TABLEAU J.

ntrant les Etats et les Pays où sont nés les Prisonniers maintenant au Pénitentiaire de la Louisiane.

Louisiane,	45
France,	14
Virginia,	38
Afrique,	1
Maryland,	8
Kentucky,	8
New York,	13
Caroline du Sud,	4
Irlande,	50
Tennessee,	3
Mississippi,	5
Caroline du Nord,	7
Missouri,	2
Angleterre,	8
Allemagne,	15
Pennsylvanie,	14
Vermont,	2
Espagne,	2
Alabama,	2
Canada,	2
Connecticut,	4
Georgie,	5
Indes Occidentales,	1
Massachusetts,	3
Indiana,	2
New Jersey,	1
Ohio,	8
Jamaique,	1
Trieste,	1
Sicile	2
Ecosse,	2
Cube,	1
Russie,	1
Gibraltar,	1
Italie,	2
Prusse,	2
Amerique du Sud,	1
Mexique,	1
Portugal,	1
	283

TABLEAU K.

Montrant les occupations des Prisonniers avant leur entrée dans le Pénitentiaire de la Louisiane.

1 Pas d'occupation,	173
2 Domestiques,	13
3 Fermiers,	17
4 Avocat,	1
5 Forgerons,	5
6 Charpentiers,	9
7 Bouchers,	3
8 Maçons,	3
9 Voiturier,	1
10 Tonneliers,	3
11 Blanchisseuse,	1
12 Cordonniers,	5
13 Charrons,	3
14 Marins,	3
15 Commis,	1
16 Tourneurs,	3
17 Tailleurs,	9
18 Sellier,	1
19 Ebénistes,	2
20 Médecins,	2
21 Boulanger,	1
22 Mécaniciens,	2
23 Marchand de tabac,	1
24 Barbiers,	3
25 Serrurier	1
26 Confiseur	1
27 Platrier,	1
28 Cigariers,	2
29 Relieur,	1
30 Imprimeurs,	2
31 Cuisinier,	1
32 Voilier,	1
33 Fondeur de caractères,	1
34 Ingénieur,	1
35 Carrossier,	1
36 Mineur,	1
37 Charpentier de bord,	1
38 Peintre,	1
39 Professeur,	1
40 Marbrier,	1
	283

WM. HUBBS,

Commis du Penitentiaire de la Louisiane.

Bâton Rouge, 2 janvier, 1854.

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APPENDICE.

RAPPORT

DE

L'ADJUDANT GENERAL.

NOUVELLE-ORLEANS.
IMPRIME PAR EMILE LA SERE, IMPRIMEUR D'ETAT.
1854.

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RAPPORT

DE

ADJUDANT GENERAL.

.U DE L'INSPECTEUR ET ADJUDANT GENERAL,
BATON ROUGE, le 15 JANVIER, 1854.

VERNEUR:

J'ai l'honneur de vous soumettre mon ort Annuel sur la Milice, vous priant ême tems de le transmettre à la Legis-. Je suis entré en fonctions aussitôt avoir été nommé par vous, en Mars r. Je me suis d'abord occupé de la pondance déjà entamée avec le Depar-t d'Ordonnance de l'Armée des Etats concernant la part des armes dûe à par le Gouvernement Général. Cette pondance s'est terminée par l'envoi de trente-six fusils à piston, et cent -six carabines à piston que j'ai reçus. e suis occupé ensuite de l'inspection Arsenal de l'Etat à la Nouvelle-ns. J'ai trouvé le toit en si mauvais ue j'ai ordonné des réparations, qui é payées, d'après votre ordre, ensemble es autres comptes pour le charbon et ournis à l'Arsenal, des fonds affectés épenses casuelles de l'Exécutif, atten-ie je n'avais pas d'autres fonds à ma ition pour les solder.

agent d'une manufacture d'Armes, é-la Nouvelle-Orléans, ma fait la pro-n de mettre des pistons à toutes les nes armes de l'État moyennant la d'une piastre chaque, et a proposé ars fois de prendre en paiement cin-deux carabines de Hall, appartenant at. Je vous transmets ci-jointe la der-proposition faite par Hitchcock & Cie, vous prie de soumettre à la Legisla-ttendu que je ne suis pas autorisé à aucun contrat sans son approbation.

—

NEW-YORK, 15 AOÛT, 1853.

GENERAL S. M. WESTMORE:

MONSIEUR:

is avons reçu votre lettre du 8. En e nous venons vous dire que nous con-s à faire des changements aux armes Louisiane et à prendre en partie paie-les carabines de Hall au prix courant, $2 50, qui est le prix pour lequel ivons fourni ces carabines à l'Etat de New-York; et qui n'avaient jamais été dés emballées. Nous les avions achetées à rai-son de $2. Nous désirons faire des change-ments aux armes appartenant à votre Etat, et nous pouvons le faire à un prix plus bas que celui d'aucun autre dans les Etats-Unis, mais nous ne voulons pas prendre en paie-ment des armes estimées à un prix plus éle-vé que celui des cours. L'offre faite par notre agent, Mr. B., est de $1, pour faire le changement, prenant en paiement des mous-quets, en bon état de service, au prix de $1 87½. Pour vous faire voir combien nous sommes raisonnable, nous vous dirons que nous avons acheté plusieurs lots considéra-bles, durant les deux derniers mois, à raison de $1 75, et nous sommes, dans ce moment, en marché d'acheter avec l'un des plus grands Etats du Nord, toutes ses vieilles ar-mes à $1 50.

Votre, etc.,

HITCHCOCK & CO.

—

La réorganisation de la Milice en vertu de la loi de la dernière Legislature s'est faite lentement. Plusieurs citoyens sur lesquels nous avions compté pour nous aider dans l'ac-complissement de ce devoir, ont refusé d'ac-cepter leurs commissions— d'autres n'ont jamais donné de réponse s'ils acceptaient ou non, et il n'y a qu'un petit nombre de ceux qui ont accepté leurs commissions qui ait rempli les devoirs qui leur sont imposés par la loi. Nos citoyens sont indifférents ou ont de la répugnance à remplir ce devoir, et cela sera ainsi tant que l'Adjudant Général ne fera pas une tournée dans tout l'Etat pour exciter l'émulation et induire nos citoyens à donner leur aide dans l'exécution de la loi. Le salaire modique alloué à cet officier ne lui permet pas de faire cette tournée, à moins qu'il ne la fasse à ses propres frais.

Dans la paroisse d'Orléans la milice a été divisée en quinze régiments, classés par nu-méros d'un à quinze. Chacune des autres paroisses fournit un régiment—ils sont dé-signés sous les noms des paroisses, sans nu-méros.

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Les compagnies de Volontaires de la ville de la Nouvelle-Orléans sont bien habillées, bien commandées et bien disciplinées. On ne saurait trop apprécier leur utilité et pour la ville et pour l'État, et l'allocation qui leur est faite annuellement par la Legislature pour aider à leur entretien, ne saurait être mieux placée.

La loi de la dernière Législature doit être amendée, et j'appélerai respectueusement l'attention de la présente Législature sur les sections suivantes :

Dans la section 17, qui règle le rang des officiers d'Etat Major, on a omis le rang du Quartier Maitre et celui de l'officier payeur de la Division, places qui sont créées par la 14 section.

La 23ème section exige que les Colonels soient élus par les officiers de la Division, au lieu de les faire élire par le Régiment, de sorte qu'un *inférieur* (un colonel) est élu par un corps plus considérable que son supérieur (un Brigadier Général). Elle exige en outre que l'élection soit ordonnée par le commandant en chef au lieu du Brigadier Général de la Brigade dont le régiment fait partie, lorsque l'élection d'un Brigadier Général est ordonnée par le Major Général.

La section 24 relative à l'élection des Lieutenant-Colonels et des Majors est aussi défectueuse.

S. W. WESTMORE,
Adjudant et Inspecteur Général de la Louisiane.

Au Gouverneur de la Louisiane,
P. O. HEBERT.

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APPENDICE.

RAPPORT

DE

L'AUDITEUR DES COMPTES PUBLICS.

POUR 1853.

NOUVELLE-ORLEANS.
IMPRIME PAR EMILE LA SERE, IMPRIMEUR D'ETAT.

1854.

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RAPPORT

DE

L'AUDITEUR DES COMPTES PUBLICS.

BATON-ROUGE,
Bureau de l'Auditeur, Janvier, 1854.

l'Assemblée Générale :

L'Acte pour organiser le Département du Trésor, approuvé le 20 Janvier 1847, fait devoir à l'Auditeur des Comptes Publics de présenter à l'Assemblée Générale un pport complet et détaillé sur les opérations fiscales de l'Etat durant l'année der- ère.

En conséquence, je vous soumets le tableau marqué A, qui fait voir les sommes ver- es dans le Trésor durant l'année dernière, s'élevant à la somme de - $2,148,467 65
aquelle est formée comme suit :

evenus ordinaires classés sous le titre de Fonds Généraux - - - - - - - - -	$490,514 67	
ons vendus - - - - - - - - -	750,000 00	
mprunts - - - - - - - - -	100,000 00	
épôt par la Banque de l'Union représentant les Bons en circulation - - - - -	21,000 00	
ividende provenant d'actions dans la Banque de l'Union - - - - - - - - -	155,529 27	
ntérêts reçus de la 3me municipalité - - -	11,070 09	
éclamations occasionées par la guerre du Mexique, remboursées par le Gouvernement Général -	7,325 86	
ente d'esclaves du dépôt - - - - - -	2,061 15	
ente de terres des améliorations intérieures -	17,272 03	
entes des terres marécageuses - - - - -	209,170 96	
onds des chemins et levées - - - - -	5,765 73	
axe d'un millième - - - - - - -	340,075 49	
axe de capitation - - - - - - -	38,683 00	— $ 2,148,467 65
Balance en caisse le 1er Janvier 1853 - - -		355,704 84
		$ 2,504,172 49

Sommes payées durant l'année 1853 :

Pour les Ecoles Publiques en vertu de l'acte No 2, de 1853 - - - - - - - -	$ 75,458 66	
En vertu de l'acte No 8 de 1853 - - - -	58,694 84	
Salaires des Surintendants des Ecoles Publiques -	332 50	
Actes Nos. 65, 158, 234 et 322 de 1853 - -	895 18	
En vertu de l'acte No. 265 de 1852, pour l'année fiscale de 1853 - - - - - - -	119,671 05	
En vertu de l'acte No. 326 de 1853, à compte de l'année fiscale finissant le 31 mars 1854 - -	87,276 94	
Aux collecteurs et asséeurs pour déductions commissions - - - - - - - - -	51,121 31	— $ 393,450 48
Pour les améliorations intérieures - - -		35,631 84
" Levées et desséchements - - -		11,543 78
" Comptes généraux - - - - - -		899,817 75
		$ 1,340,443 30

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Balance		$1,163,729 19
Au crédit des divers comptes, savoir :		
Comptes généraux	$ 766,900 95	
Taxe d'un millième	73,534 75	
Taxe de capitation	7,392 47	
Améliorations intérieures	27,110 75	
Chemins et levées	12,360 65	
Levées et desséchements	276,429 62	
	$ 1,163,729 19	
Mandats en circulation :		
Nos. 624 et 625, donnés en réglement de comptes au shérif de DeSoto	$ 786 89	
Mandat de 1848	28 00	
Mandat de 1851	24 00—	838 89
		$1,164,568 08
Cette balance ne correspond pas avec celle du Trésorier dans son rapport ; cet officier ayant retenu sa commission sur les sommes perçues par lui et provenant de la vente des terres marécageuses, s'élevant à		2,440 78
Balance du Trésorier		$1,162,127 30

TABLEAU A.

Tableau des recettes du Trésor durant l'année finissant le 31 décembre 1853, faisant voir le montant provenant de chaque source, dans chaque paroisse, fait conformément à la 18me section de l'acte pour établir et régler le département du Trésor, approuvé le 26 Janvier 1847

NOMS DES PAROISSES.	Taxes d'Etat et recettes propres.	Taxe d'un millième.	Taxe de capitation.	Taxes sur le commerce, les prof'sions, &c.	TOTAL
Ascension	$ 6,929 00	$ 6,329 00	$ 678 00	$ 1,324 00	$15,263 76
Droits d'encan,	3 76				
Assomption	7,351 70	6.687 73	1,219 00	1,632 00	16,890 43
Avoyelles	3,786 47	3,436 22	842 00	524 00	8,594 69
Droits d'encan,	6 00				
Bienville	2,058 14	1,871 22	835 90	547 00	5,311 36
Bossier	499 50	333 72	126 00		959 22
Calcasieu	951 06	837 71	377 00		2,169 66
Droits d'encan,	3 89				
Caldwell	578 86	124 70	136 00	372 00	1,211 56
Carroll	7,130 93	5,985 50	750 00	619 00	14,488 43
Catahoula	5,259 57	2,417 62	759 00	1,254 80	9,690 99
Claiborne	3,110 23	2,800 90	1,257 00	1,045 00	8,213 13
Concordia	9,023 07	7,339 50	259 00	102 00	18,527 57
Droits d'encan,	1,594 00				
Caddo	5,046 98	4,166 00	913 00	1,613 00	11,789 53
Droits d'encan,	51 55				
De Soto	3,502 95	3,309 25	756 00	588 00	8,156 20
Est Baton Rouge	7,033 72	6,443 20	850 00	2,433 00	16,759 92
Est Feliciana	9,340 00	8,209 81	866 00	828 00	19,246 46
Droits d'encan,	2 65				
Franklin	1,322 19	1,024 45	359 00	351 00	3,056 64
Iberville	9,457 65	8 599 78	947 00	1,517 00	20,606 20
Droits d'encan,	84 77				
Jackson	2,054 30	1,862 75	924 00	537 00	5,378 05
Jefferson	17,023 82	12.795 15	2,010 00	2,495 00	34,365 34
Droits d'encan,	41 37				
Lafayette	2,303 59	2,086 44	698 00	807 00	5,895 03
Lafourche	6,182 05	5,620 05	1,285 00	1,285 00	14,348 23
Droits d'encan,	69 13				

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NOMS DES PAROISSES.	Taxes d'Etat et recettes propres.	Taxe d'un millième.	Taxe de capitation.	Taxes sur le commerce, les profess'ns, &c.	TOTAL.
gaton	895 57	797 84	570 00	283 00	2,546 41
ion	6,248 98	5,818 38	375 00	862 00	13,304 36
house	1,517 68	1,425 29	681 00	410 00	4,033 97
altoches	4,818 79	4,380 67	1,155 00	226 00	10,613 48
Droits d'encan,	33 02				
hita	2,585 68	2,346 43	615 00	764 00	6,311 11
ns, rive droite	1,879 07	1,708 25	472 00	1,168 00	5,227 32
ns	77,479 39	70,198 36	7,507 00	69,844 50	248,474 46
Droits d'encan,	23,445 25				
ıemines	5,144 60	4,677 01	617 00	658 00	11,096 61
e Coupée	4,074 02	1,000 00			5,079 62
Droits d'encan,	5 60				
les	7,765 94	2,604 50		680 00	11,050 44
ıe	939 36	782 09	716 00	185 00	2,622 45
ernard	2,346 51	2,044 55	281 00	444 00	5,116 06
harles	3,877 39	3,524 90	210 00	214 00	7,826 29
Hélène	1,600 45	1,454 51	355 00	296 00	3,905 89
Droits d'encan,	33				
acques	7,519 29	6,835 81	713 00	979 00	16,051 88
Droit d'encan,	478				
ean Baptiste	4,403 20	3,994 82	617 00	1,412 90	10,493 89
Droits d'encan,	66 87				
ıandry					80
Droits d'encan,	80				
Martin	5,153 74	4,685 82	999 00	731 00	11,569 56
Marie	10,963 80	9,987 55	851 00	1,202 00	22,982 75
Droits d'encan,	8 40				
Tammany	1,752 24	1,617 32	571 00	341 00	4,281 56
sas	8,634 95	7,128 09	386 00	689 00	16,838 04
·e·onne	6,027 23	5,479 30	754 00	791 00	13,051 53
on	2,000 99	1,834 03	1,180 00	1,232 10	6,247 12
nillion	729 13	667 80	256 00		1,652 93
hington	848 39	769 54	492 00	60 00	2,169 93
st Bâton-Rouge	5,185 91	4,665 38	366 00	532 00	10,749 29
t Feliciana	8,500 00	6,695 01	524 00	1,341 00	17,070 01
n	466 25	423 84	394 00	128 00	1,412 09
	318,939 10	249,827 75	38,684 00	105,252 40	712,702 25
ndes versées dans le Trésor pour					
sage de l'Hôpital de Charité	1,060 87				1,060 87
me dûe à la Banque de l'Etat de Louisiane	100,000 00				100,000 00
luit de la vente d'un morceau de rre contigû au Raccourci Cut-off	237 70				237 70
ıtant du bail du Pénitentiaire	4,000 00				4,000 00
hat des terres adjugées à divers ıdividus	385 19				385 19
hat des terres adjugées à l'Etat our taxes	863 40				863 40
hat des terres saisies par l'Etat our taxes	1,863 04	1,811 44			3,674 48
ıtes des terres de la 16me Section t des terres des Ecoles	29,077 49				29,077 49
ıtes des terres destinées aux mai- ons d'éducation	3,695 83				3,695 83
ıtes des terres destinées aux amé- orations intérieures	17,272 03				17,272 03
ıtes des terres marécageuses et es terres inondées	207,197 53				207,197 53
ıte des lacs desséchés	1,973 43				1,973 43
ıte des Rapports de la Cour Su- rême	1,577 69				1,577 69
xes reçues des officiers publics et ayés en frais	19 10				19 10
xes sur le produit des successions ppartenant à des héritiers à l'é- ranger	12,775 33				12,775 33
ıtant déposé par la Banque de l'U- ion de la Louisiane	21,000 00				21,000 00
lance du fond affecté aux dépenses fasuelles du Secrétaire d'Etat	526 20				526 20

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NOMS DES PAROISSES.	Taxes d'Etat et recettes propres.	Taxe d'un millième.	Taxe de capitation.	Taxes sur le commerce, les profess'ns, &c.	TOTAL.
Balance du fonds affecté aux dépenses de l'avocat général	40 90				40 90
Produit de la vente des esclaves en 1852	2,061 15				2,061 15
Surplus de l'allocation pour l'achat d'un bloc en marbre pour le monument de Washington	150 00				150 00
Remboursé par le Gouvernement Général pour avances faites	7,325 86				7,325 86
Montant reçu du Gouvernement Général	5,765 73				5,765 73
Montant reçu en remboursement de taxes payées pour des terres vendues pour taxes	420 00				420 00
Intérêt sur les sommes dûes à l'Etat	1,854 70				1,854 70
Surplus des bons fournis en paiement de terres vendues pour taxes	1,253 57				1,253 57
Dividende reçu de la Banque de l'Union	155,529 27				155,529 27
Emprunt de l'Etat en vertu de l'acte No 277 passé en 1853	750,000 000				750,000 00
Compensation et dépenses casuelles de la Législature	12 00				12 00
Intérêts payés par les acquéreurs du domaine public à la Nlle Orléans	4,698 12				4,698 12
Intérêts sur les Bons de la 3me Municipalité de la Nlle-Orléans	11,070 09				11,070 09
Montant payé par le Surintendant Général de l'Education Publique	80,413 97				80,413 97
Somme provenant de successions vacantes versée dans le Trésor	938 82				938 82
Paroisse Bossier		342 02			342 02
" Caldwell		55 62			55 62
" Carroll		391 50			391 50
" Concordia		2,770 46			2,770 46
" Avoyelles		28 44			28 44
" Iberville		4,636 00			4,636 00
" Lafourche		431 81			431 81
" Ste. Hélène		238 80			238 80
	1,743,998 11	260,534 14	38,683 00	105,252 40	2,148,467 65

*Sommes versées dans le Trésor par les Surintendants de paroisse, en vertu de l'Acte pour abolir la place de Surintendant de paroisse des Ecoles Publiques.

Le Tableau marqué B, qui accompagne ce rapport, fait voir séparément, chaque somme payée des fonds du trésor, durant l'année 1853—Classé comme suit :

Montant payé du fonds général pour les dépenses ordinaires,	$699,817 75	
Remboursement d'emprunt,	200,000	899,817 75
Fonds des Ecoles répartis avant l'année fiscale, commençant en 1853,	186,502 49	
Montant réparti pour l'année fiscale de 1853,	206,947 99	393,450 48
Pour les améliorations intérieures,		35,631 34
Des fonds destinés aux levées et desséchements,		11,543 73
		$1,340,443 30

Balance en caisse

Fonds général,	$646,900 95	
Montant transféré du compte de la taxe d'un millième et de la taxe de capitation en vertu de l'acte No 265 de 1852	120,000	766,900 95
Taxe d'un millième,		73,534 75
Taxe de capitation,		7,392 47
Fonds des améliorations intérieures,		27,110 75
Fonds des chemins et levées,		12,360 65
Fonds des levées et desséchements,		276,429 62
		$1,163,729 19
Mandats en circulation,		838 89
		$1,164,568 06
Somme retenue par le Register et le receveur pour commissions sur la vente des terres marécageuses,		2,440 78
		$1,162,127 34

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TABLEAU B.

au des dépenses durant l'année finissant le 31 *décembre* 1853.

sation et dépenses casuelles		
Législatutre	$27,006	62
du Gouverneur	1,806	47
u Secrétaire d'Etat	1,896	00
e l'Auditeur des comptes publics,	4,000	00
u Trésorier de l'Etat	2,987	56
e l'Avocat général,	2,860	50
u Surintendant général de l'Edu- cation publique	1,999	94
u Bibliothécaire de l'Etat,	999	96
e l'Arpenteur général	900	00
u Secrétaire intime du Gouver- neur	833	32
u messager du Gouverneur	360	00
u commis du bureau du Secré- aire d'Etat	666	66
u copiste	600	00
a Register du bureau des terres à Rouge	125	00
a Register du bureau des terres à boro	212	50
a Receveur du bureau des terres à boro	150	00
a Receveur du bureau des terres à Rouge	147	25
a Surintendant du bureau de sta- tistiques	148	15
au Gardien de la Maison d'Etat,	600	00
au Sergent d'Armes de la Cham- bre des Représentants	640	00
au Sergent d'Armes du Sénat,	376	59
aux juges de la Cour Suprême,	25,136	65
do des Cours de Districts,	10,505	51
au Rapporteur des décisions de la Cour Suprême	2,500	00
aux Directeurs du Pénitentiaire,	525	00
au commis	1,500	00
au médecin	600	00
a l'Aumonier	400	00
a l'ingénieur de l'Etat, et pour dépenses incidentes de ce dé- partement	5,436	92
au greffier de la Cour du pre- mier district de la Nouvelle Orléans	2,413	86
a l'Adjudant et l'Inspecteur gé- néral	1,844	41
au gardien de l'Arsenal et à son Assistant	880	00
aux surintendants de paroisse	332	50
es casuelles de l'Exécutif	6,650	00
do du Secrétaire d'Etat	900	00
do de l'Auditeur des comptes publics	4,044	47
do du Trésorier	3,191	19
do de l'avocat général	250	00
do du Surintendant gé- néral	375	00
do du bureau des terres à Baton Rouge	312	50
do du bureau des terres à Winsboro	100	00
do de la Cour Suprême	842	95
do de la Bibliothèque de l'Etat	300	00
do du bureau de l'in- génieur de l'Etat.	500	00
ssions payées du fonds général		
collecteurs de taxes pour l'année		
	$401	65
du fonds de la taxe d'un millième	312	80
	714	45
Pour l'année 1851, du fonds géneral	2,747	15
do du fonds de la taxe d'un millième	1,841	67
	4,588	82
do 1852, du fonds gén	12,660	79
do du fonds de la taxe d'un millième	11,887	88
	24,548	67
do 1853, sur les licences.	10,192	17
Payé au Register du bureau des terres à Baton Rouge, du fonds général	201	48
do Receveur.....do.....do	192	16
do au Register du bureau des terres à Winsboro	48	52
do Receveur.....do.....à Winsboro	43	29
do à l'Avocat de District pour avoir collecté les sommes dues par les contribuables en défaut	97	67
do aux Assesseurs de 1852—du fonds général	$4,983	53
du fonds de la taxe d'un millième	2,774	52
et du fonds de la taxe de capitation	358	47
	8,116	62
do aux Assesseurs de 1853—du fonds général 12,062 64, sur la taxe d'un millième 7,308 98	19,371	62
Déduction faite aux collecteurs de 1850 sur la taxe générale, 183 05— Sur la taxe d'un millième, 161 68—Sur la taxe de capitation, 75	419	73
Aux collecteurs de 1851—sur la taxe générale 839 12—sur la taxe d'un milliéme 543 56—sur la taxe de capitation 758	2,140	68
Aux collecteurs de 1852—du fonds général 15,013 04—sur la taxe d'un millième 13,672 75—sur la taxe de capitation 11,426	40,111	79
Dépenses des poursuites criminelles	15,384	51
do du Surintendant de l'Education publique	50	00
Intérêts sur les bons émis en faveur de la compagnie du chemin de fer de la Nouvelle Orléans et Nashville	27,200	00
Intérêts sur les bons de la compagnie de desséchement	2,500	00
de l'hôpital de Charité	7,875	00
de la compagnie du chemin de fer du golfe du Mexique	6,090	00
de la banque des Citoyens	15,000	00
Intérêts sur l'emprunt fait à la banque de l'Etat	10,033	00
Sur les bons de la compagnie du grand chemin de fer de la Nouvelle-Orléans, des Opelousas et de l'Ouest	2,280	00
Pour impressions et avis	33,598	00
Payé au propriétaire d'eslave condamnés pour crimes	1,500	00
Anciens comptes	630	60
A la veuve de Marans	180	00
Paiement des sommes appartenant aux Ecoles et remboursées par le Surintendant des Ecoles en vertu de l'acte No 2 de 1853.	75,458	66
Par les Surintendants de paroisse, en vertu de l'acte de 1853	58 694	84
Aux électeurs du Président et Vice Président des Etats Unis	508	00
Payé pour l'impression de la Constitution et des avis de la Convention de 1852	16,240	25
Payé pour les coupons de bons de la compagnie du chemin de fer du golfe du Mexique, dus en 1841	2,820	00

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Dépenses de la bibliothèque de l'Etat...	254 10
Achat de livres pour la bibliothèque.....	1,009 00
Les quadrupèdes d'Amérique, par Audubon.....	321 15
Pensions viagères.....	1,212 00
do allouées par l'acte de 1853.....	9,984 00
Achat d'une maison d'Education, en vertu de l'acte No 72, de 1852.....	3,190 00
Prix accordés aux constructeurs de navires dans l'Etat, en vertu de l'acte de 1852.....	3,809 55
Remboursement de taxes, payées par erreur.....	146 00
do de certaines sommes déposées pour racheter les terres vendues pour taxes.....	149 29
De certaines sommes d'argent payées à comptes des certificats de vente de terres des Ecoles.....	5,508 28
Aux héritiers légaux, le produit de successions vacantes.....	1,070 42
De sommes d'argent payées par le bibliothécaire.....	50 00
A compte sur les certificats de vente des terres des Ecoles dans le 7me district.....	2,442 00
Payé pour le soutien des Ecoles publiques: sur la taxe d'un milième 98, 200 05—sur la taxe de capitation, 21,471.....	119,771 05
Pour le soutien des Ecoles publiques, juin 30.....	87,276 94
Allocation en faveur de l'hôpital de Charité.....	10,000 00
Amendes payées pour son usage.....	1,289 87
Pour le soutien de l'asile des aliénés à Jackson.....	8,000 00
Construction d'édifices pour l'usage de l'Asile des Aliénés à Jackson.....	19,824 97
A l'Asile des femmes, de la Nouvelle-Orléans.....	5,000 00
A la société des Orphelins abandonnés à Jefferson.....	3,000 00
Pour instruire les enfants sourds-muets	10,305 00
A l'Asile des Orphelins Catholiques....	4,000 00
A l'Asile des Orphelins Indigents de la 3me Municipalité.....	2,000 00
A l'Asile Poydras.....	3,000 00
Allocation en faveur de l'Asile Ste Anne pour les femmes indigentes et les enfants de toutes les religions.....	2,000 00
do de l'Asile de St Vincent, à Donaldsonville.....	1,000 00
do en faveur de l'Association charitable des pompiers.....	2,000 00
do de l'Asile des Orphelins, à Baton Rouge.....	2,000 00
do des veuves indigentes, sous la direction des dames de la Providence...	2,000 00
do en faveur de l'Institution pour les enfants sourds et muets.....	10.900 00
do pour payer les dépenses de la Convention de l'Etat, de 1852.....	8,199 71
do pour la construction de 200 cellules additionnelles, dans la Pénitentiaire.....	7,500 00
do pour rembourser à H Scott, le produit de la vente de son esclave...	441 88
do en faveur de J H Maddox, imprimeur de l'Etat en 1852.....	3,010 00
do en faveur des personnes nommées pour consolider et reviser les statuts de l'Etat.....	5,250 00
do en faveur du collége médical de la Louisiane.....	6,000 00
do pour achever le monument en l'honneur de Jackson, en vertu de l'acte de 1853.....	
do à l'effet de modifier la cession entre l'Etat et la compagnie de Barataria et de Lafourche.....	
do pour faire le recensement de Ouachita, Morehouse et Carroll....	
do pour payer les recordes par l'enrégistrement des actes des terres saisies, en vertu de l'acte de 1852	
A location en faveur du Bataillon d'Artillerie de la Nlle-Orléans.....	
En faveur de la Légion de la Louisiane.....	
En faveur des Canoniers de Donaldsonville.....	
Pour rembourser à J Walker.....	
En faveur du gardien de la maison d'Etat, pour huile à lampe, etc. payé par lui.....	
En faveur du Trésorier de l'Etat, pour achat de livres, etc.....	
Pour rembourser à la banque de l'Etat les emprunts faits en vertu des actes de 1852 et 1853.....	
En faveur des enfants mineurs de John Sulzer, décédé.....	
En faveur de Corson et Armstrong, pour vendre les rapports de la Cour Suprême.....	
Pour achever le monument de Jackson, en vertu de l'acte de 1853.....	
En faveur de porteurs de certificats de vente de terres vendues à Baton Rouge par Richard Loucks, Regist	
En faveur de T P Hall et de l'administration de la succession de W J McElway, décédé.....	
Pour faire le recensement de l'Etat	
En faveur de Théodule Labauve	
do R M Moore.....	
do L. H. Latil.....	
do la banque de l'Etat.....	
do Samuel Patterson.....	
do Emile La Sère.....	
do B F Smith et J H Williamson.....	
do William Long.....	
do W L Knox, Shff de Carroll.....	
do E A Campbell, ex-surintendant de Sabine.....	
do H Parish et J M Norman	
do Héritiers de David et Thomas.....	
do W D Stevens, de Sabine	
do H Forno.....	
do B L Hodge.....	
do Mary E Lyons.....	
do W J Dubuclet.....	
do Purvis et Pugné avocats	
do P Gillusseau, ex-surintendant à Iberville.....	
do E H Skillman.....	
do A M Gray.....	
do Andrew Lesage.....	
do Héritiers de D Thomas.	

Sommes payées du fonds des rations Intérieures.

Salaire de l'inspecteur de l'Etat et dépenses casuelles de [illegible]	
Dépenses pour les rations intérieures.....	

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Pour les terres des améliorations intérieures vendues par erreur.....		884 39
Allocation pour achever le canal de Lafourche et Barataria.....		5,736 72
Commissions du Régister et Receveur du bureau des terres.....		924 23
Pour construction des bateaux de l'Etat		4,828 29
Allocation en faveur de H Kean.....		253 32
do J M Lapeyre.....		986 25
do D Howard.....		296 90
do J Johnson.....		374 14
		35,631 34
Sommes payées du fonds de levées et dessèchements.		
Commissions au registre du bureau des terres, à Baton Rouge.....		289 96
do do.....		683 28
do au receveur et au register..		2,870 49
Allocation pour achever la construction de la Grande levée, Pointe Coupée...		5,000 00
do en faveur d'Evariste De Baillons.		1,200 00
do de Ch. Fitz.....		1,200 00
do de H. Y. Waddell.....		300 00
	$11,543 73	
	$1,340,443 30	
Le tableau marqué C, fait voir le montant probable des dépenses pour l'année fiscale de 1851.		
Dépenses courantes ordinaires,	616,585	
Pour payer la dette de l'Etat, de 1855 et 1857, en vertu de l'acte No 279 de 1853,	75,000	
Pour rembourser le dépôt de la banque de l'Union,	21,000	
Allocation pour payer les pensions,	15,000	— 757,585
do en faveur des écoles publiques,		240.000
do pour les améliorations intérieures,		33,000
		1,030,585
Intérêts sur les bons émis en faveur du chemin de fer de la Nlle-Orléans et de Jackson		13,000
Intérêts sur les bons du chemin de fer de la Nlle-Orléans et de Opelousas,		10,500
		$1,054,085
Les recettes probables de l'année fiscale, seront comme suit :		
Taxes d'Etat proprement dites sur des propriétés taxables, évaluées à $300,000,000, d'après les tableaux des assésurs reçus jusqu'à cette date, à 16 2/3 pour $100.....		500,000
Les licences.....		140,000
Droits d'enean		25,000
Terres des écoles et loyers.....		30,000
Taxes arriérées.....		40,000
De diverses sources.....		30,000
Montant total des recettes durant l'année fiscale.....		765,000
Taxe d'un millième et taxe de capitation, après avoir déduit les dépenses pour la collecte——.....		260,000
Ventes des terres des améliorations...		20,000
		1,045,000
Montant de la taxe qui sera imposée pour payer les intérêts sur les bons émis en faveur des chemins de fer de la N. O et Jackson, et de la N. O. et Opelousas, en vertu des lois autorisant l'émission de ces bons.....		23,500
		1,068,500

La condition du trésor, à la fin de l'année fiscale de 1854, sera donc comme suit :

Balance en caisse le 1er janvier 1854 :		
Compte général,	$766,900,95	
Allocations non dépensées,	116,900,95	650,000
Recettes durant l'année fiscale de 1854,		765,000
		$1,515,000
Dépenses d'après le tableau marqué C,		757,585
Balance probable au 1er avril 1855,		$757,415
Balance de la taxe d'un millième,	80,927,22	
Allocations non dépensées,	49,927,22	
	31,000,00	
Recettes, moins les dépenses pour la collecte,	260,000	
	$291,000,00	
Dépenses,	240,000	
Balance au 1er avril 1855 qui sera portée au compte du fonds général, en vertu de l'acte de 1852.....		51,000
Fonds des améliorations intérieures.		
Balance au 1er janv. 1854,	27,110,75	
Recettes,	20,000,00	
	47,110,75	
Dépenses probables,	33,000	
Balance au 1er avril 1855.....		14,000
		$822,415
Fonds des terres marécageuses.		
Balance au 1er janv. 1854,	$276,429	
Recettes probables durant l'année fiscale de 1854,	150,000	
	$426,429	
Dépenses probables,	100,000	326,429
Somme probable dans le trésor au 1er avril 1854, provenant de diff. sources,		$1,148,844

Il m'est maintenant permis de féliciter la législature de l'Etat, sur la condition actuelle du trésor de l'Etat, après avoir demandé en vain aux législateurs de 1850 et 1852, de prendre des mesures pour empêcher le discrédit de l'Etat, la législature de 1853 s'occupe de mes recommendations, et le résultat est que le trésor se trouve dans une condition telle que la législature actuelle pourra, sans imposer de nouvelles taxes, former une caisse d'amortissement pour payer la dette de l'Etat, et une autre dont les intérêts, dans peu d'années, serviront, sans avoir recours à la taxe, à maintenir les écoles publiques sur des fondations solides et permanentes qui ne pourront être détruites par aucun changement de système occasionnés par le mécontentement produit par le paiement d'une taxe annuelle.

Le tableau de la dette publique qui accompagne ce rapport, fait voir que l'Etat dôit au fonds des écoles publiques $387,728,68
Au fonds des maisons d'éducation, 140,527,96

Ces fonds n'existent qu'en compte, sans rien pour les représenter. Le fonds des écoles, en vertu de la Constitution, augmente à un tel point que, dans peu de temps, les intérêts sur le capital suffiront pour maintenir les écoles ; mais si le montant de ces intérêts était levé par une taxe, ce qu'on sera obligé de faire si le fonds n'est pas placé avantageusement, le fardeau sera aussi lourd et le système aussi facile à détruire que si c'était une imposition gratuite sur le peuple chaque année pour les maintenir.

La condition actuelle du trésor permet à la lé-

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gislature d'éteindre immédiatement la dette de l'Etat, échéant en 1855 et 1857, au lieu de la diminuer par paiement quatriennaux, ainsi qu'il est stipulé dans l'acte No 279 de 1853 ; de placer sur de bonnes garanties, portant intérêt, le surplus du fonds affecté aux levées et desséchements ou du fonds des terres marécageuses, et d'affecter une somme de cent mille piastres annuellement au rachat des bons émis par l'Etat, en paiement de sa dette, et aussi pour représenter le montant qu'elle avait en dépôt et dont il a fait usage.

Les avantages directs et indirects d'une pareille mesure sont incalculables ; il en résulterait une économie pour l'Etat, en mettant le trésor à l'abri du paiement des intérêts combinés pour des dépenses inutiles, et inspirerait de la confiance dans la pureté de notre législation.

Dans les deux années qui viennent de s'écouler, plusieurs projets d'une grande importance et qui paraissent, jusqu'à présent, réussir, ont été adoptés dans le but d'augmenter la richesse et la prospérité de l'Etat, mais ces projets seront plus ou moins sujets à réussir ou à manquer, en proportion de l'augmentation ou de la diminution du crédit de l'Etat.

La législature de 1853 a adopté les mesures qu'elle a cru les plus sages pour retirer l'Etat de la gêne où elle l'a trouvé. C'est à celle-ci de continuer ce que l'autre a déjà si bien commencé, et le trésor de l'Etat ne pourra plus être épuisé dans aucune circonstance.

TABLEAU C.

Estimation des dépenses probables pour l'année 1854.

Compensations et dépenses casuelles de la Législature,	$90,000
Salaire du Gouverneur,	4,000
" du Secrétaire d'Etat,	2,000
" de l'Auditeur des comptes bublics,	4,000
" du Trésorier d'Etat,	2,000
" de l'Avocat Général,	3,500
" du Surintendant de l'éducation publique,	2,000
" de l'Adjudant et Inspecteur général,	500
" du Greffier de la Cour du 1er District, Nouvelle Orléans,	4,000
" du Bibliothécaire d'Etat,	1,000
" du Surveilleur Général,	600
" du Secrétaire privé du Gouverneur,	1,000
" du Messager,	360
" du Commis au Bureau du Secrétaire d'Etat,	1,000
" " Copiste, " " "	600
" du Régister du Bureau des terres à Baton Rouge;	250
" du Receveur " " " " "	250
" du Régister " " " Winsboro,	150
" du Receveur, " " " "	150
" du Gardien de la Maison d'Etat,	600
" Sergent d'Armes de la Chambre des Représentans,	900
" Sergent d'Armes du Sénat,	600
" des Juges de la Cour Suprême,	25,000
" des Juges des Cours de District,	63,500
" des avocats de Districts	11,600
" du Rapporteur de la Cour Suprême,	2,500
" des Directeurs de la Pénitentiaire,	500
" du Commis " " "	1,500
" Médecin " " "	600
" de l'Aumônier, " " "	400
" du Gardien de l'Arsenal de l'Etat et de son Assistant,	1,320
Dépenses casuelles de l'Exécutif,	5,000
" " du Secrétaire d'Etat,	500
" " de l'Auditeur des comptes publics,	4,000
" " du Trésorier d'Etat,	2,500
" " du Surintendant de l'Etat,	500
" " du Bureau des terres à Baton Rouge,	250
" " " " à Winnsboro,	150
" " de la Cour Suprême,	1,500
" " de la Librairie d'Etat,	400
Commission aux Collecteurs des Taxes,	45,000
" aux Avocats de District qui ont collecté les bons de ceux qui ne se sont pas conformés au paiement de la taxe,	1,000
" au Régister du Bureau des terres à Baton Rouge, des Fonds Généraux,	250
" au Receveur " " " " " "	250

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mmission au Régister du Bureau des Terres à Baton Rouge, des Fonds des Levées et Desséchement,		1,200
" au Receveur du Bureau des terres à Baton Rouge, des Fonds des Levées et Desséchement		1,200
mpensation aux Assesseurs,		25,000
ductions aux Collecteurs des taxes		75,000
penses dans les poursuites criminelles,		100,000
térêts sur les bons de la Compagnie du Chemin de fer de la Nouvelle Orléans et Nashville,		28,980
" " " " " " " du Desséchement de la Nlle. Orléans,		2,500
" " " " de l'Hôpital de Charité pour achat de terre		6,250
" " " " de la Compagnie du chemin de fer du Golfe du Mexique,		6,000
" " " " de la Banque des Citoyens de la Louisiane,		15,000
mpressions et publications,		40,000
ensions allouées par la loi,		30,000
éficits des appropriations antérieures,		15,000
chats de livres pour la Bibliothèque de l'Etat,		1,000
ensions à vie,		2,000
rimes aux constructeurs de navires et bâtiments dans l'Etat,		10,000
emboursements de taxes payées par erreur à la Trésorerie,		1,000
" de sommes déposées pour le rachat des terres vendues pour taxes,		1,000
" aux héritiers légaux, le produit des successions vacantes,		5,000
llocation à l'Hôpital de Charité,		10,000
" à l'Asile des Aliénés de Jackson,		7,500
" à l'enseignement des enfans sourds et muets,		9,000
" à l'Asile des Orphelines de la Nouvelle Orléans, sous la direction de sœur Regis,		5,000
" à l'Association des Orphelins indigents de la paroisse Jefferson,		3,000
" à l'Asile catholique des Orphelins,		4,000
" à l'institution des Orphelins Indigents, 3me District, N. O.,		2,000
" à l'Asile Poydras,		1,500
" à l'Asile Ste. Anne des femmes et des enfants indigents de toutes les religions,		2,000
" à l'Hôpital St. Vincent, à Donaldsonville,		1,000
" à l'Asile des Orphelines de Baton Rouge,		2,000
" à l'Association charitable des Pompiers,		2,000
" aux Veuves Indigentes, sous la Direction des Dames de la Providence,		2,000
" pour l'avancement de la science médicale dans l'Etat,		
" aux Récorders, pour l'enrégistrement des terres saisies,		1,000
" aux Bataillons d'Artillerie, de la Nouvelle Orléans et de Washington,		2,000
" à la Légion de la Louisiane,		2,500
" aux Canoniers de Donaldsonville,		500
" au Gardien de la Maison d'Etat pour l'huile à lampe, combustible, etc.,		25
Rachats des fonds de la dette de l'Etat en vertu de l'acte No. 277, de l'année 1853,		16,000
" " " " " " " " " " No. 279, " 1853,		75,000
Intérêts sur les bons en faveur du Secrétaire d'Etat,		22,500
Subvention des écoles publiques gratuites, payble des fonds de la taxe du millième et de la taxe de capitation,		240,000
Dépenses pour le service des améliorations à l'Intérieur,	20,000	
Salaire de l'Ingénieur d'Etat et les dépenses casuelles de son département,	13,000—	33,000
Intérêtes sur les bons de la Compagnie du Grand chemin de fer de la Nouvelle Orléans, de Jackson et du Nord,	13,000	
Intérêts sur les bons de la Compagnie du Grand chemin de fer de la Nouvelle Orléans, des Opelousas et de l'Ouest,	10,500	
		23,500
		$1,033,085
Dépot remboursé à la Banque de l'Union		21,000
		$1,054,085

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Le tableau D ci-joint est aussi soumis, montrant séparément le montant de chaque allocation des fonds publics faite en vertu de la loi, ainsi que du montant payé en vertu de la même loi, et de la balance non dépensée.

TABLEAU D.

Tableau montrant séparément les balances des allocations antérieures, le montant actuel des allocations, les différents montants payés pendant l'année et les balances non réglées.

	Balance des allocations antérieures.	Montant des allocations actuelles.	Montants payés en 1858.	Balances.
	$	$	$	$
Compensations et dépenses casuelles de la Législature,	6 62	127,000 00	127,006 62	
Salaire du Gouverneur,	1,500 00	5,150 00	1,806 47	4,843 53
" Secrétaire d'Etat,	500 00	2,450 00	1,896 00	1,054 00
" Auditeur des comptes publics,	1,000 00	5,000 00	4,000 00	2,000 00
" Trésorier d'Etat,	1,000 00	3,250 00	2,987 56	1,262 44
" Avocat Général,	750 00	4,000 00	2,860 59	1,889 41
" Surintendant de l'éducation publique,	500 00	2,166 66	1,999 94	666 72
" Bibliothécaire d'Etat,	160 72	1,166 66	999 96	327 42
" Surveilleur Général,	1,050 00	750 00	900 00	900 00
" Secrétaire privé du Gouverneur,	183 36	1,166 66	833 32	516 70
" Messager "	90 00	390 00	360 00	120 00
" Commis du Secrétaire d'Etat,		1,000 00	666 66	333 34
" " Copiste "		600 00	600 00	
" Régister du Bureau des Terres, Baton Rouge,	62 50	312 50	125 00	250 00
" Régister du Bureau des Terres, Winnsboro,	113 40	150 00	212 50	51 00
" Receveur du Bureau des Terres, Winnsboro,	75 00	150 00	150 00	75 00
" Receveur du Bureau des Terres, Baton Rouge,	125 00	250 00	147 25	227 75
" Surintendant du Bureau des Statistiques,		195 00	148 15	46 85
" Gardien de la Maison d'Etat,	150 00	650 00	600 00	200 00
" Sergent d'Armes de la Chambre des Représentans,	268 02	900 00	640 00	528 02
" Sergent d'Armes du Sénat,	161 32	600 00	376 59	384 73
" Juges de la Cour Suprême,	7,293 20	30,625 00	25,136 65	12,781 55
" " " Cour de District,	15,451 30	77,825 00	55,496 62	37,779 68
" Avocat " "	3,774 41	14,900 00	10,505 51	8,168 90
" Rapporteur de la Cour Suprême,	625 00	3,125 00	2,500 00	1,250 00
" Directeurs de la Pénétentiaire,	75 00	625 00	525 00	175 00
" Commis "		2,250 00	1,500 00	750 00
" Médecin, "		900 00	600 00	300 00
" Aumonier, "		600 00	400 00	200 00
" Ingénieur d'Etat et les dépenses casuelles de ce département,	2,610 74	16,250 00	10,968 48	7,892 26
" Greffier de la Cour du 1er District, N. O.,		4,000 00	2,413 86	1,586 14
" Adjudant et Inspecteur général,		2,122 21	1,844 41	277 80
" Gardien et Assistant-Gardien de l'arsenal de l'Etat,		1,320 00	880 00	440 00
Dépenses casuelles de l'Exécutif,	2,100 00	6,000 00	6,650 00	1,450 00
" casuelles du Secrétaire d'Etat,	400 00	625 00	900 00	125 00
" " Auditeur des comptes publics,	1,094 38	5,000 00	4,044 47	2,049 91
" " Trésorier d'Etat,	566 19	2,625 00	3,191 19	
" " Avocat Général,	250 00		250 00	
Salaire des Surintendants de Paroisse,			332 50	
Dépenses casuelles du Bureau du Surintendant d'Etat,		500 00	375 00	125 00
" " Bureau des terres à Baton Rouge,		312 50	312 50	
" " Bureau des terres à Winnsboro,	82 60	150 00	100 00	132 60
" " Bibliothèque d'Etat,	50 00	250 00	300 00	
" " Cour Suprême,	1,211 60	1,500 00	842 95	1,868 65
" " Bureau de l'Ingénieur d'Etat,		1,000 00	500 00	500 00
Commissions aux Collecteurs des Taxes,	13,339 10	55,000 00	40,044 11	28,294 99
" Régister du Bureau des terres, Baton Rouge, prises des Fonds Généraux,		250 00	201 48	48 52
" Receveur du Bureau des Terres, Baton Rouge, prises des Fonds Généraux,		250 00	192 16	57 84

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	Balance des allocations antérieures.	Montant des allocations actuelles.	Montants payés en 1853.	Balances.
Commissions allouées au Régister du Bureau des Terres à Bâton Rouge, prises des fonds des terres marécageuses,.....		1,200 00	289 96	910 04
" allouées au Receveur du Bureau des Terres à Bâton Rouge, prises des fonds des terres marécageuses,.....		1,200 00	683 28	516 72
" allouées au Régister du Bureau des Terres à Winnsboro,.....	31 56	50 00	48 52	33 04
" allouées au Receveur du Bureau des Terres à Winnsboro,.....		200 00	43 29	150 71
" allouées au Régister et Receveur du Bureau des Terres à Bâton Rouge (par acte spécial) , ...		2,871 12	2,870 49	63
" allouées à l'Avocat de District qui a collecté les bons de ceux qui ne se sont pas conformés au paiement de la taxe,.....		1,000 00	97 67	902 33
Compensation aux Assesseurs,.....		33,000 00	27,488 14	5,511 86
" pour publication des amendement faits à la Constitution,.....	1,717 00			1,717 00
" à Corson & Armstrong, pour vente des Rapports de la Cour Suprême,.....		1,000 00	1,000 00	
Déductions faites aux Collecteurs des Taxes,.....		1,000 00	1,000 00	
Dépenses dans les poursuites criminelles,.....	3,398 79	32,000 00	15,384 51	20,014 28
" pour le service des Améliorations intérieures,.....	3,982 13	2,500 00	15,815 54	13,166 59
" du Surintendant de l'Etat pour l'achat d'un séminaire en vertu de l'acte No. 72 de 1853,.....		50 00	50 00	
Intérêt sur les bons de la Compagnie du chemin de fer de la Nouvelle Orléans et Nashville,.....	840 00	28,980 00	27,210 00	2,610 00
" sur les bons de la Compagnie du Dessèchement de la Nouvelle Orléans,.....		2,500 00	2,500 00	
" sur les bons de l'Hôpital de Charité,.....	950 00	6,250 00	7,875 00	
" sur les bons de la Compagnie du Chemin de fer du Golfe du Mexique,.....	600 00	6,000 00	6,090 00	510 00
" sur les bons de la Banque des Citoyens de la Louisiane,.....		15,000 00	15,000 00	
" sur l'emprunt fait à la Banque de la Louisiane,		10,500 00	10,033 00	467 00
" sur les bons issus pour venir en aide au trésor de l'Etat,.....		45,000 00		45,000 00
Publication des Décisions de la Cour Suprême,.....	910 65	5,000 00		5,910 65
Impressions et avertissements,.....	1,627 70	53,500 00	33,598 01	21,529 69
Paiements aux propriétaires d'esclaves condamnés pour crimes,.....	3,600 00	6,000 00	1,500 00	8,100 00
Pensions allouées par la loi, suivant l'acte No. 220 de 1843,.....	24 00			
" " " " vieux compte,.....	12,451 55		630 60	11,820 95
" " " " à la veuve de Marans,.....	225 00		180 00	45 00
Paiement des sommes appartenant aux écoles, retournées par le Surintendant de l'Etat, acte 2 de 1853,.....		80,413 97	75,458 66	4,955 31
" des sommes appartenant aux écoles, retournées par le Surintendant de Paroisse, acte 8 de 1853,.....			58,694 84	
" des Electeurs du Président et Vice Président des Etats Unis,.....		1,000 00	508 00	492 00
Impressions et avertissements pour la Convention constitutionelle de l'Etat en 1852,.....		16,249 25	16,249 25	
Paiements des coupons à la Compagnie du chemin de fer du Golfe du Mexique en 1851,.....		4.110 00	2,820 00	1,290 00
" aux propriétaires d'esclaves vendus par l'Etat,.....		3,000 00		3,000 00
Achats de livres pour la Bibliothèque d'Etat,.....		1,000 00	1,000 00	
" des quadrupèdes de l'Amérique, vendus par Audubon.....		350 00	321 15	28 85
Pensions à vie,.....		2,000 00	1,212 00	788 00
" allouées par la loi suivant l'acte de 1853,....		10,000 00	9,983 00	16 00
Achat de terres pour une Université suivant l'acte No 72 de l'année 1853,.....		3,190 00	3,190 00	
Primes aux constructeurs de navires et de vaisseaux dans l'Etat suivant l'acte de 1852,.....		5,000 00	3,809 55	1,190 45

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	Balance des allocations antérieures.	Montant des allacations actuelles.	Montants payés en 1853.	Balance
Remboursement des taxes payées par erreur à la Trésorerie,	1,901 00		146 00	1,755 00
" des sommes déposées pour le rachat des terres vendues pour taxes,		1,500 00	149 29	1,350 71
" de certaines sommes payées à compte des terres accordées aux écoles,		10,000 00	5,508 28	4,491 72
" des produits des successions vacantes aux héritiers légaux payé au trésor,		5,000 00	1,970 42	3,029 58
" des terres vendues par erreur pour les Améliorations Intérieures,		3,000 00	884 39	2,115 61
" des sommes payées par le Bibliothécaire de l'Etat,		50 00	50 00	
" des sommes payées à compte des terres accordées aux écoles du 7me District Est,		300 00	2,442 00	558 00
Entretien des écoles publiques gratuites suivant acte de 1852, ... $119,671 05		126,313 89	206,947 99	43,039 01
" des écoles publiques gratuites, suivant acte de 1853, ... 87,276 94		240,000 00		
Allocation à l'Hôpital de Charité,		10,000 00	10,000 00	
" " " " provenant des, amendes pour son entretien,	2,000 00	3,000 00	1,289 87	3,710 13
" à l'entretien de l'Asile des Aliénés à Jackson	500 00	750 00	8,000 00	
" à la construction des édifices de l'Asile des Aliénés à Jackson,	4,824 97	15,000 00	19,824 97	
" à l'Asile des Orphelines de la Nouvelle Orléans, sœur Régis,		5,000 00	5,000 00	
" Société des Orphelins Indigents de la Paroisse de Jefferson,		3,000 00	3,000 00	
" à l'éducation des enfants sourds et muets,	1,380 00	8,925 00	10,305 00	
" à l'Asile Catholique des Orphelins,		4,000 00	4,000 00	
" à l'Institution des Orphelins Indigents, 3me Municipalité,		2,000 00	2,000 00	
" à l'Asile Poydras,	1,500 00	1,500 00	3,000 00	
" à l'Asile Ste Anne, des femmes et des enfans indigents de toutes religions,		2,000 00	2,000 00	
" à l'Association charitable des Pompiers,		2,000 00	2,000 00	
" à l'Asile de St. Vincent à Donaldsonville,		1,000 00	1,000 00	
" à l'Asile des Orphelines à Bâton Rouge,		2,000 00	2,000 00	
" aux veuves indigentes (les Dames de la Providence, Nouvelle Orléans),		2,000 00	2,000 00	
" à l'accomplissement des travaux du canal de Barataria et Lafourche,	5,736 72		5,736 72	
" pour créer une Institution des enfants sourds et muets,	10,900 00		10,900 00	
" pour les dépenses de la Convention constitutionelle de l'Etat, 1852,	7 75	10,000 00	8,199 77	1,808 04
" pour la construction de 200 cellules additionnelles dans le Pénitentiaire,	7,500 00		7,500 00	
" pour payer les commissions du Régister et Receveur du Bureau des terres à Bâton Rouge,		924 23	924 23	
" pour remboursement à H. Scott, du produit de la vente de son esclave,		441 88	441 88	
" à J. M. Maddox, imprimeur de la Convention de l'Etat, 1852,		3,010 00	3,010 00	
" pour payer les personnes chargées de reconsidérer et de reviser les statuts de l'Etat,		5,250 00	5,250 00	
" pour l'avancement de l'Ecole de Médecine de la Louisiane,		6,000 00	6,000 00	
" pour l'accomplissement du monument de Jackson, suivant l'acte de 1853,		10,000 00	10,000 00	
" pour modifier le contrat entre l'Etat et le Canal Barataria et Lafourche,		23,000 00	23,000 00	
" pour prendre le récensement des Paroisses Ouachita, Morehouse et Carroll,		150 00	150 00	
" pour les enrégistrements des listes des terres saisies, suivant acte de 1852,		2,000 00	546 04	1,453 96
" au bataillon d'artillerie de la Nouvelle Orléans et Washington,		2,000 00	2,000 00	

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	Balance des allocations antérieures.	Montant des allocations actuelles.	Montants payés en 1853.	Balances.
ions à la Légion de la Louisiane,.....		2,500 00	2,500 00	
aux Canonniers de Donaldsonville,.....		500 00	500 00	
pour la construction de bâteaux à vapeur,...		15,000 00	4,828 29	10,171 71
pour remboursement d'une somme due à Jos. Walker,.....		106 56	106 56	
au gardien de la Maison d'Etat pour huile à lampe et chauffage,.....		25 00	25 00	
pour construction des édifices du Séminaire, suivant acte No. 72, 1853,.....		15,000 00		15,000 00
au Trésoirer d'Etat, pour achat de livres, etc.,.....		800 00	800 00	
pour payer les emprunts faits à la Banque de la Louisiane, suivant acte de l'année 1852 et de l'année 1853,.....		200,000 00	200,000 00	
pour réparations du Capitol,.....		2,000 00		2,000 00
pour l'accomplissement du monument de Jackson, suivant acte de l'année 1852,		15,000 00	10,000 00	5,000 00
pour prendre le récensement de l'Etat,.....		12,000 00	8,536 58	3,463 42
pour venir au secours de T. P. Hall et l'administration des biens de W. J. McElroy, décédé,.....		160 00	160 00	
pour venir au secours de Théodule Labauve, ...		500 00	500 00	
pour venir au secours de R. M. Moore,.....		650 00	650 00	
pour le secours de L. H. Latil,.....		20 00	20 00	
" " de la Banque de l'Etat de la Louisiane,.....		3,128 00	3,128 00	
" " de E. De Baillon,.....		1,200 00	1,200 00	
" " de H. Kean,.....		253 32	253 32	
" " de Samuel Patterson,.....		100 00	100 00	
" " de J. M. Lapeire,.....		986 25	986 25	
" " de Chs. Fitz,.....		1,200 00	1,200 00	
" " de Daniel Heward,.....		296 90	296 90	
" " de Emile La Sère,.....		3,582 50	3,582 50	
" " B. P. Smith et J. H. Williamson,.....		300 00	300 00	
" " William Long,.....		31 95	31 95	
" " W. L. Knox, shérif, Carrol,		350 00	350 00	
" " E. A. Campbell, ex-Surintendant de Sabine,.....		27 04	27 04	
" " H. Parish et J. . Norman,...		240 03	240 03	
" " des héritiers de David Thomas, décédé,.....		300 00	300 00	
" " de W. D. Stephens, de la Paroisse de Sabine,.....		354 14	354 14	
" " de H. Y. Waddell, Régister du Bureau des terres aux Natchitoches,.....		300 00	300 00	
" " des porteurs des certificats des terres vendues à Bâton Rouge par R. Loucks,.....		1,500 00	1,353 05	146 95
" " de H. Forno,.....		65 00	65 00	
" " de B. L. Hodge,.....		2,500 00	2,500 00	
" " de Mary E. Lyons,.....		500 00	500 00	
" " de J. Johnson,.....		374 14	374 14	
" " de Vve. Joseph Dubuclet,...		300 00	300 00	
" " de Purvis & Dugué, avocats,.....		250 00	250 00	
" " de P. Gellusseau, ex-Surintendant à Iberville,....		100 00	100 00	
" " de E. H. Skillman,.....		164 00	164 00	
" " de A. M. Gray,.....		10,000 00	6,000 00	4,000 00
" " de Andrew Lesage,.....		18 50	18 50	
" " des enfans mineurs de John Sulser, décédé,.....		150 00	150 00	
" " des héritiers de David Thomas, Décédé,.....		300 00	300 00	
penses de la Bibliothèque de l'Etat,.....		400 00	254 10	145 90
location pour l'accomplissement des travaux de la Grande Levée de la Pointe Coupée,.....		3,000 00	5,000 00	25,000 00

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	Balance des allocations antérieures.	Montant des allocations actuelles.	Montant payé en 1853.	Bala
Intérêts sur les bons de la Compagnie du Railroad de la Nouvelle Orléans, Opelousas et Great Western,		8,000 00	2,200 00	5,8
Intérêts sur les bons de la Compagnie du Railroad de la Nouvelle Orléans, Jackson et Great Northern,		11,000 00		11,0

Le tableau E est soumis ici, donnant comme suit, un état exact de la Dette Publique de l'Etat.

Elle a été réduite pendant l'année, par les somme suivantes:—
provenant des bons émis en faveur de la Banque de l'Union, ci..... $8,0
" des bons émis en faveur de la Seconde et de la Troisième Municipalité à la Nouvelle Orléans..... 19,5
" du paiement de l'emprunt fait à la Banque de l'Etat de la Louisiane..... 30,0
$57,5

Et il est constant qu'elle a été réduite au-délà par les paiements des deux autres banques foncières; mais dont ce bureau n'a point eu connaissance officielle.

Elle a été augmentée par cette somme émise pour les emprunts, ci..... 73,0
Sur les fonds en dépôt..... 29,5
Bons de la Compagnie du Railroad de la Nouvelle Orléans et Jackson..... 16,0
Bons de la Compagnie du Grand Chemin de fer de la Nouvelle Orléans, Opelousas et de l'Ouest..... 17,0
$135,5

Augmentation totale..... 141,5

E.

ETAT GENERAL DE LA DETTE PUBLIQUE

Au 1er janvier 1854.

Bons de l'Etat, prêtés à la Banque Consolidée,—
dûs au 30 juin 1854, 1857, 1860, 1863 et 1866, par portions égales..... $1,376,000
Bons de l'Etat, prêtés à la Banque des Citoyens..... $6,468,000
" non rentrés, pour intérêts..... 577,888
$7,045,888
" " prêtés à la Seconde Municipalité..... 198,340
$8,620,2

OBLIGATIONS CLASSEES COMME DETTES PROPRES DE L'ETAT.

Bons à la Compagnie du Dessèchement, pour actions dues le 1er juin 1856 $50,000
" " Banque des Citoyens pour emprunts dûs le 1er juin 1857..... 250,000
" " Compagnie du Chemin de fer de la Nouvelle Orléans et Nashville, dûs le 1er décembre 1867..... 483,000
" " Compagnie du Railroad du Golfe du Mexique, dûs le 1er décembre 1869 30,000
" " " " " " dûs le 1er mars, 1870..... 50,000
" " " " " " dûs le 23 mai, 1870..... 20,000
" " l'Hôpital de Charité pour l'achat de terres dûs le 21 mars 1872..... 125,000
" pour le secours du Trésor de l'Etat, dûs en 1893..... 750,000
" à la Compagnie du Grand Chemin de fer de la Nouvelle Orléans, Opelousas et de l'Ouest, dûs en 1893 137,000
" " " du Grand Chemin de fer de la Nouvelle Orléans, de Jackson et du Nord, dûs en 1893..... 166,000
Montant dû sur les bons de la Compagnie du Railroad de Port Hudson et Clinton..... 6,000
$2,048,0

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FONDS EN DEPOT.

nce due sur les successions vacantes d'après le dernier rapport	$28,671 12		
u pendant l'année 1853	938 82		
		$29,609 94	
ments pendant l'année 1855		1,970 42	
			$27,639 52
aux acquéreurs de terres pour leur rachat	1,055 02		
u durant l'année 1853	2,058 76		
		3,113 78	
ment pendant l'année 1853		149 29	
			2,964 49
ıant dû au Gouvernement Général en vertu de l'acte sur les dépôts			479,919 14
u pour les ventes et les formages des 16mes sections, (par le dernier rapport	61,263 04		
u pendant l'année 1853	29,077 49		
ds de l'Ecole Gratuite, d'après le tableau ci-inclus	297,388 15		
			387,728 68
ds de l'Université, d'après le tableau ci-inclus			140,527 96
ıtant des ventes des terres marécageuses et inondées données par le Congrès à l'Etat, d'après le dernier rapport	113,775 82		
u pendant l'année 1853	207,197 53		
		319,973 35	
ments pendant l'année 1853		11,543 73	
			308,429 62
luits de la vente des esclaves non réclamés			3,061 15

RECAPITULATION.

igations pour les Banques Foncière,		$8,421,888 00
" " la Seconde Municipalité,		198,240 00
tes propres de l'Etat, dont $1,221,809 41 de fonds en dépôt, dûes sur demande, ci,	$1,221,809 41	
es au 1er juin 1855,	50,000 00	
1er juin 1857,	250,000 00	
1er décembre 1867,	483 000 00	
1er " 1869,	30,000 00	
1er mars 1870,	50,000 00	
23 mai 1870,	20,000 00	
21 mars 1872,	125,000 00	
18 juillet 1893,	750,000 00	
1er " 1893,	76,000 00	
1er août 1893,	210,000 00	
1er novembre 1893,	16,000 00	

tableaux F. et G. contiennent séparément le compte de l'Etat avec les fonds des Ecoles Publiques et de l'Université.

F.

MPTE DE L'ETAT AVEC LES ECOLES PUBLIQUES JUSQU'AU 31 OCTOBRE 1853.

1853		Capital.	Intérêts.
nvier 1er	Montant total du capital et des intérêts au crédit des écoles, par le dernier rapport,	$92,061 57	$32,065 90
	Montant reçu pendant l'année sur le produit des successions revenant à des légataires et héritiers étrangers,	12,775 33	
	Montant des intérêts échus pendant l'année sur les fonds en dépôt des Etats Unis,	28,795 14	
	Montant des sommes prélevées sur la taxe de 1 par mille et sur le taxe de capitation, transférées aux fonds généraux	120,000 "	5,400 "
	Intérêts sur la balance dûe au 1er janvier 1854,		6,290 21
		253,632 14	43,756 11
	Montant reçu des ventes et formages en vertu des seizièmes sections,	90,340 53	
		$343,972 57	$43,756 11

G.

COMPTE DE L'ETAT AVEC LES FONDS DE L'UNIVERSITE, JUSQU'AU 1 CEMBRE 1853.

1853		Capital.	Intérêts
Janvier 1er	Balance au crédit de l'Université, par le dernier rapport, - - - - -	$118,375 81	
	Montant reçu pendant l'année du produit de la vente des terres de l'Université, -	3,695 83	
	Intérêts sur $120,071 64, balance dûe au 1er janvier 1854, - - - - -		
		$122,071 64	

Je suis heureux de pouvoir vous informer que la perception des taxes et leur versement dans le trésor de l'Etat ont été faites beaucoup plus promptement que les années précédentes. Le nombre des collecteurs de taxes de l'année dernière qui n'ont pas réglé dans le temps voulu, n'est pas grand et la plupart de ceux-là ont fourni des raisons qui m'ont satisfait.

Le Shérif de la Pointe Coupée et le Collecteur de taxes de la paroisse des Rapides sont morts durant l'été. J'ai appris il y a fort peu de temps qu'on n'avait pas nommé de Collecteur pour la paroisse de Vermillon ; mais le Shérif de cette paroisse a entrepris cette collecte. Le Shérif actuel de St. Landry a aussi entrepris la collecte des taxes de cette paroisse, qui sont dûes pour les années 1851 et 1852.

Le coût de l'assiette et de la perception des taxes étonnera sans doute la Législature.

Le montant total des taxes d'Etat d'un millième, et de capitation imposées l'année dernière était de - - $650,000

Le coût de l'assiette et de la perception de ces mêmes taxes s'élève :—

Pour asseoir la taxe,	28,000	
Commissions, -	40,000	
Déductions, -	44,000	
		$112,000

ou à raison de 17 pour cent, taux énorme qui n'est payé nul autre part qu'ici.

La loi qui autorise les déductions sur preuves fournies par les collecteurs doit être amendée.

Les déductions qui ont été faites l'année dernières, sont comme suit : pour la paroisse d'Ouest Feliciana, payant une taxe de $15,729, $36 seulement—pour la paroisse de Plaquemines, payant une taxe de $10,400, $30 à peu près—pour la paroisse de St. Jean Baptiste, payant une taxe de $9,000, $5 à peu près—pour la paroisse Iberville, payant $19,000, moins de $100—tandis que pour la paroisse Jefferson, y compris le 4me district de la Nouvelle Orléans, payant une taxe de $81,828, le montant de la liste de déductions s'élève à $14,000—pour district de la Nouvelle Orléans, payant taxe de $87,000, les déductions sont $3,000.

Un pareil résultat ne peut être qu'à la loi, qui est défectueuse permet aux officiers de l'interpréter manière. L'officier honnête, intelligent zélé n'a pas besoin d'une loi restrictive faire son devoir ; cette loi n'est que pour ceux qui n'ont pas d'

Très peu de temps après la promulgation de la loi de 1853, concernant les pensionnaires se sont présentés tiré le montant total de l'allocation, que le semestre dûs au 31 décembre encore été payé.

Je ne crois pas que les dispositions loi de 1853, relatives à la preuve, aient lioré la loi de 1852, qui était aussi fait que possible. Une allocation de piastres ne serait pas de trop pour toutes les réclamations qui seront faites vertu de la loi.

D'après le système qui a existé jusqu'en 1852, les réclamations ont rarement la somme de $6,000 annuellement. étaient examinées d'abord par un comité la Législature, puis ensuite par les Chambres ; et je suis convaincu qu'il qu'il y ait eu quelques individus qui obtenu ses pensions sans les mériter nombre sera toujours moindre de cette un système qu'on pourra adopter.

La 31ème section de l'acte pour le département du trésor fait un devoir l'Auditeur, toutes les fois qu'il n'aura émis de mandats pour le paiement d'une réclamation reconnue par la Législature, de rapporter ce fait à la prochaine session de la Législature avec les raisons à l'appui ; en conséquence, j'informe la Législature que Avery Breed a fait présenter un compte s'élevant à la somme de $100, pour services rendus par lui dans des affaires criminelles dont le paiement a été ordonné par l'acte No. 73 de 1848. J'ai refusé d'émettre un mandat pour cette réclamation parce que Shérif est concussionnaire et doit à l'Etat

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une somme beaucoup plus forte que celle que l'Etat lui doit.

MM. Van Winkle, Butler et Grant, commissaires des terres marécageuses ont aussi présenté une réclamation de $1,500, reconnue par la loi No 328 "pour améliorer et dessécher les terres marécageuses et inondées qui ont été données à l'Etat", aucune allocation spéciale n'ayant été faite dans l'acte, j'ai refusé d'émettre un mandat pour le paiement de cette somme; mais le 21 de juin je leur donnai un certificat constatant que la somme était dûe. Comme mon refus d'émettre des mandats pour des réclamations reconnues par cette acte a occasionné une correspondance entre moi et les commissaires, et comme ce refus est une opposition à l'intention de la Législature, je transmets ci-jointe, une copie de cette correspondance dans laquelle on trouvera tout au long les raisons qui m'ont porté à refuser. Voici, en peu de mots, la substance de mes raisons: L'article 94 de la Constitution défend de tirer du trésor aucune somme d'argent sans une "allocation spéciale" à cet effet. Cette prohibition s'applique à chaque pouvoir du gouvernement et à chaque officier de l'Etat et particulièrement à celui qui est directement chargé de tirer de l'argent du trésor. Une allocation spéciale signifie une destination d'une somme spéciale et non un montant incertain pour un objet spécial, et la Constitution défend, en outre, de faire aucune allocation d'argent pour un terme de plus de deux années. L'acte dont il est question établit un système de réclamations des terres marécageuses, fixe le salaire des officiers et établit la manière d'exécuter les travaux publics, et certainement propose de dépenser les fonds publics; mais n'ordonne pas de payer. D'après cet acte, doit-on dépenser et tirer du trésor le montant total des ventes des terres marécageuses, alors en caisse, ou bien le montant en caisse et toutes les sommes qui seront versées plus tard? Le montant reçu l'année dernière s'élève à plus de $200,000 et il y avait en caisse, alors, $80,000.

Supposer que la Législature avait l'intention d'autoriser, d'une manière aussi nouvelle, une dépense aussi forte, serait l'accuser d'avoir dévié de la ligne que lui a tracée la Constitution, ce qui ne serait pas un compliment; Et, si l'acte fait une allocation d'une piastre, il alloue le montant total. Il ne fixe aucune limite. Cet article de la Constitution paraîtra plus claire si l'on se réfère aux raisons sur lesquelles il est basé.

Cette disposition de la loi n'existait pas avant l'adoption de la Constitution de 1845. Ce qui souvent était cause que d'anciennes réclamations aussi bien que les nouvelles qui étaient faites en vertu d'anciennes lois, génaient considérablement le trésor, en même temps qu'elles jetaient de la confusion dans ses opérations financières.

Le but de l'article 94 de la Constitution, en exigeant que chaque allocation de fonds publics soit décrétée par chaque Législature, est d'exposer l'objet pour lequel elle est faite; d'exiger, en effet, que chaque Législature qui aura fait une allocation, ratifie et sanctionne de nouveau la loi ou la réclamation qui doit être exécutée ou satisfaite avec l'allocation. C'est pour donnner à la Législature, à des périodes régulières et rapprochées, connaissance des réclamations en litige, et le pouvoir de les contrôler.

Si les termes de l'acte autorisent de continuer, au-delà de deux ans, ce qui y est mentionné, et si cet acte est interprété comme faisant une allocation, alors une singulière anomalie se présente: une loi qui est en pleine force et vigueur dans toutes ses dispositions, peut être cependant amendée dans les dispositions les plus essentielles, par une simple interprétation! On admettra que celle des dispositions de cette loi qui fait une allocation d'argent se trouve abrogée, à la fin des deux années, en vertu de l'article 94 de la Constitution. Laquelle donc est-ce? Est-ce une, plusieurs ou toutes? La vérité est, que toutes les dispositions de cette loi sont en pleine force, et les termes de l'acte démontrent clairement qu'on avait l'intention d'établir, d'une manière permanante, un système général de réclamations des terres marécageuses, non limité à deux ou à vingt ans; et la dernière ressource de ceux qui maintiennent qu'une allocation est comprise dans cet acte, est de prétendre que le pouvoir qui a fait cette allocation, le pouvoir le plus grand et le mieux gardé de tous ceux de l'Etat, a été exercé d'une manière implicite, tacitement, en vertu de dispositions qui ne peuvent être citées ou désignées.

Plusieurs dispositions de lois existantes requièrent le Trésorier et l'Auditeur de tenir un compte du montant de chaque allocation spéciale faite par la loi; du montant payé; et de faire voir dans leurs rapports, à de certaines époques, la balance non dépensée; d'après ces dispositions l'Auditeur ne peut tirer un mandat, ou le Trésorier ne peut payer un mandat lorsqu'une allocation spéciale n'aura pas été faite. Ces dispositions fixent et interprètent l'expression "allocation spéciale", employée par la Constitution, comme étant spéciale en somme aussi bien qu'en objet.

Pour terminer je citerai l'opinion de celui qui a organisé ce bureau, mon prédécesseur, sur cet article de la Constitution, et je pense que j'aurai fait voir que ma conduite dans

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cette circonstance est d'accord avec les termes de la Constitution, si bien exprimés si faciles à comprendre ; qu'elle est appuyée sur des raisons qui ont fait adopter cette disposition de la Constitution ; qu'elle est, en outre, appuyée sur l'interprétation uniforme qui en a été donnée par tous les pouvoirs du gouvernement, Décider autrement serait prétendre que la Législature avait l'intention d'allouer la somme énorme de $300,000 pour faire une expérience ; qu'il était sous-entendu que cette loi avait une force tacite, silencieuse et sous-entendu pendant deux ans, qu'elle ne pouvait avoir après ce temps ; ses dispositions étant les mêmes après qu'avant, enfin, si j'avais donné une décision contraire, j'aurais agi contrairement au serment que j'ai prêté aussi bien que j'aurais détruit les limites qui ont été établies par la Constitution et les lois entre le pouvoir qui fait l'allocation et celui qui est chargé de la payer.

Extrait du rapport de C. Woodruff à la Législature de 1848.

"Dès le premier jour où ce bureau commença ses opérations, (le 19 mars 1847) afin de prévenir tout obstacle ou interruption dans les affaires publiques, l'Auditeur, pour ce qui concernait les paiements, a suivi la même méthode qui avait été adoptée dans le département de la trésorerie jusqu'à cette époque. Les affaires financières du gouvernement étaient dans un état de transition de l'ancien système au nouveau, en vertu de notre Constitution actuelle.

Un changement important avait été fait relativement à lemploi des fonds publics. L'article 93 de la Constitution porte: "Nulle somme ne sera tirée du trésor si ce n'est en vertu d'allocations expresses faites par la loi; et aucune allocation ne sera faite pour plus de deux ans. Des doutes ont existé parmi les membres de la Législature quant à la vraie interprétation de cette clause de la Constitution jusqu'à ce que cet article fut examiné dans ce bureau.

La paie même des membres de la Législature avait été tirée journellement et sans qu'aucune allocation spéciale eut été faite pour cet objet, jusqu'à ce qu'une session fut donnée, et je crois, appartient à tous, que la vraie interprétation de la clause de la Constitution, requérant que de la Législature affectant une somme spéciale d'argent, du fonds général ou de quelque autre fonds dans le trésor, au paiement de toutes les réclamations contre l'Etat, afin qu'elles pussent être payées limitent le montant desdites réclamations en argent établi et fixé par la loi."

Les lois de la Législature de 1853 autorisant l'émission des bons en faveur des Compagnies de Chemin de fer, font un devoir à l'Auditeur, dans les trente jours après qu'il aura reçu les divers rôles de taxes à lui faire et d'imposer une taxe nécessaire pour payer les intérêts échus dans l'année. Jusqu'à présent reçu que les rôles de trente paroisses, et les dispositions de cette loi pourront être mises à exécution à moins qu'on ne passe des lois plus rigoureuses pour forcer les Asséeurs et les Recorders à délivrer les rôles dans ce bureau. En vertu de la loi, la taxe ne peut être fixée avant l'exception de tous les rôles. Probablement il vaudrait mieux changer la loi de manière à autoriser l'Auditeur, le premier de février, de prendre pour base le montant du dernier rôle d'une paroisse, dans le bureau pour fixer la taxe, en l'absence de celui de l'année précédente.

Le tableau ci-après fait voir le montant des billets contresignés jusqu'au 31 décembre 1853, pour les Banques organisées en vertu de la loi concernant les Banques libres, ainsi que le montant déposé par elles comme garantie collatérale :

BANQUE DE LA NOUVELLE ORLEANS.

Montant des billets émis :

27,800	billets de	$5	chaque,
5,000	"	10	"
2,500	"	20	
2,500	"	50	

GARANTIES.

122	bons de la ville de la Nouvelle Orléans, consolidée, de	$1,000	chaque,
90	" " " "		" " " "
44	" de la Banque de l'Etat de la Louisiane, de	$500	chaque,
260	" " " "		" " " "

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BANQUE DU SUD.

00	billets de $5	chaque,	$140,000
00	" 10	"	100,000
00	" 20	"	60,000
00	" 50	"	75.000
00	" 100	"	90,000
			$465,000

GARANTIES.

bons de la ville de la Nouvelle Orléans, consolidée, de		$1,000 chaque,	$102,000
"	"	"	363,000
			$465,000

Jean des Taxes de 1852, dans chaque Paroisse, Montants payés et Balance dûe au 31 décembre 1853.

PAROISSES.	Montant total des Taxes assessées,	Montant total payé au 31 décembre 1853.	Balance des Taxes dûe au 31 decembre 1853.
ension	$13,936 00	$13.936 00	$
omption	15.258 43	15 258 43	
oyelles	8.064 69	8 064 69	
nville	4.764 36	4,764 36	
sier	7,542 07		7,542 07
ldo	10.125 98	10,195 98	
casieu	2.165 77	2,165 77	
dwell	2 323 19	500 00	1.8:3 19
roll	12,644 15	12 644 15	
ahoula	6,244 78	2,602 12	3,642 67
iborne	5,482 47	5 482 47	
ncordia	16,83 57	16,831 57	
Soto	7.568 20	7.568 20	
t Baton Rouge	14.326 92	14.326 92	
t Feliciana	14,508 91	14,508 91	
anklin	3,5 78		3,056 78
rvill	19.004 43	19,400 43	
kson	4.841 05	4 841 05	
ferson	31,828 97	31 828 97	
fayette	5,088 03	5,088 03	
fourche,	13 087 10	13,087 10	
ingston	2,263 41	2 263 41	
dison	12 442 36	12,442 36	
orehouse	3.623 97	3.623 97	
chitoches	10,35 46	10.354 46	
léans, rive droite	4,059 32	4,059 32	
" 1er District	87.645 32	87,645 32	
" 2d District	52.172 09	52,172 09	
" 3me District	15,367 30	15.367 30	
aquemines	10.438 61	10.438 61	
inte Coupée	13.849 28	5,074 12	8,775 26
apides	22 452 42	10 270 44	12,081 98
bine	2 437 45	2,437 45	
. Bernard	4 672 00	4,672 00	
. Charles	7.612 29	7,612 29	
e. Hélène	3,609 50	3,609 50	
. Jacques	15,068 10	15,068 10	
t. Jean Baptiste	9,015 02	9,015 02	
t. Landry	16,652 68		16,652 68
t. Martin	10,838 56	10.838 56	
te. Marie	21,772 35	21,772 35	
t. Tammany	3,940 56	3.940 56	
ensas	15,014 84	15.104 84	
errebonne	12.260 53	12,260 53	
nion	4,292 82	4,292 82	
ermillion			
Vashington	2,109 93	2,109 93	
uachita	5,547 11	5.547 11	
uest Baton Rouge	10,217 29	10,217 29	
uest Feliciana	15,729 01	15,729 01	
Vinn	1,284 09	1,284 09	

LOUIS BORDELON, Auditeur.

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LISTE DES COLLECTEURS DE TAXES CONCUSSIONNAIRES

Faisant voir le montant dû par eux, et l'année où la taxe est échue

Paroisses.	Année	Collecteurs.	Montant dûs.	Licenses.	OBSERVATIONS.
Assomption	1830	T. Blanchard	$754 00		Exécution prise par l'ancien Trésorier et non
Avoyelles	1841	Wm. Edwards	2,007 85		Exécution prise contre principal et cautions
"	1842	do	7,158 75		perdu contre les deux.
Bienville,	1847	Benjamin Parker.	559 32		Aucun réglement final fait, attendu que les livres
"	1848	do	88 20		Claiborne n'ont pas été reçus. Pas de licenses
"	1849	do	988 00		émises. Aucun compte reçu de ces licenses
					se balance à peu-près au réglement.
Bossier	1832	L. F. Steele	7,542 07		
Catahoula	1834	J. L. Stokes	294 46		Principal mort. Cautions insolvable.
"	1835	do	727 50		
"	1852	D. M. Pritchard	3,642 67	963 00	
Carroll	1845	D. C. Clary	1,894 19		Retour d'exécution, pas de propriété trouv
"	1848	E. K. Travis	5,857 89		
Claiborne	1850	Allen Harris	744 29		Déductions et commissions balancent
"	1851	do	994 26		
Caddo	1837	A. B. Serret	292 31		Exécution prise contre principal et cautions
"	1838	do	2,814 60		" " " pas de caution
					fourni.
"	1839	do	1,719 67		Exécution prise contre principal et cautions
Caldwell	1840	Bowen Hill	397 00		Principal mort. Les déductions et la commission
					ceront à peu près.
"	1852	C. J. Mandeville.	1,823 19	588 00	
Est Féliciana	1849	J. C. Walker	....		Exécution lancée. Vente enjointe. Aucun re
					puis le dernier rapport.
"	1849	J. W. Hays	5,918 87		Entre les mains de l'Avocat de District pour
Franklin	1848	A. H. Bradley	1,592 57		
"	1852	W. Hampton	3,056 78	1890 00	
Livingston	1836	H. J. Bostwick	665 91		Exécution lancée. Aucun retour depuis le
					rapport.
"	1842	L. Breed	1,099 08		Exécution à venir. Bon de 12 mois pris.
Morehouse	1843	A. Livingston	588 31		Mr. Livingston allègue des déductions et
"	1844	do	701 02		l'acte de 1846; son compte n'a pas été rendu
					unes de ses réclamations contre l'Etat n'ayant
					reconnues.
"	1846	A. J. Bell	1,188 98		
"	1847	A. B. Winfrey	1,873 37		Mort. $991 90 lui ont été allouées par l'acte
					No. 217. Exécution lancée, pas de retour
"	1848	O. P. Carr	1,331 30		
Madison	1845	G. W. Tarkington	1,049 26		Mort. Les cautions ont demandé du temps
"	1846	do	3,104 68		tant de payer.
Natchitoches	1836	B. F. Chapman	1,213 47		Aucun retour fait par J. A. Bellamy, shérif
					cution a été remise.
"	1838	P. S. Burnett	2,388 94		Exécution contre le principal et les cautions
					aucune propriété trouvée.
"	1839	J. DeBussy	5,658 84		Les propriétés du principal et des cautions
Orléans, rive droite	1842	L. N. Bernoudy	1,782 31		Injonction rapportée par le trésorier, pas encore
"	1846	do	48 00		Les déductions feront la Balance.
Plaquemines	1845	T. De Wint	3,666 72		Exécution de 1849 retournée. Aucune propriété
					vée, Exécution lancée de nouveau. Sera
					par l'acte de 1850, No. 178.
Pointe Coupée	1844	H. Deloux	1,139 06		Commission et déductions balanceront le
"	1845	do	8,170 70		Insolvable, aucun cautionnement pris.
"	1846	do	12,224 95		
"	1852	R. L. Carpenter	8,775 26	531 00	
Rapides	1838	A. B. Cheney	6,618 69		Exécution lancée; rien de nouveau depuis le
					rapport.
"	1840	S. M. Wells	12,678 62		do do do do
"	1841	R. R. Irion	2,089 96		do do do do
"	1850	W. R. Leckie	5,079 02		Aucune licenses prises pour 1851.
"	1851	C. S. Leckie	9,868 99		
"	1852	H. M. Neal	12,081 96	455 00	
Ste. Hélène	1844	H. Hemp	598 89		Cautionnement pris, la moitié payée.
Sabine	1849	R. J. McLemore	2,185 62		
St. Landry	1838	L. Andrews	8,821 62		Entre les mains de l'Avocat de District.
"	1846	Harrison Rogers	8,484 78		
"	1849	do	10,538 35		Entre les mains de l'Avocat de District.
"	1850	do	6,881 41		
Ste. Marie	1839	R. B. Royster	4,747 60		Exécution retournée, *nulle bona*.
Tammany	1838	S. Smith	503 22		Exécution lancée et les propriétés du principal et
					cautions épuisées.
Vermillion	1843	J. W. Miles	248 64		
"	1845	M. Perry	597 68		La commission et les déductions balanceront
					le compte.
"	1847	U. J. Bernard	1,434 60		Le Juri de Police ne s'étant pas assemblé,
					fait application en 1849 pour la collecte,
					nament pris,
"	1846	do	1,003 60		
"	1850	Eloy LeBlanc	2,007 67		Aucunes licenses prises pour 1851 et pas responsable
"	1851	A. Lacour	757 64		Pas de cautionnement pris.
Union	1847	A. Breed	3,153 05		Aucunes licenses prises pour 1848 et aucun compte
Ouachita	1838	T. C. Scarborough	1,687 59		Entre les mains de l'Avocat de District.
"	1845	W. H. Coats	1,170 64		Exécution lancée; aucun retour fait.
"	1849	W. H. Dinkgrave	4,500 66		Entre les mains de l'Avocat de District.
"	1850	do	4,688 56		
Washington	1836	W. Brumfield	719 94		
"	1838	J. E. Erwin	1,050 12		Mort. Propriétés abandonnées et vendues par
"	1849	L. Bankston	395 97		

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Paroisses.	Année.	Collecteurs.	Montant dûs.	Licenses.	OBSERVATIONS.
ngton	1841	A. O. Bicham ...	375 80		Balance approximative, les tableaux n'ayant pas été reçus.
"	1844	W. W. Morris ...	1,393 50		Aucun cautionnement fourni.
"	1846	J. M. Hooper	3,223 57		
"	1848	H. H. Womack ..	4,166 01		Il a réglé ses comptes dans le délai voulu, mais n'a jamais payé la balance.
District Re- N. Orléans	1847	W. K. Stiles.....	21,285 29		Exécution contre les cautions.
	1848	do		6662 50	Aucun compte rendu du montant dû par lui sur les licences.
ist. Rep. N.O.	1847	T. Schexnayder..	3,828 61		Mort. Pas de cautionnement. La commission et les déductions balanceront à peu-près.
"	1848	do ..		738 89	Montant dû par lui sur les licences de 1848, pas de compte rendu par lui.

BUREAU DES COMMISSAIRES DES TERRES MARECAGEUSES,
Bâton Rouge le 16 juin 1853.

L'Hon. LOUIS BORDELON,
Auditeur des Comptes Publics.

Monsieur: Les soussignés, nommés Commissaires des terres marécageuses, en vertu l'acte approuvé le 30 avril 1853, désirant mplir fidèlement tous les devoirs qui leur t imposés, voudraient savoir si vous vous sidérez autorisé à contrôler les mandats is par eux en leurs capacité, et soumet- t à votre considération les sections 18 et du dit acte, sur lesquelles ils bâsent leurs voir de tirer sur le Fonds des terres maré- geuses. Ils sont unanimement d'opinion e ces sections de la loi constituent une al- ation spéciale, en vertu de l'article 94 de Constitution de l'Etat.

Respectueusement
Vos devoués serviteurs,

[Signé] S. VAN WICKLE,
HUGH GRANT,
J. W. BUTLER,
Commissaires des terres marécageuses.

BUREAU DE L'AUDITEUR,
Bâton Rouge le 17 juin 1853.

Messieurs: J'ai reçu, hier soir, votre note u 16 courant, dans lequel vous me deman- ez si je me considère autorisé à contrôler s mandats tirés par vous, sur le trésor de Etat, en votre capacité de Commissaires, n vertu de l'acte de l'Assemblée Générale, pprouvé le 30 avril 1853, intitulé "Acte our améliorer et dessécher les terres maré- ageuses et inondées, données à l'Etat de la ouisiane par un acte du Congrès intitulé Acte pour aider l'Etat de la Louisiane à lessécher les terres marécageuses y situées," pprouvé le 2 mars 1849, et vous me sou- mettez les sections 18 et 20 du dit acte sur esquelles vous bâsez votre droit de tirer ces mandats.

De plus, vous dites que vous êtes "unanimement d'opinion que les sections aux quelles vous me référez, constitutent une allocation spéciale, conformément à l'article 94 de la Constitution de l'Etat."

Je n'hésite pas à dire que, en vertu des deux sections de la loi que vous citez, les mandats que vous pouvez tirer comme commissaires peuvent être "contrôlés," mais votre principal objet est de savoir si ces mandats peuvent être payés.

L'article 94 de notre Constitution actuelle qui est précisément le même que celui de l'article 93 de la Constitution d e 1845, est ainsi conçu: "nulle somme ne sera tirée du trésor si ce n'est en vertu d'allocations expresses faites par la loi; et aucune allocation ne sera faite pour plus de deux ans. Il sera publié tous les ans un état des recettes et dépenses des déniers publics, de la manière que prescrira la loi."

L'interprétation donnée à cette article de la Constitution, depuis que ce bureau a été établi jusqu'à ce ce moment est: qu'aucune somme d'argent ne pourra être tirée du trésor si ce n'est par allocation spéciale et distincte, c'est-à-dire: une somme d'argent spéciale fixée par la loi.

Les deux sections de la loi auxquelles vous appelez mon attention et sur lesquelles vous semblez bâser votre conclusion, sont ainsi conçues:

"Section 18. Que tous les travaux exécutés et toutes les dépenses encourues en vertu du présent acte, seront payés par les Commissaires, sur tous fonds du trésor de l'Etat qui proviennent des ventes des terres marécageuses. Bien entendu que les fonds qui proviennent de la vente des terres marécageuses et inondées, seront répartis entre les différents districts, selon la proportion suivante, savoir: pour le premier district, deux-huitièmes; pour le second district, trois-huitièmes; pour le troisième district, trois-huitièmes."

"Section 20. Que toutes les dépenses occasionnées d'après cet acte, seront payées par l'Auditeur, sur le mandat des Commissaires; Bien entendu que nul mandat ne sera payé, à moins d'avoir été signé par une majorité des Commissaires."

Ces deux sections établissent seulement la manière de tirer du trésor l'argent pour payer les travaux éxécutés et les dépenses encourues, et de répartir cet argent entre

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les divers districts, et désignent le fonds sur lequel cet argent sera tiré—ce qui peut être considéré comme une allocation faite ou à faire. Mais je ne vois pas comment on peut les interpréter comme constituant une allocation d'argent, en vertu de la disposition de la Constitution. Elles établissent une réclamation contre l'Etat, mais ne pourvoient pas au paiement.

La 19me section de l'acte No. 18, intitulé acte pour établir et organiser le Department du Trésor, approuvé le 26 janvier 1847, porte "Qu'il sera du devoir de l'Auditeur de préparer, condenser et soumettre à la Législature à l'ouverture de chaque session régulière,

Premiérement un état complet et détaillé, &c.

5. Un tableau exhibant séparément le montant total de chaque allocation du déniers publics, décrétée par la loi, les sommes qui auront été payées sur les dites allocations, et le reste, (s'il en existe) qui n'aura pas été dépensé.

Il est évident que ceux qui ont décrété cette loi, savaient très bien quelles étaient les exgences de la Constitution au sujet des allocations et savaient aussi qu'il ne pouvait exister d'allocation là où la somme d'argent n'était pas fixée d'une manière spécifique, autrement, comment pourait on rapporter à la Législature "un tableau exhibant séparément le montant total de chaque allocation" et la balance (s'il en existe) qui n'aurait pas été dépensée. Où est le montant spécifié soit dans la 18me ou la 20me section sur lesquelles vous bâsez votre opinion? et comment peut on se conformer à cette loi qui est impérative pour l'Auditeur, si votre opinion est correcte? Pour vous prouver que mon opinion est correcte, j'appellerai votre attention sur un fait exactement semblable. En 1848, la Législature négligea de faire une allocation pour les écoles publiques. Les lois relatives aux écoles publiques et au revenu, imposent une taxe spécialement pour les écoles publiques, et le montant forme un fonds distinct et séparé dans le trésor de l'Etat, de la même manière que le fonds des terres marécageuses. De plus, la loi établit le mode de repartir cet argent entre les paroisses de l'Etat, la manière de tirer cet argent du trésor par les surintendants de paroisse, pour leurs salaires, enfin règle tout ce qui est nécessaire pour mettre à exécution le système actuel de nos écoles. Tous ceux qui n'avaient pas examiné ce sujet, étaint sous l'impression qu'aucune allocation que celle qui était mentionnée la loi n'était nécessaire. Ce sujet pleinement examiné et, comme la Législature ne s'assemblait que tous les ans, le Gouverneur de l'Etat, devoir convoquer une session extraordinaire Législature, à l'effet de faire une allocation de la manière établie par la Constitution. Tandis que je vous cite ce cas, je vous réfèrerai en même temps à la Législature entière de l'Etat au sujet de Le salaire même d'un officier, bien fixé par la loi, et que le mode de soit établi, ne peut être payé sans allocation en soit faite, ainsi que vous rez en vous référant au bill d'allocation est décrété à chaque session de la ture.

Pour remédier à cet inconvénient que possible, dans tous les cas où lorsque la loi reconnait une réclamation tre l'Etat (comme dans ce cas) cune allocation n'a été faite pour la 32me section de l'acte déjà cité "acte pour établir et organiser le ment du Trésor," porte, "que toutes fois que la loi aura reconnu comme une réelamation contre l'Etat, et le paiement d'une somme d'argent cun fonds spécial n'aura été voté satisfaire, il sera du devoir de l'Auditeur la vérifier et la régler, et de donner à la sonne qui l'a fait valoir, si la demande en est faite, et sous le seéau de son un certificat de la somme à laquelle s'élève, et d'en donner avis à l'Assemblée Générale dans le plus bref délai possible.

Dans cette occasion, mon opinion arrêtée est que mon pouvoir ne peut dre audelà des limites établies par la nière section de la loi citée plus haut qu'aucune somme d'argent ne peut être du Trésor par les 'Commissaires des marécageuses" avant que l'Assemblée rale ne fasse une allocation conformément l'article 94 de la Constitution.

Il ne m'appartient pas de dire ce que Législature avait l'intention de faire, je dois me conformer à ses décrets tels sont.

Je suis respectueusement
Votre ob't. serv't,
LOUIS BORDELON
Auditeur.

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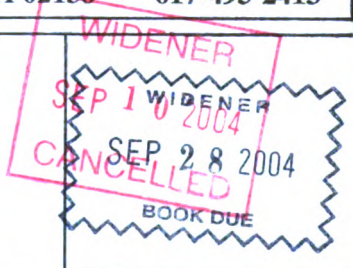

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